

#  HIRING OF HEAVY DUTY MACHINERY FOR TWO MONTHS

 **TENDER NUMBER: SCM22/05/2023**

 ISSUED BY: A NTENGENYANE

MUNICIPAL MANAGER

 ENOCH MGIJIMA LOCAL MUNICIPALITY

PRIVATE BAG X 7111

BUDGET AND TREASURY DIRECTORATE

NO. 25-26 OWEN STREET

KOMANI, 5320

 Tel: +27(45) 807 2000 / 6000

Fax: +27(45) 807 2637

 **NAME OF BIDDER**: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 CSD NUMBER: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 ADVERT

Enoch Mgijima local municipality hereby invites all interested Accredited Service providers for Hiring of heavy duty machinery for two months

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **Project Name**  | **Bid Number**  | **Scope work**  | **of**  | **Closing Date**  | **Enquiries**  | **Availability of tender documents**  |
|  Hiring of heavy duty machinery for two months |  SCM22/05/2023   | Hiring of heavy duty machinery for two months |  |  **Date: 01/06/2023**Time: 12h00 Place of Tender box: **Budget and Treasury Office, 25 – 27 Owen Street, Queenstown** All bids must be **sealed** and **clearly marked** in front of the envelop:**SCM22/05/2023**  **And the project name;** be deposited in the tender box with a returning address on the back of envelop.   |  Technical enquiries may be directed to Mr. Nkenke Tel: 045 807 6000  SCM related Mr A. Hoko045 807 2000  |  Tender documents will be available at SCM office, 25 -27 Owen Street, Queenstown as from 08h00 to 15h00, as from 25/05/2023at Enoch Mgijima local municipality  |

1. **Failure to submit together with their bids a copy of company registration document (CK) will be deemed non-responsive.**
2. **Bidder must be registered in the national treasury Central supplier database (CSD) to participate.**
3. **Failure to submit SARS Tax Original Certificate or printed copy of Tax Compliance Status pin; certified copies of ID’s of directors (not more than 3 months old) will result in a tender deemed non-responsive.**
4. **Failure to submit certified BBBEE CERTIFICATE or DTI Sworn affidavit will result to a bidder loosing points allocated for BBBEE.**
5. **Failure to submit comprehensive JV agreement (where applicable) will result in a tender deemed non responsive.**
6. **Failure to complete the tender forms e.g. Form of Offer, declaration of interest, will result in a tender deemed non-responsive.**
7. **Failure to submit statement of municipal account that is not older than three months or lease agreement or affidavit from SAPS stating that the bidder is not obliged to pay municipal rates or letter from a ward councillor may result to tender deemed non-responsive.**
8. **The Municipality is not oblige to award any contract to a company who owe municipal rates.**
9. **Bidders to ensure that their tender is not exposed to invalidation, documents are to be completed in accordance with the conditions and bid rules contained in the bid documents**
10. **Company profile with proven previous experience must be attached, failure to do so may result to your bid deemed non-responsive and for JV`s all parties must submit their profiles.**
11. **The Enoch mgijima local municipality does not bind itself to accept the lowest or any bid and reserves the right to accept the whole or part of the bid or to withdraw the bid.**
12. **All alterations in prices/quotes must be signed for and failure to sign will result in tender deemed nonresponsive**
13. **Use of tipex is prohibited and the bidder will be deemed non-responsive.**

**Bidders must further note that:**

1. **Non-disclosure by service providers who are in the employ of the state may lead to disqualification**
2. **Bids submitted will hold good for a period of 120 days and if your company has not heard within this period take that your company was unsuccessful.**

**PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT NO. 5 2000(PPPFA) POINTS WILL BE AWARDED AS FOLLOWS:-**

**PPPFA for evaluation purposes: 80/20**

**Price - 80**

**BBBEE - 10**

**Specific Goals - 10**

Issued By

 **A NTENGENYANE**

 **MUNICIPAL MANAGER**

1. **WORK INCLUDED IN THE SPECIFICATIONS**

In accordance with the conditions of this contract at the prices stated, the work included in this specification consists of the delivery to site, hiring and use and removal from site of mechanical plant as listed.

1. **COMPLIANCE WITH SPECIFICATION & STATUTORY REGULATIONS**

All machines and plant hired to the Employer must comply in all respects with the requirements of the Factories, Machinery and Building Work Act 22 of 1941 (as amended).

1. **AUTHORISED ORDERS**

Official Order Forms, which forms are numbered, will be issued whenever plant is hired by the Employer.

3.1 No payment will be made unless the Contractor’s invoices and other documents relating to the hired plant, refer to the Official Order Form number.

3.2 All successful bidders will have to get a unique supplier number from the Department of Finance in order to be paid electronically.

1. **CONTACT PERSON’S TELEPHONE NUMBERS & ADDRESSES**

The telephone numbers and addresses as described below are required and shall be entered into the Annexure.

4.1 The address of the Contractor’s office to which payments under this Contract shall be made.

4.2 The physical address of the depot where the Contractor’s plant is stored when not in use. This is also the address which shall be used for the calculation of transport distances to and from the site.

4.3 The telephone number at which the Contractor may be contacted during normal business hours. (Cell phone number and landline number)

4.4 The telephone number at which the Contractor may be contacted at other than normal business hours. (Cell phone number and landline number)

4.5 A specific person’s name must be submitted by the successful Bidders, through whom all correspondence will take place. This person must be appointed by the Company’s Directors, and must be duly authorised in writing to fulfil this duty.

1. **SCHEDULE OF RATES**
2. **Pay Items**

Because various items of Plant sometimes have unique requirements in terms of payment, a separate schedule for each type of plant has been given in this Schedule of Rates and each schedule should be carefully examined by the Bidder prior to completion of the Schedule.

1. **Completeness of Bid**

It is important for evaluation purposes that every column in the schedule relating to the item of plant offered is completed. Failure to complete all the columns may result in that item of plant’s exclusion from the official list.

1. **SHORT & LONG TERM HIRE**
2. The schedule of rates includes for short and long term hire, where short term hire applies to a period less than 28 days, which period shall be deemed to included weekends (even if the plant operate over weekends), and long term hire applied to any period of hire which exceeds the period defined for short term hire.
3. The period of hire for plant and/or supervisor/s and/or labourers (this shall not apply to Light Delivery Vehicles or Flatbed Trucks for which restriction of movement within the Eastern Cape Province does not apply) shall be deemed continuous even if the Plant/Supervisors/Labourers are relocated, in accordance with the requirements of the Employer, to alternative sites provided that these sites fall within the jurisdiction.
4. **WET RATES**

The “Wet Rate” is defined as the hire rate including for fuel as well as for all materials labour and plant required for the transport of the fuel to site and filling of Plant at any location within the Boundaries of the EMLM

1. **FIXED TRANSPORT COSTS**

The “Fixed Transport Cost” is defined as any cost for plant labour and a material required for loading and off-loading Plant hired under the Contract or any other cost associated with Establishment and de-Establishment from the Site and which is not included in the unit transport cost per Kilometre.

