



MAKHUDUTHAMAGA LOCAL MUNICIPALITY

LIM473/CIVIL LAW/25/26/002

**PROVISION OF CIVIL LAW LITIGATION SERVICES FOR MAKHUDUTHAMAGA LOCAL MUNICIPALITY
FOR THE PERIOD OF 36 MONTHS.**

ISSUED BY:	PREPARED BY:
<u>Supply Chain Management Unit</u>	<u>Corporate Services</u>
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NAME OF BIDDER	:
TENDER AMOUNT	:
TEL NUMBER	:
FAX NUMBER	:
EMAIL ADDRESS	:

PROVISION OF CIVIL LAW LITIGATION SERVICES FOR MAKHUDUTHAMAGA LOCAL MUNICIPALITY FOR THE PERIOD OF 36 MONTHS.

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MAKHUDUTHAMAGA LOCAL MUNICIPALITY

Bid Notice and Invitation to Bid

Bidders are here invited to bid for the following projects:

No.	Project Number	Project Description.	Closing Date.
01	LIM473/civil law/25/26/002	Qualified attorneys, law firms are invited to bid for the provision of civil law litigation services for Makhuduthamaga Local Municipality for the period of 36 months.	30/9/2025,12:00
	LIM473/labour law/25/26/003	Qualified attorneys, law firms are invited to bid for the provision of labour law litigation services for Makhuduthamaga Local Municipality for the period of 36 months.	30/9/2025,12:00
	LIM473/commercial law/25/26/004	Qualified attorneys, law firms are invited to bid for the provision of commercial law litigation services for Makhuduthamaga Local Municipality for the period of 36 months.	30/9/2025,12:00
	LIM473/conveyancing/25/26/005	Qualified attorneys, law firms are invited to bid for the provision of conveyancing services for Makhuduthamaga Local Municipality for the period of 36 months.	30/9/2025,12:00

Bid documents will be obtainable from Makhuduthamaga Local Municipal Offices from **29 August 2025 (Mon-Fri from 08:00-16:30)** from the cashiers at a non-refundable deposit of **R560.00** payable in cash or bank-guaranteed cheque. Bid documents can also be downloaded from www.etender.gov.za at **no cost**.

Completed and signed tender documents must be sealed in an envelope and marked with the relevant project number and project description and be deposited in the tender box at Makhuduthamaga Local Municipality Offices in Jane Furse before the closing date and time.

The municipality shall adjudicate and award tenders in accordance with the Preferential Procurement Policy Framework Act. 5/2000 and the revised procurement regulation with effect 16 January 2023 on 100 points for functionality and 80/20 points system where 80 points are for the price and 20 points for Municipal specific goals (according to the said legislation). Details of functionality and specific goals are in the bid document. Bids will remain valid for 90 (ninety) days.

The lowest tender will not necessarily be accepted and the municipality reserves the right not to consider any tender not fully completed. Tenderers are required to initial each page of the tender document and sign where necessary.

Enquiries contact:

Supply Chain Unit
Corporate Services

: Mr Mothapo KJ - 013 265 8607
: Adv Marodi ML- 013 265 8600

MUNICIPAL MANAGER: Moganedi MR ,Private bag x434, Jane Furse 1085

PROVISION OF CIVIL LAW LITIGATION SERVICES FOR MAKHUDUTHAMAGA LOCAL MUNICIPALITY FOR THE PERIOD OF 36 MONTHS.

Bid offers will only be accepted if the bidder is free of any common conflict of interest with the Makhuduthamaga Local Municipality.

Part Number	Bid Data
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1.2.1.	The employer is MAKHUDUTHAMAGA LOCAL MUNICIPALITY
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1.2.2	The bid documents issued by the employer comprise:
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1.1	Bid notice and invitation to bid
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1.2	Bid data
-----	----------

2.1	List of returnable documents
-----	------------------------------

Part 1: Agreements and contracts data	
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C1.1	Form of offer and acceptance
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Part 2: Pricing data	
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C2.1	Pricing instructions
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C2.2	Specification
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1.2.3	The employer's agent is: Municipal manager
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Tel:	(013) 265 8600
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Fax:	(013) 265 1975
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1.2.4	Only Bidders who are registered with central supplier database (CSD) will be considered.
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1.2.5	The arrangements for a compulsory clarification meeting are as stated in the Bid Notice and Invitation to Bid where applicable.
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1.2.6	If a bidder wishes to submit an alternative bid offer, the only criteria permitted for such alternative bid offer is that it demonstrably enables the Employer's objectives for the services as stated in the Scope of Work to be achieved.
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1.2.7	All parts of each bid offer communicated on paper shall be submitted as the original.
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1.2.8	The employer's address for delivery of bid offers and identification details to be shown on each bid offer package is:
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BID BOX (TENDER BOX)
MAKHUDUTHAMAGALOCALMUNICIPALITY
GROBLERSDAL ROAD
JANE FURSE

