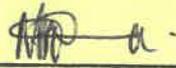


NKANDLA MUNICIPALITY

TENDER DOCUMENT

TENDER NO.: NKA/COR004/2023/24

NKANDLA MUNICIPALITY
CONTRACT MANAGEMENT PRACTITIONER
29-04-2024

SIGNATURE

TENDER FOR PANEL OF LEGAL ADVISORS FOR THE PERIOD OF 36 MONTHS.

Documents to be addressed to the Municipal Manager and deposited into the Tender Box situated in the reception area of Nkandla Local Municipality Offices, Lot 292, Maree Road, Nkandla 3855

SERVICE PROVIDER'S DETAILS

Name of Service Provider:	
Contact Person:	
E-mail Address:	
Telephone Number:	()Code
Fax Number:	()Code
Physical Address:	
Postal Address:	

NOTE:

The Service Provider shall be deemed to have satisfied himself/herself/themselves as to all the conditions and circumstances affecting this tender, including the physical aspects of working areas, and by the submission of a tender, will confirm acceptance of the conditions and circumstances applicable to any subsequent contract.

Enquiries relating to this application must be directed to Miss. D.K Nkabinde P/Bag X161, Nkandla 3855, Tel: (035) – 833 2030/47

ADVERTISEMENT

**PANEL OF LEGAL ADVISORS FOR A PERIOD OF 36 MONTHS
BID NO: NKA/COR004/2023/24**

Nkandla Local Municipality seeks to appoint professional law firms with an office based in KwaZulu-Natal to be in a 36 months performance-based contract for Panel of Legal Advisors to assist with the Legal Services. The Legal Services responsibilities include the following: Contract Management; Litigations & Claims; Compliance & policy development; By-law's formulation & Gazetting; Debt Collection; Labour Relations; Public Law, conveyancing and any other legal related matters within the municipality as and when required. The contract will be for a period of three years (36 months).

Detailed specifications for the above bids is contained in the tender document that will be available at Nkandla Municipality, Finance Department Main Building, Lot 292, Maree Road, Nkandla, upon presentation of a receipt proving prior payment of a non-refundable fee of **R 740.00** (inclusive of VAT), having been made at the Municipal Finance Department (Only Cash accepted), or deposited on the municipal bank account: FNB; Account No 62720610717, Branch 220930 (Use company name and bid number as reference), will also be made available www.etenders.gov.za and www.nkandla.gov.za. **Tender documents will be available as from 08h00 on Monday the 29th of April 2024 until 13h00 on Friday the 03rd of May 2024.**

SUBMISSIONS

Duly completed tender documents sealed in an envelopes, endorsed with tender number and Project Name are to be deposited in the Tender Box at the Municipal Offices, Lot 292 Maree Road, Nkandla, by no later than **Wednesday at 11h00 on the 27th May 2024 (closing date)**, where they will be opened in public. Tenders are to be submitted on the tender documentation provided by the Municipality.

Supporting Documents and Conditions for the above bids:

Nkandla Municipality's SCM policy will apply. Bidders are required to submit mandatory documents, which are detailed in the tender document, where bidders will be required to provide them to proceed to next stage. No bids will be considered from persons in the service of the state, whose tax matter are not in order, and whom are registered in default register. The Council reserves the right to negotiate further conditions and requirements with the successful bidder and reserve the right not to appoint. Tender documents that are late, incomplete, unsigned, faxed or e-mailed will not be accepted or considered. The municipality will accept no responsibility for the late delivery of bids by courier services or any other forms of mailing. The Nkandla Local Municipality does not bind itself to accept the lowest or any bid and reserves the right to accept the whole or part of the bid. Tenders shall remain valid for 90 days from the closing date (27 May 2024).

The above Bids will be evaluated and adjudicated according to the following criteria:

Stage 1: Mandatory documents as per the tender document.

Stage 2: Functionality; 100 points (minimum threshold of 70 points) being 50 points for Experience and 50 points for Capacity. (Detailed evaluation criteria is contained in the tender document).

ENQUIRIES

SCM	L.N Mtshali	Lethiwe.Mtshali@nkandla.gov.za	035 833 2040
SPECIFICATION	D.K Nkabinde	Khethiwe.Nkabinde@nkandla.gov.za	035 833 2030/47

