



MORETELE LOCAL MUNICIPALITY

INVITATION TO TENDER

APPOINTMENT OF PANEL OF 16 WATER TANKERS FOR THE PERIOD OF 36 MONTHS

BIDNO: MLM/IDS/W/TANKERING/2024-27

NAME OF BIDDER: _____

BID PRICE (Incl. VAT) R _____

ADDRESS: _____

Tel No. _____

NB: BIDs must be properly received and deposited in the BID box on or before the closing date and before the closing time. No late BID offers will be accepted under any circumstances. BID offers must be submitted in a sealed envelope properly marked in terms of the BID number and BID description as indicated above.

BID Deposit Receipt No: _____ **(Attach documentary proof)**

CSD Number: _____

CLOSING TIME : **12H00**

BID BOX : **MORETELE LOCALMUNICIPALITY.**

CLOSING DATE : **25 MARCH 2024**



FOREWORD

This document consists of three volumes clustered to form a BID and Contract

The BID consists of three Volumes namely:

1. BIDDING PROCEDURES

This volume contains the BID Notice and Invitation describing the nature of construction works required, as well as the BID Data outlining the conditions of BID to be complied with by every Bidder submitting a BID.

2. RETURNABLE DOCUMENTS

This volume contains the returnable schedules and forms to be completed by each Bidder for the purpose of evaluating Bids and which will subsequently form part of a contract between successful Bidder and the Employer. **(Returnable documents must be properly index)**

3. THE CONTRACT

This volume consists of four parts, namely:

C1: Form of Offer and Acceptance

C2: Delivery Schedule – Bid Price

C3: Scope of Work (Project Specifications)

IMPORTANT NOTE

Each Bidder must complete the BID SUMMARY PAGE for BID opening purposes following hereafter.



BID SUMMARY PAGE: DETAILS OF BIDDER

Name of firm/entity/enterprise	
Trading as(if different from above)	
Postal Address	
Physical Address	
Contact details of the Bidder proposed Project Manager who will represent the Bidder in the implementation processes	Name: _____ Telephone: () _____ Fax: () _____ Cell phone: _____ E-mail Address: _____
Company Income Tax no.	
VAT Registration no.	
Company Registration no	
Bidder Bank	Name of Bank: _____ Branch name: _____ Branch code: _____ Account No: _____
Contact details of person responsible for accounts/ invoices	



MORETELE LOCAL MUNICIPALITY



MUNICIPAL OFFICES
4065 B
MATHIBESTAD
0404

TEL (012) 716 1300

PRIVATE BAG X367
MAKAPANSTAD
0404

INVITATION FOR PROSPECTIVE BIDDERS.

MORETELE LOCAL MUNICIPALITY HEREBY INVITES PROSPECTIVE BIDDERS AS PER BELOW

Project Name	Bid Number	Compulsory Briefing Session	Bid Document Price	Availability of Bid Document	Evaluation Criteria	CIDB Grading	Closing Date
Supply and delivery of water through Tankering service in moretele local municipality for a period of 36 months	MLM/IDS/W/TANKERING /24-27	07 March 2024 at 10h00 in Municipal hall.	R500.00	27/02/2024	80/20 in line with the Preferential Procurement Policy Framework Act no 5 of 2017 regulation of 2022 of Specific Goals Minimum Qualifying Score: 70%	None	25 March 2024 at 12H00 in Municipal Hall

Bid documents with detailed bid specifications and detailed information are obtainable at the **Revenue office of Moretele Local Municipality, 4065 B Mathibestad** from **27 February 2024** at 08:00 – 16:00. A non-refundable deposit as per tender above payable at the bank as per the following details:

Account Name: **Moretele Local Municipality**
Bank: **ABSA**
Cheque account No: **405 331 7014**
Branch code: **632005**
Ref: **Company Name..... BID Number**

NB: No cash will be accepted only proof of payment or Debit cards will be accepted.

Sealed Bids clearly marked “**BID No AND PROJECT NAME (as per the table above)**” must be placed in the Bid box situated at the offices of **MORETELE LOCAL MUNICIPALITY, 4065 B MATHIBESTAD**. Compulsory briefing will be done as per the project indicated on the table above.

No late BIDs will be accepted.

Moretele Local Municipality reserves the right to accept the whole or part of any bid and further reserves the right to re-advertise if it so wishes to. No reason for the acceptance or rejection of any bid will be given.



Bids will be adjudicated according to the Moretele Local Municipality's Supply Chain Management Policy, the Preferential Procurement Policy Framework Act, (Act No. 5 of 2017) and the Preferential Procurement Regulations 2022 of Specific Goals, as well as the broad Based Black Economic Empowerment Act (Act 53 of 2003). Bids will remain valid for 90 days.

Enquiries may be directed to: Mr T Dire: (012) 716 1348 (Technical), Mrs M Phenya Tel : (012) 716 1414 (SCM)

Mr S ngwenya
MUNICIPAL MANAGER



T 1.2 Bid Data

The following variations, amendments and additions to the Standard Conditions of Bid as set out in the Bid Data below shall apply to this Bid.

F.1 GENERAL

F.1.1 Actions

The Employer and each Bidder submitting a bid offer shall comply with the conditions of bid. In dealing with each other, they shall discharge their duties and obligations, as set out in F.2 and F.3, timeously and with integrity, and behave equitably honestly and transparently.

F.1.2 BID documents

Add the following:

The following documents form part of this contract:

1. “General Conditions of Contract for Construction Works – 3rd Edition 2015 issued by the South African Institution of Civil Engineering. (Short title “GCC 2015”). This document is obtainable separately, and Bidders shall obtain their own copies.
2. “The Occupational Health and Safety Act No 85 and Amendment Act No 181 of 1993, and the Construction Regulations 2003 (Government Gazette No 25207 of 18 July 2003, Notice No R1010)”. This document is obtainable separately, and Bidders shall obtain their own copies.
3. In addition, Bidders are advised, in their own interest, to obtain their own copies of the following acts, regulations and standards referred to in this document as they are essential for the Bidders to get acquainted with the basics of construction management, the implementation of preferential construction procurement policies and participation of targeted enterprise and labour.
 - (i) Preferential Procurement Policy Framework Act, 2000 (Act No. 5 of 2017) and its Regulations 2022 of Specific Goals .

F.1.3 Interpretation

F.1.3.1 The BID data and additional requirements contained in the BID schedules that are included in the returnable documents are deemed to be part of the conditions of BID.

F.1.3.2 The conditions of BID, the BID data and BID schedules which are only required for BID evaluation purposes, shall not form part of any contract arising from the invitation of BID.

