



BID NO: B27 /2024-25

PROPOSAL FOR THE APPOINTMENT OF ADDITIONAL SERVICE PROVIDERS FOR THE PROFESSIONAL INFRASTRUCTURE FUND RAISING SERVICES FOR THE REMAINDER OF THE EXISTING PANEL CONTRACT PERIOD ENDING 30 APRIL 2027.

The Endumeni Local Municipality seeks Engineering Consultants for the panel to submit proposals for Infrastructure Fund Raising for Endumeni Local Municipality.

Tender documents can be downloaded free of charge from the municipal website at www.endumeni.gov.za and National Treasury e-Tender Portal at www.etenders.gov.za

A non-refundable document fee of R500.00 payable in cash or by bank guaranteed cheque made out in favor of the Endumeni Municipality is required on collection of the bid documents.

KINDLY NOTE THAT BIDDERS WHO HAVE SUBMITTED BIDS PREVIOUSLY WOULD NOT BE REQUIRED TO DO A NEW SUBMISSION. BIDDERS WHO HAVE BEEN DISQUALIFIED ON THE PREVIOUSLY FOR THIS PANEL MAY RE-SUBMIT THEIR BIDS.

Technical Enquiries: Mr. M.B Buthelezi **Telephone No.:** 034 212 2121 / Ext 2231 email Buthelezim@endumeni.gov.za or Mr N.N. Nkwanyana on Ext 2224 email nkwanyanan@endumeni.gov.za.

Tender submissions must be properly bound and must be placed in the tender box situated on the ground floor of the Endumeni Local Municipality, Civic Center, 64 Victoria Street, Dundee, before **14H00 on 05 MAY 2025**, in a sealed envelope which is clearly marked with the Bid Number: **B27/2024-25**
PROPOSAL FOR THE APPOINTMENT OF ADDITIONAL SERVICE PROVIDERS FOR THE PROFESSIONAL INFRASTRUCTURE FUND RAISING SERVICES FOR THE REMAINDER OF THE EXISTING PANEL CONTRACT PERIOD ENDING 30 APRIL 2027. All submitted copies must be certified not more than three months prior to closing of the tender.

Only tenderers who are registered with the CIDB will be considered.

Mr. S NTOMBELA
Municipal Manager
Endumeni Municipality
64 Victoria Street
Private Bag X 2024
Dundee

Notice No: 49/2025

Date: 15.04.2025



ENDUMENI LOCAL MUNICIPALITY

BID NO: B27/2024-25

PROPOSAL FOR THE APPOINTMENT OF ADDITIONAL SERVICE PROVIDERS FOR THE PROFESSIONAL INFRASTRUCTURE FUND RAISING SERVICES FOR THE REMAINDER OF THE EXISTING PANEL CONTRACT PERIOD ENDING 30 APRIL 2027.

Enquiries:

Mr M.B Buthelezi E-Mail: Buthelezim@endumeni.gov.za

Mr N.N Nkwanyana E-Mail: Nkwanyanan@endumeni.gov.za

SUBMISSION OF PROPOSALS DEADLINE: MONDAY,05 MAY 2025 @14H00

Name of Organisation	
Physical Address	
Contact Person	
Telephone No.	
E-Mail Address	
Tender Price	
CSD Registration No.	

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**ADVERT
BID NO: B27 /2024-25**

**PROPOSAL FOR THE APPOINTMENT OF ADDITIONAL SERVICE PROVIDERS FOR THE PROFESSIONAL
INFRASTRUCTURE FUND RAISING SERVICES FOR THE REMAINDER OF THE EXISTING PANEL
CONTRACT PERIOD ENDING 30 APRIL 2027.**

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Municipal Manager
Endumeni Municipality
64 Victoria Street
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Notice No: 49/2025

DATE: _____

ENDUMENI LOCAL MUNICIPALITY

TECHNICAL EVALUATION CRITERIA

The evaluation criteria table below applies to the following areas of expertise:

Tenders will be evaluated in 1 stage functionality, all that met the minimum threshold will be included in the panel. Tenderers **MUST** also submit proof of supporting documents to claim points, failure to do so will result in no points being awarded.

Stage 1: Functionality Criteria

No.	EVALUATION CRITERIA	RATING	WEIGHT
1.	NOMINATED INDIVIDUAL (EACH CV WILL BE EVALUATED ACCORDING TO THE FOLLOWING CRITERIA FOR ALL KEY PERSONEL ON PAGE 32)		
1.1	Qualifications (Team leaders)	10 – Degree at NQF 8 with Professional Registration 6 – Degree at NQF7 with professional registration 4 - National Diploma with professional registration Below Diploma – Disqualify.	10
1.2	General professional experience in the development and implementation of government infrastructure projects in the following areas: <ul style="list-style-type: none"> • Sourcing of funds - who have experience and has raised funding from R5 000 000 to R50 000 000. • Infrastructure planning • Infrastructure Procurement • Infrastructure implementation and project management 	20 = 10 years and above 15 = 7-9 years 10 = 5-6 years 8 = 3-4 years 5 = 1-2 years	20
1			
	EVALUATION CRITERIA	RATING	WEIGHT
2.	PROFESSIONAL SERVICE PROVIDER		

2.1	<p>Experience in the planning and implementation of infrastructure projects utilising project finance techniques or similar.</p> <p>Provide approval/reference letters of projects (maximum of 10) undertaken in the past 10 years, highlighting the role of the firm, different stages of the project cycle the firm was involved in, project value, successes and any other relevant information to demonstrate the required experience</p>	<p>20 = 10 years and above 16 = 7-9 years 12 = 5-6 years 8 = 3-4 years 4 = 1-2 years</p>	20
2.2	Years of operation of the professional service provider in sourcing of infrastructure project funding	<p>10 = 10 years and above 8 = 7-9 years 6 = 5-6 years 4 = 3-4 years 2 = 1-2 years</p>	10
	MAXIMUM TECHNICAL SCORE		60
	THRESHOLD		40