ENCLOSURES

1. FORM OF TENDER & SPECIFICATIONS

SECTION A

FORM OF SPECIFICATION
FORM OF TENDER
FORM OF OFFER

2. MBD 1 - INVITATION TO BID

SECTION B

PART A
PART B

3. CONDITIONS OF TENDER

SECTION C

4. CONDITIONS OF CONTRACT

SECTION D

NATIONAL TREASURY GENERAL CONDITIONS OF CONTRACT

5. FORM OF ACCEPTANCE & DECLARATION

SECTION E

6. SCOPE OF WORK

SECTION F

Pre Evaluation Documents

- PROOF OF REGISTRATION WITH NATIONAL TREASURY CENTRAL SUPPLIER DATABASE
- VALID SARS TAX COMPLIANCE STATUS PIN ISSUE CERTIFICATE
- CERTIFICATE OF GOOD STANDING FROM THE LAW SOCIETY OF SA
- FIDELITY FUND CERTIFICATE
- COMPANY REGISTRATION DOCUMENTS
- CERTIFIED ID COPIES OF DIRECTORS
- COMPANY PROFILE WITH CONTACTABLE REFERENCES
- COMPANY AND DIRECTOR'S MUNICIPAL RATES
- FULLY COMPLETED DOCUMENTS (INITIAL EACH PAGE)

NB:

- ✦ **All forms must be completed.**
- ✦ **If any of the forms, or portion of any form, is not relevant, please indicate it on the form by marking it N/A.**

FORM OF TENDER AND SPECIFICATIONS

1. Introduction:

Suitable qualified legal professionals/ law firms with an office based in KwaZulu-Natal are hereby invited to tender on the provision of legal services for Nkandla Local Municipality for the period of 36 months, for the following services.

Tenderers must indicate in the table below their field of expertise, which they will be tendering on by marking the appropriate box with an X:-

No	Specialized service	Yes	No
1.1	Local Government Law		
1.2	Commercial Law		
1.3	Planning and Development Law		
1.4	Environmental Law		
1.5	Litigation (Magistrate and High Court)		
1.6	Conveyancing		
1.7	Constitutional Law		
1.8	Administrative Law		
1.9	Labour law		
1.10	Collections		
1.11	Contract Management		

Interested parties must have extensive knowledge and expertise in the selected fields of specialization offered.

2. Special conditions:

Note: The following specific requirements must be met by the tenderers and it will be expected of the tenderers to supply proof or confirm their commitment where applicable.

- 2.1 The tenderer must attach a certified copy of a certificate of good standing from the Law Society to Section “E” page 7 of 20.
- 2.2 The tenderer must provide proof of a valid fidelity fund certificate and attach it to page 8 of 20 Section “E”.

SECTION A

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- 2.3 The Tenderer undertakes not to act or represent any person in any matter against Nkandla Local Municipality or in any way prejudice the rights and interests of Council.
- 2.4 The appointment of any advocate may only take place after consultation with Council.
- 2.5 Monthly written feedback must be given to Council on all matters with the tenderer at no cost to Nkandla Local Municipality.
- 2.6 The Council must be kept informed about the course of a matter to the extent that they may be expected to attend certain appearances.
- 2.7 The first consultation in a matter must take place within a week's time after the instruction was given; and on urgent court applications within 12 (twelve) hours or earliest after the instruction is given.
- 2.8 When cases have been postponed at the request of the attorney acting on behalf of Nkandla Local Municipality owing to non-compliance with any procedural requirements, the attorneys who were negligent in this regard will bear the costs of postponement, and this amount will not be claimed from Nkandla Local Municipality.
- 2.9 The awarded tenderer will be required to negotiate fees with advocates before a brief is finalized.
- 2.10 Payment of legal fees by Nkandla Local Municipality will be effected within thirty (30) days from date of receipt of acceptable invoice.
- 2.11 Nkandla Local Municipality reserves the right to appoint a firm for matters according to their area of expertise
- 2.12 The tenderer must indicate area(s) of law in respect of which its bid is submitted on the table provided on page (form of tender),
- 2.13 The tenderer is responsible for any costs associated with the submission of their tender;
- 2.14 Payment of fees will be linked to specific deliverables;
- 2.15 Disbursements will only be paid once these are matched against vouchers, which the tenderer shall be required to submit. Nkandla Local Municipality shall have the right to decline payment of any unreasonable disbursement claims;
- 2.16 Appointment will be made in compliance with the SCM Policy of Council;
- 2.17 The prescribed fees as set out, inter alia, in the Schedule of the Magistrates Court Act, Act No. 32 of 1994 and the Rules of the Supreme Court or the fee structure as approved from time to time by Council, are the maximum fees

SECTION A

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that the Nkandla Local Municipality will pay an attorney for his/her services as agreed between the attorney and own client. It is specifically agreed upon that attorneys will not demand rates exceeding the prescribed fees.

3. Compliance & Functionality:

Nkandla Local Municipality subscribes to the Preferential Procurement Policy Framework Act, 2000 (Act No. 5 of 2000).

STAGE 1: COMPLIANCE TO MANDATORY

Failure to comply / satisfy all the mandatory requirements below will result in disqualification of the bid. Proof must be provided.

- Registration with National treasury Central Database (summary report),
- Valid SARS Tax Compliance Status Pin Issue Certificate,
- Certificate of good standing from the law society of SA,
- Fidelity fund certificate,
- Company registration documents,
- Certified Director(s) IDs copies,
- Company profile with the contactable references,
- Company Municipal Rates (should not be in arrears for more than 3 months).
- fully completed tender document (initial each page).

