



MAPHUMULO LOCAL MUNICIPALITY

INVITATION TO BID: PRIVATE INVESTIGATOR

BID NO : KZN294/R0103/BTO/2024

MARCH 2024

**The Municipal Manager
Maphumulo Local Municipality
Private Bag X9025
Maphumulo
4470**

Tel: 032 481 4500 Fax: 032 481 2053

NAME OF THE COMPANY :

CONTACT PERSON :

TELEPHONE :

FAX :

ADDRESS :

TENDER CLOSES: AT 12H00 MIDDAY, THURSDAY 18 APRIL 2024

**INVITATION FOR PROPOSALS
PRIVATE INVESTIGATOR
BID NO: KZN294/R0103/BTO/2024**

The Maphumulo Local Municipality invites proposals from qualified and experienced professional service providers to undertake an investigation to determine the veracity and merits of various allegations, complaints and/or queries regarding the implementation of the Construction project and Fleet Management.

Bidders must submit their proposals on the official Municipal bidding documents, which will be available at the Municipal offices, located at **MR 711, LOT 152, Maphumulo as from Thursday, 28 March 2024 until Thursday, 18 April 2024 before 12H00 Midday and may be downloaded on Municipal website at no cost.** A non-refundable document fee of R500.00 is payable if collected at the Municipality and payment must be deposited at **ABSA Bank**, account number: **4056102866**. No Cash is allowed. **The Municipality will not be held responsible for any incomplete documents downloaded on Municipality website.**

Completed tender documents must be in a sealed envelope clearly marked "**PRIVATE INVESTIGATOR**" and placed in tender box located at: **Maphumulo Municipal Offices, MR 711, LOT 152, Maphumulo** by no later than **12h00 on Thursday, 18 April 2024**. Documents will be opened in public. **Late, telegraphic, faxed, emailed, or posted tenders will not be accepted.** Bidders must attach the following **mandatory returnable documents** in order to be considered for this bid:

- Printed Copy of tax **PIN** for further verification.
- **Certified ID(s) copies** of company director(s) (**Not older than 3 months**).
- Copy of company registration.
- Company municipal rates, electricity or water account **not older than 3 months**, proof of Residential lease or rental or affidavit accompanied by proof of resident if the business operates at a place of residence or rural areas where they are no rates paid.
- Completed and signed Municipal Bidding Document attached in the tender document.
- ACFE membership/member of ICFP
- Copy of CSD (detailed report).

Evaluation will be done on the following two-stage process in terms of National Treasury Circular No: 53 and Municipal SCM policy.

Stage 1:

Evaluation of functionality in terms of MFMA Circular 53. Only the service providers who achieve a minimum of 70% points of the total points will qualify for stage two of the Evaluation process.

The points for stage one will be allocated as follows:

| FUNCTIONALITY | POINTS |
|---|---------------|
| Reference letter/reports writing and judicial proceedings | 30 |
| Qualification and experience | 30 |
| Provision of detailed business | 20 |
| Lead time | 20 |
| TOTAL | 100 |

Stage 2:

The 80/20 preferential point system will be applied, where 80 points will be allocated for price and 20 points for Municipality specific goals.

| PREFERENCE | 80/20 | Documents required for verification |
|----------------------|-------|--|
| Within KZN Province | 20 | Company municipal accounts not older than 90 days Sworn affidavit accompanied by proof of resident if you are residing in rural areas -signed and valid lease agreement |
| Outside KZN Province | 10 | Company municipal accounts not older than 90 days Sworn affidavit accompanied by proof of resident if you are residing in rural areas -signed and valid lease agreement |

All Technical enquiries relating to this tender must be directed to **Mr. S Mbatha Tel. Number: 032 481 4500** or emailed **Sbonelo.Mbatha@maphumulo.gov.za** and **SCM related enquiries must be directed to Mr. SI Manqele on 032 481 4500** during office hours (7:30 - 16:00) weekdays. The Maphumulo Municipality does not bind itself to accept the lowest or any tender and this tender will be valid for the period of 90 days after closing.