3. MILESTONES AND DELIVERABLES

The initial phase of the project, i.e the Project Methodology and Programme comprises the following. Milestones/Phases including management thereof,

- a) **Milestone 1:** Develop and submit Funding and Financing Strategy
- b) **Milestone 2:** Develop and submit Fundraising Action Plan.
- c) **Milestone 3:** Develop a donor database:
 - A list of local and international organisations, government agencies and business sector clients that may have interest in supporting the municipal mission; and
 - A list of funding opportunities, prioritized according to the best possible match between the scope of future independent organisation's activities and donor interests.
- d) **Milestone 4:** Partnership agreements and Memorandum of understanding with entities or partners who have an interest in the activities and mandate of the municipality and who can invest in the sustainable operations of the Municipality.
- e) **Milestone 5:** Framework for project proposal/grant applications for specific sources of funding for the future operations of the municipality and its programmes.

4. REPORTING AND ACCOUNTABILITY

During the execution of the project, the service provider SHALL submit monthly progress reports with portfolio of evidence.

- a) The project will be signed off by the Municipal Manager when all the end products (refer to list) have been delivered (all deliverables per phase to be provided per phase to be approved by the Project Steering Committee).
- b) A formal presentation shall be made to the Municipal Manager and the Executive Management Committee.
- c) The Service provider shall be responsible to make presentations of the project to various municipal structures and other stakeholders as and when required.

5. SERVICE LEVEL AGREEMENT

- 5.1. A service level agreement will be entered into with the successful bidder.
- 5.2. Negotiations in respect of the service level agreement must be finalised within 30 calendar days of receipt of the letter of acceptance by the successful bidder."

- 5.3. Service level agreement entered with the successful bidder will capture the time frames or performance applying to this contract.
- 5.4. Should no consensus be reached within 30 calendar days of finalising the Service Level Agreement (SLA), the Municipality will be entitled to:
- i) Cancel its acceptance of the bid.

**INVITATION TO BID – MBD 1
PART A**

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE ENDUMENI LOCAL MUNICIPALITY

BID NUMBER:	B27/2024-25	CLOSING DATE:	05 MAY 2025	CLOSING TIME:	14H00
DESCRIPTION	PROPOSAL FOR THE APPOINTMENT OF ADDITIONAL SERVICE PROVIDERS FOR THE PROFESSIONAL INFRASTRUCTURE FUND RAISING SERVICES FOR THE REMAINDER OF THE EXISTING PANEL CONTRACT PERIOD ENDING 30 APRIL 2027.				
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 64 VICTORIA STREET, DUNDEE, 3000

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:	
ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES /WORKS OFFERED?			ARE YOU 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	N/A
SIGNATURE OF BIDDER		DATE		
CAPACITY UNDER WHICH THIS BID IS SIGNED					
BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO:			TECHNICAL INFORMATION MAY BE DIRECTED TO:		
DEPARTMENT	SCM		DEPARTMENT	TECHNICAL SERVICES	
CONTACT PERSON	SCM		CONTACT PERSON	Mr M.B Buthelezi & Mr N.N Nkwanyana	
E-MAIL ADDRESS	sunil@endumeni.gov.za		E-MAIL ADDRESS	Buthelezim@endumeni.gov.za /Nkwanyanan@endumeni.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, 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)? | <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 |

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		NAME (PRINT)	
CAPACITY		DATE	
NAME OF FIRM			

DECLARATION OF INTEREST – MBD 4

1. No bid will be accepted from persons in the service of the state*.
2. Any person, having a kinship with persons in the service of the state, including a blood relationship, may make any 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 and/or take an oath declaring his/her interest.
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/ Representative	
3.2	Identity Number	
3.3	Position Held in Company E.g. Director	
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 so, furnish particulars		
3.9	Have you been in the service of the state for the past twelve months?	Yes	No
3.9.1	If so, 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 so, furnish particulars		

3.11	Are you aware of any relationship (family, friend, other) between 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 so, furnish particulars		
3.12	Are any of the company's director, managers, principal shareholders, or stakeholders in service of the state:	Yes	No
3.12.1	If so, furnish particulars		
3.13	Are any spouse, child or parent of the company's director's trustees, managers, principle shareholders or stakeholders in service of the state?	Yes	No
3.13.1	If so, furnish particulars		
3.14	Do you or any of the directors, trustees, managers, principle shareholders, or stakeholders of this company have any interest in any other related companies or business whether or not they are bidding for this contract?	Yes	No
3.14.1	If so, furnish particulars		

4. Full details of directors / trustees / members / shareholders. (TO BE FULLY COMPLETED)

Full Name	Identity Number	State Employee Number

*MSCM 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 N° 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

5. DECLARATION

I, the undersigned (name) _____

certify that the information furnished in paragraph 3 is correct.

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

SIGNATURE		NAME (PRINT)	
CAPACITY		DATE	
NAME OF FIRM			

PREFERENCE POINTS CLAIM FORM – MBD 6.1

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

- a) The applicable preference point system for this tender is the **80/20** preference point system.
- b) The **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	80
SPECIFIC GOALS	20
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 regarding 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

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:

$$\frac{P_t - P_{min}}{P_{min}} \times 80$$

Points scored for price of tender under consideration.

Price of tender under consideration

P_{min} = Price of lowest acceptable tender

3.1.80/20

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

Where

P_s =

P_t =

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:

80/20

$$Ps = 80 \left(1 + \frac{Pt - P_{max}}{P_{max}} \right)$$

Where

- Ps = Points scored for price of tender under consideration
Pt = Price of tender under consideration
Pmax = 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.)