F.1.4 Communication and Employer’s representative



Add the following:

The employer's representative, for the purposes of any communication between the employer and Bidder is:

Name: **IDS Director: Mr. P. Molautsi**
Address: 4065 B MATHIBESTEAD
Tel: (012) 716 1360
E-mail: pholosho. molautsi @moretele.gov.za

Each communication between the employer and Bidder shall be to or from the employer's agent only, and in a form that can be read, copied and recorded. Writing shall be in English language. The employer shall not take any responsibility for non-receipt of communication from or by a Bidder. The name and contact details of the employer's agent are stated in the bid.

F.1.5 The employer's right to accept or reject any BID offer

F.1.5.1 The employer may accept or reject any variation, deviation, Bid offer, or alternative bid offer, and may cancel the bid process and reject offers at any time before the formation of a contract. The employer shall not accept or incur any liability to a Bidder for such cancellation and rejection but will give written reasons for such action upon written request to do so.

F.1.5.2 The employer may not subsequent to the cancellation or abandonment of a bid process or the rejection of all responsive bid offers re-issue a bid covering substantially the same \scope of work within a period of six months unless only one bid was received and such bid was returned unopened to the Bidder.

F1.6 Broad-Based Black Economic Empowerment (B-BBEE) Status Level Certificate
(Additional)

Bidders must attach to the bid the **Broad-Based Black Economic Empowerment** Status Level Certificate of the Bidding Company and/or Joint Venture Partners.

A trust, consortium or joint venture will qualify for points for their B-BBEE status level as a legal entity, provided that the entity submits their B-BBEE status level certificate.

A trust, consortium or joint venture will qualify for points for their B-BBEE status level as an unincorporated entity, provided that the entity submits their consolidated B-BBEE scorecard as if they were a group structure and that such a consolidated B-BBEE scorecard is prepared for every separate bid.

Only B-BBEE status level certificates issued by the following institutions / agencies are valid:



- Verification Agencies accredited by the South African National Accreditation System (SANAS); or
- Registered Auditors approved by the Independent Regulatory Board of Auditors (IRBA) in accordance with the approval granted by the Department of Trade and Industry.

F.2 BIDDER`S OBLIGATIONS

F.2.1 Eligibility

Add the following:

Only those Bidders who satisfy the following criteria are eligible to submit BIDs:

- F.2.1.1 Bid offers will only be accepted if the Bidder has in his/her possession an original valid Tax Clearance Certificate and pin issued by SARS.
- F.2.1.2 The Bidder or any of its directors is not listed on the Register of Defaulters in terms of the Prevention and Combating of Corruption Activities Act of 2004 as a person prohibited from doing business with the public sector.
- F.2.1.6 The Bidder has not:
 - a) abused the employer's Supply Chain Management System; or
 - b) failed to pay municipal rates and taxes or service charges and such rates, taxes and charges are in arrears for more than three months
 - c) failed to perform on any previous contract and has been given a written notice to this effect;
- F.2.1.7 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 interest of the employer or potentially compromise the bid process.
- F.2.1.8 Bids shall be for the full scope of the services required. Bids received for partial services will be rejected.

F.2.2 Cost of Bidding

Accept that the employer will not compensate the Bidder for any costs incurred in the preparation and submission of a bid offer, including the costs of any testing necessary to demonstrate that aspects of the offer satisfy requirements.



F.2.3 Check documents

Check the bid documents on receipt for completeness and notify the employer of any discrepancy or omission

F.2.4 Reference documents

Obtain, as necessary for submitting a bid offer, copies of the latest versions of standards, specifications, conditions of contract and other publications, which are not attached but which are incorporated into the bid documents by reference

F.2.5 Confidentiality and copyright of document

Treat as confidential all matters arising in connection with the bid. Use and copy the document as issued by the employer only for the purpose of preparing and submitting a bid offer in response to the invitation.

F.2.6 Acknowledge addenda

Acknowledge receipt to addenda to the bid documents, which the employer may issue, and if necessary apply for an extension to the closing time stated in the Bid Data, in order to take the addenda into account.

F.2.7 Site visit and clarification meeting

A compulsory brief meeting will be held on the 26 August 2021 at 10H00 at the municipal hall. The Bidders must meet at Moretele Local Municipal Offices.

F.2.8 Seek Clarification

Request clarification of the bid document, if necessary, by notifying the employer at least five working days before the closing time stated in the bid data.

F.2.9 Insurance

Be aware that the extent of insurance to be provided by the employer (if any) might not be for the full cover required in terms of the conditions of contract identified in the contract data. The Bidder is advised to seek qualified advice regarding insurance



F.2.10 Pricing the Bid offer

- F.2.10.1 Including in the rates, prices, and the Bid total of the prices (if any) all duties, taxes (except value added tax (VAT), and other levies payable by the successful Bidder/s, such duties ,taxes and levies being those applicable 14 days before the closing time stated in the Bid data
- F.2.10.2 Show VAT payable by the employer separately as an addition to the bid total.
- F.2.10.3 Provide rates and prices that are fixed for the duration of the contract and not subject to adjustment except as provided for in the conditions of Contract identified in the contract data. Provide rates and prices that are fixed for the duration of the contract and not subject to adjustment except as provided for in the conditions of contract data
- F.2.10.4 State the rates and prices in Rand unless instructed otherwise in the Bid data. The conditions of contract identified in the contract data may provide for part payment in other currencies.

F.2.11 Alterations to documents

Not make any alterations or additions to the bid documents, except to comply with instructions issued by the employer, or necessary to correct errors made by the Bidder. All signatories to the bid offer shall initial all such alterations. Erasures and the use of making fluid are prohibited

F.2.12 Alternative BID offers

- F.2.12.1 Submit alternative bid offers only if a main bid offer, strictly in accordance with all the requirements of the bid documents, is also submitted. The alternative bid offer is to be submitted with the main bid offer together with a schedule that compares the requirements of the bid documents with the alternative requirements the bid proposes
- F.2.12.2 Accept that an alternative bid offer may be based only on the criteria stated in the Bid data or criteria otherwise acceptable to the employer.

F.2.13 Submitting a Bid offer

- F.2.13.2 Replace sub clause F.2.13.2 with the following:

Return all returnable documents to the employer after completing them in their entirety, **in non-erasable black ink**.



F.2.13.4 Add the following after the first sentence of F.2.13.4

The bid shall be signed by the person authorized to do so. Bids submitted by joint ventures of two or more firms shall be accompanied by the document of formation of the joint venture, authenticated by a notary public or other official to witness sworn statements, in which is defined precisely the conditions under which the joint venture will function, its period of duration, the persons authorized to represent and obligate it, the participation of the several firms forming joint venture, and any other information necessary to permit a full appraisal of its functioning.

F.2.13.6 Add the following to F.2.13.6

A two –envelope procedure will not be followed.

F.2.13.9 The fact of the submission to the employer of a bid shall deemed to constitute an agreement between the Bidder and the Employer whereby such bid shall remain open for acceptance by the employer for a period of 90 days from the date on which bid are, in terms of the advertisement calling for bids, returnable, during which period the Bidder agrees not to withdraw the same or impair or derogate from its effect.

