

INGQUZA HILL LOCAL MUNICIPALITY



BID NO: IHLM/45/2026-27/PLAN

REVIEW OF IHLM HOUSING SECTOR PLAN

CLOSING DATE: 07 SEPTEMBER 2026

CLOSING TIME: 12H00

TENDER BOX ADDRESS: 135 MAIN STREET FLAGSTAFF

TENDER DOCUMENT: Downloadable on ihlm.gov.za Procurement: Open Tender

IMPORTANT NOTES TO BIDDERS:

- Tenders/Quotations must be properly received and deposited in the above-mentioned tender box on or before the closing date at Ingquza Hill Local Municipality, 135 Main Street, Flagstaff, 4810
- No late, couriered, faxed or emailed tenders will be accepted under any circumstances.
Tender offers must be submitted in a sealed envelope clearly reflecting the tender Number and tender description as indicated above.
- Do not reproduce this tender document (do not take it apart, omit pages, change wording or put documents between its pages). All other mandatory documents must be attached as per the advert requirements.
- Initial each and every page. Site meetings will be reflected on adverts if attendance is compulsory.

TENDERER	
NAME of Company/Close Corporation or Partnership /Consortium/ Joint Venture or Sole Proprietor /Individual/Other	
TRADING AS (if different from above)	
COMPANY REGISTRATION NUMBER	

BID NOTICE

Bids are hereby invited from suitable qualified and experienced service providers for the following services:

CONTRACT NO	DESCRIPTION	CLOSING DATE
<u>IHLM/45/2026-27/PLAN</u>	Review of IHLM Housing Sector Plan	03 September 2026 at 12h00 Flagstaff Municipal Offices

Evaluation criteria: **Functionality:** Promotion of local enterprises **20 Points**, Ability to deliver **40 Points**, Experience **40 Points**. **Bidders should score 70 out of 100 to proceed to 80/20 Price= 80 points, Specific Goals= 20 Points**

Specific Goals: Owned by black people who are youth (18-35 years old) **6 points**, owned by black people who are women **6 points**, owned by black people living with disability **2 points** and owned by black people **6 points**

Enquiries: Technical enquiries shall be addressed to Economic Development Office on **039 253 1096/ ajordaan@ihlm.gov.za** , Supply Chain Management at **039 252 0131/ antongana@ihlm.gov.za**.

Tender validity period: 90 (ninety) days after tender closing date

MANDATORY DOCUMENTS:

Potential bidders are urged to submit the following documents when submitting their proposals, failure to do so will render the bid not responsive.

- Valid Full CSD Proof of registration
- Completed and Signed Declarations (MBD1-9) attached on the tender document.
- A Valid SARS TCS Pin printout
- Proof of accreditation with relevant Professional Body (**SACPLAN, PLATO/SAGC**)
- A signed letter by the bidder confirming that no undisputed municipal accounts are overdue by more than 30 days and proof thereof.

OBTAINING OF TENDER DOCUMENTS:

Downloadable on www.ihlm.gov.za Procurement: Adverts-Open Bids /E-Tender Portal

TENDER SUBMISSION AND OPENING

Tenders/Proposals must be submitted by hand at 135 Main Street, Flagstaff, 4810 (Municipal Reception) **by 12:00 local time on the 07 September 2026**

Tenders should be sealed, endorsed on the envelope with:

IHLM/45/2026-27/PLAN

Advert Date: 28 August 2026

CONDITIONS OF ACCEPTANCE:

The Ingquza Hill Local Municipality is under no obligation to accept any proposal/tender and reserves the right not to accept the whole or any part of the proposal/tender. The only or lowest bid received shall not necessarily be accepted. No proposal/tenders will be considered from persons in the service of the state, the bidder or any of its directors/shareholders listed on the Register of Tender Defaulters in terms of the Prevention and Combating of Corrupt Activities Act of 2004 as a person prohibited from doing business with the public sector; the bidder has not: abused the Employer's Supply Chain Management System; or failed to perform on any previous contract and has been given a written notice to this effect. The municipality will only consider bids submitted on the original bid documentation provided by the municipality. The Ingquza Hill Local Municipality's supply chain policy will apply in all tender stages.

NB. No faxed, couriered, emailed tenders will be accepted.

