

# UMKHANYAKUDE DISTRICT MUNICIPALITY



## TENDER NO. SCMU 020/2023/2024

### THE APPOINTMENT OF A PANEL OF CONTRACTORS FOR THE PROVISION OF CIVIL, MECHANICAL, AND ELECTRICAL ENGINEERING SERVICES FOR UMKHANYAKUDE DISTRICT MUNICIPALITY [PERIOD 36 MONTHS]

[Prospective bidders must be registered with the CIDB in any of the following disciplines and gradings]

Mark the appropriate field with X

1	MECHANICAL [CIDB Grading: 3ME/PE or Higher]	<input type="checkbox"/>
2	ELECTRICAL [CIDB Grading: 3EP/PE or Higher]	<input type="checkbox"/>
3	CIVIL WORKS [CIDB Grading: 2CE/PE or Higher]	<input type="checkbox"/>

**MAY 2024**

Name of Tenderer: \_\_\_\_\_

#### PREPARED AND ISSUED BY:

#### UMKHANYAKUDE DISTRICT MUNICIPALITY

P.O Box 449

Mkuze

3965

Tel: 035 573 85130

Fax: 035 573 8730





# UMKHANYAKUDE DISTRICT MUNICIPALITY TENDER NOTICE

**TENDER NO. SCMU: 020/2023/2024**

## **INVITATION FOR SERVICE PROVIDERS TO FORM A PANEL OF CONTRACTORS FOR THE PROVISION OF CIVIL, MECHANICAL AND ELECTRICAL ENGINEERING SERVICES FOR UMKHANYAKUDE DISTRICT MUNICIPALITY [PERIOD 36 MONTHS]**

The uMkhanyakude District Municipality seeks experienced contractors to form a panel of contractors for the provision of Civil, Mechanical and Electrical Engineering related services. The duration of the contract will be for 36 months (3 years) with an option for renewal for a further period of 2 years.

Prospective bidders must be registered with the CIDB in any of the following disciplines and grades:

- **MECHANICAL [CIDB Grading: 3ME/PE or Higher]**
- **ELECTRICAL [CIDB Grading: 3EP/PE or Higher]**
- **CIVIL WORKS [CIDB Grading: 2CE/PE or Higher]**

Tender documents can be downloaded from the National Treasury website: [etenders@gov.za](mailto:etenders@gov.za). Any queries can be directed to **Mr. Siphamandla Mavundla via email at [scm@ukdm.gov.za](mailto:scm@ukdm.gov.za)**. **A Compulsory Briefing Session will be held on 07 May 2024 at 10h00am, at the uMkhanyakude District Municipality, Council Chambers, Harlingen No:13433, Kingfisher Road, Mkuze, 3965.** Non-attendance at the Compulsory Briefing Session will render any submission invalid.

Tender submissions must be properly bound and placed in the tender box situated at the main office entrance of the **uMkhanyakude District Municipality, Harlingen No:13433, Kingfisher Road, Mkuze, 3965, before 12h00 on 16 May 2024**, in a sealed envelope which is clearly marked with the Tender Number and Tender Description. Late quotations or Tenders received by way of Facsimile or E-Mail will under no circumstances be considered.

Tenderers will be evaluated in terms of functionality as part of the minimum requirements before evaluated on price and preference based on the following criteria:

<b>Evaluation Criteria</b>	<b>Maximum Points</b>
Awarded contracts with relevant scope of works [appointments to be within the past five (5) years]	20 Points
Experience on Previously Awarded and Completed Contracts [Provide references]	25 Points
Appropriate grading and valid registration with the CIDB	20 Points
CV's of suitably qualified and experienced Site Agent, Electrical Engineer, Mechanical, Engineer, Millwright, etc.	25 Points
Locality (Points are not cumulative) <ul style="list-style-type: none"> <li>• Office based in uMkhanyakude District – 10 Points</li> <li>• Office based in KwaZulu-Natal (outside UKDM) – 5 Points</li> <li>• Office based outside of KwaZulu-Natal – 3 Points</li> </ul>	10 Points
<b>Total Functionality Points</b>	<b>100 Points</b>

A bidder/s that scores less than **60 points out of 100** in respect of functionality will be regarded as submitting a non-responsive bid and will be disqualified.

