

**" The City of Heritage "**



## **ULUNDI LOCAL MUNICIPALITY**

**BID NO. 17/2024/2025**

**BID DESCRIPTION:**

**APPOINTMENT OF SERVICE PROVIDER TO REVIEW THE  
SPATIAL DEVELOPMENT FRAMEWORK (SDF) FOR 24  
MONTHS**

|                           |      |
|---------------------------|------|
| Name of bidder            |      |
| Contact person            |      |
| Telephone/ Cell phone No. |      |
| E mail address:           |      |
| Address:                  |      |
| CSD Number                | MAAA |
| Tender sum in rands:      |      |
| Tender sum in words:      |      |

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# INVITATION TO BID

**UMASIPALA  
WASOLUNDI**

Private Bag 17  
Ulundi  
3838

**“ The City of Heritage ”**



**ULUNDI MUNICIPALITY**

Tel: 035 874 5100

## ULUNDI LOCAL MUNICIPALITY BID NOTICE AND INVITATION TO TENDER

Bids are hereby invited from suitable service providers of the following Ulundi Municipality projects:

| PROJECT/<br>BID NO. | PROJECT<br>DESCRIPTION                                                                          | SPECIFIC<br>GOALS                                                                           | CLOSING<br>DATE | FUNCTIONALITY                                                                                                                                                                                                                                                      | TECHNICAL<br>ENQUIRIES | CONTACT<br>DETAILS       |
|---------------------|-------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------|-----------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------|--------------------------|
| 17/2024/2025        | Appointment of service provider to review the spatial development framework (SDF) for 24 months | Black>5<br>Women>3<br>Youth>5<br>Local>5<br>Disability>2<br><br><b>Total =20<br/>Points</b> | 29/05/2025      | Organisational capacity and resources>30 points<br><br>Project manager capability, qualifications, expertise and experience>50 points<br><br>Principal analyst:<br>Capability, qualifications, expertise and experience>20 points<br><br><b>Total = 100 points</b> | Mrs. NLH Buthelezi     | nbuthelezi@ulundi.gov.za |

Only service providers registered with Central Supplier Database (CSD) will be considered.

Bid documents may be obtained on the **Ulundi Municipal Website at [www.ulundi.gov.za](http://www.ulundi.gov.za)**. Bid documents must be submitted in a sealed envelope clearly marked with the bid number, closing date and, dropped off in the tender box at SCMU, Ulundi Municipality, Corner of Princess Magogo and King Zwelithini Street, Ulundi, 3838 by no later **12H00 of the above stated closing dates**. The bid box is generally open from 07h30 to 16h30 Monday to Thursday and 07h30 to 15h15 Friday. All quotes must be submitted on the official forms – (Not to be retyped). This bid is subject to the general conditions of contract (GCC) and any other special conditions of contract.

**THE FOLLOWING ARE MANDATORY:** CSD summary report, valid tax clearance or SARS login pin, a certified copy of the most recent municipal account in which the business is registered, copies of ID of members of the entity, CIPRO, and relevant Business certificates. Bidders are requested to sign where necessary and initial each page on the Bid Documents. **The tender is valid for 90 days.**

The Bids will be evaluated using 80/20 Preferential Procurement Point system where 80 points are for the price, and 20 are for specific goals according to the PPPFA 2000 Act no. 5 of 2000 and SCM Regulation 2022.

Where there's functionality two stage evaluation process will be followed, first evaluate functionality and only tenders that score the minimum threshold for functionality will be advancing to the second stage of evaluation on point for price and specific goal.

Late tenders will not be accepted, and the Ulundi Municipality reserved the right not to make an award. Failure to comply with the above conditions will invalidate your offer.

**Kindly note that the successful bidder will be subjected to a screening process prior to the bid being awarded, should it be discovered that a successful bidder provided misleading information he/she will be disqualified with immediate effect.**

SCM related enquiries: Mrs. N Luzipho ([nluzipho@ulundi.gov.za](mailto:nluzipho@ulundi.gov.za))

**Mr. S.M. KHOMO**

**MUNICIPAL MANAGER**

## EVALUATION CRITERIA

This tender will be evaluated on functionality AND using the 80/20 Preferential Procurement Point system where 80 points are for the price, and 20 are for specific goals according to the PPPFA 2000 Act no. 5 of 2000 and SCM Regulation 2022.

The specific goals are allocated as per MBD 6.1 (Table 1).

### FUNCTIONALITY

The minimum threshold for functionality is 70 points. Any bid that obtains points below 70 points or does not submit documents indicated as mandatory will be disqualified.

| CRITERIA                                                                                                                                                    | POINTS     | COMMENT/ PROOF TO BE PROVIDED                      |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------|------------|----------------------------------------------------|
| <b>Organisational Capacity and Resources</b>                                                                                                                | <b>30</b>  |                                                    |
| 1. Experience in SDF management & development<br>A minimum of 3 Spatial Development Frameworks completed within the last 10 years.                          | 10         | Reference letters and Company profile (MANDATORY)  |
| 2. Public sector capital investment programme experience involving municipalities as implementing agents                                                    | 10         |                                                    |
| 3. Sound Participatory Planning, use of Development Communication Media, GIS and innovative planning approaches.                                            | 10         |                                                    |
| <b>Project Manager capability – qualifications, expertise and experience</b>                                                                                | <b>50</b>  |                                                    |
| 4. Tertiary qualification in Town and Regional Planning                                                                                                     | 10         | <b>Certified</b> Copy of Qualification (MANDATORY) |
| 5. Registration with SA Council for Planners                                                                                                                | 10         | <b>Certified</b> Copy of Qualification (MANDATORY) |
| 6. Land use and land management experience with a focus on strategic planning in developing, documenting and implementing public sector management systems. | 10         | Detailed CV                                        |
| 7. Sound SEA and sustainability evaluation experience                                                                                                       | 10         |                                                    |
| 8. Municipal Capacity Building and Skills Transfer experience.                                                                                              | 10         |                                                    |
| <b>PRINCIPAL ANALYST: capability – qualifications, expertise and experience</b>                                                                             | <b>20</b>  |                                                    |
| 9. Tertiary qualification in Town and Regional Planning or Development Studies.                                                                             | 10         | <b>Certified</b> Copy of Qualification (MANDATORY) |
| 10. Consultant experience in SDF development in inland regions with some urban and regional planning or design-based interest and knowledge.                | 5          | Detailed CV                                        |
| 11. Experience in analysis of plans, policies, projects and development pressure with an SEA focus.                                                         | 5          |                                                    |
| <b>TOTAL POINTS</b>                                                                                                                                         | <b>100</b> |                                                    |

