



**ELIAS MOTSOALEDI LOCAL MUNICIPALITY**

**EMLM 25/2023**

**PROPOSED TOWNSHIP ESTABLISHMENT OF 291 INDUSTRIAL STANDS ON THE REMAINDER OF FARM KLIPBANK 26 JS.**

<b>CLOSING DATE:</b>	<b>28 OCTOBER 2022</b>	<b>TIME</b>	<b>11H00</b>
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<b>NAME OF TENDERER / BIDDER</b>	
<b>TOTAL BID PRICE</b>	
<b>CENTRAL SUPPLIER DATABASE NUMBER</b>	MAAA
<b>B-BBEE LEVEL (e.g Level 1)</b>	<b>LEVEL</b>
<b>CONTACT PERSON</b>	
<b>TELEPHONE NUMBER</b>	
<b>FAX NUMBER</b>	

<b>ENQUIRIES REGARDING BID PROCEDURES</b>		<b>TECHNICAL ENQUIRIES</b>	
<b>MANAGER: SUPPLY CHAIN MANAGEMENT</b>		<b>MANAGER TOWN PLANNING &amp; BUILDING</b>	
<b>MR. VUSI MASILELA</b>		<b>MR BOREDI SETHOJOA</b>	
<b>TEL. NUMBER</b>	<b>TEL.013 262 3056</b>	<b>TEL. NUMBER</b>	<b>013 262 3056/082 082 1222</b>
<b>TENDER ISSUED BY</b>			
<b>SUPPLY CHAIN MANAGEMENT UNIT</b>			
<b>ELIAS MOTSOALEDI LOCAL MUNICIPALITY</b>			
<b>P.O. BOX 48, GROBLERSDAL, 0470</b>		<b>TEL. NUMBER</b>	<b>013 262 3056</b>

# ELIAS MOTSOLEDI LOCAL MUNICIPALITY

TENDER DETAILS						
TENDER NUMBER	<b>EMLM 25/2023</b>					
TENDER TITLE	<b>PROPOSED TOWNSHIP ESTABLISHMENT OF 291 INDUSTRIAL STANDS ON THE REMAINDER OF FARM KLIPBANK 26 JS.</b>					
CLOSING DATE	<b>28 OCTOBER 2022</b>		CLOSING TIME		<b>11H00</b>	
SITE MEETING	DATE	N/A	TIME	N/A	COMPULSORY	NO
SITE MEETING ADDRESS	N/A					
CIDB GRADING REQUIRED	N/A		LEVEL AND CATEGORY		<b>N/A</b>	
TENDER DOCUMENT FEE	<b>R1000.00(if collecting from the Municipality)</b> <b>Free when uploading from e-tender portal</b>		PREFERENCE POINT SYSTEM		<b>80/20</b>	
BID BOX SITUATED AT	<b>MAIN OFFICES, 2<sup>ND</sup> GROBLER AVENUE</b> , 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.				
<p><b>PLEASE NOTE:</b></p> <ol style="list-style-type: none"> <li>1. Prospective suppliers must be registered on CSD prior to submitting bid (open tender)</li> <li>2. Tenders that are deposited in the incorrect box will not be considered.</li> <li>3. Mailed, telegraphic, telex, or faxed tenders will not be accepted.</li> <li>4. No late bids after closing date and time will be accepted.</li> <li>5. Bids not clearly marked and unamend will not be accepted.</li> <li>6. Bids may only be submitted on the bid documentation provided by the municipality.</li> <li>7. No awards will be made to a person:               <ol style="list-style-type: none"> <li>i. Who is in the service of the state,</li> <li>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</li> <li>iii. Who is an advisor or consultant contracted with the municipality or municipal entity</li> </ol> </li> </ol>						

## 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 MOTSOLEDI LOCAL MUNICIPALITY**  
**TENDER NO.: EMLM 25/2023**  
**CLOSING DATE: 28 OCTOBER 2022 AT 11H00**



