



Tender for Panel Disaster Relief Material and Food Parcel

Name of Tenderer _____

Telephone Number _____

Fax Number_ _____

Address _____

CLOSING DATE

26 May 2023 @ 12:00

NO LATE SUBMISSIONS WILL BE CONSIDERED

DOCUMENTS DELIVERED BY HAND MUST BE DEPOSITED IN THE TENDER BOX SITUATED AT THE RECEPTION AREA OF UPHONGOLO LOCAL MUNICIPALITY OFFICES AT 61 MARTIN STREET, UPHONGOLO 3170:

**Issued by.
UPHONGOLO MUNICIPALITY
MUNICIPAL MANAGER
P.O BOX 191
UPHONGOLO
3170
Tel: (034) 413 1223
Fax: (034) 413 1706**

UPhongolo Local Municipality

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COMPULSORY RETURNABLE DOCUMENTS

ATTACHEMENT OF RETURNABLES

NB: to be attached on allocated page number (important)

1. A certified Copy of Company Registration Documents.
2. Tax Compliance Status Pin (Compulsory)
3. Company must be registered on the Central Supplier Database (CSD)
4. Certified Copies of ID Documents of Shareholders/ Members/ Directors of the Business Enterprises.
5. A Certified Copy of VAT Registration (if VAT not included in the Tax Clearance Certificate)
6. Certified Copy of Partnership Agreement (if Tenderer is in a partnership/ joint venture of consortium)
7. Certified Copy of an ID (if Tenderer is a Sole Proprietor)
8. A certified Copy of BBBEE Certificate where applicable
9. A list of Current Contracts and Contact Details of the Clients. **NB: attached appointment letters Purchased Orders as a proof of experience.**

INSTRUCTIONS TO TENDERERS

BILL OF QUANTITIES

PROOF OF SIGNING AUTHORITY

DECLARATION OF INTEREST

1. TENDER REQUIREMENTS

Prospective Tenderers are requested to take note that Council's Preferential Procurement Policy will be applicable in the adjudication of these tenders. Further information in this regard can be obtained from the SCM on **034 413 1223**.

2. COMPULSORY RETURNABLE DOCUMENTS

The proposal must be accompanied with the following compulsory returnable documentation (or certified copies thereof) form part of evaluation criteria, invalid or non- submission will immediately disqualify the proposal.

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A: ATTACH: VALID TAX CLEARANCE CERTIFICATE, VALID AS AT DATE OF TENDER CLOSING

Tenderers are required to be registered for VAT and will need to submit an original SARS Tax Compliance Certificate with their tender, in order to be considered.

This original certificate shall be affixed to this page and must detail:

- VAT number
- PAYE number
- Income Tax number

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B: ATTACH: CERTIFIED COMPANY REGISTRATION CERTIFICATE AND CERTIFIED ID COPIES OF DIRECTORS

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C: ATTACH: COMPANY PROFILE

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D. ATTACH: CERTIFIED/ORIGINAL BEE CERTIFICATE

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Experience of Tenderer

The following is a statement of work of similar nature recently successfully executed by myself / ourselves

[illegible]

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ATTACH APPOINTMENT LETTERS ON THE FOLLOWING PAGE.

3. INSTRUCTIONS TO TENDERERS

3.1 RETURN OF DOCUMENT

- (a) The completed and initialed documents shall be sealed in an envelope endorsed “**RELEVANT CONTRACT NAME**” must be deposited in the tender box situated at Municipal reception area: uPhongolo Local Municipality, 61 Martin street, uPhongolo, 3170 before **12h00** on the **26 May 2022**.

Quotations received after the closing of tenders will not be considered and tenderers will not be permitted to alter their tender sum after tender have been opened.

- (c) Late tenders, telegraphic, Email or facsimile tenders will not be considered.

3.2 COMPLETION OF DOCUMENTS

- (a) The Form of offer must be completed and signed.

3.3 ACCEPTANCE OF TENDERS

- (a) The Council does not bind itself to accept the lowest or any tender (tenders received are too high).
- (b) uPhongolo Local Municipality will not be held responsible for any expenditure or losses incurred on the submission and compliance of this tender nor of the visit to the site.
- (c) The tender of any tenderer who has not conformed to the foregoing instructions will not be considered.
- (d) When Council accepts a Proposal, the successful tenderer will be informed and the contract negotiated indicating the financial implications in the main being how and when payment will be made.
- (e) Canvassing in gift of Council is strictly prohibited and will lead to disqualification of the Proposal.

3.4 GENERAL

(a) Duration of the project

The duration of the project shall be **THREE YEARS (subject to be revised if necessary)** from the official commencement dated. Failure to commence within fourteen days after receiving the letter of placement shall result in the appointing the service provider in the panel and removal from the Municipality database.