Failure to comply with all the mandatory information as requested above will result the proposal deemed nonresponsive.

SECTION A

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STAGE 2 : FUNCTIONALITY

Proposals will be subject to a prequalification in terms of functionality, thus:

Functionality, 100 points (Minimum threshold of 70 points) being 50 points for Experience & 50 points for capacity.

Description	Evidence	Score
Company Experience		50
Relevant experience in practice: <ul style="list-style-type: none"> • Over 10 years : 30 points • 5- 10 years : 20 points • 1 – 5 years : 10 points 	Company Profile	30
Number of current and/ previous work done by the firm in public sector within the past five years: <ul style="list-style-type: none"> • 6 and above appointments : 20 points • 3 – 5 appointments : 15 points • 2 – 3 appointments : 10 points • 1- 2 appointments : 5 points • 0 appointments : 0 points 	Appointment letters/ Award letters	20
CAPACITY		50
The names and CV's of the Legal practitioners applicable to the team assigned to Nkandla Local Municipality Cases (staff experience and qualifications) <ul style="list-style-type: none"> • LLB Degree with 5 and above years' experience in practice (20) • LLB Degree with 3 – 4 years' experience in practice (10) • LLB Degree with less than 2 years' experience in practice (5) 	CV with qualification	20
Number of practitioners with a right of appearance in the High Court together with examples of matters in which this right was exercised and the success rate.	Company Profile	10
Social responsibility matters: A written commitment to provide pro bono legal services in accordance with the Legal Services Sector Charter of 2007 and/or negotiate fees to represent beneficiaries from community members falling within the areas serviced by Nkandla Local Municipality, particularly those registered in the indigent register of Nkandla Local Municipality.	Company Profile	10
Locality A firm located within Nkandla Local Municipality (10) King Cetshwayo District (5) KZN Province (3)	Company proof of resident	10

Bidders must take note of the following:

All proposals failing to score the minimum score of 70 points will be rejected.

SECTION A

FORM OF OFFER AND ACCEPTANCE

BID No.: NKA/COR004/2023/24

NOTE: THE FORM OF OFFER MUST BE COMPLETED CORRECTLY, SIGNED AND WITNESSED. FAILURE TO COMPLY WILL MEAN THAT NO OFFER HAS BEEN MADE AND THE APPLICATION WILL NOT BE EVALUATED FURTHER.

ACCEPTANCE

By signing this part of this form of offer and acceptance, the Municipality identified below accepts the applicants offer. In consideration thereof, the Municipality shall pay the contractor the amount due. Acceptance of the applicants offer shall form an agreement between the Municipality and the applicant upon the terms and conditions contained in this contract that is the subject of this agreement. The terms of the contract, are contained in section "D" of this document (NT Conditions of contract) as well as any special conditions (if any)

The applicant shall within two weeks after receiving a completed copy of this agreement, including the schedule of deviations (if any), contact the Municipality to arrange the delivery of any bonds, guarantees, proof of insurance and any other documentation to be provided in terms of this document. 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 applicant receives one fully completed original copy of this document, including the schedule of deviations (if any). Unless the applicant (now contractor) within five working days of the date of such receipt notifies the Municipality in writing of any reason why he cannot accept the contents of this agreement, this agreement shall constitute a binding contract between the parties.

Signed at

For the Nkandla Local Municipality

Signature Date

Name Capacity

Witness:

.....
Name Signature Date

And

For the Contractor/ Service provider

Signature Date

Name Capacity

Witness:

.....
Name Signature Date

SECTION B

SECTION B

Page 1 of 2

MBD 1

PART A – INVITATION TO BID

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

BID NUMBER:	NKA/COR004/2023/24	CLOSING DATE:	27 May 2024	CLOSING TIME:	11:00
DESCRIPTION:	PANEL OF LEGAL ADVISORS				

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

RESPONSE DOCUMENTS MAY BE DEPOSITED IN THE BID BOX SITUATED AT

LOT 292
Maree road
Nkandla
3855

SUPPLIER INFORMATION

NAME OF BIDDER			
POSTAL ADDRESS			
STREET ADDRESS			
TELEPHONE NUMBER	CODE		NUMBER
CELLPHONE NUMBER			
FACSIMILE NUMBER	CODE		NUMBER
E-MAIL ADDRESS			
VAT REGISTRATION NUMBER			
TAX COMPLIANCE STATUS	TCS PIN:	OR	CSD No:
ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES /WORKS OFFERED?	<input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES ENCLOSE PROOF]	ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES /WORKS OFFERED?	<input type="checkbox"/> Yes <input type="checkbox"/> No [IF ANSWER YES, PART B:3]
TOTAL NUMBER OF ITEMS OFFERED		TOTAL BID PRICE	R
SIGNATURE OF BIDDER	DATE	
CAPACITY UNDER WHICH THIS BID IS SIGNED			

BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO:		TECHNICAL INFORMATION MAY BE DIRECTED TO:	
DEPARTMENT	BTO	CONTACT PERSON	Ms DK Nkabinde
CONTACT PERSON	Ms LN Mtshali	TELEPHONE NUMBER	035 833 2030/47
TELEPHONE NUMBER	035 833 2040	FACSIMILE NUMBER	n/a
FACSIMILE NUMBER	n/a	E-MAIL ADDRESS	Khethiwe.Nkabinde@nkandla.go.za
E-MAIL ADDRESS	Lethiwe.Mtshali@nkandla.gov.za		

PART B

TERMS AND CONDITIONS FOR BIDDING

1. BID SUBMISSION:

- 1.1. BIDS MUST BE DELIVERED BY THE STIPULATED TIME TO THE CORRECT ADDRESS. LATE BIDS WILL NOT BE ACCEPTED FOR CONSIDERATION.
- 1.2. **ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS PROVIDED-(NOT TO BE RE-TYPED) OR ONLINE**
- 1.3. THIS BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT AND THE PREFERENTIAL PROCUREMENT REGULATIONS, 2022, THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER SPECIAL CONDITIONS OF CONTRACT.

2. TAX COMPLIANCE REQUIREMENTS

- 2.1 BIDDERS MUST ENSURE COMPLIANCE WITH THEIR TAX OBLIGATIONS.
- 2.2 BIDDERS ARE REQUIRED TO SUBMIT THEIR UNIQUE PERSONAL IDENTIFICATION NUMBER (PIN) ISSUED BY SARS TO ENABLE THE ORGAN OF STATE TO VIEW THE TAXPAYER'S PROFILE AND TAX STATUS.
- 2.3 APPLICATION FOR THE TAX COMPLIANCE STATUS (TCS) CERTIFICATE OR PIN MAY ALSO BE MADE VIA E-FILING. IN ORDER TO USE THIS PROVISION, TAXPAYERS WILL NEED TO REGISTER WITH SARS AS E-FILERS THROUGH THE WEBSITE WWW.SARS.GOV.ZA.
- 2.4 FOREIGN SUPPLIERS MUST COMPLETE THE PRE-AWARD QUESTIONNAIRE IN PART B:3.
- 2.5 BIDDERS MAY ALSO SUBMIT A PRINTED TCS CERTIFICATE TOGETHER WITH THE BID.
- 2.6 IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED, EACH PARTY MUST SUBMIT A SEPARATE TCS CERTIFICATE / PIN / CSD NUMBER.
- 2.7 WHERE NO TCS IS AVAILABLE BUT THE BIDDER IS REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD), A CSD NUMBER MUST BE PROVIDED.

3. QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS

- 3.1. IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)? YES NO
- 3.2. DOES THE ENTITY HAVE A BRANCH IN THE RSA? YES NO
- 3.3. DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA? YES NO
- 3.4. DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA? YES NO
- 3.5. IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION? YES NO

IF THE ANSWER IS "NO" TO ALL OF THE ABOVE, THEN IT IS NOT A REQUIREMENT TO REGISTER FOR A TAX COMPLIANCE STATUS SYSTEM PIN CODE FROM THE SOUTH AFRICAN REVENUE SERVICE (SARS) AND IF NOT REGISTER AS PER 2.3 ABOVE.

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

SIGNATURE OF BIDDER:

CAPACITY UNDER WHICH THIS BID IS SIGNED:

DATE:

NB: NO BIDS WILL BE CONSIDERED FROM PERSONS IN THE SERVICE OF THE STATE, PROVINCIAL GOVERNMENT OR MUNICIPALITY.

CONDITIONS OF TENDER

A. GENERAL

1. The lowest or any tender will not necessarily be accepted and Nkandla Local Municipality reserves the rights to accept the whole or any part of a tender.
2. The quantities called for in this tender are an estimated quantity and Nkandla Local Municipality reserves the right to take more or less than the quantity specified.
3. **This contract will be governed by Nkandla Local Municipality “Conditions of TENDER” only and not any conditions supplied by the tenderer.**
4. Full details of items offered and/ pamphlets etc. must be supplied together with the return documents. All additional pamphlets returned with the tender documents must be firmly bound and marked as “Additional” to the specific tender reference number.
5. All items offered on this tender must be new and of the latest design.
6. Only tenders on Nkandla Local Municipality official tender document will be accepted and the original document must be returned, fully completed and signed, in the form presented. **Failure to do so will invalidate such tender.**
7. It must be clearly understood by the tenderer, that no order/s for such commodities or services required by the Nkandla Local Municipality will be recognized by the tenderer unless an Nkandla Local Municipality official order is issued and it is further understood that Nkandla Local Municipality will not accept responsibility for any payment to the tenderer unless the delivery notes and invoices for such goods or services quote the relevant order number and is sent to Nkandla Local Municipality, SCM Units, Private Bag X161, Nkandla, 3855.
8. Should it be considered necessary by the tenderer that officials of Nkandla Local Municipality should proceed to other centres for inspection purposes, such costs shall be for the account of the tenderer.
9. Should it be considered necessary by the tenderer, in the interest of design, quality or inspection for whatever reason that an Nkandla Local Municipality official should proceed to other centers for inspection purposes, such costs shall be for the account of the tenderer.