In terms of Section 110 of the Municipal Finance Management Act, 2003 (No. 56 of 2003), tenders are hereby invited for **PROPOSED TOWNSHIP ESTABLISHMENT OF 291 INDUSTRIAL STANDS ON THE REMAINDER OF FARM KLIPBANK 26 JS.**

Tender documents and specifications are available and can be obtained from CASHIERS OFFICE IN THE MAIN OFFICES, 2<sup>ND</sup> Grobler Avenue Groblersdal, P.O. Box 48, Groblersdal, 0470 (Tel: [013] 262 3056, at a non-refundable deposit of **R1000.00** 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 cash payable to Elias Motsoaledi Local Municipality

The closing time for receipt of tenders is **28 October 2022 at 11H00**. 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 open in public.

Any technical enquiries relating to the tender document may be directed to the Development Planning (**Mr. BO Sethojoa**) on 013 262 3056/082 082 1222 or at [bsethojoa@emlm.gov.za](mailto:bsethojoa@emlm.gov.za) for technical assistance.

Fully completed tender documents, clearly marked **"PROPOSED TOWNSHIP ESTABLISHMENT OF 291 INDUSTRIAL STANDS ON THE REMAINDER OF FARM KLIPBANK 26 JS"** with **"NAME of TENDERER"** must be placed in a sealed envelope and placed in the **tender box No: 1** on the **2<sup>nd</sup> Grobler Avenue**, Elias Motsoaledi Local Municipality, Main Offices, Groblersdal, **by no later than 28 October 2022 at 11H00**. The envelope must be endorsed with number, title and closing date as indicated above.

Bidders will be evaluated on functionality whereby **49 points (70%)** 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

## **1. Introduction**

The Development Planning and Local Economic Development Directorate of Elias Motsoaledi Local Municipality requests suitable bidders to finalize a township establishment process that was initiated in the previous years of finances.

## **2. Executive Summary**

The Development Planning and Local Economic Development Directorate of Elias Motsoaledi Local Municipality has prioritized establishing a township of industrial sites in Groblersdal area. The latter will be made up of two hundred and ninety-one (291) predominately-industrial stands with quest of creating Groblersdal town as an investor friendly node.

### **2.2 Quality Control and Quality Assurance**

The Development Planning and Local Economic Development Directorate will oversee over work done by the prospective service provider in order to promote conformity with the Geomatics Profession Act (19:2013), reading together with section 65 of the Elias Motsoaledi Spatial Planning and Land Use Management By-Law (2016).

### **2.3 Health and Safety**

The successful service provider must in conjunction with the Municipality must oversee that ethics and standards as outlined in the Geomatics Profession Act (19:2013) are upheld at all times during the undertaking of this exercise. Section 65 of the Elias Motsoaledi Spatial Planning and Land Use Management By-Law (2016) must also be observed in order to promote good order, convenience and ultimately improved quality of our spatial landscape.

### **2.4 Estimated Project Costs**

A clear itemized project milestones with rates in terms of South African Rand's must be outlined by the Prospective service provider.

### **2.5 Program of Works**

A clear preliminary program of work must be submitted by the prospective services provider. Activities of this undertaking with timeframes must form part of this submission.

## **3. Purpose**

The purpose of this document is to set out terms of reference on which professional teams should base their tender for delivering a professional service for the Elias Motsoaledi Local Municipality. The tender should clearly adopt the approach to be adopted, proposed methodology, relevant experience, time frame, program and associated budget and the proposed team members.

## **4. Objectives**

The main objective is to comply with the current legislative frameworks within the Elias Motsoaledi Local Municipality such as the EMLM Spatial Development Framework (2018), Spatial Planning and Land Use Management Act (13:2016) and any relevant regulation(s).