F2.13.10 Add the following:

Until such time as copies of the Agreement have been duly completed by both parties, the Bidder shall be bound by the terms of Agreement constituted by his bid and the employer's acceptance thereof.

F.2.14 Information and data to be completed in all respects

Accept that bid offers, which do not provide all the data or information requested completely and in the form required, may be regarded by the employer as non-responsive.

F.2.15 Closing date and time

25 March 2024 @ 12:00

F.2.15.1 The employer shall not accept bid offers submitted by telegraph, telefax, facsimile or e-mail, unless stated otherwise in the bid data.

F.2.16 Bid offer validity

The valid period of this bid shall remain valid and binding for a period of ninety (90) days calculated from the closing date.



F.2.17 Clarification of bid offer after submission

Add the following to F.2.17

A bid may be rejected as non-responsive if the Bidder fails to provide clarification requested by the employer within the time for submission stated in the employer's written request.

A bid may be rejected if the unit rates or lump sums of the items in the bills/schedules of quantities are, in the opinion of the employer, unreasonable or out of proportion, and the Bidder fails within a period of seven days of having been notified in writing by the employer to justify any specific rates or lump sums (i.e. to provide a financial breakdown of how much rates or sums were obtained) or to adjust the unit rates or lump sums for such items while retaining the total of the price unchanged.

F.2.19 Inspections, tests and analysis

Provide access during working hours to premises for inspection, tests and analysis as provided for in the data.

F.2.20 Submit securities, bonds, policies, etc.

If requested, submit for the employer's acceptance before formation of the contract, all securities, bonds, guarantees, policies and certificates of insurance required in terms of the conditions of contract identified in the contract data.

F.2.21. Check final draft

Check the final draft of the contract provided by the employer within the time available for the employer to issue the contract

F.2.22 Return of other bid documents

If so instructed by the employer, return all retained bid documents within 28 days after the expiry of the validity period stated in the bid data.

F.2.23 Certificates

Add the following

F.2.23.1 Bidders shall be registered and in good standing with the South African Revenue Services (SARS)



F.2.23.2 Add the following:

Each party to a joint venture shall submit a separate csd Reports

F.3 EMPLOYER`S UNDERTAKINGS

F.3.1 Respond to clarification

Respond to a request for clarification received up to five (5) working days before to the bid closing time stated in the bid data and notify all Bidders who drew procurement documents.

F.3.2 Issue Addenda

If necessary, issue addenda that may amend or amplify the Bid documents to each Bidder during the period from the date of the bid documents are available until seven days before the bid closing time stated in the bid data. If, as a result a Bidder applies for an extension to the closing time stated in the bid data, the Employer may grant such extension and, shall then notify all Bidders who documents.

F.3.3 Return late bid offer

Return bid offers received after the closing time stated in the Bid Data, unopened (unless it is necessary to open a bid submission to obtain a forwarding address), to the Bidder concerned.

F.3.4 Opening of Bid submissions

F.3.4.1 The time and location for opening of the bid offers are:

Time	:	12h00, 25 March 2023
Location	:	Moretele Local Municipality 4065B Mathibestad.

Bids will be opened immediately after the closing time of bids at 12h00.

F.3.5 Two-envelope system

F.3.5.1 Not applicable to this bid.

F.3.5.2 Evaluate the quality of the technical proposal offered by Bidders, then advice Bidder who remain in contention or the award of the contract of the time and place when the financial proposal will be



opened. Open only the financial proposal of Bidders, who score in the quality evaluation more than the minimum number of points for quality stated in the Bid data, and announce the score obtained for the technical proposal and the total price and any preferences claimed. Return unopened financial proposal to Bidders whose technical proposal failed to achieve the minimum number of points for quality.

F.3.6 Non-disclosure

Not disclosure to Bidders or to any other person not officially concerned with such processes, information relating to the evaluation and comparison of bid offers, the final evaluation price and recommendations for the award of a contract, until after the award of the contract to the successful Bidder.

F.3.7 Grounds for rejection and disqualification

Determine whether there has been any effort by a Bidder to influence the processing of bid offers and instantly disqualify a Bidder (and his bid offer) if it is established that the he engaged in corrupt or fraudulent practices.

F.3.8 Test for Responsiveness

Bids will be adjudicated according to the Employer's Supply Chain Management Policy, applicable procurement for goods and services in line with both the Preferential Procurement Policy Framework Act, 2000 (Act No. 5 of 2017) and Regulation of 2022 of Specific goals,

This bid will also be evaluated according to '**Functionality**', i.e. according to predetermined norms of a service or commodity designed to be practical and useful, working or operating, taking into account quality, reliability, viability and durability of a service or commodity. This bid is termed a major contract in terms of the policy and the point system that will be applied is 80/20, relating to preference and price points respectively and as is fully described in the bid document.

The bids will be evaluated in three stages, namely:

- Stage 1 : Responsiveness
- Stage 2 : Functionality
- Stage 3 : Financial and Preference Evaluation

The bids will be evaluated in three stages, namely:

1. OVERVIEW ON EVALUATION PROCESS

Method 4 – Financial Offer, Quality and Preference



- 1) Score quality, rejecting all bid offers that fail to score the minimum number of points for quality stated in the bid data.
- 2) Score bid evaluation points for financial offer.
- 3) Confirm that Bidders are eligible for the preferences claimed, and if so, score bid evaluation points for referencing.
- 4) Calculate total bid evaluation points.
- 5) Rank bid offers from the highest number of bid evaluation points to the lowest.
- 6) Recommend Bidder with the highest number of bid evaluation points for the award of the contract, unless there are compelling and justifiable reasons not to do so.

In the event that two or more bids score equal total points, the successful bid must be the one scoring the highest number of preference points for B-BBEE. However, when functionality is part of the valuation process and two or more bids have scored equal points including equal preference points for B-BBEE, the successful bid must be the one scoring the highest score for functionality.

2. STAGE EVALUATION

Stage 1 - Responsiveness

All bids will on opening and before detailed evaluation, be tested whether each bid offer properly received:

- a) Meets the requirements of these Conditions of bid,
- b) Has been properly and fully completed and signed, and
- c) is responsive to the other requirements of the bid documents.

Items of key importance to be addressed in the test for responsiveness are:

- i) Attend the compulsory bid briefing meeting on **07 March 2024**,
- ii) Provide information of Experience on current and past RELEVANT Contracts completed or involved with,
- iii) B-BBEE Status Level Certificate

Bids will be considered non-responsive if interalia:

- The bid is not in compliance with the full scope of work
- The bid has not completed and/or signed the offer portion of C1.1 Form of Offer and acceptance
- The Bidder has not completed and/or signed Compulsory Enterprise Questionnaire in terms of the Supply Chain Management Act and Local Government Municipal Finance Management Act



- The Bidder has failed to clarify or submit any supporting documentation within the time for submission in the employer's written request.

