

SIYANCUMA LOCAL MUNICIPALITY



DEPARTMENT : INFRASTRUCTURE AND TECHNICAL SERVICES

RE-ADVERTISEMENT : BID SIYA 07/2021

BID NO: 07/2021 : CONSTRUCTION OF ROADS AND STORM WATER IN GRIEKWASTAD AND DOUGLAS USING LABOUR INTENSIVE CONSTRUCTION METHODS : QUOTATIONS FOR PLANT HIRE

CLOSING TIME : 12H00

CLOSING DATE: 07 OCTOBER 2021

Prospective Service Providers are hereby invited to submit a bid for the Supply of Construction machinery and equipment for the aforementioned project in Douglas and Griekwastad.

Bids must be submitted on the original documents and remain valid for ninety (90) days after the closing date of the bid request. Enquiries pertaining to the specifications can be addressed to Mr. X.S Geco at telephone (053) 298 1810. Bid documents are available on the Municipality's web-site and can be downloaded at no costs.

Complete Bid Document, fully priced and signed must be sealed in an envelope marked:

Bid No: SIYA 07/2021

CONSTRUCTION OF ROADS AND STORMWATER IN GRIEKWASTAD AND DOUGLAS USING LABOUR INTENSIVE CONSTRUCTION METHODS

Closing Date : 07 October 2021

And should be deposited in the Tender Box at the Siyancuma Municipality Finance Department not later than 12h00 on the 07th of October 2021. The Bid Box is accessible only during working hours. Bidders should ensure that bids are delivered timeously to the correct address.

If the bid is late, it will not be accepted for consideration.

Bids will be Pre-evaluated on Functionality prior to further evaluation for the Price and Preference in terms of the Preferential Procurement Policy Act and Supply Chain Management Regulations. Bidders must score a maximum of 70% to be considered for further evaluation on Price and Preference Evaluation in terms of the Preferential Procurement Policy Act and Supply Chain Regulations.

THE BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT AND THE PREFERENTIAL PROCUREMENT REGULATION, 2011 AND THE SIYANCUMA SUPPLY CHAIN

MANAGEMENT POLICY.

The Municipality shall adjudicate and award bids in accordance with B-BBEE status level of contribution on 80/20 points system, 80 points for the price and 20 points for contribution. Prospective Bidders must accept that the bid will be adjudicated, according to the said legislation. Bids will remain valid for 90 (ninety) days.

NB: NO BID WILL BE CONSIDERED FROM PERSON IN SERVICE OF THE STATE (as defined in Regulation 1 of the Local Government: Supply Chain Management Regulations)

Enquiries related to this bid should be addresses to Mr. X.S GECO at 053 298 1810 during working hours (07h30 – 16h30)



BID NO: SIYA 07/2021

RE-ADVERTISEMENT

**CONSTRUCTION OF ROADS AND STORM WATER IN GRIEKWASTAD AND
DOUGLAS USING LABOUR INTENSIVE CONSTRUCTION METHODS:
QUOTATION FOR PLANT HIRE**

CLOSING DATE: 07 OCTOBER 2021

BIDDER (PRINT NAME)	
ADDRESS OF BIDDER	
TELEPHONE	FACSIMILE
E-MAIL	DELIVERY PERIOD
BID AMOUNT (R) (INCL. VAT)	
BID AMOUNT (WORDS) (INCL. VAT)	
SIGNATURE OF BIDDER	DATE

EMPLOYER:

**Mr X GECO
Siyancuma Local Municipality
P.O Box 27
DOUGLAS
8730**

EMPLOYER'S AGENT:

**MVD Kalahari
Consulting Engineers and Town Planners
P.O Box 580
KIMBELEY
8300**

**Municipal Manager
Consulting Engineer**

**: Mr. X Geco
: Mr. A Goliath**

**(053) 298 1810
082 446 8025**

SEPTEMBER 2021

SIYANCUMA LOCAL MUNICIPALITY



DEPARTMENT : INFRASTRUCTURE AND TECHNICAL SERVICES

RE-ADVERTISEMENT : BID SIYA 07/2021

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THE BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT AND THE PREFERENTIAL PROCUREMENT REGULATION, 2011 AND THE SIYANCUMA SUPPLY CHAIN MANAGEMENT POLICY.

The Municipality shall adjudicate and award bids in accordance with B-BBEE status level of contribution on 80/20 points system, 80 points for the price and 20 points for contribution. Prospective Bidders must accept that the bid will be adjudicated, according to the said legislation. Bids will remain valid for 90 (ninety) days.

