



ELIAS MOTSOALEDI LOCAL MUNICIPALITY

EMLM 06/2023

SOLID WASTE MANAGEMENT SERVICES FOR THE PERIOD OF THREE YEARS (36 MONTHS)

CLOSING DATE:	26 AUGUST 2022	TIME	11H00
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NAME OF TENDERER	
TOTAL BID PRICE (EXCLUDING AS AND WHEN REQUIRED SERVICES)	R
CENTRAL SUPPLIER DATABASE NUMBER	MAAA
B-BBEE LEVEL (e.g. Level 1)	
CONTACT PERSON	
TELEPHONE / CELL NUMBER	
FAX NUMBER	

ENQUIRIES REGARDING BID PROCEDURES		TECHNICAL ENQUIRIES	
DIRECTORATE: BUDGET AND TREASURY		DIRECTORATE: COMMUNITY SERVICES	
V.E MASILELA		M MOKHULWANE	
MANAGER SUPPLY CHAIN		MANAGER ENVIRONMENTAL	
TEL. NUMBER	TEL.013 262 3056	TEL. NUMBER	013 262 3056
TENDER ISSUED BY			
VUSI MASILELA		COMMUNITY SERVICES	
MANAGER SUPPLY CHAIN		TEL. NUMBER	013 262 3056
ELIAS MOTSOALEDI LOCAL MUNICIPALITY		P.O. BOX 48, GROBLERSDAL, 0470	

ELIAS MOTSOLEDI LOCAL MUNICIPALITY

TENDER DETAILS						
TENDER NUMBER	EMLM 06/2023					
TENDER TITLE	SOLID WASTE MANAGEMENT SERVICES FOR THE PERIOD OF THREE YEARS (36 MONTHS)					
CLOSING DATE	26 AUGUST 2022		CLOSING TIME		11H00	
SITE MEETING	DATE	N/A	TIME	N/A	COMPULSARY	NO
SITE MEETING ADDRESS	2 ND GROBLER AVENUE, GROBLERSDAL,0470					
CIDB GRADING REQUIRED	N/A		LEVEL AND CATEGORY		N/A	
TENDER DOCUMENT FEE	R 1000 (if collecting from the Municipality) Free when uploading from e-tender portal		PREFERENCE POINT SYSTEM		80/20	
BID BOX SITUATED AT	MAIN OFFICES, 2ND GROBLER AVENUE, Elias Motsoaledi Local Municipality,.					
OPERATING HOURS	The bid box is open during office hours, Monday to Friday from 07h30 to 16h15.					
OFFER TO BE VALID FOR	90	DAYS FROM THE CLOSING DATE OF TENDER.				

PLEASE NOTE:

1. Prospective suppliers must be registered on CSD prior to submitting bid (open tender)
2. Tenders that are deposited in the incorrect box will not be considered.
3. Mailed, telegraphic, telex, or faxed tenders will not be accepted.
4. No late bids after closing date and time will be accepted.
5. Bids not clearly marked and unamend will not be accepted.
6. Bids may only be submitted on the bid documentation provided by the municipality.
7. No awards will be made to a person:
 - i. Who is in the service of the state,
 - ii. If that person is not a natural person , of which any director, manager, principal shareholder or stakeholder is a person in the service of the state
 - iii. Who is an advisor or consultant contracted with the municipality or municipal entity

BIDDER'S TENDER DOCUMENTATION DECLARATION CERTIFICATION

I, the undersigned certify that the information furnished on this declaration form is correct, completed and submitted.

NAME OF REPRESENTATIVE

POSITION / DESIGNATION

SIGNATURE

DATE

T1.1 TENDER NOTICE & INVITATION



ELIAS MOTSOALEDI LOCAL MUNICIPALITY

TENDER NO.: EMLM 06/2023

CLOSING DATE: 26 AUGUST 2022 AT 11H00

SOLID WASTE MANAGEMENT SERVICES FOR THE PERIOD OF THREE YEARS (36 MONTHS)

In terms of Section 110 of the Municipal Finance Management Act, 2003 (No. 56 of 2003), tenders are hereby invited for SOLID WASTE MANAGEMENT SERVICES FOR THE PERIOD OF THREE YEARS (36 MONTHS)

Tender documents and specifications are available and can be obtained from CASHIERS OFFICE IN THE MAIN OFFICES, 2ND Grobler Avenue Groblersdal, P.O. Box 48, Groblersdal, 0470 (Tel: [013] 262 3056, at a non-refundable deposit of R1500.00 when the bidder request/need a document from the municipality and it is free of charge when downloaded from the e-Tender Portal. Payments can be made through bank guaranteed cheque payable to the Elias Motsoaledi Local Municipality or cash.

The closing time for receipt of tenders is **11h00 on 26 AUGUST 2022** Telegraphic, telephonic, telex, facsimile, e-mail, unmarked and **late tenders** will under no circumstances be considered and accepted. The tender box will be emptied just after closing time on the closing date. Hereafter all bids will be public.