SECTION C

Page 2 of 3

10. Only tenders received by 11h00 on the given closing date will be considered. No late tender by post, e-mail, fax, courier or delivered by hand will be accepted after this time.
11. No telegraphic, e-mail or faxed tenders will be accepted and all posted or tenders sent by couriers, must be clearly marked with the postal date and time.
12. **TENDERS SHALL REMAIN VALID FOR A PERIOD OF (90) NINETY DAYS FROM CLOSING DATE OF THIS TENDER (27 MAY 2024).**
13. **The use of correction tape or correction fluid will invalidate your Tender.**
14. This tender must be completed in black ink, failure to do so, will lead to your tender being disqualified.

B. DEMONSTRATIONS AND INSPECTIONS

1. All tenderers must be prepared to demonstrate where required, free of charge and obligation, at the Nkandla Local Municipality or any other area within the boundary of the Nkandla Local Municipality, any items offered in this tender.
2. Where officials are required to attend demonstrations or inspections outside the Local Municipality boundary of Nkandla, all costs to attend such demonstration must be borne by the tenderer.

C. DELIVERIES, COMPLETION AND PENALTIES

1. Delivery date to be negotiated on placing the order.
2. Tenderers shall furthermore note that services will not be considered acceptable and consequently their obligations not fulfilled should services fail to comply with the specifications in this tender document.
3. Where the supplier fails to deliver within the scope of the specifications of this tender, the Municipality reserves the right to obtain services from any other supplier that complies with the specifications and the tenderer will be held responsible for all costs involved.

D. PAYMENTS

1. Payment will be made within 30 days from statement invoice date subject to satisfactory execution of the contract conditions and provided that the statement/invoice is without error.
2. Tenders must clearly state all settlement and trade discounts.

SECTION C

Page 3 of 3

3. Any additional payment for extra work carried out on a contract will only be made provided that the contractor is issued with a variation order by the procurement section of the Nkandla Local Municipality.
4. The Nkandla Local Municipality hereby indemnifies itself from any claims whatsoever, which may arise as a result of loss of income suffered by the tenderer for any reason directly or indirectly during the course of this tender and Nkandla Local Municipality reserves the right to consider compensation at its own terms.

SECTION D

NATIONAL TREASURY GENERAL CONDITIONS OF CONTRACT

FORM OF ACCEPTANCE & DECLARATION

The Municipal Manager
Nkandla Local Municipality
Private Bag X161
Nkandla
3855

I/We (To be completed)

(Representative or Company Name)

The undersigned, having examined the Specification, hereby offer to supply the Municipality with the requirements called for on the Municipality's Form of Specifications, "Form A" attached, in accordance with the conditions of this application.

I/We further undertake that this offer shall not be retracted or withdrawn from the closing date of this application up to the order date.

I/We further undertake, in the event of the acceptance of this application, either wholly or in part, to enter into a formal contract, if required, and to provide one good and sufficient surety for the due fulfillment of the contract to the satisfaction of the Municipality.

I/We also agree:

- (a) that if the application be accepted, the acceptance may be communicated to us by letter through the post and that in such case the Post Office shall be regarded as our agents and delivery of such acceptance to the Post Office shall be treated as delivery to us;
- (b) The Municipality chooses as its "domicilium citandi et executandi" for the purpose of the contract, the following address:

Nkandla Local Municipality Offices
Private Bag X 161
Nkandla 3855
- (c) the law of South Africa will govern the contract created by acceptance of our application and we agree to submit to the jurisdiction of the South African Courts;
- (d) that if our application be accepted by the Municipality either wholly or in part, and the acceptance be notified to us, we undertake to be bound by the term of the agreement constituted by our said application and the acceptance thereof by the said Municipality, until a formal contract has been executed between us and the Municipality, and that if we are not required by the Municipality to execute such formal contract, we undertake to be bound by the terms of the agreement constituted by our said application and the acceptance thereof by the said Municipality.

SECTION E

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I/WE ALSO DECLARE THAT:

- 1) the information provided is true and correct;
- 2) the signatory to the application document is duly authorized;
- 3) I/we are registered for Workman's Compensation and the valid original (or valid certified copy) of the workman's compensation commissioner's letter of good standing is attached. When applicable the option to submit an original or certified copy of the letter from the agent authorized by Workmen's Compensation Commissioner will be accepted

In the case where it is not possible for an applicant to obtain the above letter of good standing from the workmen's compensation commissioner, an affidavit is to be submitted advising that the business has registered with the workmen's compensation commissioner.

