



LEKWA LOCAL MUNICIPALITY

CONTRACT NUMBER: PED 3/2022/2023

BID DOCUMENT

BID PROPOSALS FOR THE APPOINTMENT OF SERVICE PROVIDERS FOR THE ESTABLISHMENT OF SAKHILE DEVELOPMENT CORRIDOR

PREPARED BY
THE MUNICIPAL MANAGER LEKWA LOCAL MUNICIPALITY P.O. Box 66 STANDERTON 2430 Mr MJ Lamola Tel: (017) 712 9600 Fax: (017) 712 6808

NAME OF BIDDER (BIDDING ENTITY) (FULL NAME, i.e. (CC, (PTY) LTD, LTD, JV, SOLE PROPRIETOR etc.)	:	_____
TEL NUMBER	:	_____
FAX NUMBER	:	_____
E-MAIL	:	_____
CELL.	:	_____
CSD NO.	:	_____

THE TOTAL OFFERED PRICES INCLUDING VALUE ADDED TAX IS:

R..... (In figures)

VERY IMPORTANT NOTICE:

A bid not complying with the peremptory requirements stated hereunder will be regarded as not being an "Acceptable bid", and as such will be rejected.

AND ALL PAGES INCLUDING THE COVER MUST BE INITIALIZED BY THE BIDDER AND TWO WITNESS AT THE BOTTOM

"Acceptable bid" means any bid which, in all respects, complies with the conditions of bid and specifications as set out in the bid documents, including conditions as specified in the Preferential Procurement Policy Framework Act (Act 5 of 2000) and related legislation as published in Government Gazette number 40553, dated 20 January 2017, in terms of which provision is made for this policy.

Mandatory Requirements on Disqualifications

NB (The following are mandatory and failure to submit any of these documents will lead to a disqualification of the document)

1. Form of offer must be completed and signed by the authorised signatory.
2. Proof of CSD Registration. Bidder must be tax compliant at appointment date. (in the case of a joint venture, of all the partners or both JV's.)
3. Tax pin (in the case of a joint venture, of all the partners or both JV's.)
4. VAT registration Certificate. (in the case of a joint venture, of all the partners or both JV's.)
5. The Authority to sign must be completed and signed (Company resolution letter "on company letter head" by directors to be attached confirming the Authority to sign).
6. Signed declaration of interest.
7. Municipal rates and services account (not OLDER than 90 days and not in Arrears) or lease agreement if the tenderer is currently leasing premises and not responsible for paying municipal accounts together with a letter from the landlord stating that no levies are in arrears
8. Attendance of the compulsory clarification meeting or site briefing. (if applicable)
9. Bid document to appear in the closing register.
10. Company registration documents must be submitted. (CIPC)
11. Letter of Good Standing (COIDA)
12. A valid and signed Joint Venture/Consortium agreement (if applicable) to the bid document.
13. All relevant MBD forms to be fully completed and signed
14. Proof of registration with professional body

LEKWA LOCAL MUNICIPALITY

BID PROPOSALS FOR THE APPOINTMENT OF SERVICE PROVIDERS FOR THE ESTABLISHMENT OF SAKHILE DEVELOPMENT CORRIDOR

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1.1

INVITATION TO BID

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

BID NUMBER:	PED 3/2022/2023	CLOSING DATE AND TIME	21 March 2023 @ 12h00 pm
BRIEFING DATE AND TIME	N/A	VENUE OF BRIEFING:	N/A
DESCRIPTION	APPOINTMENT OF A SERVICE PROVIDER FOR THE ESTABLISHMENT OF SAKHILE DEVELOPMENT CORRIDOR		

THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (MBD7).

BID DOCUMENTS MAY BE DEPOSITED IN THE BID BOX

SITUATED AT

**Lekwa Local Municipality Main Building
C/O Dr Beyers Naude and Mbonani Mayisela Streets
Standerton
2430**

- Bidders should ensure that bids are delivered timeously to the correct address. If the bid is late, it will not be accepted for consideration.
- All dates and times are South African Standard Times
- The bid box is generally open on weekdays from 07h30 till 16h15.
- ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS – (NOT TO BE RE-TYPED)

THIS BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT AND THE PREFERENTIAL PROCUREMENT REGULATIONS, 2017, THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER SPECIAL CONDITIONS OF CONTRACT

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)

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:		AND	CSD No:
HAS A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE BEEN SUBMITTED? (MBD 6.1) YES or NO				
IF YES, WHO WAS THE CERTIFICATE ISSUED BY?				
AN ACCOUNTING OFFICER AS CONTEMPLATED IN THE CLOSE CORPORATION ACT (CCA) <input type="checkbox"/>				
A VERIFICATION AGENCY ACCREDITED BY THE SOUTH AFRICAN NATIONAL ACCREDITATION SYSTEM (SANAS) <input type="checkbox"/>				
A REGISTERED AUDITOR <input type="checkbox"/>				
[TICK APPLICABLE BOX]				
[A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE/ SWORN AFFIDAVIT (FOR EMES & QSEs) MUST BE SUBMITTED IN ORDER TO QUALIFY FOR PREFERENCE POINTS FOR B-BBEE] [MBD 6.1]				

ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES /WORKS OFFERED?	<input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES ENCLOSE PROOF]	ARE YOU FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES /WORKS OFFERED?	<input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES, ANSWER PART B:2]
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	SCM	DEPARTMENT	PED
CONTACT PERSON	Odirle Seope	CONTACT PERSON	Itumeleng Mashishi
TELEPHONE NUMBER	071 262 8292	TELEPHONE NUMBER	(017) 714 6102 / 064 507 7587
FACSIMILE NUMBER	N/A	FACSIMILE NUMBER	N/A
E-MAIL ADDRESS	Oseope@lekwalim.gov.za	E-MAIL ADDRESS	IMashishi@lekwalim.gov.za

PART B TERMS AND CONDITIONS FOR BIDDING

1. TAX COMPLIANCE REQUIREMENTS (MBD 2)	
<p>1.1 BIDDERS MUST ENSURE COMPLIANCE WITH THEIR TAX OBLIGATIONS.</p> <p>1.2 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.</p> <p>1.3 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.</p> <p>1.4 FOREIGN SUPPLIERS MUST COMPLETE THE PRE-AWARD QUESTIONNAIRE IN PART B:2.</p> <p>1.5 BIDDERS MAY ALSO SUBMIT A PRINTED TCS CERTIFICATE TOGETHER WITH THE BID.</p> <p>1.6 IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED, EACH PARTY MUST SUBMIT A SEPARATE TCS CERTIFICATE / PIN / CSD NUMBER.</p> <p>1.7 WHERE NO TCS IS AVAILABLE BUT THE BIDDER IS REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD), A CSD NUMBER MUST BE PROVIDED. TAX STATUS WILL BE CONFIRMED PRIOR TO APPOINTMENT</p>	
2. QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS	
2.1. IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)?	<input type="checkbox"/> YES <input type="checkbox"/> NO
2.2. DOES THE ENTITY HAVE A BRANCH IN THE RSA?	<input type="checkbox"/> YES <input type="checkbox"/> NO
2.3. DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA?	<input type="checkbox"/> YES <input type="checkbox"/> NO
2.4. DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA?	<input type="checkbox"/> YES <input type="checkbox"/> NO
2.5. IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION?	<input type="checkbox"/> YES <input type="checkbox"/> NO
<p>IF THE ANSWER IS "NO" TO ALL OF THE ABOVE, THEN IT IS NOT A REQUIREMENT TO REGISTER FOR A TAX COMPLIANCE STATUS SYSTEM PIN CODE FROM THE SOUTH AFRICAN REVENUE SERVICE (SARS) AND IF NOT REGISTER AS PER 2.3 ABOVE.</p>	

SIGNATURE OF BIDDER:

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

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1.2 Bid Data

Bid offers will only be accepted if the bidder is free of any common conflict of interest with the LEKWA Local Municipality.

