



APPOINTMENT OF A PROFESSIONAL SERVICE PROVIDER FOR TECHNICAL DEPARTMENT AND PROJECT MANAGEMENT UNIT CAPACITY SUPPORT SERVICES FOR A PERIOD OF THREE (03) YEARS

TENDER NUMBER: SCM 007/2021/22

TENDER DOCUMENT

NAME OF TENDERER :

CSD NUMBER :

CONTACT PERSON :

TEL NUMBER :

CEL NUMBER :

E-MAIL ADDRESS :

CLOSING DATE: TUESDAY, 14 JUNE 2022

CLOSING TIME: 12H00 MIDDAY

USB SUBMITTED	YES		NO	
TO BE COMPLETED BY THE CLIENT				

TSWAING LOCAL MUNICIPALITY

REQUEST FOR PROPOSALS

Bid NO. SCM 007/2021/22 – Appointment of a Consultant for Technical and PMU Support Services

BID NO. SCM 007/2021/22 invitation for appointment of professional services providers for technical department and project management unit capacity support services for a period of three (3) years; Risk Appointment.

Bid are hereby requested from suitability qualified, experienced and professional service providers (Consulting Engineering and Project Management) for the capacity support services to the technical department and project management unit of the municipality.

Compulsory Briefing:

No Compulsory Briefing Session shall be held. Bid documents are available on e-tender portal from **Wednesday, 25th May 2022** at no cost or can be requested from the Supply Chain Management via email **scm@tswaing.gov.za** with a copy of request to Project Management Unit **pmu@tswaing.gov.za** with copy of email to **pmucontracts@aol.com** before **Friday, 10th June 2022**.

Submission of Proposals

Sealed tenders, endorsed as indicated in the Bid Document including **USB** must reach the Municipality and placed in visibly marked Tender boxes at the **Tswaing Municipal Offices, Delareyville**, by not later than **12:00 midday on Tuesday, 14th June 2022**. Tenders may be deposited in the Tender Box situated in the Municipal Main building Offices at Cnr Delarey and Government Street, Delareyville, 2770.

Evaluation criteria:

Project team	45	<ul style="list-style-type: none">• Municipal bidding documents (original, fully completed, and signed where necessary).• The tax Status of the bidders must be compliant as at closing of the bid and will be verified through CSD.• Joint venture agreement signed by both principal partners if bidding as a joint venture.• Original certified copy of the ID of the directors of the company.• Proof of company registration documents.• Recent Central Supplier Database report.• Accreditation Certificates for the company from statutory/ regulatory bodies (CESA, SABTACO, SACPCMP, PMSA, and etc) and Professional Registrations and affiliations of Key Team Members with recognized professional bodies as per Terms of Reference.
PMU Support experience	15	
Experience in municipal environment projects	15	
Ability to source funds	10	
Methodology	10	
Proof of professional indemnity (R 5 million)	5	

Enquiries

For Technical Enquiries Contact, **Mrs G. Moipolai**, Manager: Project Management Unit at **053 948 2787** during working hours and via email at **pmu@tswaing.gov.za/pmucontracts@aol.com**.

For Bidding Procedures Contact, Mr. T.J. Melken, Acting Supply Chain Manager at **053 948 1943** during working hours and via email at **scm@tswaing.gov.za**.

(Duly signed)

Adv L Lobakeng

Acting Municipal Manager

TSWAING LOCAL MUNICIPALITY

PART A INVITATION TO TENDER

YOU ARE HEREBY INVITED TO TENDER FOR REQUIREMENTS OF THE TSWAING LOCAL MUNICIPALITY					
TENDER NUMBER:	SCM 007/2021/22	CLOSING DATE:	14 th June 2022	CLOSING TIME:	12h00 midday
DESCRIPTION:	Appointment of a Service Provider for Technical Department and Project Management Unit (PMU) Capacity Support Services for a Period of Three (03) Years, Risk Appointment				
THE SUCCESSFUL TENDERER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (MBD7).					
TENDER RESPONSE DOCUMENTS MAY BE DEPOSITED IN THE TENDER BOX SITUATED AT					
CNR Delarey and Government Streets					
DELAREYVILLE					
2770					
SUPPLIER INFORMATION					
NAME OF TENDERER					
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:	
B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE [TICK APPLICABLE BOX]	Yes	<input type="checkbox"/>	B-BBEE STATUS LEVEL SWORN AFFIDAVIT	Yes	<input type="checkbox"/>
	No	<input type="checkbox"/>		No	<input type="checkbox"/>
[A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE/ SWORN AFFIDAVIT (FOR EMES & QSEs) MUST BE SUBMITTED IN ORDER TO QUALIFY FOR PREFERENCE POINTS FOR B-BBEE]					
1. ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS/SERVICES/WORKS OFFERED?	YES	<input type="checkbox"/>	2. ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS/SERVICES/WORKS OFFERED?	YES	<input type="checkbox"/>
		<input type="checkbox"/>		NO	<input type="checkbox"/>
	[IF YES, ENCLOSE PROOF]			[IF YES, ANSWER PART B:3]	
3. TOTAL NUMBER OF ITEMS OFFERED			4. TOTAL TENDER PRICE	R (RATES ONLY)	
5. SIGNATURE OF TENDERER			6. DATE		
7. CAPACITY UNDER WHICH THIS TENDER IS SIGNED					
TENDERING PROCEDURE ENQUIRIES MAY BE DIRECTED TO:			TECHNICAL INFORMATION ENQUIRIES MAY BE DIRECTED TO:		
DEPARTMENT	Supply Chain Management		DEPARTMENT	Technical Department	
CONTACT PERSON	Mr. T.J. Melken		CONTACT PERSON	Ms. G. Moipolai	
TELEPHONE NUMBER	(053) 948 1943		TELEPHONE NUMBER	(053) 948 0787	
E-MAIL ADDRESS	scm@tswaing.gov.za		E-MAIL ADDRESS	pmu@tswaing.gov.za	

