

SAKHISIZWE LOCAL MUNICIPALITY

TENDER DOCUMENT

**RFQ: FACILITATION OF A STRATEGIC PLANNING
SESSION FOR SAKHISIZWE MUNICIPALITY**

BID NO: SLM/SCM/30/2023/24

ISSUED BY:

MUNICIPAL MANAGER

Mr S.G. Sotshongaye

Sakhisizwe Local Municipality

P O Box 26

Cala

5455

Tel: 047-8770034

NAME OF TENDERER: _____

TENDER SUM : _____

CSD NUMBER : _____

**PART A
INVITATION TO BID**

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE (NAME OF MUNICIPALITY/ MUNICIPAL ENTITY)					
BID NUMBER:	SLM/SCM/30/2023/24	CLOSING DATE:	16 FEBRUARY 2024	CLOSING TIME:	12:H00 PM
DESCRIPTION	FACILITATION OF A STRATEGIC PLANNING SESSION FOR SAKHISIZWE MUNICIPALITY				
THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (MBD7).					
BID RESPONSE DOCUMENTS MAY BE DEPOSITED IN THE BID BOX SITUATED AT (STREET ADDRESS					
15 MACLEAR ROAD					
Elliot					
5460					
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:	
B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE [TICK APPLICABLE BOX]	<input type="checkbox"/> Yes <input type="checkbox"/> No		B-BBEE STATUS LEVEL SWORN AFFIDAVIT	<input type="checkbox"/> Yes <input type="checkbox"/> No	
[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]					
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 YES, ANSWER 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	FINANCE		DEPARTMENT	IPED	
CONTACT PERSON	Yandiswa Tofile		CONTACT PERSON	Mr T. Gomana	
TELEPHONE NUMBER	045 9311 011		TELEPHONE NUMBER	047 877 5200	
FACSIMILE NUMBER	045 9311361		FACSIMILE NUMBER	047 877 5200	
E-MAIL ADDRESS	tofileym@gmail.com		E-MAIL ADDRESS	idp.sakhisizwelm@gmail.com	

**PART B
TERMS AND CONDITIONS FOR BIDDING**

1. BID SUBMISSION:
<p>1.1. BIDS MUST BE DELIVERED BY THE STIPULATED TIME TO THE CORRECT ADDRESS. LATE BIDS WILL NOT BE ACCEPTED FOR CONSIDERATION.</p> <p>1.2. ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS PROVIDED–(NOT TO BE RE-TYPED) OR ONLINE</p> <p>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.</p>
2. TAX COMPLIANCE REQUIREMENTS
<p>2.1 BIDDERS MUST ENSURE COMPLIANCE WITH THEIR TAX OBLIGATIONS.</p> <p>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.</p> <p>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.</p> <p>2.4 FOREIGN SUPPLIERS MUST COMPLETE THE PRE-AWARD QUESTIONNAIRE IN PART B:3.</p> <p>2.5 BIDDERS MAY ALSO SUBMIT A PRINTED TCS CERTIFICATE TOGETHER WITH THE BID.</p> <p>2.6 IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED, EACH PARTY MUST SUBMIT A SEPARATE TCS CERTIFICATE / PIN / CSD NUMBER.</p> <p>2.7 WHERE NO TCS IS AVAILABLE BUT THE BIDDER IS REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD), A CSD NUMBER MUST BE PROVIDED.</p>
3. QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS
<p>3.1. IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)? <input type="checkbox"/> YES <input type="checkbox"/> NO</p> <p>3.2. DOES THE ENTITY HAVE A BRANCH IN THE RSA? <input type="checkbox"/> YES <input type="checkbox"/> NO</p> <p>3.3. DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA? <input type="checkbox"/> YES <input type="checkbox"/> NO</p> <p>3.4. DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA? <input type="checkbox"/> YES <input type="checkbox"/> NO</p> <p>3.5. IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION? <input type="checkbox"/> YES <input type="checkbox"/> NO</p> <p>IF THE ANSWER IS "NO" TO ALL OF THE ABOVE, THEN IT IS NOT A REQUIREMENT TO REGISTER FOR A TAX COMPLIANCE STATUS SYSTEM PIN CODE FROM THE SOUTH AFRICAN REVENUE SERVICE (SARS) AND IF NOT REGISTER AS PER 2.3 ABOVE.</p>
3.6.