Bid Data

- 1.2.1. The employer is **LEKWA LOCAL MUNICIPALITY**
- 1.2.2. The employer's agent is: No Consultant for the project.
- 1.2.3. The bid documents issued by the employer comprise:
- Part 1: Bidding Procedures
 - Part 2: Bid Evaluation
 - Part 3: Agreement and Contract Data
 - Part 4: Pricing Data
 - Part 5: Scope and Specifications
 - Part 6: MBD Forms
- 1.2.4. Only Bidders who are registered with central supplier database (CSD) will be considered
- It is expected of all prospective service providers who are not yet registered on the Municipality's Accredited Supplier Database to register without delay on the prescribed form. The Municipality reserves the right not to award tenders to prospective suppliers who are not registered on the Database.
- 1.2.5. The arrangements for a compulsory clarification meeting are as stated in the Bid Notice and Invitation to Bid
- 1.2.6. If a bidder wishes to submit an alternative bid offer, the only criteria permitted for such alternative bid offer is that it demonstrably enables the Employer's objectives for the services as stated in the Scope of Work to be achieved.
- 1.2.7. All parts of each bid offer communicated on paper shall be submitted as the original.
- 1.2.8. The employer's address for delivery of bid offers and identification details to be shown on each bid offer package is:
- Lekwa Local Municipality Main Building
C/O Dr Beyers Naude and Mbonani Mayisela Streets
Standerton
2430**
- 1.2.9. The closing time for submission of bid offers is as stated in the Bid Notice and Invitation to Bid.
- 1.2.10. Telephonic, telegraphic, telex, facsimile or e-mailed bid offers will not be accepted.

- 1.2.11. The bid offer validity period is ninety (90) days.
- 1.2.12. The bidder is required to submit with his/her bid all required documents as listed in the list of returnable documents as part of the eligibility criteria.
- 1.2.13. The Bids/Proposals will be opened immediately after the closing time, only to confirm the bidder.

The procedure for the evaluation of responsive bids will be on 80/20 points system, where 80 points are for price and 20 points are for B-BBEE

1. Bid offers will only be accepted if:

- 1.1. The bidder has registered with the central supplier database (CSD);
- 1.2. The bidder or any of its directors is not listed on the Register of Bid Defaulters in terms of the Prevention and Combating of Corrupt Activities Act of 2004 as a person prohibited from doing business with the public sector and as per the Central Supplier Database;
- 1.3. The bidder has not:
 - 1.3.1 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;
 - 1.3.1. The bidder has completed the Compulsory Enterprise questionnaire and there are no conflicts of interest which may impact on the bidder's ability to perform the contract in the best interests of the employer or potentially compromise the bid process; and
 - 1.3.2. Proof of municipal rates and taxes for both the company and the directors are attached not older than 60 days of the closing date of the tender.
 - 1.3.3. The bidder or any of its directors is not employed by the state

1.3 CONDITIONS THAT FORM PART OF THE CONTRACT

Definitions

The following terms shall be interpreted as indicated:

1. "Closing time" means the date and hour specified in the bidding documents for the receipt of bids.
2. "Contract" means the written agreement entered into between the purchaser and the supplier, as recorded in the contract form signed by the parties, including all attachments and appendices thereto and all documents incorporated by reference therein.
3. "Contract price" means the price payable to the supplier under the contract for the full and proper performance of his contractual obligations.
4. "Corrupt practice" means the offering, giving, receiving, or soliciting of anything of value to influence the action of a public official in the procurement process or in contract execution.
5. "Countervailing duties" are imposed in cases where an enterprise abroad is subsidized by its government and encouraged to market its products internationally.
6. "Country of origin" means the place where the goods were mined, grown or produced or from which the services are supplied. Goods are produced when, through manufacturing, processing or substantial and major assembly of components, a commercially recognized new product results that is substantially different in basic characteristics or in purpose or utility from its components.
7. "Day" means calendar day.
8. "Delivery" means delivery in compliance of the conditions of the contract or order.
9. "Delivery ex stock" means immediate delivery directly from stock actually on hand.
10. "Delivery into consignees store or to his site" means delivered and unloaded in the specified store or depot or on the specified site in compliance with the conditions of the contract or order, the supplier bearing all risks and charges involved until the goods are so delivered and a valid receipt is obtained.
11. "Dumping" occurs when a private enterprise abroad market its goods on own initiative in the RSA at lower prices than that of the country of origin and which have the potential to harm the local industries in the RSA.
12. "Force majeure" means an event beyond the control of the supplier and not involving the supplier's fault or negligence and not foreseeable. Such events may include, but is not restricted to, acts of the purchaser in its sovereign capacity, wars or revolutions, fires, floods, epidemics, quarantine restrictions and freight embargoes.
13. "Fraudulent practice" means a misrepresentation of facts in order to influence a procurement process or the execution of a contract to the detriment of any bidder, and includes collusive practice among bidders (prior to or after bid submission) designed to establish bid prices at artificial non-competitive levels and to deprive the bidder of the benefits of free and open competition.
14. "GCC" means the General Conditions of Contract.
15. "Goods" means all of the equipment, machinery, and/or other materials that the supplier is required to supply to the purchaser under the contract.
16. "Imported content" means that portion of the bidding price represented by the cost of components, parts or materials which have been or are still to be imported (whether by the supplier or his subcontractors) and which costs are inclusive of the costs abroad, plus freight and other direct importation costs such as landing costs, dock dues, import duty, sales

duty or other similar tax or duty at the South African place of entry as well as transportation and handling charges to the factory in the Republic where the goods covered by the bid will be manufactured.

17. "Local content" means that portion of the bidding price, which is not included in the imported content provided that local manufacture does take place.

18. "Manufacture" means the production of products in a factory using labour, materials, components and machinery and includes other related value-adding activities.

19. "Order" means an official written order issued for the supply of goods or works or the rendering of a service.

20. "Project site," where applicable, means the place indicated in bidding documents.

21. "Purchaser" means the organization purchasing the goods.

22. "Republic" means the Republic of South Africa.

23. "SCC" means the Special Conditions of Contract.

24. "Services" means those functional services ancillary to the supply of the goods, such as transportation and any other incidental services, such as installation, commissioning, provision of technical assistance, training, catering, gardening, security, maintenance and other such obligations of the supplier covered under the contract.

25. "Supplier" means the successful bidder who is awarded the contract to maintain and administer the required and specified service(s) to the State.

26. "Tort" means in breach of contract.

27. "Turnkey" means a procurement process where one service provider assumes total responsibility for all aspects of the project and delivers the full end product / service required by the contract.

28. "Written" or "in writing" means hand-written in ink or any form of electronic or mechanical writing.

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2. Bid Evaluation

2.1. CRITERIA FOR THE SELECTION OF PROPOSALS AND AWARDING OF CONTRACTS

Evaluation Criteria

Lekwa Local Municipal Supply Chain Management Policy will be used for evaluation of Prospective Service Provider as per the approved scoring system by the specification committee.

The evaluation will be done as per Preferential Procurement Regulations, 2017 issued in terms of section 5 of PPPFA, Act No. 5 of 2000.