PART B

TERMS AND CONDITIONS FOR TENDERING

1. TENDER SUBMISSION:

- 1.1. TENDERS MUST BE DELIVERED BY THE STIPULATED TIME TO THE CORRECT ADDRESS. LATE TENDERS WILL NOT BE ACCEPTED FOR CONSIDERATION.
- 1.2. **ALL TENDERS MUST BE SUBMITTED ON THE OFFICIAL FORMS PROVIDED – (NOT TO BE RE-TYPED) OR ONLINE**
- 1.3. THIS TENDER IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT AND THE PREFERENTIAL PROCUREMENT REGULATIONS, 2017, THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER SPECIAL CONDITIONS OF CONTRACT.

2. TAX COMPLIANCE REQUIREMENTS

- 2.1 TENDERDERS MUST ENSURE COMPLIANCE WITH THEIR TAX OBLIGATIONS.
- 2.2 TENDERDERS 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 TENDERDERS MAY ALSO SUBMIT A PRINTED TCS CERTIFICATE TOGETHER WITH THE TENDER.
- 2.6 IN TENDERS 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 TENDERDER IS REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD), A CSD NUMBER MUST BE PROVIDED.

3. QUESTIONNAIRE TO TENDERING FOREIGN SUPPLIERS

- | | |
|--|--|
| 3.1. IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)? | YES <input type="checkbox"/> NO <input type="checkbox"/> |
| 3.2. DOES THE ENTITY HAVE A BRANCH IN THE RSA? | YES <input type="checkbox"/> NO <input type="checkbox"/> |
| 3.3. DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA? | YES <input type="checkbox"/> NO <input type="checkbox"/> |
| 3.4. DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA? | YES <input type="checkbox"/> NO <input type="checkbox"/> |
| 3.5. IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION? | YES <input type="checkbox"/> NO <input type="checkbox"/> |

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 TENDER INVALID. NO TENDERS WILL BE CONSIDERED FROM PERSONS IN THE SERVICE OF THE STATE.

SIGNATURE OF TENDERDER:

CAPACITY UNDER WHICH THIS TENDER IS SIGNED:

DATE:

APPOINTMENT OF SERVICE PROVIDER FOR TECHNICAL DEPARTMENT AND PMU CAPACITY SUPPORT SERVICES FOR A PERIOD OF THREE (03) YEARS (RISK APPOINTMENT)

1. PURPOSE

Interested companies are invited to submit tenders for the Technical Department and PMU Capacity Support Services for the provision of appointment for a period of Three (03) Years. **This is a risk appointment.**

2. SCOPE OF WORKS

The scope of work for the Technical Department and PMU Capacity Support Services shall be the standard services in accordance with the applicable professional bodies. The companies are to illustrate capabilities in areas of expertise in Project Management, Civil, Structural, and Electrical Engineering, Architectural, and Quantity Surveying within the company:

The successful appointed service provider will be responsible for the following:

- a) Historical review of previously completed projects to ensure compliance to technical standards.
- b) Review of various Consulting Engineers designs on projects under implementation.
- c) Advise the municipality on project procurement in line with standard infrastructure policies.
- d) Planning and monitoring of projects implementation (monitor consultants and contractors).
- e) Due diligence on the technical and financial part of the projects (consultants and contractors).
- f) Review of variation orders before approval by the Accounting Officer if need arise.
- g) Project Management, contract administration and inspection.
- h) Implement EPWP requirements on projects as prescribed by the Department of Public Works.
- i) Implementation acceleration of grants and own funding projects.
- j) Intervention where the Municipality is struggling to spent the MIG and other grants and funding.
- k) Post projects review on recently completed projects.
- l) Preparation and submission of project(s) files to finance for audit purposes and asset register.
- m) Assist the municipality in preparing business plans to register projects and raise funding.
- n) Sourcing and reinstating of grants which were forfeited by the Municipality.
- o) Direct status quo reporting to the Accounting Officer and any other prescribed stakeholders.
- p) Training and ongoing support of the PMU and Technical Department personnel.
- q) Any other activities on an ad-hoc basis as directed by the municipality.