Any technical enquiries relating to the tender document may be directed to the Acting Senior Manager Community Services M. Mokhulwane at 013 262 3056 for technical assistance .Fully completed tender documents, clearly marked "**SOLID WASTE MANAGEMENT SERVICES FOR THE PERIOD OF THREE YEARS (36 MONTHS)**

with "**NAME of TENDERER**" must be placed in a sealed envelope and placed in the **tender box 1** on the **2nd Grobler Avenue**, Elias Motsoaledi Local Municipality, Main Offices, Groblersdal, **by no later than 11H00 on 26 AUGUST 2022**. The envelope must be endorsed with number, title and closing date as indicated above.

Bidders will be evaluated on functionality whereby **70 points** has to be attained before financial proposals can be looked at. A preferential point system shall apply whereby a contract will be allocated to a tenderer in accordance with the Preferential Procurement Policy Framework Act, Act No. 5 of 2000 and as defined in the Conditions of Tender in the tender document, read in conjunction with the Supply Chain Management Policy of Elias Motsoaledi Local Municipality where **80 points** will be allocated in respect of price and **20 points** in respect of B-BBEE Status Level of Contribution.

No awards will be made to a person:

- Who is not registered on the Central Supplier Database;
- Who is in the service of the state;
- If that person is not a natural person , of which any director, manager, principal shareholder or stakeholder is a person in the service of the state; and/or
- Who is an advisor or consultant contracted with the municipality or municipal entity.

The municipality reserves the right to withdraw any invitation to tender and/or to re-advertise or to reject any tender or to accept a part of it. The municipality does not bind itself to accepting the lowest tender or award a contract to the bidder scoring the highest number of points

TERMS OF REFERENCE FOR:

SOLID WASTE MANAGEMENT SERVICES FOR THE PERIOD OF THREE YEARS (36 MONTHS)

1. Background

Municipalities are required to uphold the rights of all citizens within its jurisdiction to live in an environment that is not harmful to their health or well-being. To enhance and promote environmental protection from any form of degradation as enshrined by the South African Constitution.

The objective of the National Environmental Management Waste Act 59 of 2008 directs municipalities to ensure that the abovementioned is achieved by providing reasonable measure to:

- (i) Minimize the consumption of natural resources;
- (ii) Avoid and minimize the generation of waste;
- (iii) Reduce, re-use, recycle and recover waste;
- (iv) Treat and safely dispose of waste as a last resort;
- (v) Prevent pollution and ecological degradation;
- (vi) Secure ecologically sustainable development while promoting justifiable economic and social development;
- (vii) Promote and ensure the effective delivery of waste services;
- (viii) Remediate land where contamination presents, or may present, a significant risk of harm to health or the environment: and
- (ix) Achieve integrated waste management reporting and planning;
- (x) to ensure that people are aware of the impact of waste on their health, well-being and the environment;
- (xi) to provide for compliance with the measures set out in paragraph (a) and Generally, to give effect to section 24 of the Constitution in order to secure an environment that is not harmful to health and well-being.

2. Project area

EMLM provides kerbside refuse removal services to the following Areas and Frequency:

AREA	TOTAL NO. OF HH (ESTIMATED)	FREQUENCY
Groblersdal Residential units	1300	Once a week
Commercial units	447	3 - 5 times a week
Groblersdal Main streets		Daily
Walter Sisulu & Tambo Square	1900	Once a week
Commercial units	25	3 - 5 times a week
Hlogotlou	3126	Twice (the area is divided into two)
Commercial units	33	
Motetema residential units	1142	Once a week (Tuesday)
Commercial units	22	
Roosenekal & Laersdrift residential units	1328	Twice a week (the area is divided into two)
Commercial units	10	
Elandsdoorn residential units	1438	Once a week
Commercial units	10	Twice a week

The municipality MIGHT extend the service to the following areas (The service provider will be expected to provide the Municipality with labourers ONLY)

Area	Estimated number of households / businesses	Frequency
Tafelkop stadium view	1500	Once
Moteti	2940	Once
Tafelkop mall	50	Thrice

Litter picking and street sweeping

Street	Frequency	Time
Van Reibeck 1	Daily	
Van Riebeck 2	Daily	06H00 – 13H00 14H00 - 21H00
Hereford	Daily	06H00 – 13H00 14H00 - 21H00
Voortrekker	Daily	06H00 – 13H00 14H00 - 21H00
Mark	Daily	06H00 – 13H00 14H00 - 21H00
Noord	Daily	06H00 – 13H00 14H00 - 21H00
Grobler	Daily	06H00 – 13H00 14H00 - 21H00
Eind	Daily	06H00 – 13H00 14H00 - 21H00
Klip	Daily	06H00 – 13H00 14H00 - 21H00
Groblerdal taxi rank (Local and long-distance) and bus terminals	Daily	06H00 – 13H00 14H00 - 21H00
Pieter	Daily	
2 nd Avenue	Daily	
Hans Abram , Sasol and Impala park	Daily	
Barlow Street	Daily	
Tautes	Daily	
Robertson	Daily	
Bank	Daily	
Nywerheid	Daily	
West	Daily	
Chris Wild	Daily	

Please take note that the municipality might identify the street that requires litter picking from time to time

