



**WINNIE MADIKIZELA- MANDELA LOCAL MUNICIPALITY**

**TENDER DOCUMENT**

**FOR**

**APPOINTMENT OF SERVICES PROVIDER FOR THE DEVELOPMENT OF Wild  
Coast Precinct Plan**

**CONTRACT NO: WMM-LM 19/04/23/02 CPP**

**16 February 2024**

**ISSUED BY:**

Issued and Prepared by:  
Winnie Madikizela-Madikizela Local Municipality  
Development Planning Department  
51 Main Street  
Bizana  
4800

Municipal Manager: Mr. L. Mahlaka  
Contact Person: Ms. D. Makasi (Town Planner)  
Tel: 039 251 0230

**NAME OF TENDERER:** \_\_\_\_\_

**AMOUNT:** \_\_\_\_\_

**CONSENT LETTER**

Name and Domiciliumcitandi of organization

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The Municipal Manager  
Winnie Madikizela-Mandela Local Municipality  
P.O. Box 12  
Bizana  
4800  
Sir/Madam

**Granting of authority to request information from any legal entity relevant to this Bid**

I/we acknowledge that the information herein contained shall constitute the basis on which my/our Bid is to be considered. I/we grant approval that any source regarding this Bid may be fully investigated and that all such information shall be of material value to Winnie Madikizela-Mandela Local Municipality and directly relevant to the consideration of my/our Bid.

I/we \_\_\_\_\_ grant my/our consent to such source to provide confidential information. I/we warrant that all the information herein contained is to the best of my/our knowledge and belief true and correct in all material respects and I/we am /are not aware of any information which, should it become known to the Winnie Madikizela-Mandela Local Municipality, would affect the consideration of my/our Bid in any way. The Winnie Madikizela-Mandela Local Municipality wishes to inform you that all information regarding your personal matters is treated as strictly confidential.

Please tick the appropriate box.

	I/We hereby consent to the above
	I/We hereby withhold consent and fully understand the implications and ramifications of my/our decision and will not hold the Winnie Madikizela-Mandela Local Municipality responsible for not considering my/our Bid.

Signature: ..... Date: .....

Witness: ..... Signature: .....



## WINNIE MADIKIZELA MANDELA LOCAL MUNICIPALITY RE-ADVERT

PROJECT NAME	CONTRACT NUMBER	CLOSING DATE
1. Development of Wild Coast Precinct Plans	WMM-LM 19/04/23/02 CPP	07/03/2024 @12h00

Bid proposals are hereby invited from suitably qualified and accredited service providers who are interested to submit their proposals to tender for the above-mentioned projects for Winnie Madikizela-Mandela Local Municipality.

Bid documents can be downloaded from e-tender portal website. ([www.etenders.gov.za](http://www.etenders.gov.za))

Bids should score a minimum point of 70% in order to be considered for further evaluation.

The bids will be evaluated on the **80/20** preferential points system

**Failure to submit the following fully completed document(s) will render the bid null and void:**

- A copy of Entity Registration Documents, Certified ID Copy(ies) of Director(s) (not older than 3 months), proof of CSD Registration
- SARS Valid PIN Printout
- Bid documents MBD1, MBD4, MBD6.1, MBD 8 and MDB 9
- Billing Clearance Certificate or Statement of Municipal Accounts confirming that no undisputed municipal accounts are overdue by more than 30 days and a signed letter by the bidder confirming that the institution does not have outstanding accounts more than 30 Days on the day of the tender closing.
- Evaluation Criteria: 80 or 90= Price, 20 or 10= Specific Goals as per the attached MBD 6.1 respectively
- In case of a joint venture, an original valid Tax Compliance Document of both partners should be submitted as well as a signed agreement by both parties clearly indicating the lead partner
- The Minimum Threshold for Local Content for the above-mentioned projects is 100% (If Applicable)

**Advert Date: 16 February 2024**

**Closing Date: All tenders must be emailed to [tenders.scm@mbizana.gov.za](mailto:tenders.scm@mbizana.gov.za) by no later than the date and time stated above after which they will be opened. All tenders must be clearly marked the Name of the project and Reference number indicated above. Failure to do so your tender may not be considered**

No late, incomplete or facsimile bids will be accepted for consideration. The only or lowest bid received shall not necessarily be accepted. Winnie Madikizela-Mandela Local Municipality reserves the right to accept part or full bid. For technical enquiries, please contact Ms. N. Mafumbatha, email: [mafumbathan@mbizana.gov.za](mailto:mafumbathan@mbizana.gov.za) during working hours. For Supply Chain Management related enquiries, please contact Mr. Z. Khala at (079) 886 0942, email: [khalaz@mbizana.gov.za](mailto:khalaz@mbizana.gov.za) during working hours