## SPECIFICATION AND SCOPE OF WORK

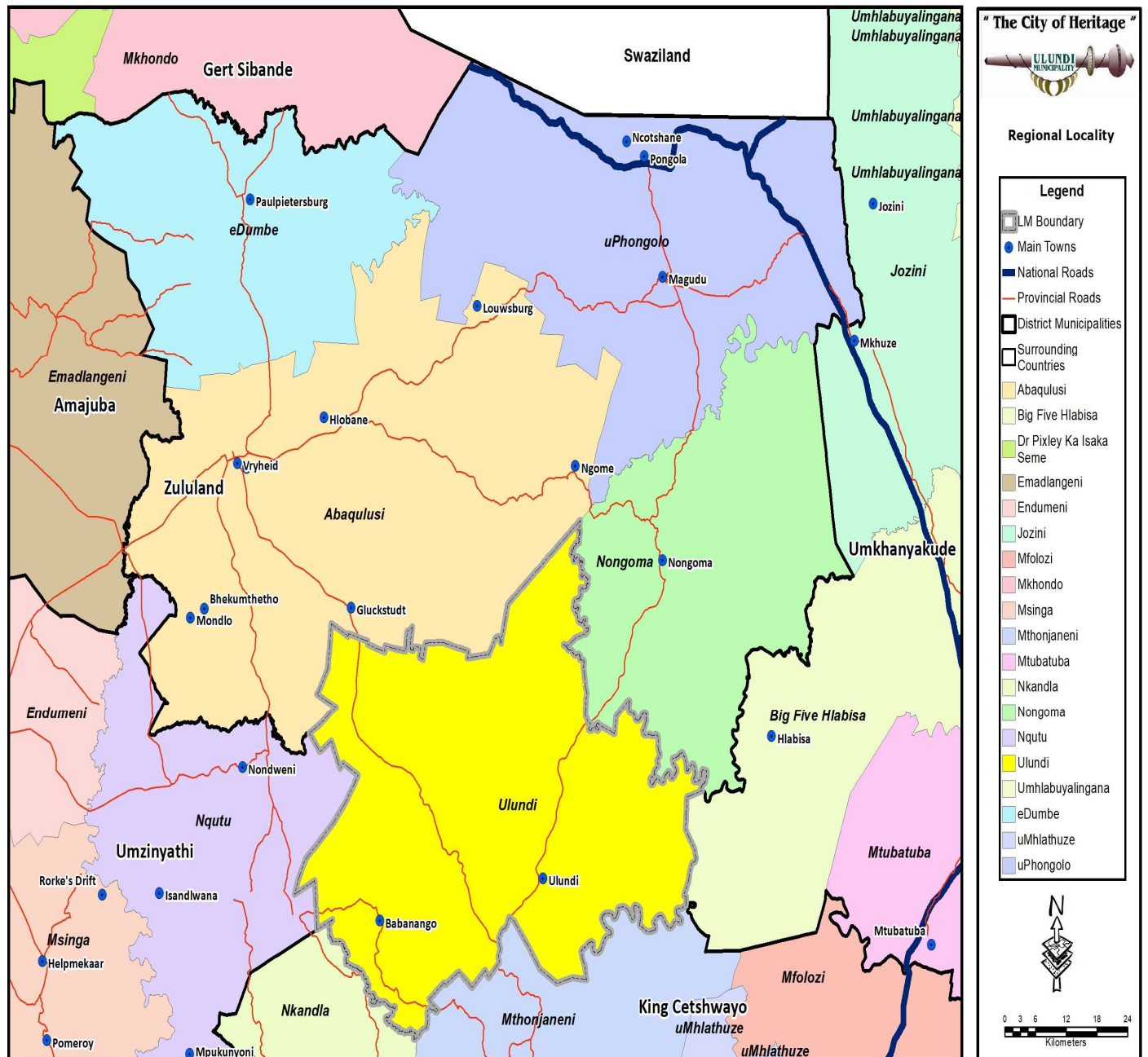
### 1. BACKGROUND

- 1.1 Section 26 (e) of the Local Government: Municipal Systems Act, No. 32 of 2000 (hereafter the MSA) stipulates that all municipalities are required to compile Spatial Development Frameworks (hereafter “SDFs”) as an essential aspect of their Integrated Development Plans (hereafter “IDPs”).
- 1.2 The MSA also stipulates that central to an SDF is a Strategic Environmental Assessment of the SDF proposals which is undertaken in order to ensure that an SDF is based on sound empirical analysis and is economically, socially, ecologically and institutionally sustainable. Consequently, the credibility and the sustainability assessment of an SDF is basic to the assessment of legal compliance of an SDF.
- 1.3 The Ulundi Local Municipality requires the review of an SDF which is sustainable, legally compliant and provides clear guidance for the development of guidelines to inform a Scheme. A Service Provider is required to assist the Municipality in accomplishing this task.
- 1.4 In addition to the requirements of legal compliance and sustainability, basic to an SDF is the imperative to provide for the localization of national and provincial sector specific policies and guidelines which have been crafted since 1994. Central to this process is the drive toward redressing the imbalances of the past where the spatial segregation of people, land use, social and economic activities was the norm.
- 1.5 The annual IDP’s assessments reveal that although some SDFs within Municipalities are making headway in achieving legal compliance and the imperatives of the spatial integration of economic, social, ecological, and institutional arrangements, many Municipalities require assistance with such a task. Many SDF’s across the province are found to be descriptive of the status quo and lacking in **strategic direction** for decision makers. In this context, the Municipality’s SDF will seek to establish “a sound strategic and innovative” approach which is realistic, collaboratively formed and proving sound land management guidance.
- 1.6 Consequently, Proposals are requested from suitably qualified and experienced service providers in order to review the SDF with the stakeholders of the Ulundi Local Municipality.

