



**GOVAN MBEKI MUNICIPALITY**

**TENDER NO. 8/3/1 – 20/2023**  
**NOTICE 145/2023**

**APPOINTMENT OF A PANEL OF FIVE (5) SERVICE PROVIDERS FOR SUPPLY AND DELIVERY OF ROAD TRAFFIC SIGNS AT GOVAN MBEKI MUNICIPALITY FOR PERIOD OF 36 MONTHS**

<b>CLOSING DATE:</b>	<b>03 NOVEMBER 2023</b>	<b>TIME</b>	<b>12H00</b>
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<b>NAME OF TENDERER</b>	
<b>TOTAL AMOUNT (MBD 3.1)</b>	
<b>CENTRAL SUPPLIER DATABASE NUMBER</b>	MAAA
<b>TAX COMPLIANCE PIN</b>	
<b>CONTACT PERSON</b>	
<b>CONTACT NUMBER</b>	

<b>ENQUIRIES REGARDING BID PROCEDURES</b>		<b>TECHNICAL ENQUIRIES</b>	
DIRECTORATE FINANCIAL SERVICES SUPPLY CHAIN MANAGEMENT UNIT		DEPARTMENT OF COMMUNITY SERVICES (TRAFFIC SECTION)	
<b>Mr. Themba Shabangu</b>		<b>Ms Happy Dlamini</b>	
<b>Deputy Director SCM</b>		<b>Chief of Traffic</b>	
<b>TEL. NUMBER</b>	<b>017 620 6161</b>	<b>TEL. NUMBER</b>	<b>017 638 0600</b>
<b>TENDER ISSUED BY</b>			
TRAFFIC ROADMARKING SECTION			
<b>OFFICE: B207</b>		<b>TEL. NUMBER</b>	<b>017 620 6161</b>
GOVAN MBEKI MUNICIPALITY		HORWOOD STREET, SECUNDA CBD	

**GOVAN MBEKI MUNICIPALITY  
(GMM)**

<b>TENDER DETAILS</b>						
TENDER NUMBER	<b>8/3/1 – 20/2023</b>					
TENDER TITLE	<b>APPOINTMENT OF A PANEL OF FIVE (5) SERVICE PROVIDERS FOR SUPPLY AND DELIVERY OF ROAD TRAFFIC SIGNS AT GOVAN MBEKI MUNICIPALITY FOR PERIOD OF 36 MONTHS</b>					
CLOSING DATE	<b>03/11/2023</b>		CLOSING TIME		<b>12H00</b>	
BRIEFING MEETING	DATE	<b>N/A</b>	TIME	<b>N/A</b>	COMPULSORY	<b>NO</b>
BRIEFING MEETING ADDRESS	<b>N/A</b>					
TENDER DOCUMENT FEE	Tender Documents can be downloaded free on the e-tender portal website: <a href="http://www.etenders.gov.za">www.etenders.gov.za</a>			PREFERENCE POINT SYSTEM		<b>80/20</b>
BID BOX SITUATED AT	<b>HORWOOD STREET, CDB SECUNDA, HEAD OFFICE, RECEPTION AREA</b>					
OPERATING HOURS	The bid box is open during office hours, Monday to Friday from 07h30 to 16h30 and Friday from 07h30 to 14h00.					
OFFER TO BE VALID FOR	<b>90 DAYS FROM THE CLOSING DATE OF TENDER</b>		<b>LOCAL CONTENT</b>		<b>YES</b>	
<p><b>PLEASE NOTE:</b></p> <ol style="list-style-type: none"> <li>1. Prospective suppliers must be registered on CSD prior to submitting bids (open bids)</li> <li>2. <b>Tenders that are deposited in the incorrect box will not be considered.</b></li> <li>3. This bid is subject to the Preferential Procurement Policy Framework Act and the Preferential Procurement Regulations, 2022, the General Conditions of contract (GCC) and, if applicable, any other special conditions of contract.</li> <li>4. Telegraphic, mailed or faxed tenders will not be accepted.</li> <li>5. No late bids after closing date and time will be accepted.</li> <li>6. Bids not clearly marked and unamend will not be accepted.</li> <li>7. Bids may only be submitted on the bid documentation provided by the municipality.</li> <li>8. No awards will be made to a person:             <ol style="list-style-type: none"> <li>i. Who is in the service of the state,</li> <li>ii. If that person is not a natural person, of which any director, manager, principal shareholder, or stakeholder is a person in the service of the state</li> <li>iii. Who is an advisor or consultant contracted with the municipality or municipal entity</li> </ol> </li> <li>9. Bidders need to complete ALL pages of the document; if a page, section or block is not applicable, indicate NOT APPLICABLE. All pages MUST be signed.</li> </ol>						

## BIDDER'S TENDER DOCUMENTATION DECLARATION

	Question	Bidder's Response
1	Have you initialed all the pages of the tender document?	*YES / NO
2	Have you completed and signed the returnable schedules?	
2.1	▪ Schedule 1 : Resolution of board of directors	*YES / NO
2.2	▪ Schedule 2 : Resolution to enter into consortia or JV's	*YES / NO
2.3	▪ Schedule 4 : Commitments of tenderer	*YES / NO
2.4	▪ Schedule 5 : Record of addenda to tender documents	*YES / NO
2.5	▪ Schedule 6 : Compulsory enterprise questionnaire	*YES / NO
2.6	▪ Schedule 7 : Municipal service account	*YES / NO
3	Have you completed / signed and submitted all relevant information as requested by the evaluation schedules? <b>(as and when required)</b>	*YES / NO
4	Have you completed and signed the MBD 4 form - Declaration of Interest?	*YES / NO
5	Have you completed the questionnaire (MBD 5) regarding the declaration for procurement above R10-million and submitted your company's latest three years audited financial statements <b>(as and when required)?</b>	*YES / NO
6	Have you take note of the contents of par 5 of MBD 6.1 for a specific goal and points allocated	*YES / NO
7	Have you completed and signed MBD 6.2 and Annexure C	*YES / NO
8	Have you completed and signed the following form: MBD 7.1 Form - Contract form for purchase of goods / works? MBD 7.2 Form - Contract Form for rendering of services? <b>(as and when required)</b>	*YES / NO
10	Have you completed and signed the MBD 8 – Declaration of bidder's past Supply Chain Management Practices and MBD 9 – Certificate of Independent Bid Determination?	*YES / NO
11	Do you understand the Special Conditions of Contract / Specifications / Terms of Reference and/or Scope of Works?	*YES / NO
12	Have you completed the Form of Offer (C1.1) in <b>WORDS</b> as well as in <b>FIGURES</b> ?	*YES / NO
13	Have you completed and signed Part 2 of C1.2 (Contract Data)?	*YES / NO
14	Have you completed the MBD 3.3 form and carried over your tendered price (VAT inclusive) to Form of Offer (C1.1)?	*YES / NO
15	Have you submitted the compulsory documents	*YES / NO

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BIDDER		WITNESS		EMPLOYER	
		WITNESS			

## BIDDER'S TENDER DOCUMENTATION DECLARATION CERTIFICATION

I, the undersigned certify that the information furnished on this declaration form is correct, completed and submitted.

NAME OF REPRESENTATIVE	
POSITION / DESIGNATION	
SIGNATURE	
DATE	

TENDER NO.	8/3/1-20/2023				
		BIDDER	WITNESS	EMPLOYER	WITNESS

## SCHEDULE OF DOCUMENTS

The tender documents for this contract comprise of the following:

### THE TENDER

#### T1: Tendering procedures

T1.1. Tender Notice and Invitation to Tender (MBD 1)

T1.2. Tender Data

T1.3. Standard Conditions of Tender

#### T2: Returnable documents

T2.1 List of Returnable Documents

T2.2 Returnable Schedules

T2.2.1 Returnable Schedules Required for Tender Evaluation Purposes

- Schedule 1 : Resolution of Board of Directors
- Schedule 2 : Resolution of Board of Directors to enter into consortia or JV's
- Schedule 3 : Commitments of Tenderer
- Schedule 4 : Record of Addenda to tender documents
- Schedule 5 : Compulsory enterprise questionnaire
- Schedule 6 : Municipal service account

T2.2.2 Compulsory Municipal Bid Documentation

- MBD 4 : Declaration of Interest
- MBD 5 : Declaration for procurement above R10-million
- MBD 6.1 : Preference points in terms of specific goals
- MBD 7.1 : Contract form for purchasing of goods / works
- MBD 7.2 : Contract form for rendering of services
- MBD 8 : Declaration of bidder's past supply chain management practices
- MBD 9 : Certificate of Independent Bid Determination

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		BIDDER	WITNESS	EMPLOYER	WITNESS

## THE CONTRACT

### C1: Agreement and Contract Data

#### C1.1 Form of Offer and Acceptance

C1.1.1 Form of Offer

C1.1.2 Form of Acceptance

C1.1.3 Schedule of Deviations

#### C1.2 Contract Data

C1.2.1 Part 1: Data provided by the Employer

C1.2.2 Part 2: Data provided by the Service Provider

C1.2.3 Part 3: Specifications

### C2: Pricing Schedule

C2.1 MBD 3.1: Pricing Schedule

### C3: Terms of Reference

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		BIDDER	WITNESS	EMPLOYER	WITNESS

**THE TENDER**

TENDER NO.	8/3/1-20/2023					
		BIDDER		WITNESS	EMPLOYER	WITNESS

**T1 TENDERING PROCEDURES**

TENDER NO.	8/3/1-20/2023					
		BIDDER		WITNESS	EMPLOYER	WITNESS

**T1.1 TENDER NOTICE & INVITATION**

**MBD1**

**PART A  
INVITATION TO BID**

**YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE GOVAN MBEKI MUNICIPALITY**

BID NUMBER:	8/3/1-20/2023	CLOSING DATE:	03/11/2023	CLOSING TIME:	12:00
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DESCRIPTION	<b>APPOINTMENT OF A PANEL OF FIVE (5) SERVICE PROVIDERS FOR SUPPLY AND DELIVERY OF ROAD TRAFFIC SIGNS AT GOVAN MBEKI MUNICIPALITY FOR A PERIOD OF THIRTY-SIX (36) MONTHS</b>
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**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)

**GOVAN MBEKI MUNICIPALITY**

**HORWOOD STREET**

**SECUNDA CBD (OPERATION HOURS: MON TO THUR - 07h30 UNTIL 16H30 & FRI – 07H30 UNTIL 14H00)**

**SUPPLIER INFORMATION**

NAME OF BIDDER			
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POSTAL ADDRESS			
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STREET ADDRESS			
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TELEPHONE NUMBER	CODE		NUMBER	
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CELLPHONE NUMBER				
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FACSIMILE NUMBER	CODE		NUMBER	
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E-MAIL ADDRESS			
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VAT REGISTRATION NUMBER			
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TAX COMPLIANCE STATUS	TCS PIN:		CSD No:	
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<i>ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES /WORKS OFFERED?</i>	<input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES ENCLOSE PROOF]	<i>ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES /WORKS OFFERED?</i>	<input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES, ANSWER PART B:3]
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<i>TOTAL NUMBER OF ITEMS OFFERED</i>		<i>TOTAL BID PRICE</i>	R
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<i>SIGNATURE OF BIDDER</i>	.....	<i>DATE</i>	
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<i>CAPACITY UNDER WHICH THIS BID IS SIGNED</i>			
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**BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO: TECHNICAL INFORMATION MAY BE DIRECTED TO:**

DEPARTMENT	Finance – SCM	DEPARTMENT	Community Services
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CONTACT PERSON	Ntokozo Mabizela	CONTACT PERSON	Happy Dlamini
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TELEPHONE NUMBER	017 620 6112	TELEPHONE NUMBER	017 638 0600
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E-MAIL ADDRESS	<a href="mailto:ntokozo.m@govanmbeki.gov.za">ntokozo.m@govanmbeki.gov.za</a>	E-MAIL ADDRESS	<a href="mailto:happy.d@govanmbeki.gov.za">happy.d@govanmbeki.gov.za</a>
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		BIDDER	WITNESS	EMPLOYER	WITNESS

**PART B  
TERMS AND CONDITIONS FOR BIDDING**

**1. BID SUBMISSION:**

- 1.1. BIDS MUST BE DELIVERED BY THE STIPULATED TIME TO THE CORRECT ADDRESS. LATE BIDS WILL NOT BE ACCEPTED FOR CONSIDERATION.
- 1.2. **ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS PROVIDED– (NOT TO BE RE-TYPED) OR ONLINE**
- 1.3. THIS BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT AND THE PREFERENTIAL PROCUREMENT REGULATIONS, 2022, THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER SPECIAL CONDITIONS OF CONTRACT.

**2. TAX COMPLIANCE REQUIREMENTS**

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

**3. QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS**

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

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

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

SIGNATURE OF BIDDER: .....

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

DATE: .....

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BIDDER

WITNESS

EMPLOYER

WITNESS



**GOVAN MBEKI MUNICIPALITY**

**TENDER NO.: 8/3/1-20/2023  
NOTICE NO 145/2023**

**CLOSING DATE: 03 NOVEMBER 2023 AT 12H00**

**APPOINTMENT OF A PANEL OF FIVE (5) SERVICE PROVIDERS FOR SUPPLY AND DELIVERY OF ROAD TRAFFIC SIGNS AT GOVAN MBEKI MUNICIPALITY FOR A PERIOD OF THIRTY-SIX (36) MONTHS**

In terms of Section 110 of the Municipal Finance Management Act, 2003 (No. 56 of 2003), bids are hereby invited for the **Appointment of a panel of five (5) service providers for supply and delivery of road traffic signs at Govan Mbeki Municipality for a period of thirty-six (36) months**

Tender documents and specifications are available and can be downloaded free online on the National Treasury E-tenders Portal website: [www.etenders.gov.za](http://www.etenders.gov.za) from the 3<sup>rd</sup> October 2023. Documents will not be sold at the municipality.