.....  
**Mr. L. Mahlaka**  
**Municipal Manager**

**MBD 1**

**INVITATION TO BID**

<b>YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE (NAME OF MUNICIPALITY/ MUNICIPAL ENTITY)</b>			
BID NUMBER:	CLOSING DATE:	CLOSING TIME:	
DESCRIPTION			
<b>THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (MBD7).</b>			
BID RESPONSE DOCUMENTS MAY BE SENT VIA EMAIL TO THE EMAIL ADDRESS PROVIDED BELOW OR AS PER TENDER REQUIREMENTS			
<p><b><a href="mailto:TENDERS.SCM@MBIZANA.GOV.ZA">TENDERS.SCM@MBIZANA.GOV.ZA</a></b> for tenders above R300 000 inclusive of VAT</p> <p>OR</p> <p><b><a href="mailto:QUOTES.SCM@MBIZANA.GOV.ZA">QUOTES.SCM@MBIZANA.GOV.ZA</a></b> for quotations below R300 000 but above R30 000 inclusive of VAT</p>			
<b>SUPPLIER INFORMATION</b>			
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:
PEOPLE LIVING WITH DISABILITY [TICK APPLICABLE BOX]	<input type="checkbox"/> Yes <input type="checkbox"/> No		MILITARY VETERAN <input type="checkbox"/> Yes <input type="checkbox"/> No
<b>[DOCUMENTARY PROOF/ SWORN AFFIDAVIT (FOR PEOPLE LIVING WITH DISABILITIES) MUST BE SUBMITTED IN ORDER TO QUALIFY FOR PREFERENCE POINTS FOR TARGETED GOALS]</b>			
<b>ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES /WORKS OFFERED?</b>	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<b>ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES /WORKS OFFERED?</b> <input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES, ANSWER PART B:3]
<b>TOTAL NUMBER OF ITEMS OFFERED</b>			<b>TOTAL BID PRICE</b> R
<b>SIGNATURE OF BIDDER</b>	.....		<b>DATE</b>
<b>CAPACITY UNDER WHICH THIS BID IS SIGNED</b>			
<b>BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO:</b>		<b>TECHNICAL INFORMATION MAY BE DIRECTED TO:</b>	
DEPARTMENT		CONTACT PERSON	
CONTACT PERSON		TELEPHONE NUMBER	
TELEPHONE NUMBER		FACSIMILE NUMBER	
FACSIMILE NUMBER		E-MAIL ADDRESS	
E-MAIL ADDRESS			

## 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 E-FILING. IN ORDER TO USE THIS PROVISION, TAXPAYERS WILL NEED TO REGISTER WITH SARS AS E-FILERS THROUGH THE WEBSITE WWW.SARS.GOV.ZA.
- 2.4 FOREIGN SUPPLIERS MUST COMPLETE THE PRE-AWARD QUESTIONNAIRE IN PART B:3.
- 2.5 BIDDERS MAY ALSO SUBMIT A PRINTED TCS CERTIFICATE TOGETHER WITH THE BID.
- 2.6 IN BIDS WHERE CONSORCIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED, EACH PARTY MUST SUBMIT A SEPARATE TCS CERTIFICATE / PIN / CSD NUMBER.
- 2.7 WHERE NO TCS IS AVAILABLE BUT THE BIDDER IS REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD), A CSD NUMBER MUST BE PROVIDED.

### 3. QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS

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

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

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

SIGNATURE OF BIDDER: .....

CAPACITY UNDER WHICH THIS BID IS SIGNED: .....

DATE: .....

## **1. INTRODUCTION**

The Winnie Madikizela-Mandela Local Municipality requires the services of one (1) firm or a consortium of suitable qualified firms to develop a Wild Coast Precinct Plan for a period of 10 months.

## **2. BACKGROUND & PROBLEM STATEMENT.**

The Winnie Madikizela Mandela Local Municipal SDF states that the Wild-Coast of the Eastern Cape has long been identified as having a great potential for the development of the Eastern Cape in particular and for South Africa in general. The area was identified, because of its unique position, as providing a model for integrated rural development initiatives-based land and agrarian livelihoods with modern approaches to community driven tourism development.