The municipality reserves the right to extend the tender period by notice in the press and or on the municipality's official website ihlm.gov.za

V.C. Makedama

Municipal Manager

**PART A
INVITATION TO BID**

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE INGQUZA HILL LOCAL MUNICIPALITY					
BID NUMBER:	IHLM/45/2026-27/PLAN	CLOSING DATE:	07 SEPTEMBER 2026	CLOSING TIME:	12:00 PM
DESCRIPTION	REVIEW OF IHLM HOUSING SECTOR PLAN				
THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (MBD7).					
BID RESPONSE DOCUMENTS MAY BE DEPOSITED IN THE BID BOX SITUATED AT (STREET ADDRESS)					
135 MAIN STREET					
FLAGSTAFF					
4810					
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 OFFERED?	☐ Yes ☐ No [IF YES ENCLOSE PROOF]		ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES OFFERED?		☐ Yes ☐ 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	Economic Development		CONTACT PERSON	A Jordaen	
CONTACT PERSON	A Ntongana		TELEPHONE NUMBER	039 253 1096	
TELEPHONE NUMBER	039 252 0131		FACSIMILE NUMBER	N/A	
FACSIMILE NUMBER	N/A		E-MAIL ADDRESS	ajordaen@ihlm.gov.za	
E-MAIL ADDRESS	antongana@ihlm.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 THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER SPECIAL CONDITIONS OF CONTRACT.	
2. TAX COMPLIANCE REQUIREMENTS	
2.1 BIDDERS MUST ENSURE COMPLIANCE WITH THEIR TAX OBLIGATIONS.	
2.2 BIDDERS ARE REQUIRED TO SUBMIT THEIR UNIQUE PERSONAL IDENTIFICATION NUMBER (PIN) ISSUED BY SARS TO ENABLE THE ORGAN OF STATE TO VIEW THE TAXPAYER'S PROFILE AND TAX STATUS.	
2.3 APPLICATION FOR THE TAX COMPLIANCE STATUS (TCS) CERTIFICATE OR PIN MAY ALSO BE MADE VIA E-FILING. IN ORDER TO USE THIS PROVISION, TAXPAYERS WILL NEED TO REGISTER WITH SARS AS E-FILERS THROUGH THE WEBSITE WWW.SARS.GOV.ZA.	
2.4 FOREIGN SUPPLIERS MUST COMPLETE THE PRE-AWARD QUESTIONNAIRE IN PART B:3.	
2.5 BIDDERS MAY ALSO SUBMIT A PRINTED TCS CERTIFICATE TOGETHER WITH THE BID.	
2.6 IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED, EACH PARTY MUST SUBMIT A SEPARATE TCS CERTIFICATE / PIN / CSD NUMBER.	
2.7 WHERE NO TCS IS AVAILABLE BUT THE BIDDER IS REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD), A CSD NUMBER MUST BE PROVIDED.	
3. QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS	
3.1. IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)?	☐ YES ☐ NO
3.2. DOES THE ENTITY HAVE A BRANCH IN THE RSA?	☐ YES ☐ NO
3.3. DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA?	☐ YES ☐ NO
3.4. DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA?	☐ YES ☐ NO
3.5. IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION?	☐ YES ☐ NO
IF THE ANSWER IS "NO" TO ALL OF THE ABOVE, THEN IT IS NOT A REQUIREMENT TO REGISTER FOR A TAX COMPLIANCE STATUS SYSTEM PIN CODE FROM THE SOUTH AFRICAN REVENUE SERVICE (SARS) AND IF NOT REGISTER AS PER 2.3 ABOVE.	

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

SIGNATURE OF BIDDER:

CAPACITY UNDER WHICH THIS BID IS SIGNED:

DATE:

MBD 2

1. 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 eFiling. In order to use this provision, taxpayers will need to register with SARS as eFilers through the website www.sars.gov.za.