1. **CHARGES FOR PLANT ACCORDING TO THE DAILY RATE**

Where the schedule provides for the hire of plant on a daily basis rate (Rand/day) the following shall apply.

1. Where the Schedule of Rates require a rate in terms of Rand/Day then the **working hours per day shall not exceed 8.5 (eight and one half) hours for normal working days.**
2. Normal working days are from Monday to Friday inclusive.
3. Saturday and Sunday and Statutory Public Holidays of the Republic of South Africa are not regarded as working days and payment shall not be made for Plant which is not working on those days. Where plant does work on these days payment shall be made proportionally to the maximum of 8,5 hour day – i.e. **{(Number of hours actually worked/8.5) X Rate}.**
4. For any machine working in excess of the 8,5 hours per day the additional worked may be claimed on a proportional basis.
5. **OVERTIME**

Work carried out by plant hired outside of the hours as defined above shall be at the Scheduled Rate.

1. **MAINTENANCE, SERVICING & FUELLING**

Whenever the plant is unable to work because of fuelling or routine maintenance and servicing, the plant shall be off hire for that duration and payment shall be made proportionally to the maximum 8,5 hour day – i.e. {(Number of hours actually worked/8,5) X Rate}.

1. **BREAKDOWNS**

Whenever the plant is unable to work because of breakdowns, for whatever reason these breakdowns occur, the plant shall be off hire for that duration and payment shall be made proportionally to a maximum 8,5 hour day – i.e. {(Number of hours actually worked/8,5) X Rate}.

1. **STANDING TIME**

Whenever the plant stands due to reasons listed below at the request of the Employer, the Employer shall either give notice in terms of the Contract (i.e. minimum 24 hours) for the Contractor to remove the plant or personnel hired under the Contract, failing which the Contractor shall be entitled to claim a Standing Rate for those days during which the plant was not productive. Typical examples of where the standing rate would apply are as follows:-

1. During period of rain or inclement weather.

1. During civil commotion or unrest when it is considered unsafe to operate plant on a particular project.
2. Where the Employer requires plant availability for standby duties or other reason the plant may be hired under the Standing Rate for any such period as the availability of such plant is required.

If the plant is not utilised during the notice period of 48 hours, then the standing rate only shall be claimed.

1. **TRANSPORT DISTANCES**

Distances for transport of any Plant hired under this Bid shall be calculated from the physical address as described under item 4.2 of the Project Specifications, except where the plant is transported from Site to Site whilst on continuous hire from Contractor. The distance covered

shall be deemed to be the total running distance travelled to site and/or between sites. Removal of plant from site shall be made at no charge to the Employer (i.e. no payment shall be made for kilometres travelled in removing plant from the Site).

1. **LOWBED HIRE**
2.
3.
4.
5.
6.
7.
8.
9.
10.
11.
12.
13.
14.
15.
16. 1. **Distance Travelled**

This rate shall include the distance travelled from the physical address (as defined under item 14) to the site where the particular item of plant is required and include the return distance, where so required, and shall apply whether the lowbed is loaded or otherwise. The rate per kilometre shall include for all fuels, lubricants, fluids, licence or any other running costs shall be excluded for the costs of Abnormal Load and other special Permits, which, when required, will be claimed and paid for separately. The rate submitted shall also include for the Lowbed Operator and all assistants required for loading and offloading of the various types of plant hireable under the Contract.

1. **FIXED COSTS**

This shall cover the Contract for Insurances.

1. 1. **Standing Time**

This rate is to allow for standing time during loading, or any other delay which is caused by the Employer. No payment shall be made under this item outside of normal municipal working hours.

* 1. **Overnight Stops**

This rate is to allow for all costs associated with overnight stops including parking of the lowbed, accommodation and meals for the driver and his assistants or any other cost associated with overnight stops where these may be required.

* 1. **Rates**

**On site use** will be calculated using the daily rate plus kms only and will not include the fixed cost.

**Site to site use** will be calculated using the fixed cost to deliver plus kms only and will not include the daily rate.

1. **Completion of Schedule of Rates**

The Schedule of Rates shall be completed in such a way, that for each item of Plant/Lowbed/LDV or Flatbed Truck in the Bid each column shall be completed. Failure to complete the schedule as required may invalidate the Bid.

The above rates shall include (where applicable) for:-

1. Plant
2. The cost of hiring the plant
3. The cost of the operator (unless separate provision for the operator as an extra cover is specifically allowed for in the schedule of rates).
4. The cost of the fuel and lubricants where “wet rates” apply.
5. The servicing and maintenance of the plant.
6. All insurance’s on the plant
7. All ground engaging tools (where applicable).
8. All overhead and administrative costs associated with the hire of the Plant.
9. Contractor’s profit.
10. Lowbeds
11. The cost of hiring the lowbeds
12. The cost of the Operator/s and assistant/s
13. The cost of the fuel and lubricants
14. The servicing and maintenance of the lowbed
15. Contractor’s profit
16. All overhead and administrative costs associated with the hire of the Plant.
17. All Prices/Rates are inclusive of **VAT**

**EVALUATION**

The PPPFA of 2022 as amended for this bid is 80/20 as amended. The Enoch Mgijima Local Municipality Supply Chain Policy will apply. (***However due to the type of contract itself, the preference points will not apply***) instead compliance with specific goals and functionality including rates evaluation will be performed

1. The service provider must get a minimum of sixty (60) points out of one hundred (100) points for functionality in order to be evaluated for price and preference
2. The service provider must submit proof of any points claimed.
3. Failure to submit a proof for any point claimed, the service provider will received zero points.
4. **Tenderers must tender for only the items required**
5. All prices must be inclusive of VAT