Mr. T. KHULUSE
MUNICIPAL MANAGER

PREAMBLE

The Maphumulo Local Municipality invites proposals from qualified and experienced professional service providers to undertake an investigation to determine the veracity and merits of various allegations, complaints and/or queries regarding the implementation of the Construction project and Fleet Management.

SCOPE OF THE INVESTIGATION

The investigation will look at the various allegations, complaints and/or concerns relating to the non-completion of construction project, Fleet Management and determine whether there is merit to any or all of the allegations, complaints and/or queries. More specifically, the investigation must establish whether:

- a) There was poor monitoring of project.
- b) There was any collusion and/or improper conduct between municipal official/s and implementing agent/s;
- c) There was any prejudice or potential prejudice suffered by the Maphumulo Municipality as a result of noncompletion of projects and/or improper conduct, if any, flowing from the matters under investigation.
- d) There is any breach of contract conditions by the contractor and consultant in execute their responsibilities as per contracts.
- e) There are any municipal officials within the Maphumulo Municipality that have conducted themselves in a manner that has prejudiced or has the potential to prejudice the implementation of the project.
- f) There are any external factors that negatively affect the implementation of the project.
- g) The value for money on the work done constituted 78%.
- h) Noncompliance with municipal Fleet management Policy.
- i) Use of municipal fleet for personal gain.
- j) There was collusion between municipal officials with people outside the municipality.
- k) There was improper conduct by employees against code of conduct.
- l) Based on findings, make appropriate recommendations.

The investigation must also consider any lessons to be learnt from the experience and best practices in the implementation of the capital projects. Municipal officials will be expected to assist this investigation by responding to questions and providing any requested documentation. Any failure to co-operate should be immediately reported to the Accounting Officer.

CONDITIONS OF BID AND INSTRUCTIONS TO BIDDER

General

Completed tender documents must be in a sealed envelope clearly marked "**PRIVATE INVESTIGATOR**" and placed in tender box located at: **Maphumulo Municipal Offices, MR 711, LOT 152, Maphumulo** by no later than **12h00 Midday on Thursday, 18 April 2024**. Documents will be opened in public. Late, telegraphic, faxed, emailed, or posted tenders will not be accepted.

All SCM related queries are to be directed to Mr S Manqele at the Supply Chain Management offices on 032 481 4561 or email to Samkelo.Manqele@maphumulo.gov.za and technical issues must be directed to Mr S. Mbatha on 032 481 4500 during office hours or email to Sbonelo.Mbatha@maphumulo.gov.za.

Maphumulo Local Municipality reserves the right to reject any or all Bids submitted, and to withdraw its decision to proceed with this undertaking at any time.

BID PERIOD

The Bids shall remain valid for 90 days from the final date for submission of Bids.

Maphumulo Local Municipality shall notify the accepted Bidder, if any, of such acceptance by letter, written within the 90 days validity period or such extension of the Validity Period as mutually agreed to by Maphumulo Local Municipality and Bidder and the said Bidder shall execute the formal contract within thirty (30) days of the said acceptance letter.

Maphumulo Local Municipality shall not be bound to accept the lowest or any Bid nor to assign any reason for its acceptance or rejection of any Bid and in no case shall any Bidder be paid for any expense incurred in the preparation of a Bid.

REPRESENTATION OR INTERPRETATION OF DOCUMENT

Representation or interpretation of Invitation to Bid Documents shall be done in writing by the Maphumulo Local Municipality's representative. If during the Bid period, the Maphumulo Local Municipality makes any interpretation, clarification or change in the Invitation to Bid Documents, the Maphumulo Local Municipality will issue a letter to all Bidders explaining the interpretation, clarification, or change. The letters will be faxed to bidders and or emailed using the contact details provided by the bidders on their submitted bid documents and therefore the onus is on the bidder to ensure that correct contact details are being provided.