2.1 SARS APPLICATION FOR TCC MBD

MBD 3.1

2. PRICING SCHEDULE – FIRM PRICES
(PURCHASES)

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

IN CASES WHERE DIFFERENT DELIVERY POINTS INFLUENCE THE PRICING, A SEPARATE PRICING SCHEDULE MUST BE SUBMITTED FOR EACH DELIVERY POINT

Name of Bidder.....	Bid Number.....
Closing Time	Closing Date

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

ITEM NO.	QUANTITY	DESCRIPTION	BID PRICE IN RSA CURRENCY **(ALL APPLICABLE TAXES INCLUDED)
-	Required by:		
-	At:		
			
-	Brand and Model		
-	Country of Origin		
-	Does the offer comply with the specification(s)?		*YES/NO
-	If not to specification, indicate deviation(s)		
-	Period required for delivery		
			*Delivery: Firm/Not firm
-	Delivery basis		

Note: All delivery costs must be included in the bid price, for delivery at the prescribed destination.

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

MBD 3.3
3.1 PRICING SCHEDULE AND SPECIFICATION
(SECTION 2)

Pricing Instructions:

1. All prices shall be tendered including VAT, customs or excise duty and any other duty, levy, or other applicable tax.
2. All prices shall be tendered in accordance with the units specified in this schedule.
3. All prices tendered must include all expenses, disbursements and costs (e.g. transport, overheads, accommodation etc.) that may be required in and for the execution of the work described in the Specification, and shall cover the cost of all general risks, liabilities and obligations set forth or implied in the Contract as well as overhead charges and profit (in the event that the tender is successful). All prices tendered will be final and binding.

TERMS OF REFERENCE FOR REVIEW OF IHLM HOUSING PLAN

SECTION 1: PURPOSE

Ingquza Hill Local Municipality intends to appoint a Service Provider to review its Housing Sector Plan in order to enable the Municipality to have a well-informed and guided decision-making mechanism with regards to houses, access to services, administration and socio-economic realities.

Additionally, Ingquza Hill Local Municipality intends to provide a formal and practical method of prioritising human Settlements projects and obtaining political consensus for the sequencing of the implementation; and further integrate development through bringing together the relevant cross-sectoral role players to coordinate their development interventions in one plan.

Proposals are invited from suitably qualified and experienced multidisciplinary consulting firms, consortiums or teams of professional service providers with demonstrated experience in the development or the review of Housing sector Plans. The appointed service provider shall be responsible for delivering a comprehensive and legally compliant Housing Sector Plan.

SECTION 2: BACKGROUND

Ingquza Hill Municipality is made up of 32 wards with two Major nodes namely Lusikisiki and Flagstaff, with most citizens living below poverty line thus meaning there is a definite need for housing or well-coordinated human settlements, especially also looking at the high level of land invasion. There is also a high number of poor communities reside in communal land with poor access to basic services such as water, sanitation, refuse removal and electricity. Even those who have jobs find it difficult to sustain a decent quality of life as they fall outside subsidy bracket but at the same time are unable to afford and access mortgage products available from commercial banks.

The last review of Ingquza Hill Local Municipality's Housing Sector Plan was completed in 2015. The first draft of the HSP was compiled in 2024 however the document/ project has not been completed. This assumes that the Plan does not meet the requirements or standards of the National Department of Human Settlements and has therefore lost relevance in reflecting adequately in the human settlement dynamics in the Municipality.

In terms of Section 9(1) of the National Housing Act 107 of 1997, it is a prerequisite that every municipality as part of the municipality's process of Integrated Development planning acquire all reasonable and obligatory steps to make certain that people within its area of jurisdiction obtain access to adequate housing on a progressive basis by setting goals for housing delivery, identifying land for Human Settlements development and planning, facilitating, initiating and coordinating human settlements development in its area of jurisdiction.

SECTION 3: OBJECTIVES

The main objective of the project is to develop the Municipal Housing Sector Plan in line with legislations and policies at various government levels.

- I. Provide recommendations to the Municipality on the suitable approach towards Human Settlements in the area.
- II. To provide ward-based maps showing current, proposed and future housing projects, backlogs.
- III. To provide an overview of areas in need of a temporary intervention or risk areas with informal houses.
- IV. To provide a clear monitoring and evaluation framework for Human Settlement.
- V. To Develop an Institutional Structure and unpack clear roles and responsibilities of relevant stakeholders, critical to achieving integrated Human Settlements Planning.