Evaluation Criteria shall follow the following;

1. Responsiveness
2. Functionality
3. The 80/20 preference point systems, B-BBEE

Returnable Documents

The bidder must complete/attach the following returnable documents:

Returnable schedules required for bid evaluation purposes (This Document & as listed page 1&2)

1. Form of offer must be completed and signed by the authorised signatory.
2. Proof of CSD Registration. Bidder must be tax compliant at appointment date. (in the case of a joint venture, of all the partners or both JV's.)
3. Tax pin (in the case of a joint venture, of all the partners or both JV's.)
4. VAT registration Certificate. (in the case of a joint venture, of all the partners or both JV's.)
5. The Authority to sign must be completed and signed (Company resolution letter "on company letter head" by directors to be attached confirming the Authority to sign).
6. Signed declaration of interest.
7. Municipal rates and services account (not OLDER than 60 days and not in Arrears of 30 days +) or lease agreement if the tenderer is currently leasing premises and not responsible for paying municipal accounts together with a letter from the landlord stating that no levies are in arrears
8. Attendance of the compulsory clarification meeting or site briefing. (if applicable)
9. Bid document to appear in the closing register.
10. Company registration documents must be submitted. (CIPC)
11. Letter of Good Standing (COIDA)
12. A valid and signed Joint Venture/Consortium agreement (if applicable) to the bid document.
13. All relevant MBD forms to be fully completed and signed

Other documents required only for bid evaluation purposes (External Documents)

1. Central suppliers database summary report (Central supplier's database summary report of each firm on the team if tendered as a JV / Consort
2. Joint venture, consortium agreements (if applicable).
3. B-BBEE certificate/sworn affidavit-BBBEE for exempted micro enterprise (Joint B- BBEE/sworn affidavit-BBBEE for exempted micro enterprise in case of joint ventures)

Other documents that will be incorporated into the contract

1. Original downloaded bid document
2. Addendum – if issued

Note:

- All copies must be certified
- Use black pen only.
- All correction must be signed by the authorised person.
- Use of correction pen (tippex) is prohibited.
- Failure to adhere to any of the above will lead to automatic disqualification

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2.2 FUNCTIONALITY

TOTAL FUNCTIONALITY POINTS ARE 85, MINIMUM THRESHOLD 51. THE POINTS ARE DISTRIBUTED AS FOLLOWS:

The below table will be evaluated and adjudicated on basis of information provided.

Table 1

The minimum points are not based on the summation of the points on the lower side of each scoring item

Evaluation Description		Maximum points to scored
1	Team members	30
2	Company experience	30
3	Methodology	25
Total		85

2.3 EVALUATION CRITERIA

Evaluation Methodology

Proposal will be evaluated on the 80/20 system where 80 points is for price and 20points for BBBEE.

First Stage of Evaluation: Assessment of Proposals for Functionality

The proposal will be assessed in terms of: -

- Relevancy of the Key Personnel – the qualification (registration with affiliation bodies) and experience of the proposed key personnel.
- Relevant experience – that is past relevant experience of the Consulting Company in carrying out similar projects, must attach proof in a form of appointment letter or project completion certificate.
- Methodology – The Consulting Company must demonstrate that he/she understands the scope of the project and the tasks required to effect its successful completion.

Second Stage of Evaluation: Assessment of Proposals for Price and BBBEE.

The proposals will be assessed in terms of: -

- The maximum score for price shall be 80
- The maximum score for BBBEE shall be 20

Summary

In summary, the points system for the evaluation of the technical proposal in terms of price and Preferential Systems is as illustrated below: -

- Price 80 points
- BBBEE 20 points.

Functionality evaluation criteria

The Municipality will measure functionality as follows:

- Service Provider's relevant experience for the assignment, the quality of the method proposed, the qualifications of the key staff to be employed on this project, and the proposed, transfer of skills, etc.
- The following criteria will be used to determine compliance to the minimum required functionality score of 60% in order to be further evaluated and will be weighted and scored as set out below:

Criteria	Degree of Measurement	Maximum Score (85)	Portfolio of Evidence
TEAM MEMBERS			
Qualification of Project Leader (Urban/Town & Regional Planning) and Registration as a Professional Planner with SACPLAN).	Honours Degree or above + 3yrs of experience	5	Certified copies of qualifications, Professional Certificate and CV
	Degree/B. Tech + 3yrs of experience	3	
	National Diploma+ 3yrs of experience	2	
	No Qualifications and Experience	0	
Economics/Development Economics/Business studies/Administration	Honours Degree or above + 3yrs of experience	5	Certified copies of qualifications, Professional Certificate and CV
	Degree/B. Tech+ 3yrs of experience	3	

Criteria	Degree of Measurement	Maximum Score (85)	Portfolio of Evidence
TEAM MEMBERS			
	National Diploma + 3yrs of experience	2	
	No Qualifications and Experience	0	
Civil Engineer (Roads designs, Storm water Management etc) and Registration with ECSA	Honours Degree or above + 3yrs of experience	5	Certified copies of qualifications, Professional Certificate and CV
	Degree/B. Tech + 3yrs of experience	3	
	National Diploma+ 3yrs of experience	2	
	No Qualifications and Experience	0	
Environmental Management/Heritage Specialist	Honours Degree+ 3yrs of experience	5	Certified copies of qualifications, Professional Certificate and CV
	Degree/B. Tech+ 3yrs of experience	3	
	National Diploma+ 3yrs of experience	2	
	No Qualifications and experience	0	
Urban Design/Land Scape Specialist	Honours Degree+ 3yrs of experience	5	Certified copies of qualifications, Professional Certificate and CV
	Degree/ Btech + 3yrs of experience	3	
	National Diploma+ 3yrs of experience	2	

Criteria	Degree of Measurement	Maximum Score (85)	Portfolio of Evidence
TEAM MEMBERS			
	No qualification and Experience	0	
Community Development Specialist/Development Studies	Honours Degree+ 3yrs of experience	5	Certified copies of qualifications, Professional Certificate and CV
	Degree/ Btech + 3yrs of experience	3	
	National Diploma + 3yrs of experience	2	
	No qualification and experience	0	
Experience of the Bidder (Company)			
Bidders experience in the development corridor project	3 or more projects in development corridor and Spatial Planning frameworks.	30	Appointment Letters and Completion Certificates/Letters
	2 projects in development corridor / Spatial planning frameworks.	20	
	1 project development corridor / Spatial planning frameworks.	10	
Project Methodology Covering all the deliverables.	Clear methodology with deliverables, personnel, budgeting, time frames etc.	25	Methodology
Total scores		85	

NB: Guideline on scoring methodology

- Outline the proposed methodology and approach to achieve the objectives; (5 point)
- Outline the key milestone events, activities, costing, delivery dates and outputs; (5 point)
- Provide for ad hoc management and co-ordination support; (5 point)

- Include a work plan with time tables of tasks and responsibilities; (5 point)
- Include a payment schedule linked to key milestones (5 point)

NB: Bidders need to score a minimum of 51 points out of 85 to qualify for the next stage of evaluation

Proof of all the above must be attached for the Tenderer to qualify for the points claimed in the following manner:

1. **Appointment letters** of previous or current works done will be considered as proof, submitted documents must have contactable references
2. The minimum points are not based on the summation of the points on the lower side of each scoring item
3. To all those who achieve the 51 points minimum threshold will qualify for 80/20 scoring system.

POINTS

1. PRICE	80
2. B-BBEE STATUS LEVEL OF CONTRIBUTION	20
Total points for Price and B-BBEE must not exceed	100

Failure on the part of a bidder 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.

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.

POINTS AWARDED FOR PRICE

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

According to the Preferential Procurement Framework Act and Regulations a preference point system must be followed:

1.1 The 80/20 Preference Point System

- 1) The following formula must be used to calculate the points out of 80 for price in respect of a tender with a Rand value equal to or above R30 000 and up to a Rand value of R50 million, inclusive of all applicable taxes.:

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

Where

P_s	=	Points scored for price of tender under consideration
P_t	=	Rand value of tender under consideration
P_{min}	=	Rand Value of lowest acceptable Tender

- 2) The following table must be used to calculate the score out of 20 for BBBEE:

B-BBEE Status Level of	Number of Points
------------------------	------------------

Contributor	
1	20
2	18
3	14
4	12
5	8
6	6
7	4
8	2
Non-compliant contributor	0

- 3) A tenderer must submit proof of its B-BBEE status level of contributor.
- 4) A tenderer failing to submit proof of B-BBEE status level of contributor or is a non-compliant contributor to B-BBEE may not be disqualified, but-
 - (a) may only score points out of 80 for price; and
 - (b) scores 0 points out of 20 for B-BBEE.
- 5) A tenderer may not be awarded points for B-BBEE status level of contributor if the tender documents indicate that the tenderer intends subcontracting more than 25% of the value of the contract to any other person not qualifying for at least the points that the tenderer qualifies for, unless the intended subcontractor is an EME that has the capability to execute the subcontract.
- 6) The points scored by a tenderer for B-BBEE in terms of subregulation (2) must be added to the points scored for price under subregulation (1).
- 7) The points scored must be rounded off to the nearest two decimal places.
- 8) Subject to subregulation (9) and regulation 11, the contract must be awarded to the tenderer scoring the highest points.
- 9) (a) If the price offered by a tenderer scoring the highest points is not market related, the organ of state may not award the contract to that tenderer.
 (b) The organs of state may-
 - (i) negotiate a market-related price with the tenderer scoring the highest points or cancel the tender;
 - (ii) if the tenderer does not agree to a market-related price, negotiate a market-related price with the tenderer scoring the second highest points or cancel the tender;
 - (iii) if the tenderer scoring the second highest points does not agree to a market-related price, negotiate a market-related price with the tenderer scoring the third highest points or cancel the tender.
- (c) If a market-related price is not agreed as envisaged in paragraph (b)(iii), the organ of state must cancel the tender.

