



REQUEST FOR PROPOSAL [RFP] - PROVISIONS OF PANEL OF CATERING SERVICES AT MHLATHUZE WATER

RFP CONTRACT NO:	MW/24/11/2022/2023
ISSUE DATE:	23 NOVEMBER 2022
LOSING DATE:	23 JANUARY 2023
CLOSING TIME:	12:00 PM
BID VALIDITY PERIOD:	180 Days from Closing Date

PRE-QUALIFICATION/ELIGIBILITY CRITERIA SET BY MHLATHUZE WATER HAVE BEEN MET AS FOLLOWS:

- **ONLY TENDERS WHO HAVE ESTABLISHED BUSINESS WITHIN KING CETSHWAYO MUNICIPALITY WILL BE ELIGIBLE TO TENDER.**
- **AN EME OR QSE WHICH IS AT LEAST 51% OWNED BY BLACK PEOPLE WITH DISABILITIES**
- **AN EME OR QSE WHICH IS AT LEAST 51% OWNED BY BLACK PEOPLE WHO ARE WOMEN**

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SCHEDULE OF BID DOCUMENTS

SECTION 1: SBD1 FORM

PART A
INVITATION TO BID

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF INTEGRATED SECURITY SERVICES AT MHLATHUZE WATER.					
BID NUMBER:	MW/24/11/2022/2023	ISSUE DATE: 23 NOVEMBER 2022	CLOSING DATE 23 January 2023	12H00	
DESCRIPTION	PROVISIONS OF PANEL OF CATERING SERVICES AT MHLATHUZE WATER				
PROVISIONS OF PANEL OF CATERING SERVICES AT MHLATHUZE WATER					
NAME OF BIDDER					
POSTAL ADDRESS					
STREET ADDRESS					
TELEPHONE NUMBER	CODE		NUMBER		
CELLPHONE NUMBER					
FACSIMILE NUMBER	CODE		NUMBER		
E-MAIL ADDRESS					
VAT REGISTRATION NUMBER					
SUPPLIER COMPLIANCE STATUS	TAX COMPLIANCE SYSTEM PIN:		OR	CENTRAL SUPPLIER DATABASE	UNIQUE REGISTRATION REFERENCE NUMBER: MAAA
B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE	[TICK APPLICABLE BOX] <input type="checkbox"/> Yes <input type="checkbox"/> No		B-BBEE STATUS LEVEL SWORN AFFIDAVIT		[TICK APPLICABLE BOX] <input type="checkbox"/> Yes <input type="checkbox"/> No
[A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE/ SWORN AFFIDAVIT (FOR EMES & QSEs) MUST BE SUBMITTED FOR PURPOSES OF COMPLIANCE WITH THE B-BBEE ACT]					

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1 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]	2 ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES /WORKS OFFERED?	<input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES, ANSWER QUESTIONNAIRE BELOW]
QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS			
IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)? <input type="checkbox"/> YES <input type="checkbox"/> NO DOES THE ENTITY HAVE A BRANCH IN THE RSA? <input type="checkbox"/> YES <input type="checkbox"/> NO DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA? YES <input type="checkbox"/> NO <input type="checkbox"/> DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA? <input type="checkbox"/> YES <input type="checkbox"/> NO IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION? <input type="checkbox"/> NO <input type="checkbox"/> YES			
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 1.3 BELOW.			

PART B
TERMS AND CONDITIONS FOR BIDDING

1. TAX COMPLIANCE REQUIREMENTS
1.1 BIDDERS MUST ENSURE COMPLIANCE WITH THEIR TAX OBLIGATIONS. 1.2 BIDDERS ARE REQUIRED TO SUBMIT THEIR UNIQUE PERSONAL IDENTIFICATION NUMBER (PIN) ISSUED BY SARS TO ENABLE THE ORGAN OF STATE TO VERIFY THE TAXPAYER'S PROFILE AND TAX STATUS. 1.3 APPLICATION FOR TAX COMPLIANCE STATUS (TCS) PIN MAY BE MADE VIA E-FILING THROUGH THE SARS WEBSITE WWW.SARS.GOV.ZA. 1.4 BIDDERS MAY ALSO SUBMIT A PRINTED TCS CERTIFICATE TOGETHER WITH THE BID. 1.5 IN BIDS WHERE UNINCORPORATED CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED, EACH PARTY MUST SUBMIT A SEPARATE TCS CERTIFICATE / PIN / CSD NUMBER. 1.6 WHERE NO TCS IS AVAILABLE BUT THE BIDDER IS REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD), A CSD NUMBER MUST BE PROVIDED.

NB: FAILURE TO PROVIDE / OR COMPLY WITH ANY OF THE ABOVE PARTICULARS MAY RENDER THE BID INVALID.

SIGNATURE OF BIDDER:

CAPACITY UNDER WHICH THIS BID IS SIGNED:

(Proof of authority must be submitted e.g. company resolution)

DATE: _____

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SECTION 2 : NOTICE TO BIDDERS

1 INVITATION TO BID

Responses to this RFP [hereinafter referred to as a **Bid** or a **Proposal**] are requested from persons, companies, close corporations or enterprises [hereinafter referred to as an **entity, Respondent** or **Bidder**].

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TENDER ADVERT	All Mhlathuze Water tenders are advertised on the National Treasury's e-Tender Publication Portal Should one of these media (i.e. National Treasury's e-Tender Publication Portal or Mhlathuze Water website) not be available, bidders are advised to check on the other media for advertised tenders.
COMMUNICATION	Any addenda to the RFP or clarifications will be published on the e-tender portal and Mhlathuze Water website. Bidders are required to check the e-tender portal prior to finalising their bid submissions for any changes or clarifications to the RFP. Mhlathuze Water will not be held liable if Bidders do not receive the latest information regarding this RFP with the possible consequence of either being disadvantaged or disqualified as a result thereof.
BRIEFING SESSION	No Briefing Session
CLOSING DATE	23 January 2023 November 2022 12:00 PM on Tuesday. MHLATHUZE WATER HEAD OFFICE: Cnr. South Central Arterial & Battery Bank, Alton, Richards Bay, 3900. The tender box is 24hours accessible
VALIDITY PERIOD	180 Days from Closing Date Bidders are to note that they may be requested to extend the validity period of their bid, at the same terms and conditions, if the internal evaluation process has not been finalised within the validity period. However, once the adjudication body has approved the process and award of the business to the successful bidder(s), the validity of the successful bidder(s)' bid will be deemed to remain valid until a final contract has been concluded.

Any additional information or clarification will be published on the e-Tender portal and Mhlathuze Water website, if necessary.