Only those respondents who satisfy the following eligibility criteria as a company are eligible to submit their proposals with the tender, the companies who have capabilities and experience in the following areas of expertise:

- a) Civil and Structural Engineering
 - (i) Water (Bulk and Internal Reticulation),
 - (ii) Sewer and Sanitation,
 - (iii) Waste Water Treatment Plants, and
 - (iv) Roads and Storm Water
 - (v) Structural Buildings and Sports Facilities.
- b) Electrical Engineering:
- c) Architectural
- d) Quantity Surveyors

3. ADDITIONAL PROJECT DESCRIPTION IN LINE WITH THE SCOPE OF WORKS

The Municipality adopts a three-year capital budget for every financial year as legislated in the Municipal Finance Management Act 56 of 2003, and hereby intends to appoint Professional Engineering Consultants to assist with the management of the Technical Department and Project Management Unit to manage expenditure and implementation.

Upon the appointment of the Professional Service Provider, the Service Provider's Project Technicians will be required to work closely with PMU Technicians on responsibilities including but not limited to the following:

- a) Attend site inspections and meetings (consulting and construction).
- b) Contract management and administration (consulting and construction).
- c) Review and advising on preliminary and detail designs.
- d) Preparation of procurement documents and projects' quo progress reports.
- e) Consultants' fee claims and contractors' progress payments certificates evaluation for payments.
- f) Maintaining Occupational Health and Safety compliance on projects.
- g) Manage implementation of Labour-Intensive Construction requirements where possible.
- h) Quality control and geotechnical processes management on projects.
- i) Environmental Impact Assessments coordination on projects.
- j) Projects' Extended Public Works Programme (EPWP) reporting.

Please take note of following:

- a) The full scope of service will be in accordance with the Engineering Council of South Africa Guideline Scope of Services and Tariff of Fees for Persons Registered in terms of the Engineering Profession Act, 2000, (Act No.46 of 2000).
- b) A Service Level Agreement will be signed with the successful Tenderer of the second stage tendering process.
- c) Service Provider must have staff registered as Professionals in their fields with the Recognized Professional Bodies of South Africa.

EVALUATION OF FUNCTIONALITY:

- a) The tenderers who score **70%** or more on functionality quality will qualify for the next stage.
- b) The tenderers who score less than **70%** on functionality quality will be disqualified.
- c) The tender will be evaluated as follows.

The criteria that are to be scored and the maximum score assigned to each of such criteria are:

Quality criteria	Weight	Sub-criteria	Maximum number of points	Points Scored
Approach paper which responds to the proposed responsibilities, scope of work, project design and outlines proposed approach, and methodology.	10	Technical approach and methodology	5	
Project implementation plan.		Implementation plan	5	
Company experience				
Experience in Municipality PMU Support Services.	30	One (1) or more signed reference letters in the PMU Support Services	15	
Experience in the Municipality Environment of 07 Years or more.		Ten (10) signed reference letters in Consulting and Project Management	10	
Experience in the Municipality Environment of less than 07 Years.		Five (5) signed reference letters in Consulting and Project Management	5	
Failure to attach signed reference letters will result in to zero score; please note that the Municipality will verify the validity of the reference letters				

Key personnel credentials				
Project Team Leader	45	B-Tech or BEng (Civil, Structural or Electrical) with 20 years' experience or above plus Pr. Tech Eng, Pr. Eng or Pr. CPM	15	
Project Manager		B-Tech, B-Degree, PGD in Project or Construction Management with 20 years' experience or above plus PMSA or SACPCMP registration.	10	
Civil & Structural Engineer / Technologist		B-Tech or BSc in Civil / Structural Engineering with 15 years' experience or above plus Pr. Tech Eng or Pr. Eng	5	
Electrical Engineer / Technologist		B-Tech or BSc in Electrical Engineering with 15 years' experience or above plus Pr. Tech Eng or Pr. Eng	5	
Quantity Surveyor		B-Tech or BSc in Quantity Surveying / Building Science with 15 years' experience or above plus Pr QS	5	
Architect		B-Tech or BSc in Architectural with 15 years' experience or above plus Pr Arch	5	
Failure to attach both CV and certified qualifications will result in zero score, qualifications not certified will also result in zero score				
Ability to source grants				
Ability to source R 5 million to R 10 million or more	10	One (1) confirmation letter of funding attached from the client or funder	10	
Ability to source R 3 million to R 5 million		One (1) confirmation letter of funding attached from the client or funder	7.5	
Ability to source R 1 million to R 3 million		One (1) confirmation letter of funding attached from the client or funder	5	
Failure to attach signed confirmation letters will result in to zero score; please note that the Municipality will verify the validity of the letters				
Professional indemnity				
Professional indemnity insurance of R 5 million or more	5	Recent policy confirmation letter or policy summary schedule attached	5	
Failure to attach both documents will result in to zero score; please note that the Municipality will verify the validity of the insurance				
Final score for quality				
Maximum possible score for quality	100	Tenderer's actual score on quality		
Tenderers/Tenderers must obtain a minimum score of 70% of points for functionality quality				