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:

2. QUOTATION NOTICE

SAKHISIZWE LOCAL MUNICIPALITY

SLM/SCM/30/2023/24

FACILITATION OF A STRATEGIC PLANNING SESSION FOR SAKHISIZWE MUNICIPALITY

The terms of reference are detailed in the bid document.

Bids are hereby invited from capable and suitably qualified service providers to facilitate the Strategic Planning Session for the Sakhisizwe Local Municipality. The envisaged timeframe for the project is two (2) days to complete the exercise and delivery the required municipal strategic outcomes with the final report completed 3 weeks after the session.

All the returnable documents will be listed in the tender document. The tender documents must be sealed in an envelope clearly marked as per the above project name and bid number. All tender documents must be deposited in the tender box situated at the Finance Offices, 15 Maclear Road, Elliot, 5460. The tender box is accessible Monday to Friday from 08h00 to 16h00.

Bid Documents will be obtainable from www.etenders.gov.za, Sakhisizwe Municipality will email the tender document to the service providers who are unable to download the document. All enquiries relating to this advert must be addressed to: Ms Y Tofile @ 045 9311011

Sakhisizwe Local Municipality subscribes to the PPPFA and the 80/20 principle and functionality will be pre-qualification criteria for this bid. All bids submitted shall be valid for 90 days after the closing date.

The closing date and time of the Tender is on Friday 16 February 2024 at 12h00 and we will be opened in public immediately thereafter at Elliot Offices in Finance Department.

**FUNCTIONALITY ASSESSMENT WILL BE EVALUATED BASED ON THE FOLLOWING:
PREFERENTIAL PROCUREMENT REGULATIONS POINTS WILL BE AWARDED ACCORDING TO
80/20 SYSTEM**

Price - 80 Points
Specific Goals - 20 Points

FUNCTIONALITY ASSESSMENT

Quality (functionality) will be evaluated based on the following:

FUNCTIONALITY	WEIGHT	VALUES 1-5	MAXIMUM SCORE
Company Profile	10	Max 5	50
Relevant entity experience	20	Max 5	100
Methodology	40	Max 5	200
Expertise	10	Max 5	50
Project team	20	Max 5	100
Total	100	Max 5	500
Stage 2 of Evaluation=Specific Goals	20		
B-BBBEE <ul style="list-style-type: none">A Proof of Company Registration certificate(CK)	10 POINTS		

Local SMMEs <ul style="list-style-type: none"> • A Municipal rates statement/Lease agreement 	10 POINTS
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Where: 1= Poor; 2= Acceptable; 3= Good; 4= Very; 5= Excellent

Bidders are to note that a Pre-Qualification evaluation will be undertaken. A minimum score of 80 points out of 100 must be scored in order to proceed to the Financial Evaluation.

BIDDERS SHALL TAKE NOTE OF THE FOLLOWING BID CONDITIONS:

- ✓ The Sakhisizwe Municipality Supply Chain Management Policy will apply;
- ✓ The Sakhisizwe Municipality does not bind itself to accept the lowest bid or any other bid and reserves the right to accept the whole or part of the bid;
- ✓ Bids which are late, incomplete, unsigned or submitted by facsimile or electronically, will not be accepted;
- ✓ Bids submitted are to hold good for a period of 90 days;
- ✓ **Failure to submit any required documents will render the Tender non-responsive.**

Sakhisizwe Municipality does not bind itself to accept the lowest or any quotation and reserves the right to accept any quotation, as it may deem expedient. Quotations are subject to the Standard Conditions of Tender and the Supply Chain Management Policy of the Sakhisizwe Municipality.

Technical Enquiries should be directed to Mr T. Gomana @ 047 877 5200 mdp.sakhisizwelm@gmail.com between the hours of 8H00 and 16:30H00, All Supply Chain Related Enquiries should be directed to Ms Y Tofile @ 045 9311011

**MR S.G.SOTSHONGAYE
MUNICIPAL MANAGER**

SECTION 1: INDICATIVE SCOPE OF WORKS/TERMS OF REFERENCE

THE APPOINTMENT OF A STRATEGIC PLANNING FACILITATOR TO FACILITATE 2024-2025 STRATEGIC PLANNING SESSION FOR SAKHISIZWE LOCAL MUNICIPALITY

The Sakhisizwe Local Municipality hereby invites service providers to submit quotations for the Facilitation of the Strategic Planning Session and reporting.