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2 RFP INSTRUCTIONS

- 2.1 Please sign documents [sign, stamp and date the bottom of each page] before uploading them on the system. The person or persons signing the submission must be legally authorised by the respondent to do so.
- 2.2 **All mandatory and essential returnable documents tabled in the Proposal Form must be returned with proposals.**
- 2.3 Unless otherwise expressly stated, all Proposals furnished pursuant to this RFP shall be deemed to be offers. Any exceptions to this statement must be clearly and specifically indicated.
- 2.4 Any additional conditions must be embodied in an accompanying letter. Subject only to clause 15 [Alterations made by the Respondent to Bid Prices] of the General Bid Conditions, paragraph 12 below (Legal Review) and Section 6 of the RFP, alterations, additions or deletions must not be made by the Respondent to the actual RFP documents.

3 JOINT VENTURES OR CONSORTIUMS

Respondents who would wish to respond to this RFP as a Joint Venture [JV] or consortium with B-BBEE entities, must state their intention to do so in their RFP submission. Such Respondents must also submit a signed JV or consortium agreement between the parties clearly stating the percentage [%] split of business and the associated responsibilities of each party. If at the time of the bid submission such a JV or consortium agreement has not been concluded, the partners must submit confirmation in writing of their intention to enter into a JV or consortium agreement should they be awarded business by Mhlathuze Water through this RFP process. This written confirmation must clearly indicate the percentage [%] split of business and the responsibilities of each party. In such cases, award of business will only take place once a signed copy of a JV or consortium agreement is submitted to Mhlathuze Water.

Respondents are to note that for the purpose of Evaluation, a JV will be evaluated based on one consolidated B-BBEE score card (a consolidated B-BBEE Status Level verification certificate) as per the B-BBEE Preferential Procurement Regulations, 2017 preference point scoring.

4 COMMUNICATION

- 4.1 For specific queries relating to this RFP, an RFP Clarification Request Form should be submitted onto the system and to Sihle Mndaweni, 035 902 1037 before 20 January 2023 **12:00 pm on** substantially in the form set out in RFP hereto. In the interest of fairness and transparency, Mhlathuze Water response to such a query will be published on the e-tender portal and Mhlathuze Water website.
- 4.2 After the closing date of the RFP, a Respondent may only communicate with the name of delegated individual (Mr Sihle Mndaweni), at telephone number 035 902 1037, email tender@mhlathuze.co.za on any matter relating to its RFP Proposal.

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- 4.3 Respondents are to note that changes to its submission will not be considered after the closing date.
- 4.4 It is prohibited for Respondents to attempt, either directly or indirectly, to canvass any officer or employee of Mhlathuze Water in respect of this RFP between the closing date and the date of the award of the business.
- 4.5 Respondents found to be in collusion with one another will be automatically disqualified and restricted from doing business with organs of state for a specified period.

5 CONFIDENTIALITY

All information related to this RFP is to be treated with strict confidence. In this regard Respondents are required to certify that they have acquainted themselves with the Non-Disclosure Agreement. All information related to a subsequent contract, both during and after completion thereof, will be treated with strict confidence. Should the need however arise to divulge any information related to this RFP or the subsequent contract, written approval must be obtained from Mhlathuze Water.

6 COMPLIANCE

The successful Respondent [hereinafter referred to as the **PROVISIONS OF PANEL OF CATERING SERVICES AT MHLATHUZE WATER**] shall be in full and complete compliance with any and all applicable laws and regulations.

7 EMPLOYMENT EQUITY ACT

Respondents must comply with the requirements of the Employment Equity Act 55 of 1998 applicable to it including (but not limited to) Section 53 of the Employment Equity Act.

8 DISCLAIMERS

Respondents are hereby advised that Mhlathuze Water is not committed to any course of action as a result of its issuance of this RFP and/or its receipt of Proposals. In particular, please note that Mhlathuze Water reserves the right to:

- 8.1 modify the RFP's Goods/Services and request Respondents to re-bid on any such changes;
- 8.2 reject any Proposal which does not conform to instructions and specifications which are detailed herein;
- 8.3 disqualify Proposals submitted after the stated submission deadline [closing date];
- 8.4 award a contract in connection with this Proposal at any time after the RFP's closing date;
- 8.5 award a contract for only a portion of the proposed Goods/Services which are reflected in the scope of this RFP;
- 8.6 split the award of the contract between more than one Supplier/Service provider, should it at Mhlathuze Water discretion be more advantageous in terms of, amongst others, cost or developmental considerations;
- 8.7 cancel the bid process;
- 8.8 validate any information submitted by Respondents in response to this bid. This would include, but is not limited to, requesting the Respondents to provide supporting evidence. By submitting a bid, Respondents hereby irrevocably grant the necessary consent to Mhlathuze Water to do so;
- 8.9 request audited financial statements or other documentation for the purposes of a due diligence exercise;
- 8.10 not accept any changes or purported changes by the Respondent to the bid rates after the closing date and/or after the award of the business, unless the contract specifically provided for it;

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- 8.11 to cancel the contract and/request that National Treasury place the Respondent on its Database of Restricted Suppliers for a period not exceeding 10 years, on the basis that a contract was awarded on the strength of incorrect information furnished by the Respondent or on any other basis recognised in law;
- 8.12 to award the business to the next ranked bidder, provided that he/she is still prepared to provide the required Goods/Services at the quoted price, should the preferred bidder fail to sign or commence with the contract within a reasonable period after being requested to do so. Under such circumstances, the validity of the bids of the next ranked bidder(s) will be deemed to remain valid, irrespective of whether the next ranked bidder(s) were issued with a Letter of Regret. Bidders may therefore be requested to advise whether they would still be prepared to provide the required Goods/Services at their quoted price, even after they have been issued with a Letter of Regret.

Note that Mhlathuze Water will not reimburse any Respondent for any preparatory costs or other work performed in connection with its Proposal, whether or not the Respondent is awarded a contract.

9 LEGAL REVIEW

A Proposal submitted by a Respondent will be subjected to review and acceptance or rejection of its proposed contractual terms and conditions by Mhlathuze Water Legal Counsel, prior to consideration for an award of business. A material deviation from the Standard terms or conditions could result in disqualification.

10 SECURITY CLEARANCE

Acceptance of this bid could be subject to the condition that the Successful Respondent, its personnel providing the Goods/Services and its subcontractor(s) must obtain security clearance from the appropriate authorities to the level of **CONFIDENTIAL/ SECRET/TOP SECRET**. Obtaining the required clearance is the responsibility of the Successful Respondent. Acceptance of the bid is also subject to the condition that the Successful Respondent will implement all such security measures as the safe performance of the contract may require.