In the case where a business does not employ any employees an affidavit together with a letter from the workmen's compensation commissioner addressed to the business, confirming that registration is not required, must be submitted.

- 4) documentary proof regarding any application issue will, when required, be submitted to the satisfaction of the relevant organ of state;
- 5) the original valid SARS tax compliance certificate is attached;
- 6) My municipal rates and taxes are paid up to date and the following is attached:

A. APPLICANT IS LANDOWNER FOR PURPOSE OF CONDUCTING BUSINESS FROM ITS PREMISES

A.1 In the case where the applicant owns the property from which the applicant's business operates from, an original or certified copy of the applicants business most recent municipal account indicating the status of payment of all municipal rates and taxes i.e. property rates, electricity, water, refuse & sewer from the Municipality in which jurisdiction the said property is situated, must be submitted.

NB: Should there be **separate** tax invoices from the municipality for property rates and services (taxes), you are required to submit the most recent of each of these invoices

OR

SECTION E

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**B. APPLICANT IS THE TENANT FOR PURPOSE OF CONDUCTING
IT'S BUSINESS FROM PREMISES**

B.1 In the case where the applicant does not own property and is a tenant for the purpose of its business establishment, the applicant to provide an original or certified copy of a certificate from it's landlord certifying that all the tenants payments in respect of all municipal rates and taxes i.e. property rates, electricity, water, refuse & sewer are paid up to date, or

B.2 In the case where the applicant as tenant is responsible for its own municipal accounts with the municipality then the applicant must attach the letter from the landlord certifying the above together with all most recent relevant municipal invoices i.e. property rates, electricity, water refuse & sewer.

SECTION E

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**PAGE TO WHICH ORIGINAL VALID SARS TAX COMPLIANCE
CERTIFICATE MUST BE ATTACHED**

Please attach your original valid SARS Tax Compliance Status Pin Issue Certificate to this page.

**FAILURE TO DO SO WILL LEAD TO YOUR TENDER BEING
DISQUALIFIED.**

SECTION E

Page 5 of 20

**PAGE TO WHICH VALID ORIGINAL OF THE CSD SUMMARY
REPORT MUST BE ATTACHED**

Please attach valid original (or valid certified copy) of the Letter of Good Standing from the Law Society of SA to this page.

**FAILURE TO DO SO MAY LEAD TO YOUR TENDER BEING
DISQUALIFIED.**

SECTION E

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PAGE TO WHICH ANY OF THE FOLLOWING MUST BE ATTACHED

IN THE CASE WHERE:

A. APPLICANT AS LANDOWNER FOR PURPOSE OF CONDUCTING BUSINESS FROM PREMISES

Please select the relevant option by ticking below

A.1 In the case where the applicant owns the property from which the applicant's business operates from, an original or certified copy of the applicant's business most recent municipal account indicating the status of payment of all municipal rates and taxes i.e. property rates, electricity, water, refuse & sewer from the Municipality in which jurisdiction the said property is situated must be submitted.

NB: Should there be **separate** tax invoices from the municipality for property rates and services (taxes), you are required to submit the most recent of each of these invoices

OR

B. APPLICANT IS THE TENANT FOR PURPOSE OF CONDUCTING IT'S BUSINESS FROM PREMISES

B.1 In the case where the applicant does not own property and is an applicant for the purpose of its business establishment? the applicant to provide a valid original or valid certified copy of a certificate from its landlord certifying that all the tenants payments in respect of all municipal rates and taxes i.e. property rates, electricity, water, refuse & sewer are paid up to date, or

B.2 In the case where the applicant as tenant is responsible for its own municipal accounts with the municipality then the applicant must attach an original or certified copy of a letter from the landlord certifying the above together with all most recent relevant municipal invoices i.e. property rates, electricity, water refuse & sewer.

FAILURE TO DO SO MAY LEAD TO YOUR TENDER BEING DISQUALIFIED.

SECTION E

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PAGE TO WHICH VALID CERTIFIED COPIES OF CERTIFICATE OF GOOD STANDING FROM THE LAW SOCIETY MUST BE ATTACHED

Please attach valid certified copies of certificate of good standing from the law society to this page.

FAILURE TO DO SO WILL LEAD TO YOUR TENDER BEING DISQUALIFIED.

**PAGE TO WHICH A CERTIFIED VALID FIDELITY FUND
CERTIFICATE MUST BE ATTACHED**

Please attach valid certified fidelity fund certificate to this page.

**FAILURE TO DO SO WILL LEAD TO YOUR TENDER BEING
DISQUALIFIED.**

SECTION E

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**PAGE TO WHICH VALID CERTIFIED COPIES YOUR CIPRO
CERTIFICATE MUST BE ATTACHED**

Please attach valid original or certified copies of your Cipro Certificate to this page.