### 2. LOCATION AND DISTRICT CONTEXT

The Ulundi Local Municipality is located on the southern boundary of the Zululand District Municipality in north-eastern KwaZulu-Natal. The Ulundi municipal area is approximately 3,250 km<sup>2</sup> in extent and includes the towns and settlements of Ulundi, Nqulwane, Mahlabathini, Babanango, Mpungamhlophe and Ceza as well as the Traditional Authorities of Buthelezi (KwaPhindangene & KwaNondayana), Buthelezi (Empithimpithini) Mbatha, Mpungose, Ndebele, Ntombela, Ximba, Zungu, Zulu (KwaNsimbi). The Ulundi Municipality is one of the five local municipalities that constitute the area of jurisdiction of the Zululand District Municipality – the other four local municipalities are the eDumbe Municipality, the Abaqulusi Municipality, the uPhongolo Municipality and the Nongoma Municipality.

## Map Showing Ulundi Municipality within the Regional Context



Source: 2023/2024 Ulundi Local Municipality IDP

### **3. THE OBJECTIVES OF THE PROJECT**

- 3.1. In 2010 the National Department of Rural Development and Land Reform (DRDLR) published a manual on the preparation of SDFs titled 'GUIDELINES FOR THE FORMULATION OF SPATIAL DEVELOPMENT FRAMEWORKS'. The Department of COGTA and the municipality also considers it appropriate to employ these guidelines provided in the review of a credible SDF.
- 3.2. The objective of the project is to create a credible, legally compliant and sustainable SDF with the Ulundi Local Municipality and its stakeholders using the manual prepared by DRDLR as one of the guiding tools.
- 3.3. The credibility of the SDF will hinge upon a sound, empirical analysis of the Municipal area of jurisdiction.
- 3.4. Compliance with the provisions of the MSA and the Municipal Planning and Performance Management Regulations (GN R796 of 2001) is mandatory.
- 3.5. The SDF should be reviewed within the context of the adopted Ulundi Local Municipality's IDP and should include the development of:
  - 3.5.1. An agreed upon long terms spatial development vision.
  - 3.5.2. Agreed upon objectives, strategies and guidance on the location and nature of development within the municipality.
  - 3.5.3. The development of more detailed spatial linkage plans for core areas.
  - 3.5.4. A Capital Investment programme in keeping with SPLUMA, the Provincial Spatial Planning Guidelines and the imperatives of the 2011 Provincial Growth and Development Strategy and implementation Plan.
  - 3.5.5. Address the spatial location and integration of core sector specific mandates such as land reform, environmental conservation and biodiversity, infrastructure, socio-economic and institutional dimensions.
  - 3.5.6. Alignment with the existing environmental management tools which ensure the addressing, analytical and sustainability assessment dimensions applicable to the SDF proposals.
  - 3.5.7. The alignment of the SDF with the District and neighbouring municipalities.
  - 3.5.8. An SDF which clearly shows the desired patterns of land use, potential Scheme Development Guidelines and Framework level overlays.
  - 3.5.9. Alignment with S21 of SPLUMA.
  - 3.5.10. Take into consideration the comments raised by the MEC in her SDF/IDP Assessment done in terms of Section 32 of the MSA.
- 3.6. The SDF must give effect to the development principles contained in the Spatial Planning & Land Use Management Act including:
  - a. Spatial Justice;
  - b. Spatial Sustainability;
  - c. Efficiency;

- d. Spatial Resilience; and
- e. Good Administration

#### **4. SCOPE OF WORK AND CRITICAL MILESTONES**

The following eight project phases with associated critical milestones are suggested:

Phase 1: Project initiation

Phase 2: Status Quo

Phase 3: Synthesis of Issues, Vision and Mission Statement

Phase 4: Objectives and Strategic Scenarios

Phase 5: Environmental Sustainability Evaluation, Amended Strategic Scenarios, & Draft SDF

Phase 6: Approval Process

Phase 7: Implementation, Monitoring and Evaluation Process

Phase 8: Close Out Process: Consolidated SDF Report, Executive Summary, GIS Data and Participation Report

The scope of work for each phase should pay strict attention to the objectives of the project as detailed in section three above and should encompass the following core elements in each phase:

##### **4.1. PHASE 1: PROJECT INITIATION**

4.1.1. A brief project inception report is required which clearly spells out the proposed methodology, timelines and milestones. The project work plan, public participation process plan and skills transfer process plan should be included in the presentation of the inception report to the Steering Committee.

##### **4.2. PHASE 2 STATUS QUO**

4.2.1. Basic to the credibility of the SDF will be a rapid surface area analysis and mapping documenting:

- The broad brush mapping of the existing kinds of ownership across the municipal area;
- Development pressures;
- Spatial possibilities for densification
- Analyse the possibilities for an approach to development of private land.
- Access and barriers to services;
- Existing planning initiatives within the study area;
- Socio-economic trends;
- Possible tourism potential;
- Stakeholder needs analysis;
- Existing land uses;
- Landscape and spatial syntax issues;
- Opportunities of sharing borders with all municipalities with an emphasis on areas along borders that can be jointly developed;
- strengthening of primary and secondary nodes and corridors where appropriate; and

- Other strategic information the Municipality, Service Provider and Steering Committee may feel will inform the facilitation of a credible SDF.

- 4.2.2. An analysis of the institutional, social, economic and ecological environment which is essential to the development of a sustainable SDF. This may include a SWOT analysis where appropriate.
- 4.2.3. Core Mapping and any model based analysis that the team may feel will add value to and assist in developing a creative and innovative SDF;
- 4.2.4. Sound empirical analysis of the character of the area; and
- 4.2.5. Any other factors that the Service Provider considers to be important to the Analysis Phase of the project.