- 1.2.9 The closing time for submission of bid offers is as stated in the Bid Notice and Invitation to Bid.
- 1.2.10 Telephonic, telegraphic, telex, facsimile or e-mailed bid offers will not be accepted.
- 1.2.11 The bid offer validity period is ninety (90) days.
- 1.2.12 The bidder is required to submit with his/her bid all required documents as listed in the list of returnable documents as part of the eligibility criteria.
- 1.2.13 The Bid/Proposal will be opened immediately after the closing time for bids only to confirm the bidder, at:

**MAKHUDUTHAMAGALOCALMUNICIPALITY
GROBLERSDAL ROAD
JANE FURSE**

- 1.2.14 **The procedure for the evaluation of responsive bids will be on 100 points for functionality and 80/20 points system, where 80 points are for price and 20 points are for Municipal Specific goals**

1.2.15 Bid offers will only be accepted if:

- 1.2.15.1 The bidder or any of its directors is not listed on the Register of Bid Defaulters in terms of the Prevention and Combating of Corrupt Activities Act of 2004 as a person prohibited from doing business with the public sector;
- 1.2.15.2 The bidder has not:
- abused the Employer's Supply Chain Management System; or
 - failed to perform on any previous contract and has been given a written notice to this effect;
- 1.2.15.3 The bidder has completed the Compulsory Enterprise questionnaire and there are no conflicts of interest which may impact on the bidder's ability to perform the contract in the best interests of the employer or potentially compromise the bid process; and
- 1.2.15.3 The bidder or any of its directors is not employed by the state.

2.EVALUATION PROCEDURES

All bids will be evaluated based on 3 process gate1, gate 2 and gate 3.

Pre-qualification Criteria (Gate 1) Administrative and mandatory requirement	Functionality (Gate 3).	Price and Specific Goals Evaluation Criteria (Gate 3) AND vetting
Bidders must submit all mandatory documents as outlined in paragraph 2.1 Only bidders that comply with all these criteria will proceed to Gate 2.	Bidder(s) are required to achieve a minimum of 70 points out of 100 points to proceed to Gate 3.	Bidders who score 70 points and above, will be evaluated further on 80/20 points system where 80 points will be for price and 20 points will be for Specific goals.

2.1. GATE ONE: Mandatory documents

N0.	Document that must be submitted	Non-submission or completion may result in disqualification.	
1	Original Bid Documents	YES/NO	Fully completed Bid document, Initialised and signed. (Initialised all pages where there is no signature)
2	Proof of registration on Central Supplier Database (CSD) (detailed CSD report)/MAAA no. on SBD1.	YES/NO	The bidder must be registered as a service provider on the Central Supplier Database (CSD). In the case of a joint venture/consortium, CSD registration documents or provide MAAA number for CSD verification of each entity constituting the joint venture/consortium.
3	UIF proof of registration	YES/NO	Bidders are required to submit proof of registration with the Unemployment Insurance Fund
4	Proof of company registration	YES/NO	CIPC registration document detailing all the directors, if is a joint venture , consortium , all registration documents for the companies must be provided.
5	Company Profile	YES/NO	Detailed Company Profile. Provide company details, organogramme with staff members, qualifications and experiences of the company in relation to the field of the service required
6	Municipal rates and Taxes	YES/NO	Proof of municipal rates and taxes for both the company and the directors not older than three months of the closing date of the tender. Must not owe more than 90 days. (Not over ninety days in arrear) An affidavit from SAPS must be attached in case of bidders who are not paying rates and taxes- e.g., In rural areas
7	Joint Venture	YES/NO	JV agreement submitted (Where applicable)

8	ID copies of directors/shareholders/members	YES/NO	Certified ID copies of directors/shareholders/members to be attached
9	SARS or Tax Pin	YES/NO	SARS or TCS PIN Number, In the case of a joint venture/consortium, the TCS Pin number of each entity constituting the joint venture/consortium, must be submitted with the bid document
10	Certified copy of right of appearance certificate	YES/NO	Provide a Certified copy of right of appearance certificate as practicing attorney or advocate for key staff members
11	LPC Registration	YES/NO	To operate legally, a law firm must be registered with the Legal Practice Council (LPC)
12	Certified copy of the letter of good standing	YES/NO	Certified copy of the letter of good standing for the company and for the key staff members from LPC
13	A certified copy of the fidelity fund certificate	YES/NO	A firm must possess a valid Fidelity Fund certificate to legally hold or receive funds belonging to other persons.
14	Trust account	YES/NO	The bidder should attach a proof of valid trust account
15	Financial statements	YES/NO	Provide audited financial statements for the previous three years or since inception if the company is below three years of existence

2.2. GATE 2: FUNCTIONALITY

FUNCTIONALITY

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

Item	Criterion	Weighting
A	Company Experience . Score will be based on successfully executed and completed projects .	50
B	Experience of legal team	20
C	Qualifications of the legal team	30

TOTAL	100
-------	-----

A. Company Experience – on civil litigations relating to Local Government : (50)

-tick the applicable one and attach the previous appointment letters.