SECTION 4: COMPONENTS OF THE MUNICIPAL HUMAN SETTLEMENTS SECTOR PLAN

Analysis

- Human Settlements related results from the IDP analysis phase.
- Overview of critical challenges facing human settlements sector in general.
- Determine and identification of human settlements backlog and the need.
- Trend analysis in terms of current and future spatial distribution of economic activities based on migration pattern, demographics and age.

Strategy

- Indicate IDP objectives and strategies relate to human settlements, Spatially, economically, environmentally, infrastructural and socially.
- How the human settlements objectives and strategies will address the IDP objectives and strategies.
- Identified housing supply options. This should include the negotiated supply objectives or goals as referred to in the Housing Act; and
- Negotiated supply strategies which should complement the IDP development strategies.

Projects

- Basic information on the prioritised IDP human settlements projects and informal settlements.
- Projects objectives, description and indicators, national human settlements subsidy programme, target groups, spatial location, major activities, estimated timeframes for implementation, implementation agencies, preliminary capital and operational budget implications and source of finance.
- Bulk infrastructure availability, carrying capacity and lifespan.

Integration

- Confirmed priority human settlements projects and their relationship to the IDP objectives and strategies;
- Clarify integration through preliminary assessment of social, economic, environmental, infrastructural and the spatial feasibility of human settlements projects;
- Clarify the coordination of the human settlement's projects funding with the five-year financial plan and capital investment programme of the IDP;
- Compile a detailed action plan for delivery including all the human settlements projects and municipal institutional arrangements.

Approval

- Facilitate a process for approval by the respective Municipal Councils.

SECTION 5: GUIDING PRINCIPLES

The Housing Sector Plan should give effect to the following key principle in respect of housing development:

- a) Human Settlements should be provided closer to employment opportunities;
- b) Human Settlements development should provide wider choice regarding the type of house, materials, tenure, etc.;

- c) Human Settlements development should take measures not to harm the environment;
- d) Housing should be prioritised to the poorest of the poor;
- e) Houses should be designed in a manner that accommodates future extensions;
- f) Promote higher density in respect of human settlements development to ensure the economical utilization of land and services;
- g) Human Settlements development should be based on integrated development planning;
- h) Promote racial, social, economic and physical integration in urban and rural areas;
- i) Human Settlements development should be administered in a transparent, accountable and equitable manner and uphold the practice of good governance;
- j) Promote education and consumer protection in respect of human settlements development;
- k) Promote the establishment of socially and economically viable communities and safe and healthy conditions to ensure the elimination of slums;
- l) Facilitate the active involvement of all relevant stakeholders in housing development; and
- m) Provide community and recreational facilities in residential areas.

SECTION 6: REQUIRED EXPERIENCE, QUALIFICATIONS AND SKILLS

The following minimum relevant skills and expertise are considered to be necessary for the effective implementing of the assignment:

- A. Service provider's experience in undertaking similar assignment or work, their familiarity with the IDP process, provisions and principles for the conceptualization and integration of a Housing Sector Plan and familiarity with the contents of the Provincial Human Settlements Development Plan;
- B. Specific expertise in municipal finance, project finance, financial management, verifications;
- C. Understanding the organizational structures, operations and financing of the public service;
- D. Extensive experience within human settlements environment;
- E. Extensive experience with local government management environment;
- F. Reference letters for related work undertaken in the same Province/District/Municipality
- G. Development planning, including urban, town and regional planning;
- H. Understanding of housing and human settlements programmes;
- I. Experience in handling of delegation of functions, and or other local government function; Housing Subsidy System (HSS) application;
- J. Organisational and institutional development;
- K. Programme and project management as well as knowledge of and exposure to the National Housing Code and practicalities of the different housing instruments.

The project leader must be a registered Professional Town Planner, Human Settlement Specialist or GIS and the following mandatory requirements are key:

- Report writing;
- High level communication (verbal and written);
- Managing change;
- Conflict management and dispute resolution;
- Negotiation skills; and
- Political understanding and management

- Knowledge and experience in undertaking and completing similar projects
- Proof of similar projects undertaken
- Town and Regional Development Planning experience (5 years)
- Human Settlements experience (5 years)
- Ability to create and read maps (GIS expertise)
- Experience in Project Management
- Research, analytical, writing and communication skills;

No. of Minimum Qualification	Key Skills set	Registration Requirement
Degree in Town/Urban/City and Regional Planning	• Spatial Planning • Land use management • Land Use Scheme development • Report writing • Project Management	Registration with SACPLAN as a Professional Planner
Degree in Human Settlements	• Facilitation • Housing Subsidy • National Housing Needs Register	Registered with Institute of Human Settlement Practitioner
B Degree related to Geographic Information Systems	• Mapping • Spatial analysis • Data modelling	Registration with SAGC (South African Geomatics Council) as a Professional GISc or Geomatics Technologist: GISc.