3. Scope of work

- a. Removal of 85 litre bin liners (refuse bags) 240-litre bins (wheelie bins) and 85 litre bins
- b. Provision of two (02) X 19m³ refuse compactor trucks fitted with bin lifters with a driver, diesel, insurance, and maintenance (wet rate) to service Groblersdal town only
- c. Removal of skip bins within business premises using a skip loader (as and when required)
- d. Refuse collection to be done on daily basis in the CBD Businesses area and Groblersdal Mall. (Including weekends and public holidays)
- e. Refuse collection to be done at least once per week for all residential dwellings
- f. Provision of street sweeping and litter picking on a daily basis
- g. Spillage of waste during transportation must be avoided at all costs, should it occur it must be attended to immediately
- h. The service provider will be required to clean/disinfect skip bins as required by the municipality
- i. Maintaining the areas surrounding the skip bins clean on a daily basis
- j. Clearing of illegal dumping areas (as and when required)
- k. The appointed service provider must comply with EPWP standards as requested by the Municipality
 - All labours to be employed will enter into a contract with the service provider for the duration of the project. Copies of the contract must be submitted for record keeping
 - The project is labour intensive as per EPWP guidelines and work opportunities must be created for local people.
 - Monthly invoices must be accompanied by monthly, labour, progress report, and dated proof of payment signed by workers
- l. The service provider will be required to provide labourers for the serviced areas outside Groblersdal Town
- m. Provide human resources management
- n. The service provider shall comply with the Occupational Health and Safety Act
- o. The service provider will be required to provide two compactor trucks (not less than 19m³) fitted with bin lifters with a driver, diesel, insurance, and maintenance
- p. The service provider will be required to provide a mechanical street sweeper as and when required by the Municipality
- q. The service provider will be required to apply for permit to transport general waste with the Sekhukhune district Municipality
- r. The service provider will be required to provide bin liners (refuse bags) for all street litter bins as identified by the Municipality
- s. The service provider will be required to attend the meeting as requested by the municipality
- t. The service provider to attach a proposed waste management plan indicating how to render the service in terms of how many compactors to be provided per area and if necessary to merge or separate certain areas/routes
- u. Appointed service providers to be able to provide a similar replacement or relief truck in the event of an accident or breakdown with immediate effect and penalties amounting to 100% of the daily rate will be instituted

4. DELIVERABLES

- The Compactor trucks (02) to be available for the whole shift
- Refuse bags, brooms, pickers and spades for street sweepers /cleaners must be provided
- All personnel to be provided with reflective personal protective clothing and equipment
- Service provider to keep records of number of households and businesses serviced per day and provide Municipal Waste Management with such report on monthly basis
- To provide paid none accredited training to employees on how to handle, treat and manage waste within 1st first week of the tender commission.
- The area must be inspected daily and all loose lying litter must be picked and removed

5. PENALTIES

Should any of the offences occur, the penalty fee will be deducted from the service provider monthly invoice

5.1 Should the Council incur costs because of the vehicle(s) having breakdowns that affect service delivery or not being available, the cost of service exceeding the penalty will be recovered from the Service provider.

5.2 The following penalties, which shall apply and will escalate annually with the percentage equal to the percentage escalation claimed by the Service provider

I. Round Collection

Should any service area or part thereof on the daily route not be serviced a penalty of R10 000-00 per day or part thereof will be imposed.

II. Complaints

Should a complaint other than complaints received in terms of 5.2 (I) above not be attended to within twenty- four (24) hours after written notification, a penalty of R 1 500-00 will be imposed and additional penalty of R 500-00 for every hour thereafter may be imposed.

III. Illegal dumping

Should illegal dumping not be removed within a seven (7) day cycle or within twenty - four (24) hours after written notification, a penalty of R4,000-00 will be imposed, with an additional penalty of R1,000-00 per day that the illegal dumping is not removed.

(a) The same penalty shall apply should the Service provider burn any waste.

IV. Animal carcasses

Should animal carcasses not be removed within twenty-four hours (24) hours after official notification, a penalty of R 500-00 will be imposed and an additional penalty R250-00 will be imposed for every hour the carcass is not removed.

V. Litter Picking and Street Sweeping Services

Should any litter picking route or part thereof not be serviced as per agreed schedule or any of the waste bags filled by litter pickers not be removed a penalty of R 2 000-00 per day will be imposed.