F.3.10 Clarification of a bid offer

Obtain clarification from a Bidder on any matter that could give rise to ambiguity in a contract arising from a bid offer.

F.3.11 Evaluation of Bids

Add the following:

The procedure for the evaluation of responsive bid is **Method 4**. The total score for financial offer, quality and preference will be calculated as follows:

$$\begin{aligned} N_T &= W_c + N_p \text{ where,} \\ N_T &= \text{Total score awarded to the Bidder(s) under consideration (max 100)} \\ W_c &= \text{Score for Quality and Financial offer (80)} \\ N_p &= \text{Score for preferences (max 20)} \end{aligned}$$

NOTE: If, after bids have been brought to comparative level, two or more bids score equal total evaluation points, the recommended Bidder shall be one scoring the highest number of preference points.



A AREAS TO BE INCLUDED IN EVALUATION PROCESS RELEVANT EXPERTISE

The Schedule of Relevant Expertise must be completed, detailing the proposed service provider team/ individuals (including identification of any sub-consultants if applicable) as follows:

- Names: with team/ project leader and main contact person clearly identified, and professional registration with prescribed institutions.
- CV's of each team member identified must be submitted with the Bid.
- List of recent work undertaken in similar/related fields during the last past 5 years. It is essential that suitably qualified and experienced personnel be assigned to this project.

Aside from completing the relevant schedule as requested above and submitting a general CV for each of the key personnel, Bidders must submit a statement for each of the key personnel which highlights any particular fields of specialization and experience that is relevant to this particular project indicating and understanding of the following:

- a) Public sector in the context of local authorities
- b) Legislative environment pertaining to local authorities

B PREVIOUS EXPERIENCE

The schedule of previous experience listing recent previous work of a similar nature undertaken by the firm or individuals in the proposed team during the previous 5 years must be completed.

C PROPOSED WORK PLAN/ APPROACH AND METHODOLOGY

This requirement calls for the provision of sufficient detail to demonstrate that the project brief has been understood and that the Bidder appreciates the nature of the bid. A proposed work plan must be submitted and should demonstrate how the time lines will be achieved and provides an understanding of strategic objectives and operational activities of a typical roads department in the local sphere. Bidders must also provide details of the models/tools/methodologies that would be used in outlining the project as stipulated in the scope of works.



The Evaluation Criteria for Functionality and Quality are as follows:

No.	Technical / Functional Requirements	Weight
1.	Company proven track record of quality delivery of water supply tankers (Attach proof delivery notes, appointment letters etc)	30
	◦ Over 7 water delivery projects	
	◦ 5 – 6 water delivery projects	
	◦ 3 - 4 water delivery projects	
	◦ 1 - 2 water delivery projects	
	◦ 0 water delivery projects	
2.	Any other delivery or supply of goods done (Attach delivery notes, appointment letter, etc.)	25
	◦ Over 7 delivery or supply of goods	
	◦ 5 – 6 delivery or supply of goods	
	◦ 3 - 4 delivery or supply of goods	
	◦ 1 - 2 delivery or supply of goods	
	◦ 0 delivery or supply of goods	
3.	Years of drivers' license (Please attach copies and CV of drivers)	15
	◦ Driver with 10 or more years of driving experience	
	◦ Drivers with 5 to 9 years of driving experience	
	◦ Drivers with 1 to 4 years of driving experience	
4.	Number of plant and equipment	15
	◦ 02 or more water trucks with valid licenses and good service record	
	◦ 01 water trucks with valid licenses and good service record	
	◦ Letter of intending to hire from a supplier	
	◦ No truck and no letter of intending to hire from a supplier	
5.	Locality as per company registration	15
	Moretele Jurisdiction	
	Bojanala Jurisdiction	
	Outside	
Total points		100

For applications to pre-qualify a minimum of **70 Points (Seventy Points)** for **FUNCTIONALITY** and **QUALITY** must be attained by the Bidder.



Moretele local Municipality procurement

80/20 R2,001 -R50m

80=Price

20=Specific Goals

Specific goals points in terms of the Preferential Procurement Policy Framework Act Regulations will be allocated as follows:

Women	5
Youth	5
Locality	5
BBB-EE	5

B-BBEE Status Level of Contributor	Number of points
1	5
2	4.5
3	4
4	3.5
5	3
6	2.5
7	2
8	1
Non-compliant contributor	0



NB: Moretele Local Municipality will verify all information submitted in terms of this proposal and any information that is incorrect will result in that bid being automatically disqualified and not considered further.

F.3.12 Insurance provided by the Employer

If requested by the proposed successful Bidder, submit for the Bidder's information the policies and/or certificates of insurance which the conditions of contract identified in the contract data, require the employer to provide

F.3.13 Acceptance of BID offer

F.3.13.1 Accept bid offer only if the Bidder complies with the legal requirements stated in the Bid Data.

F.3.13.2 Notify the successful Bidder of the employer's acceptance of his bid offer by completing and returning one copy of the form of offer and acceptance before expiry of the validity period stated in the Bid data, or agreed additional period. Providing the form of offer and acceptance does not contain any qualifying statements, it will constitute the formation of a contract between the employer and the successful Bidder in the of offer and acceptance

F.3.14 Notice to unsuccessful Bidders

After the successful Bidder has acknowledge the employer's notice of acceptance, notify other Bidders that their bid offers have not been accepted

F.3.15 Prepare Contract Documents

If necessary, revise documents that shall form part of contract and that were issued by the employer as part of the bid documents to take into account of:

- a) Addenda issued during the bid period
- b) Inclusion of some of the returnable documents
- c) Other revisions agreed between the employer and the successful Bidder, and
- d) The schedule of deviations attached to the form of offer and acceptance, if any.

F.4 ADDITIONAL CONDITIONS OF BID

The additional conditions of bid are:

F.4.1 Invalid bids



Bids shall be considered invalid and shall be endorsed and recorded as such in the bid opening record, by the responsible official who opened the bid, in the following circumstances:

- a) if the bid offer is not submitted on the Form of Offer and acceptance bound into this bid document
- b) if the bid is not completed in non-erasable ink
- c) if the offer has not been signed;
- d) if the offer is signed, but the name of the Bidder/s is not stated or is indecipherable

F.4.2 Negotiation with preferred Bidder

The employer may negotiate the final terms of a contract with Bidder identified through a competitive Bidder process as preferred Bid provided that such negotiation:

- a) does not allow any preferred Bid a second or unfair opportunity
- b) is not to the detriment of any other Bid; and
- c) does not lead to a higher price than as submitted, and
- d) does not lead to a higher price than the bid as Minutes of any such negotiations shall be kept for record purposes.