FURTHER EVALUATION

NB: Any false information given by the Service Provider, late submission of proposal during Tender Closing and/or not meeting the minimum qualifying requirements will lead to automatic disqualification of the Service Provider. Tender submission through faxes is not acceptable. The Municipality reserves the right to accept either the whole or part of any tender, or not to appoint at all.

VALIDITY OF TENDER

This tender is valid for ninety (90) days. Tenderers will not be allowed to withdraw their submission within ninety (90) days of tender closing and shall be held valid in all aspects.

BUDGET

There is no available budget at this time for the remuneration of the services required though the **successful service provider will be expected and required to commence with the work on risk**; hence the tenderers are required to submit the ceiling pricing rates in the pricing schedule below.

PRICING SCHEDULE

The tenderer must give indicative rates as per each category in the table below. Any discrepancies or unclarity on the rates provided by the tenderer, gazette rates shall take precedence and the Service Providers will be paid based on the relevant professional body pricing guidelines, such as ECSA, SACPCMP, and etc.

Project team members	Rate
Project Team Leader	
Project Manager	
Civil/Structural Engineer or Technologist	
Electrical Engineer or Technologist	
Quantity Surveyor	
Architect	
Engineering Technicians	
Project Administrator	
Recoverable expenses	
Travelling per kilometer	
Office accommodation	

Service Providers are allowed to provide a **separate financial proposal** (*detailed rates in line with the proposed Team Members included in the tender and any other expenses the tenderer anticipate to incur*). **This is not a compulsory requirement, therefore tenderers will not be penalized or disqualified for not submitting a separate financial proposal.**

REMUNERATION

On availability of funds, **lead time is not certain and cannot be guaranteed**, the Municipality will remunerate the Service Provider as per the approved proposed rates.

Service Providers are allowed to propose an **alternative remuneration approach or method to the Municipality** (*this must be included in the technical proposal or approach paper*). **This is not a compulsory requirement, therefore tenderers will not be penalized or disqualified for not proposing an alternative remuneration method.**

ACCEPTANCE

The Municipality reserves the right to accept either the whole or part of any tender, or not to appoint at all. The Municipality reserves the right not to issue any reasons to unsuccessful tenderers. The Municipality also reserves the right to cancel the tender without notification. Therefore, tenderers are highly encouraged to make a follow up and enquire with regard to the status quo validity of the tender on **scm@tswaing.gov.za**, **pmu@tswaing.gov.za** with a copy to **pmucontracts@aol.com**.

COMMENCEMENT OF WORK

The successful service provider and or appointed consultant will be expected to resume duties on **RISK (there is no budget available for the project and it is not guaranteed when funds will be available for the initiative to remunerate the service provider)** after the signing of a contract and the service level agreement.

COMPULSORY ADMINISTRATIVE REQUIREMENTS

A tender not complying with the peremptory requirements stated above will be regarded as “**NON-RESPONSIVE**”, and as such will be disqualified. “**Responsive**” means any tender which, in all respects, complies with the conditions of the specifications as set out in the tender document, including conditions as specified in the Preferential Procurement Regulations of 2017, terms of which provision is made for this policy.

COMPULSORY ADMINISTRATIVE DOCUMENTS

- a) The tenderers must submit company registration document.
- b) Updated Central Supplier Database Full Report, (**summary will not be accepted**).
- c) Compliant tax status, (the Municipality will verify tax compliance during evaluation and adjudication stage).
- d) Proof of professional indemnity up to R 5 million, (**the municipality will verify the validity of the indemnity during evaluation and adjudication stage**).
- e) Joint Venture Agreement signed by both parties stipulating the percentage of shareholding agreement supported by consolidated Central Suppliers Database Full Report (**summary will not be accepted**) and consolidated B-BBEE or sworn affidavit.
- f) The tenderers must submit both hard copies and electronic tender document in the form of a USB for consideration, (**tenders submitted without a USB will not be considered**).