Submissions must indicate how they claim points for each preference point system.)

The specific goals allocated points in terms of this Proposal/Quotation	Number of points allocated (80/20 system) (To be completed by the organ of state)	Number of points claimed. (80/20 system) (To be completed by the tenderer)
Race – ≥50% Black Owned (HDP) <i>Proof: CIPC Certificate plus copy of ID Document</i>	5	
Race – <50% Black Owned (HDP) <i>Proof: CIPC Certificate plus copy of ID Document</i>	3	
Gender – ≥50% Woman Owned (HDP) <i>Proof: CIPC Certificate plus copy of ID Document</i>	5	
Gender – <50% Woman Owned (HDP) <i>Proof: CIPC Certificate plus copy of ID Document</i>	3	
Disability <i>Proof: Medical Certificate</i>	5	
Locality – Officed based in uMzinyathi District. <i>Proof: Municipal Account or Letter from Councillor</i>	5	
Locality – Officed based outside uMzinyathi District (KZN) <i>Proof: Municipal Account or Letter from Councillor</i>	3	

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 because 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 because 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		NAME (PRINT)	
CAPACITY		DATE	
NAME OF FIRM			

DECLARATION OF BIDDER'S PAST SUPPLY CHAIN MANAGEMENT PRACTICES – MBD 8

1. This Municipal Bidding Document must form part of the 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 an improper conduct in relation to such system.
 - (b) been convicted for fraud or corruption during the past five (5) years.
 - (c) wilfully neglected, reneged on, or failed to comply with any government, municipal or other public sector contract during the past five (5) 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. To give effect to the above, the following questionnaire must be completed and submitted with the bid:

Item	Question	Response	
4.1	Is the bidder or any of its directors listed on the National Treasury's database as a company or person prohibited from doing business with the public sector? (Companies or persons who are listed on this database were informed in writing of this restriction by the National Treasury after the <i>audit alteram partem</i> rule was applied)	<input type="checkbox"/> YES	<input type="checkbox"/> NO
4.1.1	If so, furnish particulars.		
4.2	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 Corrupt Activities Act (No. 12 of 2004)? (To access this Register enter the National Treasury's website www.treasury.gov.za , click on the icon "Register for Tender Defaulters" or submit your written request for a hard copy of the Register to facsimile number 012-3265445)	<input type="checkbox"/> YES	<input type="checkbox"/> 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 (5) years?	YES <input type="checkbox"/>	<input type="checkbox"/> NO
4.3.1	If so, furnish particulars.		
4.4	Does the bidder or any of its directors owe any municipal rates and taxed or municipal charges to the municipality / municipal entity, or to any other municipality / municipal entity that is in arrears for more than three (3) months?	YES <input type="checkbox"/>	<input type="checkbox"/> 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 the State terminated during the past five (5) years on account of failure to perform on or comply with the contract?	YES <input type="checkbox"/>	<input type="checkbox"/> NO
4.5.1	If so, furnish particulars.		

CERTIFICATION

I, THE UNDERSIGNED (Name)

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.

SIGNATURE		NAME (PRINT)	
CAPACITY		DATE	
NAME OF FIRM			

CERTIFICATE OF INDEPENDENT BID DETERMINATION – MBD 9

- 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 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	
Municipality	Endumeni Local Municipality

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 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. 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		NAME (PRINT)	
CAPACITY		DATE	
NAME OF FIRM			

PROOF OF GOOD STANDING WITH MUNICIPAL ACCOUNTS

The tenderer is to affix to this page either:

- 1) Proof that they are not in arrears for more than 90 days with municipal rates and taxes and municipal service charges. The latest municipal account is to be attached. **Attach latest municipal account statement behind this page. The statement must not be older than three months from the close of this tender.**; or
- 2) Signed copy of the lease agreement if the tenderer is currently leasing premises and not responsible paying municipal accounts **together with a letter/statement from the landlord** (not older than three months from the close of this tender) stating that no levies are in arrears (*only if applicable*); or
- 3) An affidavit signed and stamped by a Commissioner of Oaths stating that **the business** is not required to pay municipal charges and providing for the reasons thereof (*only if applicable*). In cases where **the business** resides in an area that does not pay for municipal rates and taxes and municipal service charges, a letter from the **Ward Councillor**, must be submitted together with the affidavit.

Note:

- The tender hereby acknowledges that the Municipality may reject the tender of the tenderer if any municipal rates and taxes or municipal service charges owed by the bidder or any of its directors/members/partners.
- It is the responsibility of the service provider to ensure that the statement/proof of municipal good standing being submitted includes proof that the account is not more than 90 days (30 days if the tender price exceeds R10 Million) in arrears.
- For service providers with more than one office branch, the proof of municipal account provided must reflect that of the nominated branch which will undertake the required works.
- Failure to affix such documentation as prescribed to this page shall result in this tender not being further considered for the award of the contract.
- Should this tender be considered for award of the contract, based on proof of submission and should proof of such submission be found to be invalid, erroneous or inaccurate, this tender will no longer be considered for the award of the contract.
- Statements, letters, and affidavits must not be older than three months from the closing date of this tender.

SIGNATURE		NAME (PRINT)	
CAPACITY		DATE	
NAME OF FIRM			

AUTHORITY FOR SIGNATORY

Indicate the status of the tenderer by ticking the appropriate box hereunder. The tenderer **must complete** the certificate set out below for the relevant category, **even if a board resolution letter is attached**.