RESPONSIVE BID CRITERIA

- Printed copy of a tax clearance **PIN** for further verification.
- **Certified ID(s) copies** of company director(s) (**not older than 3 Months**)
- Copy of company registration
- **Proof of payment** for tender document
- Company municipal rates, electricity, or water account (**not older than 3 Months**), proof of Residential lease, rental or Municipal rates, electricity, or water account of a place of residence plus an affidavit accompanied by proof of resident if the business operates in a place of residence.
- Completed and signed Municipal Bidding Document attached in the tender document.
- ACFE Membership/member of ICFP
- Copy of CSD (Central Supplier database) detailed report.

EVALUATION SYSTEM

This bid will be evaluated in two stages:

Stage 1:

Functionality criteria will be used to allocate points to bidders as listed below. Bidders must obtain minimum of 70% in order to proceed to stage two of the bidding process.

| FUNCTIONALITY | POINTS (100) |
|--|--|
| Reference letters/reports writing and judicial proceedings | The bidder must submit signed purchase order, appointment letters and reference letters for completed projects (not older than 10 years) reflecting the forensic experience or any relevant to a project .06 points will be allocated per set that will be submitted. (30 points) |

| | |
|--|---|
| Qualification and experience: | Certified Forensic Investigator Qualifications and relevant qualifications + 10 years' experience, <i>ACFE membership/member of ICFP</i> = 30 points Relevant qualifications + 3-5 years' experience = 15 points |
| <ul style="list-style-type: none"> • Lead Investigator • Junior Investigator | |
| Provision of detailed business profile | Detailed = 20 points Less detailed = 10 points |
| Lead Time | 60 days and above = 20 points More than 60 days = 10 points Above 5 months = 00 points |
| | |

Stage 2:

PRICE AND MUNICIPAL SPECIFIC GOALS

The following preference point systems are applicable to these bids:

The 80/20 system for requirements with a Rand value below R50 000 000.

The value of this bid is estimated to be below R50 000 000.00 and therefore the 80/20 system shall be applicable.

Points for this bid shall be awarded for:

Price and Municipal specific goals

The points allocated for price will be calculated as follows:

80/20 Preference point system [(for acquisition of services, works or goods with a Rand value below R50 million) (all applicable taxes included)].

Where;

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

P_s = Points scored for comparative price of bid or offer under consideration

P_t = Comparative price of bid or offer under consideration

P_{\min} = Comparative price of lowest acceptable bid or offer

Points scored will be rounded off to the nearest 2 decimal places

Step 2: Calculation of points for Municipal specific goal

Points will be awarded to a bidder for attaining the Municipal specific goals in accordance with the table below:

| PREFERENCE | 80/20 | Documents required for verification |
|----------------------|--------------|--|
| Within KZN Province | 20 | Company municipal accounts not older than 90 days Sworn affidavit accompanied by proof of resident if you are residing in rural areas -Signed and valid lease agreement |
| Outside KZN Province | 10 | -Company municipal accounts not older than 90 days Sworn affidavit accompanied by proof of resident if you are residing in rural areas -Signed and valid lease agreement |

A bidder will not be disqualified from the bidding process if they did not attach a Municipal specific goal. No point will be allocated to the bidder which did not submit Municipal specific goals.

The points scored for price will be added to the points scored for Municipal specific goals to obtain the bidder's total points scored out of 100.

Bidder fully acquainted with all his requirements

Submission of a Bid shall be deemed conclusive evidence that the Bidder is fully acquainted with and shall be fully responsible for any requirements, restrictions, constraints, or any physical difficulties within or concerning Professional Services to undertake the **PRIVATE INVESTIGATOR**.

Professional Service Provider's representation

The Professional Service Provider shall designate a representative, in writing (letter for authority for signatory), duly empowering the said representative to bind the Professional Service Provider with regard to all matters involving the submission of the bid.