#### **4.3. PHASE 3: SYNTHESIS OF ISSUES, VISION AND MISSION STATEMENT**

- 4.3.1. In this phase of the project the strategic description of and analysis of the status quo should be synthesized into a credible, readable integration focusing on strategic issues. SDF Vision and mission statement should also be synthesized to indicate relevance and clear criteria to attain our vision.

#### **4.4. PHASE 4: OBJECTIVES AND STRATEGIC SCENARIOS**

- 4.4.1. This phase should incorporate the development of strategic scenarios, objectives, strategies and action plans including elements discussed in sections 3.5 and 3.6 above.
- 4.4.2. All strategic interventions should be mapped appropriately as is discussed in section 5 below; and
- 4.4.3. Estimated costs for all interventions need to be developed.

#### **4.5. PHASE 5: ENVIRONMENTAL SUSTAINABILITY EVALUATION AND DRAFT SDF**

- 4.5.1. This phase encompasses the sustainability evaluation of the SDF which is central to an SEA process. The sustainability evaluation may lead to the amendment of the strategic interventions which make up the Draft SDF. All SEA evaluation results will inform the final SDF.

#### **4.6. PHASE 6: APPROVAL PROCESS**

- 4.6.1. The Service Provider facilitates the approval process in keeping with the public participation process plan, takes cognisance of comments and addresses required amendments. The SDF is then submitted for approval to the Council.

#### **4.7. PHASE 7: IMPLEMENTATION, MONITORING AND EVALUATION PROCESS**

- 4.7.1. The implementation, monitoring and evaluation process plans are developed to the satisfaction of the Steering Committee and the Municipality

#### **4.8. PHASE 8: CLOSE-OUT PROCESS**

- 4.8.1. The close-out process encompasses the Consolidated SDF Report, Executive Summary, GIS Data, Mapping, Overlays, Final Participation Report and Skills Transfer Report.

#### **5. OUTCOMES AND DELIVERABLES**

- 5.1. The SDF should localize National and Provincial Legislation and Policy imperatives such as the National Development Plan, the Integrated Urban Development Framework, the Provincial Growth and Development Strategy and Implementation Plan, Outcome 9, the National SDF Guidelines and provincial Spatial Planning Guidelines.
- 5.2. The SDF should clearly indicate the localization of the Capital Investment Imperatives as discussed in the Provincial Spatial Guidelines and SPLUMA.
- 5.3. The SDF should contribute positively towards sustainability in the institutional, economic, social and ecological dimensions across sectors.
- 5.4. The SDF should be able to serve as a tool for both a vertical and a horizontal alignment of government-wide activities, plans, policies and legislation.
- 5.5. The SDF must be a GIS based tool which clearly enables the structured implementation of programs, their monitoring and decision-making.
- 5.6. Submissions should be in the form of both hard and electronic (Microsoft Word and pdf formats) versions of the SDF. Mapping should be submitted in Arc View 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 SDF construct and its purpose, for example a service node shape-file should have an attribute called "description" with the value "service node". All mapping notation should be in keeping with the standards already established in the Scheme Guidelines (COGTA 2011). The Service Provider should ensure that all GIS data and Meta data is fully compatible with that of the, Municipality GIS Unit, Provincial COGTA GIS Unit and Zululand District Shared Services GIS Unit.
- 5.7. The Service Provider is encouraged to use Development Communication Media such as maps, graphics, annotation, photographs, models and video clips in order to enhance the analysis of the spatial reality and envisaged SDF scenarios and vision striven for. The intent is that the SDF needs to be user friendly and facilitate sound yet credible communication between stakeholders.
- 5.8. Development Communication Media is encouraged for all stakeholder engagement processes. The SDF document and communication media should be prepared well in advance of the stakeholder engagement process and should be to the satisfaction of the Steering Committee. Innovation and the use of isiZulu where appropriate will be encouraged during stakeholder engagements.
- 5.9. The Service Provider will be expected to submit draft reports and associated Development Communication Media for each phase of the project.

5.10. The final consolidated report which consists of:

- 5.1.1. Three copies of the SDF documents encompassing the relevant aspects of the previous phased outcomes including all maps, tables and figures in both hard-copy (printed) and soft-copy (Micro Soft word and pdf documents);
- 5.1.2. Five agreed upon SDF Maps at A0 level with appropriate transparent overlays;
- 5.1.3. Forty five, translated copies of the stand-alone consolidated Executive Summary Document with associated development communication media, mapping and overlays in A3 format;
- 5.1.4. Three copies of the Public Participation Report; and
- 5.1.5. Mapping should be submitted in Arc View GIS format as per section 5.5.

## 6. PROJECT DURATION AND BUDGET

- 6.1. It is expected that the project be completed in a period of 2 years effective from the date of appointment. The target dates for each milestone and the approximate budget percentage allocation to be depicted in the proposal.
- 6.2. **The first year is for the Review of the 2026/2027 SDF.**
- 6.3. **The second year will be the development of the 5-year plan for the SDF (2027-2032).**
- 6.4. The budget should be in keeping with the eight phases of the project. All costs such as travel, accommodation, workshop catering and disbursements, should be consolidated into single project budget estimates for each phase. The Steering Committee will assume that all expenditure relating to the project is anticipated by the Service Provider and is consolidated into the budget estimates for each phase. Only the consolidated budget for each phase should be shown in the proposal submitted and in subsequent invoices submitted to the municipality.

## 7. RELEVANT SKILLS AND EXPERIENCE

7.1. Below is a summary of Profession Mandatory requirements:

The 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 registration certificate is to be attached to the proposal including a letter of good standing.

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

- Town and Regional / Development Planning;
- Environmental Management and Rural Planning experience;
- Sound experience in working with Traditional Authorities;
- Sound Participatory Planning experience;

- Thorough understanding of SDF, strategic planning process, and Design;
- Proven SDF, Precinct / Nodal Plan compilation experience;
- Understanding of the interrelationship between social, economic, land use, transport and environmental issues;
- Sound GIS proficiency;
- Project Management;
- Facilitation and translation skills;
- Research, analytical, writing and communication skills;
- Ability to think strategically; and
- Use of Development Communication Media and innovative approaches

- 7.3. It is 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.
- 7.4. The Team Leader and Spatial Planner and the Team Secretary will be attending the Steering Committee meetings. Relevant team members that are directly involved in the project phase are expected to attend progress report meetings. 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 Steering Committee.