1. BACKGROUND

The White Paper on Local Government provides a justification for the establishment of a Developmental Local Government, i.e., a government which is committed to working with its citizens, groups and communities to create sustainable human settlement which provides for a decent quality of life and meet the social, economic and material needs of its communities in a sustainable manner.

Section 34 of the Municipal System Act (32 of 2000) mandates the Municipality to review its Integrated Development Plan annually in accordance with an assessment of its performance measurements and to the extent that changing circumstances allow.

The proposed Strategic Planning Session is a consultative process to review the Five-year strategic document (IDP) that will change both the social and economic status of the community for the better.

2. PURPOSE

- Facilitate two (2) days Strategic Planning session **28-29 February 2024**, subject to confirmation
- Facilitate and guide the process of reviewing the 2022/27 (2024/25 FY) IDP, Vision, Mission, Objectives and Strategies
- Supply a Strategic Planning session report on decision making

3. OBJECTIVES

The objective of this single inclusive and strategic plan for the development of the WSLM is aimed at;

- Aligning the resources and capacity of the municipality,
- Linking, integrating and coordinating various sector plans and integrated programmes,
- Addressing issues pertaining to the financial health of the municipality
- Promoting sustainable human settlement,
- Stimulating the growth of the robust local economy and
- Environmental sustainability.

4. METHODOLOGY

The planned Strategic Planning Session is a consultative process to set the Five-year strategic objectives for the council, therefore, it is expected of the service provider to have a general knowledge of the following aspects:

Legislative Framework applicable to Local Government Status Quo Assessment:

- The district's profile and Institutional profile
- Development profiles and development priorities
- The municipality's vision
- The Council's development priorities and objectives
- The Council's development strategies.
- Action programmes: Determine key indicators, targets and inputs required to implement the strategic plan of the municipality.
- Clear measurable budget and implementation plans aligned to the SDBIP.
- Intergovernmental action and alignment to government-wide policies, plans, priorities and targets
- 5-year programmes of action (5-year framework)
- One-year implementation plan based on the 5-year programmes
- Apply tested methodologies successfully used in the strategic planning process for Municipality.
- Facilitation of the Strategic Planning Session including breakaway and plenary sessions
- Preparation of a detailed Planning Report that captures the details of the discussions.
- Provide a scribe for the purpose of detailed note-taking of the discussions
- Provide orchestration of the discussions per topic in the session and summarise with clear steps to follow.
- Support the municipality to establish SMART goals, objectives and outputs with defined time frames and assist in the development of an action plan to achieve these.
- Capture notes and input from all participants at the Strategic Planning Session
- Support the municipality as it develops comprehensive performance indicators that will help the organisation to track, monitor and review progress against targets.
- Propose a programme for the Strategic Planning Session to be discussed and approved once the service provider is appointed.
- Collect feedback from the participants at the end of each day and undertake a recap/briefing at the beginning of the next session.

Note Institutional profile: municipal area of jurisdiction, organizational structure, mandate, powers and functions, the capacity and capability of the municipality to perform its functions, institutional budget, institutional SWOT analysis and institutional transformation.

5. PROJECT OUTCOMES/ OUTPUTS/ DELIVARABLES

The following is required of the service provider on completion of the project:

- Facilitate two (2) days Strategic Planning session **28-29 February**.
- Facilitate and guide the process of reviewing 2022/2027 IDP, Vision, Mission, Objectives and Strategies.

6. PROJECT ANTICIPATED TIMEFRAME

The service provider is expected to deliver the Strategic Planning Report 3 weeks after the session.

7. REPORTING PROCEDURE

The successful Service Provider will report directly to the Strategic Manager: (with delegated powers from the Municipal Manager) of Sakhisizwe Local Municipality.

8. FIXED CONTRACT

The bid price shall be fixed price inclusive of all expenses and value-added Tax (VAT) and shall be priced per stage, meaning the appointed service provider must compile a Comprehensive Strategic Planning within the allocated/approved budget for this project. No price escalation will be allowed.

9. ADJUDICATION OF RFQs

- (i) Applicants that express interest in the project must submit their bids before the closing date and time as advertised.
- (ii) The bid's key evaluation criteria will include verification of the experience of the successful bidder.