- g) Submission of latest Municipal rates and taxes or Municipal service invoice issued to the tenderer and all directors, by any other Municipality or Municipal entity. The rates and taxes charges must not be in arrears for more than three months (90 days) for the company and directors.
 - (i) If staying in a non-rate-able area, please attach original letter from the Tribal Authority/ Chief or Headman.
 - (ii) If the business is operated from the residence of the director, please attach the director's rates supported by an affidavit stating the address of the business premises.
 - (iii) If you are renting, attach copy of a valid signed lease agreement.
 - (iv) Non tribal or non-Municipal area attach a sworn affidavit from commissioner of oath.
- h) Signing of the form of offer.
- i) Tender forms must be completed in full and each page of the tender initialed.
- j) All pages of general conditions of contract (GCC) must be initialed.
- k) Submission of certified ID copies (not older than 3 months) of all directors/members/shareholders of company or business.
- l) All amendments without signature will amount to disqualification.
- m) All pages of this document including attachments must be initialed.

NB: Please note that all certified documents and sworn affidavits must not be older than 3 months.

SPECIAL REQUIREMENTS

- a) The Municipality reserves the right to subject all the tenderers and proposed personnel for vetting.
- b) The Municipality reserves the right to request the qualifying bidders to make a presentation to the Municipality at no costs to be incurred by the Municipality.
- c) Tenderers Originally certified copies of B-BBEE Level Contribution Certificate (from SANAS accredited agencies) or original sworn affidavit (for EME's or QSE). Only EME or QSE will be considered for this tender.

CONTACT PERSONS

Technical Enquiries may be directed to:

Mrs. G Moipolai

Manager: Project Management Unit

Tel: 053 948 0787

Email: pmu@tswaing.gov.za

Bidding Enquiries may be directed to:

Mr. T.J. Melken

Acting Manager: Supply Chain Management

Tel: 053 948 1943

Email: scm@tswaing.gov.za

APPROACH OR TECHNICAL PAPER STRUCTURE

Only approach or technical papers on the prescribed format below will be considered. Items' sequence in the proposal must follow the headings as indicated below. Any submission deviating from the prescribed format and sequence will automatically lead to disqualification of the tender or submission and will not be considered for further evaluation and will be regarded **"NON- RESPONSIVE"**.

Approach or technical paper format:

1. Introduction.
2. Background of the company/tenderer.
3. Understanding aim of the initiative.
4. Understanding the objective of the initiative.
5. Understanding of the prescribed scope of work.
6. Detailed analysis of the prescribed of scope of work.
7. Stakeholder management (stakeholder identification and reporting requirements).
8. Risk (implementation risk and risk management).
9. Approach and methodology – responding to the scope of work.
 - 9.1. Initiation and inception.
 - 9.2. Implementation and delivery.
 - 9.2.1. Investigations.
 - 9.2.2. Consultations.
 - 9.2.3. Interventions.
 - 9.2.4. Professionalism.
 - 9.2.5. Reporting (progress).
 - 9.2.6. Reports endorsements.
10. Proposed implementation program.
11. Proposed lead times per task.
12. Project cost and alternative financial proposal (if applies).
13. Professional indemnity summary details.
14. Previous contracts terminations and existing litigations.
15. Company management in as per example below.

Full Name and Surname	Date of Birth	Nationality	Designation

16. Company professional registrations in tubular form as per example below.
17. Key team members professional registrations and affiliations as per example below.

Full Name and Surname	Institution/Society	Registration Category	Registration No.

18. Proposed team structure (organogram)

19. Proposed team key members' credentials in as per example below.

Name	Designation	Qualifications	Experience in years and field of expertise	Duties	Involvement (%)

20. Proposed key personnel experience (brief summary of experience).

21. Company experience as per below example in categories (project management, water, roads, etc).

Client:	Name of Client/Institution	Description of Works	Project Value (Incl VAT)	Fees Incl VAT	FROM:	TO:	Services Rendered/Position
Contact Person:							
Contact Numbers:							

22. Deliverables.

23. Skills transfer, training and development.

24. Quality assurance and tools.

24.1. Quality management system.

25. Quality control and assurance procedures.

26. Closing statement.

ANNEXURES AND OR ATTACHMENTS SEQUENCING

It is the requirement of this tender that all the supporting documents and attachments must be submitted in the **format prescribed below** and clearly **divided with color coded sheets**. Any deviation from the prescribed format will lead to disqualification of the tender and proposal.

- Addendum (if any).
- Company registration documents.
- Directors' identity documents (certified within 3 months).
- Central supplier database report (full report, summary will not be accepted).
- Resolution of authority for signatory from board of directors on company letter head.
- Declaration of interests signed by all directors on company letter head.
- Joint venture agreement (if any).
- SARS pin or tax clearance certificate and VAT registration.
- BBBEE certificate or SAPS sworn affidavit.
- Professional indemnity insurance or recent summary letter from the insurer not older than 30 days.
- Workmen's' compensation fund (COIDA) or any proof from approved entity, e.g. FEMA.
- Company professional registrations.
- Proof of banking details and bank rating.
- Proof of relevant software and package ownership.