11 NATIONAL TREASURY'S CENTRAL SUPPLIER DATABASE

Respondents are required to self-register on National Treasury's Central Supplier Database (CSD) which has been established to centrally administer supplier information for all organs of state and facilitate the verification of certain key supplier information. Respondents must register on the CSD prior to submitting their bids. Business may not be awarded to a Respondent who has failed to register on the CSD. Only foreign suppliers with no local registered entity need not register on the CSD.

For this purpose, the attached SBD 1 form must be completed and submitted as a mandatory returnable document by the closing date and time of the bid.

12 TAX COMPLIANCE

Respondents must be compliant when submitting a proposal to Mhlathuze Water and remain compliant for the entire contract term with all applicable tax legislation, including but not limited to the Income Tax Act, 1962 (Act No. 58 of 1962) and Value Added Tax Act, 1991 (Act No. 89 of 1991).

It is a condition of this bid that the tax matters of the successful Respondents be in order, or that satisfactory arrangements have been made with South African Revenue Service (SARS) to meet the Respondents tax obligations.

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The Tax Compliance status requirements are also applicable to foreign Respondents/ individuals who wish to submit bids.

Where Consortia / Joint Ventures / Sub-contractors are involved, each party must be registered on the Central Supplier Database and their tax compliance status will be verified through the Central Supplier Database.

**Mhlathuze Water urges its clients, suppliers and the general public to report any fraud or corruption to
TIP-OFFS ANONYMOUS: 0800 204 310**

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SECTION 3: BACKGROUND, OVERVIEW AND SCOPE OF REQUIREMENTS

1 BACKGROUND

The purpose of this proposal document is to invite a Panel of Catering Services to provide a catering services for functions, meetings and events as per the scope of work as detailed hereunder.

In response to this, Mhlathuze Water requires a Panel of Service Providers that will be used to source the Catering services for the period of 36 months, within the contract period bases on the strength of performance and MW will have no obligation to renew this Services for each year should Non – performance be evident.

This contract will be reviewed and any other identified aspect, annually, from the date of both parties signing the contract. Services are to commence on **01 March 2023**

2. EXTENT OF THE SERVICES REQUIRED

It is Mhlathuze objective to ensure the availability of an appointed panel for the provisions of catering services as and when required by all Department and Sections at MW.

3. DESCRIPTION OF THE SERVICES

MEETINGS, TRAININGS AND OTHER SPECIAL OCCASIONS

Supply and serve specified refreshments as per BOQ, using the price list/ rates as agreed to.

The service provider shall deliver the meals to the function or meeting venue at the requested date and time.

The service provider must provide their own cutlery, crockery and serving dishes and utensils.

The service provider shall layout the dining tables and thereafter remove all utensils and remaining food after the function or meeting

The service provider shall hand over all remaining food to the user department or the person who ordered the meals.

Mhlathuze Water shall on adhoc basis conduct inspections to the facilities of the service providers who have been selected for inclusion in the panel.

3.4 VENUES:

3.4.1 Note that some catering requirements will be outside the MW Head office including but not limited to:

- Nkandla (Middeldrift)
- Jozini
- Nsezi
- Weir Pump Station
- Waste Water Disposal (PMS 1)
- Other sites depending on the function / event

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3.4.2 In the event that the function / event / meeting is outside the City of uMhlathuze area the tenderer will have to include travel cost in the pricing schedule.

2 EXECUTIVE OVERVIEW

The purpose of this proposal document is to invite a Panel of Catering Services to provide a catering services for functions, meetings and events as per the scope of work as detailed hereunder.

CONTRACT DURATION

The contract will be limited to a period of three (3) years (36) months subject to performance agreement to be entered into between the service provider and the employer.

NB: Evaluation of the various stages will normally take place in a sequential manner. However, in order to expedite the process, Mhlathuze Water reserves the right to conduct the different steps of the evaluation process in parallel. In such instances the evaluation of bidders at any given stage must not be interpreted to mean that bidders have necessarily passed any previous stage(s).

2.1 STEP ONE: Test for Administrative Responsiveness

The test for administrative responsiveness will include the following:

Administrative responsiveness check	RFP Reference
<ul style="list-style-type: none">Whether the Bid has been lodged on time	<i>Section 1 paragraph 3</i>
<ul style="list-style-type: none">Whether all Returnable Documents and/or schedules [where applicable] were completed and returned by the closing date and time	<i>All section signed and returnable by the closing date</i>

2.2 STEP TWO: Test for Substantive Responsiveness to RFP

The test for substantive responsiveness to this RFP will include the following:

Check for substantive responsiveness	RFP Reference
<ul style="list-style-type: none">Whether the Bid contains a priced offer as prescribed in the pricing and delivery schedule	<i>Section 4</i>
<ul style="list-style-type: none">Whether the Bid materially complies with the scope and/or specification given	<i>All Sections</i>

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<ul style="list-style-type: none"> Whether any Technical pre-qualification/eligibility criteria set by Mhlathuze Water have been met as follows : Only Tenders who have established Business within King Cetshwayo Municipality will be eligible to tender. AN EME OR QSE WHICH IS AT LEAST 51% OWNED BY BLACK PEOPLE WITH DISABILITIES AN EME OR QSE WHICH IS AT LEAST 51% OWNED BY BLACK PEOPLE WHO ARE WOMEN 	
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MANDATORY DOCUMENTS FOR TEST FOR ADMINISTRATIVE RESPONSIVENESS

Schedule No.	Description	Submitted YES / NO
1	Proof of company registration documents	
2	Proof of Registration with SARS (Valid PIN from SARS confirming compliance status)	
3	Certified copies of Identity Documents of Shareholders/Members/Directors of the business (not applicable if a company is a 100 % subsidiary)	
4	A certified copy of Partnership Agreement(if tenderer is a partnership or JV)	
5	Proof of registration with National Treasury Central Data Base (CSD)	
6	Valid Letter of good standing with the Department of Labour for Unemployment Insurance Fund (UIF) and COI	

Returnable Documents Used for Scoring

7	Certified valid copy of BBBEE Certificate or a Sworn affidavit if company is an EME or QSE.	
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Failure to provide all Returnable Documents used for purposes of scoring a bid, by the closing date and time of this bid will not result in a Respondent's disqualification. However, Bidders will receive an automatic score of zero for the applicable evaluation criterion.