The **80/20 preference point system** in terms of the municipality's SCM Policy will be applicable as follows:

<b>PREFERENCE SYSTEM</b>	
<b>PRICE</b>	<b>80</b>
<b>SPECIFIC GOALS</b>	<b>20</b>
<b>Specific Goal</b>	<b>Sub-Points</b>
Enterprise owned by Black People	4
Enterprise owned by Women	4
Enterprise owned by Youth	4
Enterprise owned by Disabled Persons	4
Enterprise owned by SMME's – QSE and EME	4

Joint Venture arrangements: Each Company will be evaluated individually, and the cumulative points will be divided to establish average to obtain Final Specific Goal Points.

All service providers intending to submit a tender are required to be registered on the Central Supplier Database.

Tenderers shall take note of the following Tender Conditions:

uMkhanyakude District Municipality's procurement policy will apply,

uMkhanyakude District Municipality does not bind itself to accept the lowest tender or any other tender and reserves the right to accept the whole or part of the tender,

Tenders submitted are to be valid for a period of 90 days from the closing date for submissions of tenders.

**W.M Nxumalo**  
**Municipal Manager**  
**uMkhanyakude District Municipality**

**INVITATION TO BID – MBD 1  
PART A**

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE UMKHANYAKUDE DISTRICT MUNICIPALITY					
BID NUMBER:	<b>SCMU: 020/2023/2024</b>	CLOSING DATE:	<b>16 MAY 2024</b>	CLOSING TIME:	<b>12h00</b>
DESCRIPTION	<b>PANEL OF CONTRACTORS FOR THE PROVISION OF CIVIL, MECHANICAL, AND ELECTRICAL ENGINEERING SERVICES FOR UMKHANYAKUDE DISTRICT MUNICIPALITY [PERIOD 36 MONTHS]</b>				
THE SUCCESSFUL BIDDER WILL BE ISSUED WITH AN APPOINTMENT LETTER					

BID RESPONSE DOCUMENTS MAY BE DEPOSITED IN THE BID BOX SITUATED AT:  
Harlingen No:13433, Kingfisher Road, Mkuze, 3965

SUPPLIER INFORMATION					
NAME OF BIDDER					
POSTAL ADDRESS					
STREET ADDRESS					
TELEPHONE NUMBER	CODE		NUMBER		
CELLPHONE NUMBER					
FACSIMILE NUMBER	CODE		NUMBER		
E-MAIL ADDRESS					
VAT REGISTRATION NUMBER					
TAX COMPLIANCE STATUS	TCS PIN:		OR	CSD No:	
ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES /WORKS OFFERED?	<input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES ENCLOSE PROOF]	ARE YOU A FOREIGN-BASED SUPPLIER OF THE GOODS /SERVICES /WORKS OFFERED?		<input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES, ANSWER PART B:3]	
TOTAL NUMBER OF ITEMS OFFERED			TOTAL BID PRICE	R	
SIGNATURE OF BIDDER	.....	DATE			
CAPACITY UNDER WHICH THIS BID IS SIGNED					
BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO:			TECHNICAL INFORMATION MAY BE DIRECTED TO:		
DEPARTMENT	FINANCE		DEPARTMENT	TECHNICAL SERVICES	
CONTACT PERSON	MR. S. MAVUNDLA		CONTACT PERSON	MR. S. KHUMALO	
E-MAIL ADDRESS	scm@ukdm.gov.za		E-MAIL ADDRESS	sizwe.abs@gmail.com	

**PART B  
TERMS AND CONDITIONS FOR BIDDING**

**BID SUBMISSION:**

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

**TAX COMPLIANCE REQUIREMENTS**

BIDDERS MUST ENSURE COMPLIANCE WITH THEIR TAX OBLIGATIONS.  
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.  
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.  
FOREIGN SUPPLIERS MUST COMPLETE THE PRE-AWARD QUESTIONNAIRE IN PART B:3.  
BIDDERS MAY ALSO SUBMIT A PRINTED TCS CERTIFICATE TOGETHER WITH THE BID.  
IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED; EACH PARTY MUST SUBMIT A SEPARATE TCS CERTIFICATE / PIN / CSD NUMBER.  
WHERE NO TCS IS AVAILABLE BUT THE BIDDER IS REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD), A CSD NUMBER MUST BE PROVIDED.

**QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS**

- IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)?
- YES  NO
- DOES THE ENTITY HAVE A BRANCH IN THE RSA?
- YES  NO
- DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA?
- YES  NO
- DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA?
- YES  NO
- 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		NAME (PRINT)	
CAPACITY		DATE	
NAME OF FIRM			

**RETURNABLE DOCUMENTATION**

- Company Profile
- Valid Tax Clearance Certificate with PIN
- VAT Registration Certificate
- Full CSD report (Not older than 30 days from the closing date)
- Proof of municipal account - Not in arrears of more than 90 days (30 days if the tender price exceeds R10 Million)/ Lease Agreement or Councilor’s letter
- Certified copy of company registration
- Certified ID copies of directors
- Traceable reference letters for similar work
- Certified copy of B – BBEE status level certificate
- Bank details/letter
- Valid CIDB Grading certificate

MBD 4

DECLARATION OF INTEREST

- 1. No bid will be accepted from persons in the service of the state.
- 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 favoritism, 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 authorized representative declare their position in relation to the evaluating/adjudicating authority.
- 3 In order to give effect to the above, the following questionnaire must be completed and submitted with the 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, hareholder<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, principal shareholders or stakeholders in service of the state? ..... **YES / NO**

3.13.1 If yes, furnish particulars.

.....  
 .....

3.14 Do you or any of the directors, trustees, managers, principle shareholders, or stakeholders of this company have any interest in any other related companies or business whether or not they are bidding for this contract?

**YES / NO**

3.14.1 If yes, furnish particulars:

.....

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

Full Name	Identity Number	State Employee Number

.....  
**Signature**

.....  
**Date**

.....  
**Capacity**

.....  
**Name of Bidder**

**SPECIFIC GOALS**

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

**NB: BEFORE COMPLETING THIS FORM, BIDDERS MUST STUDY THE GENERAL CONDITIONS AND DEFINITIONS**

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**GENERAL CONDITIONS**

- 1.1 The following preference point systems are applicable to all bids:
- 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 1.2

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

1.3 Points for this bid shall be awarded for:

- (a) Price; and
- (b) Specific goals.

1.4 The maximum points for this bid are allocated as follows:

	POINTS
<b>PRICE</b>	80
<b>SPECIFIC GOALS</b>	
<b>Total points for Price and Specific goals must not exceed</b>	<b>100</b>

1.5 Failure on the part of a bidder to submit the required documents to substantiate the points claimed with the bid, will be interpreted to mean that points for specific goals are not claimed.

1.6 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 specific goals in any manner required by the purchaser.

## DEFINITIONS

- (a) **“B-BBEE”** means broad-based black economic empowerment as defined in section 1 of the Broad-Based Black Economic Empowerment Act.
- (b) **“Specific goals”** means specific goals as contemplated in section 2(1)(d) of the Act which may include contracting with persons, or categories of persons, historically disadvantaged by unfair discrimination on the basis of race, gender and disability including the implementation of programmes of the Reconstruction and Development Programme as published in *Government Gazette* No. 16085 dated 23 November 1994
- (c) **“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 goods or services, through price quotations, advertised competitive bidding processes or proposals.
- (d) **“Broad-Based Black Economic Empowerment Act”** means the Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003);
- (e) **“EME”** means an Exempted Micro Enterprise in terms of a code of good practice on black economic empowerment issued in terms of section 9 (1) of the Broad-Based Black Economic Empowerment Act;
- (f) **“Functionality”** means the ability of a tenderer to provide goods or services in accordance with specifications as set out in the tender documents.
- (g) **“prices”** includes all applicable taxes less all unconditional discounts;
- (h) **“proof of B-BBEE status level of contributor”** means:
  - 1) B-BBEE Status level certificate issued by an authorized body or person;
  - 2) A sworn affidavit as prescribed by the B-BBEE Codes of Good Practice;
  - 3) Any other requirement prescribed in terms of the B-BBEE Act;
- (i) **“QSE”** means a qualifying small business enterprise in terms of a code of good practice on black economic empowerment issued in terms of section 9 (1) of the Broad-Based Black Economic Empowerment Act;
- (j) **“rand value”** means the total estimated value of a contract in Rand, calculated at the time of bid invitation, and includes all applicable taxes;