15. Company profile.
16. Organizational structure (organogram).
17. Personnel credentials documents (**CV, certified qualifications and professional registrations**).
18. Signed reference letters from clients (**NO appointment letters and completion certificates**).
19. Business proof of address, municipal rates or tribal authority letter or SAPS affidavit.
20. Directors' proof of address, municipal rates or tribal authority letter or SAPS affidavit.

NB: PLEASE ATTACH USB WITH SCANNED COPIES OF THE DOCUMENT AND ATTACHMENTS SAVED AS ONE (1) FILE AS FOLLOWS: **Name of Company-09-06-2022-TLM-PMU-SUPPORT.**

KEY TEAM MEMBERS CURRICULUM VITAE FORMAT (NOT MORE THAN 4 PAGES)

Only CVs in the format below will be considered. Any format will be regarded as non-submission and will lead to disqualification of the tenderer.

1. PERSONAL PARTICULARS

- Full Names and Surname
- Date of Birth
- Place of Birth
- Post Matric Institutions
- Professional Awards

2. QUALIFICATIONS

- Certificates, Diploma, and Degree
- Professional Affiliations
- Further Studies
- Computer Programs /skills

3. EMPLOYMENT

- Current Employer
- Position

4. OVERVIEW OF POST GRADUATE EXPERIENCE

#	Employer	Position	From	To

5. SUMMARY OF SKILLS

6. EXPERIENCE ON MAJOR PROJECTS

- Contract number: Description and project value.

7. CONSENT

8. LANGUAGES

- Speak
- Read
- Write

9. REFERENCES

COMPULSORY MUNICIPAL TENDER DOCUMENTS

MBD 2: TAX CLEARANCE CERTIFICATE

It is a condition of tender that the taxes of the successful tenderer must be in order, or that satisfactory arrangements have been made with South African Revenue Service (SARS) to meet the tenderer's tax obligations.

1. In order to meet this requirement tenderers are required to complete in full form TCC001 "Application for a Tax Clearance Certificate" and submit it to any SARS branch office nationally. The Tax Clearance Certificate Requirements are also applicable to foreign tenderers / individuals who wish to submit tenders. Copies of form TCC 001 are available from any SARS branch office nationally or on the website www.sars.gov.za.
2. SARS will then furnish the tenderer with a Tax Clearance Certificate that will be valid for a period of 1 (one) year from the date of approval.
3. The Tax Clearance Certificate must be submitted together with the tender. Failure to submit the TCC pin/ number will result in the invalidation of the tender.
4. In tenders where Consortia / Joint Ventures / Sub-contractors are involved; each party must submit a separate Tax Clearance Certificate or SARS Pin.
5. Applications for the Tax Clearance Certificates 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.

MBD 4

DECLARATION OF INTEREST

1. No tender 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 tender. In view of possible allegations of favoritisms, should the resulting tender, or part thereof, be awarded to persons connected with or related to persons in service of the state, it is required that the tenderer or their authorized 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 tender.

3.1 Full Name of tenderer or his or her representative:.....

3.2 Identity Number:

3.3 Position occupied in the Company (director, trustee, shareholder²):.....

3.4 Company Registration Number:

3.5 Tax Reference Number:.....

3.6 VAT Registration Number:

3.7 The names of all directors / trustees / shareholders members, their individual identity numbers and state employee numbers must be indicated in paragraph 4 below.

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

3.8.1 If yes, furnish particulars.

.....

¹MSCM Regulations: "in the service of the state" means to be –

(a) a member of –

- (i) any municipal council;
- (ii) any provincial legislature; or
- (iii) the national Assembly or the national Council of provinces;

(b) a member of the board of directors of any municipal entity;

(c) an official of any municipality or municipal entity;

(d) an employee of any national or provincial department, national or provincial public entity or constitutional institution within the meaning of the Public Finance Management Act, 1999 (Act No.1 of 1999);

(e) a member of the accounting authority of any national or provincial public entity; or

(f) an employee of Parliament or a provincial legislature

² Shareholder" means a person who owns shares in the company and is actively involved in the management of the company or business and exercises control over the company.

- 3.9 Have you been in the service of the state for the past twelve months? **YES / NO**
- 3.9.1 If yes, furnish particulars.....
-
- 3.10 Do you have any relationship (family, friend, other) with persons in the service of the state and who may be involved with the evaluation and or adjudication of this tender? **YES / NO**
- 3.10.1 If yes, furnish particulars.
-
-
- 3.11 Are you, aware of any relationship (family, friend, other) between any other tenderer and any persons in the service of the state who may be involved with the evaluation and or adjudication of this tender?..... **YES / NO**
- 3.11.1 If yes, furnish particulars
-
-
- 3.12 Are any of the company's directors, trustees, managers, principal shareholders or stakeholders in service of the state?..... **YES / NO**
- 3.12.1 If yes, furnish particulars.
-
-
- 3.13 Are any spouse, child or parent of the company's directors trustees, managers, principle shareholders or stakeholders in service of the state?..... **YES / NO**
- 3.13.1 If yes, furnish particulars.
-
-
- 3.14 Do you or any of the directors, trustees, managers, principal shareholders, or stakeholders of this company have any interest in any other related companies or business whether or not they are tendering for this contract. **YES / NO**
- 3.14.1 If yes, furnish particulars:
-
-