The following table will be used for functionality evaluation:

|  |  |  |  |
| --- | --- | --- | --- |
|  | ***Description*** | ***Mark with X*** | ***Points Allocated*** |
|  Specific goals (*proof of address must be submitted) failure to do so will lose points*.  | *Tenderer is based in the Local Municipality of ENOCH MGIJIMA* ***LOCAL MUNICIPALITY****.*  |  | *10* |
| *Tenderer is based outside the Local Municipality of ENOCH MGIJIMA* ***LOCAL*** ***MUNICIPALITY****, but in the District Municipality of CHRIS HANI DISTRICT****.*** |  | *7*  |
| *Tenderer is based outside the District Municipality of CHRIS HANI DISTRICT, but in the* ***Eastern Cape Province.*** |  | *5*  |
| *Tender is based outside the* ***Eastern Cape*** *Province, but in the RSA.*  |  | *3*  |
| FUNCTIONALITY CRITERIA |  |  |  |
| *Relevant Plant:Bidder to submit proof that they own the plant / have aggrement for access of plant or no points will be scored.* | TLB x 5  |  | *15* |
| Tipper Truck x 5 |  | *15* |
|  |  |  |
|  |  |  |
|  |  |  |
|  |  |  |
| *Relevant Experience in plant hire:**Signed and stamped appointment OR referral letter from client as proof* | If the bidder has relevant experience of 3 projects or more  |  | *35*  |
| If the bidder has relevant experience of 2 projects |  | *25* |
| If the bidder has relevant experience of 1 project  |  | *10*  |
|  |  |  |  |
|  | ***Maximum Total Points***  |  | ***100***  |

**SUPPLY CHAIN PAST EXPERIENCES**

|  |  |  |  |
| --- | --- | --- | --- |
| **PROJECT NAME**  | **PROJECT** **DESCRIPTION**  | **YEAR**  | **REFERENCE**  |
|  |  |  |  |
|  |  |  |  |
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**Bidders shall take note of the following bid conditions / compulsory submissions**

* The Enoch Mgijima Local Municipality Supply Chain Management Policy will apply;
* All bids submitted are to remain valid for a period of **120** days after the bid closing date.
* Bidders to submit Tax compliance status pin; company registration together with certified ID copies of Members and Joint Venture Agreements where applicable must be submitted;
* Company Profile and Original/Certified copy of B-BBEE Certificate issued by a Verification Agency accredited by SANAS or Sworn Affidavit from DTI.
* National treasury Central Supplier Database (CSD) Proof of registration
* The proposals shall be evaluated based on the Preferential Procurement Policy Framework Act (Act No.5, 2000 and the regulations pertaining thereto (2022), as well as the Enoch mgijima local municipality’s Supply Chain Management policy. The 80/20 preference points system is applicable and limited to specific goals and percentage commissioned and for this purpose the enclosed forms **MBD1 - MBD9** be scrutinized, completed and submitted together with your proposal.
* Proposals which are late, or submitted by facsimile or electronically, will not be accepted;
* The Enoch Mgijima Local 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;
* The municipality reserves the right to disqualify any service provider whose member and/or shareholders owe the municipality rates & taxes
* Failure to supply all supplementary information will result in the tender being deemed nonresponsive and therefore the tender will not be considered for award.

# Bidders are requested to submit proposals in a sealed envelope marked “BID NO:SCM22/05/2023 Hiring of Heavy Duty Machinery for a period of 2 months

* on the outside indicating the name of the bidding company (Bidder)\*\*\*\*\* ▪ Failure to comply with these conditions may invalidate your offer.
* If you have not heard from the municipality within 120 days from the closing date of tender, company must consider itself unsuccessful.

|  |  |  |  |
| --- | --- | --- | --- |
| **B-BBEE Status Level of Contributor** | **POINTS** | **Specific Goals** | **POINTS** |
| 1 | 10 | Within the Enoch Mgijima Municipality | 10 |
| 2 | 9 | Within the Chris Hani District Municipality | 7 |
| 3 | 7 | Outside CHDM but within Eastern Cape | 5 |
| 4 | 6 | Outside the Eastern Cape BUT within south Africa | 3 |
| 5 | 4 |
| 6 | 3 |
| 7 | 2 |
| 8 | 1 |
| Non-compliant contributor | 0 |
| **Total** | **20** |

**NB: No submissions will be considered from persons in the service of the state for this bid ( Hiring of Heavy Duty Machinery for a period of 2 months)**

Yours faithfully

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**A NTENGENYANE**

**MUNICIPAL MANAGER**

**COSTING SCHEDULE**

**TLB X (5)**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Model** |  **Rate hr** | **Daily rates**  | **Establishment** | **Disestablishment** |
| **Dry**  | **Wet**  | **Dry**  | **Wet**  |
|  |  |  |  |  |  |  |

**TIPPER TRUCK X (5)**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Model** |  **Rate hr** | **Daily rates**  | **Establishment** | **Disestablishment** |
| **Dry**  | **Wet**  | **Dry**  | **Wet**  |
|  |  |  |  |  |  |  |

#  MBD 1

**PART A**

**INVITATION TO BID**

|  |
| --- |
| **YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE (***NAME OF MUNICIPALITY/ MUNICIPAL ENTITY***)**  |
| BID NUMBER:  | SCM22/05/2023  | CLOSING DATE:  | 01/06/2023  | CLOSING TIME:  | 12pm  |
| DESCRIPTION  |  |
| **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*

|  |
| --- |
| **No. 25-27 Owen Street**  |
| **Budget and Treasury Directorate**  |
| **Komani**  |
| **5320**  |
| **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]  |   Yes   | B-BBEE STATUS LEVEL SWORN AFFIDAVIT  |  Yes   |
|  |  |  No  |  |  |  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?**  | Yes No  [IF YES ENCLOSE PROOF]   | ARE YOU A FOREIGN BASED SUPPLIER FOR **THE GOODS /SERVICES /WORKS OFFERED?**  | Yes 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  |   | CONTACT PERSON  |   |
| CONTACT PERSON  |   | TELEPHONE NUMBER  |   |