Item	Experience	Points allocation	Tick the applicable one	Points by the municipality
1.	Non attachment	0		
2.	1-2 to two projects from different local government <ul style="list-style-type: none"> • appointment letters • contactable reference letters 	20		
3.	3-4 projects <ul style="list-style-type: none"> • appointment letters • contactable reference letters 	30		
4.	5 and above <ul style="list-style-type: none"> • appointment letters • contactable reference letters • 	50		

Note: The Municipality has the right to verify the validity of the supporting documents.

B. Experience of legal team in civil litigations relating to local government (attach CV with contactable references.) (20)

Item	Experience on curriculum vitae	Points allocation	Tick the applicable one	Points by the municipality
1.	No CV attached	0		
2.	With 1 – 5 years experience	10		
3.	With > 5 years experience	20		

C. Qualifications of the legal team (30)

Item	Qualifications	Points allocation	Tick the applicable one	Points by the municipality
1.	No qualification attached	0		
2.	LLM and more plus admission as practising attorney	30		
3.	LLB or B proc plus admission as practising attorney	20		

2.3 GATE 3. PRICING AND SPECIFIC GOALS

Minimum score for functionality is 70%. Bidders who score 70 points and above, will be evaluated further on 80/20 points system where 80 points will be for price and 20 points will be for Specific goals.

Price formula

$$N_p = \frac{80[1 - (P_t - P_{min})]}{P_{min}}$$

Where-

P_s = Points scored for price of tender under consideration;

P_t = Price of tender under consideration; and

P_{min} = Price of lowest acceptable tender.

20 points will be for specific goals

NO	DESIGNATED GROUP	SPECIFIC GOALS (20 POINTS)
1	Black People	4
2	Youth	4
3	Women- ownership of more than 50 %	2
4	Small, Medium and Micro Enterprises (SMMEs)	4
5	People with disability	2
6	Enterprises within Makhuduthamaga jurisdiction	4

a. The points scored by a tenderer in respect of the specific goals above must be added to the points scored for price.

b. Only the tender with the highest number of points scored may be selected.

2.1. Criteria for breaking deadlock in scoring

(1) If two or more tenderers score an equal total number of points, the contract must be awarded to the tenderer that scored the highest points for specific goals.

(2) If two or more tenderers score equal total points in all respects, the award must be decided by the drawing of lots.

2.2. Exemption

The Minister may, on request, exempt an organ of state from any or all the provisions of this Act if-

- (a) It is in the interest of national security
- (b) The likely tenderers are international suppliers; or
- (c) It is in the public interest

2.3. AWARD OF CONTRACTS TO TENDERERS NOT SCORING HIGHEST POINTS

2.3.1. contract may be awarded to a tenderer that did not score the highest points only in accordance with Section 2(1)(f) of the Act.

2.3.2. If the entity intends to apply objective criteria in terms of Section 2(1)(f) of the Act, the entity should stipulate in the tender documents.

3.1 List of Returnable Documents

The bidder must complete the following returnable documents:

Refer to document in Gate 1 of Pre-Qualification Criteria evaluation

3.2. Other documents that will be incorporated into the contract

- 2.3.1 Original bid document
- 2.3.2 Addendum – if issued

NB: All copies must be certified, the certification must not be older than 3 months of the closing date.

- : Use black pen only.**
- : All correction must be signed by the authorised person.**
- : Use of correction pen (tippex) is prohibited.**
- : Failure to adhere any of the above will lead to automatic disqualification**

4. Record of Addendum to Bid Documents

We confirm that the following communications received from the Employer before the submission of this bid offer, amending the bid documents, have been taken into account in this bid offer:		
	Date	Title or Details
1.		
2.		
3.		
4.		
5.		
6.		
7.		
8.		

Attached additional pages if more space is required.

Signed _____ Date _____

Name _____ Position _____

Bidder _____

5. Compulsory Enterprise Questionnaire

The following particulars must be furnished. In the case of a joint venture, separate enterprise questionnaires in respect of each partner must be completed and submitted.		
Section 1:	Name of enterprise:	
Section 2:	VAT Registration number, if any:	
Section 3:	Particulars of sole proprietors and partners in partnerships	
Name*	Identity Number*	Personal income tax number*
*Complete only if sole proprietor or partnership and attach separate page if more than 3 partners		
Section 5:	Particulars of companies and close corporations	

Company registration number

Close corporation number

Tax reference number

Section 6: Record in the service of the state

Indicate by marking the relevant boxes with a cross, if any sole proprietor, partner in a partnership or director, manger, principal shareholder or stakeholder in a company or close corporation is currently or has been within the last 12 months in the service of any of the following:

- | | |
|---|--|
| <input type="checkbox"/> a member of any municipal council | <input type="checkbox"/> an employee of any provincial department, national or provincial public entity or constitutional institution within |
| <input type="checkbox"/> a member of any provincial legislature, | |
| the | |
| <input type="checkbox"/> a member of the National Assembly or the | <input type="checkbox"/> meaning of the Public Finance Management Act, (Act 1 |
| of 1999) | |
| <input type="checkbox"/> National Council of Province | <input type="checkbox"/> a member of an accounting authority of any national or |
| <input type="checkbox"/> a member of the board of directors of any | provincial public entity |
| municipal entity | <input type="checkbox"/> an employee of parliament or a provincial legislature |
| <input type="checkbox"/> an official of any municipality or municipal | |
| entity | |

If any of the above boxes are marked, disclose the following:

Name of sole proprietor, partner, director, manager, principal shareholder or stakeholder	Name of institution, public office, board or organ of state and position held	Status of service (tick appropriate column)	
		Current	Within last 12 months

*insert separate page if necessary

Section 7: Record of spouses, children and parents in the service of the state

Indicate by marking the relevant boxes with a cross, if any spouse, child or parent of a sole proprietor, partner in a partnership or director, manager, principal stakeholder or stakeholder in a company or close corporation is currently or has been within the last 12 months been in the service of any of the following:

- | | |
|---|--|
| <input type="checkbox"/> a member of any municipal council | <input type="checkbox"/> an employee of any provincial department, national or provincial public entity or constitutional institution within |
| <input type="checkbox"/> a member of any provincial legislature, | |
| the | |
| <input type="checkbox"/> a member of the National Assembly or the | <input type="checkbox"/> meaning of the Public Finance Management Act, (Act 1 |
| of 1999) | |
| <input type="checkbox"/> National Council of Province | <input type="checkbox"/> a member of an accounting authority of any national or |
| <input type="checkbox"/> a member of the board of directors of any | provincial public entity |
| municipal entity | <input type="checkbox"/> an employee of parliament or a provincial legislature |
| <input type="checkbox"/> an official of any municipality or municipal | |
| entity | |

Name of spouse, child or parent	Name of institution, public office, board or organ of state and position held	Status of service (tick appropriate column)	
			Within last 12 months

***insert separate page if necessary**

The undersigned, who warrants that he / she is duly authorised to do so on behalf of the enterprise:

- i) authorizes the Employer to obtain a tax clearance certificate from the South African Revenue Services that my / our tax matters are in order;
- ii) confirms that the neither the name of the enterprise or the name of any partner, manager, director or other person, who wholly or partly exercises, or may exercise, control over the enterprise appears on the Register of Bid Defaulters established in terms of the Prevention and Combating of Corrupt Activities Act of 2004;
- iii) confirms that no partner, member, director or other person, who wholly or partly excercises, or may exercise, control over the enterprise appears, has within the last five years been convicted of fraud or corruption;
- iv) confirms that I / we are not associated, linked or involved with any other bidding entities submitting bid offers and have no other relationship with any of the bidders or those responsible for compiling the scope of work that could cause or be interpreted as a conflict of interest; and
- iv) confirms that the contents of this questionnaire are witin my personal knowledge and are to the best of my belief both true and correct.

Signed _____ Date _____

Name _____ Position _____

Enterprise Name _____

6. Certificate of Authority

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

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

A. Certificate for company

I,....., chairperson of the board of directors of hereby confirm that by resolution of the board (copy attached) taken on20..., Mr/Mrs.....acting in the capacity of.....,was authorised to sign all documents in connection with this tender and any contract resulting from it on behalf of the company.

As witness

1.....
Chairman

2.....
Date

B. Certificate of partnership

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

hereby authorise Mr/Mrs....., acting in the capacity of.....to sign all documents in connection with the tender for Contract.....and any contract resulting from it on our behalf.

NAME	ADDRESS	SIGNATURE	DATE

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

C. Certificate for Joint Venture

We, the undersigned, are submitting this tender offer in Joint Venture and hereby authorise Mr/Mrs....., 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 other 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.

NAME OF FIRM	ADDRESS	AUTHORISING SIGNATURE, NAME & CAPACITY

D. Certificate for sole proprietor

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

As Witness:

1.....

.....
Signature: Sole owner

2.....

.....
Date

E. Certificate for Close Corporation

We, the undersigned, being the key members in the business trading as.....hereby authorise Mr/Mrs.....

Acting in the capacity of....., to sign all documents in connection with the tender for Contract.....and any contract resulting from it on our behalf.

NAME	ADDRESS	SIGNATURE	DATE

NOTE: This certificate is to be completed and signed by all key members upon who rests the direction of the affairs of the Close Corporation as a whole.

7. CERTIFICATE FOR MUNICIPAL SERVICES AND PAYMENTS

TO: MUNICIPAL MANAGER, MAKHUDUTHAMAGA LOCAL MUNICIPALITY

FROM: _____ (Name of Bidder)

FURTHER DETAILS OF BIDDER(S); DIRECTORS/SHAREHOLDERS/PARTNERS, ETC.