1. MINIMUM REQUIREMENT / QUALIFYING CRITERIA

The following are the prerequisite for the Interested Companies to qualify for evaluation:

Minimum Qualifying Requirements / Compulsory Returnable Documents:

1. Fully Completed and Signed MBD Forms with a black ink (1; 4;5; 6.1; 8 & 9).
2. Attach CSD registration report (summary or detailed).
3. Valid copy Entity / Company registration certificate.
4. Any alteration on the tender document must be signed **(NB: Not Initialed)**.
5. Every page on the tender documents must be signed **(NB: Not Initialed)**.
6. Forms must be signed in Black ink.
7. Letter of good standing (**Compensation for Occupational Injuries and Disease Act (COIDA)**) from Department of Labour OR any company accredited by the Department of Labour.
8. Proof of registration with IWMSA (Institute of Waste Management of Southern Africa) for the director(s) and the company.
9. Proof of public liability / indemnity cover of R5 million or higher **(Confirmation of cover not intent of cover)**.
10. Annual financial statement: **if the bidder is required by law to prepare annual financial statements for auditing, their audited annual financial statements - for the past three years; or since their establishment if established during the past three years; NB (Approved/ Signed by the Member(s) / Director(s))**.
11. CIPC Abridged Certificate Annual returns **(NB applicable to entities that are in business for more than 12 months)**.
12. Company Profile **(Detailing; Name of Client; Service Provided; Award Amount; Contact Person and Contact Number)**.
13. Proof of Municipal rates and taxes or services charges:
 - Of the company and all of its directors not in arrears for more than 90 days or
 - Confirmation from the municipality if municipal rates and taxes are not levied (for the company and all its director(s)) as per CK/Company form of address on the registration certificate or
 - if leasing, a signed lease agreement by the lessor and the lessee and a declaration/letter indicating that the bidder and/or the director does not have municipal account and that the municipal services; rates and taxes are paid by the property owner, should be signed by the lessor and such declaration/letter must be attached / Municipal rates in the name of the lessor for both company and director(s).
14. Original Certified copies of ID's of the Director(s) **(Certification not older than 3 months before the closing date)**.
15. **In case of a Joint Venture**, Association or Consortium a formal contract agreement must be signed by both parties and be attached and the following must be adhered to:
 - All of the above requirements must be for the both entities.
 - Consolidated Valid B-BBEE Certificate issued by a SANAS Verification agency; **NB: No sworn affidavits will be considered.**
16. Original certified copy of B-BBEE Certificate issued by a SANAS verification agency; original Sworn Affidavit from commissioner of oaths or Original / Certified copy of CIPC Sworn Affidavit. **(If not attached will not be disqualified but no points will be allocated for B-BBEE)**.

NB: FAILURE TO MEET ANY OF THE ABOVE REQUIREMENTS WILL LEAD TO IMMEDIATE DISQUALIFICATION,

1. BILL OF QUANTITY

Description	Yearly Rate (Year 1)	Yearly Rate (Year 2)	Yearly Rate (Year3)
Groblersdal households and businesses waste collection (The rate to include two compactor trucks - (19m ³))			
Provision of labour (45 labourer/General workers)			

Year 1 - Total	R
Year 2 - Total	R
Year 3 - Total	R
Sub - Total	R
VAT @ 15%	R
Total Bid Price	R

6.1 Items that will be on as and when required basis

NB:(Not to be included in the Total Bid Price)

Description	Unit	Frequency	Hourly rate
Provision of Skip loader (Skip bins collection Groblersdal town)	As and when required	Hourly	R
Provision of mechanical street sweeper	As and when required	Hourly	R
TLB with driver (wet rate) per hour	As and when required	Hourly	R
10 – ton tipper truck with driver (wet rate) per hour	As and when required	Hourly	R
Rate per km travelled to landfill site	As and when required	km	R
Cleaning of illegal dumping areas per 1m ³	As and when required	M ³	R

Functionality

Description	Point allocation	MAX POINTS	Supporting documents
Experience in Solid Waste Management Services: refuse removal (Household refuse collection; Litter Picking and Street Cleaning in town, city / Municipality)	<ul style="list-style-type: none"> • R25 million and above = 35 Points • R16 million – below R25 million = 25 Points • R10 million – below R16 million = 10 points 	35	Attach Signed appointment letter and Stamped reference letter from existing or previous client(s)
Resources / Fleet	<ul style="list-style-type: none"> • 2 x Refuse compactor trucks = 15 Points • 1 x Bakkie = 05 Points • Mechanical Street Sweeper = 05 Points (Attach proof of purchase or letter of intent with proof of purchase in case of hiring) • Skip Loader Truck = 05 Points • 1 x TLB (Backhoe Loader) = 05 Points • 10 m³ Tipper Truck = 05 Points 	40	Attach proof of ownership of the Director or Company (eNATIS for all the fleet required except for mechanical street sweeper) (if not attached no points will be allocated) = full points Or Attach letter of intent in case of hiring and proof of ownership (if not attached no points will be allocated) = half points
Key personnel Site Manager Must have a degree in Environmental Management/ Science / Health with five (05) years	=10 points	25	Attach Curriculum Vitae and certified copies of qualification and ID (Certification Not More than three months)

working experience or more in Waste Management.			
Site Supervisor Must have three (03) years or more years of experience and Valid drivers licence with professional driver's permit (PrDP)	=05 points		Attach curriculum Vitae and certified copies of ID, valid driver license with professional driver's permit (PrDP)
Safety officer Must have a diploma in Safety Management/ Environmental Health with more than three (03) years working experience.	=05 points		Attach curriculum Vitae, certified copies of qualification and ID copy
Two refuse compactor truck drivers Driver's Licence Valid drivers licence with professional driver's permit (PrDP) with three (03)years' experience	=05 points		Attach curriculum Vitae, certified ID copy and Valid drivers licence with professional driver's permit (PrDP)
TOTAL POINTS	MINIMUM QUALIFYING POINTS 70 POINTS	100	

NB: Minimum-qualifying points for functionality is 70 points to qualify for further evaluation.