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

- 8.1. Skills development is an integral part of the project. The process should ensure that skills development and skills transfer occurs within the project and is to be achieved with Municipal Planning staff. Proposals should indicate how skills development and transfer will be achieved, monitored and evaluated within each phase of the project. Skills transfer is not to be seen as co-terminus with councillor and stakeholder meetings and feedback sessions within the SDF. Genuine, hands on planning work within the project is an essential aspect of this aspect of the ToR.

## **9. INFORMATION GATHERING, PROVINCIAL AND NATIONAL GUIDELINES**

- 9.1. The successful Service Provider is expected to make contact with all the relevant GIS, Planning and other officials and units within the various spheres of government to obtain information that is required for the project.
- 9.2. The current National and Provincial SDF and Spatial Planning Guidelines need to be obtained and localised where appropriate.
- 9.3. The MEC comments on the 2025/2026 Ulundi Municipality SDF need to be obtained and addressed within the reviewed SDF.

- 9.4. The latest Provincial Planning and SDF assessments on IDP's and SDF's need to be accessed and addressed accordingly within the reviewed SDF.
- 9.5. The Service Provider will be supplied with a letter from the municipality confirming appointment and requesting assistance with information. ***However, the responsibility for specifying and collecting the information necessary for the successful execution of the project remains entirely with the Service Provider.***

## **10. TERMS AND CONDITIONS OF THE PROPOSAL**

### **10.1. General**

- 10.1.1. Awarding of the proposal will be subject to the Service Provider's express acceptance of the Ulundi Municipality's Supply Chain Management general contract conditions.
- 10.1.2. The Service Provider will sign a Memorandum of Agreement with the Municipality upon appointment.
- 10.1.3. Staffing requirements will be confirmed during project initiation and shall remain unchanged for the duration of the project, unless prior written consent has been granted by the Municipality.
- 10.1.4. All secretarial services such as arranging meetings, setting of agendas and minute taking shall be the responsibility of the Service Provider.
- 10.1.5. 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 Ulundi Municipality except where duly authorized to do so in writing by the Ulundi Municipality.
- 10.1.6. The successful Service Provider agrees to keep all records and information of, or related to the project confidential and not disclose such records or information to any third party without the prior written consent of Ulundi Municipality.
- 10.1.7. 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.
- 10.1.8. The short-listed service providers may be required to do a presentation in person and at their own cost should it be deemed necessary to do so.

## **11. REMUNERATION**

The Municipality shall remunerate the Service Provider in respect of its services in accordance with the following conditions:

- 11.1. The Service Provider agrees hereto that responsibility of payment for services rendered to the Municipality shall vest in the Service Provider, who shall submit a tax invoice to the Municipality for work completed and invoiced in accordance with the budget indicated in respect of the phases.
- 11.2. The Municipality shall pay to the Service Provider the amount of such invoice within 30 (thirty days) of receipt of an agreed invoice. All supporting documents must be attached to all invoices submitted. However, payment of invoices will be subject to submission of products for each phase to the Municipality to ensure that there is consistency.
- 11.3. In the event that the Municipality is not satisfied with the performance of the Service Provider, the Municipality shall give written notice to this effect to the Service Provider providing sufficient detail and a reasonable time frame to enable the Service Provider to rectify such performance.
- 11.4. In the event of the entire amount or a portion of the invoice being disputed by the Municipality, only that portion in dispute shall be withheld from payment, until the dispute is resolved. The undisputed portion shall be paid to the Service Provider within the stipulated time frames.

- 11.5. The Service Provider shall immediately give notice of any circumstances preventing it from completing its obligations in terms of the contract.

**12. FEES AND DISBURSEMENTS**

- 12.1. Claims for recoverable costs will not be reimbursed;
- 12.2. The Municipality will not reimburse the successful tenderer for claims for costs associated with travel and related matters;
- 12.3. Because the basis of payment is on a phase-based product system, all costs that may arise must be built into the proposal price per phase and be set out accordingly. All claims in respect of disbursements, incidental expenditure, workshop and travelling costs will not be reimbursed.

**13. CONTRACT CONDITIONS**

- 13.1. The successful Service Provider will be required to enter into a contract with the Ulundi Local Municipality, in the form of a Service Level Agreement (SLA).
- 13.2. The municipality has a limited budget for this project. The charge out rates and budget for the project must be set down accordingly in respect of the phases.

**14. JOINT VENTURE/CONSORTIUM**

- 14.1. Tenderers who submit quotations as a Joint Venture or Consortium must include the following documentation as part of the Proposal Documentation:
- An agreement entered into between all parties confirming the joint venture or consortium;
  - Proof of mandate of signatories to the agreement above;
  - Details of the percentage interest and participation held by members of the joint venture or consortium;
  - A mandate to the principal tenderer leading the joint venture or consortium; and
  - A complete proposal document, which includes the applicable forms and a valid original Tax Clearance Certificate in respect of each party in the joint venture or consortium.

The failure to submit any of the above-mentioned documentation will lead to a disqualification of the quotation.

**" The City of Heritage "**



| <b>PRICING SCHEDULE</b>                                                                    |                          |                                       |
|--------------------------------------------------------------------------------------------|--------------------------|---------------------------------------|
|                                                                                            | <b>Year 1 Amount (R)</b> | <b>Year 2 Amount (R)</b>              |
| <b>DESCRIPTION</b>                                                                         | <b>Review of SDF</b>     | <b>Development of the 5-year plan</b> |
| Phase 1: Project initiation                                                                |                          |                                       |
| Phase 2: Status Quo                                                                        |                          |                                       |
| Phase 3: Synthesis of Issues, Vision and Mission Statement                                 |                          |                                       |
| Phase 4: Objectives and Strategic Scenarios                                                |                          |                                       |
| Phase 5: Environmental Sustainability Evaluation, Amended Strategic Scenarios, & Draft SDF |                          |                                       |
| Phase 6: Approval Process                                                                  |                          |                                       |
| Phase 7: Implementation, Monitoring and Evaluation Process                                 |                          |                                       |
| Phase 8: Close Out Process: Consolidated SDF Report, Executive Summary, GIS                |                          |                                       |
| <b>SUBTOTAL</b>                                                                            |                          |                                       |
| <b>VAT</b> (Only if registered as a VAT vendor)                                            |                          |                                       |
| <b>TOTAL</b>                                                                               |                          |                                       |
| <b>TENDER AMOUNT</b> (Total cost: Years 1+ 2)                                              | <b>R</b>                 |                                       |