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

A. CERTIFICATE FOR COMPANY

I,, chairperson of the board

of....., hereby confirm that by resolution of the board (copy attached)

taken on. 20..., Mr/Msacting in the capacity of

....., was authorised to sign all documents in connection with this tender for Contract No 03/2023 and any contract resulting from it on behalf of the company.

As witnesses:

1. Chairman:

2. Date:

B. CERTIFICATE FOR PARTNERSHIP

We, the undersigned, being the key partners in the business trading as, hereby authorise.

Mr/Ms, acting in the capacity of, to sign all documents in connection with this tender for Contract No 11/2023-24 and any contract resulting from it on our behalf.

Name	Address	Signature	Date

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

Name of Firm	Address	Authorising Name and Capacity	Authorising Signature
Lead Partner:			

C. CERTIFICATE FOR JOINT VENTURE

We, the undersigned, are submitting this tender offer in Joint Venture and hereby authorise Mr/Ms, authorised signatory of the company, acting in the capacity of lead partner, to sign all documents in connection with this tender for Contract No. 03/2023 and any contract resulting from it on our behalf.

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

D. CERTIFICATE FOR SOLE PROPRIETOR

I,, hereby confirm that I am.

As witnesses:

1. Sole Owner:

the sole owner of the business trading as

2. Date:

E. CERTIFICATE FOR CLOSE CORPORATION

We, the undersigned, being the key members in the business trading as, hereby authorise Mr/Msacting in the capacity of, to sign all to sign all documents in connection with this tender for Contract No 11/2023-24 and any contract resulting from it on our behalf.

Name	Address	Signature	Date

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

BANKING DETAILS

It is the policy of the Endumeni Local Municipality to pay all creditors by means of direct bank transfers. Please complete this information and acquire your banker's confirmation.

ACCOUNT HOLDER	
NAME OF BANK	
ACCOUNT NUMBER	
ACCOUNT TYPE	
BRANCH NAME	
BRANCH CODE	
BRANCH CONTACT PERSON	
PHONE NUMBER	
FAX NUMBER	

I/we hereby request and authorise the Endumeni Local Municipality to pay any amounts that may accrue to me/us to the credit of my/our bank account.

I/we further undertake to inform the Endumeni Local Municipality in advance of any change in my/our bank details and accept that this authority may only be cancelled by me/us by giving thirty days' notice by prepaid registered post.

- Alternatively, the tenderer may submit a letter/declaration from his bank worded as above, providing the required details and it must be signed by an appropriate Bank Official (which should be attached behind this page).

FOR BANK USE ONLY

I/we hereby certify that the details of our client's bank account as indicated above is correct: AUTHORISED SIGNATURE(S)	 OFFICIAL DATE STAMP
---	--

JOINT VENTURE AGREEMENT

This returnable schedule is to be completed by joint ventures.

We, the undersigned, are submitting this tender offer in joint venture and hereby authorize Mr./Ms., authorized signatory of the company, close corporation, or partnership, acting in the capacity of lead partner, to sign all documents in connection with the tender offer and any contract resulting from it on our behalf.

NAME OF FIRM	ADDRESS	DULY AUTHORISED SIGNATORY
Lead Partner		Signature:
		Name:
		Designation:
		Signature:
		Name:
		Designation:

Note:

A copy of the Joint Venture Agreement clearly showing the percentage contribution of each partner to the Joint Venture shall be appended to this schedule.

Service providers intending to tender in the form of Joint Ventures/Consortiums must submit the following documentation together with the tender:

1. Proof of tax compliance status of all parties of the Joint Venture/Consortium.
2. An undertaking duly signed by all parties of the Joint Venture/Consortium indicating their intention to enter into an agreement for the purposes of the contract and.
3. Bank rating of all parties of the Joint Venture/Consortium (scored using the lowest common denominator method) or the bank rating of the joint venture bank account– if applicable.
4. Letter of "Good standing" from the Entity's Financial Institution (Bank) of all parties of the Joint Venture/Consortium– if applicable.
5. Proof of good standing with municipal accounts of all parties of the Joint Venture/Consortium.
6. Signed Declaration of interest forms (MBD 4) of all parties of the Joint Venture/Consortium.

No.	PROPOSED SUB-CONTRACTORS	PART OR TYPE OF WORK	ADDRESS OF PROPOSED SUBCONTRACTOR	CONTACT DETAILS	VALUE OF WORK (R)
1					
2					
3					
4					
5					
6					
7					
TOTAL VALUE OF WORKS TO BE SUB-CONTRACTED					R

Further to the above, the name of the Joint Venture/Consortium must appear on the relevant pages of the document. Failure to comply with these requirements shall lead to disqualification.

SIGNATURE		NAME (PRINT)	
CAPACITY		DATE	
NAME OF FIRM			

SCHEDULE OF PROPOSED SUB-CONTRACTORS

The Tenderer shall list below any Sub-Contractors he wishes to employ to carry out part(s) of the Work.

The acceptance of his tender shall not be construed as approval of all or any of the listed Sub-Contractors. Should any or all of the Sub-Contractors not be approved subsequent to acceptance of the tender, this shall in no way invalidate this tender. Furthermore, the tendered unit rates for the various items of work shall remain final and binding.

Bidders are requested to furnish certified copies of the proposed subcontractor's CK Certificate, copy of latest municipal statement, BEE Rating Certificate as well as certified copies of the owners' Identity Documents along with this tender.