**PART A
INVITATION TO BID**

| | | | | |
|---|--|---------------|--|---------------|
| YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF MAPHUMULO LOCAL MUNICIPALITY | | | | |
| | | CLOSING DATE: | | CLOSING TIME: |
| DESCRIPTION | | | | |
| 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:

| |
|-----------------------|
| MR711, LOT 152 |
| OLD MAIN ROAD |
| MAPHUMULO |
| 4470 |
| |

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

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

| | | | |
|--|--|---|---|
| ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES /WORKS OFFERED? | <input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES ENCLOSE PROOF] | ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES /WORKS OFFERED? | <input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES, ANSWER PART B:3] |
| TOTAL NUMBER OF ITEMS OFFERED | | TOTAL BID PRICE | R |
| SIGNATURE OF BIDDER | | DATE | |
| CAPACITY UNDER WHICH THIS BID IS SIGNED | | | |
| BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO: | | TECHNICAL INFORMATION MAY BE DIRECTED TO: | |
| DEPARTMENT | BTO, SCM UNIT | CONTACT PERSON | MR S. MBATHA |
| CONTACT PERSON | MR S.I MANQELE | TELEPHONE NUMBER | 032 481 4500 |
| TELEPHONE NUMBER | 032 481 4500 | FACSIMILE NUMBER | 032 481 2053 |
| FACSIMILE NUMBER | 032 481 2053 | E-MAIL ADDRESS | Sbonelo.Mbatha@maphumulo.gov.za |
| E-MAIL ADDRESS | Samkelo.Manqele@maphumulo.gov.za | | |

PART B TERMS AND CONDITIONS FOR BIDDING

| | |
|---|---|
| 1. BID SUBMISSION: | |
| 1.1. | BIDS MUST BE DELIVERED BY THE STIPULATED TIME TO THE CORRECT ADDRESS. LATE BIDS WILL NOT BE ACCEPTED FOR CONSIDERATION. |
| 1.2. | ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS PROVIDED–(NOT TO BE RE-TYPED) OR ONLINE |
| 1.3. | THIS BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT AND THE PREFERENTIAL PROCUREMENT REGULATIONS, 2017, THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER SPECIAL CONDITIONS OF CONTRACT. |
| 2. TAX COMPLIANCE REQUIREMENTS | |
| 2.1 | BIDDERS MUST ENSURE COMPLIANCE WITH THEIR TAX OBLIGATIONS. |
| 2.2 | BIDDERS ARE REQUIRED TO SUBMIT THEIR UNIQUE PERSONAL IDENTIFICATION NUMBER (PIN) ISSUED BY SARS TO ENABLE THE ORGAN OF STATE TO VIEW THE TAXPAYER'S PROFILE AND TAX STATUS. |
| 2.3 | APPLICATION FOR THE TAX COMPLIANCE STATUS (TCS) CERTIFICATE OR PIN MAY ALSO BE MADE VIA E-FILING. IN ORDER TO USE THIS PROVISION, TAXPAYERS WILL NEED TO REGISTER WITH SARS AS E-FILERS THROUGH THE WEBSITE WWW.SARS.GOV.ZA. |
| 2.4 | FOREIGN SUPPLIERS MUST COMPLETE THE PRE-AWARD QUESTIONNAIRE IN PART B:3. |
| 2.5 | BIDDERS MAY ALSO SUBMIT A PRINTED TCS CERTIFICATE TOGETHER WITH THE BID. |
| 2.6 | IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED; EACH PARTY MUST SUBMIT A SEPARATE TCS CERTIFICATE / PIN / CSD NUMBER. |
| 2.7 | WHERE NO TCS IS AVAILABLE BUT THE BIDDER IS REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD), A CSD NUMBER MUST BE PROVIDED. |
| 3. QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS | |
| 3.1. | IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)? <input type="checkbox"/> YES <input type="checkbox"/> NO |
| 3.2. | DOES THE ENTITY HAVE A BRANCH IN THE RSA? <input type="checkbox"/> YES <input type="checkbox"/> NO |
| 3.3. | DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA? <input type="checkbox"/> YES <input type="checkbox"/> NO |
| 3.4. | DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA? <input type="checkbox"/> YES <input type="checkbox"/> NO |
| 3.5. | IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION? <input type="checkbox"/> YES <input type="checkbox"/> NO |
| <p>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.</p> | |

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:

TAX CLEARANCE CERTIFICATE REQUIREMENTS

It is a condition of bid that the taxes of the successful bidder must be in order, or that satisfactory arrangements have been made with South African Revenue Service (SARS) to meet the bidder's tax obligations.