Winnine Madikizela Mandela Local Municipality covers approximately 40km stretch of the Wild Coast including the Wild Coast Sun Hotel. It prides itself as the home to the legend Oliver Reginald Tambo. It is known as the internationally acclaimed biodiversity hotspot hence it was named “Pondoland centre of endemism” It is endowed with pristine beaches, petrified forests, ancient archaeological sites, rugged coastline and scenic estuaries. By virtue of its rugged nature and historical/cultural heritage, the Winnine Madikizela Mandela Local Municipality coastline is one of the least developed portions of the Eastern Cape coastline and is devoid of coastal ribbon development. Many areas remain in pristine, or near pristine condition, and the essence of the Wild Coast has thus been largely preserved. This aspect is a major draw card for tourism on the Wild Coast. In order to preserve the integrity of the coastline, which includes functional ecosystems, biodiversity and landscape processes, it is imperative that drivers of environmental degradation are regulated, both in extent and magnitude.

It has been established that accessibility and infrastructure development are some of the reasons behind the settlement patterns in Winnie Madikizela Mandela Local Municipality. There are certain settlements which are experiencing development pressures which are fast becoming urban. The SDF has indicated these areas as future growth areas given their current densities and infrastructure development. Future development in these areas needs to be guided. These areas include Bizana town, Kubha Redoubt, Ebenezer and Sea View.

### **3. SCOPE OF WORK.**

The scope of work entails developing the Wild Coast Precinct Plan within the Winnie Madikizela Mandela Local Municipality.

### **4. PROBLEM STATEMENT.**

The municipality has noticed the fast-growing trend of spatial proposals within the jurisdiction Mbizana that is developing haphazardly and uncoordinated. Further to that, there is a parallel challenge of backlog in bulk infrastructure development and forward planning for it thereto.

Currently the Municipality does not have detailed spatial development framework to guide the implementation of Spatial Proposals in areas identified to have potential for economic benefit and a solid plan for the provision bulk infrastructure within the areas of Winnie Madikizela Mandela Local Municipality for current and future development. Some of these nodes are growing fast and in an uncoordinated developmental manner which is undesirable and unsustainable, as the Municipality has virtually no control to guide the development.

This is further complicated by the complex traditional leadership arrangement in the predominantly peri urban, rural area of the Municipality, where development guideline, development management is required to be addressed in a more collective and localized decision-making process, in conjunction with the traditional leaders of the areas to guide the development to cater for future needs and to preserve land for agriculture and for environmental sensitive areas.

Consequently, the central and strategic role of the municipal SDF as spatial integrator and coordinator of various government activities and programs have been slightly compromised.

The interrelationship of an SDF, the LUMS and IDP (including sector plans and national strategic directives) is not reflected emphatically, and it is interpreted differently. Implementation and monitoring strategies still need improvement in most of the documents.

The current situation indicates lack of a water tight strategy; does show a clear direction for growth but not in a proper manner and does not respond to the need for integrated and sustainable development. Consequently, pre-1994 development traits such as inefficient, impoverished and scattered settlements are still evident across the municipality like most rural

areas in the province. The poor rural communities are still located far away from places of economic, recreational and educational opportunities.

The problem is compounded by the fact that capacity, both to plan and implement plans in the rural municipalities remains a challenge. As a result, spatial and economic fragmentation continues to pose major challenges despite the progress made by the government in formulating relevant spatial planning legislations and policies since 1994.

## 5. THE OBJECTIVES OF THE PROJECT

**Integrated Approach:** It is important that the interrelationships between economic activities and other development dimensions such as the social and demographic aspects have to be carefully considered.

**Agglomeration and clustering of like activities:** the concentration of activities in a geographic location strategically positioned to create backward and forward linkages within and outside of Bizana. Clustering activities refers to strategically placing compatible uses that complement each other to create forward and backward linkages thus creating a value-added chain. This works best for industry specific businesses and activities. This is used to stimulate the local business environment.

**Linkages:** the flow of goods and services with neighbouring economies as leakages and injections. Leakages refer to the net out flow of buying power and injections refer to the net inflow of buying power. Industries which have comparative advantages in terms of potential employment creation, and inter sectoral business linkages need to be identified and exploited to achieve growth and development of the local economy.

**Promoting SMME's and Local Businesses:** Involve and uplift the SMME sector through enhancing the capacity of local entrepreneurs by establishing support measures and incentives to promote participation in order to broaden the economic base of the local economy. It also refers to promotion of existing business, start ups or external companies coming into a location.

**Broaden Economic Base:** Integration of diverse economic initiatives and incorporates issues such as, introducing new activities which are not currently operational in the area and development of SMME's to have a broader representation base on the size of establishments.