# PART B

**TERMS AND CONDITIONS FOR BIDDING**

|  |
| --- |
| **1. BID SUBMISSION:**  |
| 1.1. BIDS MUST BE DELIVERED BY THE STIPULATED TIME TO THE CORRECT ADDRESS. LATE BIDS WILL NOT BE ACCEPTED FOR CONSIDERATION. 1.2. **ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS PROVIDED–(NOT TO BE RE-TYPED) OR ONLINE** 1.3. THIS BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT AND THE PREFERENTIAL PROCUREMENT REGULATIONS, 2017, THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER SPECIAL CONDITIONS OF CONTRACT.   |
| **2. TAX COMPLIANCE REQUIREMENTS**  |
| 2.1 BIDDERS MUST ENSURE COMPLIANCE WITH THEIR TAX OBLIGATIONS. 2.2 BIDDERS ARE REQUIRED TO SUBMIT THEIR UNIQUE PERSONAL IDENTIFICATION NUMBER (PIN) ISSUED BY SARS TO ENABLE THE ORGAN OF STATE TO VIEW THE TAXPAYER’S PROFILE AND TAX STATUS. 2.3 APPLICATION FOR THE TAX COMPLIANCE STATUS (TCS) CERTIFICATE OR PIN MAY ALSO BE MADE VIA EFILING. IN ORDER TO USE THIS PROVISION, TAXPAYERS WILL NEED TO REGISTER WITH SARS AS E-FILERS THROUGH THE WEBSITE [WWW.SARS.GOV.ZA.](http://www.sars.gov.za/) 2.4 FOREIGN SUPPLIERS MUST COMPLETE THE PRE-AWARD QUESTIONNAIRE IN PART B:3. 2.5 BIDDERS MAY ALSO SUBMIT A PRINTED TCS CERTIFICATE TOGETHER WITH THE BID. 2.6 IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED, EACH PARTY MUST SUBMIT A SEPARATE TCS CERTIFICATE / PIN / CSD NUMBER. 2.7 WHERE NO TCS IS AVAILABLE BUT THE BIDDER IS REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD), A CSD NUMBER MUST BE PROVIDED.  |
| **3. QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS**  |
| 3.1. IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)? YES NO3.2. DOES THE ENTITY HAVE A BRANCH IN THE RSA? YES NO 3.3. DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA? YES NO 3.4. DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA? YES NO 3.5. IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION? YES NO  **IF THE ANSWER IS “NO” TO ALL OF THE ABOVE, THEN IT IS NOT A REQUIREMENT TO REGISTER FOR A TAX COMPLIANCE STATUS SYSTEM PIN CODE FROM THE SOUTH AFRICAN REVENUE SERVICE (SARS) AND IF NOT REGISTER AS PER 2.3 ABOVE.**  |

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

 SIGNATURE OF BIDDER: ………………………..

 CAPACITY UNDER WHICH THIS BID IS

 SIGNED:

 ……………………………………………DATE:

**MBD4**

**DECLARATION OF INTEREST**

1. Any legal person, including persons employed by the state¹, or persons having a kinship with persons employed by the state, including a blood relationship, may make an offer or offers in terms of this invitation to bid (includes a price quotation, advertised competitive bid, limited bid or proposal). In view of possible allegations of favouritism, should the resulting bid, or part thereof, be awarded to persons employed by the state, or to persons connected with or related to them, it is required that the bidder or his/her authorised representative declare his/her position in relation to the evaluating/adjudicating authority where-

* + - * + the bidder is employed by the state; and/or

* + - * + the legal person on whose behalf the bidding document is signed, has a relationship with persons/a person who are/is involved in the evaluation and or adjudication of the bid(s), or where it is known that such a relationship exists between the person or persons for or on whose behalf the declarant acts and persons who are involved with the evaluation and or adjudication of the bid.

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

* 1. Full Name of bidder or his or her representative: ………………………………………………………….

* 1. Identity Number: …………………………………………………………………………………………………

* 1. Position occupied in the Company (director, trustee, shareholder²): ……………………………………..

* 1. Company Registration Number: ………………………………………………………………………..…….

* 1. Tax Reference Number: ………………………………………………………………………………….………

* 1. VAT Registration Number: ………………………………………………………………………………....
		1. The names of all directors / trustees / shareholders / members, their individual identity numbers, tax reference numbers and, if applicable, employee / persal numbers must be indicated in paragraph 3 below. ¹“State” means –
			+ 1. 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);
				2. any municipality or municipal entity;
				3. provincial legislature;
				4. national Assembly or the national Council of provinces; or
				5. Parliament.

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

* 1. Are you or any person connected with the bidder **YES / NO**  presently employed by the state?

* + 1. If so, furnish the following particulars:

Name of person / director / trustee / shareholder/ member: ……....………………………………

Name of state institution at which you or the person

connected to the bidder is employed : ……………………………………… Position occupied in the state institution: ………………………………………

Any other particulars:

………………………………………………………………

………………………………………………………………

………………………………………………………………

* + 1. If you are presently employed by the state, did you obtain **YES / NO** the appropriate authority to undertake remunerative work outside employment in the public sector?

* + - 1. If yes, did you attach proof of such authority to the bid document? **YES / NO**

(Note: Failure to submit proof of such authority, where applicable, may result in the disqualification of the bid.

* + - 1. If no, furnish reasons for non-submission of such proof:

…………………………………………………………………….

…………………………………………………………………….

…………………………………………………………………….

* 1. Did you or your spouse, or any of the company’s directors / **YES / NO** trustees / shareholders / members or their spouses conduct business with the state in the previous twelve months?

* + 1. If so, furnish particulars:

…………………………………………………………………..

………………………………………………………………….. …………………………………………………………………...

* 1. Do you, or any person connected with the bidder, have **YES / NO**

 any relationship (family, friend, other) with a person employed by thestate and who may be involved with the evaluation and or adjudication of this bid?

* + 1. If so, furnish particulars.

 ……………………………………………………………...

 …………………………………………………………..….

 ………………………………………………………………

* 1. Are you, or any person connected with the bidder, **YES/NO**

 aware of any relationship (family, friend, other) between any other bidder and any person employed by the state who may be involved with the evaluation and or adjudication of this bid?

* + 1. If so, furnish particulars**.**

………………………………………………………………

………………………………………………………………

………………………………………………………………

* 1. Do you or any of the directors / trustees / shareholders / members **YES/NO** of the company have any interest in any other related companies whether or not they are bidding for this contract?

* + 1. If so, furnish particulars:

…………………………………………………………………………….

…………………………………………………………………………….

…………………………………………………………………………….