Directors/shareholder s/Partner	Physical address of the Business	Municipal Account No.	Physical residential address of the Director/Shareholder/Pa rtner	Municipal Account No.

NB: Please attach certified copy (ies) of ID document(s) and proof of payment not older than 3 months

Signatory

Date

Witnesses

1. _____

Full Names

Signature

Date

2. _____

Full Names

Signature

Date

7. AUTHORISATION FOR DEDUCTION OF OUTSTANDING AMOUNTS OWED TO COUNCIL

TO: MUNICIPAL MANAGER, MAKHUDUTHAMAGA LOCAL MUNICIPALITY

FROM: _____ (Name of the Bidder or Consortium)

I, _____ the undersigned, hereby authorise the Makhuduthamaga Local Municipality to deduct the full amount outstanding by the business organisation/Director/Shareholder/Partner, etc. from the payment that will be made to me.

Signed at _____ Date_____ Month _____ 20_____

Print Name: _____

Signature: _____

Thus done and signed for and on behalf of the bidder

Signatory

Date

Witnesses

1. _____

Full Names

Signature

Date

2. _____

Full Names

Signature

Date

**8. PROVISION OF CIVIL LAW LITIGATION SERVICES FOR
MAKHUDUTHAMAGA LOCAL MUNICIPALITY FOR THE PERIOD OF 36
MONTHS.**

Form of Offer and Acceptance

Offer

The employer, identified in the acceptance signature block, has solicited offers for **PROVISION OF CIVIL LAW LITIGATION SERVICES FOR MAKHUDUTHAMAGA LOCAL MUNICIPALITY FOR THE PERIOD OF 36 MONTHS.**

The bidder, identified in the offer signature block, has examined the documents listed in the bid data and addenda thereto as listed in the returnable schedules, and by submitting this offer has accepted the conditions of bid.

By the representative of the bidder, deemed to be duly authorized, signing this part of this form of offer and acceptance, the bidder 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: -----

----- **(Rands VAT Inclusive / exclusive)**

.....
.....
..... **(Amount In words)**

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 bidder before the end of the period of validity stated in the bid data, whereupon the bidder becomes the party named as the Service Provider in the conditions of contract identified in the contract data.

for the bidder

Signature Date

Name

Capacity

(Name and address of organization)
.....

Name and signature of witness
.....

Acceptance

By signing this part of this form of offer and acceptance, the employer identified below accepts the bidder’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 bidder’s offer shall form an agreement between the employer and the bidder upon the terms and conditions contained in this agreement and in the contract that is the subject of this agreement.

Notwithstanding anything contained herein, this agreement comes into effect on the date when the bidder receives on fully completed original copy of this document. Unless the bidder (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.

Signature Date

Name

Capacity

for the Makhuduthamaga Local Municipality

.....

.....

.....

Name and signature of witness Date

9. Data Provided by the Service Provider

Clause	
7.1	<div>The Service Provider is</div> <div>Address:</div> <div>Telephone:</div> <div>Fax simile:</div>
7.2	<div>The authorized and designated representative of the Service Provider is:</div> <div>Name:</div> <div>The address for receipt of communication is:</div>
7.3	<div>Telephone:</div> <div>Fax simile:</div> <div>Address:</div>

10. Pricing Instructions

The Service Provider is required to provide the services and prices in accordance with the Scope of Work. This embraces all things necessary and incidental to complete the work.

11. TENDER SPECIFICATIONS

TERMS OF REFERENCE :

Makhuduthamaga Municipality is sourcing for Civil litigation law firm for local governments to advise and manage legal disputes, handle court proceedings, and draft legal documents to protect the council and its institution and employees from liability and ensure compliance with the law. Duties include representing the local authority in civil matters like , property disputes, and contract breaches; advising on the legality of new policies; conducting thorough legal research; and managing all aspects of court cases, from initial pleadings to final adjudication or settlement.

Key Duties

- **Legal Advice and Representation:**

Provide expert legal advice to council staff and officials on a wide range of matters, including property law, employment law, social services, and contract disputes.

- **Litigation Management:**

Handle all aspects of civil court cases, including:

- **Drafting and Filing Documents:** Prepare and file necessary legal documents such as lawsuits, complaints, and counterclaims on behalf of the local authority.

- **Discovery Process**

Conduct thorough investigations, gather evidence, interview witnesses, and manage the discovery process, including responding to requests for documents and information.

- **Court Proceedings**

- Argue cases in court, present evidence, cross-examine witnesses, and represent the local government's interests in any hearings or trials.

- **Policy and Strategic Planning:**

Advise the council on the legal implications of new policies and strategies to prevent potential legal issues and ensure compliance with all applicable laws and regulations.

- **Contract Management:**

Draft, review, and negotiate various legal contracts for the local authority, ensuring that contracts are legally sound and protect the council's interests.