NOTE: THAT 30% OF THE TOTAL TENDER AMOUNT WILL BE SUBCONTRACTED AS FOLLOWS:

- i) The minimum local labour target is 10% of the tender sum
- ii) The minimum local SMMEs target is 20% of the tender sum

The Prospective Service Providers will be evaluated in three folds:

1. Minimum Requirements
2. Functionality
3. Pricing and Broad Based Black Economic Empowerment (BBB-EE) (80 for price & 20 for BBBEE)

PRICE AND BBBEE EVALUATION:

ITEM No.	DESCRIPTION	ALLOCATED POINTS
1.	Price Competitiveness	80
2.	B-BBEE status level	20

THE 80/20 PREFERENCE POINT SYSTEM

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

Where

Ps = Points scored for comparative price of bid under consideration.

Pt = Comparative price of bid under consideration.

P min = Comparative price of lowest acceptable bid.

B-BBEE Status Level of Contributor	Number of Points (90/10 system)	Number of Points (80/20 system)
1	10	20
2	9	18
3	6	14
4	5	12
5	4	8
6	3	6
7	2	4
8	1	2
Non-compliant contributor	0	0

All technical enquiries should be directed to Manager Environmental: Mahlatse Mokhulwane at 013 262 3056 or mmokhulwane@emlm.gov.za.

6. CONCLUSION

Any false information given by the Prospective Service Provider and not meeting the minimum qualifying requirement, will lead to automatic disqualification of the PSP.

The council reserves the right to accept either the whole or part of any Bid, or not to appoint at all. Faxes or e-mail is not acceptable. Bidders will be required to show compliance with the New Preferential Procurement Regulation of 2017

M.M KGWALE
MUNICIPAL MANAGER

1. **COMPULSORY MUNICIPAL BID DOCUMENTATION**

- a) MBD 1 : Invitation to tender
- b) MBD 4 : Declaration of interest
- c) MBD 5 : Declaration for procurement above R10-million
- d) MBD 6.1 : Preference certificate
- e) MBD 8 : Declaration of bidder's past supply chain management practices
- f) MBD 9 : Certificate of Independent Bid Determine

PART A INVITATION TO BID

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE (ELIAS MOTSOLEDI LOCAL MUNICIPALITY)					
BID NUMBER:	EMLM 06/2023	CLOSING DATE:	26 AUGUST 2022	CLOSING TIME:	11H00
DESCRIPTION	SOLID WASTE MANAGEMENT SERVICES FOR THE PERIOD OF THREE YEARS (36 MONTHS)				
THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (MBD7).					
BID RESPONSE DOCUMENTS MAY BE DEPOSITED IN THE BID BOX SITUATED AT (STREET ADDRESS)					
02 GROBLER AVENUE					
GROBLERSDAL					
0470					
SUPPLIER INFORMATION					
NAME OF BIDDER					
POSTAL ADDRESS					
STREET ADDRESS					
TELEPHONE NUMBER	CODE		NUMBER		
CELLPHONE NUMBER					
FACSIMILE NUMBER	CODE		NUMBER		
E-MAIL ADDRESS					
VAT REGISTRATION NUMBER					
TAX COMPLIANCE STATUS	TCS PIN:		OR	CSD No:	
B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE [TICK APPLICABLE BOX]	<input type="checkbox"/> Yes <input type="checkbox"/> No	B-BBEE STATUS LEVEL SWORN AFFIDAVIT		<input type="checkbox"/> Yes <input type="checkbox"/> No	
[A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE/ SWORN AFFIDAVIT (FOR EMES & QSEs) MUST BE SUBMITTED IN ORDER TO QUALIFY FOR PREFERENCE POINTS FOR B-BBEE]					
ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES /WORKS OFFERED?	<input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES ENCLOSE PROOF]	ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES /WORKS OFFERED?		<input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES, ANSWER PART B:3]	
TOTAL NUMBER OF ITEMS OFFERED		TOTAL BID PRICE		R	
SIGNATURE OF BIDDER		DATE			
CAPACITY UNDER WHICH THIS BID IS SIGNED					
BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO:			TECHNICAL INFORMATION MAY BE DIRECTED TO:		
DEPARTMENT	BUDGET TREASURY	AND	CONTACT PERSON	MAHLATSE MOKHULWANE	
CONTACT PERSON	V. MASILELA		TELEPHONE NUMBER	013 262 3056	
TELEPHONE NUMBER	013 262 3056		FACSIMILE NUMBER	013 262 2547	
FACSIMILE NUMBER	013 262 2547		E-MAIL ADDRESS	mmokhulwane@emlm.gov.za	
E-MAIL ADDRESS	vmasilela@emlm.gov.za		N/A		

PART B TERMS AND CONDITIONS FOR BIDDING

1. BID SUBMISSION:

- 1.1. BIDS MUST BE DELIVERED BY THE STIPULATED TIME TO THE CORRECT ADDRESS. LATE BIDS WILL NOT BE ACCEPTED FOR CONSIDERATION.
- 1.2. **ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS PROVIDED--(NOT TO BE RE-TYPED) OR ONLINE**
- 1.3. THIS BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT AND THE PREFERENTIAL PROCUREMENT REGULATIONS, 2017, THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER SPECIAL CONDITIONS OF CONTRACT.