1. **Full details of directors / trustees / members / shareholders.**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Full Name**  | **Identity Number**  | **Personal Tax** **Reference Number**  | **State** **Number** **Number**  | **Employee / Persal**  |
|   |   |   |    |  |
|   |   |   |    |  |
|   |   |   |    |  |
|   |   |   |    |  |
|   |   |   |    |  |
|   |   |   |    |  |
|   |   |   |    |  |

1. **DECLARATION**

I, THE UNDERSIGNED (NAME)………………………………………………………………………

CERTIFY THAT THE INFORMATION FURNISHED IN PARAGRAPHS 2 and 3 ABOVE IS CORRECT. I

ACCEPT THAT THE STATE MAY REJECT THE BID OR ACT AGAINST ME IN TERMS OF PARAGRAPH

23 OF THE GENERAL CONDITIONS OF CONTRACT SHOULD THIS DECLARATION PROVE TO BE

FALSE.

|  |  |
| --- | --- |
| …………………………………..  |  ..……………………………………………  |
|  Signature   |  Date  |
| ………………………………….  | ………………………………………………  |
|  Position  | Name  |

**MBD 6.1**

 **PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL PROCUREMENT REGULATIONS 2011**

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

**NB: BEFORE COMPLETING THIS FORM, BIDDERS MUST STUDY THE GENERAL CONDITIONS, DEFINITIONS AND DIRECTIVES APPLICABLE IN RESPECT OF B-BBEE, AS PRESCRIBED IN THE PREFERENTIAL PROCUREMENT REGULATIONS, 2011.**

1. **GENERAL CONDITIONS**

* 1. The following preference point systems are applicable to all bids:

* + - * + the 80/20 system for requirements with a Rand value of up to R1 000 000 (all applicable taxes included); and
				+ the 90/10 system for requirements with a Rand value above R1 000 000 (all applicable taxes included).

* 1. The value of this bid is estimated to exceed/not exceed R1 000 000 (all applicable taxes included) and therefore the……………………system shall be applicable.

* 1. Preference points for this bid shall be awarded for:

* + - * 1. Price; and
				2. B-BBEE Status Level of Contribution.

* + 1. The maximum points for this bid are allocated as follows:

  **POINTS**

* + - 1. **PRICE** …………..

* + - 1. **B-BBEE STATUS LEVEL OF CONTRIBUTION** …………...

 **Total points for Price and B-BBEE must not exceed** **100**

* 1. Failure on the part of a bidder to fill in and/or to sign this form and submit a B-BBEE Verification

Certificate from a Verification Agency accredited by the South African Accreditation System

(SANAS) or a Registered Auditor approved by the Independent Regulatory Board of Auditors (IRBA) or an Accounting Officer as contemplated in the Close Corporation Act (CCA) together with the bid, will be interpreted to mean that preference points for B-BBEE status level of contribution are not claimed.

* 1. The purchaser reserves the right to require of a bidder, either before a bid is adjudicated or at any time subsequently, to substantiate any claim in regard to preferences, in any manner required by the purchaser.

1. **DEFINITIONS**

* 1. **“all applicable taxes”** includes value-added tax, pay as you earn, income tax, unemployment insurance fund contributions and skills development levies;

* 1. **“B-BBEE”** means broad-based black economic empowerment as defined in section 1 of the Broad -Based Black Economic Empowerment Act;

* 1. “**B-BBEE status level of contributor”** means the B-BBEE status received by a measured entity based on its overall performance using the relevant scorecard contained in the Codes of Good Practice on Black Economic Empowerment, issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act;

* 1. **“bid”** means a written offer in a prescribed or stipulated form in response to an invitation by an organ of state for the provision of services, works or goods, through price quotations, advertised competitive bidding processes or proposals;

* 1. **“Broad-Based Black Economic Empowerment Act”** means the Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003);

* 1. **“comparative price”** means the price after the factors of a non-firm price and all unconditional discounts that can be utilized have been taken into consideration;

* 1. **“consortium or joint venture”** 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;

* 1. **“contract”** means the agreement that results from the acceptance of a bid by an organ of state;

* 1. **“EME”** means any enterprise with an annual total revenue of R5 million or less .

* 1. **“Firm price”** means the price that is only subject to adjustments in accordance with the actual increase or decrease resulting from the change, imposition, or abolition of customs or excise duty and any other duty, levy, or tax, which, in terms of the law or regulation, is binding on the contractor and demonstrably has an influence on the price of any supplies, or the rendering costs of any service, for the execution of the contract;

* 1. **“functionality”** means the measurement according to predetermined norms, as set out in the bid documents, of a service or commodity that is designed to be practical and useful, working or operating, taking into account, among other factors, the quality, reliability, viability and durability of a service and the technical capacity and ability of a bidder;

* 1. **“non-firm prices”** means all prices other than “firm” prices;

* 1. **“person”** includes a juristic person;

* 1. **“rand value”** means the total estimated value of a contract in South African currency, calculated at the time of bid invitations, and includes all applicable taxes and excise duties;
	2. ***“sub-contract”*** *means the primary contractor’s assigning, leasing, making out work to, or employing, another person to support such primary contractor in the execution of part of a project in terms of the contract;*
	3. **“total revenue”** bears the same meaning assigned to this expression in the Codes of

 Good Practice on Black Economic Empowerment, issued in terms of section 9(1) of the

 Broad-Based Black Economic Empowerment Act and promulgated in the *Government Gazette* on 9 February 2007;

* 1. **“trust”** means the arrangement through which the property of one person is made over or bequeathed to a trustee to administer such property for the benefit of another person; and

* 1. **“trustee”** means any person, including the founder of a trust, to whom property is bequeathed in order for such property to be administered for the benefit of another person.

1. **ADJUDICATION USING A POINT SYSTEM**

* 1. The bidder obtaining the highest number of total points will be awarded the contract.

* 1. Preference points shall be calculated after prices have been brought to a comparative basis taking into account all factors of non-firm prices and all unconditional discounts;.

* 1. Points scored must be rounded off to the nearest 2 decimal places.
	2. In the event that two or more bids have scored equal total points, the successful bid must be the one scoring the highest number of preference points for B-BBEE.

* 1. However, when functionality is part of the evaluation process and two or more bids have scored equal points including equal preference points for B-BBEE, the successful bid must be the one scoring the highest score for functionality.

* 1. Should two or more bids be equal in all respects, the award shall be decided by the drawing of lots.

1. **POINTS AWARDED FOR PRICE**

* 1. **THE 80/20 OR 90/10 PREFERENCE POINT SYSTEMS**

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

  **80/20 or 90/10**

 *Ps* =801− *Pt* − *P*minor *Ps* =901− *Pt* − *P*min

  *P*min   *P*min 

 Where

 Ps = Points scored for comparative price of bid under consideration

 Pt = Comparative price of bid under consideration

 Pmin = Comparative price of lowest acceptable bid

1. **Points awarded for B-BBEE Status Level of Contribution**

* 1. In terms of Regulation(s) of the Preferential Procurement Regulations as amended 2022 including specific goals, preference points must be awarded to a bidder for attaining the B-BBEE status level of contribution in accordance with the table below:

|  |  |  |  |
| --- | --- | --- | --- |
| **B-BBEE Status Level of Contributor** | **POINTS** | **Specific Goals** | **POINTS** |
| 1 | 10 | Within the Enoch Mgijima Municipality | 10 |
| 2 | 9 | Within the Chris Hani District Municipality | 7 |
| 3 | 7 | Outside CHDM but within Eastern Cape | 5 |
| 4 | 6 | Outside the Eastern Cape BUT within south Africa | 3 |
| 5 | 4 |
| 6 | 3 |
| 7 | 2 |
| 8 | 1 |
| Non-compliant contributor | 0 |
| **Total** | **20** |

* 1. Bidders who qualify as EMEs in terms of the B-BBEE Act must submit a certificate issued by an Accounting Officer as contemplated in the CCA or a Verification Agency accredited by SANAS or a Registered Auditor. Registered auditors do not need to meet the prerequisite for IRBA’s approval for the purpose of conducting verification and issuing EMEs with B-BBEE Status Level Certificates.