(a) **4.Full details of directors / trustees / members / shareholders.**

Full Name	Identity Number	State Employee Number

.....
Signature

.....
Date

.....
Capacity

.....
Name of Tenderer

BROAD-BASED BLACK ECONOMIC EMPOWERMENT (B-BBEE) STATUS LEVEL CERTIFICATES

Tenderers are required to submit original and valid B-BBEE Status Level Verification Certificates or certified copies thereof together with their tenders, to substantiate their B-BBEE rating claims.

Tenderers who do not submit B-BBEE Status T Level Verification Certificates or are non-compliant contributors to B-BBEE do not qualify for preference points for B-BBEE but should not be disqualified from the tendering process. They will score points for out of 90 or 80 for price only and zero points out of 10 or 20 for B-BBEE.

Under the amended B-BBEE codes, accounting officers and verification professionals are no longer permitted to issue B-BBEE certificates to Exempt Micro Enterprises (EMEs) and black controlled and owned Qualifying Small Enterprises (QSEs). **Only the sworn affidavits and certificates issued by SANAS accredited agencies are acceptable.**

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

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

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

1. GENERAL CONDITIONS

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

- 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).

1.21.2

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

1.3 Points for this tender shall be awarded for:

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

1.4 The maximum points for this tender are allocated as follows: 80/20 or 90/10

	POINTS	POINTS
PRICE	80	90
B-BBEE STATUS LEVEL OF CONTRIBUTOR	20	10
Total points for Price and B-BBEE must not exceed	100	100

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

1.6 The purchaser reserves the right to require of a 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 purchaser.

2. DEFINITIONS

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

3. POINTS AWARDED FOR PRICE

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

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

$$\begin{array}{ccc} \mathbf{80/20} & \mathbf{or} & \mathbf{90/10} \\ P_S = 80 \left(1 - \frac{P_t - P_{\min}}{P_{\min}} \right) & \text{or} & P_S = 90 \left(1 - \frac{P_t - P_{\min}}{P_{\min}} \right) \end{array}$$

Where

- P_S = Points scored for price of tender under consideration
- P_t = Price of tender under consideration
- P_{\min} = Price of lowest acceptable tender

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

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

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

5. TENDER DECLARATION

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

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

6.1 B-BBEE Status Level of Contributor:.....=(maximum of 10 or 20 points)
(Points claimed in respect of paragraph 7.1 must be in accordance with the table reflected in paragraph 4.1 and must be substantiated by relevant proof of B-BBEE status level of contributor.

7. SUB-CONTRACTING

7.1 Will any portion of the contract be sub-contracted?

(Tick applicable box)

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

7.1.1 If yes, indicate:

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

(Tick applicable box)

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

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

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

8. DECLARATION WITH REGARD TO COMPANY/FIRM

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

8.2 VAT registration number:.....

8.3 Company registration number:.....

8.4 TYPE OF COMPANY/ FIRM

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

[TICK APPLICABLE BOX]

8.5 DESCRIBE PRINCIPAL BUSINESS ACTIVITIES

.....

.....

.....

.....

8.6 COMPANY CLASSIFICATION

- ☐ Manufacturer
- ☐ Supplier
- ☐ Professional service provider
- ☐ Other service providers, e.g. transporter, etc.

[TICK APPLICABLE BOX]

8.7 MUNICIPAL INFORMATION

Municipality where business is situated:

Registered Account Number:

Stand Number:.....

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

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

- a) The information furnished is true and correct;
- b) The preference points claimed are in accordance with the General Conditions as indicated in paragraph 1 of this form;
- c) In the event of a contract being awarded as a result of points claimed as shown in paragraphs 1.4 and 6.1, the contractor may be required to furnish documentary proof to the satisfaction of the purchaser that the claims are correct;
- d) If the B-BBEE status level of contributor has been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the purchaser may, in addition to any other remedy it may have –

- i) disqualify the person from the tendering process;

- ii) recover costs, losses or damages it has incurred or suffered as a result of that person's conduct;
- iii) cancel the contract and claim any damages which it has suffered as a result of having to make less favorable arrangements due to such cancellation;
- iv) recommend that the tenderer or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, be restricted by the National Treasury from obtaining business from any organ of state for a period not exceeding 10 years, after the *audi alteram partem* (hear the other side) rule has been applied; and
- v) forward the matter for criminal prosecution.