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Eligibility Technical Criteria

	Mandatory Returnable Document for Eligibility Technical Criteria	
	<ul style="list-style-type: none">• Only Tenders who have established Business within King Cetshwayo Municipality will be eligible to tender:• (Utility bill, lease agreement, letter from a councillor or traditional authority IN THE NAME OF THE BUSINESS/ COMPANY)	

Failure to provide all these Mandatory Returnable Documents at the Closing Date and time of this RFP will result in a Respondent's disqualification.

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PRE – QUALIFICATION CRITERIA:

The Pre-Qualification Criteria and maximum score in respect of each of the criteria are as follows and sufficient detail must be provided in experience sheets/support documentation attached to the Tenders for evaluation purposes.

Total Maximum Evaluation Points for the items is 20.

The Minimum number of evaluation points for Functionality shall be 12 (60%) below which value the tender shall be regarded as being non responsive.

Tenderers who will pass functionality, will then be evaluated on price per segment. Tenderers are encouraged to read instructions carefully on Bill of quantities, Section C2.2.

The Functionality criteria and maximum score in respect of each of the criteria are as follows:

Functionality Sub criteria	SUB CRITERIA	Maximum No
Experience in the industry (based on experience sheet)	<p>Relevant company experience in the past 10 years managing Corporate Catering Services:</p> <ul style="list-style-type: none"> Greater than 5 years' experience 20 From 3 up to 5 years' experience 12 Less than 3 year' experience 6 <p>Note: Tenders must complete Schedule 13 in full detail, including the above information. Tenderers are to ensure that the referee's stamps Schedule 13 or else the company experience points will not be allocated.</p> <p>Alternatively Positive written references by authorized signatory confirming successful performance on similar previous projects as listed in 1 above must be attached so as to claim points for the company experience. Failure to attached reference letters will result in no points being allocated.</p> <p>The reference letters must include the period that indicates that the project was completed successfully.</p>	
	Maximum score	20
TOTAL MAXIMUM POINTS		20

- END OF SECTION –END OF SECTION –

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2.3 STEP FOUR: Evaluation and Final Weighted Scoring

a) **Price and TCO Criteria** [Weighted score 80 points]:

Evaluation Criteria	RFP Reference
• Commercial offer	<i>Section 4</i>

Mhlathuze Water will utilise the following formula in its evaluation of Price:

$$PS = 80 \left(1 - \frac{Pt - Pmin}{Pmin} \right)$$

Where:

Ps = Score for the Bid under consideration
Pt = Price of Bid under consideration
Pmin = Price of lowest acceptable Bid

b) **Broad-Based Black Economic Empowerment criteria** [Weighted score 20 points]

- B-BBEE - current scorecard / B-BBEE Preference Points Claims Form
- Preference points will be awarded to a bidder for attaining the B-BBEE status level of contribution in accordance with the table indicated in the B-BBEE Preference Points Claim Form.

2.4 SUMMARY: Applicable Thresholds and Final Evaluated Weightings

Thresholds	Minimum Threshold
Technical / functionality	20

Evaluation Criteria	Final Weighted Scores
Price and Total Cost of Ownership	80
B-BBEE - Scorecard	20
TOTAL SCORE:	100

2.5 STEP FIVE: Post Tender Negotiations (if applicable)

- Respondents are to note that Mhlathuze Water may not award a contract if the price offered is not market-related. In this regard, Mhlathuze Water reserves the right to engage in PTN with the view to achieving a market-related price or to cancel the tender. Negotiations will be done in a sequential manner i.e.:
 - first negotiate with the highest ranked bidder or cancel the bid, should such negotiations fail,
 - Negotiate with the 2nd and 3rd ranked bidders (if required) in a sequential manner.
- In the event of any Respondent being notified of such short-listed/preferred bidder status, his/her bid, as well as any subsequent negotiated best and final offers (BAFO), will automatically be deemed to remain valid during the negotiation period and until the ultimate award of business.
- Should Mhlathuze Water conduct post tender negotiations, Respondents will be requested to provide their best and final offers to Mhlathuze Water based on such negotiations. Where a

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market related price has been achieved through negotiation, the contract will be awarded to the successful Respondent(s).

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Compulsory Returnable

SECTION 4: PRICING AND DELIVERY SCHEDULE

PRICING:

- a. All items on the Pricing Schedule, where detailed specifications apply, are listed under **Technical requirements**, and are cross referenced to the Pricing Schedule. In cases where a product does not have extensive specifications, the item specifications are listed with the item on the Pricing Schedule.
- b. All fields must be completed for the tender to be considered. In cases where certain items cannot / are not provided by any one tenderer, it must be indicated as such on the tender document.
- c. Suppliers must furnish unit prices for the listed products only.
- d. Escalation (annually) – the bidder will be allowed to escalated prices on an annual basis with an average CPI over the past year but **not exceeding 8%**.

QUALITY AND QUANTITIES:

- a. **QUALITY Standards:**
 - (i) Special brands, where named, are used to indicate the standard of quality desired. Tenderer's equal/similar item will be considered, provided that the Tenderer specifies brand name(s) and submits full specifications.
 - (ii) In the event Mhlathuze Water elects to accept an alternative item proposed to be equal/similar by the Tenderer, Mhlathuze Water may request the tenderer to provide samples of the alternative offer for testing and inspection. Acceptance of the item(s) will be conditional on such inspection and testing after receipt.
- b. **Quality Tests:** Mhlathuze Water may from time to time test the quality of the materials and non-compliance may result in the termination of the contract.
- c. No estimated quantity projection is provided. The materials will be ordered throughout the contract period as and when required.

NB: The submitted **rates** may be subjected to negotiation so as to determine a market related average rate to be applied in the contract;

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Tenderers must note that the menu schedule below is not exhaustive, tenderers are encouraged to attach their own menu schedule in the document. They must, however note that prices quoted will be fixed for the duration of the 36 months period.

MENU RATES PER HEAD				
	Meal Description	Unit Price		
		Year 1	Year 2	Year 3
	Lamb Curry (Savoury rice, beetroot, green salad, Coleslaw)			
	Lamb Curry (Plain rice & green salad)			
	Lamb Curry (Phuthu & Green salad)			
	Beef Curry (Savoury rice, beetroot, green salad, Coleslaw)			
	Beef Curry (Plain rice & green salad)			
	Beef Curry (Phuthu & green salad)			
	Chicken Curry (Savoury rice, beetroot, green salad, Coleslaw)			
	Chicken Curry (Plain rice & green salad)			
	Chicken Curry (Phuthu & Green salad)			
	Roast Chicken (Rolls, green salad, potato salad & coleslaw)			
	Roast Chicken (Riblets, roast potatoes, Spinach, roasted vegetables, green salad)			
	Roast Beef (Roast potatoes, Spinach, roasted vegetables, green salads).			