**Location of favourable locational factors and improving the investment climate:**

determinants of rates of returns to investment, which in turn determine the rate of growth of an economy. Therefore, this principle refers to creating an environment within which businesses can operate and thrive in. It includes reducing the establishment and operating costs of businesses, improving infrastructure and facilitating the provision of trained labour. Other factors include increasing of business sophistication through local supplier quantity and quality as well as access to technology.

**Enabling Environment:** It is seen as imperative to a local area that an enabling environment is created to ensure optimal economic growth and to sustain investment into the area. Examples of factors relating to the creation of an enabling environment include, infrastructure and services, transportation network, human resources development, skills development etc.

**Public Private Partnership:** This principle has to be taken into consideration in order to create joint business venture opportunities development of a Spatial vision and objective of the IDP and the whole municipality; development of a conceptual scenario for envisaged spatial form; development of a Micro-spatial Plan for the core areas; setting out of objectives that reflect the desired spatial form of the rural municipality; contain strategies, policies and plans which must-

- (i) Analyse the opportunities and constraints within the municipality concerning the heritage, economy, agriculture, environment, infrastructure, tourism and social development;
- (ii) Delineate the agricultural land that has high potential;
- (iii) Indicate desired patterns of land use within the municipality;
- (iv) Identify existing and future land reform projects;
- (v) Address the spatial reconstruction of the location and nature of development within the municipality including desired settlement patterns; and
- (vi) Provide strategic guidance in respect of the location and nature of development within the municipality;

- set out a basic framework for the development of a land use management system in the municipality;
- set out a capital investment framework for the municipality's development programs within a prioritisation matrix (Prioritised list of development interventions and spatial locations)
- address sustainable bioregional planning
- analysis and clarification of how sector departments will implement the Precinct;
- contain a strategic assessment of the environmental impact of the Precinct Plan;
- identify programs, interventions and projects for the development of land within the municipality;
- be aligned with the SDFs of neighbouring municipalities and the Draft Provincial Spatial Development Plan;
- provide a visual representation of the desired spatial form of the municipality, which
  - (i) must indicate where public and private land development and infrastructure investment should take place;
  - (ii) must indicate all cross-border issues, challenges and alignment of programmes shared with neighbouring municipalities, provinces and countries
  - (iii) must indicate desired or undesired utilisation of space in a particular area;
  - (iv) must delineate the Peri urban edge for the (in terms of NEMA);
  - (v) must identify areas where strategic intervention is required; and
  - (vi) must indicate areas where priority spending is required.
  - (vii) Identify existing and proposed nodal areas for the development of infrastructure and social services.

The proposed Wild Coast Precinct Plan must give effect to the development principles contained in the Spatial Planning & Land Use Management Act of 2013 including:-

- (i) Spatial Justice;

- (ii) Spatial Sustainability;
- (iii) Efficiency;
- (iv) Spatial Resilience; and
- (v) Good Administration

This must also read and give effect to the Municipal Spatial Planning and Land Use Management Act and the WMMLM Integrated Land Use Scheme, Land Use Management System of 2016. Proposals are requested from suitably qualified and experienced service providers to develop Redoubt Precinct Plan for the Municipality in line with Bylaw, WMMLM Land Use Management System and Integrated Land Use Scheme.

One service provider or a consortium may tender for the Wild Coast Precinct Plan according to capacity, skills and competence.

## **6. CRITICAL MILESTONES.**

The following seven critical milestones/phases:

- Phase 1: Policy Context and Vision Directives;
- Phase 2: Spatial Challenges & Opportunities;
- Phase 3: Spatial Proposals;
- Phase 4: Implementation Framework; and
- Phase 5: Final Wild Coast Precinct Plan

## **7. OUTCOMES AND DELIVERABLES.**

The Wild Coast Precinct Plan should respond to the government strategic priorities (NSDP, EC PGDS, and PSEDS). It shall demonstrate how job creation in the municipality facilitated through spatial planning. The end product must contribute

positively towards local economic development, sustainable livelihoods in rural areas and poverty alleviation.

The Wild Coast Precinct Plan must be both a vertical and a horizontal alignment tool for government-wide activities, plans, policies and legislation. It must be a tool to facilitate structured implementation of programmes, and be an effective decision-making instrument.

All objectives of the project as stipulated in this Terms of Reference should be met. A document with clear deliverables is expected, and should be moulded around what is stipulated under. The Precinct Plan documents should indicate all cross-broader issues, challenges and alignment of programmes shared with neighbouring municipalities and provinces.

Submissions should be in the form of both hard and electronic versions of the Precinct Plans. All spatial information collected should be submitted in GIS capable file format (shape-files, layer files, mxd files) for use in a GIS environment. The shape-files must have clear attribute information that differentiates each LSDF construct and its purpose, for example a service node shape-file should have an attribute called "description" with the value "service node". The project steering committee (including municipality and DRDLR, COGTA, DISTRICY officials) will comment on the LSDF and send them to the service provider for amendment purposes.