10. RESPONSIVENESS CRITERIA

To be considered responsive, bids must satisfy the following responsiveness criteria, failing which will result in the proposals being disqualified:

Mandatory Returnable

THE FOLLOWING ITEMS MUST BE INCLUDED IN THE BID SUBMISSION. Failure to include these items will result in the bidder being automatically disqualified.

Number	Item	Yes / No
1	Invite to Bid must be completed (MBD 1) – Form of Offer	
2	Valid Tax clearance certificate (SARS PIN) and CSD number for verification.	
3	Declaration of interest signed – MBD 4	
4	Preference Points Claim Forms completed and signed – MBD 6.1	

Number	Item	Yes / No
5	Contract form – Rendering Services MBD 7.2	
6	Declaration of past SCM practices completed – MBD 8	
7	Certificate of independent bid determination – MBD 9	
8	Joint venture agreement - if applicable (Required documents apply to both companies for returnable). In a JV we will assess the locality on the majority shareholder.	
9	Attach proof of company office address (Municipal account not later than 90 days or Municipal Clearance certificate or written and signed by both parties' lease agreement and sworn affidavit or proof of address an affidavit from village residents only)	
10	BBBEE Certificate or a Sworn Affidavit – Only for points, not disqualification	

Additional information that may be required during the bid evaluation:

- Responses are limited to single-sided A4 pages using no smaller than 12-point font, including all supporting documentation that must be clearly cross-referenced.
- Questions for clarification of issues surrounding the proposal and/or the scope of services must be directed to Mr T. Gomana via e-mail.
- Any attempt to gain information in a manner deemed to be unfair or disadvantageous to other bidders or any attempt to influence the outcome of the evaluation will result in immediate disqualification from the bid process.
- All costs associated with any aspect of developing a response to this tender including, but not limited, to transport, accommodation, document collection and document delivery are for the Bidder's account.
- Although Council has endeavoured to provide bidders with as much information as possible, it makes no guarantee as to either the completeness or accuracy of the scope of services set out herein. It is the responsibility of the Bidder to clarify any uncertainties and/or to confirm any assumptions made.
- Council does not take any responsibility whatsoever in respect of errors in the bid submissions.
- The successful bidder will be required to enter into a formal contract with the SLM, which will be on the same terms and subject to the same conditions as set out in this document.

11. CONFIDENTIALITY OF BIDS

By submission of a proposal, the Bidder warrants that:

- The price in the proposal has been arrived at independently, without consultation, communication, agreement or collusion for restricting fair competition
- Unless otherwise required by law, the prices, which have been quoted in the proposal, have not knowingly been disclosed by the bidder, directly or indirectly to any other bidders or competitors nor will they be so disclosed.
- No attempt has been made or will be made by the bidder to influence any other person or entity to submit or not to submit a bid for restricting fair competition.
- The bidder has adhered to the highest standard of business ethics.
- This tender issued by Council, and the bid submitted by the bidder shall be treated as strictly confidential and no aspects thereof shall be disclosed to any third parties, except as necessary for the purpose thereof.

12. GENERAL CONDITIONS

General Conditions of the Contract will apply

13. BIDDERS SHALL TAKE NOTE OF THE FOLLOWING

- The validity period of Bids is 90 days from the closing date of bids.
- Bidders are to submit a Tax Compliance status document with a Pin issued by South African Revenue Services (SARS) or CSD number to verify tax status.
- All mandatory forms should be filled but will not lead to disqualification or non-responsiveness except MBD 4, MBD 6.1, MBD 7.2, MBD 8, and MBD 9.
- Bidders must be registered on CSD if the bidder is not registered the bid will be deemed non-responsive.
- Failure to submit JV agreements (where applicable) or Consortium Agreements will lead to a disqualification
- An Original certified copy or an original BBBEE status level Certificate or Original certified sworn affidavit in terms of the Amended B-BBEE codes must be attached, failure to attach will lead to the bidder losing the allocated points (20)
- Joint Ventures to submit consolidated certified BBBEE status level certificate in order to qualify for the allocated points.
- The latest bidder/business clearance certificate OR statement of municipal account not older than three months OR a lease agreement in the name of the bidding company and landlord's municipal service account must be attached. The Councillor's Proof of Address letter will not serve as a billing clearance certificate. Please note for any address provided as the preferred on CSD and CK there must be a lease agreement or billing rates clearance which will serve as proof that the company does not owe rates for the addresses provided in the CSD and CK.