## **5. SCOPE OF WORK.**

The scope of the assignment consists of (but not limited to) the following:

- The appointed Service provider to conduct necessary due diligence in order to ascertain what is necessary to finalize the project at hand as per information availed by the Municipality.
  - Pegging of erven.
  - Secure approval of the general plan diagram with the surveyor general's office.
  - Opening of Township Register.
  - Township Proclamation.
-

### 5.1. List of Activities.

1.	The appointed Service provider to conduct necessary due diligence in order to ascertain what is necessary to finalize the project at hand as per information availed by the Municipality.
2.	Pegging of 291 erven.
3.	Secure approval of the general plan diagram with the surveyor general's office.
4.	Opening of Township Register.
5.	Township Proclamation.

## 6. Deliverables

In accordance with the relevant standards and procedures for professional and contracted scope of work, the professional practice, and contracted scope of work, the professional service provider will submit and make oral presentations on the following outputs and deliverables to the Municipality.

### 6.1. Inception Report.

The report must outline the agreed scope of methodology, process , plan, expected outputs, deliverables and milestones/timeframes, including detailed description of the content and of each of the work outputs/deliverables of task section to the Municipality. An oral presentation of the inception report from the client is requires. One soft copy and four hard copies are required.

### 6.2. Submission of the Application which includes all relevant supporting documents (as prescribed by the Municipality) to the Municipality and ultimately to the Surveyor General's Office.

- Pegging of 291 sites.
- Enrollment of approved layout with the Surveyor General's Office.
- Opening of Township Register.
- Township proclamation.

The project is envisaged to be phased as follows:

Phase 1: Inception.

Phase 2: Enrollment of approved layout with the Surveyor General's Office.

Phase 3: Opening of Township Register.

Phase 4: Township proclamation.

### 4.2.1. PROPOSED MILESTONES.

Milestone	Month 1	Month 2	Month 3	Month 4	Month 5	Month 6
Inception report and project plan.	X					
Enrolment of approved layout with the Surveyor General's Office.		X	X			

Opening of Township Register.				<b>X</b>		
Township Proclamation					<b>X</b>	

The service provider (Land Surveyor) is expected to assemble a team with the following expertise:

- Conveyancer.

The above suggested professional staff composition is the minimum team requirement as stipulated by the Municipality for the successful completion of the project, however, the consultants are advised to propose their own team composition based on the scope of work as defined above.

## 7. Relevant Skills and Experience.

Below, is a summary of mandatory requirements:

The project leader must hold a tertiary qualification in planning which is recognized for registration in the category of professional or planning technician by the South Geomatics Council (SAGC)(PLATO). A copy of valid registration certificate and qualifications is to be attached to the proposal.

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

- Town and Regional Planning.
- Land Survey (Professional registration with SAGC) (PLATO).
- Conveyancer (Professional admitted).
- Project Management.
- Sound Participatory Planning experience.
- Facilitation and translation skills.

## 8. Documentation.

- Fully completed and signed application form.
- Power of Attorney.
- Approved General Plan.
- Opened Township Register.
- Township Proclamation Notice.

**In addition, the appointed bidder must submit (but not limited to) the following:**

- Presentation of the draft and final documents to all stakeholders.
- Five (5) hard copies of the draft and final document.
- Electronic copies of the draft and final copies.
- Word format with separate maps.

- PDF format (text & maps).
- Down sized PDF for website display.
- All maps in electronic ESRI Arc view shape files format, GIS spatially referenced.

Ownership of all information gathered by the service provider for purposes of this project will vest with the Municipality, the intellectual property right remains with Elias Motsoaledi Local Municipality.

### Roles of the Service Provider

The service provider provides the required expertise, services and documentation as set out in the terms of reference and the contract to be signed. It is the requirement of the Municipality that the service provider be qualifies as a Professional Land Surveyor, registered with SAGC/PLATO and in good standing with the latter regulatory bodies. Bidders must submit documentary proof with the tender submission.

The service provider is to provide basic secretariat services for the project management team for the duration of the project.

The service provider is to draft all necessary invitations, info letters, communications for participation, advertisements, publications, memorandums, attendance registers, agendas, concept papers, items for the relevant Municipal structures etc.