<p>WITNESSES</p> <p>1.</p> <p>2.</p>	<p style="text-align: center;">..... SIGNATURE(S) OF BIDDERS(S)</p> <p>DATE:</p> <p>ADDRESS</p> <p>.....</p> <p>.....</p>
--	---

CONTRACT FORM - RENDERING OF SERVICES

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

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

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

NAME (PRINT):.....

CAPACITY:.....

SIGNATURE:.....

NAME OF FIRM:.....

DATE:.....

WITNESSES

1

2

DATE:

CONTRACT FORM - RENDERING OF SERVICES

PART 2 (TO BE FILLED IN BY THE PURCHASER)

1. I,..... in my capacity as
..... accept your tender under

Reference number dated
for the rendering of services indicated hereunder and/or further specified in the
annexure(s).

2. An official order indicating service delivery instructions is forthcoming.

3. I undertake to make payment for the services rendered in accordance with the terms and
conditions of the contract, within 30 (thirty) days after receipt of an invoice.

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

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

SIGNED AT ON

NAME (PRINT)

SIGNATURE

OFFICIAL STAMP

WITNESSES

1

2

DATE:

DECLARATION OF TENDERER'S PAST SUPPLY CHAIN MANAGEMENT PRACTICES

1. This Municipal Tendering Document must form part of all tenders 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 tender of any tenderer may be rejected if that tenderer, 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 tender.**

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

CERTIFICATE OF INDEPENDENT TENDER DETERMINATION

MBD 9

- 1 This Municipal Tendering Document (MBD) must form part of all tenders¹ invited.
- 2 Section 4 (1) (b) (iii) of the Competition Act No. 89 of 1998, as amended, prohibits an agreement between, or concerted practice by, firms, or a decision by an association of firms, if it is between parties in a horizontal relationship and if it involves collusive tendering (or tender rigging).² Collusive tendering is a *pe se* prohibition meaning that it cannot be justified under any grounds.
- 3 Municipal Supply Regulation 38 (1) prescribes that a supply chain management policy must provide measures for the combating of abuse of the supply chain management system, and must enable the accounting officer, among others, to:
 - a. take all reasonable steps to prevent such abuse;
 - b. reject the tender of any tenderer if that tenderer 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 tendering process or the execution of the contract.
- 4 This MBD serves as a certificate of declaration that would be used by institutions to ensure that, when tenders are considered, reasonable steps are taken to prevent any form of tender rigging.
- 5 In order to give effect to the above, the attached Certificate of Tender Determination (MBD 9) must be completed and submitted with the tender:

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

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

CERTIFICATE OF INDEPENDENT TENDER DETERMINATION

I, the undersigned, in submitting the accompanying tender: _____

(Tender Number and Description)

in response to the invitation for the tender 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 Tenderer)

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

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 tender;
 - (e) the submission of a tender which does not meet the specifications and conditions of the tender; or
 - (f) tendering with the intention not to win the tender.
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 tender invitation relates.
9. The terms of the accompanying tender have not been, and will not be, disclosed by the tenderer, directly or indirectly, to any competitor, prior to the date and time of the official tender 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 tenders and contracts, tenders 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 Tenderer

FORM OF OFFER AND ACCEPTANCE

Form of Offer

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

Project No. **SCM 007/2021/22: APPOINTMENT OF A CONSULTANT AS A SERVICE PROVIDER FOR TECHNICAL DEPARTMENT AND PROJECT MANAGEMENT UNIT CAPACITY SUPPORT SERVICES FOR A PERIOD OF THREE (03) YEARS.**

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

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

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

(RISK APPOINTMENT & RATES ONLY TENDER – FINAL ACCEPTABLE OFFER SHALL DEPEND ON THE DISCUSSIONS WITH RECOMMENDED TENDERERS WHICH AGREEMENT SHALL BE REFLECTED IN THE APPOINTMENT LETTER AND SERVICE LEVEL AGREEMENT)

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

Signature Block: Tenderer	
Signature	Date
Name	
Capacity	
Name of organization	
Address of organization	
.....	
Signature of witness	Date
Name of witness	

TENDERDERS HAVE TO COMPLETE THE OFFERED TOTAL OF THE PRICES IN WORDS AS WELL AS IN FIGURES

Form of Acceptance

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

Deviations from and amendments to the documents listed in the tender data and any addenda thereto as listed in the tender schedules as well as any changes to the terms of the offer agreed by the tenderer and the employer during this process of offer and acceptance, are contained in the 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.

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

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

Signature Block: Employer	
Signature	Date
Name	
Capacity	
for the Employer	Tswaing Local Municipality Cnr Delarey and Government Streets Delareyville 2770
Signature of witness	Date
Name of witness	

Schedule of Deviations

- 1 Subject:
 Details:

- 2 Subject:
 Details:

- 3 Subject:
 Details:

- 4 Subject:
 Details:

- 5 Subject:
 Details:

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

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