**Special note:** Tender is valid for 90 days from the advert closing date.

\_\_\_\_\_  
Bidder's Signature

COMPANY STAMP

## **MBD 2: TAX CLEARANCE CERTIFICATE**

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

- 1 To meet this requirement bidders are required to complete in full form TCC 001 "Application for a Tax Clearance Certificate" and submit it to any SARS branch office nationally. The Tax Clearance Certificate Requirements are also applicable to foreign bidders / individuals who wish to submit bids.
- 2 Copies of the TCC 001 "Application for a Tax Clearance Certificate" form are available from any SARS branch office nationally or on the website [www.sars.gov.za](http://www.sars.gov.za).
- 3 Applications for the Tax Clearance Certificates may also be made via eFiling. To use this provision, taxpayers will need to register with SARS as eFilers through the website [www.sars.gov.za](http://www.sars.gov.za).
- 4 SARS will then furnish the bidder with a Tax Clearance Certificate that will be valid for a period of 1 (one) year from the date of approval.
- 5 The original Tax Clearance Certificate must be submitted together with the bid. Failure to submit the original and valid Tax Clearance Certificate will result in the invalidation of the bid. Certified copies of the Tax Clearance Certificate will not be acceptable.
- 6 In bids where Consortia / Joint Ventures / Sub-contractors are involved; each party must submit a separate Tax Clearance Certificate.
- 7 Copies of the TCC 001 "Application for a Tax Clearance" form are available from any SARS branch office nationally or on the website: [www.sars.gov.za](http://www.sars.gov.za).

## 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 favouritism, should the resulting bid, or part thereof, be awarded to persons connected with or related to persons in the 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.    | <b>In order to give effect to the above, the following questionnaire must be completed and submitted with the bid.</b>                                                                                                                                                                                                                                                                                                                                                                                   |                 |
| 3.1   | Full Name of bidder or his / her representative:<br>.....                                                                                                                                                                                                                                                                                                                                                                                                                                                |                 |
| 3.2   | Identity number: .....                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                 |
| 3.3   | Position occupied in the Company (director, trustee, shareholder <sup>2</sup> ):<br>.....                                                                                                                                                                                                                                                                                                                                                                                                                |                 |
| 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 (where applicable) must be indicated in paragraph 4 below.                                                                                                                                                                                                                                                                                                                 |                 |
| 3.8   | Are you presently in the service of the state? *                                                                                                                                                                                                                                                                                                                                                                                                                                                         | <b>YES / NO</b> |
| 3.8.1 | If yes, furnish the following particulars:<br><br>Name of person / director / trustee / shareholder member:<br>.....<br><br>Name of state institution at which you or the person connected to the bidder is employed:<br>.....<br><br>Position occupied in the state institution:<br>.....                                                                                                                                                                                                               |                 |

|        |                                                                                                                                                                                                                                                                                            |                 |
|--------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|
|        | Any other particulars: .....                                                                                                                                                                                                                                                               |                 |
| 3.9    | Have you been in the service of the state for the past twelve months?                                                                                                                                                                                                                      | <b>YES / NO</b> |
| 3.9.1  | If so, furnish particulars.<br>.....<br>.....                                                                                                                                                                                                                                              |                 |
| 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?                                                                                                                 | <b>YES / NO</b> |
| 3.10.1 | If yes, furnish the following particulars:<br><br>Name of person: .....<br><br>Name of state institution at which you or the person connected to the bidder is employed:<br>.....<br><br>Position occupied in the state institution:<br>.....<br><br>Any other particulars: .....<br>..... |                 |
| 3.11   | Are you aware of any relationship (family, friend, other) between the bidder and any person in the service of the state who may be involved with the evaluation and or adjudication of this bid?                                                                                           | <b>YES / NO</b> |
| 3.11.1 | If yes, furnish the following particulars:<br><br>Name of person: .....<br><br>Name of state institution at which you or the person connected to the bidder is employed:<br>.....<br><br>Position occupied in the state institution: .....<br><br>Any other particulars: .....<br>.....    |                 |

|        |                                                                                                                                                                                                                                                                                                                                                     |                 |
|--------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|
| 3.12   | Are any of the company's directors, managers, principal shareholders, or stakeholders in the service of the state?                                                                                                                                                                                                                                  | <b>YES / NO</b> |
| 3.12.1 | <p>If yes, furnish the following particulars:</p> <p>Name of person / director / trustee / shareholder / member:<br/>.....</p> <p>Name of state institution at which you or the person connected to the bidder is employed:<br/>.....</p> <p>Position occupied in the state institution: .....</p> <p>Any other particulars: .....</p> <p>.....</p> |                 |
| 3.13   | Is any spouse, child or parent of the company's directors, trustees, managers, principal shareholders, or stakeholders in the service of the state?                                                                                                                                                                                                 | <b>YES / NO</b> |
| 3.13.1 | <p>If yes, furnish the following particulars:</p> <p>Name of person / director / trustee / shareholder / member:<br/>.....</p> <p>Name of state institution at which you or the person connected to the bidder is employed:<br/>.....</p> <p>Position occupied in the state institution: .....</p> <p>Any other particulars: .....</p> <p>.....</p> |                 |
| 3.14   | Do you or any of the directors, trustees, managers, principal shareholders, or stakeholders of this company have any interest in any other related companies or business whether they are bidding for this contract?                                                                                                                                | <b>YES / NO</b> |
| 3.14.1 | <p>If yes, furnish particulars:<br/>.....</p>                                                                                                                                                                                                                                                                                                       |                 |

|  |       |  |
|--|-------|--|
|  | ..... |  |
|--|-------|--|

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

THE FOLLOWING INFORMATION IS COMPULSORY TO COMPLETE:

| Full Name | Identity Number                                                                                                       | State Employee Number (where applicable) |
|-----------|-----------------------------------------------------------------------------------------------------------------------|------------------------------------------|
|           |                                                                                                                       |                                          |
|           |                                                                                                                       |                                          |
|           |                                                                                                                       |                                          |
|           |                                                                                                                       |                                          |
|           |                                                                                                                       |                                          |
|           |                                                                                                                       |                                          |
| 5.        | The contract will be automatically cancelled if there is a conflict of interest which is not disclosed by the bidder. |                                          |