NB: NO BID WILL BE CONSIDERED FROM PERSON IN SERVICE OF THE STATE (as defined in Regulation 1 of the Local Government: Supply Chain Management Regulations)

Enquiries related to this bid should be addresses to Mr. X.S GECO at 053 298 1810 during working hours (07h30 – 16h30)

Quality criteria		Maximum number of points
Local Service Providers		30
<i>Siyancuma Municipal Area</i>	<i>30</i>	
<i>Pixley ka seme District Municipal Area</i>	<i>20</i>	
<i>Northern Cape Province</i>	<i>15</i>	
<i>Republic of South Africa</i>	<i>5</i>	
Key personnel proposed for the project: Qualification and experience with upgrading of water infrastructure		20
Construction schedule and availability of resources/plant		35
Bank rating		15
Maximum possible score for quality (Ms)		100

Mr. X GECO

**ACTING MUNICIPAL
MANAGER**

Siyancuma Local Municipality
P.O.Box 27
DOUGLAS
8730

INVITATION TO TENDER

**YOU ARE HEREBY INVITED TO TENDER FOR REQUIREMENTS OF THE
CONSTRUCTION OF ROADS AND STORM WATER IN GRIEKWASTAD AND DOUGLAS USING
LABOUR INTENSIVE CONSTRUCTION METHODS: QUOTATION FOR PLANT HIRE**

TENDER NUMBER: SIYA 07/2021

CLOSING DATE: 07 OCTOBER 2021 CLOSING TIME: 12:00

**DESCRIPTION: CONSTRUCTION OF ROADS AND STORM WATER IN GRIEKWASTAD AND
DOUGLAS USING LABOUR INTENSIVE CONSTRUCTION METHODS:
QUOTATION FOR PLANT HIRE**

**The successful tenderer will be required to fill in and sign a written
Contract Form (MBD 7).**

TENDER DOCUMENTS MAY BE POSTED TO:

*(Please ensure that the post arrives before the closing date as we will not be held responsible or
accountable for not accepting the late submission).*

Mr. X GECO**ACTING****MUNICIPAL****MANAGER**

Siyancuma Local

Municipality

P.O.Box 27

DOUGLAS

8730

OR

DEPOSITED IN THE TENDER BOX SITUATED AT (STREET ADDRESS)

Corner of (C/o) Charl Cilliers and Southey Streets, Douglas, 8730

**Bidders should ensure that bids are delivered timeously to the correct address. If the tender is late,
it will not be accepted for consideration.**

The tender box is open from 08h00 – 16h00 workdays.

ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS – (NOT TO BE RE-TYPED)

**THIS TENDER IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT
AND THE PREFERENTIAL PROCUREMENT REGULATIONS, 2017, THE GENERAL CONDITIONS OF
CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER SPECIAL CONDITIONS OF CONTRACT AND
SUBJECT TO COMPLIANCE WITH THE BELOW CONDITIONS:**

1. Attachment of a detailed quotation with description of the service or items.
2. Relevant specifications.
3. Submission of detailed quotation.
4. Value of money.
5. Adherence to the requirements of this notice / invitation.

**NB: NO BIDS WILL BE CONSIDERED FROM PERSONS IN THE SERVICE OF THE STATE (as defined
in Regulation 1 of the Local Government: Municipal Supply Chain Management Regulations)**

**THE FOLLOWING PARTICULARS MUST BE FURNISHED
(FAILURE TO DO SO MAY RESULT IN YOUR TENDER BEING DISQUALIFIED)**

NAME OF TENDERER _____

POSTAL ADDRESS _____

STREET ADDRESS _____

TELEPHONE NUMBER CODE _____ NUMBER _____

CELLPHONE NUMBER _____

FACSIMILE NUMBER CODE _____ NUMBER _____

E-MAIL ADDRESS _____

VAT REGISTRATION No _____

HAS AN ORIGINAL AND VALID TAX CLEARANCE CERTIFICATE BEEN ATTACHED? (MBD 2) **YES/NO**

HAS A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE BEEN SUBMITTED? (MBD 6.1) **YES/NO**

IF YES, WHO WAS THE CERTIFICATE ISSUED BY?

- ☐ AN ACCOUNTING OFFICER AS CONTEMPLATED IN THE CLOSE CORPORATION ACT (CCA)
- ☐ A VERIFICATION AGENCY ACCREDITED BY THE SOUTH AFRICAN NATIONAL ACCREDITATION SYSTEM (SANAS)
- ☐ A REGISTERED AUDITOR

(Tick applicable box)

(A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE MUST BE SUBMITTED IN ORDER TO QUALIFY FOR PREFERENCE POINTS FOR B-BBEE)

ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS/SERVICES/WORKS OFFERED?