Please note that the above is a minimum set of skills required, the company/consortium is welcome to add more skills as deemed necessary to undertake the work.

All team members that will be directly involved in the project will be expected to attend all progress report meetings as scheduled and agreed upon by both parties. It will be compulsory for the project team leader, Spatial Planner or Human Settlement Practitioner to attend the regular update meetings.

Core competencies required:

- a) The service provider should have knowledge and experience in advance programme management which includes coordinating a multiplicity of key stakeholders;
- b) Experience in advanced project planning, implementation and monitoring;
- c) Excellent communication and organisation skills (experience working with the public sector is considered an asset more especially linking the higher echelons with operations);
- d) Full computer literacy and experience in working with Excel and Project Management, in particular multi-year planning and sequencing of Human Settlements projects;
- e) Good knowledge of and exposure to all housing programmes, key advantage;

SECTION 7: SCOPE OF WORK

Planned Human Settlements projects and Available Funding

The service provider should list all the municipality's planned human settlements projects related to the objectives and strategies above. It should identify the full array

of capital and operating funds available to the municipality to fulfil its mandate and developing sustainable human settlements.

- A. Review and assist the municipality with a comprehensive analysis human settlements challenge, identifying backlog and need and determining the trends in terms of current and future spatial distribution of economic activities;
- B. Prepare / develop comprehensive and integrated MHSP that is ready to implement for Ingquza Hill Local Municipality;
- C. Ensure the alignment of the MHSP with critical instruments such as the Integrated Development Plan (IDP), Service Delivery and Budget Implementation Plan (SDBIP), the National Master Spatial Plan framework and the Spatial Development Frameworks (SDFs) of the respective municipality, Business plans and other National/ Provincial planning frameworks;
- D. Advise the Municipality of their respective capacitation efforts towards gearing the Municipality for housing accreditation; document, collate and consolidate information for the purposes of fulfilling this assignment;
- E. Ensure that collated information from various engagements finds expression in the MHSP;
- F. Ensure fair negotiation between the municipality and the key stakeholders to open up the way towards prioritization of projects;
- G. Ensure full stakeholder participation including supportive structures towards the MHSP developments and analysis conducted; and ensure the facilitation for approval by Municipal Councils.

SECTION 8: DELIVERABLES

The Service provider will be required to develop the Housing Sector Plan and deliver an implementable Housing Sector Plan.

The expected outputs are as follows:

- Inception Report
- Legislative policy background critique review
- Location and general analysis
- Strategic Framework review
- Project pipeline report
- Integration report
- Approved and adopted housing sector plan
- Spatial Illustration of projects, demand and backlogs in ward-based approach
- Indicators for set objectives
- A schedule of activities and responsibilities
- Written close out report

The implementation of the outcomes of the project will be the responsibility of the Municipality. The project must, however, provide guidance to the Municipality for the implementation with indicators and responsibilities to achieve this. The implementation plan is designed to be a key resource for the Municipality in ensuring that the goals and policies of the Housing sector Plan are reflected in day-to-day municipal operations and services including preparing plans and programs, reviewing development proposals and maintaining infrastructure and capacity. The implementation plan should address specific actions required by the Municipality.

SECTION 9: DURATION OF THE PROJECT

The project duration shall be **Six (6) months**, unless unexpected delays either on the side of the municipality or the service provider are experienced. Timeframes should always be strictly adhered to unless written reasons are submitted in advance to the project steering committee chairperson and municipal project manager in anticipation of project delays.