SIGNED ON BEHALF OF TENDERER:

ELIGIBILITY CRITERIA

Offers will only be accepted if:

1. The tenderer must be compliant in their tax matters with the South African Revenue Services (SARS);
2. The tenderer or any of its directors/shareholders is not listed on the Register of Tender Defaulters in terms of the Prevention and Combating of Corrupt Activities Act of 2004 person prohibited from doing business with the public sector.
3. The tenderer has not:
 - a. abused the Employer's Supply Chain Management System; or
 - b. failed to perform on any previous contract and has been given a written notice to this effect.
4. The tenderer is registered on the Central Supplier Database.
5. The tenderer is not in arrears for more than 90 days with municipal rates and taxes and municipal service charges. The latest municipal account is to be attached. The statement must not be older than three months from the closing date of this tender. Alternatively, if the tenderer is currently leasing premises and is not responsible for the payment of municipal services, a copy of the Lease Agreement must be attached.
6. A Joint-Venture Agreement, if applicable, is submitted with proposal/quotation.
7. All schedules provided are fully completed and signed:

CENTRAL SUPPLIER DATABASE REGISTRATION

Name of Tenderer	
Supplier Number	

No awards will be made to a tenderer who is not registered on the Central Supplier Database (CSD).

The establishment of a Central Supplier Database (CSD) will result in one single database to serve as the source of all supplier information for all spheres of government. The purpose of centralising government's supplier database is to reduce duplication of effort and cost for both supplier and government while enabling electronic procurement processes.

Registration on the Central Supplier Database must be done online via the website:

<https://secure.csd.gov.za/>

SIGNATURE		NAME (PRINT)	
CAPACITY		DATE	
NAME OF FIRM			

1. INTRODUCTION AND BACKGROUND

Endumeni Local Municipality is one of the municipalities in KwaZulu-Natal province with its head offices in Dundee. The district code is DC24 with its municipality code KZN241 and is a home to seven wards, i.e.:

1. Dundee CBD which is ward 2.
2. Glencoe CBD which is ward 7.
3. Wasbank which is ward 1.
4. Sithembile Township 3
5. Sibongile Township 4
6. Peaceville
7. Forestdale

Endumeni Local Municipality is one of the four local municipality under uMzinyathi district municipality of KwaZulu-Natal province. Endumeni is an isiZulu name meaning a place of thunderstorm. The municipality shares its name with the Endumeni hill. The majority of its 90771+ residents speak Zulu.

The Endumeni Local Municipality has a 64% backlog for Infrastructure and electricity services, making it a hotbed for community dissatisfaction and service delivery protests. Moreover, some of the existing infrastructure is very old and insufficient for the communities it serves and requires urgent replacement and upgrade. The infrastructure backlog includes bulk electricity reticulation, Urban/ rural Roads, Housing, Recreational Sports Facilities works etc.

Endumeni Local Municipality is a Civil, housing infrastructure and Electrical infrastructure backlog is estimated at just over R1 billion, whereas its overall Equitable Share grant funding as per Division of Revenue Act (DoRA) allocation is averaging R60m over the medium term, and which is fully committed. There is no internal capital funding as the Municipal finances are under severe strain.

Therefore, the current grant funding for the municipality outlay depicts that it may take about 30 years for the Endumeni local municipality to attempt to meet its infrastructure backlog requirements.

It is against this background and aiming at changing lives for better through provision of services to communities, Endumeni Local Municipality intends to procure the services of a consortium of experienced **Professional Service Providers Panel** to assist with sourcing funding, budgeting, programme planning processes and implementation of Capital projects. The service provide will implement project(s) on successful funding application only.

Infrastructure Financing as a policy directive Municipal authority over land use decisions has strengthened. In 2013, the National Assembly adopted the 2013.

Spatial Planning and Land Use Management Act (SPLUMA), which clarified municipalities' authority over, and responsibility for land use processes. With the financial and planning legislation in place, municipalities have the critical tools needed to coherently shape their built environment.

2. PROJECT OBJECTIVES

The focus of the **Professional Service Provider Panel** is to assist in the sourcing funding, planning, procurement, and implementation of large-scale transactions for revenue generating programmes and related services. The key objective is to improve the quality of project outcomes by ensuring a link between the objectives of Municipality and the ultimate contract. Panel support will be involved in transactional planning, feasibility analysis, financing, procurement, and institutionalisation of large-scale projects. The panel members will be selected based on their capability and experience in discharging a lead role in transactions and providing commercial, financial, procurement and contract management.

The Municipality will appoint Service Providers at risk (i.e., Endumeni Local Municipality will not have any financial liability until funding application compiled by the Service Provider has been approved and funding allocated to the Municipality) in the following categories but not limited to:

- a) **Roads Projects.**
- b) Regional Sports field Projects.
- c) Regional Cemeteries and Crematoria Projects.
- d) Housing, Malls, Rank Projects etc.
- e) Mechanical Engineering, Civil Engineering and Electrical Engineering Projects.

Once funding is secured, all the relevant norms and standards as per the applicable legislation pertaining to the specific category as per the project objectives must be always implemented and adhered to.

3. Key Personnel

The Service Provider shall undertake to make available for each Assignment the personnel (the "Key Personnel") meeting the specified requirements as proposed by Endumeni Local Municipality throughout the tenure of such Assignment.

A recommended composition of Team for any assignment proposed by the Endumeni Local Municipality, should be as below: Key Personnel.	Educational Qualification	Professional Experience	Experience on Eligible Assignments
Team Leader	MBA/ CA/ CFA/MCA / BE / B.Arch. or equivalent	10 years	S/He should have led the team for transaction advisory of at least 5 (five) Eligible Assignments
Finance/Capital Raising Expert	MBA/ CA/ CFA or equivalent	8 years	S/He should have worked as a Finance expert in at least 3 (three) Eligible Assignments. Experience of financial modelling.