* 1. Bidders other than EMEs must submit their original and valid B-BBEE status level verification certificate or a certified copy thereof, substantiating their B-BBEE rating issued by a Registered Auditor approved by IRBA or a Verification Agency accredited by SANAS.

* 1. A trust, consortium or joint venture, will qualify for points for their B-BBEE status level as a legal entity, provided that the entity submits their B-BBEE status level certificate.
	2. A trust, consortium or joint venture will qualify for points for their B-BBEE status level as an unincorporated entity, provided that the entity submits their consolidated B-BBEE scorecard as if they were a group structure and that such a consolidated B-BBEE scorecard is prepared for every separate bid.
	3. Tertiary institutions and public entities will be required to submit their B-BBEE status level certificates in terms of the specialized scorecard contained in the B-BBEE Codes of Good Practice.
	4. A person will not be awarded points for B-BBEE status level if it is indicated in the bid documents that such a bidder intends sub-contracting more than 25% of the value of the contract to any other enterprise that does not qualify for at least the points that such a bidder qualifies for, unless the intended sub-contractor is an EME that has the capability and ability to execute the sub-contract.

* 1. A person awarded a contract may not sub-contract more than 25% of the value of the contract to any other enterprise that does not have an equal or higher B-BBEE status level than the person concerned, unless the contract is sub-contracted to an EME that has the capability and ability to execute the sub-contract.

1. **BID DECLARATION**

* 1. Bidders who claim points in respect of B-BBEE Status Level of Contribution must complete the following:

1. **B-BBEE STATUS LEVEL OF CONTRIBUTION CLAIMED IN TERMS OF PARAGRAPHS 1.3.1.2 AND 5.1**

* 1. B-BBEE Status Level of Contribution:…………. = ……………(maximum of 10 or 20 points) **(Points claimed in respect of paragraph 7.1 must be in accordance with the table reflected in paragraph 5.1 and must be substantiated by means of a B-BBEE certificate issued by a Verification Agency accredited by SANAS or a Registered Auditor approved by IRBA or an Accounting Officer as contemplated in the CCA).**

1. **SUB-CONTRACTING**

* 1. Will any portion of the contract be sub-contracted? YES / NO (delete which is not applicable)

8.1.1 If yes, indicate:

* + 1. what percentage of the contract will be subcontracted? ............……………….…%
		2. the name of the sub-contractor? …………………………………………………………..
		3. the B-BBEE status level of the sub-contractor? …………..
		4. whether the sub-contractor is an EME? YES / NO (delete which is not applicable)

1. **DECLARATION WITH REGARD TO COMPANY/FIRM**

* 1. Name of firm : .............................................................................................
	2. VAT registration number : .............................................................................................
	3. Company registration number …………………………………………………………………….
	4. TYPE OF COMPANY/ FIRM

  Partnership/Joint Venture / Consortium

  One person business/sole propriety

  Close corporation

  Company

  (Pty) Limited

[TICK APPLICABLE BOX]

* 1. DESCRIBE PRINCIPAL BUSINESS ACTIVITIES

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

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

* 1. COMPANY CLASSIFICATION

  Manufacturer

  Supplier

  Professional service provider

  Other service providers, e.g. transporter, etc.

 [TICK APPLICABLE BOX]

* 1. MUNICIPAL INFORMATION

 Municipality where business is situated **…………………………………………………………………..**

 Registered Account Number **…………………………….**

 Stand Number **……………………………………………….**

* 1. TOTAL NUMBER OF YEARS THE COMPANY/FIRM HAS BEEN IN BUSINESS? **……………**
	2. I/we, the undersigned, who is / are duly authorised to do so on behalf of the company/firm, certify that the points claimed, based on the B-BBE status level of contribution indicated in paragraph 7 of the foregoing certificate, qualifies the company/ firm for the preference(s) shown and I / we acknowledge that:

* + - 1. The information furnished is true and correct;

* + - 1. The preference points claimed are in accordance with the General Conditions as indicated in paragraph 1 of this form.

* + - 1. In the event of a contract being awarded as a result of points claimed as shown in paragraph 7, the contractor may be required to furnish documentary proof to the satisfaction of the purchaser that the claims are correct;

* + - 1. If the B-BBEE status level of contribution 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 –

* + - * 1. disqualify the person from the bidding process;

* + - * 1. recover costs, losses or damages it has incurred or suffered as a result of that person’s conduct;

* + - * 1. 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;

* + - * 1. restrict the bidder or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, 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
				2. forward the matter for criminal prosecution

**WITNESSES:**

|  |
| --- |
| **……………………………………** SIGNATURE(S) OF BIDDER(S)  |

1. **………………………………………**

1. **………………………………………**

  **DATE:………………………………..**

  **ADDRESS:…………………………..**

  **….……………………………………**

##  MBD 6.2

**DECLARATION CERTIFICATE FOR LOCAL PRODUCTION AND CONTENT**

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

Before completing this declaration, bidders must study the General Conditions, Definitions, Directives applicable in respect of Local Content as prescribed in the Preferential Procurement Regulations, 2011 and the South African Bureau of Standards (SABS) approved technical specification number SATS 1286:201x.

1. General Conditions

* 1. Preferential Procurement Regulations, 2011 (Regulation 9.(1) and 9.(3) make provision for the promotion of local production and content.

* 1. Regulation 9.(1) prescribes that in the case of designated sectors, where in the award of bids local production and content is of critical importance, such bids must be advertised with the specific bidding condition that only locally produced goods, services or works or locally manufactured goods, with a stipulated minimum threshold for local production and content will be considered.

* 1. Regulation 9.(3) prescribes that where there is no designated sector, a specific bidding condition may be included, that only locally produced services, works or goods or locally manufactured goods with a stipulated minimum threshold for local production and content, will be considered.