- Bidders are advised to ensure that they align the addresses on CSD and CK to the lease agreement and billing clearance attached.
- All other prerequisites as detailed in the bid documents shall apply.
- All certified colour copy documents must not be older than Three (03) months.
- Late, telegraphic, facsimile, incomplete or unsigned bids will not be considered.
- Non-disclosure by the service providers who are in the employ of the state may lead to disqualification.
- Bidders must score a minimum of 60 points out of 80 points in order to be considered for further evaluation (detailed evaluation criteria are attached on the document)
- Sakhisizwe Local Municipality does not bind itself to accept the lowest or any bid and reserves the right not to accept the whole or any part of the bid.
- The municipality will not be liable for any misplaced or late tender document delivered by the Courier Company.
- Bidders will be adjudicated in accordance with the Municipality's Supply Chain Management Policy and in terms of the Preferential Procurement Policy Framework Act new regulations of 2022 and will be based on 80/20 points system.
- Changes in pricing would not be accepted after the contract had been awarded.
- Availability to start immediately and carry out the process on a continuous basis until completion within stipulated timeframes.
- The service provider will not present any documents with evidence of 'cut and paste' of other municipal economic details.
- If the service provider does not meet the above requirements, it will automatically be disqualified.

14. VALIDITY OF A BID

A bidder, when submitting a proposal for the appointment as the applicant, will undertake to keep the said proposal open for a period of Ninety (90) days from the date of closure of the bid. Should a bidder withdraw their offer before the expiry of the validity date, Council reserves the right to claim damages equivalent to the extent Council may suffer in respect of a less favourable offer, against such Bidder.

15. PRICE SCHEDULE

FACILITATION OF STRATEGIC PLANNING SESSION					
NO.	DESCRIPTION	UNIT	QTY	RATE	AMOUNT
1	Facilitation of the strategic session	Day	2	R	R
2	Compilation of the Strategic Planning Session Report as per TOR	No.	1	R	R
3	Disbursements e.g. accommodation, traveling kilometers, time, etc. all inclusive	Sum	1	R	R
Sub Total (Excluding VAT)					R
VALUE-ADDED TAX(VAT) @15%					R
TOTAL AMOUNT FOR FACILITATION OF STRATEGIC PLANNING SESSION					R

NB: The municipality will not be obliged to award the bidder with the highest points.

MBD 2 – TAX CLEARANCE CERTIFICATE REQUIREMENTS

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

1. In order to meet this requirement, bidders are required to complete in full the TCC 0001 form, “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 bidders / individuals who wish to submit bids.
2. SARS will then furnish the bidder with a Tax Clearance Certificate that will be valid for a period of 1 (one) year from the date of approval.
3. The original Tax Clearance Certificate must be submitted together with the bid. Failure to submit the original and valid Tax Clearance Certificate will result in the invalidation of the bid. Certified copies of the Tax Clearance Certificate will not be accepted.
4. In bids where Consortia / Joint Ventures / Sub-Contractors are involved, each party must submit a separate Tax Clearance Certificate.
5. Copies of the TCC 001 “Application for a Tax Clearance Certificate” form are available from any SARS branch office nationally or on the website www.sars.gov.za
6. 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

SIGNATURE:	NAME (PRINT):	
CAPACITY:	DATE:	
NAME OF FIRM:		

DECLARATION OF INTEREST

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

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

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

3.2 Identity Number:

3.3 Position occupied in the Company (director, trustee, hareholder²):.....

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) an executive member of the accounting authority of any national or provincial public entity; or
- (f) an employee of Parliament or a provincial legislature.

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

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

3.9.1 If yes, furnish particulars.....

.....

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

3.10.1 If yes, furnish particulars.

.....
.....

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

3.11.1 If yes, furnish particulars

.....
.....

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

3.12.1 If yes, furnish particulars.

.....
.....

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

3.13.1 If yes, furnish particulars.

.....
.....

3.14 Do you or any of the directors, trustees, managers, principle shareholders, or stakeholders of this company have any interest in any other related companies or business whether or not they are bidding for this contract. **YES / NO**

3.14.1 If yes, furnish particulars:

.....
.....