F.4.3 General supply chain management conditions applicable

In terms of its Supply Chain Management Policy the employer may not consider a bid unless the provider who submitted the bid:

- a) Have furnished the employer with that provider's:
 - Full name
 - Identification number or company or other registration number, and
 - Tax reference number and VAT registration number
- b) Has indicated whether:
 - The provider is in the service of the state, or has been in the service of the state in the previous twelve months
 - The provider is not a natural person, whether any of the directors, managers, principal shareholders is in the service of the state, or has been in the service of the state in the previous twelve months
 - Whether a spouse, child or parent of the provider or of a director, manager, shareholder of the state referred to above is in the service of the state, or has been in the service of the state in the previous twelve months



c) Irrespective of the procurement process followed, the municipality is prohibited from making an award to a person:

- Who is in the service of the state
- if the person is not a natural person, a juristic entity of which any director, manager, principal shareholder or stakeholder is in the service of the state; or
- who is an advisor or consultant with the employer

In this regard, Bidders shall complete part of Returnable Schedules: Compulsory Enterprise Questionnaire. Failure to complete this schedule may result in the bid not being considered.

F.4.4 Consultancy services provided to organs of state

In terms of the Supply Chain Management Regulations (Notice No 868 of 2005), and the employer's Supply Chain Management Policy. Bidders must furnish the employer with particulars of all consultancy services provided to an organ of state in the last five years. The information required is not limited to the local office only, but should include services provided by all offices country wide.

F.4.5 Price Variations

The rates, prices, multipliers and percentages (as applicable) Bidded in the activity schedule shall be final and binding and shall not be subject to any variation throughout the period of the contract

F.4.6 Ownership of Design

The ownership of the designs shall be vested in the employer who shall be permitted to issue the designs to other professional service providers to be used on other projects. The ownership shall remain that of the employer and the designs shall only be permitted to be used by other professional service providers on the specific project as appointed by the employer

F.4.7 The Employer may accept a portion of a Bid

The Employer shall not be bound to accept the lowest or any bid and reserves the right to accept a portion of any bid. No bid shall be deemed to have been acceptance shall be notified to the Bidder by a notice in writing under the hand of the Municipal manager.



VOLUME 2

(Returnable Documents)

T2. RETURNABLE DOCUMENTS

T2.1 List of Returnable documents

The Bidder must complete the following returnable documents. All forms must be duly completed in **black ink** as required, and the document shall not be taken apart or altered in any way whatsoever. The list of returnable documents, which consists of forms and schedules to be completed and company specific certificates and information pages to be attached, comprise the following:

T2.1.1 Returnable documents required only for bid evaluation purposes

- Forms, Certificates and Schedules to be completed and signed
- Company specific Certificates and Information pages to be attached
- Preferential Procurement Schedules and Affidavits to be completed stamped and signed.

This information is essential for bid evaluation purposes to allocate points scored for adherence of the bidding company to the specific goals determined for this bid.

1. Compulsory Enterprise Questionnaire
2. Records of addenda to Bid document
3. Alterations and Qualifications by Bidder
4. Declaration of Interests
5. Declaration by Bidder
6. Past Declaration on Supply Chain Management practices by Bidders

T2.1.2 **OTHER DOCUMENTS REQUIRED ONLY FOR BID EVALUATION PURPOSES (DOCUMENTS TO BE SEVERELY ATTACHED)**

1. Registration Certificates/ Agreements/ Identity Documents
2. Certified An original valid Tax Clearance Certificate and pin issued by SARS

T2.1.3 **RETURNABLE SCHEDULES THAT WILL BE INCORPORATED INTO THE CONTRACT**



1. Record of addenda to bid documents
2. Alterations/amendment by Bidder
3. Draft service level agreement between the main contractor and the subcontractor.



RETURNABLE SCHEDULES, FORMS, CERTIFICATES AND DOCUMENTS REQUIRED FOR BID EVALUATION PURPOSES

- A Certified Company registration documents
- B Joint venture agreement (if applicable)
- C Certified copies of ID (directors and key personnel)
- D Authority to Signature (Attach a signed letter with company letter head)
- E Certified copies of driving license for the drivers
- F Central Supply Database (CSD) Summary not later than one month
- G Compulsory briefing Attendance
- H Letter of good standing for Compensation of Occupational Injuries and Diseases.
- I Original or Certified copy of Valid B-BBEE issued by SANAS/IRBA accredited institution.
- J Affirmable Ownership Declaration Affidavit
- K Municipal account for the business and directors not owing for more than 90 days or municipal account from private provider or statement of account from landlord with valid lease agreement.
- L Company profile
- M Declaration of Interest
- N Declaration of Bidder's past Supply Chain Management practices
- O Preliminary Occupational Health and Safety plan including covid regulations
- P Form of Offer and Acceptance
- Q All pages to be completed and initialed.
- R Memory Stick of information



A: COMPULSORY ENTERPRISE QUESTIONNAIRE

The following particulars must be furnished. In the case of Joint Venture, separate enterprise QUESTIONNAIRES in respect of each partner must be completed and submitted.

Section 1: Name of Enterprise:

Section 2: VAT Registration Number, if any:

Section 3: CIDB registration Number, if any:

Section 4: Particulars of sole proprietors and partners in partnerships

Name	Identity numbers	Personal income tax number

* complete only if sole proprietor or partnership and attach separate page if more than 3 partners

Section 5: Particulars of companies and close corporations

Company registration number

.....

Close corporation number

.....

Tax reference number

.....



Section 6: Record in the service of the state

If any of the above boxes are marked, discuss the following:

Indicate by marking the relevant box with a cross, if any sole proprietor, partner in a partnership or director, manager, principal shareholder or stakeholder in a company or close corporation including their spouses are currently or has been within the last 12 months in the service of the any of the following:

- Member of any municipal council
- an employee of Parliament or provincial legislature
- a member of any provincial legislature
- a member of an accounting authority of any national or provincial entity
- a member of the national assembly or the national council
- an official of any municipality or municipal entity
- an employee of any provincial department, national or
- a member of the board of directors of any municipal entity Provincial public entity or constitutional institution within the meaning of the Public Finance Management Act. 1999

Name of sole proprietor, partner, director, manager, principal, shareholder or stakeholder	Name of institution, public office, board or organ of state and position held	Status of service

The undersigned, which warrants that he/she, is duly authorized to do so on behalf of the enterprise.

1. Confirms that neither the name of the enterprise or the name of any partner, manager, director or other person, who wholly or partly exercises, or may exercises control over the enterprise appears on the Register of Bid Defaulters established in terms of the Prevention and Combating of Corrupt Activities Act of 2004.
2. Confirms that no partner, member, director or other person who wholly or partly exercises or may exercises control over the enterprise appears, has within the last five-year been convicted of fraud or corruption.
3. Confirms that I/We are not associated, linked or involved with any other Biding entities submitting Bid offers and have no other relationship with any of the Bidders or those responsible for compiling the scope of work that could cause or be interpreted as a conflict of interest and
4. Confirms that the contents of this questionnaire are within my personal knowledge and are to the best of my belief both true and correct

Name:



Position:

Signature:

Date:

Enterprise Name:

.....