**FAILURE TO DO SO MAY LEAD TO YOUR TENDER BEING
DISQUALIFIED.**

SECTION E

DECLARATION OF APPLICANTS PAST SUPPLY CHAIN MANAGEMENT PRACTICES

- 1 This Municipal Application Document must form part of all applications 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 Applicant of any application may be rejected if that applicant, 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 Applicants/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 Application.

Item	Question	Yes	No
4.1	Is the applicant 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:		

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4.2	<p>Is the applicant or any of its directors listed on the Register for Application 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 Applicant/Tender Defaulters” or submit your written request for a hard copy of the Register to facsimile number (012) 3265445).</p>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.2.1	If so, furnish particulars:		
4.3	<p>Was the applicant 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?</p>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.3.1	If so, furnish particulars:		
Item	Question	Yes	No
4.4	<p>Does the applicant 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?</p>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.4.1	If so, furnish particulars:		

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4.5	Was any contract between the applicant 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 IS TRUE AND CORRECT.

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

.....
Signature

.....
Date

.....
Position

.....
Name of Bidder

MBD 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 Company Registration Number:

3.4 Tax Reference Number.....

3.5 VAT Registration Number:

3.6 Are you presently in the service of the state? **YES / NO**

3.6.1 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.

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

3.7.1 If yes, furnish particulars

.....
.....

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3.8 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**

3.8.1 If yes, furnish particulars.

.....
.....

3.9 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**

3.9.1 If yes, furnish particulars

.....
.....

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

3.10.1 If yes, furnish particulars.

.....
.....

3.11 Are any spouse, child or parent of the company's directors trustees, managers, principle shareholders or stakeholders in service of the state? **YES / NO**

3.11.1 If yes, furnish particulars.

.....
.....

3.12 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**

3.12.1 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

CERTIFICATION

I, THE UNDERSIGNED (NAME)

CERTIFY THAT THE INFORMATION FURNISHED ON THIS DECLARATION FORM IS CORRECT.

I ACCEPT THAT THE STATE MAY ACT AGAINST ME SHOULD THIS DECLARATION PROVE TO BE FALSE.

.....
Signature

.....
Date

.....
Position

.....
Name of Applicant

CERTIFICATE OF INDEPENDENT APPLICATION DETERMINATION

1. This Municipal Application Document (MAD) must form part of all applications¹ 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 application (or application rigging)². Collusive application 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 the reasonable steps to prevent such abuse;
 - b. Reject the application of any applicant if that applicant 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 application process or the execution of the contract.
4. The MAD serves as a certificate of the declaration that would be used by institutions to ensure that, when applications are considered, reasonable steps are taken to prevent any form of application rigging.
5. in order to give effect to the above, the attached certificate of Application Determination (MAD 9) must be completed and submitted with the application:

1 includes price quotations, advertised competitive applicants, limited applications and proposals.

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

MBD 9

CERTIFICATE OF INDEPENDENT APPLICATION DETERMINATION

I, the undersigned, in submitting the accompanying application:

(Bid number and description)

In response to the invitation for the application made by:

(Name of Municipality/ Municipal Entity)

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

I certify, on behalf of: _____ that
(Name of Applicant)

1. I have read and I understand the contents of the certificate;
2. I understand that the accompanying applicant will be disqualified if this certificate is found not to be true and complete in every respect;
3. I am authorized by the applicant to sign this certificate, and to submit the accompanying application, on behalf of the applicant;
4. each person whose signature appears on the accompanying application has been authorized by the applicant to determine the terms of and to sign the application on behalf of the applicant;
5. for the purposes of this certificate and the accompanying application, I understand that the word "competitor" shall include any individual or organization, other than the applicant, whether or not affiliated with the applicant, who:
 - (a) Has been requested to submit an application in response to this application invitation;
 - (b) Could potentially submit an application in response to this application invitation, based on their qualifications, abilities or experience; and
 - (c) Provides the same goods and services as the applicant and/or is in the same line of business as the applicant.

MBD 9

- 6. The applicant has arrived at the accompanying application 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 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 an application which does not meet the specifications and conditions of the application; or
 - (f) Bidding with the intention not to win the application.
- 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 application invitation relates.
- 9. The terms of the accompanying application have not been, and will not be, disclosed by the applicant, directly or indirectly, to any competitor, prior to the date and time of the official application 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 applications and contracts, applications 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

SECTION E

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ACCEPTANCE

NB:

*** FAILING TO ATTACH ANY OF THE DOCUMENTS SPECIFIED IN THIS APPLICATION DOCUMENT, OR FAILURE TO COMPLETE IN FULL THOSE SECTIONS REQUIRING COMPLETION, WILL INVALIDATE THE APPLICATION.**

FOR AND ON BEHALF OF

NAME OF COMPANY

ADDRESS

NAME OF APPLICANT

SIGNATURE OF APPLICANT

.....