The closing time for receipt of BIDS is **12:00hrs** on **03/11/2023**. Telegraphic, e-mail, unmarked and **late bids** will under no circumstances be considered and accepted. The quotation/bid box will be emptied just after closing time on the closing date. Hereafter all bids will be made public.

**No briefing meeting with representatives of the municipality will be held.**

Any technical enquiries relating to the BID document may be directed to the **Ms. Happy Dlamini at 017 638 0600**

Any SCM enquiries relating to the BID document may be directed to Mr. **Ntokozo Mabizela on 017 620 6112**

Fully completed bid documents, clearly marked "**Tender No: 8/3/1 – 20/2023**" **APPOINTMENT OF A PANEL OF FIVE (5) SERVICE PROVIDERS FOR SUPPLY AND DELIVERY OF ROAD TRAFFIC SIGNS AT GOVAN MBEKI MUNICIPALITY FOR PERIOD OF 36 MONTHS, AS AND WHEN REQUIRED**" with "**NAME OF SUPPLIER**" must be placed in a sealed envelope and placed in the tender box at **Secunda Head Office, Horwood Street, CBD Secunda, 2302** by no later than 12h00 on **03/11/2023**. The envelope must be endorsed with number, title and closing date as indicated above.

*A preferential point system shall apply whereby a contract will be allocated to a tenderer in accordance with the Preferential Procurement Policy Framework Act, Act No. 5 of 2000 and as defined in the Conditions of Tender in the tender document, read in conjunction with the Supply Chain Management Policy of Govan Mbeki Local Municipality where 80 points will be allocated in respective of price and 20 points for a specific goal. Govan Mbeki Municipality Supply Chain Management Policy allocate 20 points in terms of the following: race (6), people with disability (4), youth (4), woman (4) and Implementing reconstruction and development programme (2).*

No awards will be made to a person:

- Who is not registered on the Central Supplier Database
- Who is in the service of the state;
- If that person is not a natural person, of which any director, manager, principal shareholder or stakeholder is a person in the service of the state; and/or

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		BIDDER		WITNESS	EMPLOYER	WITNESS

- Who is an advisor or consultant contracted with the municipality or municipal entity.

The municipality reserves the right to withdraw any invitation to bid and/or to re-advertise or to reject any bid or to accept a part of it. The municipality does not bind itself to accepting the lowest bid or award a contract to the bidder scoring the highest number of points.

NB: Only locally produced or manufactured goods, meeting the stipulated minimum threshold for local production and content, will be considered in line with Regulation 8(2) of the Municipal Supply Chain Management Regulations and National Treasury Circular 69.”

The exchange rate to be used for the calculation of local production and content must be the exchange rate published by the South-African Reserve Bank (SARB) at 12:00 on the date of advertisement of the bid; and Only the South-African Bureau of Standards (SABS) approved technical specification number SATS 12863:2011 must be used to calculate local content.

**The following documents have to be attached (Bidders that fail to submit documents indicated as compulsory will be disqualified)**

- **Copy/ printed Tax compliance status Pin issued by SARS for municipality to verify the bidder’s tax compliance status- Compulsory**
- **Copy of company’s municipal account or all its directors (not owing for 3 months from the date of publication of the bid) and or copy of valid Lease Agreement – Compulsory**
- **Valid CSD Summary Report –Compulsory**

**Mr EN MASEKO  
MUNICIPAL MANAGER  
GOVAN MBEKI MUNICIPALITY  
Main Municipal Building  
Horwood Street  
SECUNDA  
2302**

<b>TENDER NO.</b>	<b>8/3/1-20/2023</b>					
		BIDDER		WITNESS	EMPLOYER	WITNESS

## T1.2 TENDER DATA

CLAUSE NO.	
	<p>The Standard Conditions of Tender for procurement makes several references to the tender data for details that apply specifically to this tender. The tender data shall have precedence in the interpretation of any ambiguity or inconsistency between it and the standard conditions of tender for procurement other than disposals.</p> <p>Each item of data given below is cross-referenced to the relevant clause in the above-mentioned Standard Conditions of Tender.</p>
<b>1.1</b>	The employer is the <b>Govan Mbeki Municipality</b>
<b>1.2</b>	<p>The single volume approach is adopted for this contract.</p> <p>The list of returnable documents identifies which of the documents a tenderer must complete when submitting a tender offer. The tenderer must submit his tender offer by completing the returnable documents including the fully priced Pricing Schedule, signing the “Offer” section in the “Form of Offer and Acceptance” and delivering the single volume procurement document back to the Govan Mbeki Municipality bound up as it was when it was received.</p> <p>The tender documents issued by the employer comprise of the following:</p> <p><b>TENDER</b></p> <p><b>Part T1: Tendering procedures</b>  T1.1 - Tender notice and invitation to tender  T1.2 - Tender data  T1.3 – Standard Conditions of Tender</p> <p><b>Part T2: Returnable documents</b>  T2.1 List of returnable documents  T2.2 Returnable schedules</p> <p><b>CONTRACT</b></p> <p><b>Part C1: Agreements and contract data</b>  C1.1 Form of offer and acceptance  C1.2 Contract data</p> <p><b>Part C2: Pricing Schedule</b>  C2.1 Pricing Instructions and Schedule  C2.2 Priced fees and disbursements</p> <p><b>Part C3: Terms of reference</b>  C3 Terms of reference</p>

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		BIDDER	WITNESS	EMPLOYER	WITNESS

1.3	<p>The employer's agent is:</p> <p>Name : Ms Happy Dlamini  Capacity : Chief of Traffic  Address : Govan Mbeki Municipality  Horwood Street, Secunda CBD, 2302  Tel: (017) 638 0600  E-mail: <a href="mailto:happy.d@govanmbeki.gov.za">happy.d@govanmbeki.gov.za</a></p>
1.5	A competitive negotiation procedure will not be followed
1.6	<p><b>Tender Evaluation: Failure to submit the below-mentioned document will lead to disqualification of your bid.</b></p> <p><b><u>First Stage Supply Chain Management Compliance Evaluation:</u></b></p> <ul style="list-style-type: none"> <li>▪ Copy/ printed Tax compliance status Pin to enable the municipality to verify the bidder's tax compliance status.</li> <li>▪ Copy of company's municipal account or all its directors (not owing for 3 months from the date of publication of the bid) and or copy of valid Lease Agreement</li> <li>▪ Valid CSD summary report.</li> </ul> <p><b><u>Second Stage Evaluation of Bidders Ability to execute the project in terms SCM regulation 28 (1)(b)</u></b></p> <p>The following is required:</p> <ul style="list-style-type: none"> <li>▪ Bidders must submit proof of delivering of goods (Road Traffic signs or other signs) or general supply of goods to a combined value of R100 000.00 (Vat Inclusive) - Purchase orders and/or appointment letters must be submitted.</li> </ul> <p><b><u>Third Stage Evaluation on 80/20-point system</u></b></p> <ul style="list-style-type: none"> <li>▪ 80/20 preference point system for acquisition of goods or services with Rand value equal to or below R50 million.</li> <li>▪ 80 points will be allocated for total bid price</li> <li>▪ 20 points will be allocated for a specific goal in terms of preference point system as per the completed MBD 6.1</li> </ul>
1.7	<p>Enquiries regarding the tender document may be directed to:</p> <p>Name : Ms Happy Dlamini  Telephone No. : 017 638 0600  E-Mail address : <a href="mailto:happy.d@govanmbeki.gov.za">happy.d@govanmbeki.gov.za</a></p>

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BIDDER		WITNESS		EMPLOYER		WITNESS

1.8	The closing time for submission of tender offers is as indicated in the tender notice and invite
1.9	<b>Alternative offers will not be considered</b>
1.10	Additional copies of the tender offer, document will not be required
1.11	The employer's address for delivery of tender offers and identification details to be shown on such tender offer package are: Location of tender box : Govan Mbeki Municipality Physical address : Ground floor, Secunda Municipal Building, Horwood Street  <u>Identification details:</u> As indicated in the tender notice <b>Tender No. 8/3/1-20/2023 Appointment of a panel of five (5) service providers for the supply and delivery of road traffic signs at Govan Mbeki Municipality for a period of 36 months</b>
1.12	A two-envelope procedure will not be followed
1.13	The site of works is located at Govan Mbeki Municipality
1.14	The location for opening of the tender offers, immediately after the closing time thereof shall be at: Time: 12H00 hours on <b><u>03/11/2023</u></b>
1.15	The procedure for the evaluation of qualifying tenders is the 80/20 Preferential Procurement Point System.  The total number of tender evaluation points for preferences may be claimed is indicated in MBD 6.1
1.16	Tender offers will only be accepted if: a) the tenderer is registered on the Central Supplier Database; b) The tenderer is not in arrears for more than 3 months with municipal rates and taxes and municipal service charges; c) the tenderer or any of its directors is not listed on the Register of Tender 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; and d) the tenderer has not: i) abused the employer's Supply Chain Management System; or ii) failed to perform on any previous contract and has been given written notice to this effect; e) it is considered that the performance of the services will not be compromised through any conflict of interest.
1.17	The number of paper copies of the signed Contract to be provided by the employer is <b>one (01)</b>

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		BIDDER		WITNESS	EMPLOYER	WITNESS

## T1.3 STANDARD CONDITIONS OF TENDER

### 1 GENERAL

#### 1.1 Actions

1.1.1 The employer and each tenderer submitting a tender offer shall comply with these conditions of tender. In their dealings with each other, they shall discharge their duties and obligations as set out in clause 2 and clause 3, timeously and with integrity, and behave equitably, honestly and transparently, comply with all legal obligations and not engage in anticompetitive practices

1.1.2 The employer and the tenderer and all their agents and employees involved in the tender process shall avoid conflicts of interest and where a conflict of interest is perceived or known, declare any such conflict of interest, indicating the nature of such conflict. Tenderers shall declare any potential conflict of interest in their tender submissions. Employees, agents and advisors of the employer shall declare any conflict of interest to whoever is responsible for overseeing the procurement process at the start of any deliberations relating to the procurement process or as soon as they become aware of such conflict, and abstain from any decisions where such conflict exists or recuse themselves from the procurement process, as appropriate.

#### Note:

- a) A conflict of interest may arise due to a conflict of roles which might provide an incentive for improper acts in some circumstances. A conflict of interest can create an appearance of impropriety that can undermine confidence in the ability of that person to act properly in his or her position even if no improper acts result.
- b) Conflicts of interest in respect of those engaged in the procurement process include direct, indirect or family interests in the tender or outcome of the procurement process and any personal bias, inclination, obligation, allegiance or loyalty which would in any way affect any decisions taken.

1.1.3 The employer shall not seek and a tenderer shall not submit a tender without having a firm intention and the capacity to proceed with the contract

#### 1.2 Tender Documents

The documents issued by the employer for the purpose of a tender offer are listed in the tender data.

#### 1.3 Interpretation

1.3.1 The tender data and additional requirements contained in the tender schedules that are included in the returnable documents are deemed to be part of these conditions of tender.

1.3.2 These conditions of tender, the tender data and tender schedules which are only required for tender evaluation purposes, shall not form part of any contract arising from the invitation to tender.

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1.3.3 For the purposes of these conditions of tender, the following definitions apply:

- a) **conflict of interest** means any situation in which:
  - i) someone in a position of trust has competing professional or personal interests which make it difficult to fulfill his or her duties impartially;
  - ii) an individual or organization is in a position to exploit a professional or official capacity in some way for their personal or corporate benefit; or
  - iii) Incompatibility or contradictory interests exist between an employee and the organization which employs that employee.
- b) **comparative offer** means the tenderer's financial offer after all tendered parameters that will affect the value of the financial offer have been taken into consideration in order to enable comparisons to be made between offers on a comparative basis
- c) **corrupt practice** means the offering, giving, receiving or soliciting of anything of value to influence the action of the employer or his staff or agents in the tender process; and
- d) **fraudulent practice** means the misrepresentation of the facts in order to influence the tender process or the award of a contract arising from a tender offer to the detriment of the employer, including collusive practices intended to establish prices at artificial levels
- e) **organization** means a company, firm, enterprise, association or other legal entity, whether incorporated or not, or a public body
- f) **quality (functionality)** means the totality of features and characteristics of a product or service that bear on its ability to satisfy stated or implied needs

1.4 **Communication and employer's agent**

Each communication between the employer and a tenderer shall be to or from the employer's agent only, and in a form that can be read, copied and recorded. Writing shall be in the English language. The employer shall not take any responsibility for non-receipt of communications from or by a tenderer. The name and contact details of the employer's agent are stated in the tender data.

1.5 **The employer's right to accept or reject any tender offer**

- 1.5.1 The employer may accept or reject any variation, deviation, tender offer, or alternative tender offer, and may cancel the tender process and reject all tender offers at any time before the formation of a contract. The employer shall not accept or incur any liability to a tenderer for such cancellation and rejection, but will give written reasons for such action upon written request to do so.
- 1.5.2 The employer may not subsequent to the cancellation or abandonment of a tender process or the rejection of all responsive tender offers re-issue a tender covering substantially the same scope of work within a period of six months unless only one tender was received and such tender was returned unopened to the tenderer.