4. Full details of directors / trustees / members / shareholders.

Full Name	Identity Number	State Employee Number

.....
Signature

.....
Date

.....
Capacity

.....
Name of Bidder

MBD 6.1

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

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

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

1. GENERAL CONDITIONS

- 1.1 The following preference point systems are applicable to invitations to tender:
- the 80/20 system for requirements with a Rand value of up to R50 000 000 (all applicable taxes included); and
 - the 90/10 system for requirements with a Rand value above R50 000 000 (all applicable taxes included).
- 1.2 **To be completed by the organ of state**
(delete whichever is not applicable for this tender).
- a) The applicable preference point system for this tender is the **90/10** preference point system.
 - b) The applicable preference point system for this tender is the **80/20** preference point system.
 - c) Either the **90/10 or 80/20 preference point system** will be applicable in this tender. The lowest/ highest acceptable tender will be used to determine the accurate system once tenders are received.
- 1.3 Points for this tender (even in the case of a tender for income-generating contracts) shall be awarded for:
- (a) Price; and
 - (b) Specific Goals.

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

The maximum points for this tender are allocated as follows:

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

- 1.5 Failure on the part of a tenderer to submit proof or documentation required in terms of this tender to claim points for specific goals with the tender, will be interpreted to mean that preference points for specific goals are not claimed.
- 1.6 The organ of state reserves the right to require of a tenderer, either before a tender is adjudicated or at any time subsequently, to substantiate any claim in regard to preferences, in any manner required by the organ of state.

2. DEFINITIONS

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

3. FORMULAE FOR PROCUREMENT OF GOODS AND SERVICES

3.1. POINTS AWARDED FOR PRICE

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

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

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

Where

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

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

3.2.1. POINTS AWARDED FOR PRICE

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

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

Where

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

4. POINTS AWARDED FOR SPECIFIC GOALS

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

- (a) an invitation for tender for income-generating contracts, that either the 80/20 or 90/10 preference point system will apply and that the highest acceptable tender will be used to determine the applicable preference point system; or
- (b) any other invitation for tender, that either the 80/20 or 90/10 preference point system will apply and that the lowest acceptable tender will be used to determine the applicable preference point system, then the organ of state must indicate the points allocated for specific goals for both the 90/10 and 80/20 preference point system.

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

The specific goals allocated points in terms of this tender	Number of points allocated (90/10 system) (To be completed by the organ of state)	Number of points allocated (80/20 system) (To be completed by the organ of state)
Disabled	5	10
Women	5	10
Local SMMES	5	10
Youth	5	10
Local Cooperatives	5	10
B-BBEE	5	10

B-BBEE

B-BBEE Status Level of Contributor	Number of Points for Preference (80/20)
1	10
2	9
3	7
4	6
5	5
6	4
7	3
8	2
Non-compliant contributor	0

LOCALITY

Locality of supplier	Number of Points for Preference (80/20)
Within the boundaries of Sakhisizwe Local Municipality	10
Within the boundaries of Chrishani District	5
Within the boundaries of the Eastern Cape	4
Outside the boundaries of the Eastern Cape or failure to provide proof	0

DECLARATION WITH REGARD TO COMPANY/FIRM

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

4.4. Company registration number:

.....

4.5. TYPE OF COMPANY/ FIRM

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

[TICK APPLICABLE BOX]

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

- i) The information furnished is true and correct;
- ii) The preference points claimed are in accordance with the General Conditions as indicated in paragraph 1 of this form;
- iii) In the event of a contract being awarded as a result of points claimed as shown in paragraphs 1.4 and 4.2, the contractor may be required to furnish documentary proof to the satisfaction of the organ of state that the claims are correct;
- iv) If the specific goals have been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the organ of state may, in addition to any other remedy it may have –

- (a) disqualify the person from the tendering process;

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

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

SURNAME AND NAME:

DATE:

ADDRESS:

.....

.....

.....

MBD 7.2 CONTRACT FORM-RENDERING OF SERVICES

CONTRACT FORM - RENDERING OF SERVICES

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

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

1. I hereby undertake to render services described in the attached bidding documents to (name of the institution)..... in accordance with the requirements and task directives / proposals specifications stipulated in Bid Number..... at the price/s quoted. My offer/s remain binding upon me and open for acceptance by the Purchaser during the validity period indicated and calculated from the closing date of the bid .