It is recommended that more visual representation (maps, graphics and photographs) form the bulk part of the spatial analysis/current reality and the conceptual framework section of the Precinct Plan. A text box or other mechanisms may be used to provide an explanation, relevant information or analysis.

Required copies of the Wild Coast Precinct Plan document for consultation purposes shall be prepared by the service provider. The copies shall be distributed a week prior to the meeting taking place.

The Service provider would be expected to submit a final consolidated report which consists of:

- Wild Coast Precinct Plan textual document including all maps, tables and figures in both hardcopy (printed) and softcopy (electronic as MS word

document);

- All maps contained in Wild Coast Precinct Plan textual document as electronic image files (eg. JPEG, windows Bitmap, GIF, etc.);
- All spatial information used to generate the Wild Coast Precinct Plan maps in shapefile (GIS Metadata) format together with correct and descriptive attribute information as to what each LSDF construct represents.

## 8. PROJECT DURATION AND COST

- 8.1. It is expected that the project be completed in a period of ten (10) months effective from the date of appointment. The target dates for each milestone (as well as the associated deliverable) and the amount of financial compensation for the work done is scheduled under Table 1.
- 8.2 Due to the urgency of the project it is critical that timeframes are strictly adhered to. Financial penalties will be imposed for any delay or non-compliance with time and quality requirements.

Phases	% Payable	Time Frames	Submission/Output
<b>Phase 1: Context and Vision Directives</b> <ul style="list-style-type: none"><li>• Inception</li><li>• Review And Synthesise Legislative &amp; Policy Context</li></ul>	20%	1 month	<ul style="list-style-type: none"><li>• Vision statement</li></ul>
<b>Phase 2: Spatial Challenge &amp; Opportunities</b> <ul style="list-style-type: none"><li>• IDP &amp; Sector Plans Inputs</li><li>• Analysis Of Biophysical Environment</li><li>• Analysis Of Socio-Economic Environment</li><li>• Analysis Of Built Environment</li></ul>	20%	2 month	<ul style="list-style-type: none"><li>• Summary of sector plans;</li><li>• Documentation and mapping of biophysical spatial challenges and opportunities;</li><li>• Documentation and mapping of socio-economic spatial challenges and opportunities;</li><li>• Documentation and mapping of built environment spatial challenges and opportunities</li></ul>

<b>Phase 3: Spatial Proposals</b> <ul style="list-style-type: none"><li>• Spatial Concept &amp; Final Vision</li><li>• Spatial Strategies</li><li>• DRAFT Redoubt Precinct Plan</li></ul>	20%	3 months	<ul style="list-style-type: none"><li>• Spatial Concept diagram and supporting text Final vision statement</li><li>• Spatial Strategies maps and supporting text</li><li>• Draft Precinct Plan report and maps</li></ul>
<b>Phase 4: Implementation Framework</b> <ul style="list-style-type: none"><li>• Supporting Policies</li><li>• Supporting Guidelines</li><li>• Capital Investment Framework</li><li>• Draft Implementation Framework</li></ul>	15%	3 months	<ul style="list-style-type: none"><li>• Draft set of policies</li><li>• Draft set of guidelines</li><li>• Draft Capital Investment Framework</li><li>• Draft Implementation Framework</li></ul>
<b>Phase 5: Final Redoubt Precinct Plan</b> <ul style="list-style-type: none"><li>• Final Redoubt Precinct Plan</li><li>• Sector Plan Alignment</li><li>• Priority Local Plans</li><li>• Capital Investment Framework Into IDP</li></ul>	10%	1 months	<ul style="list-style-type: none"><li>• final report, Executive Summary, brochures, pamphlets or posters</li><li>• Sector plan alignment proposals and discussions</li><li>• Identified and delineated local plans/ precinct plans</li><li>• IDP and SDF alignment proposals and discussions</li></ul>
<b>RETENTION</b>	<b>15%</b>		Final Submission
<b>Total</b>	<b>100%</b>		

An amount for the final draft is payable upon ratification by the municipality as well as by the Standing Committee for Development Planning/ mayoral committee /EXCO/ of the municipality.

## 9. RELEVANT SKILLS AND EXPERIENCE.

Below is a summary of Mandatory requirements:

- Project leader must hold a ***tertiary qualification in planning*** which is recognised for registration in the category of Professional Planner by the South African Council for Planners (SACPLAN) in terms of the Planning Profession Act, 2002 and must be registered with SACPLAN as a Professional Planner (a

Copy of valid certificate and proof of payment of fees up to date is to be attached).