- 1** In order to meet this requirement bidders are required to complete in full the attached form TCC 001 "Application for a Tax Clearance Certificate" and submit it to any SARS branch office nationally. The Tax Clearance Certificate Requirements are also applicable to foreign bidders / individuals who wish to submit bids.
- 2** SARS will then furnish the bidder with a Tax Clearance Certificate that will be valid for a period of 1 (one) year from the date of approval.
- 3** The original Tax Clearance Certificate must be submitted together with the bid. Failure to submit the original and valid Tax Clearance Certificate will result in the invalidation of the bid. Certified copies of the Tax Clearance Certificate will not be acceptable.
- 4** In bids where Consortia / Joint Ventures / Sub-contractors are involved; each party must submit a separate Tax Clearance Certificate.
- 5** Copies of the TCC 001 "Application for a Tax Clearance Certificate" form are available from any SARS branch office nationally or on the website www.sars.gov.za.
- 6** Applications for the Tax Clearance Certificates 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.

PRICING SCHEDULE
(Professional Services)

| | |
|----------------------|--------------------|
| Name of Bidder:..... | Bid Number: |
| Closing Time: | Closing Date |

OFFER TO BE VALID FORDAYS FROM THE CLOSING DATE OF BID.

| ITEM NO | DESCRIPTION | BID PRICE IN RSA CURRENCY **(ALL APPLICABLE TAXES INCLUDED) |
|---------|-------------|--|
|---------|-------------|--|

1. The accompanying information must be used for the formulation of proposals.

2. Bidders are required to indicate a ceiling price based on the total estimated time for completion of all phases and including all expenses inclusive of all applicable taxes for the project. R.....

3. PERSONS WHO WILL BE INVOLVED IN THE PROJECT AND RATES APPLICABLE (CERTIFIED INVOICES MUST BE RENDERED IN TERMS HEREOF)

| 4. PERSON AND POSITION | HOURLY RATE | DAILY RATE |
|------------------------|-------------|------------|
| | R..... | |

5. PHASES ACCORDING TO WHICH THE PROJECT WILL BE COMPLETED, COST PER PHASE AND MAN-DAYS TO BE SPENT

| | | |
|-------|--------|------------|
| | R..... | days |

5.1 Travel expenses (specify, for example rate/km and total km, class of airtravel, etc). Only actual costs are recoverable. Proof of the expenses incurred must accompany certified invoices.

| DESCRIPTION OF EXPENSE TO BE INCURRED | RATE | QUANTITY | AMOUNT |
|---------------------------------------|-------|----------|--------|
| | | | R..... |
| | | | R..... |
| | | | R..... |
| | | | R..... |

***all applicable taxes" includes value-added taxes, pay as you earn, income tax, unemployment insurance fund contributions and skills development levies.

5.2 Other expenses, for example accommodation (specify, eg. Three star hotel, bed and breakfast, telephone cost, reproduction cost, etc.). On basis of these particulars, certified invoices will be checked for correctness. Proof of the expenses must accompany invoices.

| DESCRIPTION OF EXPENSE TO BE INCURRED | RATE | QUANTITY | AMOUNT |
|---------------------------------------|-------|----------|--------|
| | | | R..... |
| | | | R..... |
| | | | R..... |
| | | | R..... |
| TOTAL: R..... | | | |

- 6. Period required for commencement with project after acceptance of bid
- 7. Estimated man-days for completion of project
- 8. Are the rates quoted firm for the full period of contract?*YES/ NO.
- 9. If not firm for the full period, provide details of the basis on which adjustments will be applied for, for example consumer price index.....
.....
.....
.....