1.2 The 90/10 Preference Point System

- 1) The following formula must be used to calculate the points out of 90 for price in respect of a tender with a Rand value above R50 million, inclusive of all applicable taxes:

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

Where

P_s	=	Points scored for price of tender under consideration
P_t	=	Rand value of tender under consideration
P_{min}	=	Rand Value of lowest acceptable Tender

- 2) The following table must be used to calculate the score out of 20 for BBEE:

B-BBEE Status Level of	Number of Points
------------------------	------------------

Contributor	
1	10
2	9
3	6
4	5
5	4
6	3
7	2
8	1
Non-compliant contributor	0

- 3) A tenderer must submit proof of its B-BBEE status level of contributor.
- 4) A tenderer failing to submit proof of B-BBEE status level of contributor or is a non-compliant contributor to B-BBEE may not be disqualified, but-
 - (c) may only score points out of 90 for price; and
 - (d) scores 0 points out of 10 for B-BBEE.
- 5) A tenderer may not be awarded points for B-BBEE status level of contributor if the tender documents indicate that the tenderer intends subcontracting more than 25% of the value of the contract to any other person not qualifying for at least the points that the tenderer qualifies for, unless the intended subcontractor is an EME that has the capability to execute the subcontract.
- 6) The points scored by a tenderer for B-BBEE in terms of subregulation (2) must be added to the points scored for price under subregulation (1).
- 7) The points scored must be rounded off to the nearest two decimal places.
- 8) Subject to subregulation (9) and regulation 11, the contract must be awarded to the tenderer scoring the highest points.
- 9) (a) If the price offered by a tenderer scoring the highest points is not market related, the organ of state may not award the contract to that tenderer.
 - (b) The organs of state may-
 - (i) negotiate a market-related price with the tenderer scoring the highest points or cancel the tender;
 - (ii) if the tenderer does not agree to a market-related price, negotiate a market-related price with the tenderer scoring the second highest points or cancel the tender;
 - (iii) if the tenderer scoring the second highest points does not agree to a market-related price, negotiate a market-related price with the tenderer scoring the third highest points or cancel the tender.
 - (c) If a market-related price is not agreed as envisaged in paragraph (b)(iii), the organ of state must cancel the tender.

BID PROPOSALS FOR THE APPOINTMENT OF SERVICE PROVIDERS FOR THE ESTABLISHMENT OF SAKHILE DEVELOPMENT CORRIDOR

2.3 Certificate of Authority

Indicate the status of the tenderer by ticking the appropriate box hereunder. The tenderer must complete the certificate set out below for the relevant category.

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

A. Certificate for company (Confirmation in the Company Letter must also be Attached)

I,....., chairperson of the board of directors of hereby confirm that by resolution of the board (copy attached) taken on20...., Mr/Mrs.....acting in the capacity of.....,was authorised to sign all documents in connection with this tender and any contract resulting from it on behalf of the company.

As witness

1.....
Chairman
2.....
Date

B. Certificate of partnership

We, the undersigned, being the key partners in the business trading as

hereby authorise Mr/Mrs....., acting in the capacity of.....to sign all documents in connection with the tender for Contract.....and any contract resulting from it on our behalf.

NAME	ADDRESS	SIGNATURE	DATE

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

C. Certificate for Joint Venture

We, the undersigned, are submitting this tender offer in Joint Venture and hereby authorise Mr/Mrs....., authorised signatory of the company,

Acting in the capacity of lead partner, to sign all documents in connection with the tender offer for Contract.....and any other contract resulting from it on our behalf.

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

NAME OF FIRM	ADDRESS	AUTHORISING NAME & CAPACITY	SIGNATURE,

D. Certificate for sole proprietor

I,, hereby confirm that I am the sole owner of the business trading as.....

As Witness:

1.....

.....
Signature: Sole owner

2.....

Date

.....

E. Certificate for Close Corporation

We, the undersigned, being the key members in the business trading as.....hereby authorise Mr/Mrs.....

Acting in the capacity of....., to sign all documents in connection with the tender for Contract.....and any contract resulting from it on our behalf.

NAME	ADDRESS	SIGNATURE	DATE

NOTE: This certificate is to be completed and signed by all key members upon who rests the direction of the affairs of the Close Corporation as a whole.

Record of Addendum to Bid Documents

We confirm that the following communications received from the Employer before the submission of this bid offer, amending the bid documents, have been taken into account in this bid offer:		
	Date	Title or Details
1.		
2.		
3.		
4.		
5.		
6.		
7.		
8.		

Attached additional pages if more space is required.

Signed _____ Date _____

Name _____ Position _____

Bidder _____

BID PROPOSALS FOR THE APPOINTMENT OF SERVICE PROVIDERS FOR THE ESTABLISHMENT OF SAKHILE DEVELOPMENT CORRIDOR

1. Agreement and Contract

3.1. Form of Offer and Acceptance

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

THE APPOINTMENT OF SERVICE PROVIDERS FOR DEVELOPMENT OF SAKHILE DEVELOPMENT CORRIDOR

The tenderer, identified in the offer signature block, has examined the documents listed in the tender data and addenda thereto as listed in the tender 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	
Name	
Capacity	
Name of Tenderer	

Witness:

Name

Signature

Date

ACCEPTANCE (To be completed by the Employer)

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 tenderer the amount due in accordance with the conditions of contract identified in the contract data. Acceptance of the tenderer's 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:

- Part 1 Agreements and tender document, (which includes this agreement)
- Part 2 Pricing data
- Part 3 Scope of work
- Part 4 Briefing Session
- Part 5 Service Level Agreement

and any drawings and documents or parts thereof, which may be incorporated by reference into Parts 1 to 5 above.

Deviations from and amendments to the documents listed in the tender document and any addenda thereto as listed in the tender 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 Record of Addendum attached to and forming part of this agreement. No amendments to or deviations from said documents are valid unless contained in this schedule, which must be signed by the authorized representative(s) of both parties.

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 tender document) to arrange the delivery of any boards, guarantees, proof of insurance and any other documentation to be provided in terms of the conditions of contract identified in the contract data at, or just after, the date this agreement comes into effect. Failure to fulfill 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 within five 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 parties.

FOR OFFICIAL USE ONLY:

NAME		SIGNATURE	
DATE			
CAPACITY			
FOR THE EMPLOYER			
NAME OF WITNESS		SIGNATURE	

BID PROPOSALS FOR THE APPOINTMENT OF SERVICE PROVIDERS FOR THE ESTABLISHMENT OF SAKHILE DEVELOPMENT CORRIDOR

4. Pricing

4.1. PRICING INSTRUCTIONS

1. The Service Provider is required to provide the services in accordance with the Scope of Work. This embraces all things necessary and incidental to complete the work.
2. The only basis for a change to the prices is as a result of the Employer giving an instruction to change the Scope of Work.
3. The General Conditions of Contract, the Contract Data, and the Specifications (including the Project Specifications) shall apply to this contract.
4. The Bill comprises items covering the Service Providers profit and costs of general liabilities and of Temporary and Permanent Works.