Sector/ Technical Expert	Post-graduate degree/diploma in relevant discipline	8 years	S/He should have worked as a sector expert in at least 3 (three) Eligible Assignments. (CV to be provided in Stage II depending upon the sector of the proposed project)
Civil Engineer	Degree in Civil Engineering (Professionally registered with ECSA as Pr. Eng. Or Pr. Tech Eng)	8 years	S/He should have worked on BOQ / Cost Estimates for at least 5 infrastructure projects
Legal Expert	Bachelor's degree in law	8 years	S/He should have worked as a legal expert in at least 3 (three) Eligible Assignments.
Consultant (<i>Depending on size & complexity of project up to two consultants may be deployed</i>)	MBA/CA/CFA or equivalent	5 years	S/He should have worked as member of a professional team in preparation of a model and/or bid documents for at least 2 (two) Eligible Assignments.

4. OWNERSHIP OF INFORMATION

- 4.1. Endumeni Local Municipality will assume ownership of all data and information, in both electronic and hard copy format, obtained and/or created during the project and reserves the right to use it as it deems fit.
- 4.2. The report and digital information would be supplied to the Municipality at the completion of the project and the Endumeni Local Municipality will retain copyright and all associated intellectual rights relating to the projects,

5. CONTRACT PERIOD

- 5.1. The proposed contract period is 3 years.

6. PRICING

- 6.1 The municipality will consider this to be a turn- key projects should sourcing be successful.

7. PENALTIES

- 7.1. If incorrect information is given by the service provider then the contract will be terminated immediately.

8. ESCALATION

- 8.1 Not applicable.

9. COMPLIANCE WITH THIS CONTRACT

- 9.1 The contract shall be carried out subject to compliance with all Municipal policies, Bylaws and Regulations.

10. FINANCIAL IMPLICATIONS

- 10.1. The Service provider will be appointed at risk and on success of funding application.
- 10.2. Once funding is secured, the consultant fees will be charged as a percentage based on the total value of the project and the amount sourced, excluding all government sources of funding.
- 10.3. Commission on private funding sources shall be percentage based.
- 10.4. No commission will be applicable to government funding sources.

SPECIAL CONDITIONS

1. **The Municipality will appoint Service Providers at risk** (i.e., Endumeni Local Municipality will not have any financial liability until funding application compiled by the Service Provider has been approved and funding allocated to the Municipality) in the following categories but not limited to:

1.1) **Roads Projects.**

1.1.1 Regional Sports field Projects.

1.1.2 Regional Cemeteries and Crematoria Projects.

1.1.3 Housing, Malls, Rank Projects etc.

1.2) **Mechanical Engineering, Civil Engineering and Electrical Engineering Projects.**

Once funding is secured, all the relevant norms and standards as per the applicable legislation pertaining to the specific category as per the project objectives must be always implemented and adhered to.

2. **Penalty for Delay:** Failure to complete the required goods and/or services by the due completion, the municipality shall deduct from the contract price, as a penalty, a sum calculated on the delivered price of the delayed goods or unperformed services using the current prime interest rate calculated for each day of the delay until actual delivery or performance.

3. **Poor Performance:**

3.1 Issues of poor/ unsatisfactory performance will be communicated in writing, compelling the service provider to perform according to the contract and thus to rectify or to restrain from unacceptable actions.

3.2 Where the supplier fails to render the services within the stipulated period, or should services rendered be deemed not to the satisfaction of the Endumeni Local Municipality, the tenderer will receive written notice of poor performance. Failure to address performance issues could result in penalties being applied and/or the entire contract being reviewed or cancelled.

3.3 The municipality further reserves the right to refer matters of poor performance and/or fraudulent conduct by the supplier to National Treasury for inclusion in their Restricted Supplier Database.

4. CANCELLATION OF CONTRACT

4.1. Endumeni Local Municipality reserves the right to cancel the contract in the event of one or more of the following circumstances:

4.1.1. Serious discrepancy in the provision of the required services by the bidder.

4.1.2. Breach by the vendors of any of the terms and conditions of the tender.

4.1.3. Any action by the bidder which is in breach of law or accepted practices in the commercial transactions.

4.1.4. If the Vendor goes into liquidation voluntarily or otherwise.

5. Appointment Terms and Panel Utilisation

5.1. The Panel will be utilised as and when requirements arise and in accordance with the guidelines below:

5.1.1. Appointment onto the Panel will not guarantee any future work.

5.1.2. Endumeni Local Municipality will utilise the Panel in a manner which promotes the elements of transparency, fairness and equal opportunity in the utilisation and management of the Panel.

5.1.3. The selection of service providers from the panel is on a competitive basis.

5.1.4. Service Providers who may be suitable for such work will be identified from the panel based on the relevant expertise (as specified in the technical proposal).

5.1.5. Municipality reserves the right to request quotations from a minimum of three service providers, on a rotation basis, within the panel.

5.1.6. Proposals may include, amongst others, the proposed methodology and costing and will be evaluated against the criteria set out in the specific terms of reference.

5.1.7. Proposals will be evaluated as per the criteria set out in the specific terms of reference, and Endumeni Local Municipality reserves the right to hold interviews with prospective bidders as part of the evaluation process.

GENERAL CONDITIONS OF TENDER

1. Submission of Tenders

Sealed tenders, with the "Tender Number and Title" clearly endorsed on the envelope, must be deposited in the tender box indicated at the offices of the Endumeni Local Municipality, 64 Victoria Street Dundee.

All literature must be securely attached to the tender. The Council shall not be held liable for any loss or damages sustained due to the service provider's failure to comply with this condition.

If a courier service company is being used for delivery of the tender document, the tender description must be endorsed on the delivery note/courier packaging and the courier must ensure that documents are placed / deposited into the tender box. The Endumeni Local Municipality will not be held responsible for any tender document which is not timeously delivered, mislaid, or incorrectly delivered due to the negligence of the courier company or any other party involved in the delivery of the tender document.