YES/NO

(IF YES ENCLOSE PROOF)

SIGNATURE OF TENDERER _____

DATE _____

CAPACITY UNDER WHICH THIS TENDER IS SIGNED _____

TOTAL TENDER PRICE _____

TOTAL NUMBER OF ITEMS OFFERED _____

ANY ENQUIRIES REGARDING THE BIDDING PROCEDURE MAY BE DIRECTED TO:

Municipality / Municipal Entity: Siyancuma Municipality

Department: Supply Chain Management Unit

Contact Person: Chris Groenewald

Work: 053 298 1810

Fax: *(the advertised notice/ RFQ's cannot be faxed or emailed, or scanned, use the above addressed for depositing your bid.)*

ANY ENQUIRIES REGARDING TECHNICAL INFORMATION MAY BE DIRECTED TO:

Contact Person: Mr B Bensley

Email : brian@mvdkalahari.co.za

Tel: 053 831 1889

NOTICE TO ALL SUPPLIERS

PLEASE NOTE: THE REVISED PREFERENTIAL PROCUREMENT REGULATIONS CAME INTO EFFECT
ON 1 APRIL 2017.

- You are required to append a certified copy of a valid B-BBEE status level verification certificate (scorecard).
- Only B-BBEE status level verification certificates issued by the following agencies will be accepted:
 - BIDDERS OTHER THAN EME's:
 - Verification agencies accredited by SANA; or
 - Registered auditors approved by IRBA
 - BIDDERS WHO QUALIFY AS EME's
 - Accounting officers as contemplated in the close Corporations Act 69 of 1984 for a relevant close corporation; or
 - Verification agencies accredited by SANAS; or
 - Registered auditors accredited by IRBA; or
 - Registered auditors
- If you do not append a **certified copy** of a valid B-BBEE status level verification certificate your tender will be evaluated on points for price only.
- A trust, consortium or joint venture, will qualify for points for their B-BBEE status level as a legal entity only, provided that the entity submits their B-BBEE status level certificate.
- If you want to liaise with accreditation agencies the contact details are as follows:
- - SANAS –www.sanas.co.za
 - IRBA –www.irba.co.za

C1 PRICING DATA

C.3.1 PREAMBLE GENERAL REFERENCES

1. The work scheduled below is described in more detail in the specifications and drawings. Where certain items are referred to the GCC 2015 or Specification or a certain drawing number for more information, the Contractor is referred to the complete GCC 2015, Specification and Drawings and it must not be presumed that the references are complete.
2. If a Bill of Quantities (or Bill of Quantities or schedule of rates) applies and there is an error in the line item total resulting from the product of the unit rate and the quantity, the line item total shall govern and the rate shall be corrected. Where there is an obviously gross misplacement of the decimal point in the unit rate, the line item total as quoted shall govern, and the unit rate will be corrected.
3. Where there is an error in the total of the prices either as a result of other corrections required by this checking process or in the Tenderer's addition of prices, the total of the prices shall govern and the Tenderer will be asked to revise selected item prices (and their rates if a Bill of Quantities applies) to achieve the Tendered total of the prices.
4. The price quoted in the Rate Column next to each item, shall be assumed the all inclusive price for the work to be executed as referred to in the item.
5. The prices as Tendered in the Bill of Quantities shall be taken as being valid for the full duration of the Tender, unless otherwise stated in the Tender.
6. Should no rate be given, "Included Elsewhere" must be written in the Amount Column. Should this not be done, it will be assumed that the item was accidentally not priced and the average rate of the other Tenderers will be written in next to the item. See *Volume 1, T2.1.1 Alterations by Tenderer*.
7. No deviation that may be requested by the Contractor from the above, or from the GCC 2015, Specification, Bill of Quantities, Tender form and conditions, shall be considered, unless **clearly** indicated on *Volume 1, T2.1.1 Alterations by Tenderer* when the Tender document is submitted.
8. The costs to comply with all the conditions, obligations and liabilities and as described in the GCC 2015 and Specifications shall be assumed as being all inclusive in this Bill of Quantities, except if indicated differently in *Volume 1, T2.1.1 Alterations by Tenderer*.
9. The Bill of Quantities must be filled in **BLACK INK** and must not be removed from the bound set of documents.
10. No correction fluid may be used.

TENDERER:

Initial: Authorized Signatory/ies:

1
2

Siyancuma Local Municipality:

Initial: Siyancuma Local Municipality
Witness 2::

COMPULSORY DOCUMENTATION

1. PRICE BID FORM

NB: Use ink, preferably black, to fill in the information applicable to the specific required price quotation.

