

BID DOCUMENT

BID NO SCM 10/2022-23

**METRO LAN, ISP SOLUTIONS AND VOIP TELEPHONES (VOIP-VOIP TRUNK) FOR A
PERIOD OF 36 MONTHS FOR NONGOMA LOCAL MUNICIPALITY**



CLOSING DATE: 14 NOVEMBER 2022

NAME OF BIDDER:

PHYSICAL ADDRESS:

.....

.....

TELEPHONE NO:

E-MAIL:

TOTAL BID AMOUNT (36 MONTHS): R.....



Umkhandlu wakwa - **NONGOMA** - Local Municipality

Tel: (035) 831 7500|Fax: (035) 831 3152|P.O. Box 84|Nongoma 3950

ADVERTISEMENT: INVITATION TO TENDER

METRO LAN, ISP SOLUTIONS AND VOIP TELEPHONES (VOIP-VOIP TRUNK)

BID NUMBER
SCM 10-2022/2023

Nongoma Local Municipality invites bidders to submit bids for the above-mentioned services to be rendered for the period of 36 months. Tender document will be accessible via e-tender (www.etenders.gov.za) and municipal website (www.nongoma.gov.za).

Invalid or non-submission of the following documents will lead to immediate disqualification of the tender:

Tax status pin and CSD summary report not older than 3 months. Certified copies of company registration documents together with certified copies of company shareholders' Identity Documents. Municipal rates and taxes account not older than 90 days or lease agreement if business is conducted from a leased building accompanied by the building municipal rates and taxes account not older than 90 days, alternatively if business is conducted from a rural area proof of residence for business accompanied by the SAPS Affidavit stating where the business is operating must be submitted. MBD 1, MBD 4, MBD 6.1 MBD 6.2, MBD 8 & MBD 9 must be fully completed and signed.

All bids submitted shall be valid for 120 days from the bids closing date. A valid B-BBEE status level verification certificate or sworn affidavit must be submitted, and failure to do so will result in scoring of zero for preference points. Prospective Tenderers are requested to take note of the directives applicable in respect of the B-BBEE as prescribed in the Preferential Procurement Regulations, 2011. **No late, faxed, or emailed bids will be accepted**

Functionality criteria for evaluation

Criteria	Points
Relevant Previous experience	20
Compliance with ICASA (Act of 2014)	20
Availability of resources	20
Project manager's experience and qualifications	10
Locality	10
TOTAL (a minimum of 60 points is required for further evaluation)	80

The Nongoma Municipality Supply Chain Policy will apply, and bids will be evaluated in terms of the 80/20 points system as set out in the Preferential Procurement Policy Framework Act (Act 5 of 2000) and BBBEE Act and Regulations 2017 [1st Functionality then Price].

For technical enquiries please contact Manager Information Technology: Mrs D.M Ndhlovu on 035 831 7500/54 and for SCM enquiries please contact Acting SCM and Expenditure Manager Mr KS Manqele 035 831 7500/24

Duly completed bid documents, sealed in an envelope and marked with the bid number are to be deposited into the bid box at Nongoma Local Municipality, Lot 103 Main Street, Nongoma, 3950 by no later than **12h00 on 14 November 2022**. Late, Telegraphic, telefaxed or emailed documents will not be accepted.

Nongoma Local Municipality does not bind itself to accept the lowest or any bid.

Mr MM Zungu
Municipal Manager

1. SCOPE OF SERVICE AND SPECIFICATION

Nongoma Local Municipality currently operates in five remote offices (Main Building, Audit Unit, Social Services, Licensing and Technical Services). The five offices must be interconnected through metro LAN. The ISP will provide full TCP/IP Internet Service Provision for the municipal offices. The service is expected to be highly stable and reliable, with overall uptime of no less than 99%. The bidder shall provide the necessary hardware and other services required to setup the internet connection. It involves the following:

1. A dedicated leased line of a minimum bandwidth of 100 Mbps internet breakout from bidder's network, complete with relevant backup. This connection will primarily be used for hosting of municipal applications, data replication requirements to connect to the data centre, sending and receiving of emails, hosted VoIP PBX solution calling, video conferencing, CCTV surveillance and internet browsing.
 - 1.1. The following options are acceptable (indicated in order of preference): (a) Fibre optic; (b) Copper (DSL or cable); Cellular (LTE or Wireless)/ Radio Link; (d) Satellite.
 - 1.2. For redundant connection, the bidder should provide a separate connection through fibre optic connection.
 - 1.3. Two (2) 50 Mbps (minimum) dedicated uncontended links (1x50 Mbps fibre and 1x50 Mbps microwave).
 - The two links must work together to form one 100 Mbps link (This must be enabled by the bidder's equipment/network);
 - If either of the links fail, all traffic must automatically be routed via the other link;
2. The bidder must supply and manage the network connectivity equipment (excluding LAN equipment for Head office).
3. Service reliability must be ensured. Overall uptime should not be less than 90%.
4. All necessary hardware, cabling and software (if required for Internet service) should be provided and set up cost should be included in the offer.
5. Latency shall be no more than 35 ms.
6. Supply and manage firewall equipment, working with the ICT office.
7. Technical support and active network management, such as traffic usage statistics, network status and performance visibility, etc.
8. The bidder must supply 80 – 100 telephone devices, cables and all necessary equipment.
9. Provide a dedicated of a minimum bandwidth of 20 Mbps telephone breakout from a bidder's network.
10. Telephone monthly usage report must be provided to the ICT office.
11. Technical support for telephones must be at the expense of the bidder.

2. DURATION

The duration of the contract shall be the minimum of three (3) years from the date of appointment.

The probation period for the service provider shall be six (6) months. If the municipality is not satisfied with the services of the service provider within the probation period, then it terminates the services of the service provider and appoints another service provider. The service provider will be evaluated based on performance at least twice a year and prior arrangement will be made regarding such evaluation.

3. PRICING SCHEDULE

<i>Item</i>	Description	Amount Year 1	Amount Year 2	Amount Year 3
1	Total billing for the year (12 months each year)			
2	TOTAL FOR THREE YEARS	R		

4. EVALUATION OF THE BID

The following evaluation method will be used:

- After the closing date of the bid invitation, an appointed bid evaluation committee of Nongoma Local Municipality will evaluate the proposals of the bidders.
- The committee will individually evaluate each of the bid proposals received against the approved criteria as stated below.
- All proposals submitted will be evaluated on two (2) categories:
 - Functionality (technical content)
 - Price and B-BBEE Status level of contribution

Bids are evaluated in accordance with the Preferential Procurement Policy Framework Act (MFMA), using the 80/20 split.

The evaluation of the bids will be conducted in the following two (2) stages:

Firstly, the assessment of functionality must be done in terms of the evaluation criteria and minimum threshold value of **60 points**. A bid will be disqualified if it fails to meet the minimum threshold for functionality as per the bid invitation.

During phase two, only the qualifying bids are evaluated in terms of 80/20 preference points systems. 80 points will be used for price only and the remaining 20 points are used B-BBEE Status Level of contribution.

For functionality, the following criteria will be applicable and the maximum value of each criterion is indicated as below:

The points associated with the comprehensive proposal will be awarded as reflected in the following table.

Key aspect of criterion	Basis for points allocation	Max. Points	Verification Method
Experience of the Bidder (Name of traceable reference with contact details to be included)	Submission of appointment letters of more or similar to work undertaken	20 05 or more =20 Less than 5 =10 No letter = 0	Attach proof of appointments letters.
Compliance with ICASA (Act of 2014)	ICASA certificate	20	Submission of ICASA certificate
Availability of resources:	Towers 100 Mbps Fibre optic line freed	10	Equipment proof of ownership or letter of internet from rental company
	Company Profile	10 Good =10 Average= 5 No submission=0	Submission of company profile
Locality	Within Nongoma local Municipality	10 Nongoma=10 Zululand=5 KZN=3 Outside KZN=0	Proof of business address from business registration document
Project manager's experience and qualifications	C.V with contactable referees and qualification to be attached	10 MCSE and Degree/Diploma in IT = 10 2 years and above experience =10 Less than 2 years=5 No experience=0	Certified Copies
	STAGE		
	BBBEE	20	
	PRICE	80	
	TOTAL	100	

Only bidders who score a minimum score of **60 points** shall be considered further on 80/20 preferential point system.

Phase 2

Price will be converted to **80** using the formula prescribed in the **80/20-point system**.