Although the Bidder is at liberty to insert a rate of his own choosing for each item in the Bill, he should note the fact that the bidder is entitled, under various circumstances, to payment for additional work carried out and that the client is obliged to base his assessment of the rates to be paid for such additional work on the rates the Service Providers inserted in the Bill.

5. The amounts and rates to be inserted in the Bill of Quantities shall be the full inclusive amounts to the Employer for the work described under the several items. Such amounts shall cover all the costs and expenses that may be required in and for the construction of the work described, and shall cover the costs of all general risks, profits, taxes (but excluding value-added tax), liabilities and obligations set forth or implied in the documents on which the Bid is based.
6. For the purposes of this Bill of Quantities, the following words shall have the meanings hereby assigned to them:

Unit	:	The unit of measurement for each item of work as defined in the Standardized, Project or Particular Specifications
Quantity	:	The number of units of work for each item
Rate	:	The payment per unit of work at which the Bidder bids to do the work Amount
	:	The quantity of an item multiplied by the bid rate of the (same) item
Sum	:	An amount bid for an item, the extent of which is described in the Bill of Quantities, the Specifications or elsewhere, but of which the quantity of work is not measured in units
7. The units of measurement indicated in the Bill of Quantities are metric units. The following abbreviations may appear in the Bill of Quantities:

BID PROPOSALS FOR THE APPOINTMENT OF SERVICE PROVIDERS FOR THE ESTABLISHMENT OF SAKHILE DEVELOPMENT CORRIDOR

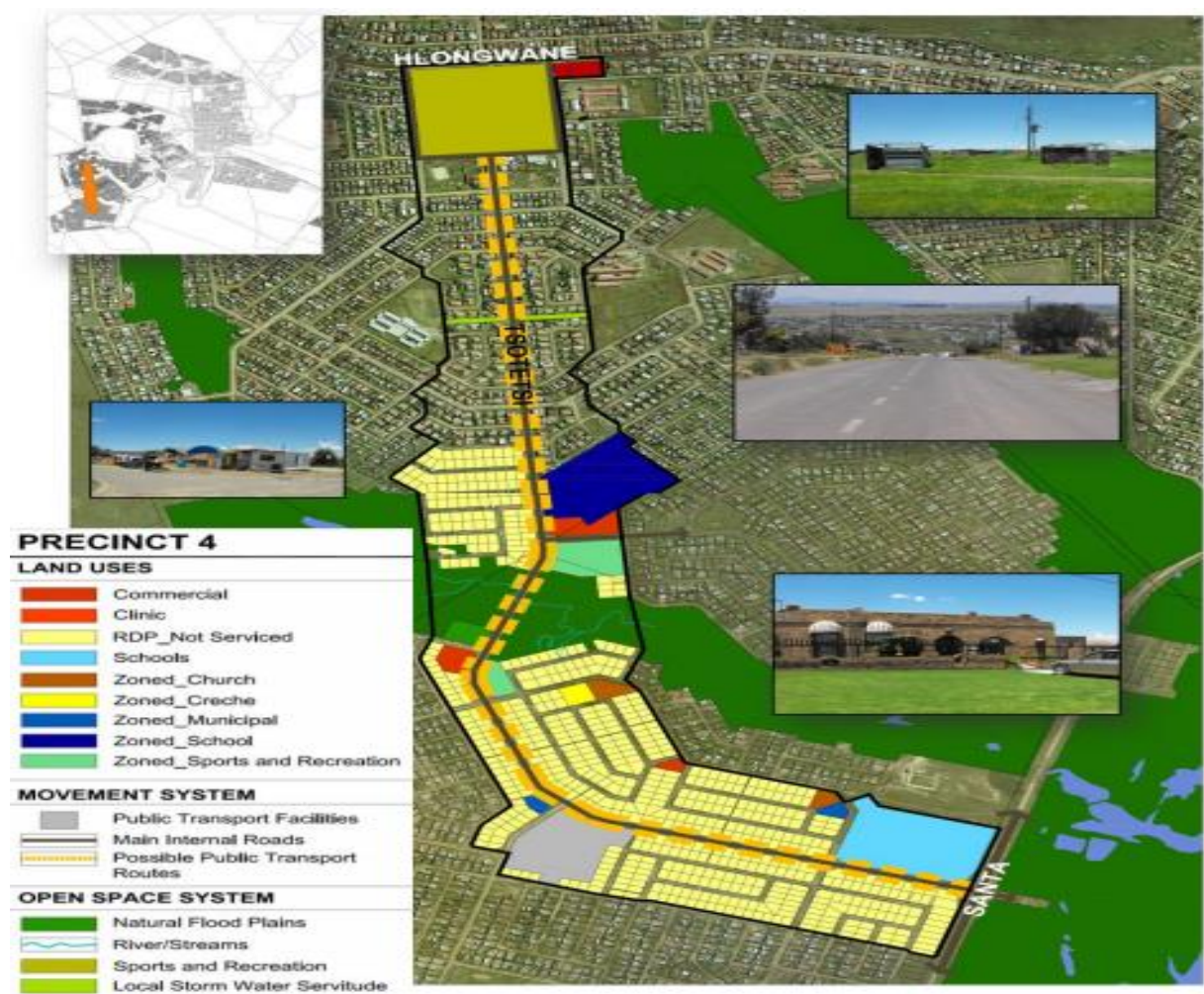
5. SCOPE AND SPECIFICATIONS

5.1 SCOPE OF WORK

The scope of this contract is for the following services

Lekwa Local Municipality envisages to scale down the concept of development corridors into a township level so as to promote the National Development Plan's (NDP) objective of eradication of poverty and promotion of sustainable areas. Hence, Lekwa Local Municipality believes that these significant benefits can be maximised if corridors are planned and implemented through an integrated approach using sound policies, plans, practices and experience. Tsotetsi Road, Sakhile has been identified by the Lekwa Spatial Development Framework, 2017 as priority precinct 4 which must be developed as a mixed use activity spine and second and third order social nodes.

Map: Tsotetsi Road, Sakhile



Unemployment and poverty are core challenges in Lekwa Local Municipality. In order to address the challenges, the Integrated Development Plan 2021 of Lekwa Local Municipality and its Spatial Development Framework 2017 proposes that Tsotetsi Street in Sakhile Township be converted into an activity spine to encourage public and private investment in the area in order to facilitate economic growth and development through social, spatial and economic development or regeneration. The main objective is to ensure that the Sakhile township area realizes its full potential as an economic development corridor, while also stabilizing, consolidating, and promoting economic development to improve business efficiencies and potential, which will significantly enhance the community's socioeconomic status.

The purpose of this project is to develop a plan that will allow for the clustering of social facilities in nodes, especially in the Sakhile area to enable for sharing of facilities and one stop access.

5.2 Purpose

The purpose of this consulting assignment is to create functional patterns, change existing land use disparities, and ensure the protection of existing prevalent or preferred future dominant land uses, as well as associated ancillary or compatible land uses.

5.3 Background

The Lekwa Spatial Development Framework 2017 identified Tsotetsi Road, sakhile as a priority precinct that must be developed as a mixed use activity spine as well as a second and third order social nodes.

5.4 Scope of work

The service provider will be required to ensure the successful achievement of the objectives of the project which includes but not limited to, the following activities listed in the paragraphs below.

Conduct the necessary studies/investigations (towards preparing the development of the plan) reflecting the findings and recommendations required for the successful implementation of development corridor. The studies includes but not limited to the following:

- a) Socio-economic profiling of the study area, assessment of the performance of the property market in the study area (attraction and retention of investment in the area and uptake of land use rights) and identification of niche markets as well as proposed zonings (primary and secondary rights)/activities that can be supported;
- b) Assessment of transport networks (traffic flows and desire lines and capacity of roads and other transportation infrastructure in relation to traffic flows and desire lines) and available public transport infrastructure.
- c) Undertake a detailed economic analysis so as to enable identification of appropriate interventions that will lead to economic development of the study area.