## FORMULAE FOR PROCUREMENT OF GOODS AND SERVICES

### 3.1 POINTS AWARDED FOR PRICE (the 80/20 or 90/10 preference point systems)

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

**80/20**                      **or**                      **90/10**

$$Ps = 80 \left( 1 - \frac{Pt - P_{min}}{P_{min}} \right) \text{ or } Ps = 90 \left( 1 - \frac{Pt - P_{min}}{P_{min}} \right)$$

Where

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

### 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:

**80/20**                      **or**                      **90/10**

$$Ps = 80 \left( 1 + \frac{Pt - P_{max}}{P_{max}} \right) \text{ or } Ps = 90 \left( 1 + \frac{Pt - P_{max}}{P_{max}} \right)$$

Where

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

### POINTS AWARDED FOR SPECIFIC GOALS

4.1 In terms of Regulation 3 (1) an organ of state must, in the tender documents, stipulate the specific goal in the invitation to submit the tender for which a point may be awarded, and the number of points that will be awarded to each goal, and proof of the claim for such goal.

<b>SPECIFIC GOAL</b>	<b>NUMBER OF POINTS FOR (80/20 PREFERENCE SYSTEM)</b>	<b>NUMBER OF POINTS (90/10 PREFERENCE SYSTEM)</b>
1. Enterprise owned by Black people	4	2
2. Enterprise owned by Women	4	2
3. Enterprise owned by Youth	4	2
4. Enterprise owned by Disabled persons	4	2
5. Enterprise owned by SMME`S – QSE and EME	4	2

**BID DECLARATION**

5.1 Bidders who claim points in respect of specific goals must complete the following:

<b>SPECIFIC GOAL</b>	<b>NUMBER OF POINTS FOR (80/20 PREFERENCE SYSTEM)</b>	<b>NUMBER OF POINTS FOR (90/10 PREFERENCE SYSTEM)</b>
1. Enterprise owned by Black people		
2. Enterprise owned by Women		
3. Enterprise owned by Youth		
4. Enterprise owned by Disabled persons		
5. Enterprise owned by SMME`S – QSE and EME		

**B-BBEE STATUS LEVEL OF CONTRIBUTOR CLAIMED IN TERMS OF PARAGRAPHS 1.4 AND 3.1**

6.1 Specific goals: = ..... (maximum of 10 or 20 points)

(Points claimed in respect of paragraph 6.1 must be in accordance with the table reflected in paragraph 3.1 and must be substantiated by submitting the required documents.)

**DECLARATION WITH REGARD TO COMPANY/FIRM**

7.1 Name of company/firm.....

7.2 VAT registration number:.....

7.3 Company registration number:.....

7.4 TYPE OF COMPANY/ FIRM

- Partnership/Joint Venture / Consortium
  - One-person business/sole propriety
  - Close corporation
  - Company
  - (Pty) Limited
- [TICK APPLICABLE BOX]

7.5 DESCRIBE PRINCIPAL BUSINESS ACTIVITIES

.....

.....

.....

.....