The remaining 20 points will be allocated in terms of Regulation 5 (2) and 6 (2) of the Preferential Procurement Regulations, preference points must have 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 (80/20 system)
1	20
2	18
3	14
4	12
5	8
6	6
7	4
8	2
Non-compliant contributor	0

Summary of the evaluation process:

Criteria		
		Project Rand Value 80/20
Preference	B-BBEE status level of contribution (certificate to be supplied)	20
Price	Price / x Points Proposed Price	80
TOTAL		100

Scoring on Preference Points

Preference points are earned as contemplated in the preference points claim form in terms of the Preferential Procurement Regulations 2011. Preference points for this bid shall be awarded for B-BBEE Status Level of Contribution. Failure on the part of a bidder to submit a B-BBEE Verification Certificate from a Verification Agency accredited by the South African Accreditation System (SANAS) or a Registered Auditor approved by the Independent Regulatory Board of Auditors (IRBA) or an Accounting Officer as contemplated in the Close Corporation Act (CCA) together with the bid, will be interpreted to mean that preference points for B-BBEE status level of contribution are not claimed.

Note: Nongoma Local Municipality does not bind itself to accepting the lowest, or any bid, either wholly or in part or give any reason for such action.

05. MANDATORY DOCUMENTS TO BE SUBMITTED TOGETHER WITH PROPOSAL

The bidder shall attach to this page the following:

NO.	DESCRIPTION	YES	NO
	Bidder shall provide the Municipality a valid Tax Pin		
	Not older than three months Copy of Central Supplier Database registration		
	Certified copies of Identification documents of all Members/ Directors of the Entity as well as Business registration certificate		
	Certified copy of B-BBEE Certificate verification for preferential points claim*		
	Fully completed and signed MBD's Declaration forms		
	Registered in the Database of Nongoma Municipality		
	Consolidated certificate copy of BBBEE Certificate if it is JV		
	Joint Venture agreement document (if applicable)		
	Municipal Rates and Taxes not older than 3 months with lease agreement if renting an office or proof of residence if residing in rural areas.		

***If these documents are not attached, the Bid may be deemed non-responsive and therefore not acceptable.**

*Bidders may not be disqualified on the basis of not providing a certified copy of the BBBEE verification certificate but bidder may not be awarded preference points in the absence of the BBBEE verification certificate.

SIGNED ON BEHALF OF THE BIDDER:

.....

6. REPORTING

In conducting this service, the service provider shall:

- Liaise closely with the IT Manager.

7. SUBMISSION DATE AND REQUIREMENTS

Proposals are to be completed in accordance with the conditions attached to the terms of reference document and must be sealed and marked: "**Internet services - BID NO: 10/2022-23**" and should be submitted in the tender box on or before **12h00, 30 July 2019** at Nongoma Municipal Offices, situated at lot 103 main road Nongoma, 3950, at which time and place bids will be publicly opened. The name and address of the service provider must be clearly written on the sealed envelope containing the proposal.

Late bids or bids received by way of post, facsimile, or e-mail will, under no circumstances, be considered.

8. ENQUIRIES

Technical enquiries regarding this request for proposals may be directed to:

Manager IT
Mrs Ndlovu

Tel: 035 831 7500

SCM related enquiries may be directed to **Mr KS Manqele (SCM Unit)**.
Phone: 035 831 7500/24/27

**PART A
INVITATION TO BID**

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE Nongoma municipality

BID NUMBER:	10/2022-2023	CLOSING DATE:	14 November 2022	CLOSING TIME:	12H00
DESCRIPTION	PROVISION OF PORTABLE TOILETS SERVICES FOR A PERIOD OF 36 MONTHS FOR NONGOMA MUNICIPALITY				
THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (MBD7).					