Are you an advisor or Consultant to Moretele Local Municipality?

Yes

No

If Yes, please provide details of the above

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



C: AUTHORITY TO SIGNATURE

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

(I) Company	(II) Close Corporation	(III) Partnership	(IV) Joint Venture	(V) Sole Proprietor

Signatories for Companies, Close Corporations, Partnerships, Joint Ventures or Sole Proprietors must establish their authority thereto by attaching a copy of the relevant resolution of their Board of Directors, Members or Partners duly signed and dated. Examples are shown below.

(I) Certificate for Company

I,, chairperson of the Board of Directors of
....., hereby confirm that by resolution of the Board (copy
attached) taken on 20....., Mr/Ms, acting in
the capacity of, was authorized to sign all documents in
connection with the Bid for **BID NO: MLM/IDS/W/TANKERING/24-27**
and any contract resulting from it, on behalf of the company.

Chairman:

As Witness: 1.

2.

Date:



(II) Certificate for Close Corporation

We, the undersigned, being the key members in the business trading as
....., hereby authorize Mr/Ms, acting
in the capacity ofto sign all documents in connection with the Bid for
BID NO: MLM/IDS/W/TANKERING/24-27
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 members upon whom rests the directions of the affairs of the Close Corporation as a whole.

(III) Certificate for Partnership

We, the undersigned, being the key partners in the business trading as,
.....hereby authorize Mr/Ms
.....acting in the capacity of
....., to sign all documents in connection with
the Bid for **BID NO: MLM/IDS/W/TANKERING/24-27**
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 members upon whom rests the direction of the affairs of Partnership as a whole.

(IV) Certificate for Joint Venture (JV)

We, the undersigned, are submitting this Bid offer in Joint Venture and hereby authorize Mr/Ms
.....,authorized signatory of the
company..... acting in the capacity of lead partner, to sign all
documents in connection with the Bid offer for **BID NO: MLM/IDS/W/TANKERING/24-27**



and any contract resulting from it, on our behalf.

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

Name of Company	Address	Duly Authorized Signature
Lead Partner		Signature
		Name
		Designation
Lead Partner		Signature
		Name
		Designation

Note : This certificate is to be completed and signed by all of the key partners upon whom rests the direction of the affairs of individual Companies.

(V) Certificate for Sole Proprietor

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

Signature of Sole Owner : Date:

As Witnesses:

..... Date:



D: RELEVANT EXPERTISE

Proposed team/individuals (including identification of any sub-subcontractors if applicable. Names: with team/ project leader main contact person clearly identified. Relevant experience and competencies. List of recent work undertaken in similar/ related fields. Provide a brief CV for each of the key personnel listed below.

Name and Surname	Responsibility in team	Qualifications	Relevant years of experience	Experience detail

SIGNED ON BEHALF OF BIDDER:.....

DATE:.....



E: RELEVANT EXPERIENCE

Indication of Competence/ Ability to perform successfully:

List of recent work of a similar nature undertaken by key individuals in the proposed team

Description of Project	Name of Client	Name of Responsible official	Telephone No	Value of Contract	Year Completed

- Specifically expertise and related work should relate to tender evaluation criteria

A separate page can be provided for each category bided for should there be insufficient space in the schedule above.

SIGNED ON BEHALF OF BIDDER:.....

DATE:.....



F: CERTIFICATE FOR MUNICIPAL SERVICES CHARGES AND PAYMENTS TO SERVICE PROVIDER

TO: Municipal Manager, Moretele Local Municipality

Information required in terms of Supply chain Management Policy

Name of Bidder

Further details of the Bidder(s), Directors/ Partners/ Proprietor

Physical Business address of the bidder	Municipal Account Number(s)

If there is not enough space for all the names, please attach the additional information to the bid document.

Name of Director/ Partner/ Member	Identity Number	Physical address of Director/Partner/Member	Municipal Account Numbers



G: ORIGINAL OR CERTIFIED COPY OF B-BBEE STATUS CERTIFICATE ISSUED BY SANAS/ IRBA ACCREDITED INSTITUTION.

Bidders are requested in terms of **the Bid Evaluation** of this document, to submit information of the Verification Agency who validated and award a Status Level towards the Bidder. Only B-BBEE status level certificates issued by the following institutions are valid:

- Verification Agencies accredited by the South African National Accreditation System (SANAS); or
- Registered Auditors approved by the Independent Regulatory Board of Auditors (IRBA) in accordance with the approval granted by the Department of Trade and Industry.

Details of the Verification Agent must be completed in the following table.

Description	Information
Name of Institution	
Address of Institution	
Telephone Number	
Fax Number	
Contact Person	

A trust, consortium or joint venture will qualify for points for their B-BBEE status level as a legal entity, provided that the entity submits their B-BBEE status level certificate.

A trust, consortium or joint venture will qualify for points for their B-BBEE status level as an unincorporated entity, provided that the entity submits their consolidated B-BBEE scorecard as if they were a group structure and that such a consolidated B-BBEE scorecard is prepared for every separate bid.

Bidders to attach hereto the Broad-Based Black Economic Empowerment Status Level Certificate of the Bidding Company and/or Joint Venture Partners.

Sign on Behalf of the Bidder: _____



H: AFFIRMABLE OWNERSHIP DECLARATION AFFIDAVIT

1. Name of Enterprise submitting this Tender:

.....

(a) Postal Address:

(b) Physical Address:

(c) Contact Person:

(d) Telephone:

(e) Fax:

(f) E-mail address:.....

(g) Company Registration number:

(h) Company/enterprise income tax no:.....

(i) VAT Registration number:

2. Type of Firm (tick one box)

Partnership

One person business / sole trader

Close corporation

Company

Pty Limited

3. LIST ALL PARTNERS, PROPRIETORS AND SHAREHOLDERS BY NAME, IDENTITY NUMBER, CITIZENSHIP, PDI STATUS AND OWNERSHIP, AS RELEVANT:

Name	Male/ Female	Identity Number	Citizen Ship	HDI* Status (Yes/No)	Date of Owner- Ship	% Owned	Voting %

Total must = 100%



4. **Principal business activities:**

.....

.....

.....

.....

5. What is the enterprise's annual average turnover (excl. VAT) during the lesser of the period for which the business has been operating or the previous three financial years?

Year 1 - R

Year 2 - R

Year 3 - R

6. Detail all trade associations/professional bodies/business associations in which you have membership:

.....

.....

.....

.....

7. **Did the firm exist under previous name?**

Yes or No

If Yes: What was its previous name?

.....

7. Why was it changed?

.....

.....

8. List the previous owners/partners/directors

.....

.....

.....

.....