.....  
Signature

.....  
Date

.....  
Capacity

.....  
Name of Bidder

1MSCM Regulations: “in the service of the state” means to be -

- (a) a member of –
  - (i) any municipal council.
  - (ii) any provincial legislature; or
  - (iii) the National Assembly or the National Council of Provinces.
- (b) a member of the board of directors of any municipal entity.
- (c) an official or 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 entity; or
- (f) an employee of Parliament or a provincial legislature.

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

## MBD 6.1: PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL PROCUREMENT REGULATIONS 2022

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

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

---

### 1. GENERAL CONDITIONS

1.1 The following preference point systems are applicable to invitations to tender:

- the 80/20 system for requirements with a Rand value of up to R50 000 000 (all applicable taxes included); and
- the 90/10 system for requirements with a Rand value above R50 000 000 (all applicable taxes included).

### 1.2 To be completed by the municipality

- a) The applicable preference point system for this tender is the 80/20 preference point system.
- b) The 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                                            | 80         |
| SPECIFIC GOALS                                   | 20         |
| <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 regarding preferences, in any manner required by the organ of state.

### 2. DEFINITIONS

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

### **3. FORMULAE FOR PROCUREMENT OF GOODS AND SERVICES**

#### **3.1. POINTS AWARDED FOR PRICE**

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

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

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

$P_s$  = Points scored for price of tender under consideration

$P_t$  = Price of tender under consideration

$P_{\min}$  = Price of lowest acceptable tender

### **4. POINTS AWARDED FOR 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 tenderers: The tenderer must indicate how they claim points for each preference point system.**

| The specific goals allocated points in terms of this tender          | Number of points allocated (80/20 system)<br>(To be completed by the organ of state) | Number of points claimed (80/20 system)<br>(To be completed by the tenderer) |
|----------------------------------------------------------------------|--------------------------------------------------------------------------------------|------------------------------------------------------------------------------|
| Black ownership with at least 51%                                    | 5                                                                                    |                                                                              |
| Women ownership with at least 30%                                    | 3                                                                                    |                                                                              |
| Youth (equal or less than 35 years old)                              | 5                                                                                    |                                                                              |
| Locality (within KZN)                                                | 5                                                                                    |                                                                              |
| Disability as defined by empowerment equity act (attach certificate) | 2                                                                                    |                                                                              |
| <b>Total points for specific goals</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 propriety
  - ☐ Close corporation
  - ☐ Public Company
  - ☐ Personal Liability Company
  - ☐ (Pty) Limited
  - ☐ Non-Profit Company
  - ☐ State Owned Company
- [TICK APPLICABLE BOX]

4.6. I, the undersigned, who is duly authorised to do so on behalf of the company/firm, certify that the points

claimed, based on the specific goals as advised in the tender, qualifies the company/ firm for the preference(s) shown and I acknowledge that:

- i) The information furnished is true and correct;
- ii) The preference points claimed are in accordance with the General Conditions as indicated in paragraph 1 of this form;
- iii) In the event of a contract being awarded as a result of points claimed as shown in paragraphs 1.4 and 4.2, the contractor may be required to furnish documentary proof to the satisfaction of the organ of state that the claims are correct;
- iv) If the specific goals have been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the organ of state may, in addition to any other remedy it may have –
  - (a) disqualify the person from the tendering process;
  - (b) recover costs, losses or damages it has incurred or suffered as a result of that person’s conduct;
  - (c) cancel the contract and claim any damages which it has suffered as a result of having to make less favourable arrangements due to such cancellation;
  - (d) recommend that the tenderer or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, be restricted from obtaining business from any organ of state for a period not exceeding 10 years, after the *audi alteram partem* (hear the other side) rule has been applied; and
  - (e) forward the matter for criminal prosecution, if deemed necessary.

.....

SIGNATURE(S) OF TENDERER(S)

SURNAME AND NAME: .....

DATE: .....

ADDRESS: .....

.....

.....

.....

**MBD 7.1 CONTRACT FORM - PURCHASE OF GOODS/WORKS**

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

**PART 1 (TO BE FILLED IN BY THE BIDDER)**

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

NAME (PRINT) .....

CAPACITY .....

SIGNATURE .....

NAME OF FIRM .....

DATE .....

WITNESSES

1 .....

DATE: .....

2. ....

DATE: .....

MBD 7.1

CONTRACT FORM - PURCHASE OF GOODS/WORKS  
PART 2 (TO BE FILLED IN BY THE PURCHASER)

- 1. I..... in my capacity  
as..... accept your bid under reference  
number .....dated.....for the supply of goods/works  
indicated hereunder and/or further specified in the annexure(s).
- 2. An official order indicating delivery instructions is forthcoming.
- 3. I undertake to make payment for the goods/works delivered in accordance with the terms and  
conditions of the contract, within 30 (thirty) days after receipt of an invoice accompanied by  
the delivery note.

ITEM NO.  
PRICE (ALL APPLICABLE TAXES INCLUDED)  
BRAND  
DELIVERY PERIOD  
B-BBEE STATUS LEVEL OF CONTRIBUTION  
MINIMUM THRESHOLD FOR LOCAL PRODUCTION AND CONTENT (if applicable)

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

SIGNED AT .....ON.....

NAME (PRINT) .....

SIGNATURE .....