CLOSING TIME 12:00 ON: 07 OCTOBER 2021

PRICE BID NO. SIYA 07/2021

VALIDITY: 90 DAYS

CSD NUMBER:

ITEM NO	DESCRIPTION	UNIT	QTY	WET RATE	AMOUNT
1	10m3 Tipper Truck	Days	60		
2	18m3 Tipper Truck	Days	60		
3	16000L Water Truck	Days	60		
4	18000L Water Truck	Days	60		
5	TLB	Days	60		
6	TLB with Pecker	Days	60		
7	Roller 12 Ton	Days	60		
8	21 Ton Excavator	Days	60		
9	21 Ton Excavator with Hammer	Days	60		
10	30 Ton Excavator	Days	60		
11	30 Ton Excavator with Hammer	Days	60		
12	Grader 120G	Days	60		
13	Roller 950kg Walk Behind	Days	20		
14	Rammer	Days	20		
15	Plate Compactor	Days	20		

TENDERER:

Siyancuma Local Municipality:

Initial: Authorized Signatory/ies:

1
2

Initial: Siyancuma Local Municipality
Witness 2::

ITEM NO	DESCRIPTION	UNIT	QTY	WET RATE	AMOUNT
16	Concrete Vibrator with Poker Needle	Days	20		
17	Compressor 190CFM	Days	20		
18	Air Hose	Days	20		
19	Jack Hammer	Days	20		
20	Breaker Point	Days	20		
21	Rock Drill	Days	20		
22	Drill Bit - Rock Drill	Days	20		
Sub-total Cost for the Supply of Machinery, Equipment and Manpower					
VAT @ 15%					
Total					

TENDERER:

Initial: Authorized Signatory/ies:

1
2

Siyancuma Local Municipality:

Initial: Siyancuma Local Municipality
Witness 2::

Item	Description	Wet Rate/Day	Dry Rate/Day	Hrs/day
1	10m3 Tipper Truck			9
2	18m3 Tipper Truck			9
3	16000L Water Truck			9
4	18000L Water Truck			9
5	TLB			9
6	TLB with Pecker			9
7	Roller 12 Ton			9
8	21 Ton Excavator			9
9	21 Ton Excavator with Hammer			9
10	30 Ton Excavator			9
11	30 Ton Excavator with Hammer			9
12	Grader 120G			9
Item	Description	Wet Rate	Dry Rate	Hrs/day
1	Roller 950kg Walk Behind			9
2	Rammer			9
3	Plate Compactor			9
4	Concrete Vibrator With Poker Needle			9
5	Compressor 190CFM			9
6	Air Hose			9
7	Jack Hammer			9
8	Breaker Point			9

TENDERER:

Siyancuma Local Municipality:

Initial: Authorized Signatory/ies:

1
2

Initial:

Siyancuma Local Municipality

Witness 2::

Item	Description	Wet Rate/Day	Dry Rate/Day	Hrs/day
9	Rock Drill			9
10	Drill Bit - Rock Drill			9

TENDERER:

Initial: Authorized Signatory/ies: 1 _____
2 _____

Siyancuma Local Municipality:

Initial: Siyancuma Local Municipality _____
Witness 2:: _____

MBD 2

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 Bidders's tax obligations.

1. Previously a taxpayer (Supplier) was required to submit a valid, original paper Tax Clearance Certificate (TCC), the tax payer **MUST** now submit a TAX COMPLIANCE STATUS PIN NO even if a paper TCC was submitted. Bidders will not be considered if the correct PIN NO and Tax Reference Number is included in this document.

2. Applications for the Tax Clearance Certificates MUST 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 or contact the SARS Contact Centre on 0800007277

3. The Bidder (Name) _____ hereby grants **Error! Reference source not found.** permission to use the following

TAX COMPLIANCE STATUS PIN NO _____

with reference to the following Tax Reference Number _____

4. The Bidder (Name) _____ hereby further grants SARS permission to disclose the Tenderers **TAX COMPLIANCE STATUS** to **Error! Reference source not found.** on an on-going basis during the Contract Term.

5. A Bidder who appoints a Sub-Contractor/Joint Venture/Consortia to execute a portion of a contract (Sub-Contractor in excess of National Treasury threshold) must ensure that each appointment is **TAX COMPLIANT** and remains **TAX COMPLIANT** for the duration of the contract. Successful Bidder must provide **Error! Reference source not found.** authority from their appointments confirming that SARS may, on an on-going basis during the contract term, disclose the appointed Sub-Contractor/Joint Venture/Consortia **TAX COMPLIANCE STATUS**.