7.6 COMPANY CLASSIFICATION

- Manufacturer
  - Supplier
  - Professional service provider
  - Other service providers, e.g. transporter, etc.
- [TICK APPLICABLE BOX]

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

7.8 I/we, the undersigned, who is/are duly authorized to do so on behalf of the company/firm, certify that the points claimed, based on the specific goals indicated in paragraphs 1.4 and 5.1 of the foregoing certificates, qualifies the company/ firm for the preference(s) shown and I/we 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 5.1, the contractor may be required to furnish documentary proof to the satisfaction of the purchaser that the claims are correct.
- iv) If the B-BBEE status level of contributor has been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the purchaser may, in addition to any other remedy it may have –

- (a) disqualify the person from the bidding 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 bidder or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, be restricted by the National Treasury from obtaining business from any organ of state for a period not exceeding 10 years, after the *audi alteram partem* (hear the other side) rule has been applied; and
- (e) forward the matter for criminal prosecution.

WITNESSES

- 1. ....
- 2. ....

SIGNATURE OF BIDDERS(S) .....

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>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.1.1	<p>If so, furnish particulars:</p>		
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>	Yes <input type="checkbox"/>	No <input type="checkbox"/>



**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 *pe se* prohibition meaning that it cannot be justified under any grounds.
  
- 3 Municipal Supply Regulation 38 (1) prescribes that a supply chain management policy must provide measures for the combating of abuse of the supply chain management system, and must enable the accounting officer, among others, to:
  - a. take all reasonable steps to prevent such abuse;
  - b. reject the 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.

**MBD 9**

**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) the geographical area where the 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 of Bidder

.....  
Name of Bidder

## PROOF OF GOOD STANDING WITH MUNICIPAL ACCOUNTS

The tenderer is to affix to this page either:

Proof that they are not in arrears for more than 90 days (30 days if the tender price exceeds R10 Million) with municipal rates and taxes and municipal service charges. The latest municipal account is to be attached. Attach the latest municipal account statement behind this page. The statement must not be older than three months from the close of this tender.; or

A signed copy of the lease agreement if the tenderer is currently leasing premises and not responsible for paying municipal accounts together with a letter/statement from the landlord (not older than three months from the close of this tender) stating that no levies are in arrears (only if applicable); or

An affidavit signed and stamped by a Commissioner of Oaths stating that the business is not required to pay municipal charges and providing for the reasons thereof (only if applicable). In cases where the business resides in an area that does not pay for municipal rates and taxes and municipal service charges, a letter from the Ward Councillor must be submitted together with the affidavit.

Note:

The tender hereby acknowledges that the Municipality may reject the tender of the tenderer if any municipal rates and taxes or municipal service charges are owed by the bidder or any of its directors/members/partners.

It is the responsibility of the service provider to ensure that the statement/proof of municipal good standing being submitted includes proof that the account is not more than 90 days (30 days if the tender price exceeds R10 Million) in arrears.

For service providers with more than one office branch, the proof of municipal account provided must reflect that of the nominated branch that will undertake the required work.

Failure to affix such documentation as prescribed to this page shall result in this tender not being further considered for the award of the contract.

Should this tender be considered for the award of the contract, based on proof of submission and should proof of such submission be found to be invalid, erroneous, or inaccurate, this tender will no longer be considered for the award of the contract.

Statements, letters, and affidavits must not be older than three months from the closing date of this tender.

SIGNATURE		NAME (PRINT)	
CAPACITY		DATE	
NAME OF FIRM			

**AUTHORITY FOR SIGNATORY**

Indicate the status of the tenderer by ticking the appropriate box hereunder. The tenderer must complete the certificate set out below for the relevant category.

A Company	B Partnership	C Joint Venture	D Sole Proprietor	E Close Corporation

**A. Certificate for Company**

I, ..... , chairperson

of the board of..... ,

hereby confirm that by resolution of the board (copy attached) taken on

..... 20....., Mr./Ms. ....

acting in the capacity of..... , being authorised to sign all documents in connection with this tender for Contract No SCMU: 020/2023/2024 and any contract resulting from it on behalf of the company.

**As witnesses:**

..... Chairman: .....

..... Date: .....

**B. Certificate for Partnership**

We, the undersigned, being the key partners in the business trading as .....