- **Compliance and Risk Mitigation:**

Monitor changes in legislation and case law to ensure the local government remains compliant and advise on measures to reduce legal risks and avoid costly litigation.

- **Alternative Dispute Resolution (ADR):**

Represent the council in alternative methods for resolving disputes, such as mediation and arbitration, to avoid the time and expense of court proceedings.

- **Constitutional Litigation:**

Provide guidance and representation in matters involving constitutional rights and the powers and responsibilities of different government spheres.

Compulsory Pricing Schedule to be completed by all bidders.

COURT SERVICES	BASE	RATES MAGISTRATE			RATES HIGH			Total
Court term		Y1	Y2	Y3	Y1	Y2	Y3	
Attendance at court	Per hour							
Written legal	Per folio							
Opinion research	Per folio							
Consultation	Per hour							
Court preparation	Per hour							
Drafting of letters	Per folio							
Traveling cost	Per km							
Accommodation	per Night							
Taking instruction	Per hour							
General advice	Per hour							
Telephone	Per minute							
Copies	Per folio							
Sub total excluding VAT								

Pricing schedule

- Prices should exclude Vat (registered vat vendors will include VAT on claim)
- Rands amount should be rounded to two decimal points

MAAA NO -----

10. DURATION OF CONTRACT

This is a 3 (three) years contract and payment will be issued within 30 days of invoices .

11. Payments

Payments will be made within thirty days of submission of (Tax) invoice.

SBD 4.

DECLARATION OF INTEREST

1. Any legal person, including persons employed by the state¹, or persons having a kinship with persons employed by the state, including a blood relationship, may make an offer in terms of this invitation to bid (includes a price quotation, advertised competitive bid, limited bid or proposal). In view of possible allegations of favouritism, should the resulting bid, or part thereof, be awarded to persons employed by the state, or to persons connected with or related to them, it is required that the bidder or his/her authorized representative declare his/her position in relation to the evaluating/adjudicating authority where-

- The bidder is employed by the state; and/or
- The legal person on whose behalf the bidding document is signed, has a relationship with persons/ a person who are/is involved in the evaluation and or adjudication of the bid(s), or where it is known that such a relationship exists between the person or persons for or on whose behalf the declarant acts and persons who are involved with the evaluation and or adjudication of the bid.

2. In order to give effect to the above, the following questionnaire must be completed and submitted with the bid.

2.1. Full Name of bidder or his or her representative:.....
.....

2.2. Identity Number:.....

2.3. Position occupied in the Company (director, trustee, shareholder²):.....
.

2.4. Company registration number:.....

2.5. Tax Reference Number:.....

2.6. VAT Registration Number:.....

2.6.1 The names of all directors/ trustees/ shareholders/ members, their individual identity numbers, tax reference numbers and, if applicable, employee/ persal numbers must be indicated in paragraph 3 below.

1“State” means –

- a. Any national or provincial department, national or provincial public entity or constitution within the meaning of Public Finance Management Act, 1999 (Act No. 1 of 1999);
- b. Any municipality or municipal entity;
- c. Provincial legislature;
- d. National Assembly or the national Council of provinces; or
- e. Parliament.

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

2.7. Are you or any person connected with them bidder
NO ☐ YES ☐ NO ☐
presently employed by the state?

2.7.1. If so, furnish the following particulars:

Name of person / director / trustee/ shareholder/ member:

.....

Name of state institution at which you or person
connected to the bidder is employed:

.....

Position occupied in the public institution:

.....

Any other particulars:

.....

.....

.....

- 2.7.2. If you are presently employed by the state, did you obtain ☐ YES ☐
NO
the appropriate authority to undertake remunerative
work outside employment in the public sector?

- 2.7.2.1. If yes, did you attached proof of such authority to the bid ☐ YES ☐
NO
document?

(Note: Failure to submit proof of such authority, where
applicable, may result in the disqualification of the bid.

- 2.7.2.2. If no, furnish reasons for non-submission of such proof:

.....

.....

...

.....

...

- 2.8. Did you or your spouse, or any of the company's directors/ trustees/ ☐ \$ ☐
NO
shareholders/ members or their spouses conduct business with the
state in the previous twelve months?

- 2.8.1. If so, furnish particulars:

.....

.....

.....
2.9. Do you, or any person connected with the bidder, have any relationship ☐ YES ☐
NO
(family, friend, other) with a person employed by the state and who may
be involved with the evaluation and or adjudication of this bid?

2.9.1. If so, furnish particulars:

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

2.10. Are you, or any person connected with the bidder, aware of any ☐ YES ☐
NO
relationship (family, friend, other) between any other bidder and any person
employed by the state who may be involved with the evaluation and or
adjustment of this bid?

2.10.1. If so, furnish particulars:

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

2.11. Do you or any of the directors/ trustees/ shareholders/ members of the
company have any interest in any other related companies whether or
not they are bidding for this contract?