SECTION 10: LEGAL REQUIREMENTS

It will be key for the appointed service provider to confirm that the development will be able to abide by the relevant legislation such as the:

- Spatial Planning and Land Use Management Act 16 of 2013;
- National Housing Act 107 of 1997
- Ingquza Hill Municipality Spatial Development Framework and all other relevant legislation and policy documents.
- Constitution of 1996
- National Housing Code of 2009
- Municipal Finance Management Act 2003

SECTION 11: SUBJECT AREA

The project will cover the whole of the Municipal area of jurisdiction.



SECTION 12: PROJECT MANAGEMENT

- Manage and play a lead role in the project to achieve the specified project purpose.
- Draft implementation schedule and time frames for all activities.
- Prepare regular daily progress reports to Ingquza Hill Local Municipality Project Manager.

SECTION 13: METHODOLOGY

The project will be implemented in a phased approach as indicated below:

The Service Provider must undertake to:

- Provide quality progress reports monthly to the Project Steering Committee.
- Timely submission of invoices and documentation for payment on completion of project milestones.
- Provide variance reports against the Project Programme and planned project expenditure and milestones during the project life cycle.
- Adhere to project milestones and expenditure.



SECTION 14: PROJECT MILESTONES

The process that is to be followed by the service provider will consist of the following steps:

MILESTONE	TIMEFRAME	OUTPUT	PAYMENT
Phase 1: Project Inception			
- Attend inception meeting; - confirm scope, objectives, deliverables and timelines; review existing Housing documentation; - identify data requirements; - prepare methodology and work programme	1 Month	Inception Report and Detailed Work/Project Programme	20%
Phase 2: Analysis	TIMEFRAME	OUTPUT	PAYMENT
- Overview of critical challenges facing human settlements sector in general. - Determine and identification of human settlements backlog and the need. - Trend analysis in terms of current and future spatial distribution of economic activities based on migration pattern, demographics and age.	1 Month	Draft motivation report Status Quo, Legislative and Spatial Review Report	20%
Phase 3: Strategy and Projects	TIMEFRAME	OUTPUT	PAYMENT
- Indicate IDP objectives and strategies relate to human settlements, Spatially, economically, environmentally, infrastructural and socially. - Indicate how the human settlements objectives and strategies will address the IDP objectives and strategies. - Indicate identified housing supply options.	1 Months	Draft Housing Sector Plan	20%
Phase 4: Projects	TIMEFRAME	OUTPUT	PAYMENT

• Provide Basic information on the prioritised IDP human settlements projects and informal settlements. • Provide Projects objectives, description and indicators, national human settlements subsidy programme, target groups, spatial location, major activities, estimated timeframes for implementation, implementation agencies, preliminary capital and operational budget implications and source of finance. • Indicate the Bulk infrastructure availability, carrying capacity and lifespan.	1 Months	Consultation Report, Amended Housing Sector Plan	20%
Phase 5: Integration	TIMEFRAME	OUTPUT	PAYMENT
• Confirmed priority human settlements projects and their relationship to the IDP objectives and strategies; • Clarify integration through preliminary assessment of social, economic, environmental, infrastructural and the spatial feasibility of human settlements projects; • Clarify the coordination of the human settlement's projects funding with the five-year financial plan and capital investment programme of the IDP; • Compile a detailed action plan for delivery including all the human settlements projects and municipal institutional arrangements.	1 Months	Final Housing Sector Plan Council Resolutions	10%
Phase 6: Approval/Close Out	TIMEFRAME	OUTPUT	PAYMENT
• Finalising of Housing Sector Plan • Printing of Housing Plan copies, booklets and banners	1 Months	Roll-up Banners x2 Posters x6 Booklets x30 Final Housing Sector Plan document and soft copies of all printed material.	10%
PROJECT DURATION		6 Months	

SECTION 15: COST ESTIMATE VALIDITY PERIOD

All submitted quotations/cost estimates should be valid for Ninety (90) days.

SPECIAL NOTES:

- All project quotations must include VAT (if registered for vat) and all disbursements.
- All quotes must first indicate the professional fees total before adding VAT and also the VAT amount before adding them for the final project amount (inclusive of Vat).