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## 1.6 Procurement procedures

### 1.6.1 General

Unless otherwise stated in the tender data, a contract will, subject to **clause 3.13**, be concluded with the tenderer who in terms of **clause 3.11** is the highest ranked or the tenderer scoring the highest number of tender evaluation points, as relevant, based on the tender submissions that are received at the closing time for tenders.

### 1.6.2 Competitive negotiation procedure

1.6.2.1 Where the tender data require that the competitive negotiation procedure is to be followed, tenderers shall submit tender offers in response to the proposed contract in the first round of submissions. Notwithstanding the requirements of clause 3.4, the employer shall announce only the names of the tenderers who make a submission. The requirements of clause 3.8 relating to the material deviations or qualifications which affect the competitive position of tenderers shall not apply.

1.6.2.2 All responsive tenderers, or not less than three responsive tenderers that are highest ranked in terms of the evaluation method and evaluation criteria stated in the tender data, shall be invited in each round to enter into competitive negotiations, based on the principle of equal treatment and keeping confidential the proposed solutions and associated information. Notwithstanding the provisions of clause 2.17, the employer may request that tenders be clarified, specified and fine-tuned in order to improve a tenderer's competitive position provided that such clarification, specification, fine-tuning or additional information does not alter any fundamental aspects of the offers or impose substantial new requirements which restrict or distort competition or have a discriminatory effect.

1.6.2.3 At the conclusion of each round of negotiations, tenderers shall be invited by the employer to make a fresh tender offer, based on the same evaluation criteria, with or without adjusted weightings. Tenderers shall be advised when they are to submit their best and final offer.

1.6.2.4 The contract shall be awarded in accordance with the provisions of clause 3.11 and clause 3.13 after tenderers have been requested to submit their best and final offer.

## 2 TENDERER'S OBLIGATIONS

### 2.1 Eligibility

2.1.1 Submit a tender offer only if the tenderer satisfies the criteria stated in the tender data and the tenderer, or any of his principals, is not under any restriction to do business with employer.

2.1.2 Submit a tender offer only if the tenderer satisfies that the minimum score for functionality criteria will be met.

2.1.3 Notify the employer of any proposed material change in the capabilities or formation of the tendering entity (or both) or any other criteria which formed part of the qualifying requirements used by the employer as the basis in a prior process to invite the tenderer to submit a tender offer and obtain the employer's written approval to do so prior to the closing time for tenders.

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2.2 **Cost of tendering**

Accept that, unless otherwise stated in the tender data, the employer will not compensate the tenderer for any costs incurred in the preparation and submission of a tender offer, including the costs of any testing necessary to demonstrate that aspects of the offer comply with requirements.

2.3 **Check documents**

Check the tender documents on receipt for completeness and notify the employer of any discrepancy or omission.

2.4 **Confidentiality and copyright of documents**

Treat as confidential all matters arising in connection with the tender. Use and copy the documents issued by the employer only for the purpose of preparing and submitting a tender offer in response to the invitation.

2.5 **Reference documents**

Obtain, as necessary for submitting a tender offer, copies of the latest versions of standards, specifications, conditions of contract and other publications, which are not attached but which are incorporated into the tender documents by reference.

2.6 **Acknowledge addenda**

Acknowledge receipt of addenda to the tender documents, which the employer may issue, and if necessary, apply for an extension to the closing time stated in the tender data, in order to take the addenda into account.

2.7 **Clarification meeting**

Attend, where required, a clarification meeting at which tenderers may familiarize themselves with aspects of the proposed work, services or supply and raise questions. Details of the meeting(s) are stated in the tender data.

2.8 **Seek clarification**

Request clarification of the tender documents, if necessary, by notifying the employer at least five working days before the closing time stated in the tender data.

2.9 **Insurance**

Be aware that the extent of insurance to be provided by the employer (if any) may not be for the full cover required in terms of the conditions of contract identified in the contract data. The tenderer is advised to seek qualified advice regarding insurance.

2.10 **Pricing the tender offer**

2.10.1 Include in the rates, prices, and the tendered total of the prices (if any) all duties, taxes (except Value Added Tax (VAT)), and other levies payable by the successful tenderer, such duties, taxes and levies being those applicable 14 days before the closing time stated in the tender data.

2.10.2 Show VAT payable by the employer separately as an addition to the tendered total of the prices.

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- 2.10.3 Provide rates and prices that are fixed for the duration of the contract and not subject to adjustment except as provided for in the conditions of contract identified in the contract data.
- 2.10.4 State the rates and prices in Rand unless instructed otherwise in the tender data. The conditions of contract identified in the contract data may provide for part payment in other currencies.
- 2.10.5 Complete and sign form of offer and MBD3.1/MBD3.3/Bill of Quantities in full. Incomplete documents will invalidate your offer.

2.11 **Alterations to documents**

Not make any alterations or additions to or dismantle the tender documents. All signatories to the tender offer shall initial all alterations. Erasures and the use of masking fluid are prohibited.

All supporting documents to the tender must be attached only at the end of this document as Annexures.

2.12 **Alternative tender offers**

- 2.12.1 Unless otherwise stated in the tender data, submit alternative tender offers only if a main tender offer, strictly in accordance with all the requirements of the tender documents, is also submitted as well as a schedule that compares the requirements of the tender documents with the alternative requirements that are proposed.
- 2.12.2 Accept that an alternative tender offer may be based only on the criteria stated in the tender data or criteria otherwise acceptable to the employer.

2.13 **Submitting a tender offer**

- 2.13.1 Submit one tender offer only, either as a single tendering entity or as a member in a joint venture to provide the whole of the works, services or supply identified in the contract data and described in the scope of works, unless stated otherwise in the tender data.
- 2.13.2 Return all returnable documents to the employer after completing them in their entirety, by writing legibly in non-erasable ink, unless stated otherwise on the tender advert.
- 2.13.3 Submit the parts of the tender offer communicated on paper as an original plus the number of copies stated in the tender data, with an English translation of any documentation in a language other than English, and the parts communicated electronically in the same format as they were issued by the employer.
- 2.13.4 Sign all the pages of the original and all copies of the tender offer where required In terms of the tender data. The employer will hold all authorized signatories liable on behalf of the tenderer. Signatories for tenderers proposing to contract as joint ventures shall state which of the signatories is the lead partner whom the employer shall hold liable for the purpose of the tender offer.
- 2.13.5 Seal the original and each copy of the tender offer as separate packages marking the packages as "ORIGINAL" and "COPY". Each package shall state on the outside the employer's address and identification details stated in the tender data, as well as the tenderer's name and contact address.

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- 2.13.6 Where a two-envelope system is required in terms of the tender data, place and seal the returnable documents listed in the tender data in an envelope marked "financial proposal" and place the remaining returnable documents in an envelope marked "technical proposal". Each envelope shall state on the outside the employer's address and identification details stated in the tender data, as well as the tenderer's name and contact address.
- 2.13.7 Seal the original tender offer and copy packages together in an outer package that states on the outside only the employer's address and identification details as stated in the tender data.
- 2.13.8 Accept that the employer will not assume any responsibility for the misplacement or premature opening of the tender offer if the outer package is not sealed and marked as stated.
- 2.13.9 Accept that tender offers submitted by facsimile or e-mail will be rejected by the employer, unless stated otherwise in the tender data.
- 2.14 **Information and data to be completed in all respects**
- Accept that tender offers, which do not provide all the data or information requested completely and, in the form, required, may be regarded by the employer as non-responsive.
- 2.15 **Closing time**
- 2.15.1 Ensure that the employer receives the tender offer at the address specified in the tender data not later than the closing time stated in the tender data. Accept that proof of posting shall not be accepted as proof of delivery
- 2.15.2 Accept that, if the employer extends the closing time stated in the tender data for any reason, the requirements of these conditions of tender apply equally to the extended deadline.
- 2.16 **Tender offer validity**
- 2.16.1 Hold the tender offer(s) valid for acceptance by the employer at any time during the validity period (not less than 90 days) stated in the tender data after the closing time stated in the tender data.
- 2.16.2 If requested by the employer, consider extending the validity period stated in the tender data for an agreed additional period with or without any conditions attached to such extension.
- 2.16.3 Accept that a tender submission that has been submitted to the employer may only be withdrawn or substituted by giving the employer's agent written notice before the closing time for tenders that a tender is to be withdrawn or substituted.
- 2.16.4 Where a tender submission is to be substituted, submit a substitute tender in accordance with the requirements of **clause 2.13** with the packages clearly marked as "SUBSTITUTE".
- 2.17 **Clarification of tender offer after submission**
- 2.17.1 Provide clarification of a tender offer in response to a request to do so from the employer during the evaluation of tender offers. This may include providing a breakdown of rates or prices and correction of arithmetical errors by the adjustment of certain rates or item prices (or both). No change in the competitive position of tenderers or substance of the tender offer is sought, offered, or permitted.

Note:

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**Clause 2.17.1** does not preclude the negotiation of the final terms of the contract with a preferred tenderer following a competitive selection process, should the employer elect to do so.

2.18 **Provide other material**

2.18.1 Provide, on request by the employer, any other material that has a bearing on the tender offer, the tenderer's commercial position (including notarized joint venture agreements), preferencing arrangements, or samples of materials, considered necessary by the employer for the purpose of a full and fair risk assessment. Should the tenderer not provide the material, or a satisfactory reason as to why it cannot be provided, by the time for submission stated in the employer's request, the employer may regard the tender offer as non-responsive.

2.18.2 Dispose of samples of materials provided for evaluation by the employer, where required.

2.19 **Inspections, tests and analysis**

Provide access during working hours to premises for inspections, tests and analysis as provided for in the tender data.

2.20 **Submit securities, bonds, policies etc.**

If requested, submit for the employer's acceptance before formation of the contract, all securities, bonds, guarantees, policies and certificates of insurance required in terms of the conditions of contract identified in the contract data.

2.21 **Check final draft**

Check the final draft of the contract provided by the employer within the time available for the employer to issue the contract.

2.22 **Return of other tender documents**

If so, instructed by the employer, return all retained tender documents within 28 days after the expiry of the validity period stated in the tender data.

2.23 **Certificates**

Include in the tender submission or provide the employer with any certificates as stated in the tender data.

3 **THE EMPLOYER'S UNDERTAKINGS**

3.1 **Respond to requests from the tenderer**

3.1.1 Unless otherwise stated in the tender data, respond to a request for clarification received up to five working days before the tender closing time stated in the tender data and notify all tenderers who drew procurement documents.

3.1.2 Consider any request to make a material change in the capabilities or formation of the tendering entity (or both) or any other criteria which formed part of the qualifying requirements used to prequalify a tenderer to submit a tender offer in terms of a previous procurement process and deny any such request if as a consequence:

- a) an individual firm, or a joint venture as a whole, or any individual member of the joint venture fails to meet any of the collective or individual qualifying requirements;
- b) the new partners to a joint venture were not prequalified in the first instance, either as

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- individual firms or as another joint venture; or
- c) in the opinion of the Employer, acceptance of the material change would compromise the outcome of the prequalification process.

**3.2 Issue Addenda**

If necessary, issue addenda that may amend or amplify the tender documents to each tenderer during the period from the date that tender documents are available until three days before the tender closing time stated in the tender data. If, as a result a tenderer applies for an extension to the closing time stated in the tender data, the employer may grant such extension and, shall then notify all tenderers who drew documents.

**3.3 Return late tender offers**

Return tender offers received after the closing time stated in the tender data, unopened, (unless it is necessary to open a tender submission to obtain a forwarding address), to the tenderer concerned.

**3.4 Opening of tender submissions**

3.4.1 Unless the two-envelope system is to be followed, open valid tender submissions in the presence of tenderers' agents who choose to attend at the time and place stated in the tender data. Tender submissions for which acceptable reasons for withdrawal have been submitted will not be opened.

3.4.2 Announce at the meeting held immediately after the opening of tender submissions, at a venue indicated in the tender data, the name of each tenderer whose tender offer is opened and, where applicable, the total of his prices, preferences claimed and time for completion for the main tender offer only.

3.4.3 Make available the record outlined in **clause 3.4.2** to all interested persons upon request.

**3.5 Two-envelope system**

3.5.1 Where stated in the tender data that a two-envelope system is to be followed, open only the technical proposal of valid tenders in the presence of tenderers' agents who choose to attend at the time and place stated in the tender data and announce the name of each tenderer whose technical proposal is opened.

3.5.2 Evaluate the quality of the technical proposals offered by tenderers, then advice tenderers who remain in contention for the award of the contract of the time and place when the financial proposals will be opened. Open only the financial proposals of tenderers, who score in the quality evaluation more than the minimum number of points for quality stated in the tender data, and announce the score obtained for the technical proposals and the total price and any preferences claimed. Return unopened financial proposals to tenderers whose technical proposals failed to achieve the minimum number of points for quality.

**3.6 non-disclosure**

Not disclose to tenderers, or to any other person not officially concerned with such processes, information relating to the evaluation and comparison of tender offers, the final evaluation price and recommendations for the award of a contract, until after the award of the contract to the successful tenderer.

**3.7 Grounds for rejection and disqualification**

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Determine whether there has been any effort by a tenderer to influence the processing of tender offers and instantly disqualify a tenderer (and his tender offer) if it is established that he engaged in corrupt or fraudulent practices.

**3.8 Test for responsiveness**

3.8.1 Determine, after opening and before detailed evaluation, whether each tender offer properly received:

- a) complies with the requirements of these Conditions of Tender,
- b) has been properly and fully completed and signed, and
- c) is responsive to the other requirements of the tender documents.