2. The following documents shall be deemed to form and be read and construed as part of this agreement:
 - (i) Bidding documents, viz
 - Invitation to bid;
 - Tax clearance certificate;
 - Pricing schedule(s);
 - Filled in task directive/proposal;
 - Preference claims for Broad Based Black Economic Empowerment Status Level of Contribution in terms of the Preferential Procurement Regulations 2011;
 - Declaration of interest;
 - Declaration of bidder's past SCM practices;
 - Certificate of Independent Bid Determination;
 - Special Conditions of Contract;
 - (ii) General Conditions of Contract; and
 - (iii) Other (specify)

3. I confirm that I have satisfied myself as to the correctness and validity of my bid; that the price(s) and rate(s) quoted cover all the services specified in the bidding documents; that the price(s) and rate(s) cover all my obligations and I accept that any mistakes regarding price(s) and rate(s) and calculations will be at my own risk.

4. I accept full responsibility for the proper execution and fulfilment of all obligations and conditions devolving on me under this agreement as the principal liable for the due fulfillment of this contract.

5. I declare that I have no participation in any collusive practices with any bidder or any other person regarding this or any other bid.

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

NAME (PRINT)

CAPACITY

SIGNATURE

NAME OF FIRM

DATE

WITNESSES	
1
2

CONTRACT FORM - RENDERING OF SERVICES

PART 2 (TO BE FILLED IN BY THE PURCHASER)

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

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

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

SIGNED ATON.....

NAME (PRINT)

SIGNATURE

OFFICIAL STAMP

WITNESSES

1

2

DATE:

MBD 8 – DECLARATION OF BIDDER’S PAST SUPPLY CHAIN MANAGEMENT PRACTICES

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

4.1 Is the bidder or any of its directors listed on the National Treasury’s database as a company or person prohibited from doing business with the public sector? <i>(Companies or persons who are listed on this database were informed in writing of this restriction by the National Treasury after the audi alteram partem rule was applied).</i>	Yes	No
4.1.1 If so, furnish particulars:		
4.2 Is the bidder or any of its directors listed on the Register for Tender Defaulters in terms of section 29 of the Prevention and Combating of Corrupt Activities Act (No 12 of 2004)? <i>(To access this Register enter the National Treasury’s website, www.treasury.gov.za , click on the icon “Register for Tender Defaulters” or submit your written request for a hard copy of the Register to facsimile number (012) 3265445).</i>	Yes	No
4.2.1 If so, furnish particulars:		
4.3 Was the bidder or any of its directors convicted by a court of law (including a court of law outside the Republic of South Africa) for fraud or corruption during the past five years?	Yes	No
4.3.1 If so, furnish particulars:		
4.4 Does the bidder or any of its directors owe any municipal rates and taxes or municipal charges to the municipality / municipal entity, or to any other municipality / municipal entity, that is in arrears for more than three months?		
4.4.1 If so, furnish particulars:		

4.5 Was any contract between the bidder and the municipality / municipal entity or any other organ of state terminated during the past five years on account of failure to perform on or comply with the contract?	
4.7.1 If so, furnish particulars:	

5. 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:	NAME (PRINT):	
CAPACITY:	DATE:	
NAME OF FIRM:		

MBD 9 – CERTIFICATE OF INDEPENDENT BID DETERMINATION

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

CERTIFICATE OF INDEPENDENT BID DETERMINATION :

In response to the invitation for the bid made by:

SAKHISIZWE MUNICIPALITY

I, the undersigned, in submitting the accompanying bid, hereby make the following statements that I certify to be true and complete in every respect:

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

3 Bid rigging (or collusive bidding) occurs when businesses, that would otherwise be expected to compete, secretly conspire to raise prices or lower the quality of goods and / or services for purchasers who wish to

acquire goods and / or services through a bidding process. Bid rigging is, therefore, an agreement between competitors not to compete.

(a) has been requested to submit a bid in response to this bid invitation;

(b) could potentially submit a bid in response to this bid invitation, based on their qualifications, abilities or experience; and

(c) provides the same goods and services as the bidder and/or is in the same line of business as the bidder

6. The bidder has arrived at the accompanying bid independently from, and without consultation, communication, agreement or arrangement with any competitor. However communication between partners in a joint venture or consortium 4 will not be construed as collusive bidding.