6. A Bidder who acts on behalf of an undisclosed principal must disclose such a fact upon submission of a Bid as well as identity of that principal. The **TAX COMPLIANCE STATUS** of that principle must be verified in the same manner as that of the Bidder. The same principle applies mutatis mutandis to any Sub-Contractor / Joint Venture / Consortia appointed by a successful Bidder to execute a portion of a contract.

7. The **TAX COMPLIANCE STATUS** of all parties must be disclosed and verified if the Bidder consist of a partnership and

8. A Bidder who is not resident in the Republic of South Africa, must apply for **TAX CLEARANCE** at **SARS**.

SIGNATURE OF BIDDER _____ DATE: _____

CAPACITY UNDER WHICH THIS BIDDER IS SIGNED: _____

WITNESS 1 _____ DATE: _____

WITNESS 2 _____ DATE: _____

TENDERER:

Initial: Authorized Signatory/ies:

1
2

Siyancuma Local Municipality:

Initial: Siyancuma Local Municipality
Witness 2::



TAX CLEARANCE

TCC 001

Application for a Tax Clearance Certificate**Purpose**Select the applicable optionTenders ☐ Good standing ☐

If "Good standing", please state the purpose of this application

Particulars of applicant

Name (Initials & Surname or registered name)																	
Trading name (if applicable)																	
ID/Passport no									Company/Close Corp. registered no								
Income Tax ref no									PAYE ref no	7							
VAT registration no	4								SDL ref no	L							
Customs code									UIF ref no	U							
Telephone no	CODE				NUMBER				Fax no	CODE				NUMBER			
E-mail address																	
Physical address																	
Postal address																	
Number of copies of certificates required																	

Particulars of representative

Surname																	
First names																	
ID/Passport no									Income Tax ref no								
Telephone no	CODE				NUMBER				Fax no	CODE				NUMBER			
E-mail address																	
Physical address																	

Particulars of tender (If applicable)Tender number Tender amount R Expected duration of the tender year(s)

Particulars of the 3 largest tenders previously dealt with

Date started	Date finalised	Company	Contact person	Telephone number	Amount
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

AuditAre you currently aware of any Audit investigation against you/the company? YES NO

If "YES" provide details

Declaration

I declare that the information furnished in this application as well as the supporting documents is true and correct in every respect.

Appointment of representative/agentI the undersigned confirm that I require a Tax Clearance Certificate in respect of Tenders or Goodstanding.I hereby authorise and instruct to apply to and receive from SARS the applicable Tax Clearance Certificate on my/our behalf.

Signature of representative/agent

Date

Name of representative/agent

Signature of applicant

Date

Name of applicant **Notes:**

- It is a serious offence to make a false declaration.
- Section 75 of the Income Tax Act, 1962, states: Any person who
 - fails or neglects to furnish, file or submit any return or document as and when required by or under this Act; or
 - without just cause shown by him, refuses or neglects to-
 - furnish, produce or make available any information, documents or things;
 - reply to or answer truly and fully, any questions put to him ...

As and when required in terms of this Act ... shall be guilty of an offence ...
- SARS will, under no circumstances, issue a Tax Clearance Certificate unless this form is completed in full.

DECLARATION OF INTEREST

1. No Tender 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 an offer/s in terms of this invitation to Tender. In view of possible allegations of favoritism, should the resulting Tender, or part thereof, be awarded to persons connected with or related to persons in service of the State, it is required that the Tenderer 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 Tender.

Full Name: _____

Identity No: _____

Company Registration No: _____

Tax Reference No: _____

VAT Registration No: _____

Are you at present in the service of the State? **Yes/No**

If so, furnish particulars

- **Municipal Supply Chain Management Regulation:** "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 National Council of Provinces
 - (b) A member of 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 Parliament or provincial legislature.
 - (f) A member of the accounting authority of any national or provincial public entity; or
 - (g) An employee of Parliament or a provincial legislature

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

TENDERER:

Initial: Authorized Signatory/ies:

1
2

Siyancuma Local Municipality:

Initial: Siyancuma Local Municipality
Witness 2::

If so, furnish particulars.

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

If so, furnish particulars.

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

If so, furnish particulars?

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

If so, furnish particulars.

Are any spouses, child or parent of the company's directors, managers, principle shareholders or stakeholders in service of the State? **YES/NO**

If so, furnish particulars?

TENDERER:

Initial: Authorized Signatory/ies:

1
2

Siyancuma Local Municipality:

Initial:

Siyancuma Local Municipality
Witness 2::

**PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL
PROCUREMENT REGULATIONS 2011**

i)

This preference form must form part of all bids invited. It contains general information and serves as a claim form for preference points for Broad-Based Black Economic Empowerment (B-BBEE) Status Level of Contribution

NB: BEFORE COMPLETING THIS FORM, BIDDERS MUST STUDY THE GENERAL CONDITIONS, DEFINITIONS AND DIRECTIVES APPLICABLE IN RESPECT OF B-BBEE, AS PRESCRIBED IN THE PREFERENTIAL PROCUREMENT REGULATIONS, 2017.