* 1. Where necessary, for bids referred to in paragraphs 1.2 and 1.3 above, a two stage bidding process may be followed, where the first stage involves a minimum threshold for local production and content and the second stage price and B-BBEE.

* 1. A person awarded a contract in relation to a designated sector, may not sub-contract in such a manner that the local production and content of the overall value of the contract is reduced to below the stipulated minimum threshold.

* 1. The local content (LC) as a percentage of the bid price must be calculated in accordance with the SABS approved technical specification number SATS 1286: 201x as follows:

 LC = 1 x 100



Where

* + 1. imported content
		2. bid price excluding value added tax (VAT)

Prices referred to in the determination of x must be converted to Rand (ZAR) by using the exchange rate published by the South African Reserve Bank (SARB) at 12:00 on the date, one week (7 calendar days) prior to the closing date of the bid as required in paragraph 4.1 below.

* 1. A bid will be disqualified if:

* + - * the bidder fails to achieve the stipulated minimum threshold for local production and content indicated in paragraph 3 below; and.
			* this declaration certificate is not submitted as part of the bid documentation.

1. Definitions

* 1. **“bid”** includes advertised competitive bids, written price quotations or proposals;

* 1. **“bid price”** price offered by the bidder, excluding value added tax (VAT);

* 1. **“contract”** means the agreement that results from the acceptance of a bid by an organ of state;

* 1. **“designated sector”** means a sector, sub-sector or industry that has been designated by the Department of Trade and Industry in line with national development and industrial policies for local production, where only locally produced services, works or goods or locally manufactured goods meet the stipulated minimum threshold for local production and content;

* 1. **“duly signed”** means a Declaration Certificate for Local Content that has been signed by the Chief Financial Officer or other legally responsible person nominated in writing by the Chief Executive, or senior member / person with management responsibility(close corporation, partnership or individual).

* 1. **“imported content”** means that portion of the bid price represented by the cost of components, parts or materials which have been or are still to be imported (whether by the supplier or its subcontractors) and which costs are inclusive of the costs abroad, plus freight and other direct importation costs, such as landing costs, dock duties, import duty, sales duty or other similar tax or duty at the South African port of entry;

* 1. **“local content”** means that portion of the bid price which is not included in the imported content, provided that local manufacture does take place;

* 1. **“stipulated minimum threshold”** means that portion of local production and content as determined by the Department of Trade and Industry; and

* 1. **“sub-contract”** means the primary contractor’s assigning, leasing, making out work to, or employing another person to support such primary contractor in the execution of part of a project in terms of the contract.

1. **The stipulated minimum threshold(s) for local production and content for this bid is/are as follows:**

 Description of services, works or goods Stipulated minimum threshold

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_%

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_%

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_%

1. Does any portion of the services, works or goods offered

 have any imported content? YES / NO

* 1. If yes, the rate(s) of exchange to be used in this bid to calculate the local content as prescribed in paragraph 1.6 of the general conditions must be the rate(s) published by the SARB for the specific currency at 12:00 on the date, one week (7 calendar days) prior to the closing date of the bid.

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

Indicate the rate(s) of exchange against the appropriate currency in the table below:

|  |  |
| --- | --- |
| **Currency**  | **Rates of exchange**  |
| US Dollar  |   |
| Pound Sterling  |   |
| Euro  |   |
| Yen  |   |
| Other  |   |

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

|  |
| --- |
| **LOCAL CONTENT DECLARATION BY CHIEF FINANCIAL OFFICER OR OTHER LEGALLY** **RESPONSIBLE PERSON NOMINATED IN WRITING BY THE CHIEF EXECUTIVE OR SENIOR** **MEMBER/PERSON WITH MANAGEMENT RESPONSIBILITY (CLOSE CORPORATION,** **PARTNERSHIP OR INDIVIDUAL)**  **IN RESPECT OF BID No.** ................................................................................. **ISSUED BY**: (Procurement Authority / Name of Municipality/ Municipal Entity): ......................................................................................................................... NB The obligation to complete, duly sign and submit this declaration cannot be transferred to an external authorized representative, auditor or any other third party acting on behalf of the bidder.  I, the undersigned, …………………………….................................................. (full names), do hereby declare, in my capacity as ……………………………………… ……….. of ...............................................................................................................(name of bidder entity), the following:  (a) The facts contained herein are within my own personal knowledge.   |
| 1. I have satisfied myself that the goods/services/works to be delivered in terms of the above-specified bid comply with the minimum local content requirements as specified in the bid, and as measured in terms of SATS 1286.

 1. The local content has been calculated using the formula given in clause 3 of SATS 1286, the rates of exchange indicated in paragraph 4.1 above and the following figures:

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

 If the bid is for more than one product, a schedule of the local content by product shall be attached.    1. I accept that the Procurement Authority / Municipality /Municipal Entity has the right to request that the local content be verified in terms of the requirements of SATS 1286.

 1. I understand that the awarding of the bid is dependent on the accuracy of the information furnished in this application. I also understand that the submission of incorrect data, or data that are not verifiable as described in SATS 1286, may result in the Procurement Authority / Municipal / Municipal Entity imposing any or all of the remedies as provided for in Regulation 13 of the Preferential Procurement Regulations, 2011 promulgated under the Policy Framework Act (PPPFA), 2000 (Act No. 5 of 2000).

    **SIGNATURE: DATE: \_\_\_\_\_\_\_\_\_\_\_** **WITNESS No. 1 DATE: \_\_\_\_\_\_\_\_\_\_\_** **WITNESS No. 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.

1. 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.

1. The bid of any bidder may be rejected if that bidder, or any of its directors have:

* 1. abused the municipality’s / municipal entity’s supply chain management system or committed any improper conduct in relation to such system;
	2. been convicted for fraud or corruption during the past five years;
	3. willfully neglected, reneged on or failed to comply with any government, municipal or other public sector contract during the past five years; or
	4. 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).