Skills and abilities required in the team to execute the project include the following:

- Town and Regional / Development Planning;
- Thorough understanding of SDF, strategic planning process, and urban design;
- Proven SDF, Precinct / Nodal Plan compilation experience;
- Understanding of the interrelationship amongst the following: social, economic, land use, transport and environmental issues;
- Geography and hands on GIS (at least at Technician Level);
- Project Management;
- Facilitation;
- Research, analytical, writing and communication skills;
- Strategic planning.

It is therefore recommended that the service provider ensures that people with relevant skills are part of the project. A list of people containing, among other things, names, qualifications and experience who will be directly involved in the project must be submitted. This should clearly indicate what roles each team member will play. A company / team profile containing, among other things, names, qualifications and experience of persons who will be directly involved in the project must be included.

All team members that will be directly involved in the project will be expected to attend all progress report meetings as scheduled and agreed upon by both parties. The selected team members shall stay the same for the duration of the project and cannot be changed without prior discussions with and approval from the municipality. (It should be the spatial planner and GIS person led by the project team leader who will be attending the steering committee meetings)

## **10. CAPACITY BUILDING AND SKILLS TRANSFER.**

The municipality consider skills development as an integral part of the out-sourcing process. The process should ensure that skills development and transfer is achieved within the municipality. Proposals should indicate how skills development and transfer would be achieved in the municipality.

## **11. INFORMATION GATHERING**

The successful Service Provider is expected to make contact with all the relevant GIS, Planning and required officials and units within the local and provincial spheres of government to obtain relevant information that is required for the project. Existing information on SDFs which are available within the municipality/plans will be made available to the successful service provider.

In the light of the event that the service provider needs a letter to confirm the motive for requesting information from the different spheres of government or parastatals, the municipality will provide the requested letter.

***However, the responsibility for collecting information necessary for the successful execution of the project remains entirely with the service provider.***

## **12. TERMS AND CONDITIONS OF THE BID**

### **12.1 General**

Awarding of the bid will be subject to the Service Provider's express acceptance of the municipal Supply Chain Management general contract conditions.

The municipality and Service Provider will sign a Services Level Agreement upon appointment.

Staffing requirements will be identified on the onset of the project and shall remain unchanged for the duration of the project, unless prior written consent has been granted by the Department municipality (Same as 8.4)

No material or information derived from the provision of the services under the contract may be used for any other purposes except for those of the municipality, except where duly authorized to do so in writing by the municipality.

Copyright in respect of all documents and data prepared or developed for the purpose of the project by the Service Provider shall be vested in municipality.

The successful Service Provider agrees to keep all records and information of, or related to the project confidential and not discloses such records or information to any third party without the prior written consent of municipality.

The municipality reserves the right to terminate the contract in the event that there is clear evidence of non-performance and non-compliance with the contract.

The short-listed service providers may be required to do a presentation in person to the municipality; at their own cost should it be deemed necessary to do so.

## **12.2 Format of Proposal**

12.2.1 All proposals are to respond to requirements as per the Terms of Reference

12.2.2 All proposals should be clearly indexed and easy to read

## **13. FINANCIAL PENALTIES**

13.1 Financial penalties shall be imposed for agreed upon milestones, targets, and deadline not met without providing:

- Timely notification of such delays.
- Valid reasons for the delays.
- Supporting evidence that the delays were outside of the influence of the service provider.

13.2 Payments will be made only for work performed to the satisfaction of the municipality. The Project Steering Committee will need to take a resolution concerning the work undertaken by the service provider. This resolution will then be reflected in the minutes of the meeting. The minutes will be submitted as part of the documentation required in order to process payment.

13.3 Financial penalties will be imposed if the outputs produced do not meet the agreed upon deliverables criteria as stipulated in the General Conditions of Contract.

13.4 Original copies of invoices to substantiate all costs must be provided. The service provider's invoices should include the municipality order number that will be provided to the selected service provider upon acceptance of the bid.

13.5 A pricing schedule, submitted on a separate sheet from the technical proposal for ease of evaluation. The pricing schedule should include the following:

- The names of the persons nominated to be used on the project;
- The number of hours allocated to each nominated person for the duration of the project;
- The hourly tariff applicable to each nominated person;
- All monetary amounts must be in South African Rand;
- Disbursements must be indicated separately and inclusive; and
- VAT must be included.

#### **14. RETENTION**

14.1. The municipality shall retain 15% of the total project cost in the case of late or non-delivery of the Wild Coast Precinct Plan.