2. TAX COMPLIANCE REQUIREMENTS

- 2.1 BIDDERS MUST ENSURE COMPLIANCE WITH THEIR TAX OBLIGATIONS.
- 2.2 BIDDERS ARE REQUIRED TO SUBMIT THEIR UNIQUE PERSONAL IDENTIFICATION NUMBER (PIN) ISSUED BY SARS TO ENABLE THE ORGAN OF STATE TO VIEW THE TAXPAYER'S PROFILE AND TAX STATUS.
- 2.3 APPLICATION FOR THE TAX COMPLIANCE STATUS (TCS) CERTIFICATE OR PIN MAY ALSO BE MADE VIA E-FILING. IN ORDER TO USE THIS PROVISION, TAXPAYERS WILL NEED TO REGISTER WITH SARS AS E-FILERS THROUGH THE WEBSITE WWW.SARS.GOV.ZA.
- 2.4 FOREIGN SUPPLIERS MUST COMPLETE THE PRE-AWARD QUESTIONNAIRE IN PART B:3.
- 2.5 BIDDERS MAY ALSO SUBMIT A PRINTED TCS CERTIFICATE TOGETHER WITH THE BID.
- 2.6 IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED, EACH PARTY MUST SUBMIT A SEPARATE TCS CERTIFICATE / PIN / CSD NUMBER.
- 2.7 WHERE NO TCS IS AVAILABLE BUT THE BIDDER IS REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD), A CSD NUMBER MUST BE PROVIDED.

3. QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS

- | | |
|--|--|
| 3.1. IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)? | <input type="checkbox"/> YES <input type="checkbox"/> NO |
| 3.2. DOES THE ENTITY HAVE A BRANCH IN THE RSA? | <input type="checkbox"/> YES <input type="checkbox"/> NO |
| 3.3. DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA? | <input type="checkbox"/> YES <input type="checkbox"/> NO |
| 3.4. DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA? | <input type="checkbox"/> YES <input type="checkbox"/> NO |
| 3.5. IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION? | <input type="checkbox"/> YES <input type="checkbox"/> NO |

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

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

SIGNATURE OF BIDDER:

CAPACITY UNDER WHICH THIS BID IS SIGNED:

DATE:

DECLARATION OF INTEREST

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

No.	Information	Please provide detail	
3.1	Full name of bidder or his or her representative		
3.2	Identity number		
3.3	Position occupied in the company (director, trustee, shareholder ²)		
3.4	Company registration number		
3.5	Tax reference number		
3.6	VAT registration number		
Note	<i>(The names of all directors / trustees / shareholders members, their individual identity numbers and state employee numbers must be indicated in paragraph 4 below.)</i>		
3.7	Are you presently in the service of the state? If yes, please furnish particulars :	Yes	No
3.7.1	Name of director		
3.7.2	Service of state organization		

3.8	Have you been in the service of the state for the past twelve months?	Yes	No
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	If yes, please furnish particulars :			
3.8.1	Name of director			
3.8.2	Service of state organization			
3.9	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? If yes, please furnish particulars :	<table border="1"> <tr> <td>Yes</td> <td>No</td> </tr> </table>	Yes	No
Yes	No			
3.9.1	Name of person in the service of state			
3.9.2	Relationship			
3.10	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? If yes, please furnish particulars :	<table border="1"> <tr> <td>Yes</td> <td>No</td> </tr> </table>	Yes	No
Yes	No			
3.10.1	Name of person in the service of state			
3.10.2	Relationship			
3.11	<i>Are any of the company's directors, trustees, managers, principle shareholders or stakeholders in service of the state?</i> If yes, please furnish particulars :	<table border="1"> <tr> <td>Yes</td> <td>No</td> </tr> </table>	Yes	No
Yes	No			
3.11.1	Name of director			
3.11.2	Service of state organization			
3.12	Is any spouse, child or parent of the company's director trustees, managers, principle shareholders or stakeholders in service of the state? If yes, please furnish particulars:	<table border="1"> <tr> <td>Yes</td> <td>No</td> </tr> </table>	Yes	No
Yes	No			
3.12.1	Name of director			
3.12.2	Name of relative			
3.12.3	Relationship			
3.13	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?	<table border="1"> <tr> <td>Yes</td> <td>No</td> </tr> </table>	Yes	No
Yes	No			

	If yes, please furnish particulars:	
3.13.1	Name of director	
3.13.2	Related company	
Note:	<p>SCM Regulations:</p> <p>“1In the service of the state” means to be –</p> <p>(a) a member of –</p> <p>(i) any municipal council;</p> <p>(ii) any provincial legislature; or</p> <p>(iii) the national Assembly or the national Council of provinces;</p> <p>(b) a member of the board of directors of any municipal entity;</p> <p>(c) an official of any municipality or municipal entity;</p> <p>(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);</p> <p>(e) a member of the accounting authority of any national or provincial public entity; or</p> <p>(f) an employee of Parliament or a provincial legislature.</p> <p>“2 Shareholder” means a person who owns shares in the company and is actively involved in the management of the company or business and exercises control over the company.</p>	

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

Full Name	Identity Number	State Employee Number

5. I, the undersigned certify that the information furnished on this declaration form is correct.

I accept that the state may act against me should this declaration prove to be false.