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

|  |  |  |  |
| --- | --- | --- | --- |
| **Item**  | **Question**  | **Yes**  | **No**  |
| 4.1  | Is the bidder or any of its directors listed on the National Treasury’s Database of Restricted Suppliers as companies or persons prohibited from doing business with the public sector? (Companies or persons who are listed on this Database were informed in writing of this restriction by the Accounting Officer/Authority of the institution that imposed the restriction after the *audi alteram partem* rule was applied).  **The Database of Restricted Suppliers now resides on the National Treasury’s website(**[www.treasury.gov.za**)**](http://www.treasury.gov.za/) **and can be accessed by clicking on its link at the bottom of the home page.**  | 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)? **The Register for Tender Defaulters can be accessed on the National Treasury’s website (**[**www.treasury.gov.za)**](http://www.treasury.gov.za/) **by clicking on its link at the bottom of the home page.**  | 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:      |
| **Item**  | **Question Yes No**  |
| 4.4  | Does the bidder or any of its directors owe any municipal rates and taxes or municipal charges to the municipality / municipal entity, or to any other municipality / municipal entity, that is in arrears for more than three months? Yes  No   |
| 4.4.1  | If so, furnish particulars: |
| 4.5  | Was any contract between the bidder and the municipality / municipal entity or any other organ of state terminated during the past five years on account of failure to perform on or comply with the contract?   | Yes   | No   |
| 4.7.1  | If so, furnish particulars:  |

## CERTIFICATION

**I, THE UNDERSIGNED (FULL NAME) …………..……………………………..……**

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

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

|  |  |  |
| --- | --- | --- |
|  **………………………………………...**  |  |  **…………………………..**  |
|  **Signature**  |  |  **Date**  |
|  **……………………………………….**  |  | **………………………………………**  |
|  **Position**  |  |  **Name of Bidder**  |

### MBD 9

**CERTIFICATE OF INDEPENDENT BID DETERMINATION**

1. This Municipal Bidding Document (MBD) must form part of all bids¹ invited.
2. Section 4 (1) (b) (iii) of the Competition Act No. 89 of 1998, as amended, prohibits an agreement between, or concerted practice by, firms, or a decision by an association of firms, if it is between parties in a horizontal relationship and if it involves collusive bidding (or bid rigging).² Collusive bidding is a *pe se* prohibition meaning that it cannot be justified under any grounds.
3. Municipal Supply Regulation 38 (1) prescribes that a supply chain management policy must provide measures for the combating of abuse of the supply chain management system, and must enable the accounting officer, among others, to:

* 1. take all reasonable steps to prevent such abuse;

* 1. 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

* 1. 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.

1. 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 bidrigging.
2. 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

I, the undersigned, in submitting the accompanying bid:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

(Bid Number and Description)

in response to the invitation for the bid 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 Bidder)

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

“competitor” shall include any individual or organization, other than the bidder, whether or not affiliated with the bidder, who:

* 1. has been requested to submit a bid in response to this bid invitation;
	2. could potentially submit a bid in response to this bid invitation, based on their qualifications, abilities or experience; and
	3. provides the same goods and services as the bidder and/or is in the same line of business as the bidder

1. The bidder has arrived at the accompanying bid independently from, and without consultation, communication, agreement or arrangement with any competitor. However communication between partners in a joint venture or consortium³ will not be construed as collusive bidding.
2. 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;
	1. geographical area where product or service will be rendered (market allocation)
	2. methods, factors or formulas used to calculate prices;
	3. the intention or decision to submit or not to submit, a bid;
	4. the submission of a bid which does not meet the specifications and

conditions of the bid; or

* 1. bidding with the intention not to win the bid.
1. 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.
2. The terms of the accompanying bid have not been, and will not be, disclosed by the bidder, directly or indirectly, to any competitor, prior to the date and time of the official bid opening or of the awarding of the contract.

**³ Joint venture or Consortium means an association of persons for the purpose of combining their expertise, property, capital, efforts, skill and knowledge in an activity for the execution of a contract.**

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

|  |  |  |
| --- | --- | --- |
| …………………………………………………  |   | …………………………………  |
| Signature   |   | Date  |
| ………………………………………………….  |   | …………………………………  |
| Position   |   | Name of Bidder Js9141w 4  |

**C1.1 Form of offer and acceptance**

#### Offer

The Employer, identified in the acceptance signature block, has solicited offers to enter into a Contract

#  for Hiring of Heavy Duty Machinery for 2 months

The Bidder, 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 Bidder, deemed to be duly authorized, signing this part of this form of offer and acceptance, the Bidder offers to perform all of the obligations and liabilities of the Service Provider under the Contract including compliance with all its terms and conditions according to their true intent and meaning for an amount to be determined in accordance with the conditions of Contract identified in the Contract Data.

THE OFFERED TOTAL AMOUNT INCLUSIVE OF VALUE ADDED TAX IS:

…………………………………………………………………………………………………………………(in words);

R………………………………………… (in Rands)

This offer may be accepted by the Employer by signing the acceptance part of this form of offer and acceptance and returning one copy of this document to the Bidder before the end of the period of validity stated in the tender data, whereupon the Bidder becomes the party named as the Service Provider in the conditions of Contract identified in the Contract Data.

**Signature**:………………………………………………N**ame**: ………………………………………………………………..

**Capacity**: ………………………………………………………………………………………………………………………

**For the Bidder**: …………………………………………………………………………………………………………………

………………………………………………………………………………………………………………………………………….

 (Name and domicilium citandi of organization)

**Name and Signature of Witness**:………………………………………… **Date**:…………………………………..

####  Acceptance

By signing this part of this form of offer and acceptance, the Employer identified below accepts the Bidder’s offer. In consideration thereof, the Employer shall pay the Service Provider the amount due in accordance with the conditions of Contract identified in the Contract Data. Acceptance of the Bidder’s offer shall form an agreement between the Employer and the Bidder upon the terms and conditions contained in this agreement and in the Contract that is the subject of this agreement.

The terms of the Contract, are contained in:

 Part C1 Agreements and Contract Data, (which includes this agreement)

 Part C2 Pricing Data

 Part C3 Scope of work.

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 Bidder and the Employer during this process of offer and acceptance, are contained in the schedule of deviations attached to and forming part of this agreement. No amendments to or deviations from said documents are valid unless contained in this schedule, which must be signed by the authorised representative(s) of both parties.

The Bidder shall within two weeks after receiving a completed copy of this agreement, including the schedule of deviations (if any), contact the Employer’s agent (whose details are given in the Contract Data) to arrange the delivery of any bonds, guarantees, proof of insurance and any other documentation to be provided in terms of the conditions of 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 Bidder receives one fully completed, signed copy of this document, including the schedule of deviations (if any). Unless the Bidder (now Service Provider) 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(s)**:…………………………………………….. **Name(s)** ………………………………………………………..

**Capacity**: MUNICIPAL MANAGER

**FOR ENOCH MGIJIMA LOCAL MUNICIPALITY, TOWN HALL, CATHCART ROAD, QUEENSTOWN,**

**5320**

(Name and domiciliumcitandi of organization)

Name and Signature of Witness: …………………………………………… Date: …………………………….

**OFFICIAL STAMP:**