Liaise with the Municipality on securing and availability of Municipal venues (free of charge) for public participation.

Enter into service level agreement with the Municipality.

The service provider is expected to give written reports on the project progress, as requested, but at least bi-monthly. The report must be in an electronic format.

### Project Duration and Costs

Phase	Tasks	By-Law Reference	Deliverable	% Payment on Completion	Timeframe (to be completed by the Bidder)
<b>Phase 1:</b> Inception	Confirm project process & participation milestones	Section 56 & Chapter 6.	Inception meeting.  Project implementation plan (PIP)  PSC Meeting	15%	
<b>Phase 2:</b>  Draft Document	Enrolment of approved layout with the Surveyor General's Office.	Section 56 & Chapter 6.	Approved General Plan.	50%	



Phase 3:	Opening of Township Register.			15%	
Phase 4:	Township Proclamation			10%	
Total				100%	

## 9. EVALUATION METHODOLOGY AND CRITERIA

**RETURNABLE TENDER DOCUMENTS MUST BE COMPILED WITH CLEAR FILES DIVIDERS IN A NUMERICAL ORDER AS PER THE BELOW MINIMUM REQUIREMENTS**

### Minimum Qualifying Requirements /Compulsory Returnable Documents:

- Fully Completed and Signed MBD Forms with a black ink (1; 4; 6.1; 8 & 9).
- Proof of Registration with Regulatory Body. **South African Geomatics Council (SAGC) / South African Council of Town Planners (SACPLAN)**
- Attach cost breakdown of the entire scope of work **(BOQ)**
- Attach CSD registration report (summary or detailed).
- Valid copy Entity / Company registration certificate.
- Sign any alteration on the tender document **(NB: Not Initialed)**.
- Sign every page on the tender document **(NB: Not Initialed)**.
- Forms must be sign in a Black ink.
- CIPC Abridged Certificate Annual returns **(NB applicable to entities that are in business for more than 12 months)**.
- Company Profile **(Detailing; Name of Client; Service Provided; Award Amount; Contact Person and Contact Number)**.
- 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).
- 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. **It should be noted that none attachment of these documents (BBBEE certificate or sworn affidavit) will not disqualify the bidder for further evaluation but will instead disadvantage them from being scored on BBBEE points.**
- Original Certified copies of ID's of the Director(s) **(Certification not older than 3 months before the closing date)**.
- 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.**

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

**Mandatory Compliance**

1. Submission of a Bid Price indicating a detailed breakdown and a total for staff, levels and hourly rates;
2. Submission of a Project Proposal responding to the Technical Evaluation Criteria
3. The 1st phase will be the evaluation of bids on functionality and during this stage bids that do not meet the minimum threshold for functionality will be disqualified and will not be considered for the second phase of evaluation, i.e.
4. commercial evaluation based on price and preference points. The 2nd phase evaluation will be on price points (80 points) and preference points (20)
  - Price = 80 points
  - Preference = 20 points

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

**Phase 1: functionality Evaluation**

1. One service providers will be appointed for this assignment;
2. Service providers must meet the minimum threshold. Failure to meet the threshold in any of the deliverables will result in disqualification and the service provider not being considered for phase 2 evaluation.
- 3.

Technical evaluation will be allocated 70 points. Minimum qualifying is 49 points (70%).

**Evaluation Methodology and Criteria**

NO	EVALUATION CRITERIA	MAXIMUM POINTS
1	<b>COMPANY EXPERIENCE:</b> Bidder must demonstrate experience in preparation of Subdivision applications – <b>(Appointment letters and Stamped Reference letters to be attached.)</b> <ul style="list-style-type: none"> <li>▪ 10 points per Appointment Letter &amp; Stamped Reference letter.</li> </ul>	40
2	<b>CAPACITY OF KEY PERSONNEL</b> Team CV <ul style="list-style-type: none"> <li>▪ <b>Project Leader:</b> Qualification: Degree / B-Tech in Land Survey / Geomatics / Town Planning</li> <li>✓ Above 5 years' experience = <b>30.</b></li> <li>✓ 3 – 4 years' experience = <b>20.</b></li> </ul>	30