3.8.2 A responsive tender is one that conforms to all the terms, conditions, and specifications of the tender documents without material deviation or qualification. A material deviation or qualification is one which, in the Employer's opinion, would:

- a) detrimentally affect the scope, quality, or performance of the works, services or supply identified in the Scope of Work,
- b) significantly change the employer's or the tenderer's risks and responsibilities under the contract, or
- c) affect the competitive position of other tenderers presenting responsive tenders, if it were to be rectified.

1.8.3 Reject a non-responsive tender offer, and not allow it to be subsequently made responsive by correction or withdrawal of the non-conforming deviation or reservation.

**3.9 Arithmetical errors, omissions and discrepancies**

3.9.1 Check responsive tenders for discrepancies between amounts in words and amounts in figures. Where there is a discrepancy between the amounts in figures and the amount in words, the amount in words shall govern.

3.9.2 Check the highest ranked tender or tenderer with the highest number of tender evaluation points after the evaluation of tender offers in accordance with **clause 3.11** for:

- a) the gross misplacement of the decimal point in any unit rate;
- b) omissions made in completing the pricing schedule or bills of quantities; or
- c) arithmetic errors in:
  - i) line-item totals resulting from the product of a unit rate and a quantity in bills of quantities or schedules of prices; or
  - ii) the summation of the prices.

3.9.3 Notify the tenderer of all errors or omissions that are identified in the tender offer and invite the tenderer to either confirm the tender offer as tendered or accept the corrected total of prices.

3.9.4 Where the tenderer elects to confirm the tender offer as tendered, correct the errors as follows:

- a) If bills of quantities or pricing schedules apply and there is an error in the line-item total resulting from the product of the unit rate and the quantity, the line-item total

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shall govern and the rate shall be corrected. Where there is an obviously gross misplacement of the decimal point in the unit rate, the line-item total as quoted shall govern, and the unit rate shall be corrected.

- b) Where there is an error in the total of the prices either as a result of other corrections required by this checking process or in the tenderer's addition of prices, the total of the prices shall govern and the tenderer will be asked to revise selected item prices (and their rates if bills of quantities apply) to achieve the tendered total of the prices.

3.10 **Clarification of a tender offer**

Obtain clarification from a tenderer on any matter that could give rise to ambiguity in a contract arising from the tender offer.

3.11 **Insurance provided by the employer**

If requested by the proposed successful tenderer, submit for the tenderer's information the policies and / or certificates of insurance which the conditions of contract identified in the contract data, require the employer to provide.

3.13 **Acceptance of tender offer**

Accept the tender offer, if in the opinion of the employer, it does not present any unacceptable commercial risk and only if the tenderer:

- a) is not under restrictions, or has principals who are under restrictions, preventing participating in the employer's procurement,
- b) can, as necessary and in relation to the proposed contract, demonstrate that he or she possesses the professional and technical qualifications, professional and technical competence, financial resources, equipment and other physical facilities, managerial capability, reliability, experience and reputation, expertise and the personnel, to perform the contract,
- c) has the legal capacity to enter into the contract,
- d) is not insolvent, in receivership, bankrupt or being wound up, has his affairs administered by a court or a judicial officer, has suspended his business activities, or is subject to legal proceedings in respect of any of the foregoing,
- e) complies with the legal requirements, if any, stated in the tender data, and
- f) is able, in the opinion of the employer, to perform the contract free of conflicts of interest.

3.14 **Prepare contract documents**

3.14.1 If necessary, revise documents that shall form part of the contract and that were issued by the employer as part of the tender documents to take account of:

- a) addenda issued during the tender period,
- b) inclusion of some of the returnable documents, and
- c) other revisions agreed between the employer and the successful tenderer.

3.14.2 Complete the schedule of deviations attached to the form of offer and acceptance, if any.

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3.15 **Complete adjudicator's contract**

Unless alternative arrangements have been agreed or otherwise provided for in the contract, arrange for both parties to complete formalities for appointing the selected adjudicator at the same time as the main contract is signed.

3.16 **Notice to unsuccessful tenderers**

3.16.1 Notify the successful tenderer of the employer's acceptance of his tender offer by completing and returning one copy of the form of offer and acceptance before the expiry of the validity period stated in the tender data, or agreed additional period.

3.16.2 Bidders that do not hear anything after 3 months from closing of this tender must consider their bids as unsuccessful.

3.16.3 Unsuccessful forms / documents will be disposed of after 24 months.

3.17 **Provide copies of the contracts**

Provide to the successful tenderer the number of copies stated in the tender data of the signed copy of the contract as soon as possible after completion and signing of the form of offer and acceptance.

3.18 **Provide written reasons for actions taken**

Provide upon request written reasons to tenderers for any action that is taken in applying these conditions of tender, but withhold information, which is not in the public interest to be divulged, which is considered to prejudice the legitimate commercial interests of tenderers or might prejudice fair competition between tenderers.

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**T2 RETURNABLE DOCUMENTS**

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## T2.1 LIST OF RETURNABLE DOCUMENTS

### 1 RETURNABLE SCHEDULES REQUIRED FOR TENDER EVALUATION PURPOSES

- 1.1 Schedule 1 : Resolution of Board of Directors
- 1.2 Schedule 2 : Resolution of Board of Directors to enter into consortia or JV's
- 1.3 Schedule 3 : Commitments of tenderer
- 1.4 Schedule 4 : Record of addenda to tender documents
- 1.5 Schedule 5 : Compulsory enterprise questionnaire
- 1.6 Schedule 6 : Municipal Service Account

### 2 COMPULSORY MUNICIPAL BID DOCUMENTATION

- 2.1 MBD 1 : Invitation to bid
- 2.2 MBD 4 : Declaration of interest
- 2.3 MBD 5 : Declaration for procurement above R10-million
- 2.4 MBD 6.1 : Preference Points Claim Form
- 2.5 MBD 7.1 : Contract form for purchase of goods / works
- 2.6 MBD 7.2 : Contract form for rendering of Services
- 2.7 MBD 8 : Declaration of bidder's past supply chain management practices
- 2.8 MBD 9 : Certificate of Independent Bid Determine

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## T2.2 RETURNABLE SCHEDULES

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**T2.2.1      RETURNABLE SCHEDULES FOR TENDER EVALUATION  
PURPOSES**

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# SCHEDULE 1

## RESOLUTION OF BOARD OF DIRECTORS

**Resolution** of a meeting of the Board of \*Directors / Members / Partners of:

(Enterprise Name)	
Held at	(place)
On	(date)

**RESOLVED that:**

1.	The enterprise submits a bid / tender to the Govan Mbeki Municipality in respect of the following project:	
	<b>TENDER 8/3/1 – 20/2023: APPOINTMENT OF A PANEL OF FIVE (5) SERVICE PROVIDERS FOR AND DELIVERY OF ROAD TRAFFIC SIGNS AT GOVAN MBEKI MUNICIPALITY FOR THIRTY-SIX MONTHS</b>	
	Mr./Mrs./Ms.	
	in his/her capacity a:	(Position in the Enterprise)
2.	and who will sign as follows:	(Authorized Signature)
be, and is hereby, authorized to sign the bid / tender, and any and all other documents and/or correspondence in connection with and relating to the bid /tender, as well as to sign any contract, and any and all documentation, resulting from the award of the bid / tender to the enterprise mentioned above.		

**Directors / Members / Partners of:**

	Name	Capacity	Signature
1			
2			
3			

**Note:**

1. \* Delete which is not applicable
2. **NB.** This resolution must be signed by all the Directors / Members / Partners of the Bidding Enterprise
3. Should the number of Directors / Members / Partners exceed the space available above, additional names and signatures must be supplied on a separate page

ENTERPRISE STAMP
Not compulsory

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## SCHEDULE 2

### RESOLUTION OF BOARD OF DIRECTORS TO ENTER INTO CONSORTIA OR JOINT VENTURES

**RESOLUTION** of a meeting of the Board of \*Directors / Members / Partners of:

		(Enterprise Name)
Held at		
	(place)	
On		
	(date)	

**RESOLVED that:**

1.	The enterprise submits a bid / tender, in consortium / joint venture with the following enterprises:	
	(List all the legally correct full names and registration numbers, if applicable, of the enterprises forming the consortium / joint venture)	
	To the to the Govan Mbeki Municipality in respect of the following project	
	<b>TENDER 8/3/1 – 20/2023: APPOINTMENT OF A PANEL OF FIVE (5) SERVICE PROVIDERS FOR SUPPLY AND DELIVERY OF ROAD TRAFFIC SIGNS AT GOVAN MBEKI FOR THIRTY-SIX (36) MONTHS</b>	
2.	Mr./Mrs./Ms.	
	in his/her capacity as	(Position in the Enterprise)
	and who will sign as follows	(Authorized Signature)
2.1	be, and is hereby, authorized to sign a consortium / joint venture agreement with the parties listed under item 1 above, and any and all other documents and/or correspondence in connection with and relating to the consortium / joint venture, in respect of the project described under item 1 above.	
2.2	The enterprise accepts joint and several liability with the parties listed under item 2 above for the due fulfillment of the obligations of the joint venture deriving from, and in any way connected with, the contract to be entered into with the department in respect of the project described under item 1 above.	
2.3	The enterprise chooses as its <i>domicilium citandi et executandi</i> for all purposes arising from this joint venture agreement and the contract with the department in respect of the project under item 1 above	
i)	Physical address	
ii)	Postal address	
		(Code)
iii)	Telephone number	
iv)	Fax Number	

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All documents applicable to this Schedule must be attached as Annexure A

## RESOLUTION OF BOARD OF DIRECTORS TO ENTER INTO CONSORTIA OR JOINT VENTURES

Directors / Members / Partners of:

	Name	Capacity	Signature
1			
2			
3			
4			
5			
6			
7			
8			
9			
10			
11			
12			
13			
14			
15			

**Note:**

1. *Delete which is not applicable*
2. **NB.** *This resolution must be signed by all the Directors / Members / Partners of the Bidding Enterprise*
3. *Should the number of Directors / Members / Partners exceed the space available above, additional names and signatures must be supplied on a separate page*

### Enterprise Stamp

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BIDDER

WITNESS

EMPLOYER

WITNESS

## SCHEDULE 3

### COMMITMENTS OF TENDERER

Kindly provide particulars of commitments which the tenderer is presently engaged and/or involved with:

	Current Projects / Contract	Organization	Contact Person Name	Contact Tel. No.	Contract Amount	Contract Period	Date of Commence-ment	Scheduled Date of Completion
1.								
2.								
3.								
4.								
5.								

<b>NAME OF REPRESENTATIVE</b>	<b>SIGNATURE</b>	<b>DATE</b>

<b>TENDER NO.</b>	8/3/1-20/2023					
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BIDDER

WITNESS

EMPLOYER

WITNESS

## SCHEDULE 4

### RECORD OF ADDENDA TO TENDER DOCUMENTS

I / we confirm that the following communications received from the Govan Mbeki Municipality before the submission of this tender offer, amending the tender documents, have been taken into account in this tender offer: *(Attach additional pages if more space is required)*

	Date	Title or Details
1.		
2.		
3.		
4.		
5.		
6.		
7.		
8.		
9.		
10.		

I / we confirm that no communications were received from the Govan Mbeki Municipality before the submission of this tender offer, amending the tender documents.

<b>NAME OF REPRESENTATIVE</b>	<b>SIGNATURE</b>	<b>DATE</b>

<b>TENDER NO.</b>	8/3/1-20/2023					
	BIDDER		WITNESS	EMPLOYER		WITNESS

## SCHEDULE 5

### 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**

No	Name*	Identity Number*	Personal Income Tax Number*
3.1			
3.2			
3.3			

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

**Section 4: Particulars of companies and close corporations**

4.1	Company Registration number	
4.2	Close corporation number	
4.3	Tax reference number	

**Section 5: 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		An employee of any provincial department, national or provincial public entity or constitutional institution within the meaning of the public finance Management Act, 1999 (Act 1 of 1999)	
A member of any provincial legislation		A member of an accounting authority of any national or provincial public entity	
A member of the National Assembly or the National Council of Province		An employee of Parliament or a provincial legislature	
A member of the board of directors of any municipal entity		An official of any municipality or municipal entity	

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BIDDER

WITNESS

EMPLOYER

WITNESS

Name of sole proprietor, partner in a partnership or 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

**Section 6: Records of spouses, children and parents in the service of the state**

Indicate by making the relevant boxes with a cross, if any spouses, child or parent of a 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 been in the service of any of the following:

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

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)	
		Current	Within last 12 months

The undersigned, who warrants that he/she is duly authorized 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 Tender Defaulters established in terms of the Prevention and Combating of Corrupt Activities Act of 2004.
- iii) confirms that no partner, member, director or other person, who wholly or partly exercises, or may exercise, control over the enterprise appears, has within the last five years been convicted of frauds or corruption;
- iv) confirms that I / we are not associated, linked or involved with any other tendering entities submitting tender offers and have no other relationship with any of the tenderers 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 within my personal knowledge and are to the best of my belief both true and correct.

Note: insert separate page if necessary

<b>TENDER NO.</b>	<b>8/3/1-20/2023</b>					
		BIDDER		WITNESS	EMPLOYER	WITNESS

<b>NAME OF REPRESENTATIVE</b>	<b>AUTHORIZED SIGNATURE (UNDERSIGNED)</b>
<b>CAPACITY</b>	<b>DATE</b>

<b>TENDER NO.</b>	8/3/1-20/2023					
	BIDDER		WITNESS	EMPLOYER		WITNESS

## SCHEDULE 6

### MUNICIPAL SERVICE ACCOUNT

Section 45(1)(d) of Municipal Supply Chain Regulations requires that the municipality must reject a bidder whose municipal services account are in arrears for more than three months.