SECTION 16: GENERAL CONDITIONS OF THIS CONTRACT

- General conditions of the contract and principles of contract law will apply.
- Awarding of the bid will be subject to the Service Provider's express acceptance of the municipal Supply Chain Management special contract conditions.
- The Municipality and Service Provider will sign a Services Level Agreement upon appointment.
- No material or information derived from the provision of services under this contract may be used for any other purposes except for those of the municipality, except where duly authorized to do so in writing by the municipality.
- Copyright in respect of all documents and data prepared or developed for the purpose of the project by the Service Provider shall be vested in municipality.
- The successful Service Provider agrees to keep all records and information of or related to the project confidential and not discloses such records or information to any third party without the prior written consent of municipality.
- The municipality reserves the right to terminate the contract in the event that there is clear evidence of non-performance and non-compliance with contract.
- The short-listed service providers may be required to do a presentation in person to the municipality at their own cost should it be deemed necessary.

SECTION 17: SPECIAL CONDITIONS OF THE CONTRACT

- Replacement of candidates for this assignment will not be allowed except in extreme cases and the new candidates should possess the same educational qualifications and experience or higher than their predecessors.
- This must be communicated in writing through the Project Management Committee for approval of the Municipal Manager or his/her delegate.
- Payment will be affected for each milestone achieved and payment will be made within 30 days after the Municipality has been issued with a correct invoice and the report on the work done
- Service providers must include a schedule of resources to be committed to the project, including certificates and qualifications of team members and their anticipated role on the project.
- The Service Provider should structure the budgets in such a way that it includes all expenses such as VAT, workshop costs, fees and all additional costs.
- The Service Provider must structure the budget in such a way that the under-mentioned information is clearly identified:
 - Professional fees
 - Disbursements

NB:

- All proposals are to respond to the requirements as set out in the Terms of Reference.
- All proposals should be clearly indexed and easy to read.
- Completed and binded documents should be submitted to the tender box in a sealed envelope with the bin number and project title **135 Main Street, Flagstaff, 4810**

SECTION 18: FUNCTIONALITY

The evaluation of the functionality will be evaluated individually in accordance with the functionality criteria below and weighting.

EXPERIENCE	POINTS	TOTAL POINTS
Appointment letters or order and reference letters on Development or Review of Housing Sector Plans Projects (10 points per project with a maximum of 4 projects in the Public Sector)	40 Points	40 POINTS
EXPERTISE		
Project Leader to be a Professional Town Planner attach certified copy of ID, Qualification, with CV and registration professional body (Sacplan) and 5 years' experience post registration.	20 points	40 POINTS
Professional Gis, attach certified copy of ID, Qualification, with CV and registration with professional body (PLATO/SAGC) and 5 years' experience post registration	10 Points	
Professional Human Settlement Practitioner, attach certified copy of ID, Qualification, with CV and registration and 5 years' experience post registration A detailed organogram with responsibilities	10 Points	
METHODOLOGY		
Methodological approach with both Program of work and Cashflow Projections	20 Points	20 POINTS
Methodological approach with only the Cashflow Projections or Program of works	10 Points 5 points	
Methodological approach only		
TOTAL	100	100

TENDER OFFER

I, _____ (duly authorized to represent the tenderer for the purpose of this tender), hereby tender to supply all or any of the goods and/or render all or any of the services described in the attached document to the Ingquza Hill Local Municipality on the terms and conditions stipulated in this tender document and in accordance with the specification stipulated in the tender document at the prices reflected in the *Contract Form/Price Schedule*.

BIDDERS TOTAL OFFER (Inclusive of vat and all other charges)

R.....

The tenderer agrees that:

3.1 The tender offer submitted shall remain valid, irrevocable and open for written acceptance by the Ingquza Hill Local Municipality for a period of 90 days from the closing date or for such extended period as may be applicable;

3.2 The tender offer will not be withdrawn or amended during the aforesaid validity period;

3.3 Notwithstanding the above, the tenderer may submit a written request to the Ingquza Hill Local Municipality after the closing date for permission to withdraw the tender offer. Such withdrawal will be permitted or refused at the sole discretion of the Ingquza Hill Local Municipality after consideration of the reasons for the withdrawal, which shall be fully set out by the tenderer in the written request for withdrawal;

3.4 Should the tender offer be withdrawn in contravention of 3.1 to 3.3 above, the tenderer agrees that:

- (a) it shall be liable to the Ingquza Hill Local Municipality for any additional expense incurred by the Ingquza Hill Local Municipality in having either to accept another tender or, if new tenders have to be invited, the additional expenses incurred by the invitation of new tenders and the subsequent acceptance of any other tender;
- (b) the Ingquza Hill Local Municipality shall also have the right to recover such additional expenses by set-off against moneys which may be due or become due to the tenderer under this or any other tender or contract or against any guarantee or deposit that may have been furnished by the tenderer or on its behalf for the due fulfilment of this or any other tender or contract. Pending the ascertainment of the amount of such additional expenses, the Ingquza Hill Local Municipality shall be entitled to retain such moneys, guarantee or deposit as security for any loss the Ingquza Hill Local Municipality may suffer due to such withdrawal.