	<p>✓ 1- 2 years' experience = <b>10</b>.</p> <p><b>(Attached C.V and Certified Copies of Qualifications; Certification not older than 3 months)</b></p> <p>Team CV</p> <p>▪ <b>Project Leader:</b> Qualification: Diploma in Land Survey / Geomatics / Town Planning <b>(20 points)</b></p> <p>✓ Above 5 years' experience = <b>20</b>.  ✓ 3 – 4 years' experience = <b>15</b>.  ✓ 1- 2 years' experience = <b>05</b></p> <p><b>(Attached C.V and Certified Copies of Qualifications; Certification not older than 3 months)</b></p>	
	<b>TOTAL POINTS</b>	<b>70</b>
	<b>MINIMUM QUALIFYING POINTS =49</b>	<b>70%</b>

**NOTE: PREFERENCE WILL BE GIVEN TO SERVICE PROVIDERS RESIDING WITHIN ELIAS MOTSOLEDI LOCAL MUNICIPALITY**

### **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**

### **COMPULSORY MUNICIPAL BID DOCUMENTATION**

- |    |         |   |  |
|----|---------|---|--|
| a) | MBD 1   | : | Invitation to tender   |
| b) | MBD 4   | : | Declaration of interest  |
| c) | MBD 6.1 | : | Preference points in terms of Preferential Policy Regulations  |
| d) | MBD 8   | : | Declaration of bidder's past supply chain management practices |
| e) | MBD 9   | : | Certificate of Independent Bid Determination                   |

## INVITATION TO BID

<b>YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE (ELIAS MOTSOALEDI LOCAL MUNICIPALITY)</b>					
BID NUMBER:	<b>EMLM 25/2023</b>	CLOSING DATE:	<b>28 OCTOBER 2022</b>	CLOSING TIME:	<b>11H00</b>
DESCRIPTION	<b>PROPOSED TOWNSHIP ESTABLISHMENT OF 291 INDUSTRIAL STANDS ON THE REMAINDER OF FARM KLIPBANK 26 JS</b>				
<b>THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (MBD7).</b>					

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 ]
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TOTAL NUMBER OF ITEMS OFFERED		TOTAL BID PRICE	R
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SIGNATURE OF BIDDER	DATE
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CAPACITY UNDER WHICH THIS BID IS SIGNED	
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BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO:	TECHNICAL INFORMATION MAY BE DIRECTED TO:
--	--

DEPARTMENT	BUDGET AND TREASURY	DEPARTMENT	PLANNING
CONTACT PERSON	V.E MASILELA	CONTACT PERSON	B. SETHOJOA
TELEPHONE NUMBER	013 262 3056	TELEPHONE NUMBER	013 262 3056
FACSIMILE NUMBER	013 262 2547	FACSIMILE NUMBER	013 262 2547
E-MAIL ADDRESS	vmasilela@emlm.gov.za	E-MAIL ADDRESS	bsethojoa@emlm.gov.za

## 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)? ☐ YES ☐ NO
- 3.2. DOES THE ENTITY HAVE A BRANCH IN THE RSA? ☐ YES ☐ NO
- 3.3. DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA? ☐ YES ☐ NO
- 3.4. DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA? ☐ YES ☐ NO
- 3.5. IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION? ☐ YES ☐ NO

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

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

SIGNATURE OF BIDDER: .....

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

DATE: .....

## DECLARATION OF INTEREST

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

3.1. Full Name of bidder or his or her representative: \_\_\_\_\_

3.2. Identity Number: \_\_\_\_\_

3.3. Position occupied in the Company (director, trustee, shareholder<sup>2</sup>): \_\_\_\_\_

3.4. Company Registration Number: \_\_\_\_\_

3.5. Tax Reference Number: \_\_\_\_\_

3.6. VAT Registration Number: \_\_\_\_\_

3.7. The names of all directors / trustees / shareholders members, their individual identity numbers and state employee numbers must be indicated in paragraph 4 below.