1. GENERAL CONDITIONS

1.1 The following preference point systems are applicable to all bids:

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

1.2

- a) The value of this bid is estimated to not exceed R50 000 000 (all applicable taxes included) and therefore the 80/20 preference point system shall be applicable; or
- b) Either the 80/20 or 90/10 preference point system will be applicable to this tender (*delete whichever is not applicable for this tender*).

1.3 Points for this bid shall be awarded for:

- (a) Price; and
- (b) B-BBEE Status Level of Contributor.

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

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

1.5 Failure on the part of a bidder to submit proof of B-BBEE Status level of contributor together with the bid, will be interpreted to mean that preference points for B-BBEE status level of contribution are not claimed.

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

TENDERER:

Siyancuma Local Municipality:

Initial: Authorized Signatory/ies:

1
2

Initial: Siyancuma Local Municipality
Witness 2::

2. DEFINITIONS

- (a) **“B-BBEE”** means broad-based black economic empowerment as defined in section 1 of the Broad-Based Black Economic Empowerment Act;
- (b) **“B-BBEE status level of contributor”** means the B-BBEE status of an entity in terms of a code of good practice on black economic empowerment, issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act;
- (c) **“bid”** means a written offer in a prescribed or stipulated form in response to an invitation by an organ of state for the provision of goods or services, through price quotations, advertised competitive bidding processes or proposals;
- (d) **“Broad-Based Black Economic Empowerment Act”** means the Broad- Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003);
- (e) **“EME”** means an Exempted Micro Enterprise in terms of a code of good practice on black economic empowerment issued in terms of section 9 (1) of the Broad-Based Black Economic Empowerment Act;
- (f) **“Functionality”** means the ability of a tenderer to provide goods or services in accordance with specifications as set out in the tender documents.
- (g) **“prices”** includes all applicable taxes less all unconditional discounts;
- (h) **“proof of B-BBEE status level of contributor”** means:
 - 1) B-BBEE Status level certificate issued by an authorized body or person;
 - 2) A sworn affidavit as prescribed by the B-BBEE Codes of Good Practice;
 - 3) Any other requirement prescribed in terms of the B-BBEE Act;
- (i) **“QSE”** means a qualifying small business enterprise in terms of a code of good practice on black economic empowerment issued in terms of section 9 (1) of the Broad-Based Black Economic Empowerment Act;
- (j) **“rand value”** means the total estimated value of a contract in Rand, calculated at the time of bid invitation, and includes all applicable taxes;

3. POINTS AWARDED FOR PRICE

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

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

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

Where

P_s = Points scored for price of bid under consideration
 P_t = Price of bid under consideration
 P_{\min} = Price of lowest acceptable bid

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4. POINTS AWARDED FOR B-BBEE STATUS LEVEL OF CONTRIBUTOR

- 4.1 In terms of Regulation 6 (2) and 7 (2) of the Preferential Procurement Regulations, preference points must be awarded to a bidder for attaining the B- BBEE status level of contribution in accordance with the table below:

B-BBEE Status Level of Contributor	Number of points (90/10 system)	Number of points (80/20 system)
1	10	20
2	9	18
3	6	14
4	5	12
5	4	8
6	3	6
7	2	4
8	1	2
Non-compliant contributor	0	0

5. BID DECLARATION

- 5.1 Bidders who claim points in respect of B-BBEE Status Level of Contribution must complete the following:

6. B-BBEE STATUS LEVEL OF CONTRIBUTOR CLAIMED IN TERMS OF PARAGRAPHS 1.4 AND 4.1

- 6.1 B-BBEE Status Level of Contributor: . =(maximum of 10 or 20 points)

(Points claimed in respect of paragraph 7.1 must be in accordance with the table reflected in paragraph 4.1 and must be substantiated by relevant proof of B-BBEE status level of contributor.