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	Chicken Salads			
	Biltong salad			
	Fresh fruit salad and Yoghurt Various filled croissants and muesli			
	Chicken Lasagne (Coleslaw, Beetroot, Green Salad)			
	Vegetable Lasagne (Coleslaw, Beetroot, Green Salad)			
	Chicken Biryani with salads			
	Beef Biryani with salads			
	Vegetable Biryani with salads			
	Lamb Biryani with salads			
	Scones & Muffins			
	Drumsticks & Rolls / Sandwiches			
	100% 330 ML Fruit Juice			

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	330 ML Can of Soft Drink			
	I Litre 100% Fruit Juice			
	Sandwiches			
	Spitbraai (salad, rolls/ pap, meat, equipment, crockery assorted drinks)			
	Meat platter (Chicken nuggets, ribs, chicken wings, fish fingers, cocktail sausages, cocktail sosaties, meatballs)			
	Savoury platter (samosas, sausage rolls, pizza, quiche)			
	Vegetable platter (Variety of vegetables)			
	Fruit platter (Fruit as per season)			
	Cheese & Biscuit platter with biltong and droewors			
	Steam Bread/ Jeqe with Tripe			
	Dumpling with Tripe			
	Phuthu with Tripe			

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	Samp with Tripe			
	Health Meal (Sandwich, yoghurt, snack, banana, apple & health bar)			
	Chicken a la King with salad and rolls			
	Cottage pie, salad and rolls			
	Beef stroganoff with rice			
	Chicken schnitzel , cheese and mushroom sauce, rice, beetroot, green salad, Coleslaw)			
	Chicken Wraps / Chicken Pitta pockets			
	Roasted Lamb / Rosemary lamb chops with veggies and baked potatoes			
	Grilled hake fillet, Grilled drumsticks, Pot sauce with Mediterranean veggies and Greek salad			
	Stuffed chicken breast with feta , spinach and mushrooms with veggies and potatoes			
	Oxtail, cream spinach, pumpkin and herbed mash			
	Breakfast pack: Sandwich/croissant with filling, yogurt, fruit, chocolate bar and fruit juice			

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	Lunch pack: Sandwich/croissant, piece of chicken, chips, chocolate and fruit juice			
--	--	--	--	--

1. TRAVEL ALLOWANCE FOR DELIVERIES TO SITES OR EXTERNAL WATER SCHEMES

Item No.	Description	Quantity	Year 1 Rate
5.1	Kilometer Rate for delivery of food to outside 20km-radius sites and external Water Schemes (Nkandla, Jozini, etc.)	1km	
RATE PER KM COST			

Note 1: No other forms of this BOQ shall be accepted as part of tender submission.

Note 2: Escalation (annually) – the bidder will be allowed to escalated prices on an annual basis with an average CPI over the past year but not exceeding 8%.

Note 3: All food delivered must be of acceptable quality and standard.

SIGNATURE:

(On behalf of the Bidder)

DATE: _____

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NB! 1. Rate Calculation shall include the following

- Salaries for the Security Guards based on the rates as prescribed by PSIRA•
- Detailed Breakdown of labour rates inclusive of all net salary and all deductions. The wage rates must comply with the minimum wage rates as stipulated by the PSIRA (Failure to meet the minimum wage rate will result in disqualification)
- Valid Letter of good standing with the Department of Labour for Unemployment Insurance Fund (UIF) and COID
- Administration costs
- Tenderer's mark-up

2. Annual Increase

- Any price adjustments will be made at the anniversary of the contract (12 months of operation). This price will be aligned to the rates prescribed by PSIRA
- Service Providers may apply for a Consumer Price Adjustment (CPA) for year 2 and 3 based on Statistics SA indices and PSIRA salary increases.

3. Pricing Schedule

- 3.1 Definition of unit rates** – the tenderer is required to review the scope of work defined within C3 and to determine all the resources, materials, equipment, etc. required resulting in the unit rates to achieve the work components within the scope.
- 3.2 Pricing Schedule** – the tenderer is required to fill in the rates in the Pricing Schedule calculate the Prices for each item and complete the pricing calculations set down in section 4Pricing Schedule section 4, and carry forward the tender amount from the section 4Pricing Schedule to the Offer.
- 3.4 Payment** – the tenderer will be paid the amounts per quantity of each item delivered.

Note 1: The total including VAT (for the three years) must be transferred to the Form of Offer.

Note 2: No other forms of this BOQ shall be accepted as part of tender submission.

SIGNATURE

(On behalf of tenderer)

DATE:

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Notes to Pricing:

- a) Respondents are to note that if the price offered by the highest scoring bidder is not market-related, Mhlathuze Water may not award the contract to that Respondent. Mhlathuze Water may-
- (i) Negotiate a market-related price with the Respondent scoring the highest points or cancel the RFP;
 - (ii) if that Respondent does not agree to a market-related price, negotiate a market-related price with the Respondent scoring the second highest points or cancel the RFP;
 - (iii) if the Respondent scoring the second highest points does not agree to a market-related price, negotiate a market-related price with the Respondent scoring the third highest points or cancel the RFP.

If a market-related price is not agreed with the Respondent scoring the third highest points, Mhlathuze Water must cancel the RFP.

- b) Prices must be quoted in South African Rand inclusive of VAT.
- c) Any disbursement not specifically priced for will not be considered/accepted by Mhlathuze Water.
- d) To facilitate like-for-like comparison bidders must submit pricing strictly in accordance with this pricing schedule and not utilise a different format. Deviation from this pricing schedule could result in a bid being declared non-responsive
- e) Quantities given are estimates only. Any orders resulting from this RFP will be on an "as and when required" basis..
- f) Please note that should you have offered a discounted price(s), Mhlathuze Water will only consider such price discount(s) in the final evaluation stage if offered on an unconditional basis.
- g) Where a Respondent's price(s) includes imported goods/items, the rate of exchange to be used must be in South African Rands for purposes of determining whether the price is market related or not and must be the currency's rate published by the South African Reserve Bank on the date of the advertisement of the bid:
Currency rate of exchange utilised: _____
- h) Respondents, if awarded the contract, are required to indicate that their prices quoted would be kept firm and fixed a period of 12 months, subject thereafter to adjustment (i.e. after the initial period of 12 months), utilizing the following price index/indices/adjustment formula. [Not to be confused with bid validity period Section 2, clause 1

YES	

1. PRICE REVIEW

The successful Respondent(s) [the Supplier/Service provider] will be obliged to submit to an annual price review. Mhlathuze Water will be benchmarking this price offering(s) against the lowest price received as per a benchmarking exercise. If the Supplier/Service provider's price(s) is/are found to be higher than the benchmarked price(s), then the Supplier/Service provider shall match or better such price(s) within 30 [thirty] calendar days, failing which the contract may be terminated at Mhlathuze Water discretion or the particular item(s) or service(s) purchased outside the contract.