*Delete if not applicable

MAPHUMULO MUNICIPALITY
SUPPLY CHAIN REQUEST FOR QUOTATION FORM

MBD 4

DECLARATION OF INTEREST

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

3.1 Full Name of bidder or his or her representative:

3.2 Identity Number:

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

3.4 Company Registration Number:

3.5 Tax Reference Number:

3.6 VAT Registration Number:

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

3.8 Are you presently in the service of the state? **YES / NO**

3.8.1 If yes, furnish particulars.

.....

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

- (a) a member of –
 - (i) any municipal council;
 - (ii) any provincial legislature; or
 - (iii) the national Assembly or the national Council of provinces;
- (b) a member of the board of directors of any municipal entity;
- (c) an official of any municipality or municipal entity;
- (d) an employee of any national or provincial department, national or provincial public entity or constitutional institution within the meaning of the Public Finance Management Act, 1999 (Act No.1 of 1999);
- (e) a member of the accounting authority of any national or provincial public entity; or
- (f) an employee of Parliament or a provincial legislature.

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

**MAPHUMULO MUNICIPALITY
SUPPLY CHAIN REQUEST FOR QUOTATION FORM**

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

3.9.1 If yes, furnish particulars.....

.....

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

3.10.1 If yes, furnish particulars.

.....
.....

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

3.11.1 If yes, furnish particulars

.....
.....

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

3.12.1 If yes, furnish particulars.

.....
.....

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

3.13.1 If yes, furnish particulars.

.....
.....

**MAPHUMULO MUNICIPALITY
SUPPLY CHAIN REQUEST FOR QUOTATION FORM**

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

3.14.1 If yes, furnish particulars:

.....

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

| Full Name | Identity Number | State Employee Number |
|-----------|-----------------|-----------------------|
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |

.....
Signature

.....
Date

.....
Capacity

.....
Name of Bidder

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

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

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

1. GENERAL CONDITIONS

1.1 The following preference point systems are applicable to invitations to tender:

- the 80/20 system for requirements with a Rand value of up to R50 000 000 (all applicable taxes included); and
- the 90/10 system for requirements with a Rand value above R50 000 000 (all applicable taxes included).

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

(delete whichever is not applicable for this tender).

- a) The applicable preference point system for this tender is the 90/10 preference point system.
- b) The applicable preference point system for this tender is the 80/20 preference point system.
- c) Either the 90/10 or 80/20 preference point system will be applicable in this tender. The lowest/highest acceptable tender will be used to determine the accurate system once tenders are received.

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

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

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

The maximum points for this tender are allocated as follows:

| | POINTS |
|--|------------|
| PRICE | |
| SPECIFIC GOALS | |
| Total points for Price and SPECIFIC GOALS | 100 |

- 1.5 Failure on the part of a tenderer to submit proof or documentation required in terms of this tender to claim points for specific goals with the tender, will be interpreted to mean that preference points for specific goals are not claimed.
- 1.6 The organ of state reserves the right to require of a tenderer, either before a tender is adjudicated or at any time subsequently, to substantiate any claim in regard to preferences, in any manner required by the organ of state.

2. DEFINITIONS

- (a) **“tender”** means a written offer in the form determined by an organ of state in response to an invitation to provide goods or services through price quotations, competitive tendering process or any other method envisaged in legislation;
- (b) **“price”** means an amount of money tendered for goods or services, and includes all applicable taxes less all unconditional discounts;
- (c) **“rand value”** means the total estimated value of a contract in Rand, calculated at the time of bid invitation, and includes all applicable taxes;
- (d) **“tender for income-generating contracts”** means a written offer in the form determined by an organ of state in response to an invitation for the origination of income-generating contracts through any method envisaged in legislation that will result in a legal agreement between the organ of state and a third party that produces revenue for the organ of state, and includes, but is not limited to, leasing and disposal of assets and concession contracts, excluding direct sales and disposal of assets through public auctions; and
- (e) **“The Act”** means the Preferential Procurement Policy Framework Act, 2000 (Act No. 5 of 2000).