14.2. The service provider shall forfeit the total payment per milestone in the case of the project being delayed for longer than 30 days after milestone due date.

#### **15. EVALUATION PROCEDURE**

The 80/20 preference points system as prescribed in the Preferential Procurement Policy Framework Act (PPPFA) will be applied to evaluate this bid. The lowest acceptable bid will score 80 points for price and maximum of 20 points will be awarded for attaining the Broad-Based Black Economic Empowerment (B-BBEE) status level of contribution.

This bid shall be evaluation in two stages. On first stage bids will be evaluated on functionality, second stage in accordance with 80/20 preference points system as stipulated above.

## First Stage - Evaluation of Functionality

The evaluation of the functionality will be evaluated individually by Members of Bid Evaluation Committee in accordance with the below functionality criteria and values.

The applicable values that will be utilized when scoring each criteria ranges from **1 being poor, 2 being average, 3 being good, 4 being very good and 5 being excellent**.

Functionality criteria	Weight	Points		
Methodology  Detail Proposal, Gantt Chart and detailed project implementation plan as per deliverables. Methodology and approach are fully adequate to meet the requirements of the assignment relating to the deliverables required by these terms of reference.	40	Work programme, plan and allocation of resources and tasks	15	
Proposed methodology and strategy		Proposed methodology and strategy	25	
Expertise, and Experience of proposed team :  Appropriate expertise of the suitably qualified human resources, both in respect of principles and/or other staff in the field of Town Planning, Land Surveyor, GIS Specialist registered with relevant professional Bodies i.e SACPLAN (professional; technical and/or administrative) of the tendering service provider to the project. Relevant information must be contained in curriculum/curricula vitae submitted with the tender together with proof of professional registration of project team members.	30	Experience of Registered Professional Planner.	Points	
		4-5 years or more	30	
		3-4 years or more	20	
		1-2 years or more	10	
Previous Experience with similar projects :  Number of comparable projects currently engaged in and/or completed by the service provider. The schedule of previous similar projects describing the projects, year of implementation and the contact details of references,	10	Number of projects	Points	
		2 similar projects	10	

appointment, completion and reference letters for each project must be submitted with the tender.		1 similar projects	5
<b>Total</b>	<b>100</b>		

12.3 The Bids that fail to achieve a minimum of **60** points for functionality will be disqualified.

#### **Second Stage - Evaluation in terms of 80/20 Preference Points System**

Only bids that achieve the minimum qualifying score for functionality will be evaluated further in accordance with the 80/20 preference points system.

#### **13. OUT-CLAUSE**

The Municipality reserves the right not to appoint if suitable candidates are not found, at the complete discretion of the municipality.

The municipality reserves the right to terminate the contract in the event that there is clear evidence of non-performance.

#### **14. CONTACT PERSONS WITH REGARD TO THIS DISPOSAL BRIEF**

1. Mr Z Khala Supply Chain Manager  
Tel: (039) 251 0230
2. Ms D. Makasi Town Planner  
Tel: (039) 251 0230

## MBD 4

### DECLARATION OF INTEREST

1. No bid will be accepted from persons in the service of the state<sup>1</sup>.
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, shareholder<sup>2</sup>):.....
  - 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. ....  
.....

<sup>1</sup> MSCM Regulations: "in the service of the state" means to be –

- (a) a member of –
  - (i) any municipal council;
  - (ii) any provincial legislature; or
  - (iii) the national Assembly or the national Council of provinces;
- (b) a member of the board of directors of any municipal entity;
- (c) an official of any municipality or municipal entity;
- (d) an employee of any national or provincial department, national or provincial public entity or constitutional institution within the meaning of the Public Finance Management Act, 1999 (Act No.1 of 1999);
- (e) a member of the accounting authority of any national or provincial public entity; or
- (f) an employee of Parliament or a provincial legislature.

<sup>2</sup> 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:

.....

.....

1. 4. FULL DETAILS OF DIRECTORS / TRUSTEES / MEMBERS / SHAREHOLDERS.

Full Name	Identity Number	State Employee Number

2.

**3. CERTIFICATION**

**I, THE UNDERSIGNED (FULL NAMES)**

.....

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

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

4.