7. In particular, without limiting the generality of paragraphs 6 above, there has been no consultation, communication, agreement or arrangement with any competitor regarding:

f) prices;

g) geographical area where product or service will be rendered (market allocation

h) methods, factors or formulas used to calculate prices;

i) the intention or decision to submit or not to submit, a bid;

j) the submission of a bid which does not meet the specifications and conditions of the bid; or

k) bidding with the intention not to win the bid.

8. In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications and conditions or delivery particulars of the products or services to which this bid invitation relates.

9. The terms of the accompanying bid have not been, and will not be, disclosed by the bidder, directly or indirectly, to any competitor, prior to the date and time of the official bid opening or of the awarding of the contract.

10. I am aware that, in addition and without prejudice to any other remedy provided to combat any restrictive practices related to bids and contracts, bids that are suspicious will be reported to the Competition Commission for investigation and possible imposition of administrative penalties in terms of section 59 of the Competition Act No. 89 of 1998 and or may be reported to the National Prosecuting Authority (NPA) for criminal investigation and or may be restricted from conducting business with the public sector for a period not exceeding ten (10) years in terms of the Prevention and Combating of Corrupt Activities Act No. 12 of 2004 or any other applicable legislation.

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.

SIGNATURE:	NAME (PRINT):	
CAPACITY:	DATE:	
NAME OF FIRM:		

FORM OF OFFER AND ACCEPTANCE

1. OFFER

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

SLM/SCM/30/2023/24: FACILITATION OF A STRATEGIC PLANNING SESSION FOR SAKHISIZWE MUNICIPALITY

b) The tenderer, identified in the Offer signature block, has examined the draft contract as listed in the Acceptance section and agreed to provide this Offer.

c) By the representative of the Tenderer, deemed to be duly authorised, signing this part of this Form of Offer and Acceptance, the Tenderer offers to perform all of the obligations and liabilities of the Employer 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 VAT IS:	
In figures:	R
In words:	

d) This Offer may be accepted by the Employer by signing the Acceptance part of this Form of Offer and Acceptance and returning one copy of this document to the Tenderer before the end of the period of validity stated in the Tender Data, whereupon the Tenderer becomes the party named as the Contractor in the conditions of contract identified in the Contract Data.

Signature(s)			
Name(s)			
Capacity			
Name of tenderer:			
Name of witness:		DATE	
(Insert name and address of organisation)			
Signature of witness:			

FORM OF ACCEPTANCE

1. ACCEPTANCE

- a) 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.
- b) Deviations from and amendments to the documents listed in the Tender Data and any addenda thereto listed in the Returnable Schedules as well as any changes to the terms of the Offer agreed by the tenderer and the Employer during this process of offer and acceptance, are contained in the Schedule of Deviations attached to and forming part of this Form of Offer and Acceptance. No amendments to or deviations from said documents are valid unless contained in this Schedule.
- c) The tenderer shall within two weeks of receiving a completed copy of this agreement, including the Schedule of Deviations (if any), contact the Employer’s agent (whose details are given in the Contract Data) to arrange the delivery of any securities, bonds, guarantees, proof of insurance and any other documentation to be provided in terms of the conditions of contract identified in the Contract Data. Failure to fulfil any of these obligations in accordance with those terms shall constitute a repudiation of this agreement.
- d) 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).
- e) 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.

Signature(s):			
Name(s):			
Capacity:			
For the Employer: Sakhisizwe Municipality, 15 Maclear Road, Elliot, 5460			
Name of witness:		Date:	
Signature of witness:			

DECLARATION BY TENDERER

I / We acknowledge that I / we am / are fully acquainted with the contents of the conditions of tender of this quotation form and that I / we accept the conditions in all respects.

I / We agree that the laws of the Republic of South Africa shall be applicable to the contract resulting from the acceptance of *my / our quotation and that I / we elect domicillium citandi et executandi in the Republic at:

I / We furthermore confirm I / we satisfied myself / ourselves as to the corrections and validity of my / our quotation: that the price quoted cover all the work items specification in the quotation documents and that the price cover all my / our obligations under a resulting contract and that I / we accept that any mistake(s) regarding price and calculations will be at my / our risk.

SIGNATURE	NAME (PRINT)	
CAPACITY	DATE	
NAME OF FIRM		
WITNESS 1	WITNESS 2	