Essential Returnable

BIDDER'S DISCLOSURE

1. PURPOSE OF THE FORM

Any person (natural or juristic) may make an offer or offers in terms of this invitation to bid. In line with the principles of transparency, accountability, impartiality, and ethics as enshrined in the Constitution of the Republic of South Africa and further expressed in various pieces of legislation, it is required for the bidder to make this declaration in respect of the details required hereunder.

Where a person/s are listed in the Register for Tender Defaulters and / or the List of Restricted Suppliers, that person will automatically be disqualified from the bid process.

2. Bidder's declaration

- 2.1 Is the bidder, or any of its directors / trustees / shareholders / members / partners or any person having a controlling interest¹ in the enterprise,

employed by the state?

YES/NO

- 2.1.1 If so, furnish particulars of the names, individual identity numbers, and, if applicable, state employee numbers of sole proprietor/ directors / trustees / shareholders / members/ partners or any person having a controlling interest in the enterprise, in table below.

Full Name	Identity Number	Name of State institution

1 the power, by one person or a group of persons holding the majority of the equity of an enterprise, alternatively, the person/s having the deciding vote or power to influence or to direct the course and decisions of the enterprise.

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2.2 Do you, or any person connected with the bidder, have a relationship with any person who is employed by the procuring institution? **YES/NO**

2.2.1 If so, furnish particulars:

.....
.....

2.3 Does the bidder or any of its directors / trustees / shareholders / members / partners or any person having a controlling interest in the enterprise have any interest in any other related enterprise whether or not they are bidding for this contract? **YES/NO**

2.3.1 If so, furnish particulars:

.....
.....

3 DECLARATION

I, the undersigned, (name)..... in submitting the accompanying bid, do hereby make the following statements that I certify to be true and complete in every respect:

3.1 I have read and I understand the contents of this disclosure;

3.2 I understand that the accompanying bid will be disqualified if this disclosure is found not to be true and complete in every respect;

3.3 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 consortium² will not be construed as collusive bidding.

3.4 In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications, prices, including methods, factors or formulas used to calculate prices, market allocation, the intention or decision to submit or not to submit the bid, bidding with the intention not to win the bid and conditions or delivery particulars of the products or services to which this bid invitation relates.

3.4 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.

3.5 There have been no consultations, communications, agreements or arrangements made by the bidder with any official of the procuring institution in relation to this procurement process prior to and during the bidding process except to provide clarification on the bid submitted where so required by the institution; and the bidder was not involved in the drafting of the specifications or terms of reference for this bid.

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- 3.6 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.

I CERTIFY THAT THE INFORMATION FURNISHED IN PARAGRAPHS 1, 2 and 3 ABOVE IS CORRECT.
I ACCEPT THAT THE STATE MAY REJECT THE BID OR ACT AGAINST ME IN TERMS OF PARAGRAPH 6 OF PFMA SCM INSTRUCTION 03 OF 2021/22 ON PREVENTING AND COMBATING ABUSE IN THE SUPPLY CHAIN MANAGEMENT SYSTEM SHOULD THIS DECLARATION PROVE TO BE FALSE.

.....

Signature

.....

Date

.....

Position

.....

Name of bidder

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Essential

TAX COMPLIANCE STATUS LETTER REQUIREMENTS

Respondents must be compliant when submitting a proposal to Mhlathuze Water and remain compliant for the entire contract term with all applicable tax legislation, including but not limited to the Income Tax Act, 1962 (Act No. 58 of 1962) and Value Added Tax Act, 1991 (Act No. 89 of 1991).

It is a condition of this bid that the tax matters of the successful Respondents be in order, or that satisfactory arrangements have been made with South African Revenue Service (SARS) to meet the Respondents tax obligations.

The Tax Compliance status requirements are also applicable to foreign Respondents/ individuals who wish to submit bids.

Where Consortia / Joint Ventures / Sub-contractors are involved, each party must be registered on the Central Supplier Database and their tax compliance status will be verified through the Central Supplier Database.

- Bidder must ensure compliance with their tax obligations
- Bidders are required to submit their unique personal identification number(pin) issued by SARS to enable the organ of state to verify the taxpayers' profile and status
- Application for Tax Compliance Status(TCS) pin may be made via- filling through the SARS www.sars.gov.za
- Bidders may also submit a printed TCS certificate with the bid
- In bids where consortia/ joint ventures/sub-contractors are involved, each party must submit a separate TCS certificate /pin//CSD number
- No bids will considered from person in the services of the state, companies with directors who are person in the service of state, or close corporations with members in the service of state

I ACCEPT THAT THE MAY REJECT THE BID OR ACT AGAINST ME IN TERMS OF PARAGRAPHY 6 OF PFMA SCM INSTRUCTION 03 OF 2021/22 ON PREVENTING AND COMBATING ABUSE OF IN THE SUPPLY CHAIN MANAGEMENT SYSTME SHOULD THIS DECLARATION PROVE TO BE FALSE

.....
Signature

.....
Date

.....
Position Name of bidder

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Essential Returnable

Authority to submit a Tender

Indicate the status of the tenderer by ticking the appropriate box hereunder. The tenderer must complete the certificate set out below for his category of organisation or alternatively attach a certified copy of a company / organisation document which provides the same information for the relevant category as requested here.

A - COMPANY	B - PARTNERSHIP	C - JOINT VENTURE	D - SOLE PROPRIETOR

A. Certificate for Company

I, _____ chairperson of the board of directors of
_____ hereby confirm that by
resolution
of the board taken on _____ (date), Mr/Ms _____ ,
_____ acting in the capacity of _____ ,
was authorised to sign all documents in connection with this tender offer and any contract resulting from
it on behalf of the company.

Signed _____ Date _____

Name _____ Position _____ Chairman of the Board of Directors

B. Certificate for Partnership

We, the undersigned, being the **key partners** in the business trading as _____
_____ hereby authorise _____ Mr/Ms,
_____ acting in the capacity of _____ , to sign all documents in connection with
the tender
offer for Contract _____ and any contract resulting from it on our
behalf.

Name	Address	Signature	Date

C. Certificate for Joint Venture

We, the undersigned, are submitting this tender offer in Joint Venture and hereby authorise Mr/Ms _____, an authorised signatory of the company _____ acting in the capacity of lead partner, to sign all documents in connection with the tender offer for Contract: _____ and any contract resulting from it on our behalf.