3. FORMULAE FOR PROCUREMENT OF GOODS AND SERVICES

3.1. POINTS AWARDED FOR PRICE

3.1.1 THE 80/20 OR 90/10 PREFERENCE POINT SYSTEMS

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

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

Where

- Ps = Points scored for price of tender under consideration
- Pt = Price of tender under consideration
- Pmin = Price of lowest acceptable tender

3.2. FORMULAE FOR DISPOSAL OR LEASING OF STATE ASSETS AND INCOME GENERATING PROCUREMENT

3.2.1. POINTS AWARDED FOR PRICE

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

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

Where

- P_s = Points scored for price of tender under consideration
 P_t = Price of tender under consideration
 P_{max} = Price of highest acceptable tender

4. POINTS AWARDED FOR SPECIFIC GOALS

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

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

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

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

| The specific goals allocated points in terms of this tender | Number of points allocated (90/10 system) (To be completed by the organ of state) | Number of points allocated (80/20 system) (To be completed by the organ of state) | Number of points claimed (90/10 system) (To be completed by the tenderer) | Number of points claimed (80/20 system) (To be completed by the tenderer) |
|---|---|---|---|---|
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DECLARATION WITH REGARD TO COMPANY/FIRM

4.3. Name of company/firm.....

4.4. Company registration number:

4.5. TYPE OF COMPANY/ FIRM

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

[TICK APPLICABLE BOX]

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

- i) The information furnished is true and correct;
- ii) The preference points claimed are in accordance with the General Conditions as indicated in paragraph 1 of this form;

- iii) In the event of a contract being awarded as a result of points claimed as shown in paragraphs 1.4 and 4.2, the contractor may be required to furnish documentary proof to the satisfaction of the organ of state that the claims are correct;
- iv) If the specific goals have been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the organ of state may, in addition to any other remedy it may have –
 - (a) disqualify the person from the tendering process;
 - (b) recover costs, losses or damages it has incurred or suffered as a result of that person's conduct;
 - (c) cancel the contract and claim any damages which it has suffered as a result of having to make less favourable arrangements due to such cancellation;
 - (d) recommend that the tenderer or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, be restricted from obtaining business from any organ of state for a period not exceeding 10 years, after the *audi alteram partem* (hear the other side) rule has been applied; and
 - (e) forward the matter for criminal prosecution, if deemed necessary.

.....

SIGNATURE(S) OF TENDERER(S)

SURNAME AND NAME:

DATE:

ADDRESS:

.....

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.....

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DECLARATION OF BIDDER'S PAST SUPPLY CHAIN MANAGEMENT PRACTICES

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

| Item | Question | Yes | No |
|-------|---|---------------------------------|--------------------------------|
| 4.1 | <p>Is the bidder or any of its directors listed on the National Treasury's Database of Restricted Suppliers as companies or persons prohibited from doing business with the public sector?</p> <p>(Companies or persons who are listed on this Database were informed in writing of this restriction by the Accounting Officer/Authority of the institution that imposed the restriction after the <i>audi alteram partem</i> rule was applied).</p> <p>The Database of Restricted Suppliers now resides on the National Treasury's website (www.treasury.gov.za) and can be accessed by clicking on its link at the bottom of the home page.</p> | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| 4.1.1 | If so, furnish particulars: | | |
| 4.2 | <p>Is the bidder or any of its directors listed on the Register for Tender Defaulters in terms of section 29 of the Prevention and Combating of Corrupt Activities Act (No 12 of 2004)?</p> <p>The Register for Tender Defaulters can be accessed on the National Treasury's website (www.treasury.gov.za) by clicking on its link at the bottom of the home page.</p> | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| 4.2.1 | If so, furnish particulars: | | |
| 4.3 | <p>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?</p> | Yes <input type="checkbox"/> | No <input type="checkbox"/> |

| 4.3.1 | If so, furnish particulars: | | |
|-------|--|---------------------------------|--------------------------------|
| | | | |
| Item | Question | Yes | No |
| 4.4 | Does the bidder or any of its directors owe any municipal rates and taxes or municipal charges to the municipality / municipal entity, or to any other municipality / municipal entity, that is in arrears for more than three months? | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| 4.4.1 | If so, furnish particulars: | | |
| | | | |
| 4.5 | Was any contract between the bidder and the municipality / municipal entity or any other organ of state terminated during the past five years on account of failure to perform on or comply with the contract? | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| 4.7.1 | If so, furnish particulars: | | |
| | | | |