(b) Cost of Tender

The Council does not hold itself liable for any or all of the costs involved by the tender in compiling a tender. Should a tender withdraw an offer after being given written acceptance thereof all costs of re-advertising will be for that tenderer's account

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FORM OF OFFER AND ACCEPTANCE		
UPHONGOLO LOCAL MUNICIPALITY The Offered Total annual (* 12 months) Price Inclusive of Value Added Tax is: R (In words).....		
Signature: (of person authorised to sign the Quotation):		
Name: (as per the above signatory):		
Capacity: (of signatory):		
Name of Bidder/Tenderer:		
Address:		
.....		
Telephone Number: Fax:		
Witness: Signature:		

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Name: (in capitals).....	
Date:	
ACCEPTANCE (BY EMPLOYER: uPhongolo Local MUNICIPALITY)	
Signature:	
Name:	
Capacity: Date:	

	COMPANY STAMP

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1. PROOF OF SIGNING AUTHORITY

The Municipal Manager
UPhongolo Local Municipality
P O Box 191
uPhongolo
3170

AFFIDAVIT

I _____ the undersigned hereby declare that by resolution dated
_____ I am authorized to sign these documents on behalf of

SIGNED AT _____ **THIS** _____ **DAY OF** _____ **2023**

WITNESS

TENDERER

4. Evaluation Criteria

Appoint an evaluation panel of not less than three persons. Reduce each responsive Tender Offer to a comparative offer and evaluate it using the tender evaluation methods that are indicated in the Tender Data and described as methods 1, 2, 3 and 4.

Method 1: In the case of a Financial Offer:

- (a) Rank Tender Offers from the most favourable to the least favourable comparative offer.
- (b) Recommend the highest ranked tenderer for the award of the contract, unless there are compelling and justifiable reasons not to do so.

Method 2: In the case of a Financial Offer and Preferences:

- (a) Score tender evaluation points for each Financial Offer.
- (b) Confirm that tenderers are eligible for the preferences claimed and, if so, score tender evaluation points for preference points.
- (c) Calculate total tender evaluation points
- (d) Rank Tender Offers from the highest number of tender evaluation points to the lowest.
- (e) Recommend the Tenderer with the highest number of tender evaluation points for the award of the contract, unless there are compelling and justifiable reasons not to do so.

Method 3: In the case of a Financial Offer and Quality:

- (a) Score quality, rejecting all Tender Offers that fail to score the minimum number of points for quality stated in the Tender Data, if any.
- (b) Score tender evaluation points for each financial offer.
- (c) Calculate the total tender evaluation points.
- (d) Rank Tender Offers from the highest number of tender evaluation points to the lowest.
- (e) Recommend the Tenderer with the highest number of tender evaluation points for the award of the contract, unless there are compelling and justifiable reasons no to do so.

Method 4: In the case of a Financial Offer, Quality and Preferences:

- (a) Score quality, rejecting all Tender Offers that fail to score the minimum number of points for quality stated in the Tender Data, if any.
- (b) Score tender evaluation points for each financial offer.
- (c) Confirm that Tenderers are eligible for the preferences claimed and, if so, score tender evaluation points for preference.
- (d) Calculate total tender evaluation points.

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- (e) Rank Tender Offers from the highest number of tender evaluation points to the lowest.
- (f) Recommend the Tenderer with the highest number of tender evaluation points for the award of the contract, unless there are compelling and justifiable reasons not to do so.

Evaluation of Tender Offers

The procedure for evaluation of responsive Tender Offers will be Method 4: Financial Offer, Quality and Preferences.

The evaluation of the bids will be conducted in two stages process in terms of national treasury circular No:53

Stage 1: Assessment of functionality. Only service provider who achieve a minimum score of 70 points of the total evaluation will qualify from stage two of the Evaluation process.

Stage 2: Thereafter the qualifying Bids are evaluated in terms of the 80/20 preference point system, where the 80 points are used for price and the 20 points are used for specific goals as determined by the advert.

SPECIFIC GOALS

The specific goals allocated points in terms of this quote	80/20	Documents required for verification
Specific goal 1 – Ownership - maximum points = 10		
Company owned by 100% black person	10	Certified ID copy of director/Owner and CSD
Company owned by >51% black person	8	Certified ID copy of director/Owner and CSD
Company owned by >25% black person	5	Certified ID copy of director/Owner and CSD
Specific goal 2 – BBBEE Certificate = 4		
BBBEE Certificate level 1	4	BBBEE Certificate or Certified copy of Affidavit
BBBEE Certificate level 2	2	BBBEE Certificate or Certified copy of Affidavit
BBBEE Certificate level 3	1	BBBEE Certificate or Certified copy of Affidavit
Specific goal 3 – RDP Goals – maximum points = 6		
Companies falls under the SMME Category		
Promotion of enterprises located within uPhongolo Local Municipality	6	Preferred address on CSD report and Certified copy of a utility bill of property rates and services OR proof of residence
Promotion of enterprises located within District Municipality ZDM	4	Preferred address on CSD report and Certified copy of a utility bill of property rates and services OR proof of residence
Promotion of enterprises located within KZN Province	2	Preferred address on CSD report and Certified copy of a utility bill of property rates and services OR proof of residence

Bidders must achieve a minimum of 20 points for specific goals in order to be evaluated further on functionality.