Note: In the event of status changing prior to award or during the contract, the Bidder must submit changes to the employer in writing for evaluation and consideration. The outcome may result in the employer canceling the contract and or imposing penalties on the Bidder. The sanction will be decided based on information submitted to the employer for consideration.



DECLARATION to be signed in the presence of a commissioner of Oaths

The undersigned, who warrants that he/she is duly authorized to do so on behalf of the firm, confirms that the firm complies with all the requirements for registration as an Affirmable Business Enterprise/ Affirmable Joint Venture Partner* as defined, and the contents of this affidavit are within my personnel knowledge, and save where stated otherwise are to the best of my belief both true and correct.

Signature

Duly authorized to sign on behalf of

Address:

Telephone Number:

Signed and sworn to before me at on this the..... day of

By the Deponent, who has acknowledged that he/she knows and understands the contents of this affidavit, that it is true and correct to the best of his/her knowledge and he/she has no objection to taking the present oath, and that the prescribed oath will be binding on his/her conscience.

Commissioner of Oaths

Note: All the pages of this Affidavit must be initialed by both the Deponent and the Commissioner of Oaths.

* Delete definition which does not apply



I: ADDENDUM

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:

No.	Date	Title or Details

J: AMENDMENTS

This is not an invitation for amendments, but should the Bidder desire to make any departures from the provisions of this contract he shall set out his proposals clearly hereunder, or alternatively state them in a covering letter attached to his Bid, with full details of all the financial implications, failing which the bid will be prejudiced.

Page, Clause or Item No.	Proposed Amendment	Financial Implications



Full details of alternative Bid offers based on alternative designs and the financial implications are submitted with this document but bound in separately.

NOTE: Amendments to the General and Special Conditions of Contract are not permitted.

K: DECLARATION OF INTEREST

Any legal person, including persons employed by the State, or persons who act on behalf of the State or persons having a kinship with persons employed by the State, including a blood relationship, may make an offer or offers in terms of this bid invitation. In view of possible allegations of favouritism, should the resulting bid, or part thereof, be awarded to persons employed by the State, or to persons who act on behalf of the State, or to persons connected with or related to them, it is required that the Bidder or his authorized representative shall declare his position vis-à-vis the evaluating authority and/or take an oath declaring his interest, where -

- the Bidder is employed by the State or acts on behalf of the State; and/or
- the legal person on who's behalf the Bidder document is signed, has a relationship with persons/ a person who are/is involved with the evaluation of the Bidder(s), or where it is known that such a relationship exists between the person or persons for or on who's behalf the declarant acts and persons who are involved with the evaluation of the bid.

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

1. Are you or any person connected with the Bidder, employed by the State?

***YES / NO**

If so, state particulars

2. Do you, or any person connected with the Bidder, have any relationship (family, friend, other) with a person employed in the department concerned or with the State Tender Board or its administration and who may be involved with the evaluation or adjudication of this bid?

***YES / NO**

If so, state particulars



-
3. ***Are you, or any person connected with the Bidder, aware of any relationship (family, friend, other) between the Bidder and any person employed by the department concerned, State Tender Board or its administration, who may be involved with the evaluation adjudication of this Bid?***

***YES / NO**

If so, state particulars

Signature of declarant: _____

Date: _____

Position of declarant:

* - Delete not applicable



MBD 6.1

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

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

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

1. GENERAL CONDITIONS

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

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

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

(delete whichever is not applicable for this tender).

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

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

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

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

The maximum points for this tender are allocated as follows:

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

1.5 Failure on the part of a tenderer to submit proof or documentation required in terms of this tender to claim points for specific goals with the tender, will be interpreted to mean that preference points for specific goals are not claimed.



- 1.6 The organ of state reserves the right to require of a tenderer, either before a tender is adjudicated or at any time subsequently, to substantiate any claim in regard to preferences, in any manner required by the organ of state.

2. DEFINITIONS

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

3. FORMULAE FOR PROCUREMENT OF GOODS AND SERVICES

3.1. POINTS AWARDED FOR PRICE

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

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

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

Where

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

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

3.2.1. POINTS AWARDED FOR PRICE

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



$$\begin{array}{ccc} 80/20 & \text{or} & 90/10 \\ Ps = 80 \left(1 + \frac{Pt - P_{max}}{P_{max}} \right) & \text{or} & Ps = 90 \left(1 + \frac{Pt - P_{max}}{P_{max}} \right) \end{array}$$

Where

Ps = Points scored for price of tender under consideration
Pt = Price of tender under consideration
Pmax = Price of highest acceptable tender

4. POINTS AWARDED FOR SPECIFIC GOALS

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

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

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

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



The specific goals allocated points in terms of this tender	Number of points allocated (90/10 system) (To be completed by the organ of state)	Number of points allocated (80/20 system) (To be completed by the organ of state)	Number of points claimed (90/10 system) (To be completed by the tenderer)	Number of points claimed (80/20 system) (To be completed by the tenderer)

DECLARATION WITH REGARD TO COMPANY/FIRM

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

4.4. Company registration number:

4.5. TYPE OF COMPANY/ FIRM

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

[TICK APPLICABLE BOX]

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

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



paragraph 1 of this form;

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



.....
SIGNATURE(S) OF TENDERER(S)

SURNAME AND NAME:

DATE:

ADDRESS:

.....

.....

.....

L: DECLARATION OF BIDDER'S PAST SUPPLY CHAIN MANAGEMENT PRACTICES

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



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

Item	Question	Yes	No
4.1	Is the bidder or any of its directors listed on the National Treasury's database as a company or person prohibited from doing business with the public sector? (Companies or persons who are listed on this database were informed in writing of this restriction by the National Treasury after the <i>audi alteram partem</i> rule was applied).	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)? (To access this Register enter the National Treasury's website, www.treasury.gov.za, click on the icon "Register for Tender Defaulters" or submit your written request for a hard copy of the Register to facsimile number (012) 3265445).	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:		
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 Standard 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 Treasury Regulation 16A9 prescribes that accounting officers and accounting authorities must take all reasonable steps to prevent abuse of the supply chain management system and authorizes accounting officers and accounting authorities to:
 - a. disregard the bid of any bidder if that bidder, or any of its directors have abused the institution's supply chain management system and or committed fraud or any other improper conduct in relation to such system.
 - b. cancel a contract awarded to a supplier of goods and services if the supplier committed any corrupt or fraudulent act during the bidding process or the execution of that 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 (MBD9) must be completed and submitted with the bid:

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

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



CERTIFICATE OF INDEPENDENT BID DETERMINATION

I, the undersigned, in submitting the accompanying bid:

(Bid Number and Description)

in response to the invitation for the bid made by:

(Name of Institution)

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.

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



terms of the Prevention and Combating of Corrupt Activities Act No 12 of 2004 or any other applicable legislation.