CERTIFICATION

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

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

.....
Signature

.....
Date

.....
Position

.....
Name of Bidder

CERTIFICATE OF INDEPENDENT BID DETERMINATION

- 1 This Municipal Bidding Document (MBD) must form part of all bids¹ invited.

- 2 Section 4 (1) (b) (iii) of the Competition Act No. 89 of 1998, as amended, prohibits an agreement between, or concerted practice by, firms, or a decision by an association of firms, if it is between parties in a horizontal relationship and if it involves collusive bidding (or bid rigging).² Collusive bidding is a *pe se* prohibition meaning that it cannot be justified under any grounds.

- 3 Municipal Supply Regulation 38 (1) prescribes that a supply chain management policy must provide measures for the combating of abuse of the supply chain management system, and must enable the accounting officer, among others, to:
 - a. take all reasonable steps to prevent such abuse;
 - b. reject the bid of any bidder if that bidder or any of its directors has abused the supply chain management system of the municipality or municipal entity or has committed any improper conduct in relation to such system; and
 - c. cancel a contract awarded to a person if the person committed any corrupt or fraudulent act during the bidding process or the execution of the contract.

- 4 This MBD serves as a certificate of declaration that would be used by institutions to ensure that, when bids are considered, reasonable steps are taken to prevent any form of bid-rigging.

- 5 In order to give effect to the above, the attached Certificate of Bid Determination (MBD 9) must be completed and submitted with the bid:

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

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

CERTIFICATE OF INDEPENDENT BID DETERMINATION

I, the undersigned, in submitting the accompanying bid:

(Bid Number and Description)

in response to the invitation for the bid made by:

(Name of Municipality / Municipal Entity)

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

I certify, on behalf of: _____ that:
(Name of Bidder)

1. I have read and I understand the contents of this Certificate;
2. I understand that the accompanying bid will be disqualified if this Certificate is found not to be true and complete in every respect;
3. I am authorized by the bidder to sign this Certificate, and to submit the accompanying bid, on behalf of the bidder;
4. Each person whose signature appears on the accompanying bid has been authorized by the bidder to determine the terms of, and to sign, the bid, on behalf of the bidder;
5. For the purposes of this Certificate and the accompanying bid, I understand that the word "competitor" shall include any individual or organization, other than the bidder, whether or not affiliated with the bidder, who:
 - (a) has been requested to submit a bid in response to this bid invitation;
 - (b) could potentially submit a bid in response to this bid invitation, based on their qualifications, abilities or experience; and
 - (c) provides the same goods and services as the bidder and/or is in the same line of business as the bidder

6. The bidder has arrived at the accompanying bid independently from, and without consultation, communication, agreement or arrangement with any competitor. However communication between partners in a joint venture or consortium³ will not be construed as collusive bidding.
7. In particular, without limiting the generality of paragraphs 6 above, there has been no consultation, communication, agreement or arrangement with any competitor regarding:
 - (a) prices;
 - (b) geographical area where product or service will be rendered (market allocation)
 - (c) methods, factors or formulas used to calculate prices;
 - (d) the intention or decision to submit or not to submit, a bid;
 - (e) the submission of a bid which does not meet the specifications and conditions of the bid; or
 - (f) bidding with the intention not to win the bid.
8. In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications and conditions or delivery particulars of the products or services to which this bid invitation relates.
9. The terms of the accompanying bid have not been, and will not be, disclosed by the bidder, directly or indirectly, to any competitor, prior to the date and time of the official bid opening or of the awarding of the contract.

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

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

.....
Signature

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Date

.....
Position

.....
Name of Bidder

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