2.11.1. If so, furnish particulars:

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

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

Full Names	Identity Number	Personal Tax Reference Number	State Employee Number/ Persal Number

3. DECLARATION

I, THE UNDERSIGNED
 (NAME).....

CERTIFY THAT THE INFORMATION FURNISHED IN PARAGRAPH 2 and 3 ABOVE IS CORRECT.
 I ACCEPT THAT THE STATE MAY REJECT THE BID OR ACT AGAINST ME IN TERMS OF PARAGRAPH 23 OF THE GENERAL CONDITIONS OF CONTRACT SHOULD THIS DECLARATION PROVE TO BE FALSE.

.....
 Signature

.....
 Date

.....
Position

.....
Name Of Bidder

MBD 9.

CERTIFICATE OF INDEPENDENT BID DETERMINATION

I, the undersigned, in submitting the accompanying bid:

(Bid Number and Description)

in response to the invitation for the bid made by:

(Name of Municipality / Municipal Entity)

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

I certify, on behalf of: _____ that:
(Name of Bidder)

1. I have read and I understand the contents of this Certificate;
2. I understand that the accompanying bid will be disqualified if this Certificate is found not to be true and complete in every respect;
3. I am authorized by the bidder to sign this Certificate, and to submit the accompanying bid, on behalf of the bidder;
4. Each person whose signature appears on the accompanying bid has been authorized by the bidder to determine the terms of, and to sign, the bid, on behalf of the bidder;
5. For the purposes of this Certificate and the accompanying bid, I understand that the word "competitor" shall include any individual or organization, other than the bidder, whether or not affiliated with the bidder, who:
 - (a) has been requested to submit a bid in response to this bid invitation;
 - (b) could potentially submit a bid in response to this bid invitation, based on their qualifications, abilities or experience; and
 - (c) provides the same goods and services as the bidder and/or is in the same line of business as the bidder
6. The bidder has arrived at the accompanying bid independently from, and without consultation, communication, agreement or arrangement with any competitor. However communication between partners in a joint venture or consortium³ will not be construed as collusive bidding.

MBD 9.

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.

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

MBD 9

10. I am aware that, in addition and without prejudice to any other remedy provided to combat any restrictive practices related to bids and contracts, bids that are suspicious will be reported to the Competition Commission for investigation and possible imposition

of administrative penalties in terms of section 59 of the Competition Act No. 89 of 1998 and or may be reported to the National Prosecuting Authority (NPA) for criminal investigation and or may be restricted from conducting business with the public sector for a period not exceeding ten (10) years in terms of the Prevention and Combating of Corrupt Activities Act No. 12 of 2004 or any other applicable legislation.

.....
Signature

.....
Date

.....
Position

.....
Name of Bidder

MBD1

PART A INVITATION TO BID

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE *(NAME OF MUNICIPALITY/ MUNICIPAL ENTITY)*

BID NUMBER:		CLOSING DATE:		CLOSING TIME:	
DESCRIPTION					

THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (MBD7).

BID RESPONSE DOCUMENTS MAY BE DEPOSITED IN
THE BID BOX SITUATED AT *(STREET ADDRESS)*

SUPPLIER INFORMATION					
NAME OF BIDDER					
POSTAL ADDRESS					
STREET ADDRESS					
TELEPHONE NUMBER	CODE		NUMBER		
CELLPHONE NUMBER					
FACSIMILE NUMBER	CODE		NUMBER		
E-MAIL ADDRESS					
VAT REGISTRATION NUMBER					
TAX COMPLIANCE STATUS	TCS PIN:		OR	CSD No:	
B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE [TICK APPLICABLE BOX]	<input type="checkbox"/> Yes <input type="checkbox"/> No		B-BBEE STATUS LEVEL SWORN AFFIDAVIT		<input type="checkbox"/> Yes <input type="checkbox"/> No
[A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE/ SWORN AFFIDAVIT (FOR EMES & QSEs) MUST BE SUBMITTED IN ORDER TO QUALIFY FOR PREFERENCE POINTS FOR B-BBEE]					
ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES /WORKS OFFERED?	<input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES ENCLOSE PROOF]		ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES /WORKS OFFERED?		<input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES, ANSWER PART B:3]
TOTAL NUMBER OF ITEMS OFFERED			TOTAL BID PRICE		R
SIGNATURE OF BIDDER		DATE		
CAPACITY UNDER WHICH THIS BID IS SIGNED					
BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO:			TECHNICAL INFORMATION MAY BE DIRECTED TO:		
DEPARTMENT			CONTACT PERSON		
CONTACT PERSON			TELEPHONE NUMBER		
TELEPHONE NUMBER			FACSIMILE NUMBER		
FACSIMILE NUMBER			E-MAIL ADDRESS		
E-MAIL ADDRESS					

Where the recommended bidder is not tax compliant, the bidder should be notified of their non-compliant status and the bidder must be requested to submit to the municipality or municipal entity, within 7 working days, written proof from SARS of their tax compliance status or proof from SARS that they have made an arrangement to meet their outstanding tax obligations. The proof of tax compliance status submitted by the bidder to the municipality or municipal entity must be verified via the CSD or e-Filing.