.....
Signature

.....
Date

.....
Position

.....
Name of Bidder

VOLUME 3

(The Contract)



C 1. FORM OF OFFER AND ACCEPTANCE

A. OFFER

The **Employer**, identified in the Acceptance signature block, has solicited offers to enter into a contract in respect of the following works:

BID NO: MLM/IDS/W/TANKERING/24-27

SUPPLY AND DELIVERY OF WATER THROUGH TANKERING SERVICE IN MORETELE LOCAL MUNICIPALITY FOR A PERIOD OF 24 MONTHS

The **Bidder**, identified in the Offer signature block below, has examined the documents listed in the Bid Data and addenda thereto as listed in the Bid Schedules, and by submitting this Offer has accepted the Conditions of Bid.

By the representative of the Bidder, deemed to be duly authorized, signing this part of this Form of Offer and Acceptance, the Bidder offers to perform all of the obligations and liabilities of the Service Provider 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 Bid identified in the Bid Data.

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

.....
.....
..... (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 Bidder before the end of the period of validity stated in the Bid Data, whereupon the Bidder becomes the party named as the Service Provider in the Conditions of Bid identified in the Bid Data.



FOR THE BIDDER:

Signature

Name

Capacity

Name and Address of Organization

Name : -----

Address : -----

Signature and Name of Witness

Signature

Name

Date: -----



B. ACCEPTANCE

By signing this part of this **FORM OF OFFER AND ACCEPTANCE**, the Employer identified below accepts the Bidder's Offer. In consideration thereof, the Employer shall pay the Contractor the amount due in accordance with the, Conditions of Bid identified in the Bid Data. Acceptance of the Bidder's Offer shall form an agreement, between the Employer and the Bidder 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 **Volume 3** of this document and detailed as follows:

- C1.2.1 – Applicable Conditions of Bid
- C1.2.2 – Amendments to Bid Data
- C1.2.3 – Occupational Health and Safety Act
- C3 – Scope of Works and Specifications

Deviations from and amendments to the documents listed in the Bid Data and any addenda thereto listed in the Bid Schedules as well as any changes to the terms of the Offer agreed by the Bidder and the Employer during this process of offer and acceptance, are contained in the Schedule of Deviations 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 duly signed by the authorized representative(s) of both parties.

The competitive and successful bidder will be appointed and a service level agreement will be entered into

The appointed service provider will be expected to subcontract locals who will provide support to the delivery of water as expected.

The appointed service provider will assist the subcontracting companies in acquiring the required delivery vehicles on terms agreed upon by the two parties.

The Bidder 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 Bid Data) to arrange the delivery of any bonds, guarantees, proof of insurance and any other documentation to be provided in terms of the, Conditions of Bid identified in the Bid 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 Bidder receives one fully completed original copy of this document, including the Schedule of Deviations (if any). Unless the Bidder (now Service Provider) 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 THE EMPLOYER:

Signature

Name

Capacity

Name and Address of Organization

Name : -----

Address : -----

Signature and Name of Witness

Signature

Name

Date: -----



Schedule of Deviations

Notes:

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

1. *Subject* _____

Details _____

2. *Subject* _____

Details _____

By the duly authorized representatives signing this Schedule of Deviations, the Employer and the Bidder agree to and accept the foregoing Schedule of Deviations as the only deviations from and amendments to the documents listed in the Bid Data and addenda thereto as listed in the Bid Schedules, as well as any confirmation, clarification or change to the terms of the offer agreed by the Bidder and the Employer during this process of offer and acceptance.

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



For the Bidder

for the Employer

-----	Signature	-----
-----	Name	-----
-----	Capacity	-----

**Name and Address of Organization
(Bidder)**

**Name and Address of Organization
(Employer)**

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

-----	Witness Signature	-----
-----	Witness Name	-----
-----	Date	-----



C 3 SCOPE OF WORK

1. Employer's Objective

The Employer's objective is to make use of service providers to cart water in Moretele Local Municipality.

2. Project Brief

- 2.1 A professional Service Provide is required to provide the professional service necessary to implement this project, which in terms of supply chain management Act, 2003 and the Municipal Supply Chain Management Regulations, 2005, must be procured through a competitive bidding process.
- 2.2 The professional service required may be procured by a single firm with all the necessary competencies within the firm, a joint venture of professional service Providers. The joint venture shall comply with competencies required irrespective of the nature of the joint venture and will be evaluated as a single entity.
- 2.3 The purpose of this document is therefore to invite tenders from professional service providers of suitably qualified, experienced consulting firms for **BID NO: MLM/IDS/W/TANKERING/24-27**, which will be evaluated using financial offer, quality, experience and preferences, based system as described in the bid data.

3. Scope of work

Supply and delivery of water in Moretele Local Municipality villages

3.1 Scope of service

Supply of 20 x 10 000L water trucks for water delivery. There are 41 villages that need water supply. Some of the villages has jojo tanks and some don't have jojo tanks. Service provider should make two (2) loads per day



Ward No.	Villages
1	Phedile, Ruigtesloot, Little Trust, Degrans
2	Olverton: Voyenteen, Tlounane,
3	Cyferskuil, Walman
4	Lebotloane, Slaagboom
5	Sutelong, & Dikebu
6	Ngobi, Dipetlelwane
7	Lebalangwe, Noroki, Swartdam, Mmotong Itsoseng
8	Mmakaunyane
9	Mmotla,
10	Tladistad, Moema, Mocheke, Dikebu
11	Mogogelo
12	Mogogelo and RDP
14	Dertig, Danhouse, Ramaphosa & sespond
17	One & Ten, Opperman, Thulwe, Potoane, Prieska, & Makapanstad
18	Lefatlheng
19	Mathibestad
20	Makapanstad
21	Kgomo – Kgomo, Kontant, Moratele & Makapanstad
22	Bosplaas & Dertig
23	Mmakaunyane, Skirlik, Motla, Tshwene's farm & Kromkuil
24	Mathibestad
25	Moeka 1,2& 3, Vuma, Ratjiepan V, Savanna, Msholozhi 1 & 2, Sondela,
26	Kromkuil & Ratjiepan

5. Approach and Methodology

Provide in summary, details of the proposed approach and methodology plan to the successful completion of this assignment.



PRICING SCHEDULE

The following conditions will apply,

- Only a single rate (rate per kilometre / rate per day) must be quoted
- Price(s) quoted must include delivery, fuel, driver and other operator costs

Total amount indicated above includes all cost that the bidder will bear in line with the scope of work outlined as per relevant regulation. Tender prices shall remain firm for the duration of the contract (36 months) until the end of the contract. The bidder must consider all escalation costs linked to (Consumer Pricing Index) CPI

Description (Tank capacity)	Quantity	Km rate	Daily rate excl. VAT	Amount for one (1) month
10 000 L	1	Included in daily rate		
Subtotal for 24 months period				
15% VAT				
TOTAL				