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

NONGOMA LOCAL MUNICIPALITY					
LOT 103 MAIN ROAD					
NONGOMA					
3950					
SUPPLIER INFORMATION					
NAME OF BIDDER					
POSTAL ADDRESS					
STREET ADDRESS					
TELEPHONE NUMBER	CODE		NUMBER		
CELLPHONE NUMBER					
FACSIMILE NUMBER	CODE		NUMBER		
E-MAIL ADDRESS					
VAT REGISTRATION NUMBER					
TAX COMPLIANCE STATUS	TCS PIN:		OR	CSD No:	
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		
ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES /WORKS OFFERED?	<input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES ENCLOSE 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 Unit		CONTACT PERSON	Mrs Ndlovu	
CONTACT PERSON	Mr KS Mangele		TELEPHONE NUMBER	035 831 7500	
TELEPHONE NUMBER	035 831 7500		FACSIMILE NUMBER	035 831 3152	
FACSIMILE NUMBER	035 831 3152		E-MAIL ADDRESS		
E-MAIL ADDRESS	mangelek@nongoma.gov.za				

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 AND ARE REQUIRED TO SUBMIT VALID TAX CLEARANCE CERTIFICATE.
2.2 IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED, EACH PARTY MUST SUBMIT A SEPARATE TCS CERTIFICATE / PIN / CSD NUMBER.

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

SIGNATURE OF BIDDER:

.....

CAPACITY UNDER WHICH THIS BID IS SIGNED:

.....

DATE:

.....

MBD 4

DECLARATION OF INTEREST

1. No bid will be accepted from persons in the service of the state¹.
2. Any person, having a kinship with persons in the service of the state, including a blood relationship, may make an offer or offers in terms of this invitation to bid. In view of possible allegations of favouritism, should the resulting bid, or part thereof, be awarded to persons connected with or related to persons in service of the state, it is required that the bidder or their authorised representative declare their positioning relation to the evaluating/adjudicating authority.

3 In order to give effect to the above, the following questionnaire must be completed and submitted with the bid.

3.1 Full Name of bidder or his or her representative:.....

3.2 Identity Number:

3.3 Position occupied in the Company (director, trustee, shareholder²):.....

3.4 Company Registration Number:

3.5 Tax Reference Number:.....

3.6 VAT Registration Number:

3.7 The names of all directors / trustees / shareholders members, their individual identity number and state employee numbers must be indicated in paragraph 4 below.

3.8 Are you or any Directors/trustees/shareholders/ members presently in the service of the state?

YES / NO

3.8.1 If yes, furnish particulars.....

.....

¹MSCM Regulations: "in the service of the state" means to be –

(a) a member of –

- (i) any municipal council;
- (ii) any provincial legislature; or
- (iii) the national Assembly or the national Council of provinces;

(b) a member of the board of directors of any municipal entity;

(c) an official of any municipality or municipal entity;

(d) an employee of any national or provincial department, national or provincial public entity or constitutional institution within the meaning of the Public Finance Management Act, 1999 (Act No.1 of 1999);

(e) a member of the accounting authority of any national or provincial public entity; or

(f) an employee of Parliament or a provincial legislature.

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

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

3.9.1 If yes, furnish particulars.....

.....

3.10 Do you have any relationship (family, friend, other) with persons in the service of the state and who may be involved with the evaluation and or adjudication of this bid?..... **YES / NO**

3.10.1If yes, furnish particulars.

.....
.....

3.11 Are you, aware of any relationship (family, friend, other) between any other bidder and any persons in the service of the state who may be involved with the evaluation and or adjudication of this bid? **YES / NO**

3.11.1If yes, furnish particulars

.....
.....

1. 3.12 Are any of the company's directors, trustees, managers, principle shareholders or stakeholders in service of the state? **YES / NO**

3.12.1 If yes, furnish particulars.

.....
.....

3.13 Are any spouse, child or parent of the company's directors, trustees, managers, principle shareholders or stakeholders in service of the state? **YES / NO**

3.13.1If yes, furnish particulars.

.....
.....

3.14 Do you or any of the directors, trustees, managers, principle shareholders, or stakeholders of this company have any interest in any other related companies or business whether or not they are bidding for this contract. **YES / NO**

3.14.1 If yes, furnish particulars:

.....
.....

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

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

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

.....
Signature

.....
Date

.....
Capacity

.....
Name of Bidder

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 the80/20..... preference point system shall be applicable; or
- b) Either the 80/20 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; and
- (b) B-BBEE Status Level of Contributor.

1.4 The maximum points for this bid are allocated as follows:

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

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:
 - B-BBEE Status level certificate issued by an authorized body or person;
 - A sworn affidavit as prescribed by the B-BBEE Codes of Good Practice;
 - 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:

80/20

or

90/10

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

Where

P_s = Points scored for price of bid under consideration

P_t = Price of bid under consideration

P_{\min} = 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 Contribution =(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.