- d) Conduct engineering services study indicating the status quo of the bulk infrastructure of the study area and the capacity that will be needed to support the implementation of the corridor development.

The study must also formulate an implementation strategy that will be used to guide the promotion and support of sustainable economic development within townships.

Identify needs and gaps in enterprise support and business infrastructure in Sakhile Township and the Standerton region.

Identify incentives that the municipality can provide or source to attract investors, support existing businesses to grow their operations and create more jobs within the Sakhile Township.

Identify ways to attract and promote inward investment.

Identify approaches to support SMME development and regulation of informal trading.

Identify possible funding sources to support the implementation of the corridor development

To create a database of projects within the municipality including those being implemented, economic opportunities and future potential projects.

To formulate a matrix to guide the Municipality in terms of identification and prioritizing strategic projects for investigation and implementation.

5.5 Objectives of the Lekwa Local Municipality

5.5.1 Strategic Objective

The overall objective of the Lekwa Local Municipality, as pronounced in its Integrated Development Plan (IDP) is to support local economic development in order to improve the socio-economic wellbeing of its communities. The main objective of this project is to promote township economy within the sakhile area.

5.5.2 Fundamental Expectations

The Lekwa Local municipality believes that the successful achievement of the said objectives may be realized if the service provider brings expertise in establishment Development Corridor, and has conducted similar assignment in the past three to five (3-5) years. The service provider must comprise of a competent team of professionals specializing in, amongst others, the following fields:

- Town Planning
- Economics/Development Economics/Business studies/Administration
- Civil Engineer - Roads designs, Storm water Management etc
- Environmental Management/Heritage Specialist
- Urban Design/Land Scape Specialist
- Community Development Specialist/Development Studies

5.6 Output

- 5.6.1 The desired output includes proposals that will inform the basis of land use required to manage the corridor. It should detail the type, location, size and configuration of the proposed development/uses within the corridor.
- 5.6.2 Designs identification of opportunities to enhance infrastructure and investment opportunities. This information can be used to assist in prioritising infrastructure options such as transport networks and water supply systems which are essential to improve tourism.
- 5.6.3 The Development Corridor should aid in identifying alternative economic uses of the land by establishing a vision and identifying economic, social and environmental opportunities and constraints to improve the profitability and sustainability of natural resource use in the precinct.
- 5.6.4 The Development Corridor should aid in ensuring that the area attracts a wide stakeholder engagement.
- 5.6.5 The Development Corridor should protect the environmental and natural resource values of the area by protecting or promoting activities that employ best practice management, maintain or enhance ecosystem services, and/or implement local

natural resource management plans. The results of the proposed plan should be contained/ represented in a land use and zoning maps aligned to the Lekwa land use scheme (LUS), 2020.

5.7 Methodology

Consultants are to indicate in their proposals the methodologies that will be used to achieve the objectives and outputs outlined in this Terms of Reference.

5.8 Project Management

- In case where the appointed service provider appoints the services of other consultants or sub-contractors, the appointed service provider will take responsibility of the work of the sub-contractors.
- The project is to be coordinated and managed through the elected Project Steering Committee which will sit on a monthly basis.
- The said committee will be responsible for providing directions to the overall consulting services and the structures to whom the consultant/s presents recommendations and progress reports concerning the progress on the project.
- The produced plans and documents will have to be submitted to the Project Steering Committee for comments before the final plans get produced.
- The final approval will have to be obtained from the Municipal steering committee which will make a recommendation to the Lekwa Council.

5.9 Reporting

A detailed report after completion of each phase is required, this includes a monthly progress report (that will be submitted to the Executive Manager Planning and Economic Development) that outlines milestones against key performance indicators, as it would be outlined in the approved work plan, and the report should be submitted to the Project Steering Committee.

5.10 Time Frames

The project duration would be for 12 months from the date of appointment. The project proposal should spell out the project milestones and delivery output at each stage.

The project will comprise of the following phases as outlined in the table below:

KEY ACTIVITIES:

STEP PROCESS	IN	EXPLANATION	DELIVERABLES/OUTPUTS	TIME FRAME	ROLE PLAYERS
PHASE 1: POLICY CONTEXT AND VISION DIRECTIVES (PROJECT INCEPTION)					
START UP		Agree on the scope of work, project programme and deliverables with the client and include it in a Service Level Agreement and Memorandum of Understanding with the service provider	Service Level Agreement	1 Month	Service Provide. Client
REVIEW AND SYNTHESISE LEGISLATIVE & POLICY CONTEXT		Synthesize the legislative and policy context through considering relevant national and provincial policy directives. Involve sector departments on relevant sector plans and policies. Outline the spatial directives emanating from the national, provincial and municipal policy review that are relevant to the project.	Legislative &Policy Synthesis		Service Providers
FORMULATE DRAFT STRATEGIC VISION		Hold initial discussions with client on the key socio-economic issues that need to be addressed and prepare a synthesis of the policy informants to establish a draft vision for the corridor.	Vision Statement		Service Providers
SUB PHASE 1.1. INITIATIVE STAKEHOLDER ENGAGEMENT					

INCEPTION MEETING	Meeting with the client to clarify and agree upon project outcomes, timeframes, expectations from project steering committee members and the appropriate level of political engagement required. Identify key stakeholders, I&APs and provincial and municipal departments that need to be involved	Stakeholder database		Service Providers Client Local Municipality
NOTIFICATION	Notify the public, other government departments and the local council of the development corridor process through local media and notices at public venues. If possible - establish an online web portal / blog / social media page for the project	Public notices Online web Page		Service Providers Client Local Municipality
SET UP PSC	Invite key statutory stakeholders to serve on PSC - a forum for intergovernmental relations with oversight responsibility for the preparation of the Development Corridor. Send out inaugural notice (via e-mail or other) to PSC to introduce and explain process, programme and outcomes.	List of PSC members		Service providers. Client PSC
SUB PHASE 1.2 MONITORING				
CONFIRM OBJECTIVES	Set out Objectives of the strategy. Ensure that the purpose and anticipated outcomes of the Development Corridor are clearly defined	Strategic Objectives for Development Corridor		Service Providers

PHASE 2: CONTEXT, ROLE & ISSUES (CREDIBLE STATUS QUO)				
IDP & SECTOR PLANS INPUTS	Review the most recent IDP as well as all municipal sector plans relevant to the development corridor in terms of the strategic focus and the key challenges identified.	Summary of Sector Plans	2 Months	Service providers.
ANALYSIS OF BIOPHYSICAL CONTEXT	Unpack and assess the role of the township/activity spine within the biophysical context and identify key issues and challenges.	Documentation and mapping of Biophysical context		Service Providers. Local Municipality.
ANALYSIS OF SOCIO-ECONOMIC CONTEX	Unpack and assess the role of the township within the socio-economic context and identify key issues and	Documentation and mapping of socio-extent		
ANALYSIS OF BUILT CONTEXT	Unpack and assess the role of the spine/township within the built environment context and identify key issues and challenges.	Documentation of built environment context		
SUB PHASE 2.1: STAKEHOLDER ENGAGEMENTS				
FOCUS GROUPS	Conduct area or sector based Focus Group meetings to test the initial technical findings through presenting the development corridor context, role and issues to confirm findings, fill gaps and obtain further feedback on key issues and priorities.	Context and issues presentation Key findings from Focus Groups meetings Record of Engagement		Service providers Focus Group Attendees
OPEN HOUSE	Facilitate a public open house to present the findings from the context, role and issues	Open House Posters Record of Engagement		Service Providers

	phase and the findings from the Focus Group Meetings for public feedback.			General Public
1 ST PMT MEETING	Convene the first Project Management Team Meeting to discuss project progress and programme.	Minutes Record of Engagement		Service providers PMT (Local Municipality Spatial Planning and other relevant Departments) Client
1 ST PSC MEETING	Convene the first PSC Meeting to present and endorse the findings from the context, role and issues phase.	Presentation Minutes of PMT Meeting Record of Engagement		Service providers. PSC
SUB PHASE 2.2. MONITORING AND EVALUATION				
ECONOMIC TARGETS	Clarify Development Corridor objectives in terms of clear and measurable outcomes/targets that are relevant to the municipality's physical, socio-economic and institutional context	Succinct one-page list of project objectives & measures		Service Providers.
PHASE 3: SPATIAL PROPOSALS. (DRAFT DEVELOPMENT CORRIDOR AND PUBLIC PARTICIPATION)				
FINAL VISION	Update the draft vision as developed during Phase 1 to align with the spatial concept (if required)	Final Vision statement		Service Providers