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

Furthermore we attach to this Schedule a copy of the joint venture agreement which incorporates a statement that all partners are liable jointly and severally for the execution of the contract and that the lead partner is authorised to incur liabilities, receive instructions and payments and be responsible for the entire execution of the contract for and on behalf of any and all the partners.

Name of firm	Address	Authorising signature, name (in caps) and capacity

D. Certificate for Sole Proprietor

I, _____ hereby confirm that I am the sole owner of the business trading as _____

Signed	_____	Date	_____
Name	_____	Position	Sole Proprietor

Essential

B-BBEE

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

(i)

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);

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

1.2 Points for this bid shall be awarded for:

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

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

1.3 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.

1.4 The purchaser reserves the right to require of a bidder, either before a bid is adjudicated or at

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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) **“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;
- (c) **“bid”** means a written offer in a prescribed or stipulated form in response to an invitation by an organ of state for the provision of goods or services, through price quotations, advertised competitive bidding processes or proposals;
- (d) **“Broad-Based Black Economic Empowerment Act”** means the Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003);
- (e) **“EME”** means an Exempted Micro Enterprise in terms of a code of good practice on black economic empowerment issued in terms of section 9 (1) of the Broad-Based Black Economic Empowerment Act;
- (f) **“functionality”** means the ability of a tenderer to provide goods or services in accordance with specifications as set out in the tender documents.
- (g) **“prices”** includes all applicable taxes less all unconditional discounts;
- (h) **“proof of B-BBEE status level of contributor”** means:
 - 1) B-BBEE Status level certificate issued by an authorized body or person;
 - 2) A sworn affidavit as prescribed by the B-BBEE Codes of Good Practice;
 - 3) Any other requirement prescribed in terms of the B-BBEE Act;
- (i) **“QSE”** means a qualifying small business enterprise in terms of a code of good practice on black economic empowerment issued in terms of section 9 (1) of the Broad-Based Black Economic Empowerment Act;
- (j) **“rand value”** means the total estimated value of a contract in Rand, calculated at the time of bid invitation, and includes all applicable taxes;

3. POINTS AWARDED FOR PRICE

3.1 THE 80/20 PREFERENCE POINT SYSTEMS

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

80/20

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

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

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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 (80/20 system)
1	20
2	18
3	14
4	12
5	8
6	6
7	4
8	2
Non-compliant contributor	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"/>
-----	--------------------------	----	--------------------------

- 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

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Preferential Procurement Regulations,2017:

Designated Group: An EME or QSE which is at last 51% owned by:	EME	QSE
	√	√
Black people		
Black people who are youth		
Black people who are women		
Black people with disabilities		
Black people living in rural or underdeveloped areas or townships		
Cooperative owned by black people		
Black people who are military veterans		
OR		
Any EME		
Any QSE		

8. DECLARATION WITH REGARD TO COMPANY/FIRM

8.1 Name of company/firm:.....

8.2 VAT registration number:.....

8.3 Company registration number:.....

8.4 TYPE OF COMPANY/ FIRM

- ☐ Partnership/Joint Venture / Consortium
- ☐ One person business/sole propriety
- ☐ Close corporation
- ☐ Company
- ☐ (Pty) Limited

[TICK APPLICABLE BOX]

8.5 DESCRIBE PRINCIPAL BUSINESS ACTIVITIES

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

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COMPANY CLASSIFICATION

- ☐ Manufacturer
- ☐ Supplier
- ☐ Professional service provider
- ☐ Other service providers, e.g. transporter, etc.

[TICK APPLICABLE BOX]

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

8.7 I/we, the undersigned, who is / are duly authorised to do so on behalf of the company/firm, certify that the points claimed, based on the B-BBE status level of contributor indicated in paragraphs 1.4 and 6.1 of the foregoing certificate, qualifies the company/ firm for the preference(s) shown and I / we acknowledge that:

- i) The information furnished is true and correct;
- ii) The preference points claimed are in accordance with the General Conditions as indicated in paragraph 1 of this form;
- iii) In the event of a contract being awarded as a result of points claimed as shown in paragraphs 1.4 and 6.1, the contractor may be required to furnish documentary proof to the satisfaction of the purchaser that the claims are correct;
- iv) If the B-BBEE status level of contributor has been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the purchaser may, in addition to any other remedy it may have –
 - (a) disqualify the person from the bidding process;
 - (b) recover costs, losses or damages it has incurred or suffered as a result of that person's conduct;
 - (c) cancel the contract and claim any damages which it has suffered as a result of having to make less favourable arrangements due to such cancellation;
 - (d) recommend that the bidder or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, be restricted by the National Treasury from obtaining business from any organ of state for a period not exceeding 10 years, after the *audi alteram partem* (hear the other side) rule has been applied; and
 - (e) forward the matter for criminal prosecution.

WITNESSES

- 1.
- 2.

.....
SIGNATURE(S) OF BIDDERS(S)

DATE:

ADDRESS

.....

.....

Essential

**Certificate of Acquaintance with
Tender Documents**

NAME OF ENTITY:

1. I/we

do hereby certify that I/we acquainted myself/ourselves with all the documentation comprising this Tender and all conditions contained therein, as laid down by Mhlathuze Water for the carrying out of the proposed supply/service/works for which I/we submitted my/our Proposal.

2. I/we furthermore agree that Mhlathuze Water shall recognise no claim from me/us for relief based on an allegation that I/we overlooked any RFP/contract condition or failed to take it into account for the purpose of calculating my/our offered prices or otherwise.
3. I/we understand that the accompanying Bid will be disqualified if this Certificate is found not to be true and complete in every respect.
4. For the purposes of this Certificate and the accompanying Bid, I/we understand that the word "competitor" shall include any individual or organisation, 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 Services as the Bidder and/or is in the same line of business as the Bidder
5. 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 will not be construed as collusive bidding.
6. In particular, without limiting the generality of paragraph 5 above, there has been no consultation, communication, agreement or arrangement with any competitor regarding:
 - a) prices;
 - b) geographical area where Services will be rendered [market allocation];

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- 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 RFP;
or
 - f) bidding with the intention of not winning the Bid.
7. 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 Services to which this RFP relates.
8. 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.
9. I/We am/are 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 10 [ten] years in terms of the Prevention and Combating of Corrupt Activities Act No 12 of 2004 or any other applicable legislation.