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FUNCTIONALITY

Functionality/quality: tender must achieve at least 60% in order to qualify for the second stage. The 80/20 as per revised PPPFA Regulations 2022 scoring will apply.

The points associated with the comprehensive proposal will be awarded as reflected in the following table

Key aspect of criterion	Basis for points allocation	Points	Max. Points	Verification Method
Experience of the Bidder (Name of traceable reference with contact details to be included for verification)	Five (5) contracts or orders of Provision of disaster relief and food parcel. Tenders to submit a letter of appointment, if extension time was granted contractor should submit a letter of approval for extension of time	40	40	Attach appointment letter and letter for extension of time if any was granted
	Three (3) contracts or orders of Provision or suppling the similar items in the local government. Tenders to submit a letter of appointment , if extension time was granted a letter or the purchased order should submit a letter of approval for extension of time.	25		Attach appointment letter, and letter for extension of time if any was granted
	One to Two (1-2) contracts or purchase order of Provision of disaster relief and food parcel in government sector or institution.	15		Attach appointment letter, and letter for extension of time if any was granted
Financial Capacity	Annual Financial Statement for more than 2 Years	30	30	Financial statements for the past three years must be attached
	Annual Financial Statements for 1 years	20		Financial statements for the past three years must be attached
	Annual Financial Statement less than 6 Months	10		Financial statements for the past three years must be attached
Tools of Trade	3x Vans/ Bakkie/ Truck	30	30	Vehicles Logbook must be attached
	2x Vans/Bakkie/Truck	20		Vehicles Logbook must be attached
	1x Vans/Bakie/Truck	10		Vehicle Logbook must be attached
TOTAL POINTS		100		

- a) Tenderers qualifying on (a) above will be further evaluated using the following procedure for the evaluation of

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responsive tenders (Price and preferences). The weighting of tender price and preferences of the tenderer will be done by way of a point system:

For contracts, up to a potential rand value of R50 Million

- 80 points are assigned to price; and
- 20 points are assigned to preferences points for specific goals.

The total points for Price and preferences must add up to 100 points. The financial offer will be scored using formula: x

The financial offer will be scored in terms of Formula 2, Option 2 of SANS 294: 2004, which reads as follows (refer to clause F.3.11.6.1):

$$Nfo = W1 \times Pm/P$$

+

Where:

Nfo = number of tender evaluation points awarded for the financial offer;

W1 = 80 points for rand value up to R 50 million;

Pm = the rand value of the lowest comparative offer;

P = the rand value of the Tender Offer under consideration.

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DISASTER RELIEF	FOOD PARCEL
❖ Temporal Shelter	1 Rice 10 KG
❖ Blankets	❖ Maize meal 10 / 25 KG
❖ Plastic Sheets	❖ Samp 10 KG
❖ Boxes for kitchen utensil (curtly, plates, stoves, mugs, spoons, knives etc).	❖ Sugar bean 4 KG
❖ Sponges	❖ Potatoes
❖ Lighting conducts	❖ Onions
	❖ Beetroot
	❖ Carrots
	❖ 12 x 410 Tin fish
	❖ 12 x 410 Tin Beans
	❖ Cabbage
	❖ Mayonnaise 3 KG
	❖ Sugar 10 KG
	❖ Flour 10 KG
	❖ Teabags
	❖ Soups

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	❖ Cremora
	❖ 5 litre Oros juice
	❖ 5 litre cooking oil
	❖ 6 x 2 mixed portion
	❖ 60 eggs
	❖ Knorrox cubes

NB// The Bidders Must note items are not limited to the ones above, The Municipality will add as where it required and necessary.