....., hereby authorize

Mr./Ms. ...., acting in the capacity of

.....

....., to sign all documents in connection with this tender for

Contract No SCMU: 020/2023/2024 and any contract resulting from it on our behalf.

Name	Address	Signature	Date

Note: This certificate is to be completed and signed by all key partners upon whom rests the direction of the affairs of the Partnership as a whole.

**C. Certificate for Joint Venture**

We, the undersigned, are submitting this tender offer in Joint Venture and hereby authorize Mr./Ms.

....., authorized signatory of the company

....., acting in the capacity of lead partner, to sign all documents in connection with this tender for Contract No. SCMU: 020/2023/2024 and any contract resulting from it on our behalf.

This authorization is evidenced by the attached power of attorney signed by legally authorized signatories of all the partners to the Joint Venture.

Name of Firm	Address	Authorizing Name and Capacity	Authorizing Signature
Lead Partner:			

**D. Certificate for Sole Proprietor**

I, ....., hereby confirm that I am

the sole owner of the business trading as .....

As witnesses:

..... Sole Owner: .....

..... **Date:** .....

**E. Certificate for Close Corporation**

We, the undersigned, are the key members in the business trading as .....

....., hereby authorize Mr./Ms. ....

acting in the capacity of....., to sign all to sign all documents in connection. with this tender for Contract No SCMU: 020/2023/2024 and any contract resulting from it on our behalf.

Name	Address	Signature	Date

Note: This certificate is to be completed and signed by all key partners upon whom rests the direction of the affairs of the Partnership as a whole.

**BANKING DETAILS**

It is the policy of the uMkhanyakude District Municipality to pay all creditors by means of direct bank transfers. Please complete this information and acquire your banker’s confirmation.

ACCOUNT HOLDER	
NAME OF BANK	
ACCOUNT NUMBER	
ACCOUNT TYPE	
BRANCH NAME	
BRANCH CODE	
BRANCH CONTACT PERSON	
PHONE NUMBER	
FAX NUMBER	

I/we hereby request and authorize the uMkhanyakude District Municipality to pay any amounts that may accrue to me/us to the credit of my/our bank account.

I/we further undertake to inform the uMkhanyakude District Municipality in advance of any change in my/our bank details and accept that this authority may only be cancelled by me/us by giving thirty days' notice by prepaid registered post.

Alternatively, the tenderer may submit a letter/declaration from his bank worded as above, providing the required details and signed by an appropriate Bank Official (attached behind this page).

**FOR BANK USE ONLY**

<p>I/we hereby certify that the details of our client's bank account as indicated above is correct:</p> <p>.....</p> <p style="text-align: center;"><b>AUTHORISED SIGNATURE(S)</b></p>	<p><b>OFFICIAL DATE STAMP</b></p>
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**JOINT VENTURE AGREEMENT**

This returnable schedule is to be completed by joint ventures.

We, the undersigned, are submitting this tender offer in joint venture and hereby authorize Mr./Ms.

....., authorized signatory of the company, close corporation or

partnership ....., acting in the capacity of lead partner, to sign all documents in connection with the tender offer and any contract resulting from it on our behalf.

NAME OF FIRM	ADDRESS	DULY AUTHORISED SIGNATORY
Lead Partner		Signature:
		Name:
		Designation:
		Signature:
		Name:
		Designation:

Note:

A copy of the Joint Venture Agreement clearly showing the percentage contribution of each partner to the Joint Venture shall be appended to this schedule.

Service providers intending to tender in the form of Joint Ventures/Consortiums must submit the following documentation together with the tender:

Proof of tax compliance status of all parties of the Joint Venture/Consortium.

An undertaking duly signed by all parties of the Joint Venture/Consortium indicating their intention to enter into an agreement for the purposes of the contract.

Proof of Good Standing with municipal accounts for all parties of the Joint Venture/Consortium.

Signed Declaration of Interest forms (MBD 4) for all parties of the Joint Venture/Consortium.