Please note:

- Tenders that are deposited in the incorrect box will not be considered.
- Telegraphic or faxed tenders will not be accepted.
- The use of correction fluid/tape on the bid documents is not allowed. If there is an error, draw a line through it, initial next to it and make the correction directly above /below/next to it.
- All bids must be submitted in writing on the official forms supplied (not to be re-typed) All prices shall be quoted in South African currency.

2. Quality Assurance

Any defects, patent or latent, which are attributable to poor workmanship, will be rectified by the bidder at own cost and time and all costs relating to the correction of defects will be expressly and separately noted on billing documentation.

3. Brand Name

- i. Special brands, where named, are used to indicate the standard of quality desired. Tenderer's equal/similar item will be considered, provided that the Tenderer specifies brand name(s) and submits full specifications. If the full set of specifications of the alternative item is not submitted, the item will not be evaluated and will not be considered for award.
- ii. In the event the Municipality elects to accept an alternative item purported to be equal/similar by the Tenderer, the Municipality may request the tenderer to provide samples of the alternative offer for testing and inspection. Acceptance of the item(s) will be conditional on such inspection and testing after receipt.
- iii. If, in the sole judgment of the Municipality, the item is determined not to be equal/similar, the item shall be collected by the Bidder and not be considered for award.
- iv. The samples must be within 30 days of notification. The samples will be discarded if not collected within 30 days and the Municipality will not be accountable for any loss suffered by the bidder due to the discarding of the samples.
- v. If a tenderer wishes to have an equal/similar item considered, they must declare it first.

4. Validity Period

Bids shall remain valid for ninety (90) days after the tender closure date.

5. Renewal of Contract

The Municipality may exercise its option to renew this agreement, with a financial escalation clause, in line with the latest CPI statistics, which will commence at the end of the contract period, and the terms thereof for a further period not exceeding 6 (six) months at a time, upon giving 30 days' notice to the Service Provider of its intention to exercise that option.

6. Quantities of Specific Items

If tenders are called for a specific number of items, the Municipality reserves the right to change the number of such items to be higher or lower. The successful bidder will then be given an opportunity to evaluate the new scenario and inform the Municipality if it is acceptable. If the successful bidder does not accept the new scenario, it will be offered to the second placed bidder. The process will be continued to the Municipality's satisfaction.

7. Intellectual Property Rights

Copyright, patent rights and other similar rights in any works or products created because of the performance of this proposal and its assignments will vest in and are hereby transferred to Endumeni Local Municipality, unless specifically agreed otherwise, in the form of individual written Agreement signed by both parties.

For this purpose, only, all works created in terms of this proposal and the assignments thereof will be deemed to have been created under the control and direction of Endumeni Local Municipality.

8. Disbursements, Travel and Subsistence

No bidder will be refunded any cost or disbursements incurred in respect of the project, save where the prior written approval of Endumeni Local Municipality has been obtained in respect of such expenditure.

Any authorized disbursements will be refunded at the reasonable and actual cost determined by Endumeni Local Municipality.

Any expenditure incurred by the successful bidder in respect of authorized travel for the project will be refunded in accordance with the Endumeni Local Municipality travel policy as applicable from time to time. The rates payable for the use of private vehicles will be the prevailing rates quoted by the Automobile Association of South Africa

All claims in respect of authorized disbursements (travel and subsistence costs) must be substantiated by documentary evidence such as receipts and logs of kilometres travelled.

All expenses incurred by the bidder for the proposal and presentations are the responsibility of the bidder and will not be reimbursed by Endumeni Local Municipality.

9. Certified Copies

The tenderer shall, where required in terms of the tender document submit with the proposal, certified copies of all certificates specified. Failure to do so may render the proposal liable to rejection on the grounds of being incomplete. Copies of certified documents will not be accepted.

10. Bids Exceeding R10 Million

If the tendered value exceeds R10 million (VAT included), bidders are required to furnish:

- i. if the bidder is required by law to prepare annual financial statements for auditing, their audited annual financial statements:
 - for the past three years; or
 - since their establishment if established during the past three years.
- ii. a certificate signed by the bidder certifying that the bidder has no undisputed commitments for municipal services towards a municipality or other service provider in respect of which payment is overdue for more than 30 days.
- iii. particulars of any contracts awarded to the bidder 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.
- iv. a statement indicating whether any portion of the goods or services are expected to be sourced from outside the Republic, and, if so, what portion and whether any portion of payment from the municipality or municipal entity is expected to be transferred out of the Republic; and
- v. Disputes must be settled by means of mutual consultation, mediation (with or without legal representation), or, when unsuccessful, in a South African court of law.

Acceptance or Rejection of a Tender

The Municipality reserves the right to withdraw any invitation to tender and/or to re-advertise or to reject any tender or to accept a part of it. The Municipality does not bind itself to accepting the lowest tender.

11. Completion of Tender Documents

The original tender document must be completed fully in black ink and signed by the authorised signatory to validate the tender. Tender documents may not be retyped. Retyped documents will result in the disqualification of the tender. The complete original tender document must be returned. Missing pages will result in the disqualification of the tender.

No unauthorised alteration of this set of tender documents will be allowed. Any unauthorised alteration will disqualify the tender automatically. Any ambiguity must be cleared with contact person for the tender before the tender closure.

12. Site / Information Meetings

Site or information meetings, if specified, are compulsory. Bids will not be accepted from bidders who have not attended compulsory site or information meetings. Bidders that arrive 15 minutes or more after the advertised time the meeting starts will not be allowed to attend the meeting or to sign the attendance register. If a bidder is delayed, he must inform the contact person before the meeting commence and will only be allowed to attend the meeting if the chairperson of the meeting as well as all the other bidders attending the meeting, give permission to do so.