.....  
**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**

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#### 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	
<b>Total points for Price and SPECIFIC GOALS</b>	<b>100</b>

- 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:

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

Where

Ps = Points scored for price of tender under consideration

Pt = Price of tender under consideration

Pmin = Price of lowest acceptable tender

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

### 3.2.1. POINTS AWARDED FOR PRICE

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

<b>80/20</b>	<b>or</b>	<b>90/10</b>
$Ps = 80 \left( 1 + \frac{Pt - P_{max}}{P_{max}} \right)$ or		$Ps = 90 \left( 1 + \frac{Pt - P_{max}}{P_{max}} \right)$

Where

Ps = Points scored for price of tender under consideration

Pt = Price of tender under consideration

Pmax = Price of highest acceptable tender

## 4. POINTS AWARDED FOR SPECIFIC GOALS

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

then the organ of state must indicate the points allocated for specific goals for both the 90/10 and 80/20 preference point system.

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

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

**Note to tenderers: The tenderer must indicate how they claim points for each**

*preference point system.)*

<b>The specific goals allocated points in terms of this tender</b>	<b>Number of points allocated (90/10 system) (To be completed by the organ of state)</b>	<b>Number of points allocated (80/20 system) (To be completed by the organ of state)</b>	<b>Number of points claimed (90/10 system) (To be completed by the tenderer)</b>	<b>Number of points claimed (80/20 system) (To be completed by the tenderer)</b>
South African	1.5	3		
Black	1.5	3		
Women	1.75	3.5		
Youth	1.75	3.5		
Leaving with disability	1.75	3.5		
Military Veterans	1.75	3.5		
<b>Total Points Allocated</b>	<b>10</b>	<b>20</b>		

#### **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 proprietor
- 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 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.**

Item	Question	Yes	No
4.1	<p>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?</p> <p>(Companies or persons who are listed on this Database were informed in writing of this restriction by the Accounting Officer/Authority of the institution that imposed the restriction after the <i>audi alteram partem</i> rule was applied).</p> <p><b>The Database of Restricted Suppliers now resides on the National Treasury's website(<a href="http://www.treasury.gov.za">www.treasury.gov.za</a>) and can be accessed by clicking on its link at the bottom of the home page.</b></p>	<input type="checkbox"/>	<input type="checkbox"/>
4.1.1	If so, furnish particulars:		
4.2	<p>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)?</p> <p><b>The Register for Tender Defaulters can be accessed on the National Treasury's website (<a href="http://www.treasury.gov.za">www.treasury.gov.za</a>) by clicking on its link at the bottom of the home page.</b></p>	<input type="checkbox"/>	<input type="checkbox"/>

4.2.1	If so, furnish particulars:		
4.3	Was the bidder or any of its directors convicted by a court of law (including a court of law outside the Republic of South Africa) for fraud or corruption during the past five years?	Yes <input type="checkbox"/>	No <input type="checkbox"/>

Item	Question	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.4	Does the bidder or any of its directors owe any municipal rates and taxes or municipal charges to the municipality / municipal entity, or to any other municipality / municipal entity, that is in arrears for more than three months?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.4.1	If so, furnish particulars:		
4.5	Was any contract between the bidder and the municipality / municipal entity or any other organ of state terminated during the past five years on account of failure to perform on or comply with the contract?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.7.1	If so, furnish particulars:		

## CERTIFICATION

**I, THE UNDERSIGNED (FULL NAMES) .....**

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

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

.....

**Signature**

.....

**Date**

.....

**Position**

.....

**Name of Bidder**

**CERTIFICATE OF INDEPENDENT BID DETERMINATION**

- 1 This Municipal Bidding Document (MBD) must form part of all bids<sup>1</sup> 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).<sup>2</sup> 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:

<sup>1</sup> Includes price quotations, advertised competitive bids, limited bids and proposals.

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

## **CERTIFICATE OF INDEPENDENT BID DETERMINATION**

I, the undersigned, in submitting the accompanying bid:

---

(Bid Number and Description)

in response to the invitation for the bid made by:

---

(Name of 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:
  - (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<sup>3</sup> will not be construed as collusive bidding.
7. In particular, without limiting the generality of paragraphs 6 above, there has been no consultation, communication, agreement or arrangement with any competitor regarding:
  - (a) prices;
  - (b) geographical area where product or service will be rendered (market allocation)
  - (c) methods, factors or formulas used to calculate prices;
  - (d) the intention or decision to submit or not to submit, a bid;
  - (e) the submission of a bid which does not meet the specifications and conditions of the bid; or
  - (f) bidding with the intention not to win the bid.
8. In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications and conditions or delivery particulars of the products or services to which this bid invitation relates.
9. The terms of the accompanying bid have not been, and will not be, disclosed by the bidder, directly or indirectly, to any competitor, prior to the date and time of the official bid opening or of the awarding of the contract.

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

10. I am aware that, in addition and without prejudice to any other remedy provided to combat any restrictive practices related to 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

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