Further to the above, the name of the Joint Venture/Consortium must appear on the relevant pages of the document. Failure to comply with these requirements shall lead to disqualification.

SIGNATURE		NAME (PRINT)	
CAPACITY		DATE	
NAME OF FIRM			

**SCHEDULE OF PROPOSED SUB-CONTRACTORS**

The Tenderer shall list below any Sub-Contractors he wishes to employ to carry out part(s) of the Work.

The acceptance of his tender shall not be construed as approval of all or any of the listed Sub-Contractors. Should any or all of the Sub-Sub-Contractors not be approved subsequent to acceptance of the tender, this shall in no way invalidate this tender. Furthermore, the tendered unit rates for the various items of work shall remain final and binding.

No.	PROPOSED SUB-CONTRACTORS	PART OR TYPE OF WORK	ADDRESS OF PROPOSED SUBCONTRACTOR	CONTACT DETAILS	VALUE OF WORK (R)
1					
2					
3					
4					
5					
6					
7					
<b>TOTAL VALUE OF WORKS TO BE SUB-CONTRACTED</b>					<b>R</b>

Bidders are requested to furnish certified copies of the proposed subcontractor’s CK Certificate, a copy of the latest municipal statement, a BEERating Certificate as well as certified copies of the owners’ Identity Documents along with this tender.

**SIGNED ON BEHALF OF TENDERER:** .....

**EXPERIENCE OF TENDERER**

The following is a statement of work of a similar nature (E.g. Infrastructure maintenance) awarded within the past 5 years.

EMPLOYER: CONTACT PERSON AND TELEPHONE NUMBER	DESCRIPTION OF WORK	VALUE OF WORK (inclusive of VAT)	COMPLETION DATE
(Client)			
(Contact Person)			
(tel.)			
(email)			
(Client)			
(Contact Person)			
(tel.)			
(email)			
(Client)			
(Contact Person)			
(tel.)			
(email)			
(Client)			
(Contact Person)			
(tel.)			
(email)			

A separate schedule, clearly referenced, may be inserted here.

**SIGNATURE:** ..... **DATE:** .....  
 (of person authorized to sign on behalf of the Tenderer)

**EXPERIENCE OF TENDERER (Cont.)**

The following is a statement of work of a similar nature (E.g. Infrastructure maintenance) awarded within the past 5 years.

EMPLOYER: CONTACT PERSON AND TELEPHONE NUMBER	DESCRIPTION OF WORK	VALUE OF WORK (inclusive of VAT)	COMPLETION DATE
(Client)			
(Contact Person)			
(tel.)			
(email)			
(Client)			
(Contact Person)			
(tel.)			
(email)			
(Client)			
(Contact Person)			
(tel.)			
(email)			
(Client)			
(Contact Person)			
(tel.)			
(email)			

**SIGNATURE:** .....  
 (of a person authorised to sign on behalf of the Tenderer)

**DATE:** .....

**REFERENCE LETTERS**

Bidders must have specific experience and submit recent references (in the form of written proof/(s) on the organization's letterhead including relevant contact person, nature of service, and contact details) of similar work undertaken.

Reference Letters must make reference to the nature of the works undertaken as well as the total value of the works executed by the bidder.

Reference Letters are to be signed by the referee (either the Director/Manager of the firm/entity or their delegated official) and dated.

Bidders are to note that appointment letters/purchase orders will not be accepted in lieu of reference letters.

Attach Letters of Reference to this page.

SIGNATURE		NAME (PRINT)	
CAPACITY		DATE	
NAME OF FIRM			

**RECORD OF ADDENDA**

We confirm that the following communications received from the employer before the submission of this tender offer, amending the tender documents, have been taken into account in this tender offer.		
NO	DATE	TITLE OR DETAILS
1.		
2.		
3.		

Attach additional pages if more space is required.

Failure to acknowledge any addendum released by uMkhanyakude District Municipality may result in your tender submission being declared non-responsive.

SIGNATURE		NAME (PRINT)	
CAPACITY		DATE	
NAME OF FIRM			