Signed

Date

Name

Position

Tenderer

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Essential

Record of Addenda to Tender Documents

We confirm that the following communications received from the *Employer* before the submission of this tender offer, amending the tender documents, have been taken into account in this tender offer:

	Date	Title or Details
1		
2		
3		
4		
5		
6		
7		
8		
9		

Attach additional pages if more space is required.

Signed

Date

Name

Position

Tenderer

REQUEST FOR RFP CLARIFICATION

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DOCUMENT A: PROOF OF COMPANY REGISTRATION DOCUMENTS

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DOCUMENT B: CERTIFIED COPIES OF IDENTITY DOCUMENTS OF
SHAREHOLDERS/MEMBERS OF THE BUSINESS (NOT
APPLICABLE IF A COMPANY IS A 100 % SUBSIDIARY)

DOCUMENT C: PROOF OF REGISTRATION WITH SOUTH AFRICAN
REVENUE SERVICES OR SARS PIN

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**DOCUMENT D: PROOF OF REGISTRATION WITH NATIONAL
TREASURY CENTRAL SUPPLIER DATABASE (CSD)**

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DOCUMENT E: CERTIFIED COPY OF PARTNERSHIP OR JOINT
VENTURE AGREEMENT (IF TENDERER IS A

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**DOCUMENT F: VALID CERTIFIED COPY OF B-BBEE
CERTIFICATE/SWORN AFFIDAVIT**

DOCUMENT G: REFERENCE ASSERTION OF PERFORMANCE LETTERS
FROM PREVIOUS EMPLOYERS (WITH CONTACTABLE
REFEREES)

DOCUMENT H: VALID LETTER OF GOOD STANDING WITH THE
DEPARTMENT OF LABOUR FOR UNEMPLOYMENT INSURANCE FUND
(UIF) AND COIDA

COMPANY RELEVANT EXPERIENCE IN THE INDUSTRY (BASED ON EXPERIENCE SHEET)
Attach proof of experience

[illegible]

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ELIGIBILITY

LOCALITY OF THE BUSINESS

**(Utility bill, Lease Agreement, Letter from a Councillor or Traditional Authority IN THE
NAME OF THE BUSINESS/ COMPANY**

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a) **AGREEMENTS AND CONTRACT DATA**

b) **C1.1 Form of Offer and Acceptance**

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FORM OF OFFER AND ACCEPTANCE

The Employer, identified in the Acceptance signature block, has solicited offers to enter into a contract for the procurement of:

PROVISIONS OF PANEL OF CATERING SERVICES AT MHLATHUZE WATER

The tenderer, identified in the Offer signature block below, has examined the RFP document and addenda thereto as listed in the returnable schedules, and by submitting this offer has accepted the conditions of tender.

By the representative of the tenderer, deemed to be duly authorised, signing this part of this Form of Offer and Acceptance, the tenderer offers to perform all of the obligations and liabilities of the Service Provider under the contract including compliance with all its terms and conditions according to their true intent and meaning for an amount to be determined in accordance with the conditions of contract identified in the Contract Data.

THE OFFERED TOTAL OF THE PRICES INCLUSIVE OF VALUE ADDED TAX IS

.....

..... (in words); R..... (in figures) and

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

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Signatures	<hr/>	<hr/>
Name(s)	<hr/>	<hr/>
Capacity	<hr/>	<hr/>
for the Tenderer	<hr/>	
	(Name and address of organisation)	
Date	<hr/>	
Name & signature of witness		
Signature	<hr/>	<hr/>
Name	<hr/>	<hr/>
Date	<hr/>	<hr/>

ACCEPTANCE

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

The terms of the contract, are contained in

Tendering Procedures

Returnable Documents

Pricing Data

Scope of Work

Deviations from and amendments to the RFP document and any addenda thereto listed in the returnable schedules as well as any changes to the terms of the offer agreed by the tenderer and the Employer during this process of offer and acceptance, are contained in the Schedule of Deviations attached to and forming part of this Agreement.

The Tenderer shall within two weeks after receiving a completed copy of this Agreement, including the Schedule of Deviations (if any), contact the Employer's Agent (whose details are given in the Contract Data) to arrange the delivery of any bonds, guarantees, proof of insurance and any other documentation to be provided in terms of the, Conditions of Contract identified in the Contract Data at, or just after, the date of this Agreement comes into effect. Failure to fulfil any of these obligations in accordance with those terms shall constitute a repudiation of this Agreement.

Notwithstanding anything contained herein, this agreement comes into effect on the date when the tenderer receives one fully completed original copy of this document, including the schedule of deviations (if any). Unless the tenderer (now Service Provider) within five working days of the date of such receipt notifies the Employer in writing of any reason why he cannot accept the contents of this agreement, this agreement shall constitute a binding contract between the parties.

Signatures

Name(s)

Capacity

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for the Employer _____
(Name and address of organisation)

Date _____

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Name & signature of witness

Signature _____

Name _____

Date _____

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1. The extent of deviations from the RFP document issued by the Employer prior to the RFP closing date is limited to those permitted in terms of the conditions of tender;
2. A Tenderer's covering letter shall not be included in the final contract document. Should any matter in such letter, which constitutes a deviation as aforesaid become the subject of agreements reached during the process of, offer and acceptance, the outcome of such agreement shall be recorded here;
3. Any other matter arising from the process of offer and acceptance either as a confirmation, clarification or change to the tender documents and which it is agreed by the Parties becomes an obligation of the contract shall also be recorded here;
4. Any change or addition to the tender documents arising from the above agreements and recorded here, shall also be incorporated into the final draft of the Contract.

1.

.....
Subject:

.....
Details:

2.

.....
Subject:

.....
Details:

By the duly authorised representatives signing this Schedule of Deviations, the Employer and the tenderer agree to and accept the foregoing Schedule of Deviations as the only deviations from the amendments to the RFP document and addenda thereto as listed in the Returnable Schedules, as well as any confirmation, clarification or change to the terms of the offer agreed by the Tenderer and the Employer during this process of Offer and Acceptance.

It is expressly agreed that no other matter whether in writing, oral communication or implied during the period between the issue of the tender documents and the receipt by the Tenderer of a completed signed copy of this Agreement shall have any meaning or effect in the contract between the parties arising from this Agreement.

FOR THE TENDERER:

Signatures _____

Name(s) _____

Capacity _____

For the Tenderer _____

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_____ (Name and address of organisation)

Date _____

Name & signature of witness

Signatures _____

Name(s) _____

Date _____

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FOR THE EMPLOYER:

Signatures _____

Name(s) _____

Capacity _____

for the Employer _____

_____ (Name and address of organisation)

Name & signature of witness

Signature _____

Name _____

Date _____

- END OF SECTION -