The accounting officer should reject a bid submitted by the bidder if such a bidder fails to provide proof of tax compliance status within the timeframe stated above.

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:

MBD 6.1

PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL PROCUREMENT REGULATIONS 2022

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

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

1. GENERAL CONDITIONS

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

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

1.2 To be completed by the organ of state

(delete whichever is not applicable for this tender)

a) The applicable preference point system for this tender is the 80/20 preference point system.

1.3 Points for this tender shall be awarded for:

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

1.4 To be completed by the organ of state:

The maximum points for this tender are allocated as follows:

	POINTS
PRICE	80
SPECIFIC GOALS	20
Total points for Price and SPECIFIC GOALS	100

- 1.5 Failure on the part of a tenderer to submit proof or documentation required in terms of

this tender to claim points for specific goals with the tender, will be interpreted to mean that preference points for specific goals are not claimed.

- 1.6 The organ of state reserves the right to require of a tenderer, either before a tender is adjudicated or at any time subsequently, to substantiate any claim in regard to preferences, in any manner required by the organ of state.

2. DEFINITIONS

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

3. FORMULAE FOR PROCUREMENT OF GOODS AND SERVICES

3.1. POINTS AWARDED FOR PRICE

3.1.1 THE 80/20 PREFERENCE POINT SYSTEMS

A maximum of 80 points 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 tender under consideration

P_t = Price of tender under consideration

P_{min} = Price of lowest acceptable tender

4. POINTS AWARDED FOR SPECIFIC GOALS

- 4.1. In terms of Regulation 4(2); 5(2); 6(2) and 7(2) of the Preferential Procurement Regulations, preference points must be awarded for specific goals stated in the tender. For the purposes of this tender the tenderer will be allocated points based on the goals stated in table 1 below as may be supported by proof/ documentation stated in the conditions of this tender:

Table 1: Specific goals for the tender and points claimed are indicated per the table below.

(Note to organs of state: Where either the 90/10 or 80/20 preference point system is applicable, corresponding points must also be indicated as such.)

Note to tenderers: The tenderer must indicate how they claim points for each preference point system.)

The specific goals allocated points in terms of this tender	Number of points allocated (80/20 system) (To be completed by the organ of state)	Number of points claimed (80/20 system) (To be completed by the tenderer)
Black People	4	
Youth	4	
Women- ownership of more than 50 %	2	
Small, Medium and Micro Enterprises (SMMEs)	4	
People with disability	2	
Enterprises within Makhuduthamaga juristiction	4	
Total	20	

DECLARATION WITH REGARD TO COMPANY/FIRM

4.2. Name of company / firm

4.3. Company registration number:

4.4. TYPE OF COMPANY/ FIRM

- ☐ Partnership/Joint Venture / Consortium
- ☐ One-person business/sole propriety
- ☐ Close corporation
- ☐ Public Company
- ☐ Personal Liability Company
- ☐ (Pty) Limited
- ☐ Non-Profit Company
- ☐ State Owned Company

[Tick applicable box]

4.5. I, the undersigned, who is duly authorised to do so on behalf of the company/firm, certify that the points claimed, based on the specific goals as advised in the tender, qualifies the company/ firm for the preference(s) shown and I acknowledge that:

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

(e) forward the matter for criminal prosecution, if deemed necessary

 SIGNATURE(S) OF TENDERER(S)
SURNAME AND NAME:
DATE:
ADDRESS:

DECLARATION OF BIDDER'S PAST SUPPLY CHAIN MANAGEMENT PRACTICES

- 1 This Standard Bidding Document must form part of all bids invited.
- 2 It serves as a declaration to be used by institutions 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 disregarded if that bidder, or any of its directors have-
 - a. abused the institution's supply chain management system;
 - b. committed fraud or any other improper conduct in relation to such system; or
 - c. failed to perform on any previous contract.
- 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>The Database of Restricted Suppliers now resides on the National Treasury's website(www.treasury.gov.za) and can be accessed by clicking on its link at the bottom of the home page.</p>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.1.1	If so, furnish particulars:		
4.2	<p>Is the bidder or any of its directors listed on the Register for Tender Defaulters in terms of section 29 of the Prevention and Combating of Corrupt Activities Act (No 12 of 2004)?</p> <p>The Register for Tender Defaulters can be accessed on the National Treasury's website (www.treasury.gov.za) by clicking on its link at the bottom of the home page.</p>	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 outside of 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:		
4.4	Was any contract between the bidder and any 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"/>
4.4.1	If so, furnish particulars:		

SBD 8

CERTIFICATION

I, THE UNDERSIGNED (FULL NAME).....

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

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

.....

Signature

.....

Date

.....

Position

.....

Name of Bidder