3.8. Are you presently in the service of the state? .....

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

3.8.1. If yes, furnish particulars.

.....

MSCM Regulations: "in the service of the state" means to be –

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

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

3.9. Have you been in the service of the state for the past twelve months? ...

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

3.9.1. If yes, furnish particulars.....

3.10. Do you have any relationship (family, friend, other) with persons in the service of the state and who may be involved with the evaluation and or adjudication of this bid?  
 .....

YES	NO

3.10.1. If yes, furnish particulars.....

3.11. Are you, aware of any relationship (family, friend, other) between any other bidder and any persons in the service of the state who may be involved with the evaluation and or adjudication of this bid?.....

YES	NO

3.11.1. If yes, furnish particulars.....

3.12. Are any of the company’s directors, trustees, managers, principle shareholders or stakeholders in service of the state?.....

YES	NO

3.12.1. If yes, furnish particulars.....

3.13. Are any spouse, child or parent of the company’s directors trustees, managers, principle shareholders or stakeholders in service of the state? .....

YES	NO

3.13.1. If yes, furnish particulars.....

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

YES	NO

3.14.1. If yes, furnish particulars:

.....

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

Full Name	Identity Number	State Employee Number

.....  
**Signature**

.....  
**Date**

.....  
**Capacity**

.....  
**Name of Bidder /Company**

**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
<b>Total points for Price and B-BBEE must not exceed</b>	<b>100</b>

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

WITNESSES

1. ....

2. ....

.....

SIGNATURE(S) OF BIDDERS(S)

DATE: .....

.....

.....

.....

## DECLARATION OF BIDDER'S PAST SUPPLY CHAIN MANAGEMENT PRACTICES

1. This Municipal Bidding Document must form part of all bids invited.
2. It serves as a declaration to be used by municipalities and municipal entities in ensuring that when goods and services are being procured, all reasonable steps are taken to combat the abuse of the supply chain management system.
3. The bid of any bidder may be rejected if that bidder, or any of its directors have:
  - a) abused the municipality's / municipal entity's supply chain management system or committed any improper conduct in relation to such system;
  - b) been convicted for fraud or corruption during the past five years;
  - c) willfully neglected, reneged on or failed to comply with any government, municipal or other public sector contract during the past five years; or
  - d) been listed in the Register for Tender Defaulters in terms of section 29 of the Prevention and Combating of Corrupt Activities Act (No 12 of 2004).
4. **In order to give effect to the above, the following questionnaire must be completed and submitted with the bid.**

Item	Question	Yes	No
4.1	<p>Is the bidder or any of its directors listed on the National Treasury's Database of Restricted Suppliers as companies or persons prohibited from doing business with the public sector?</p> <p>(Companies or persons who are listed on this Database were informed in writing of this restriction by the Accounting Officer/Authority of the institution that imposed the restriction after the <i>audi alteram partem</i> rule was applied).</p> <p><b>The Database of Restricted Suppliers now resides on the National Treasury's website(<a href="http://www.treasury.gov.za">www.treasury.gov.za</a>) and can be accessed by clicking on its link at the bottom of the home page.</b></p>	<p>Yes</p> <p><input type="checkbox"/></p>	<p>No</p> <p><input type="checkbox"/></p>

4.1.1	If so, furnish particulars:		
4.2	Is the bidder or any of its directors listed on the Register for Tender Defaulters in terms of section 29 of the Prevention and Combating of Corrupt Activities Act (No 12 of 2004)?  <b>The Register for Tender Defaulters can be accessed on the National Treasury's website (<a href="http://www.treasury.gov.za">www.treasury.gov.za</a>) by clicking on its link at the bottom of the home page.</b>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.2.1	If so, furnish particulars:		
4.3	Was the bidder or any of its directors convicted by a court of law (including a court of law outside the Republic of South Africa) for fraud or corruption during the past five years?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
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 <input type="checkbox"/>	No <input type="checkbox"/>
4.4.1	If so, furnish particulars:		