7. SUB-CONTRACTING

- 7.1 Will any portion of the contract be sub-contracted? (***Tick applicable box***)

YES		NO	
-----	--	----	--

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7.1.1 If yes, indicate:

- i) What percentage of the contract will be subcontracted %
- ii) The name of the sub-contractor.....
- iii) The B-BBEE status level of the sub-contractor.....
- iv) Whether the sub-contractor is an EME or QSE **(Tick applicable box)**

YES		NO	
-----	--	----	--

- v) Specify, by ticking the appropriate box, if subcontracting with an enterprise in terms of Preferential Procurement Regulations, 2017:

Designated Group: An EME or QSE which is at least 51% owned by:	EME √	QSE √
Black people		
Black people who are youth		
Black people who are women		
Black people with disabilities		
Black people living in rural or underdeveloped areas or townships		
Cooperative owned by black people		
Black people who are military veterans		
OR		
Any EME		
Any QSE		

8. DECLARATION WITH REGARD TO COMPANY/FIRM

8.1 Name of company/firm:.....

8.2 VAT registration number:.....

8.3 Company registration number:.....

8.4 TYPE OF COMPANY/ FIRM

- ☐ Partnership/Joint Venture / Consortium
- ☐ One person business/sole propriety
- ☐ Close corporation
- ☐ Company
- ☐ (Pty) Limited

[TICK APPLICABLE BOX]

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8.5 DESCRIBE PRINCIPAL BUSINESS ACTIVITIES

.....
.....
.....
.....

8.6 COMPANY CLASSIFICATION

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

8.7 MUNICIPAL INFORMATION

Municipality where business is situated:

Registered Account Number:

Stand Number:.....

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

8.9 I/we, the undersigned, who is / are duly authorized to do so on behalf of the company/firm, certify that the points claimed, based on the B-BBE status level of contributor indicated in paragraphs 1.4 and 6.1 of the foregoing certificate, qualifies the company/ firm for the preference(s) shown and I / we acknowledge that:

- i) The information furnished is true and correct;
- ii) The preference points claimed are in accordance with the General Conditions as indicated in paragraph 1 of this form;
- iii) In the event of a contract being awarded as a result of points claimed as shown in paragraphs 1.4 and 6.1, the contractor may be required to furnish documentary proof to the satisfaction of the purchaser that the claims are correct;
- iv) If the B-BBEE status level of contributor has been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the purchaser may, in addition to any other remedy it may have –
- (a) disqualify the person from the bidding process;
- (b) recover costs, losses or damages it has incurred or suffered as a result of that person's conduct;
- (c) cancel the contract and claim any damages which it has suffered as a result of having to make less favourable arrangements due to such cancellation;
- (d) recommend that the bidder or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, be restricted by the National Treasury from obtaining business from any organ of state for a period not exceeding 10 years, after the audi alteram partem (hear the other side) rule has been applied; and
- (e) forward the matter for criminal prosecution.

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WITNESSES

1.

2.

.....
SIGNATURE(S) OF BIDDERS(S)

DATE:

ADDRESS

.....

.....

- (f) A valid original B-BBEE verification Certificate / a certified copy must accompany the bid documents.
- (g) Failure to submit a B-BBEE Verification Certificate from a Verification Agency accredited by the South African Accreditation System (SANAS) or a Registered Auditor approved by the Independent Regulatory Board of Auditors (IRBA) or an Accounting Officer as contemplated in the Close Corporation Act (CCA) together with the bid, will be interpreted to mean that preference points for B-BBEE status level of contribution are not claimed.

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 to combat the abuse of the supply chain management system.
3. **The Bid of any Bidder may be rejected if the Bidder, or any of its directors have:**
 - a) Abused the Municipality's Supply Chain Management System or committed any improper conduct in relation to such system:
 - b) Been convicted for fraud or corruption during the past five years:
 - c) Wilfully neglected, reneged or failed to comply with any government, municipal or public sector contract during the past five years; or
 - d) Been listed in the Register for Tender Defaulters in terms of section 29 of the Prevention and Combating of Corruption 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 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 audi alteram partem rule was applied).		
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 Corruption 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 (012 326 5445).		
4.2.1	If so, furnish particulars:		

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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?		
4.3.1	If so, furnish particulars:		
4.4	Does the Bidder or any of its directors owe any municipal rates and taxes or municipal charges to the municipality/municipal entity, or any other municipality/municipal entity, that is in arrears for more than three months?		
4.4.1	If so, furnish particulars:		
4.5	Was any contract between the Bidder and the municipality/municipal entity or any other organ of state terminated during the past five years on account of failure to perform on or comply with the contract?		
4.5.1	If so, furnish particulars:		

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CERTIFICATION

I, THE UNDERSIGNED (FULL NAME) CERTIFY

THAT THE INFORMATION FURNISHED ON THIS DECLARATION FORM TO BE TRUE

AND CORRECT.

I ACCEPT THAT, IN ADDITION TO CANCELLATION OF A CONTRACT, ACTION MAY

BE TAKEN AGAINST ME SHOULD THIS DECLARATION PROVE TO BE FALSE.