DATE

SECTION F

SCOPE OF WORK

1. INTRODUCTION

The Municipality invites written Proposals from suitably qualified attorneys to be placed on the Panel of Legal Experts to assist the Legal Services Department of the Municipality. The Legal Services Department is responsible for the Municipality's legal related work which, inter alia, includes the following:

- (a) Contract Management;
- (b) Litigations & Claims;
- (c) Compliance;
- (d) Debt Collection;
- (e) Labour Relations;
- (f) Public Law
- (g) Policy development;
- (h) By laws development and Gazetting;
- (i) Conveyancing and any other legal related matters

Due to the high volume of the work undertaken, it may become necessary to appoint external service providers to its Panel of Attorneys to assist the Municipality's Legal Services Department in the execution of its work and statutory functions and powers. The Municipality hereby invites interested firms of Attorneys to submit their proposals to be included on the Municipality's Panel of Attorneys for a period of 3(Three) years.

2. REQUESTED SERVICES

Firms of attorneys will be required to render services to the Municipality on a wide range of legal matters relating to, amongst others, the following fields of law:

- (a) Commercial and Contract Law;
- (b) Commercial and Civil Litigation;
- (c) Labour and Employment Law;
- (d) Constitutional Law;
- (e) Administrative Law;
- (f) Construction Law;
- (g) Insurance Law;
- (h) Corporate Governance;
- (i) Environmental Law; and
- (j) Any other specialised field of law that the firm of attorney has expertise in and that is relevant to the working environment of the Municipality.

3. CONDITIONS OF TENDER

3.1 Appointment of Panel

Only firms of attorneys established in terms of the provisions of the Attorneys Act, No. 53 of 1967 (as amended) and duly registered to practice with the Law Society of KwaZulu-Natal will be considered for this tender.

The invitation applies to qualified and suitable firm of attorneys situated within the KwaZulu- Natal Province.

A service level agreement will be entered into with each firm of attorneys appointed to render services to the Municipality.

The cost of each assignment will be agreed upon upfront and/or the Municipality together with the relevant firm of attorney will negotiate and agree on the applicable rates.

The Municipality does not guarantee that any work or assignment will be given to any firm of attorneys on the panel. The Municipality may in its sole discretion award any assignment or part thereof to more than one firm of attorneys. The services of appointed firm of attorneys will be utilised by the Municipality as and when the need arises. The Municipality reserves the right to categorize the tenderers into the different expertise.

A firm of attorneys assigned any work may not cede or subcontract any part thereof to any person unless with the written consent of the Municipality or as may be required by the applicable laws, e.g. in instances where correspondent attorneys may be necessary.

The term of the appointed panel shall be 3 (three) years. The Municipality, however, reserves the right to continue with any firm of attorneys to complete any assignment awarded by the Municipality prior to the expiry of the 3 (three year term and/or may appoint any firm of attorneys to complete any task not completed.

The Municipality reserves the right to cancel the appointment of firm of attorneys and remove such firms from its panel if such firms do not meet the standards agreed upon and/or expected from such firms. The appointment of a panel of attorneys for the Municipality will not preclude it from utilising the services of any other firm of attorneys that is not appointed on the panel.

Each firm undertakes not to become involved in any matter against the Municipality or its Municipal entities or in any way prejudice its rights and interests. Firms that have matters pending against the Municipality or its entities at the time of the evaluation and adjudication of the tender will not be appointed to the panel.

3.2 Required attributes

The following attributes, among others, will be considered by the Municipality:

- (a) knowledge and application of the Municipal regulatory framework;
- (b) conformance to exceptional quality and standard of work, and meticulous attention to detail; and
- (c) a fast turnaround time and ability to adapt quickly.

4. SUBMISSION INSTRUCTIONS

The following must also be included in the proposal:

- (a) a proven track record in the provision of required services (three reference letters to be submitted);
- (b) relevant experience;
- (c) necessary acumen and logistics to provide services;
- (d) Black economic empowerment initiatives;
- (e) Names, ranks and experience of personnel – detailed CV's to be provided;
- (f) Hourly fees in providing the services and administration charges (if applicable) (All fees subject to tariffs such as the Magistrates Court and High Court tariffs shall be billed in accordance with those tariffs);
- (g) Company profile.

5. COMPANY PROFILE

Your company profile must address the following areas / headings in the following order:

5.1 History

Provide a brief history of the firm and an outline of the firm's geographic structure (excluding alliances or affiliation you may have with other law firms)

5.2 Client Base

Provide a list of local government clients for whom legal services were rendered on a regular basis in the past 3 years and specify the nature of all work done.

5.3 Field of Expertise

Each proposal must include the specialist fields of law of the firm, with specific reference to the fields as set out in paragraph 2 above. If a firm of attorneys has expertise in more than one field of law, all relevant fields must be indicated in the proposal together with demonstrated experience in the specified areas of law. Clearly indicate for which of the specialist fields (as set out in paragraph 2) your firm tenders to provide legal services to the Municipality.