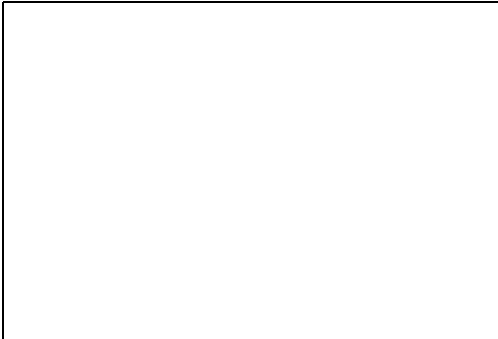
OFFICIAL STAMP

WITNESSES

1. ....

2. ....

DATE .....



**MBD 7.2 : CONTRACT FORM - RENDERING OF SERVICES**

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

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

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

NAME (PRINT) ..... SIGNATURE .....

CAPACITY ..... DATE .....

NAME OF FIRM .....

## 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. wilfully 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 **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 as a company or person 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 National Treasury 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> | <p>Yes</p> <p><input type="checkbox"/></p> | <p>No</p> <p><input type="checkbox"/></p> |
| 4.1.1 | If so, furnish particulars:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                            |                                           |

|             |                                                                                                                                                                                                                                                                                                                                                                                                                 |                                 |                                |
|-------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------|--------------------------------|
| 4.2         | Is the bidder or any of its directors listed on the Register for Tender Defaulters in terms of section 29 of the Prevention and Combating of Corrupt Activities Act (No 12 of 2004)?<br><br><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> | Yes<br><input type="checkbox"/> | No<br><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<br><input type="checkbox"/> | No<br><input type="checkbox"/> |
| 4.3.1       | If so, furnish particulars:                                                                                                                                                                                                                                                                                                                                                                                     |                                 |                                |
| <b>Item</b> | <b>Question</b>                                                                                                                                                                                                                                                                                                                                                                                                 | <b>Yes</b>                      | <b>No</b>                      |
| 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<br><input type="checkbox"/> | No<br><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<br><input type="checkbox"/> | No<br><input type="checkbox"/> |
| 4.5.1       | If so, furnish particulars:                                                                                                                                                                                                                                                                                                                                                                                     |                                 |                                |

### CERTIFICATION

I, THE UNDERSIGNED (FULL NAME) .....  
CERTIFY THAT THE INFORMATION FURNISHED ON THIS DECLARATION FORM IS TRUE AND CORRECT.

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

.....

**Signature**

.....

**Date**

.....

**Position**

.....

**Name of Bidder**

## MBD 9 : CERTIFICATE OF INDEPENDENT BID DETERMINATION

- 1 This Municipal Bidding Document (MBD) must form part of all 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 To give effect to the above, the attached Certificate of Bid Determination (MBD9) 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: **ULUNDI LOCAL MUNICIPALITY**  
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 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. 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 bids invitation relates.
9. The terms of the accompanying bid have not been, and will not be, disclosed by the bidder, directly or indirectly, to any competitor, prior to the date and time of the official bid opening or of the awarding of the contract.
10. I am aware that, in addition and without prejudice to any other remedy provided to combat any restrictive practices related to bids and contracts, bids that are suspicious will be reported to the Competition Commission for investigation and possible imposition of administrative penalties in terms of section 59 of the Competition Act No. 89 of 1998 and or may be reported to the National Prosecuting Authority (NPA) for criminal investigation and or may be restricted from conducting business with the public sector for a period not exceeding ten (10) years in terms of the Prevention and Combating of Corrupt Activities Act No. 12 of 2004 or any other applicable legislation.

|                    |                         |
|--------------------|-------------------------|
| .....<br>Signature | .....<br>Date           |
| .....<br>Position  | .....<br>Name of Bidder |

# CHECKLIST

| No | Description                                                                                                                                                                                                                                                                                                                                                                                             | Ticked by Bidder | Ticked by Municipal Representative |
|----|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|------------------------------------|
| 1  | Initialed all pages and signed where necessary                                                                                                                                                                                                                                                                                                                                                          |                  |                                    |
| 2  | Form of bid completed                                                                                                                                                                                                                                                                                                                                                                                   |                  |                                    |
| 3  | Required functionality documents attached, where applicable                                                                                                                                                                                                                                                                                                                                             |                  |                                    |
| 4  | Original Tax Clearance Certificate attached                                                                                                                                                                                                                                                                                                                                                             |                  |                                    |
| 5  | MBD 6.1 Preferential Points Claimed including required supporting documents                                                                                                                                                                                                                                                                                                                             |                  |                                    |
| 6  | All witnesses signed where required                                                                                                                                                                                                                                                                                                                                                                     |                  |                                    |
| 7  | Particulars of Bidders Completed                                                                                                                                                                                                                                                                                                                                                                        |                  |                                    |
| 8  | Bid Declaration of interest MBD 4 Completed                                                                                                                                                                                                                                                                                                                                                             |                  |                                    |
| 9  | MBD 7.1 contract form completed                                                                                                                                                                                                                                                                                                                                                                         |                  |                                    |
| 10 | Declaration of Bidders Past SCM Practice MBD Form 8 completed                                                                                                                                                                                                                                                                                                                                           |                  |                                    |
| 11 | Certificate of Independent Bid Determination MBD Form 9 completed                                                                                                                                                                                                                                                                                                                                       |                  |                                    |
| 12 | Mandatory documents:                                                                                                                                                                                                                                                                                                                                                                                    |                  |                                    |
|    | CSD summary report,                                                                                                                                                                                                                                                                                                                                                                                     |                  |                                    |
|    | Valid tax clearance or SARS login pin                                                                                                                                                                                                                                                                                                                                                                   |                  |                                    |
|    | A certified copy of the most recent municipal account in which the business is registered confirming status of municipal account not in arrears for more than 3 months/90 days.<br>(Or Lease agreement and letter from landlord stating that the rent is up to date – letter not older than 3 months.<br>Or if operating in a rural area, sworn affidavit stating that rates are not paid in that area) |                  |                                    |
|    | Copies of ID of all active directors                                                                                                                                                                                                                                                                                                                                                                    |                  |                                    |
|    | CIPRO and relevant Business certificates.                                                                                                                                                                                                                                                                                                                                                               |                  |                                    |