SOCIO-ECONOMIC STRATEGIES	Identify strategic themes for Development Corridor relevant to the issues, context and needs of the precinct (as identified in the previous phase)	Conceptual Strategy maps and supporting text for each theme.	4 Months	
SUB PAHSE 3.1: STAKEHOLDER ENGAGEMENTS				
STAKEHOLDER INPUT	Facilitate and convene specialist discussions meetings where required to check project details and specifications. The nature of these discussions will be determined during P3.	List of required meetings, dates, and possible attendees Record of Engagement		Service providers Stakeholders / Specialists
2nd PMT MEETING	Convene the second Project Management Team Meeting to discuss project progress and programme	Minutes Record of Engagement		Service providers PMT (Local Municipality Spatial Planning and other relevant Departments) Client
ADVERTISEMENT OF DRAFT DEVELOPMENT CORRIDOR PROPOSALS	Advertise the draft Development Corridor proposals through making hard and soft copies available online and at public facilities such as schools, local libraries, municipal offices, community halls etc.	Advertisement Public Document Record of comments received		Service providers General Public
SUB PAHSE 3.2. MONITORING AND EVALUATION				

IMPLEMENTATION	Quantify projects, role-players and associated operational and capital budgets associated with the spatial proposals identified	List of key projects for implementation		Service Providers
PHASE 4 IMPLEMENTATION FRAMEWORK. (APPROVAL OF 1 ST DRAFT)				
GUIDELINES	Develop a set of guidelines for the relevant Development Corridor themes that will support the implementation of the spatial proposals	Guidelines for each theme	3 Months	Service providers
FOCUS AREAS	Identify implementation priorities in the form of key spatial focus areas.	Map of Focus Areas Spatial Concept and proposed Land Uses for each Focus Area		Local Municipality (to give input on implementation arrangements)
IMPLEMENTATION MATRIXES	Develop an implementation matrix for each Focus Area that stipulates the required projects and programmes, possible funding, timeframes and role-players	Focus Area Implementation Matrix (in table format)		
COMPOSITE IMPLEMENTATION PLAN	Compile the Focus Area plans into a consolidated development corridor implementation plan.	Development Corridor Implementation Plan		
SUB PHASE 4.1.: STAKEHOLDER ENGAGEMENT				
OPEN HOUSE	Conduct a public open house to present final Development Corridor proposals and obtain input on implementation priorities.	Open House posters Record of Engagement	Service Providers General Public	
3 RD PMT MEETING	Convene the third Project Management Team Meeting to discuss project progress and programme.	Minutes Record of Engagement		Service providers

				PMT (Local Municipality Spatial Planning and other relevant Departments)
				Client
2 ND PSC MEETING	Convene the second PSC Meeting to present final Development Corridor proposals and obtain input on implementation priorities and outcomes of the open house. Obtain endorsement of the implementation plan and process moving forward	Presentation Minutes of PMT Meeting Record of Engagement.		Service providers PSC
SUB PHASE 4.2: MONITORING AND EVALUATION				
IMPLEMENTATION	Assign responsibilities for the completion of project outcomes identified in Implementation plan Determine frequency of evaluation (annual, bi-monthly etc.)	Documentation of goals, targets, projects and responsibilities		Service providers Local Municipality (to take responsibility of implementation)
PHASE 5: FINAL DEVELOPMENT CORRIDOR				

FINAL DEVELOPMENT CORRIDOR	<p>Refine, update and finalize the report and implementation framework based on stakeholder engagement during Phase 3 and 4</p> <p>Prepare summary brochures, pamphlets or posters of the key strategic proposals contained within the report.</p> <p>Submit the final report and brochures to the local municipal officials and Council for approval.</p>	Development corridor final report, Executive Summary, brochures, pamphlets or posters	2 Months	Service providers
SECTOR PLAN ALIGNMENT	Facilitate follow-up discussions with all sector stakeholders to provide guidance on how to align sector plans with the Development Corridor proposals.	Sector plan alignment proposals and guidance discussions		Local Municipality (to take responsibility of implementation and sector plan alignment).
PACKAGED FOCUS AREAS	Package the Focus Area plans and their associated responsibilities and timeframes for the municipality to take forward implementation.	Package of Focus Areas		Client
PROJECT COSTING	Assign costs and budget sources to each focus area.	Approximate budgets for each of the Focus Area projects		
SUB PHASE 5.1: STAKEHOLDER ENGAGEMENTS				
COUNCIL APPROVAL	Present the final Development Corridor to Council	Presentation.	Service providers	

	Initiate the incorporation of the Development Corridor projects and budgets into the municipal IDP	Record of Engagement and Endorsement		Council
4 TH PMT MEETING	Convene the third and final PMT Meeting to discuss project finalization and possible future processes required in taking the Development Corridor forward	Presentation Minutes of PMT Meeting Record of Engagement		Service providers PMT Client
SUB PHASE 5.2: MONITORING AND EVALUATION				
MONITORING PROCESS SET UP	<p>Set up a monitoring and evaluation process that will ensure for the future evaluation and monitoring of the Development Corridor based on the established targets.</p> <p>Determine dates for review of projects and assign a department or person responsible for taking the monitoring and evaluation process forward.</p>	<p>Monitoring and Evaluation system</p> <p>Person/department responsibilities and timeframes</p>		<p>Service providers</p> <p>Responsible person/ department</p>

5.11 Payment Plan

PHASES	% PAYABLE	TIME FRAMES	SUBMISSION OUTPUTS/DELIVERABLES	COST
Phase 1: Project inception	5%	1 month	Inception Report	
Phase 2: Credible Status Quo	10%	2 months	Status Quo Assessment Report	
Phase 3: Draft Development Corridor and Public Participation	35%	4 months	Draft Development Corridor & Council Resolution	
Phase 4: Approval of the Draft	25%	3 months	Approved Development Corridor & Council Resolution	
Phase 5: Final approval & Implementation Plan	25%	2 months	Close Out Report Implementation Plan Funding Model	
Total VAT 15%	100%	12 Months		

Above amount to be reflected on the 3.1. Form of Offer and Acceptance page

5.12 Format of Consultant's proposal

The format of the proposal should follow the same format as this Terms of Reference, i.e. the proposal should address the consultant's understanding of each of the items covered in this Terms of Reference. In particular, the proposal must:

- Outline the proposed methodology and approach to achieve the objectives;
- Outline the key milestone events, activities, costing, delivery dates and outputs;
- Provide for ad hoc management and co-ordination support;
- Include a work plan with time tables of tasks and responsibilities;
- Include a payment schedule linked to key milestones

Consultants are to submit an organogram indicating key staff that will be dedicated to this consulting assignment, inclusive of main hours to be spent on the assignment by each member of the team. Consultants

must also submit CV's of each of the proposed team members that illustrate relevant experience and expertise in terms of this consulting assignment.

Proposals should also include two appropriate references of similar assignment completed in the recent past (past 3 – 5 years) with contact details.

5.13 Available Information

The following information, which should assist in the assignment, will be provided to the successful bidder upon appointment:

- Lekwa Local Municipality 2017/22 Integrated Development Plan or IDP 2021/22 FY.
- Lekwa Local Municipality Spatial Development Framework 2017(SDF).
- Lekwa Local Municipality wall to wall Land Use Scheme (LUS) 2020.
- Lekwa Local Municipality Land Audit 2021.
- Google kmz file of Standerton with draped cadastral data.