NAME OF REPRESENTATIVE: _____	AUTHORIZED SIGNATURE (UNDERSIGNED): _____
DATE: _____	CAPACITY: _____

**DECLARATION FOR PROCUREMENT ABOVE R10-MILLION
(ALL APPLICABLE TAXES INCLUDED)**

For all procurement expected to exceed R10 million (all applicable taxes included), bidders must complete the following questionnaire:

		Tick applicable box	
1.	Are you by law required to prepare annual financial statements for auditing?	Yes	No
1.1	If yes, submit audited annual financial statements for the past three years or since the date of establishment if established during the past three years.	Yes	No
2.	Do you have any outstanding undisputed commitments for municipal services towards any municipality for more than three months or any other service provider in respect of which payment is overdue for more than 30 days?	Yes	No
2.1	If no, this serves to certify that the bidder has no undisputed commitments for municipal services towards any municipality for more than three months or other service provider in respect of which payment is overdue for more than 30 days.	Yes	No
2.2	If yes, provide particulars:		
3.	Has any contract been awarded to you by an organ of state during the past five years, including particulars of any material non-compliance or dispute concerning the execution of such contract?	Yes	No
3.1	If yes, provide particulars:		
4.	Will any portion of goods or services be sourced from outside the Republic, and, if so, what portion and whether any portion of payment from the municipality / municipal entity is expected to be transferred out of the Republic?	Yes	No
4.1	If yes, provide particulars:		

CERTIFICATION

I, the undersigned certify that the information furnished on this declaration form is correct.

I accept that the state may act against me should this declaration prove to be false.

NAME OF REPRESENTATIVE: _____	AUTHORIZED SIGNATURE (UNDERSIGNED): _____
DATE: _____	CAPACITY: _____

PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL PROCUREMENT REGULATIONS 2017

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

NB: BEFORE COMPLETING THIS FORM, BIDDERS MUST STUDY THE GENERAL CONDITIONS, DEFINITIONS AND DIRECTIVES APPLICABLE IN RESPECT OF B-BBEE, AS PRESCRIBED IN THE PREFERENTIAL PROCUREMENT REGULATIONS, 2017.

1. 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

- a) The value of this bid is estimated to not exceed R50 000 000 (all applicable taxes included) and therefore the 80/20 preference point system shall be applicable; or
- b) Either the 80/20 or 90/10 preference point system will be applicable to this tender (*delete whichever is not applicable for this tender*).

1.3 Points for this bid shall be awarded for:

- (a) Price; and
- (b) B-BBEE Status Level of Contributor.

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

	POINTS
PRICE	80
B-BBEE STATUS LEVEL OF CONTRIBUTOR	20
Total points for Price and B-BBEE must not exceed	100

1.5 Failure on the part of a bidder to submit proof of B-BBEE Status level of contributor together with the bid, will be interpreted to mean that preference points for B-BBEE status level of contribution 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 preferences, in any manner required by the purchaser.

2. DEFINITIONS

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

“B-BBEE status level of contributor” means the B-BBEE status of an entity 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;

- (b) **“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;
- (c) **“Broad-Based Black Economic Empowerment Act”** means the Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003);
- (d) **“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;
- (e) **“functionality”** means the ability of a tenderer to provide goods or services in accordance with specifications as set out in the tender documents.
- (f) **“prices”** includes all applicable taxes less all unconditional discounts;
- (g) **“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;
- (h) **“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;
1.
- (i) **“rand value”** means the total estimated value of a contract in Rand, calculated at the time of bid invitation, and includes all applicable taxes;

3. POINTS AWARDED FOR PRICE

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

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

80/20 or 90/10

$$P_s = 80 \left(1 - \frac{P_t - P_{\min}}{P_{\min}} \right) \quad \text{or} \quad P_s = 90 \left(1 - \frac{P_t - P_{\min}}{P_{\min}} \right)$$

Where

P_s = Points scored for price of bid under consideration

P_t = Price of bid under consideration

P_{\min} = Price of lowest acceptable bid

4. POINTS AWARDED FOR B-BBEE STATUS LEVEL OF CONTRIBUTOR

- 4.1 In terms of Regulation 6 (2) and 7 (2) of the Preferential Procurement Regulations, preference points must be awarded to a bidder for attaining the B-BBEE status level of contribution in accordance with the table below:

B-BBEE Status Level of Contributor	Number of points (90/10 system)	Number of points (80/20 system)
1	10	20
2	9	18
3	6	14
4	5	12
5	4	8
6	3	6
7	2	4
8	1	2
Non-compliant contributor	0	0

5. **BID DECLARATION**

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

6. **B-BBEE STATUS LEVEL OF CONTRIBUTOR CLAIMED IN TERMS OF PARAGRAPHS 1.4 AND 4.1**

6.1 B-BBEE Status Level of Contributor:.....=.....(maximum of 10 or 20 points)

(Points claimed in respect of paragraph 7.1 must be in accordance with the table reflected in paragraph 4.1 and must be substantiated by relevant proof of B-BBEE status level of contributor.