6.2 SUB-CONTRACTING

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

(Tick applicable box)

YES	<input type="checkbox"/>	NO	<input type="checkbox"/>
-----	--------------------------	----	--------------------------

6.3.1 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	<input type="checkbox"/>	NO	<input type="checkbox"/>
-----	--------------------------	----	--------------------------

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 last 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		

7. DECLARATION WITH REGARD TO COMPANY/FIRM

7.1 Name of company/firm:.....

7.2 VAT registration number:.....

7.3 Company registration number:.....

7.4 TYPE OF COMPANY/ FIRM

- ☐ Partnership/Joint Venture / Consortium
☐ One person business/sole propriety
☐ Close corporation
☐ Company
☐ (Pty) Limited
 [TICK APPLICABLE BOX]

7.5 DESCRIBE PRINCIPAL BUSINESS ACTIVITIES

.....

7.6 COMPANY CLASSIFICATION

- ☐ Manufacturer
☐ Supplier
☐ Professional service provider
☐ Other service providers, e.g. transporter, etc.
 [TICK APPLICABLE BOX]

7.7 MUNICIPAL INFORMATION

Municipality where business is situated:

Registered Account Number:

Stand Number:.....

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

7.9 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 BIDDERS(S)

DATE:

ADDRESS

.....

.....

CONTRACT FORM - RENDERING OF SERVICES

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

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

1. I hereby undertake to render services described in the attached bidding documents to (name of the institution)..... in accordance with the requirements and task directives / proposals specifications stipulated in Bid Number..... at the price/s quoted. My offer/s remain binding upon me and open for acceptance by the Purchaser during the validity period indicated and calculated from the closing date of the bid.
2. The following documents shall be deemed to form and be read and construed as part of this agreement:
 - (i) Bidding documents, viz
 - Invitation to bid;
 - Tax clearance certificate;
 - Pricing schedule(s);
 - Filled in task directive/proposal;
 - Preference claims for Broad Based Black Economic Empowerment Status Level of Contribution in terms of the Preferential Procurement Regulations 2011;
 - Declaration of interest;
 - Declaration of Bidder's past SCM practices;
 - Certificate of Independent Bid Determination;
 - Special Conditions of Contract;
 - (ii) General Conditions of Contract; and
 - (iii) Other (specify)
3. I confirm that I have satisfied myself as to the correctness and validity of my bid; that the price(s) and rate(s) quoted cover all the services specified in the bidding documents; that the price(s) and rate(s) cover all my obligations and I accept that any mistakes regarding price(s) and rate(s) and calculations will be at my own risk.
4. I accept full responsibility for the proper execution and fulfilment of all obligations and conditions devolving on me under this agreement as the principal liable for the due fulfillment of this contract.
5. I declare that I have no participation in any collusive practices with any bidder or any other person regarding this or any other bid.
6. I confirm that I am duly authorised to sign this contract.

NAME (PRINT):.....

CAPACITY:

SIGNATURE :

NAME OF FIRM:

DATE:

WITNESSES

1

2

DATE:.....

CONTRACT FORM - RENDERING OF SERVICES

PART 2 (TO BE FILLED IN BY THE PURCHASER)

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

DESCRIPTION OF SERVICE	PRICE (ALL APPLICABLE TAXES INCLUDED)	COMPLETION DATE	B-BBEE STATUS LEVEL OF CONTRIBUTION	MINIMUM THRESHOLD FOR LOCAL PRODUCTION AND CONTENT (if applicable)

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

SIGNED AT ON

NAME (PRINT)

SIGNATURE

OFFICIAL STAMP

WITNESSES

1

2

DATE:

DECLARATION OF BIDDER'S PAST SUPPLY CHAIN MANAGEMENT PRACTICES

1. This Municipal Bidding Document must form part of all bids invited.

ITEM	QUESTION	YES	NO
4.1	<p>Is the bidder or any of its directors listed on the National Treasury's database as a company or person 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 audit alteram partem rule was applied).</p> <p>The database of Restricted Suppliers now resides on the National Treasury's website (www.treasury.gov.za) and can be accessed by clicking on its link at the bottom of the home page.</p>	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 Corruption Activities Act (No 12 of 2004)?</p> <p>(The Register for Bid Defaulters can be accessed on the National Treasury's website (www.treasury.gov.za) by clicking on its link at the bottom of the home page.</p>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.2.1	If so, furnish particulars:		
ITEM	QUESTION	YES	NO
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:		
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 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"/>