Signature

Date

Position

Name of Bidder

TENDERER:

Initial: Authorized Signatory/ies:

1 _____
2 _____

Siyancuma Local Municipality:

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Witness 2:: _____

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 Tendering (or Tender rigging).² Collusive Tendering 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 Tenders, limited Tenders and proposals.

² Tender rigging (or collusive Tendering) 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 Tendering process. Tender rigging is, therefore, an agreement between competitors not to compete.

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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

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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.**

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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

TENDERER:

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2 _____

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Witness 2:: _____

Form of offer and acceptance

Note: 1. This form of offer and acceptance is identical to that contained in Annex G of SANS 294:2004, Construction Procurement Processes, Procedures and Methods.
2 SAICE's Practice Manual #1, The use of South African National Standards in Construction Procurement, provides guidance on the formulation of the wording for the actual offer where it is not based on the offered total of prices.

Offer

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

.....

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

By the representative of the tenderer, deemed to be duly authorized, signing this part of this form of offer and acceptance, the tenderer offers to perform all of the obligations and liabilities of the contractor under the contract including compliance with all its terms and conditions according to their true intent and meaning for an amount to be determined in accordance with the conditions of contract identified in the contract data.

THE OFFERED TOTAL OF THE PRICES INCLUSIVE OF VALUE ADDED TAX IS

.....

..... Rand (in words);

R (in figures)

This offer may be accepted by the employer by signing the acceptance part of this form of offer and acceptance and returning one copy of this document to the tenderer before the end of the period of validity stated in the tender data, whereupon the tenderer becomes the party named as the contractor in the conditions of contract identified in the contract data.

Signature(s)

Name(s)

Capacity
for the
tenderer

(Name and address of organization)

Name and signature of witness _____

Date _____

TENDERER:

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1 _____
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Acceptance

By signing this part of this form of offer and acceptance, the employer identified below accepts the tenderer's offer. In consideration thereof, the employer shall pay the contractor the amount due in accordance with the conditions of contract identified in the contract data. Acceptance of the tenderer's 29 offer shall form an agreement between the employer and the tenderer upon the terms and conditions contained in this agreement and in the contract that is the subject of this agreement.

The terms of the contract, are contained in:

- i) The said Tender
- ii) The General and Special Conditions of Contract
- iii) The priced Bill of Quantities
- iv) The Schedule of Rates and Prices
- v) The Letter of Acceptance

and drawings and documents or parts thereof, which may be incorporated by reference into the above listed Parts.

Deviations from and amendments to the documents listed in the tender data and any addenda thereto as listed in the returnable schedules as well as any changes to the terms of the offer agreed by the tenderer and the employer during this process of offer and acceptance, are contained in the schedule of deviations attached to and forming part of this form of offer and acceptance. No amendments to or deviations from said documents are valid unless contained in this schedule.

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

Notwithstanding anything contained herein, this agreement comes into effect on the date when the tenderer receives one fully completed original copy of this document, including the schedule of deviations (if any). Unless the tenderer (now contractor) within five working days of the date of such receipt notifies the employer in writing of any reason why he cannot accept the contents of this agreement, this agreement shall constitute a binding contract between the parties¹.

Signature(s) _____

Name(s) _____

Capacity _____

for the Employer

(Name and address of organization)

Name and
signature of
witness

Date _____

¹As an alternative, the following wording may be used:

Notwithstanding anything contained herein, this agreement comes into effect two working days after the submission by the employer of one fully completed original copy of this document including the schedule of deviations (if any), to a courier-to-counter delivery / counter-to-counter delivery / door-to-counter delivery / door-to-door delivery / courier service (delete that which is not applicable), provided that the employer notifies the tenderer

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of the tracking number within 24 hours of such submission. Unless the tenderer (now contractor) within seven working days of the date of such submission notifies the employer in writing of any reason why he cannot accept the contents of this agreement, this agreement shall constitute a binding contract between the parties.

Schedule of Deviations

Notes:

- 1. The extent of deviations from the tender documents issued by the employer before the tender closing date is limited to those permitted in terms of the conditions of tender.
- 2. A tenderer's covering letter shall not be included in the final contract document. Should any matter in such letter, which constitutes a deviation as aforesaid, become the subject of agreements reached during the process of offer and acceptance, the outcome of such agreement shall be recorded here.
- 3. Any other matter arising from the process of offer and acceptance either as a confirmation, clarification or change to the tender documents and which it is agreed by the Parties becomes an obligation of the contract shall also be recorded here.
- 4. Any change or addition to the tender documents arising from the above agreements and recorded here, shall also be incorporated into the final draft of the Contract.

1 Subject _____

Details _____

2 Subject _____

Details _____

3 Subject _____

Details _____

4 Subject _____

Details _____

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

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