7. **SUB-CONTRACTING**

7.1 Will any portion of the contract be sub-contracted?

(Tick applicable box)

YES	<input type="checkbox"/>	NO	<input type="checkbox"/>
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7.1.1 If yes, indicate:

- i) What percentage of the contract will be subcontracted.....%
- ii) The name of the sub-contractor.....
- iii) The B-BBEE status level of the sub-contractor.....
- iv) Whether the sub-contractor is an EME or QSE

(Tick applicable box)

YES	<input type="checkbox"/>	NO	<input type="checkbox"/>
-----	--------------------------	----	--------------------------

v) Specify, by ticking the appropriate box, if subcontracting with an enterprise in terms of Preferential Procurement Regulations,2017:

<p>WITNESSES</p> <p>1.</p> <p>2.</p>	<p>.....</p> <p>SIGNATURE(S) OF BIDDERS(S)</p> <p>DATE:</p> <p>ADDRESS</p> <p>.....</p> <p>.....</p>
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DECLARATION OF BIDDERS 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:
 - 3.1 abused the municipality's / municipal entity's supply chain management system or committed any improper conduct in relation to such system;
 - 3.2 been convicted for fraud or corruption during the past five years;
 - 3.3 willfully neglected, reneged on or failed to comply with any government, municipal or other public sector contract during the past five years; or
 - 3.4 been listed in the Register for Tender Defaulters in terms of section 29 of the Prevention and Combating of Corrupt Activities Act (No. 12 of 2004).
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	Is the bidder or any of its directors listed on the National Treasury's Database of Restricted Suppliers as companies or persons prohibited from doing business with the public sector? (Companies or persons who are listed on this database were informed in writing of this restriction by the accounting officer / authority of the institution that imposed the restriction after the <i>audi alteram partem</i> rule was applied). The Database of Restricted Suppliers now resides on the National Treasury's website www.treasury.gov.za and can be accessed by clicking on its link at the bottom of the home page	Yes	No
4.1.1	If so, furnish particulars:		
4.2	Is the bidder or any of its directors listed on the Register for Tender Defaulters in terms of section 29 of the Prevention and Combating of Corrupt Activities Act (No. 12 of 2004)? The Register for Tender Defaulters can be accessed on the National Treasury's website www.treasury.gov.za by clicking on its link at the bottom of the home page.	Yes	No
4.2.1	If so, furnish particulars:		
4.3	Was the bidder or any of its directors convicted by a court of law (including a court of law outside the Republic of South Africa) for fraud or corruption during the past five years?	Yes	No
4.3.1	If so, furnish particulars:		

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

CERTIFICATION

I, the undersigned certify that the information furnished on this declaration form true and correct.

I accept that, in addition to cancellation of a contract, action may be taken against me should this declaration prove to be false.

NAME OF REPRESENTATIVE: <hr/>	AUTHORIZED SIGNATURE (UNDERSIGNED): <hr/>
DATE: _____	CAPACITY: _____

CERTIFICATE OF INDEPENDENT BID DETERMINATION

- 1 This municipal bidding document (MBD) must form part of all bids¹ invited.
- 2 Section 4(1)(b)(iii) of the Competition Act No. 89 of 1998, as amended, prohibits an agreement between, or concerted practice by, firms, or a decision by an association of firms, if it is between parties in a horizontal relationship and if it involves collusive bidding (or bid rigging). ²Collusive 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:
 - 3.1. take all reasonable steps to prevent such abuse;
 - 3.2. 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
 - 3.3. 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:
 - ¹ Includes price quotations, advertised competitive bids, limited bids and proposals.**

² 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: **(Tender number & 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 (Name of Bidder):
NAME OF REPRESENTATIVE:

that:

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 consortium³ 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:

- 7.1 Prices;
 - 7.2 Geographical area where product or service will be rendered (market allocation);
 - 7.3 Methods, factors or formulas used to calculate prices;
 - 7.4 The intention or decision to submit or not to submit a bid;
 - 7.5 The submission of a bid which does not meet the specifications and conditions of the bid; or
 - 7.6 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.
- ³ **Joint venture or consortium means an association of persons for the purpose of combining their expertise, property, capital, efforts, skill and knowledge in an activity for the execution of a contract.**
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.

NAME OF REPRESENTATIVE: _____	AUTHORIZED SIGNATURE (UNDERSIGNED): _____
DATE: _____	CAPACITY: _____

GENERAL CONDITIONS OF CONTRACT

The General Conditions of Contract are not included in this document and may be downloaded from the following website – www.treasury.gov.za/legislation.