The purpose of this schedule is to obtain proof that municipal services of the service provider are not in arrears for more than three months, with the relevant municipality in the municipal area where the service provider conduct his / her business.

**Each bidder must complete the below checklist. Important: if you fail to complete this form, the bid will be non-responsive.** (Please tick with **X** where appropriate):

QUESTIONS		YES	NO
1.	Do you own a property?		
2.	Do you receive a municipal services account?		
3.	Is your municipal services account up to date / current (not in arrears for more than three months)?		
4.	If yes, provide the following details:		
4.1	▪ Municipality name		
4.2	▪ Municipal account number		
5.	<b>If yes, please attach a copy of company's municipal account or all its directors (not owing for 3 months from the date of publication of the bid) and or copy of valid Lease Agreement</b>		
6.	Does the bidder lease / rent the property where the business is situated?		
7.	If yes, provide the following details:		
7.1	▪ Landlord name		
7.2	▪ Address property is situated		
7.3	▪ Contact number of landlords		
I, (Insert full name)			
of (insert physical address)			
being a Director, Principal Shareholder, owner of company (Insert company name)			
Hereby confirms that, the information submitted in this form is accurate, to the best of my knowledge			
SIGNATURE			

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BIDDER		WITNESS		EMPLOYER	
		WITNESS			

## T2.2.2 COMPULSORY MUNICIPAL BID DOCUMENT

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		BIDDER		WITNESS	EMPLOYER	WITNESS

## **1. TAX COMPLIANCE REQUIREMENTS**

1. Bidders must ensure compliance with their tax obligations.
2. Bidders are required to submit their unique personal identification number (PIN) issued by SARS to enable Organ of state to view the taxpayer's profile and tax status.
3. Application for the tax compliance status (TCS) certificate or PIN may be made via e-filing. In order to use this provision, taxpayers will need to register with SARS as e-filers through the website [www.sars.gov.za](http://www.sars.gov.za)
4. Foreign suppliers have must complete the pre-award questionnaire in part 2.
5. Bidders may also submit a printed TCS certificate together with the bid.
6. In bids where Consortia / Joint Ventures / Sub-contractors are involved; each party must submit a separate TCS certificate / pin / CSD number.
7. Where no TCS is available but the bidder is registered on the Central Supplier Database (CSD), a CSD number must be provided.

## **2. QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS**

- |   |          |
|---|----------|
| 1. Is the entity a resident of the Republic of South Africa?  | YES / NO |
| 2. Does the entity have a branch in the RSA?                  | YES / NO |
| 3. Does the entity have a permanent establishment in the RSA? | YES / NO |
| 4. Does the entity have any source of income in RSA?          | YES / NO |
| 5. Is the entity liable in the RSA for any form of Taxation?  | YES / NO |

**(IF THE ANSWER IS "NO" TO ALL OF THE ABOVE, THEN IT IS NOT A REQUIREMENT TO REGISTER FOR A TAX COMPLIANCE STATUS SYSTEM PIN CODE FROM SARS AND IF NOT REGISTER AS PER 1.3. ABOVE)**

**NB: Failure to provide any of the above particulars may render the bid invalid.**

.....  
**Signature of BIDDER**

.....  
**Date**

.....  
**Capacity under which this bid is signed**

TENDER NO.	8/3/1-20/2023					
		BIDDER		WITNESS	EMPLOYER	WITNESS

## MBD 4

### DECLARATION OF INTEREST

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

No.	Information	Please provide detail	
3.1	Full name of bidder or his or her representative		
3.2	Identity number		
3.3	Position occupied in the company (director, trustee, hareholder <sup>2</sup> )		
3.4	Company registration number		
3.5	Tax reference number		
3.6	VAT registration number		
Note	<i>(The names of all directors / trustees / shareholders members, their individual identity numbers and state employee numbers must be indicated in paragraph 4 below.)</i>		
3.7	Are you presently in the service of the state?  If yes, please furnish particulars:	Yes	No
3.7.1	Name of director		
3.7.2	Service of state organization		

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		BIDDER		WITNESS	EMPLOYER	WITNESS

3.8	Have you been in the service of the state for the past twelve months?  If yes, please furnish particulars:	Yes	No
3.8.1	Name of director		
3.8.2	Service of state organization		
3.9	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?  If yes, please furnish particulars:	Yes	No
3.9.1	Name of person in the service of state		
3.9.2	Relationship		
3.10	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?  If yes, please furnish particulars:	Yes	No
3.10.1	Name of person in the service of state		
3.10.2	Relationship		
3.11	Are any of the company's directors, trustees, managers, principle shareholders or stakeholders in service of the state?  If yes, please furnish particulars:	Yes	No
3.11.1	Name of director		
3.11.2	Service of state organization		
3.12	Is any spouse, child or parent of the company's director trustees, managers, principle shareholders or stakeholders in service of the state?  If yes, please furnish particulars:	Yes	No
3.12.1	Name of director		
3.12.2	Name of relative		

3.12.3	Relationship		
3.13	Do you or any of the directors, trustees, managers, principal 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?  If yes, please furnish particulars:	Yes	No
3.13.1	Name of director		
3.13.2	Related company		
Note:	<p>SCM Regulations:</p> <p>"1in the service of the state" means to be –</p> <p>(a) a member of –</p> <p>(i) any municipal council;</p> <p>(ii) any provincial legislature; or</p> <p>(iii) the national Assembly or the national Council of provinces;</p> <p>(b) a member of the board of directors of any municipal entity;</p> <p>(c) an official of any municipality or municipal entity;</p> <p>(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);</p> <p>(e) a member of the accounting authority of any national or provincial public entity; or</p> <p>(f) an employee of Parliament or a provincial legislature.</p> <p>"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.</p>		

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

Full Name	Identity Number	State Employee Number

5. I, the undersigned certify that the information furnished on this declaration form is correct.

I accept that the state may act against me should this declaration prove to be false.

<b>NAME OF REPRESENTATIVE</b>	<b>AUTHORIZED SIGNATURE (UNDERSIGNED)</b>
<b>DATE</b>	<b>CAPACITY</b>

<b>TENDER NO.</b>	8/3/1-20/2023					
	BIDDER		WITNESS	EMPLOYER		WITNESS

**MBD 5**

**DECLARATION FOR PROCUREMENT ABOVE R10-MILLION  
(ALL APPLICABLE TAXES INCLUDED)**

**For all procurement expected to exceed R10 million (all applicable taxes included), bidders must complete the following questionnaire:**

		Tick applicable box	
1.	Are you by law required to prepare annual financial statements for auditing?	Yes	No
1.1	If yes, submit audited annual financial statements for the past three years or since the date of establishment if established during the past three years.	Yes	No
2.	Do you have any outstanding undisputed commitments for municipal services towards any municipality for more than three months or any other service provider in respect of which payment is overdue for more than 30 days?	Yes	No
2.1	If no, this serves to certify that the bidder has no undisputed commitments for municipal services towards any municipality for more than three months or other service provider in respect of which payment is overdue for more than 30 days.	Yes	No
2.2	If yes, provide particulars:		
3.	Has any contract been awarded to you by an organ of state during the past five years, including particulars of any material non-compliance or dispute concerning the execution of such contract?	Yes	No
3.1	If yes, provide particulars:		
4.	Will any portion of goods or services be sourced from outside the Republic, and, if so, what portion and whether any portion of payment from the municipality / municipal entity is expected to be transferred out of the Republic?	Yes	No
4.1	If yes, provide particulars:		

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BIDDER		WITNESS		EMPLOYER		WITNESS

### CERTIFICATION

I, the undersigned certify that the information furnished on this declaration form is correct.

I accept that the state may act against me should this declaration prove to be false.

<b>NAME OF REPRESENTATIVE</b>	<b>AUTHORIZED SIGNATURE (UNDERSIGNED)</b>
<b>DATE</b>	<b>CAPACITY</b>

<b>TENDER NO.</b>	8/3/1-20/2023					
	BIDDER		WITNESS	EMPLOYER		WITNESS

**MBD 6.1**

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

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

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

**1. GENERAL CONDITIONS**

1.1 The following preference point systems are applicable to written offer:

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

**1.2 To be completed by the organ of state**

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

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

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

**1.4 To be completed by the organ of state:**

The maximum points for this tender are allocated as follows:

	<b>POINTS</b>
<b>PRICE</b>	<b>80</b>
<b>SPECIFIC GOALS</b>	<b>20</b>
<b>Total points for Price and SPECIFIC GOALS</b>	<b>100</b>

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

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

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		BIDDER		WITNESS	EMPLOYER	WITNESS

2. **DEFINITIONS**

- (a) **“tender”** means a written offer in the form determined by an organ of state in response to an invitation to provide goods or services through price quotations, competitive tendering process or any other method envisaged in legislation;
- (b) **“price”** means an amount of money tendered for goods or services, and includes all applicable taxes less all unconditional discounts;
- (c) **“Rand value”** means the total estimated value of a contract in Rand, calculated at the time of bid invitation, and includes all applicable taxes;
- (d) **“tender for income-generating contracts”** means a written offer in the form determined by an organ of state in response to an invitation for the origination of income-generating contracts through any method envisaged in legislation that will result in a legal agreement between the organ of state and a third party that produces revenue for the organ of state, and includes, but is not limited to, leasing and disposal of assets and concession contracts, excluding direct sales and disposal of assets through public auctions; and
- (e) **“The Act”** means the Preferential Procurement Policy Framework Act, 2000 (Act No. 5 of 2000).
- (f) **“race”** a means company owned hundred percent by previously disadvantaged people in terms of colour (Blacks)
- (g) **“People with disability”** means physical or mental condition that limits a person’s movements, senses or activities.
- (h) **“youth”** a person between the age of 15 and 35 years.
- (i) **“woman”** means a female human being.
- (j) **“RDP”** Reconstruction and Development Programme is a South African socio-economic policy framework document.

3. **FORMULAE FOR PROCUREMENT OF GOODS AND SERVICES**

3.1. **POINTS AWARDED FOR PRICE**

3.1.1 **THE 80/20 PREFERENCE POINT SYSTEMS**

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

**80/20**

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

Were

P<sub>s</sub> = Points scored for price of tender under consideration

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

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

4. **POINTS AWARDED FOR SPECIFIC GOALS**

- 4.1. In terms of Regulation 4(2); 5(2); 6(2) and 7(2) of the Preferential Procurement Regulations, preference points must be awarded for specific goals stated in the tender. For the purposes of this tender the tenderer will be allocated points based on the goals stated in table 1 below as may be supported by proof/ documentation stated in the conditions of this tender:

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		BIDDER		WITNESS	EMPLOYER	WITNESS

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

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

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

The specific goals allocated points in terms of this tender	Number of points allocated (80/20 system)	Number of points claimed (80/20 system)
Race (HDI)	6	
Person with Disability	4	
Youth	4	
Women	4	
RDP	2	
<b>Total Points Claimed</b>		

**NB: Bidders must submit the following documents to claim the above-mentioned points:**

- CSD Report
- Proof of Disability from a registered medical practitioner.

**DECLARATION WITH REGARD TO COMPANY/FIRM**

4.2. Name of company/firm.....

4.3. Company registration number: .....

4.4. TYPE OF COMPANY/ FIRM

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

[TICK APPLICABLE BOX]

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

- i) The information furnished is true and correct;
- ii) The preference points claimed are in accordance with the General Conditions as indicated in paragraph 1 of this form;
- iii) In the event of a contract being awarded as a result of points claimed as shown in paragraphs 1.4 and 4.2, the contractor may be required to furnish documentary proof to the satisfaction of

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BIDDER

WITNESS

EMPLOYER

WITNESS

the organ of state that the claims are correct;

iv) If the specific goals have been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the organ of state may, in addition to any other remedy it may have –

- (a) disqualify the person from the tendering process;
- (b) recover costs, losses or damages it has incurred or suffered as a result of that person's conduct;
- (c) cancel the contract and claim any damages which it has suffered as a result of having to make less favourable arrangements due to such cancellation;
- (d) recommend that the tenderer or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, be restricted from obtaining business from any organ of state for a period not exceeding 10 years, after the *audi alteram partem* (hear the other side) rule has been applied; and
- (e) forward the matter for criminal prosecution, if deemed necessary.

.....  
**SIGNATURE(S) OF TENDERER(S)**

**SURNAME AND NAME:** .....

**DATE:** .....

**ADDRESS:** .....  
.....

<b>TENDER NO.</b>	8/3/1-20/2023					
		BIDDER		WITNESS	EMPLOYER	WITNESS

## MBD 6.2

### DECLARATION CERTIFICATE FOR LOCAL PRODUCTION AND CONTENT FOR DESIGNATED SECTORS

This Municipal Bidding Document (MBD) must form part of all bids invited. It contains general information and serves as a declaration form for local content (local production and local content are used interchangeably).

Before completing this declaration, bidders must study the General Conditions, Definitions, Directives applicable in respect of Local Content as prescribed in the Preferential Procurement Regulations, 2017, the South African Bureau of Standards (SABS) approved technical specification number SATS 1286:2011 (Edition 1) and the Guidance on the Calculation of Local Content together with the Local Content Declaration Templates [Annex C (Local Content Declaration: Summary Schedule), D (Imported Content Declaration: Supporting Schedule to Annex C) and E (Local Content Declaration: Supporting Schedule to Annex C)].