4.5.1	If so, furnish particulars:
-------	-----------------------------

1. 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 to combat the abuse of the supply chain management system.
2. **The bid of any bidder may be rejected if the bidder, or any of its directors have:**
 - a) Abused the Municipality'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) Wilfully neglected, reneged or failed to comply with any government, municipal or 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 Corruption Activities Act (No 12 of 2004).
3. **In order to give effect to the above, the following questionnaire must be completed and submitted with the bid.**

CERTIFICATION

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

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

Signature

Date

Position

Name of Bidder

Certificate of Independent Bid Determination

- 1 This Municipal Bidding Document (MBD) must form part of all bids¹ invited.
- 2 Section 4 (1) (b) (iii) of the Competition Act No. 89 of 1998, as amended, prohibits an agreement between, or concerted practice by, firms, or a decision by an association of firms, if it is between parties in a horizontal relationship and if it involves collusive bidding (or bid rigging).² Collusive bidding is a *pe se* prohibition meaning that it cannot be justified under any grounds.
- 3 Municipal Supply Regulation 38 (1) prescribes that a supply chain management policy must provide measures for the combating of abuse of the supply chain management system, and must enable the accounting officer, among others, to:
 - a. take all reasonable steps to prevent such abuse;
 - b. reject the bid of any bidder if that bidder or any of its directors has abused the supply chain management system of the municipality or municipal entity or has committed any improper conduct in relation to such system; and
 - c. cancel a contract awarded to a person if the person committed any corrupt or fraudulent act during the bidding process or the execution of the contract.
- 4 This MBD serves as a certificate of declaration that would be used by institutions to ensure that, when bids are considered, reasonable steps are taken to prevent any form of bid-rigging.
- 5 In order to give effect to the above, the attached Certificate of Bid Determination (MBD 9) must be completed and submitted with the bid:

¹ Includes price quotations, advertised competitive bids, limited bids and proposals.

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

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.

CERTIFICATE OF INDEPENDENT BID DETERMINATION

I, the undersigned, in submitting the accompanying bid:

(Bid Number and Description)

in response to the invitation for the bid made by:

(Name of Municipality / Municipal Entity)

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

I certify, on behalf of: _____ that:

(Name of Bidder)

1. I have read and I understand the contents of this Certificate;
2. I understand that the accompanying bid will be disqualified if this Certificate is found not to be true and complete in every respect;
3. I am authorized by the bidder to sign this Certificate, and to submit the accompanying bid, on behalf of the bidder;
4. Each person whose signature appears on the accompanying bid has been authorized by the bidder to determine the terms of, and to sign, the bid, on behalf of the bidder;
5. For the purposes of this Certificate and the accompanying bid, I understand that the word "competitor" shall include any individual or organization, other than the bidder, whether or not affiliated with the bidder, who:
 - (a) has been requested to submit a bid in response to this bid invitation;
 - (b) could potentially submit a bid in response to this bid invitation, based on their qualifications, abilities or experience; and
 - (c) provides the same goods and services as the bidder and/or is in the same line of business as the bidder
6. The bidder has arrived at the accompanying bid independently from, and without consultation, communication, agreement or arrangement with any competitor. However communication between partners in a joint venture or consortium³ will not be construed as collusive bidding.
7. In particular, without limiting the generality of paragraphs 6 above, there has been no consultation, communication, agreement or arrangement with any competitor regarding:
 - a) prices;
 - b) geographical area where product or service will be rendered (market allocation)
 - c) methods, factors or formulas used to calculate prices;

- d) the intention or decision to submit or not to submit, a bid;
 - e) the submission of a bid which does not meet the specifications and conditions of the bid; or
 - f) bidding with the intention not to win the bid.
8. In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications and conditions or delivery particulars of the products or services to which this bid invitation relates.
9. The terms of the accompanying bid have not been, and will not be, disclosed by the bidder, directly or indirectly, to any competitor, prior to the date and time of the official bid opening or of the awarding of the contract.
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