3.5 The tenderer agrees that this tender and its acceptance shall be subject to the terms and conditions contained in the Ingquza Hill Local Municipality's Supply Chain Management Policy ('SCM Policy') and Combating of Abuse of the Supply Chain Management System Policy ('Abuse Policy').

Signature(s)

Print name(s):
On behalf of the tenderer (duly authorised)

Date

3. 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 position in relation to the evaluating/adjudicating authority.

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

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.

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, principle shareholders or stakeholders in service of the state? **YES / NO**

3.13.1 If yes, furnish particulars.

.....

.....

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

3.14.1 If yes, furnish particulars:

.....

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

Full Name	Identity Number	State Employee Number

.....
Signature

.....
Date

.....
Capacity

.....
Name of Bidder

MBD 6.1

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

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

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

1. GENERAL CONDITIONS

1.1 The following preference point systems are applicable to 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	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 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:

80/20	or	90/10
$P_s = 80 \left(1 - \frac{P_t - P_{min}}{P_{min}} \right)$	or	$P_s = 90 \left(1 - \frac{P_t - P_{min}}{P_{min}} \right)$

Where

P_s = Points scored for price of tender under consideration

P_t = Price of tender under consideration

P_{min} = 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:

80/20	or	90/10
$P_s = 80 \left(1 + \frac{P_t - P_{max}}{P_{max}} \right)$	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)	Verification documents
Company owned by people who are youth (18-35 years)		6			CSD registration report/ ID Copy of the owner/ director registered
Company owned by people who are women		6			CSD registration report/ ID Copy of the owner/ director registered
Company owned by people who are living with disability		2			Letter from a medical practitioner
Company owned by black people		6			CSD registration report/ ID Copy of the owner/ director registered

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.

NAME (PRINT)

CAPACITY

SIGNATURE

NAME OF FIRM

DATE

WITNESSES

1

2.

DATE:.....

MBD 7.1

CONTRACT FORM - PURCHASE OF GOODS/WORKS

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

PART 1 (TO BE FILLED IN BY THE BIDDER)

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

NAME (PRINT)

CAPACITY

SIGNATURE

NAME OF FIRM

DATE

WITNESSES

1

3.

DATE:.....

MBD 7.1

CONTRACT FORM - PURCHASE OF GOODS/WORKS

PART 2 (TO BE FILLED IN BY THE PURCHASER)

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

ITEM NO.	PRICE (ALL APPLICABLE TAXES INCLUDED)	BRAND	DELIVERY PERIOD	B-BBEE STATUS LEVEL OF CONTRIBUTION	MINIMUM THRESHOLD FOR LOCAL PRODUCTION AND CONTENT (if applicable)

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

SIGNED ATON.....

NAME (PRINT)

SIGNATURE

OFFICIAL STAMP

WITNESSES

1.

2.

DATE

MBD 8

8. 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	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? (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). 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.	Yes ☐	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 of Corrupt Activities Act (No 12 of 2004)? 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.	Yes ☐	No ☐
4.2.1	If so, furnish particulars:		
4.3	Was the bidder or any of its directors convicted by a court of law (including a court of law outside the Republic of South Africa) for fraud or corruption during the past five years?	Yes ☐	No ☐
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, or to any other municipality, that is in arrears for more than three months?	Yes ☐	No ☐
4.4.1	If so, furnish particulars:		
4.5	Was any contract between the bidder and the municipality or any other organ of state terminated during the past five years on account of failure to perform on or comply with the contract?	Yes ☐	No ☐
4.7.1	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

MBD 9
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.

MBD 9

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

.....
Date

.....
Position

.....
Name of Bidder