#### 1. General Conditions

- 1.1. Preferential Procurement Regulations, 2017 (Regulation 8) make provision for the promotion of local production and content.
- 1.2. Regulation 8.(2) prescribes that in the case of designated sectors, organs of state must advertise such tenders with the specific bidding condition that only locally produced or manufactured goods, with a stipulated minimum threshold for local production and content will be considered.
- 1.3. Where necessary, for tenders referred to in paragraph 1.2 above, a two-stage bidding process may be followed, where the first stage involves a minimum threshold for local production and content and the second stage price and B-BBEE.
- 1.4. A person awarded a contract in relation to a designated sector, may not sub-contract in such a manner that the local production and content of the overall value of the contract is reduced to below the stipulated minimum threshold.
- 1.5. The local content (LC) expressed as a percentage of the bid price must be calculated in accordance with the SABS approved technical specification number SATS 1286: 2011 as follows:

$$LC = [1 - x / y] * 100$$

Where

x is the imported content in Rand

y is the bid price in Rand excluding value added tax (VAT)

Prices referred to in the determination of x must be converted to Rand (ZAR) by using the exchange rate published by South African Reserve Bank (SARB) at 12:00 on the date of advertisement of the bid as indicated in paragraph 4.1 below.

**The SABS approved technical specification number SATS 1286:2011 is accessible on [http://www.thedti.gov.za/industrial development/ip.jsp](http://www.thedti.gov.za/industrial%20development/ip.jsp) at no cost.**

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		BIDDER		WITNESS	EMPLOYER	WITNESS

1.6. A bid may be disqualified if this Declaration Certificate and the Annex C (Local Content Declaration: Summary Schedule) are not submitted as part of the bid documentation;

2. **The stipulated minimum threshold(s) for local production and content (refer to Annex A of SATS 1286:2011) for this bid is/are as follows:**

<u>Description of services, works or goods</u>	<u>Stipulated minimum threshold</u>
Steel	100%

3. Does any portion of the goods or services offer have any imported content?

(Tick applicable box)

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

3.1 If yes, the rate(s) of exchange to be used in this bid to calculate the local content as prescribed in paragraph 1.5 of the general conditions must be the rate(s) published by SARB for the specific currency at 12:00 on the date of advertisement of the bid.

The relevant rates of exchange information is accessible on [www.reservebank.co.za](http://www.reservebank.co.za)

Indicate the rate(s) of exchange against the appropriate currency in the table below (refer to Annex A of SATS 1286:2011):

Currency	Rates of exchange
US Dollar	
Pound Sterling	
Euro	
Yen	
Other	

NB: Bidders must submit proof of the SARB rate (s) of exchange used.

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		BIDDER		WITNESS	EMPLOYER	WITNESS

4. Where, after the award of a bid, challenges are experienced in meeting the stipulated minimum threshold for local content the dti must be informed accordingly in order for the dti to verify and in consultation with the AO/AA provide directives in this regard.

**LOCAL CONTENT DECLARATION**  
**(REFER TO ANNEX B OF SATS 1286:2011)**

**LOCAL CONTENT DECLARATION BY CHIEF FINANCIAL OFFICER OR OTHER LEGALLY RESPONSIBLE PERSON NOMINATED IN WRITING BY THE CHIEF EXECUTIVE OR SENIOR MEMBER/PERSON WITH MANAGEMENT RESPONSIBILITY (CLOSE CORPORATION, PARTNERSHIP OR INDIVIDUAL)**

**IN RESPECT OF BID NO.** .....

**ISSUED BY:** (Procurement Authority / Name of Institution):  
.....

NB

- 1 The obligation to complete, duly sign and submit this declaration cannot be transferred to an external authorized representative, auditor or any other third party acting on behalf of the bidder.
- 2 Guidance on the Calculation of Local Content together with Local Content Declaration Templates (Annex C, D and E) is accessible on [http://www.thdti.gov.za/industrial\\_development/ip.jsp](http://www.thdti.gov.za/industrial_development/ip.jsp). Bidders should first complete Declaration D. After completing Declaration D, bidders should complete Declaration E and then consolidate the information on Declaration C. **Declaration C should be submitted with the bid documentation at the closing date and time of the bid in order to substantiate the declaration made in paragraph (c) below.** Declarations D and E should be kept by the bidders for verification purposes for a period of at least 5 years. The successful bidder is required to continuously update Declarations C, D and E with the actual values for the duration of the contract.

I, the undersigned, ..... (Full names),  
do hereby declare, in my capacity as .....  
of .....(name of bidder entity), the  
following:

- (a) The facts contained herein are within my own personal knowledge.
- (b) I have satisfied myself that:
  - (i) the goods/services/works to be delivered in terms of the above-specified bid comply with the minimum local content requirements as specified in the bid, and as measured in terms of SATS 1286:2011; and
- (c) The local content percentage (%) indicated below has been calculated using the formula given in clause 3 of SATS 1286:2011, the rates of exchange indicated in paragraph 4.1 above and the information contained in Declaration D and E which has been consolidated in Declaration C:

Bid price, excluding VAT (y)	R
Imported content (x), as calculated in terms of SATS 1286:2011	R
Stipulated minimum threshold for local content (paragraph 3 above)	
Local content %, as calculated in terms of SATS 1286:2011	

**If the bid is for more than one product, the local content percentages for each product contained in Declaration C shall be used instead of the table above.**

<b>TENDER NO.</b>	8/3/1-20/2023				
		BIDDER	WITNESS	EMPLOYER	WITNESS

**The local content percentages for each product have been calculated using the formula given in clause 3 of SATS 1286:2011, the rates of exchange indicated in paragraph 4.1 above and the information contained in Declaration D and E.**

- (d) I accept that the Procurement Authority / Institution has the right to request that the local content be verified in terms of the requirements of SATS 1286:2011.
- (e) I understand that the awarding of the bid is dependent on the accuracy of the information furnished in this application. I also understand that the submission of incorrect data, or data that are not verifiable as described in SATS 1286:2011, may result in the Procurement Authority / Institution imposing any or all of the remedies as provided for in Regulation 14 of the Preferential Procurement Regulations, 2017 promulgated under the Preferential Policy Framework Act (PPPFA), 2000 (Act No. 5 of 2000).

**SIGNATURE:** \_\_\_\_\_

**DATE:** \_\_\_\_\_

**WITNESS No. 1** \_\_\_\_\_

**DATE:** \_\_\_\_\_

**WITNESS No. 2** \_\_\_\_\_

**DATE:** \_\_\_\_\_

<b>TENDER NO.</b>	8/3/1-20/2023					
		BIDDER		WITNESS	EMPLOYER	WITNESS

**Local Content Declaration - Summary Schedule**

(C1) Tender No.  
 (C2) Tender description:  
 (C3) Designated product(s)  
 (C4) Tender Authority:  
 (C5) Tendering Entity name:  
 (C6) Tender Exchange Rate:  
 (C7) Specified local content %

**Note: VAT to be excluded from all calculations**

# Annex C

Pula       EU       GBP

**Calculation of local content**

Tender item no's	List of items	Tender price - each (excl VAT)	Exempted imported value	Tender value net of exempted imported content	Imported value	Local value	Local content % (per item)
(C8)	(C9)	(C10)	(C11)	(C12)	(C13)	(C14)	(C15)

**Tender summary**

Tender Qty	Total tender value	Total exempted imported content	Total Imported content
(C16)	(C17)	(C18)	(C19)

(C20) Total tender value

(C21) Total Exempt imported content

(C22) Total Tender value net of exempt imported content

(C23) Total Imported content

(C24) Total local content

(C25) Average local content % of tender

Signature of tenderer from Annex B

Date: \_\_\_\_\_

TENDER NO.	8/3/1-20/2023					
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BIDDER

WITNESS

EMPLOYER

WITNESS

# Annex D

## Imported Content Declaration – Supporting Schedule to Annex C

(D1) Tender No.	
(D2) Tender Description	
(D3) Designated Products	
(D4) Tender Authority	
(D5) Tendering Entity Name	
(D6) Tender Exchange Rate	

Note: VAT to be excluded from all calculations

Pula	EU	GBP	
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A. Exempted imported content				Calculation of imported content						Summary	
Tender item no's	Description of imported content	Local supplier	Overseas Supplier	Foreign currency value as per Commercial Invoice	Tender Exchange Rate	Local value of imports	Freight costs to port of entry	All locally incurred landing costs & duties	Total landed cost excl VAT	Tender Qty	Exempted imported value
(D7)	(D8)	(D9)	(D10)	(D11)	(D12)	(D13)	(D14)	(D15)	(D16)	(D17)	(D18)
<i>This total must correspond with Annex C - C 21</i>									(D19) Total exempt imported value		

B. Imported directly by the Tenderer				Calculation of imported content						Summary	
Tender item no's	Description of imported content	Unit of measure	Overseas Supplier	Foreign currency value as per Commercial Invoice	Tender Exchange Rate	Local value of imports	Freight costs to port of entry	All locally incurred landing costs & duties	Total landed cost excl VAT	Tender Qty	Total imported value
(D20)	(D21)	(D22)	(D23)	(D24)	(D25)	(D26)	(D27)	(D28)	(D29)	(D30)	(D31)

TENDER NO.	8/3/1-20/2023				
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BIDDER

WITNESS

EMPLOYER

WITNESS

(D32) Total imported value by tenderer

**C. Imported by a 3rd party and supplied to the Tenderer**

**Calculation of imported content**

**Summary**

Description of imported content	Unit of measure	Local supplier	Overseas Supplier	Foreign currency value as per Commercial Invoice	Tender Exchange Rate	Local value of imports	Freight costs to port of entry	All locally incurred landing costs & duties	Total landed cost excl VAT	Tender Qty	Total imported value
(D33)	(D34)	(D35)	(D36)	(D37)	(D38)	(D39)	(D40)	(D41)	(D42)	(D43)	(D44)
<b>(D45) Total imported value by 3rd party</b>											

**B. Imported directly by the Tenderer**

**Calculation of foreign currency payments**

**Summary of payments**

Type of payment	Local supplier making the payment	Overseas beneficiary	Foreign currency value paid	Tender Rate of Exchange	Local value of payments
(D46)	(D47)	(D48)	(D49)	(D50)	(D51)

(D52) Total of foreign currency payments declared by tenderer and/or 3rd party

(D53) Total of imported content & foreign currency payments - (D32), (D45) & (D52) above

**This total must correspond with Annex C - C 23**

Signature of tenderer from Annex B

\_\_\_\_\_

Date: \_\_\_\_\_

TENDER NO.	8/3/1-20/2023					
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BIDDER

WITNESS

EMPLOYER

WITNESS

# Annex E

SATS 1286.2011

## Local Content Declaration - Supporting Schedule to Annex C

**Note:** VAT to be excluded from all calculations

Tender description:

Designated products:

Tender Authority:

Tendering Entity name:

**Local Products (Goods, Services and Works)**

Description of items purchased

Local suppliers

Value

(E6)

(E7)

(E8)

**(E9) Total local products (Goods, Services and Works)**

**Manpower costs**

(E10)( Tenderer's manpower cost)

TENDER NO.	8/3/1-20/2023				
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BIDDER

WITNESS

EMPLOYER

WITNESS

**Factory overheads**

(E11) (Rental, depreciation & amortization, utility costs, consumables etc.)

**Administration overheads and mark-up**

(E12) (Marketing, insurance, financing, interest etc.)

**(E13) Total local content**

Signature of tenderer from Annex B

**This total must correspond with Annex  
C - C24**

\_\_\_\_\_

Date: \_\_\_\_\_

*The guidance document can be found at: [www.dti.gov.za/industrial\\_development/docs/ip/guideline](http://www.dti.gov.za/industrial_development/docs/ip/guideline)*

<b>TENDER NO.</b>	<b>8/3/1-20/2023</b>					
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BIDDER

WITNESS

EMPLOYER

WITNESS

## MBD 7.1

### CONTRACT FORM – PURCHASE OF GOODS / WORKS

**THIS FORM MUST BE FILLED BY BOTH THE SERVICE PROVIDER (PART 1) AND THE EMPLOYER / MUNICIPALITY (PART 2) AND SIGNED IN THE ORIGINAL.**

#### PART 1 (TO BE FILLED IN BY THE BIDDER)

3 I hereby undertake to supply all or any of the goods and/or works described in the attached bidding documents to Govan Mbeki Municipality in accordance with the requirements and task directives / proposals specifications stipulated in bid number **8/3/1 – 11/2023** at the price/s quoted. My offer/s remains binding upon me and open for acceptance by the Employer / Municipality during the validity period indicated and calculated from the closing date of the bid.

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

2.1 Bidding documents, viz

- Invitation to bid;
- Tax clearance certificate;
- Pricing schedule(s);
- Technical specification(s)
- Preference claims in terms of the Preferential Procurement Regulations 2022;
- Declaration of interest;
- Declaration of Bidder's past SCM practices;
- Certificate of Independent Bid Determination;
- Special Conditions of Contract;

1.2 General Conditions of Contract;

1.3 Other (specify)

2. 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.

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

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

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

<b>SIGNED AT</b>	<b>AUTHORIZED SIGNATURE (UNDERSIGNED)</b>
<b>DATE</b>	<b>NAME AND CAPACITY</b>
<b>WITNESSES: (SIGNATURE)</b>	<b>DATE</b>
1.	
2.	