4.5	Was any contract between the bidder and the municipality / municipal entity or any other organ of state terminated during the past five years on account of failure to perform on or comply with the contract?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.7.1	If so, furnish particulars:		

### CERTIFICATION

I, THE UNDERSIGNED (FULL NAME): \_\_\_\_\_

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

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

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Position

\_\_\_\_\_  
Name of Bidder / Company

**CERTIFICATE OF INDEPENDENT BID DETERMINATION**

- 1 This Municipal Bidding Document (MBD) must form part of all bids<sup>1</sup> invited.
- 2 Section 4 (1) (b) (iii) of the Competition Act No. 89 of 1998, as amended, prohibits an agreement between, or concerted practice by, firms, or a decision by an association of firms, if it is between parties in a horizontal relationship and if it involves collusive bidding (or bid rigging).<sup>2</sup> Collusive bidding is a *pe se* prohibition meaning that it cannot be justified under any grounds.
- 3 Municipal Supply Regulation 38 (1) prescribes that a supply chain management policy must provide measures for the combating of abuse of the supply chain management system, and must enable the accounting officer, among others, to:
  - a. take all reasonable steps to prevent such abuse;
  - b. reject the bid of any bidder if that bidder or any of its directors has abused the supply chain management system of the municipality or municipal entity or has committed any improper conduct in relation to such system; and
  - c. cancel a contract awarded to a person if the person committed any corrupt or fraudulent act during the bidding process or the execution of the contract.
- 4 This MBD serves as a certificate of declaration that would be used by institutions to ensure that, when bids are considered, reasonable steps are taken to prevent any form of bid-rigging.
- 5 In order to give effect to the above, the attached Certificate of Bid Determination (MBD 9) must be completed and submitted with the bid:

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

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

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**CERTIFICATE OF INDEPENDENT BID DETERMINATION**

I, the undersigned, in submitting the accompanying bid:

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**(Bid Number and Description)**

in response to the invitation for the bid made by:

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**(Name of Municipality / Municipal Entity)**

do hereby make the following statements that I certify to be true and complete in every respect:

I certify, on behalf of: \_\_\_\_\_ that:

**(Name of Bidder / Company)**

1. I have read and I understand the contents of this Certificate;
  2. I understand that the accompanying bid will be disqualified if this Certificate is found not to be true and complete in every respect;
  3. I am authorized by the bidder to sign this Certificate, and to submit the accompanying bid, on behalf of the bidder;
  4. Each person whose signature appears on the accompanying bid has been authorized by the bidder to determine the terms of, and to sign, the bid, on behalf of the bidder;
  5. For the purposes of this Certificate and the accompanying bid, I understand that the word "competitor" shall include any individual or organization, other than the bidder, whether or not affiliated with the bidder, who:
    - (a) has been requested to submit a bid in response to this bid invitation;
    - (b) could potentially submit a bid in response to this bid invitation, based on their qualifications, abilities or experience; and
    - (c) provides the same goods and services as the bidder and/or is in the same line of business as the bidder
-



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

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

10. I am aware that, in addition and without prejudice to any other remedy provided to combat any restrictive practices related to bids and contracts, bids that are suspicious will be reported to the Competition Commission for investigation and possible imposition of administrative penalties in terms of section 59 of the Competition Act No 89 of 1998 and or may be reported to the National Prosecuting Authority (NPA) for criminal investigation and or may be restricted from conducting business with the public sector for a period not exceeding ten (10) years in terms of the Prevention and Combating of Corrupt Activities Act No 12 of 2004 or any other applicable legislation.

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Signature

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Date

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Position

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Name of Bidder / Company

## **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:](http://www.treasury.gov.za/legislation)

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