13. Contact with Municipality after Tender Closure Date

Bidders shall not contact the Endumeni Local Municipality on any matter relating to their bid from the time of the opening of the bid to the time the contract is awarded. If a bidder wishes to bring additional information to the notice of the Endumeni Local Municipality, it should do so in writing to the Endumeni Local Municipality. Any effort by the firm to influence the Endumeni Local Municipality in the bid evaluation, bid comparison or contract award decisions may result in the rejection of the bid.

14. Opening, Recording and Publications of Tenders Received

Tenders will be opened on the closing date immediately after the closing time specified in the tender documents. If requested by any bidder present, the names of the bidders, and if practical, the total amount of each bid and of any alternative bids will be read out aloud.

Details of tenders received in time will be recorded in a register which is open to public inspection. Faxed, e-mailed and late tenders will not be accepted.

15. Procurement Policy

Bids will be awarded in accordance with the Preferential Procurement Regulations, 2022 pertaining to the Preferential Procurement Policy Framework Act, No 5 of 2000 and its amendments as well as the Municipality's Supply Chain Management Policy.

16. Wrong Information Furnished

Where a contract has been awarded on the strength of the information furnished by the bidder which, after the conclusion of the relevant agreement, is proved to have been incorrect, the Municipality may, in addition to any other legal remedy it may have, recover from the contractor all costs, losses or damages incurred or sustained by the Municipality because of the award of the contract.

17. Cost of Materials

The Municipality shall bear the cost of all materials required and supplied by the successful bidder unless it has already been included as part of the price tendered. In this instance, the municipality may request a minimum of 3 quotations for these materials must be produced when submitting a claim. A maximum mark up of 10% is allowed on materials supplied.

18. Value-Added Tax

Tax invoices are to comply with the requirements as contained in the Value Added Tax Act, Act 89 of 1991. The content of the invoice must contain sufficient information for audit purposes.

It is a requirement of this contract that the amount of value-added tax (VAT) must be shown clearly on each invoice.

The amended Value-Added Tax Act requires that a Tax Invoice for supplies more than R3, 000 should, in addition to the other required information, also disclose the VAT registration number of the recipient, with effect from 1 March 2005.

The VAT registration number of the Municipality is **4410193041**.

19. Central Supplier Database

No awards will be made to a tenderer who is not registered on the Central Supplier Database.

20. Inducements, rewards, gifts and other abuses of the Supply Chain Management System

No person who is a provider or prospective provider of goods or services, or a recipient or prospective recipient of goods disposed or to be disposed of, may directly or indirectly:

- i. Influence or interfere with the work of any Endumeni Local Municipality officials involved in the tender process to inter alia:
 - a. influence the process and/or outcome of a tender.
 - b. incite breach of confidentiality and/or the offering of bribes.
 - c. cause over- or under-invoicing.
 - d. influence the choice of procurement method or technical standards.

- e. Influence any Endumeni Local Municipality official in any way which may secure an unfair advantage during or at any stage of the procurement process.
 - ii. Abuse of the supply chain management system is not permitted and may result in the tender being rejected, cancellation of the contract, "blacklisting" and/or any such remedies as set out in the Endumeni Local Municipality SCM Policy.
- 21. KINDLY NOTE THAT BIDDERS WHO HAVE SUBMITTED BIDS PREVIOUSLY WOULD NOT BE REQUIRED TO DO A NEW SUBMISSION. BIDDERS WHO HAVE BEEN DISQUALIFIED ON THE PREVIOUSLY FOR THIS PANEL MAY RE-SUBMIT THEIR BIDS.**

SITE LOCALITY AND DESCRIPTION

Endumeni Local Municipality is one of the four local municipality under uMzinyathi district municipality of KwaZulu-Natal province. Endumeni is an isiZulu name meaning a place of thunderstorm. The municipality shares its name with the Endumeni hill. The majority of its 90771+ residents speak Zulu. The district code is DC24 Wikipedia

Area: 1 610 km²

District: uMzinyathi

Municipal Code: KZN241

Wards: 7

LIST OF RETURNABLE DOCUMENTS

Bidders are required to submit a Company Profile that records evidence of previous work which substantiate their ability to undertake specific tasks.

The Company Profile must include the following items as tender returnables:

- Company Registration Documents
- Valid Tax Clearance Certificate with SARS pin code
- Original certified copy of Identity Document for Directors not older than 3 months.
- Statement of Municipal Rates not older than 3 months, proof of residence for those living in rural areas or Lease Agreements.
- Letter of Good Standing (COIDA) and proof of good standing with the Unemployment Insurance Fund (UIF) –if applicable
- Quality Management Plan (if any)
- Proof of Registration with Professional Bodies (E.g. CIDB)
- **Comprehensive curriculum vitae's and qualifications for Key Personnel must be attached with the tender submission.**
- Certified copy of a valid Workmen's Compensation Certificate, Act No. 4 of 2002
- Certified copy of a valid Unemployment Insurance Certificate, Act No. 4 of 2002
- Curriculum Vitae of the person who prepares the Contractor's Health and Safety Plan
- Curriculum Vitae of the Health and Safety Officer the successful tenderer intends appointing in accordance with the Occupational Health and Safety Act, Act No. 85 of 1993
- Curriculum Vitae of all supervisory staff and safety personnel
- Request for 3 years audited AFS, Organograms and company profile to form part of the returnable documents.
- Proof of experience for funding raising and implemented projects.

Please note that all copies of qualifications must be certified three (3) months prior the date of tender closing. Copies of certified documents will not be accepted.

Attach Company Profile to this page.

SIGNATURE		NAME (PRINT)	
CAPACITY		DATE	
NAME OF FIRM			