<b>TENDER NO.</b>	8/3/1-20/2023					
		BIDDER		WITNESS	EMPLOYER	WITNESS

<b>TENDER NO.</b>	<b>8/3/1-20/2023</b>					
		BIDDER		WITNESS	EMPLOYER	WITNESS

**MBD 7.1**

**CONTRACT FORM – PURCHASE OF GOODS / WORKS**

**PART 2 (TO BE FILLED IN BY THE EMPLOYER / MUNICIPALITY)**

1. I \_\_\_\_\_ in my capacity  
 as \_\_\_\_\_ accept your bid under  
 reference number **8/3/1 – 11/2023** dated \_\_\_\_\_  
 for the rendering of services hereunder and/or further specified in the annexures.
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.

ITEM NO.	PRICE (ALL APPLICABLE TAXES INCLUDED)	BRAND	DELIVERY PERIOD

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

<b>SIGNED AT</b>	<b>AUTHORIZED SIGNATURE (UNDERSIGNED)</b>
<b>DATE</b>	<b>NAME AND CAPACITY</b>
<b>WITNESSES: (SIGNATURE)</b>	<b>OFFICIAL STAMP</b>
1.	

<b>TENDER NO.</b>	8/3/1-20/2023					
		BIDDER		WITNESS	EMPLOYER	WITNESS

**MBD 7.2**

**CONTRACT FORM - RENDERING OF SERVICES/GOODS**

**THIS FORM MUST BE FILLED IN BY BOTH THE SERVICE PROVIDER (PART 1) AND THE EMPLOYER / MUNICIPALITY (PART 2) AND SIGNED IN THE ORIGINAL.**

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

- I hereby undertake to render the services as described in the attached bidding documents to Govan Mbeki Municipality in accordance with the requirements and task directives / proposals specifications stipulated in bid number **8/3/1- 20/2023** at the price/s quoted. My offer/s remains binding upon me and open for acceptance by the Employer / Municipality during the validity period indicated and calculated from the closing date of the bid.
1. The following documents shall be deemed to form and be read and construed as part of this agreement:
    - 2.1 Bidding documents, viz
      - Invitation to bid;
      - Tax clearance certificate;
      - Pricing schedule(s);
      - Filled in task directive/proposal;
      - Preference claims in terms of the Preferential Procurement Regulations 2022;
      - Declaration of interest;
      - Declaration of Bidder's past SCM practices;
      - Certificate of Independent Bid Determination;
      - Special Conditions of Contract;
    - 1.2 General Conditions of Contract;
    - 1.3 Other (specify)
  2. 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.
  3. I accept full responsibility for the proper execution and fulfillment of all obligations and conditions devolving on me under this agreement as the principal liable for the due fulfillment of this contract.
  4. I declare that I have no participation in any collusive practices with any bidder or any other person regarding this or any other bid.
  5. I confirm that I am duly authorized to sign this contract.

<b>SIGNED AT</b>	<b>AUTHORIZED SIGNATURE (UNDERSIGNED)</b>
<b>DATE</b>	<b>NAME AND CAPACITY</b>
<b>WITNESSES: (SIGNATURE)</b>	<b>DATE</b>
1.	
2.	

<b>TENDER NO.</b>	8/3/1-20/2023				
	BIDDER	WITNESS	EMPLOYER	WITNESS	

**MBD 7.2**

**CONTRACT FORM - RENDERING OF SERVICES/GOODS**

**PART 2 (TO BE FILLED IN BY THE EMPLOYER / MUNICIPALITY)**

I \_\_\_\_\_ in my capacity

As \_\_\_\_\_ accept your bid under

reference number **8/3/1- 20/2023** dated \_\_\_\_\_

for the rendering of services hereunder and/or further specified in the annexures.

1. An official order indicating service delivery instructions is forthcoming.
2. 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	MINIMUM THRESHOLD FOR LOCAL PRODUCTION & CONTENT (IF APPLICABLE)

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

<b>SIGNED AT</b>	<b>AUTHORIZED SIGNATURE (UNDERSIGNED)</b>
<b>DATE</b>	<b>NAME AND CAPACITY</b>
<b>WITNESSES: (SIGNATURE)</b>	<b>OFFICIAL STAMP</b>
1.	

<b>TENDER NO.</b>	8/3/1-20/2023					
		BIDDER		WITNESS	EMPLOYER	WITNESS

## MBD 8

### DECLARATION OF BIDDERS PAST SUPPLY CHAIN MANAGEMENT PRACTICES

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

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

TENDER NO.	8/3/1-20/2023					
		BIDDER		WITNESS	EMPLOYER	WITNESS

Item	Question	Yes	No
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 to any other municipality / municipal entity, that is in arrears for more than three months?	Yes	No
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	No
4.5.1	If so, furnish particulars:		

### **CERTIFICATION**

I, the undersigned certify that the information furnished on this declaration form true and correct.

I accept that, in addition to cancellation of a contract, action may be taken against me should this declaration prove to be false.

<b>NAME OF REPRESENTATIVE</b>	<b>AUTHORIZED SIGNATURE (UNDERSIGNED)</b>
<b>DATE</b>	<b>CAPACITY</b>

**MBD 9**

### **CERTIFICATE OF INDEPENDENT BID DETERMINATION**

1 This municipal bidding document (MBD) must form part of all bids<sup>1</sup> invited.

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<b>TENDER NO.</b>	8/3/1-20/2023				
	BIDDER	WITNESS	EMPLOYER	WITNESS	

- 2 Section 4(1)(b)(iii) of the Competition Act No. 89 of 1998, as amended, prohibits an agreement between, or concerted practice by, firms, or a decision by an association of firms, if it is between parties in a horizontal relationship and if it involves collusive bidding (or bid rigging). <sup>2</sup>Collusive bidding is a *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:
  - 3.1. take all reasonable steps to prevent such abuse;
  - 3.2. 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
  - 3.3. 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.**

TENDER NO.	8/3/1-20/2023					
		BIDDER		WITNESS	EMPLOYER	WITNESS

**MBD 9**

**CERTIFICATE OF INDEPENDENT BID DETERMINATION**

I, the undersigned, in submitting the accompanying bid:

**TENDER 8/3/1 – 20/2023: APPOINTMENT OF A PANEL OF FIVE (5) SERVICE PROVIDERS FOR SUPPLY AND DELIVERY OF ROAD TRAFFIC SIGNS AT GOVAN MBEKI FOR THIRTY-SIX (36) MONTHS**

in response to the invitation for the bid made by:

<b>NAME OF MUNICIPALITY / MUNICIPAL ENTITY</b>

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

I certify, on behalf of:

<b>NAME OF REPRESENTATIVE</b>

that:

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.

<b>TENDER NO.</b>	8/3/1-20/2023					
		BIDDER		WITNESS	EMPLOYER	WITNESS

6. The bidder has arrived at the accompanying bid independently from, and without consultation, communication, agreement or arrangement with any competitor. However, communication between partners in a joint venture or consortium<sup>3</sup> will not be construed as collusive bidding.
7. In particular, without limiting the generality of paragraphs 6 above, there has been no consultation, communication, agreement or arrangement with any competitor regarding:
- 7.1 Prices;
  - 7.2 Geographical area where product or service will be rendered (market allocation);
  - 7.3 Methods, factors or formulas used to calculate prices;
  - 7.4 The intention or decision to submit or not to submit a bid;
  - 7.5 The submission of a bid which does not meet the specifications and conditions of the bid; or
  - 7.6 Bidding with the intention not to win the bid.
8. In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications and conditions or delivery particulars of the products or services to which this bid invitation relates.
9. The terms of the accompanying bid have not been, and will not be, disclosed by the bidder, directly or indirectly, to any competitor, prior to the date and time of the official bid opening or of the awarding of the contract.
- <sup>3</sup> **Joint venture or consortium means an association of persons for the purpose of combining their expertise, property, capital, efforts, skill and knowledge in an activity for the execution of a contract.**
10. I am aware that, in addition and without prejudice to any other remedy provided to combat any restrictive practices related to bids and contracts, bids that are suspicious will be reported to the Competition Commission for investigation and possible imposition of administrative penalties in terms of section 59 of the Competition Act No. 89 of 1998 and or may be reported to the National Prosecuting Authority (NPA) for criminal investigation and or may be restricted from conducting business with the public sector for a period not exceeding ten (10) years in terms of the Prevention and Combating of Corrupt Activities Act No. 12 of 2004 or any other applicable legislation.

<b>NAME OF REPRESENTATIVE</b>	<b>AUTHORIZED SIGNATURE (UNDERSIGNED)</b>
<b>DATE</b>	<b>CAPACITY</b>

<b>TENDER NO.</b>	8/3/1-20/2023				
	BIDDER	WITNESS	EMPLOYER	WITNESS	

**THE CONTRACT**

<b>TENDER NO.</b>	<b>8/3/1-20/2023</b>					
		BIDDER		WITNESS	EMPLOYER	WITNESS

**C1 AGREEMENTS AND CONTRACT DATA**

<b>TENDER NO.</b>	8/3/1-20/2023					
		BIDDER		WITNESS	EMPLOYER	WITNESS

## C1.1 FORM OF OFFER & ACCEPTANCE

### C1.1.1 FORM OF OFFER (COMPULSORY)

The employer, identified in the acceptance signature block, has solicited offers to enter into a contract for the following project:

Bid / Tender Number	8/3/1- 20/2023
Tender Title	APPOINTMENT OF A PANEL OF FIVE (5) SERVICE PROVIDERS FOR SUPPLY AND DELIVERY OF ROAD TRAFFIC SIGNS AT GOVAN MBEKI MUNICIPALITY FOR THIRTY-SIX (36) MONTHS

The tenderer, identified in the offer signature block, has examined the documents listed in the tender data and addenda thereto as listed in the returnable schedules, and by submitting this offer has accepted the conditions of tender.

By the representative of the tenderer, deemed to be duly authorized, signing this part of this form of offer and acceptance, the tenderer offers to perform all of the obligations and liabilities of the service provider / consultant 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 THE FOLLOWING:**

AMOUNT IN WORDS (INCL. VAT)	AMOUNT IN FIGURES ( INCL VAT)
RAND	R

**\*\*AMOUNT MUST BE IN WORDS AS WELL AS FIGURES**

This offer may be accepted by the employer by communicating such acceptance in writing to the tenderer or by signing the acceptance part of this Form of Offer and Acceptance and returning one copy thereof to the tenderer, whereupon the tenderer becomes the party named as the provider / consultant in the conditions of contract identified in the contract data.

Signature Block: Tenderer			
Signature		Date	
Name			
Capacity			
Name of organization			
Address of organization			

TENDER NO.	8/3/1-20/2023					
		BIDDER	WITNESS	EMPLOYER	WITNESS	

Signature of witness		Date	
Name of witness			

**C1.1.2 FORM OF ACCEPTANCE**

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

The terms of the contract, are contained in:

- Part C1 Agreements and contract data, (which includes this agreement)
- Part C2 Pricing data
- Part C3 Scope of work.
- Service Level of Agreement as signed by the parties.

and documents or parts thereof, which may be incorporated by reference into Parts C1 to C3 above.

Deviations from and amendments to the documents listed in the tender data and any addenda thereto as listed in the tender schedules, will only be valid if reduced to writing and signed by both parties.

The tenderer shall within two weeks after receiving a completed copy of this agreement, contact the employer’s agent (whose details are given in the contract data) to arrange the delivery of any bonds, guarantees, proof of insurance and any other documentation to be provided in terms of the conditions of contract identified in the contract data. Failure to fulfill any of these obligations in accordance with those terms shall constitute a repudiation of this agreement.

Unless otherwise specified elsewhere in this bidding document or any subsequent written agreement entered into between the parties, this agreement comes into effect on the date when the Employer communicates the acceptance and/or conditions of acceptance of the tenderer’s offer in writing or signs the acceptance part of the Offer and Acceptance, whichever occurs first.

<b>Signature Block: Employer</b>			
Signature		Date	
Name			

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Capacity			
Name of organization	Govan Mbeki Municipality		
Address of organization	Horwood Street, Secunda CBD, Secunda,2302		
Signature of witness		Date	
Name of witness			

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**C1.1.3 SCHEDULE OF DEVIATIONS**

**STANDARIZED ITEMS OF SCHEDULE OF DEVIATIONS:**

- Any clarification of the terms of the offer provided by the tenderer in writing
- Any clarification, confirmation or changes to the documents provided by the Employer in writing prior to or simultaneous with award / written acceptance of the offer,

1	Subject	
	Details	
2	Subject	
	Details	
3	Subject	
	Details	
4	Subject	
	Details	

By the duly authorized representatives signing this agreement, the employer and the tenderer agree to and accept the foregoing schedule of deviations as the only deviations from and amendments to the documents listed in the tender data and addenda thereto as listed in the tender schedules, as well as any confirmation, clarification or changes to the terms of the offer agreed by the tenderer and the employer during this process of offer and acceptance.

It is expressly agreed that no other matter whether in writing, oral communication or implied during the period between the issue of the tender documents and the receipt by the tenderer of written acceptance of its offer shall have any meaning or effect in the contract between the parties arising from this agreement.