MBD 4

DECLARATION OF INTEREST

1. No bid will be accepted from persons in the service of the state¹.
2. Any person, having a kinship with persons in the service of the state, including a blood relationship, may make an offer or offers in terms of this invitation to bid. In view of possible allegations of favouritism, should the resulting bid, or part thereof, be awarded to persons connected with or related to persons in service of the state, it is required that the bidder or their authorised representative declare their 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

PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL PROCUREMENT REGULATIONS 2017

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 ~~exceed/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.

2.

- (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.

3.1

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

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

Where

Ps = Points scored for price of bid under consideration

Pt = Price of bid under consideration

P_{min} = Price of lowest acceptable bid

4.

- 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	
-----	--	----	--

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 last 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]

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 authorised 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.

WITNESSES

1.

2.

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

DATE:

ADDRESS

.....

.....

DECLARATION CERTIFICATE FOR LOCAL PRODUCTION AND CONTENT FOR DESIGNATED SECTORS

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

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

1. General Conditions

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

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

Where

x is the imported content in Rand

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

Prices referred to in the determination of x must be converted to Rand (ZAR) by using the exchange rate published by South African Reserve Bank (SARB) on the date of advertisement of the bid as indicated in paragraph 3.1 below.

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

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

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

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

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

(Tick applicable box)

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

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

The relevant rates of exchange information is accessible on www.resbank.co.za

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

Currency	Rates of exchange
US Dollar	
Pound Sterling	
Euro	
Yen	
Other	

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

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

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

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

IN RESPECT OF BID NO. PED 3/2022/2023

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

.....
NB

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

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

- (a) The facts contained herein are within my own personal knowledge.
- (b) I have satisfied myself that:
 - (i) the goods/services/works to be delivered in terms of the above-specified bid comply with the minimum local content requirements as specified in the bid, and as measured in terms of SATS 1286:2011; and
- (c) The local content percentage (%) indicated below has been calculated using the formula given in clause 3 of SATS 1286:2011, the rates of exchange indicated in paragraph 3.1 above and the information contained in Declaration D and E which has been consolidated in Declaration C:

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

If the bid is for more than one product, the local content percentages for each product contained in Declaration C shall be used instead of the table above.
The local content percentages for each product has been calculated using the formula given in clause 3 of SATS 1286:2011, the rates of exchange indicated in paragraph 3.1

above and the information contained in Declaration D and E.

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

SIGNATURE: _____

WITNESS No. 1 _____

DATE: _____

WITNESS No. 2 _____

DATE: _____

CONTRACT FORM - RENDERING OF SERVICES

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

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

1. I hereby undertake to render services described in the attached bidding documents to LEKWA LOCAL MUNICIPALITY in accordance with the requirements and task directives / proposals specifications stipulated in Bid Number PED 3/2022/2023 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 date of the 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);
 - Filled in task directive/proposal;
 - 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 services specified in the bidding documents; that the price(s) and rate(s) cover all my obligations and I accept that any mistakes regarding price(s) and rate(s) and calculations will be at my own risk.
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 fulfillment 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

2

CONTRACT FORM - RENDERING OF SERVICES

PART 2 (TO BE FILLED IN BY THE PURCHASER)

1. I..... in my capacity as Accounting Officer of LEKWA LOCAL MUNICIPALITY accept your bid under reference number PED 3/20222023 dated.....for the rendering of services indicated hereunder and/or further specified in the annexure(s).
2. An official order indicating service delivery instructions is forthcoming.
3. I undertake to make payment for the services rendered in accordance with the terms and conditions of the contract, within 30 (thirty) days after receipt of an invoice.

DESCRIPTION OF SERVICE	PRICE (ALL APPLICABLE TAXES INCLUDED)	COMPLETION DATE	B-BBEE STATUS LEVEL OF CONTRIBUTION	MINIMUM THRESHOLD FOR LOCAL PRODUCTION AND CONTENT (if applicable)

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

SIGNED AT ON

NAME (PRINT)

SIGNATURE

OFFICIAL STAMP

WITNESSES

1

2

DATE:

DECLARATION OF BIDDER'S PAST SUPPLY CHAIN MANAGEMENT PRACTICES

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

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

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

CERTIFICATION

I, THE UNDERSIGNED (FULL NAME)

**CERTIFY THAT THE INFORMATION FURNISHED ON THIS
DECLARATION FORM TRUE AND CORRECT.**

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

.....

Signature

.....

Date

.....

Position

.....

Name of Bidder

CERTIFICATE OF INDEPENDENT BID DETERMINATION

- 1 This Municipal Bidding Document (MBD) must form part of all bids¹ invited.
- 2 Section 4 (1) (b) (iii) of the Competition Act No. 89 of 1998, as amended, prohibits an agreement between, or concerted practice by, firms, or a decision by an association of firms, if it is between parties in a horizontal relationship and if it involves collusive bidding (or bid rigging).² Collusive bidding is a *pe se* prohibition meaning that it cannot be justified under any grounds.
- 3 Municipal Supply Regulation 38 (1) prescribes that a supply chain management policy must provide measures for the combating of abuse of the supply chain management system, and must enable the accounting officer, among others, to:
 - a. take all reasonable steps to prevent such abuse;
 - b. reject the bid of any bidder if that bidder or any of its directors has abused the supply chain management system of the municipality or municipal entity or has committed any improper conduct in relation to such system; and
 - c. cancel a contract awarded to a person if the person committed any corrupt or fraudulent act during the bidding process or the execution of the contract.
- 4 This MBD serves as a certificate of declaration that would be used by institutions to ensure that, when bids are considered, reasonable steps are taken to prevent any form of bid-rigging.
- 5 In order to give effect to the above, the attached Certificate of Bid Determination (MBD 9) must be completed and submitted with the bid:

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

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

CERTIFICATE OF INDEPENDENT BID DETERMINATION

I, the undersigned, in submitting the accompanying bid:

(Bid Number and Description)

in response to the invitation for the bid made by:

LEKWA LOCAL MUNICIPALITY

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

I certify, on behalf of: _____ that:

(Name of Bidder)

1. I have read and I understand the contents of this Certificate;
2. I understand that the accompanying bid will be disqualified if this Certificate is found not to be true and complete in every respect;
3. I am authorized by the bidder to sign this Certificate, and to submit the accompanying bid, on behalf of the bidder;
4. Each person whose signature appears on the accompanying bid has been authorized by the bidder to determine the terms of, and to sign, the bid, on behalf of the bidder;
5. For the purposes of this Certificate and the accompanying bid, I understand that the word "competitor" shall include any individual or organization, other than the bidder, whether 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

DECLARATION (MUST BE COMPLETED and STAMPED)

I/WE, THE UNDERSIGNED WHO WARRANTS THAT I/WE ARE DULY AUTHORISED TO DO SO ON BEHALF OF THE ENTERPRISE, CERTIFIES THAT THE INFORMATION SUPPLIED IN TERMS OF THIS DOCUMENT INCLUDING THE RELEVANT ATTACHEMENT IS CORRECT AND ACCURATE AND ACKNOWLEDGE THAT:

1. The enterprise will be required to furnish documentary proof requested to do so.
2. If the information supplied is found to be incorrect, then Lekwa Local Municipality may in addition to any remedies it may have
 - a) Disqualify the supplier/service provider for a particular quotation/bid/contract/project it may be considered for, or which had been awarded to the supplier/service ;
 - b) Recover from the service provider /supplier all costs, losses or damages incurred by Lekwa Municipality as a result of the breach of contract;
 - c) De-register the supplier from the accredited suppliers database;
 - d) Take any other action as may be deemed necessary.

Full Names: _____

ID Number: _____

Signature: _____

Date: _____

Duly authorised on behalf of: _____

Address: _____

Telephone no: _____

Signed and affirmed before me at _____ on this _____ day of _____ year _____ by the dependent who has acknowledged that he/she knows and understands, the contents of this document, and he/she has acknowledged that he/she regards the affirmation to be binding on his/her conscience.

Commissioner of Oaths

Full Name

Capacity

Business address

NOTE: Both the deponent and the Commissioner of Oath must initial all pages on the Application form