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## C1.2 CONTRACT DATA

### PART 1 - DATA PROVIDED BY THE EMPLOYER

The employer is the <b>Govan Mbeki Municipality</b> .	
<b>The authorized and designated representative of the employer is:</b>	
Name of employer:	Govan Mbeki Municipality
The address for receipt of communications is:	Govan Mbeki Municipality Horwood Street Secunda CBD Secunda 2302
Telephone:	(017) 638 0600
Facsimile:	N/A
Email:	<a href="mailto:Happy.d@govanmbeki.gov.za">Happy.d@govanmbeki.gov.za</a>
The project bid number and name:	<b>TENDER 8/3/1 – 20/2023: APPOINTMENT OF A PANEL OF FIVE (5) SERVICE PROVIDERS FOR SUPPLY AND DELIVERY OF ROAD TRAFFIC SIGNS AT GOVAN MBEKI MUNICIPALITY FOR THIRTY-SIX (36) MONTHS</b>
<p>Note:</p> <p>The location for the performance of the Project is <b>the municipal area of Govan Mbeki</b>. The service provider is required to provide the Service with all reasonable care, diligence and skill in accordance with generally accepted professional techniques and standards. The service provider is required to obtain the employer's prior approval in writing before taking any of the following actions:</p> <ul style="list-style-type: none"> <li>- Appointing subcontractors for the performance of any part of the services,</li> <li>- Appointing key persons or personnel not listed by name in the contract data.</li> <li>- Copyright of documents prepared for the project shall be vested with the employer.</li> </ul>	

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**PART 2 - DATA PROVIDED BY THE SERVICE PROVIDER**

The service provider is	
Name	
Address	
Telephone:	
Facsimile:	
The authorized and designated representative of the service provider is	
Name	
The address for receipt of communications is	
Telephone	
Facsimile	
Email	

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## C2 PRICING SCHEDULE

### C2.1 PRICING INSTRUCTIONS

- a) These pricing instructions provide the tenderer with guidelines and requirements with regard to the completion of the pricing schedule. These pricing instructions also describe the criteria and assumptions which will be assumed in the contract to have been taken into account by the tenderer when developing his prices.
- b) The pricing schedule shall be read with all the documents which form part of this contract.
- c) The following words have the meaning hereby assigned to them:

Words/Abbreviation	Meaning
Example: M	Meter

- d) The rates to be inserted in the pricing schedule are to be full inclusive for the work described under the specification. Such rates shall cover all costs and expenses that may be required in and for the execution of the work described, and shall cover the cost of all general risks, liabilities, and obligations set forth or implied in the documents on which the tender is based, as well as overhead charges and profit.
- e) A rate is to be entered against each item in the Schedule of Fees and Disbursements. An item against which no rate is entered will invalidate your offer. Alterations must be acknowledged as per clause 2.11 of '1.3 STANDARD CONDITIONS OF TENDER'.
- f) All rates and sums of money quoted in the pricing schedule shall be in Rands and whole cents. Fractions of a cent shall be discarded.
- g) All travelling costs, accommodation, meals and other incidental costs are to be included in the time-based costs.
- h) Provisional amounts shall only be expended on the specific instruction of the Employer.
- i) All prices and rates entered in the pricing schedule must be **exclusive of Value Added Tax (VAT)**.
- j) If registered VAT is should be added at below the schedule. If not, VAT registered indicate zero or "- "
- k) Only firm prices will be accepted. Non-firm prices (including prices subject to rates of exchange variations) will not be considered.
- l) In cases where different delivery points influence the pricing, a separate pricing schedule must be submitted for each delivery point.
- m) In cases of contract periods longer than 12 months and price adjustments is applicable, it will be based on CPI. If higher inflation is required indicate CPI +

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and number %.

- n) If the tender required firm (fixed prices) the amount indicated in Colum D will be the tender amount.
- o) If the tender amount is payable at end of contract on delivery of goods and services, Scratch out total per month with N/A or “- “
- p) If the tender amount is based on rates (Column B), the tender will be awarded to the rate and the total contract amount will only be used for evaluation purposes.

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**C2.2 MBD 3.1 BID PRICE**

**BID PRICE**

**BID NO: 8/3/1-20/2023: APPOINTMENT OF A PANEL OF FIVE (5) SERVICE PROVIDERS FOR SUPPLY AND DELIVERY OF ROAD TRAFFIC SIGNS AT GOVAN MBEKI MUNICIPALITY FOR PERIOD OF 36 MONTHS, AS AND WHEN REQUIRED**

**1. PRICE SCHEDULE (BILL OF QUANTITIES)**

No	Description	Qty	Price	Total
1	Assembled R1 SABS approved Road Traffic STOP Sign	1		
2	Assembled R2 SABS approved Road Traffic YIELD Sign	1		
3	Assembled R217 SABS approved Road Traffic NO STOPPING Sign	1		
4	Assembled R3 SABS approved Road Traffic NO ENTRY Sign	1		
5	Assembled R216 SABS approved Road Traffic NO PARKING Sign	1		
6	Assembled W307 SABS approved Road Traffic PEDESTRIAN AHEAD Sign	1		
7	Assembled W310 SABS approved Road Traffic Speed Humps Sign	1		
8	Assembled R201 SABS approved Road Speed Limit Signs 40,60	1		
9	Assembled R227 & R228 SABS approved Road Traffic Trucks Prohibited Sign	1		
10	Assembled R207 SABS approved Road Traffic No Hiking/ High Hijacking Zone Sign	1		

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11	Assembled Road Traffic Roadblock Ahead Sign	1		
12	Assembled W305 SABS approved Road Traffic Scholar Patroller Ahead Sign	1		
13	Assembled Road Traffic Circle Ahead Sign	1		
14	Assembled Roadblock Ramp	1		
15	Road Traffic Cones (soft pvc orange with reflective tape 300mm)	1		
16	4m Steel Poles with Clamps, bolts & nuts	1		
<b>TOTAL</b>				
<b>VAT @ 15%</b>				
<b>GRAND TOTAL</b>				

**OFFER TO BE VALID FOR 90 DAYS FROM THE CLOSING DATE OF BID**

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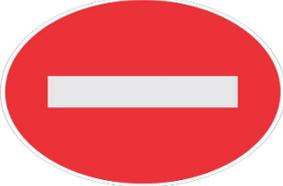
## SPECIFICATIONS

All goods need to comply with the minimum specifications set below:

Assembling specifications:

ROAD TRAFFIC SIGN		ASSEMBLING SPECIFICATIONS	
1	<b>Assembled R1 SABS approved Road Traffic STOP Sign</b>	Must be assembled with a 4m x 76mm – 110mm diameter, 1,6 – 5mm thick mild steel, hot dipped galvanized, painted with base primer and 2k baked or natural cure paint finish Pole, complying with SANS 457-3:2000 clamped to that pole with bolts, washer & nuts	
2	<b>Assembled R2 SABS approved Road Traffic YIELD Sign</b>	Must be assembled with a 4m x 76mm – 110mm diameter, 1,6 – 5mm thick mild steel, hot dipped galvanized, painted with base primer and 2k baked or natural cure paint finish Pole, complying with SANS 457-3:2000 clamped to that pole with bolts, washer & nuts	
3	<b>Assembled R217 SABS approved Road Traffic NO STOPPING Sign</b>	Must be assembled with a 4m x 76mm – 110mm diameter, 1,6 – 5mm thick mild steel, hot dipped galvanized,	

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		<p>painted with base primer and 2k baked or natural cure paint finish Pole, complying with SANS 457-3:2000 clamped to that pole with bolts, washer &amp; nuts</p>	
4	<p><b>Assembled R3 SABS approved Road Traffic NO ENTRY Sign</b></p>	<p>Must be assembled with a 4m x 76mm – 110mm diameter, 1,6 – 5mm thick mild steel, hot dipped galvanized, painted with base primer and 2k baked or natural cure paint finish Pole, complying with SANS 457-3:2000 clamped to that pole with bolts, washer &amp; nuts</p>	
5	<p><b>Assembled R216 SABS approved Road Traffic NO PARKING Sign</b></p>	<p>Must be assembled with a 4m x 76mm – 110mm diameter, 1,6 – 5mm thick mild steel, hot dipped galvanized, painted with base primer and 2k baked or natural cure paint finish Pole, complying with SANS 457-3:2000 clamped to that pole with bolts, washer &amp; nuts</p>	
6	<p><b>Assembled W307 SABS approved Road Traffic PEDESTRIAN AHEAD Sign</b></p>	<p>Must be assembled with a 4m x 76mm – 110mm diameter, 1,6 – 5mm thick mild steel, hot dipped galvanized,</p>	

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		<p>painted with base primer and 2k baked or natural cure paint finish Pole, complying with SANS 457-3:2000 clamped to that pole with bolts, washer &amp; nuts</p>	
7	<p><b>Assembled W310 SABS approved Road Traffic Speed Humps Sign</b></p>	<p>Must be assembled with a 4m x 76mm – 110mm diameter, 1,6 – 5mm thick mild steel, hot dipped galvanized, painted with base primer and 2k baked or natural cure paint finish Pole, complying with SANS 457-3:2000 clamped to that pole with bolts, washer &amp; nuts</p>	
8	<p><b>Assembled R201 SABS approved Road Speed Limit Signs 40,60</b></p>	<p>Must be assembled with a 4m x 76mm – 110mm diameter, 1,6 – 5mm thick mild steel, hot dipped galvanized, painted with base primer and 2k baked or natural cure paint finish Pole, complying with SANS 457-3:2000 clamped to that pole with bolts, washer &amp; nuts</p>	
9	<p><b>Assembled R227 &amp; R228 SABS approved Road Traffic Trucks Prohibited Sign</b></p>	<p>Must be assembled with a 4m x 76mm – 110mm diameter, 1,6 – 5mm thick mild steel, hot dipped galvanized,</p>	

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		<p>painted with base primer and 2k baked or natural cure paint finish Pole, complying with SANS 457-3:2000 clamped to that pole with bolts, washer &amp; nuts</p>	
10	<p><b>Assembled R207 SABS approved Road Traffic No Hiking/ High Hijacking Zone Sign</b></p>	<p>Must be assembled with a 4m x 76mm – 110mm diameter, 1,6 – 5mm thick mild steel, hot dipped galvanized, painted with base primer and 2k baked or natural cure paint finish Pole, complying with SANS 457-3:2000 clamped to that pole with bolts, washer &amp; nuts</p>	
11	<p><b>Assembled Road Traffic Roadblock Ahead Sign</b></p>	<p>Must be assembled on a stand-alone triangle stand</p>	
12	<p><b>Assembled W305 SABS approved Road Traffic Scholar Patroller Ahead Sign</b></p>	<p>Must be assembled with a 4m x 76mm – 110mm diameter, 1,6 – 5mm thick mild steel, hot dipped galvanized, painted with base primer and 2k baked or natural cure paint finish Pole, complying with SANS 457-3:2000 clamped to that pole with bolts, washer &amp; nuts</p>	

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13	<b>Assembled Road Traffic Circle Ahead Sign</b>	Must be assembled with a 4m x 76mm – 110mm diameter, 1,6 – 5mm thick mild steel, hot dipped galvanized, painted with base primer and 2k baked or natural cure paint finish Pole, complying with SANS 457-3:2000 clamped to that pole with bolts, washer & nuts	
14	<b>Assembled Roadblock Ramp</b>	Portable speed bumps: 3000mm length x 200mm width x 25mm height	
15	<b>Road Traffic Cones</b>	Manufactured in a fluorescent red-orange or fluorescent red plastic material, with a minimum height of 450mm high, fitted with white retroreflective sleeves	
16	<b>4m Steel Poles with Clamps, bolts &amp; nuts</b>	4m x 76mm – 110mm diameter, 1,6 – 5mm thick mild steel, hot dipped galvanized, painted with base primer and 2k baked or natural cure paint finish Pole, complying with SANS 457-3:2000.	

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**COLOUR SPECIFICATION**

The colour specification with which road traffic sign shall comply are given in a number of SABS

Standard specification as follows:

- SABS 1519-1990
- SABS 731-1987

Designers, authorities and manufactures must ensure that their specifications and manufacturing methods results in road traffic signs which comply with the SABS colour specifications and that they remain within the accepted tolerance level for the expected life of the sign particular should monitor performance in this regard since early colour have serious cost implications.

**RETROREFLECIVE MATERIAL**

*\*Class 1 material of retroreflective must be used in road traffic signs*

*\*Road signs and road markings are specified with retroreflective materials.*

**SIGNS SIZES**

A range of standards signs is catered for and have been rationalized to rounded metric dimension e.g.: 600mm, 900mm and 1200mm and to be mounted on a steel pole.

- **NB: ESCALATION OF PRICES SHOULD BE PER ANNUM AFTER 12 MONTHS OF THE CONTRACT, CALCULATED ON THE CPI IN RESPECT OF THE MONTH IN WHICH ESCALATION IS APPLIED (THE ANNIVERSARY MONTH).**
- **ALLOCATION OF WORK WILL BE LIMITED TO THE AVAILABLE BUDGET**
- **SERVICE PROVIDER CAN BE EXPECTED TO DELIVER ANY OTHER SIGNS NOT LIST ON THIS TENDER BOQ.**

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**A. MANDATORY INFORMATION TO BE SUBMITTED**

All attachments as indicated on the tender advert and all supporting documents requested for evaluation purposes.

**B. JOINT VENTURES AND CONSORTIUMS**

Joint ventures or consortia's or sub-contracting will be accepted on this tender.

**C. PERIOD OF TENDER**

The period of the tender will be 36 months (three years) but should work rendered be unsatisfactory the contract can be summarily terminated.

**D. SERVICE LEVEL AGREEMENT**

A service level agreement will be entered into on appointed service providers.

**E. ACCEPTANCE OF OFFER**

The Municipality reserves the right not to award the tender or any part of the tender subject to the availability of budgetary funds.

**F. PENALTIES**

Penalties will apply as set out in the SLA.

**G. VALIDITY PERIOD**

The tender shall be valid for 90 days from date of opening the tender.

**GENERAL CONDITIONS OF CONTRACT**

The General Conditions of Contract are not included in this document and may be downloaded from the following website – [www.treasury.gov.za/legislation](http://www.treasury.gov.za/legislation).

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**ALL DOCUMENTS MUST BE ATTACHED HERE**

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