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MBD 1

**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					

61 Martin Street / P.O Box 191, uPhongolo Street, 3170

SUPPLIER INFORMATION					
NAME OF BIDDER					
POSTAL ADDRESS					
STREET ADDRESS					
TELEPHONE NUMBER					
CELLPHONE NUMBER	CODE			NUMBER	
FACSIMILE NUMBER					
E-MAIL ADDRESS	CODE			NUMBER	
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:		

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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			

MBD18PART20

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 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 OF PIN MAY ALSO BE MADE VIA E-FILING. IN ORDER TO USE THIS PROVISION, TAXPAYERS WILL NEED TO REGISTER WITH SARS AS E-FILING 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

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- 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 NO 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: _____

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MBD 4

DECLARATION OF INTEREST

1. No bid will be accepted from persons in the service of the state*.
2. Any person, having a kinship with persons in the service of the state, including a blood relationship, may make an offer of 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 authorized representative declare their position in relation to the evaluating/ adjudicating authority and/or take an oath declaring his/her interest.
3. **In order to give effect to the above, the following questionnaire must be completed and submitted with the bid.**

3.1 Full Name: _____

3.2 Identity Number: _____

3.3 Company Registration Number: _____

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3.4 Tax Reference Number: _____

3.5 VAT Registration Number: _____

3.6 Are you presently in the service of the state* **YES / NO**

3.6.1 If so, furnish particulars.

3.7 Have you been in the service of the state for the past twelve months? **YES / NO**

3.7.1 If so, 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

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3.8 Do you, have any relationship (family, friend, other) with **YES / NO**
persons in the service of the state and who may be involved with the evaluation and or
adjudication of this bid?

3.8.1 If so, furnish particulars.

3.9 Are you, aware of any relationship (family, friend, other) **YES / NO** between
a bidder and any persons in the service of the state who may be involved with the evaluation
and or adjudication of this bid?

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3.9.1 If so, furnish particulars.

3.10 Are any of the company's directors, managers, principal
shareholders or stakeholders in service of the state?

YES / NO

3.10.1 If so, furnish particulars.

3.11 Are any spouse, child or parent of the company's directors,
managers, principal shareholders or stakeholders in service of the state?

YES / NO

3.11.1 If so, furnish particulars.

3

CERTIFICATION

I, THE UNDERSIGNED (NAME) _____

**CERTIFY THAT THE INFORMATION FURNISHED ON THIS DECLARATION FORM IS CORRECT. I ACCEPT
THAT THE STATE MAY ACT AGAINST ME SHOULD THIS DECLARATION PROVE TO BE FALSE.**

Signature

Date

Position

Name of Bidder

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**

GENERAL CONDITIONS

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

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

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 90/10 preference point system.
- b) The applicable preference point system for this tender is the 80/20 preference point system.
- c) Either the 90/10 or 80/20 preference point system will be applicable in this tender. The lowest/ highest acceptable tender will be used to determine the accurate system once tenders are received.

1.3 Points for this tender (even in the case of a tender for income-generating contracts) shall be awarded for:

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

1.4 To be completed by the organ of state:

The maximum points for this tender are allocated as follows:

	POINTS
PRICE	

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SPECIFIC GOALS	
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.

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).

FORMULAE FOR PROCUREMENT OF GOODS AND SERVICES

3.1. POINTS AWARDED FOR PRICE

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

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

80/20

or

90/10

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

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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

**3.2. FORMULAE FOR DISPOSAL OR LEASING OF STATE ASSETS AND INCOME
GENERATING PROCUREMENT**

3.2.1. POINTS AWARDED FOR PRICE

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

80/20 or 90/10

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

Where

P_s = Points scored for price of tender under consideration

P_t = Price of tender under consideration P_{max} = Price of

highest acceptable tender

POINTS AWARDED FOR SPECIFIC GOALS

- 4.1. In terms of Regulation 4(2); 5(2); 6(2) and 7(2) of the Preferential Procurement Regulations, preference points must be awarded for specific goals stated in the tender. For the purposes of this tender the tenderer will be allocated points based on the goals stated in table 1 below as may be supported by proof/documentation stated in the conditions of this tender:
- 4.2. In cases where organs of state intend to use Regulation 3(2) of the Regulations, which states that, if it is unclear whether the 80/20 or 90/10 preference point system applies, an organ of state must, in the tender documents, stipulate in the case of—
- (a) an invitation for tender for income-generating contracts, that either the 80/20 or 90/10 preference point system will apply and that the highest acceptable tender will be used to determine the applicable preference point system; or

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- (b) any other invitation for tender, that either the 80/20 or 90/10 preference point system will apply and that the lowest acceptable tender will be used to determine the applicable preference point system, then the organ of state must indicate the points allocated for specific goals for both the 90/10 and 80/20 preference point system.

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

(Note to 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 (90/10 system) (To be completed by the organ of state)	Number of points allocated (80/20 system) (To be completed by the organ of state)	Number of points claimed (90/10 system) (To be completed by the tenderer)	Number of points claimed (80/20 system) (To be completed by the tenderer)
Procurement from EME who 51 % black are at least owned		20		

DECLARATION WITH REGARD TO COMPANY/FIRM

4.3. Name of company/firm.....

4.4. Company registration number:

4.5. TYPE OF COMPANY/ FIRM

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

[TICK APPLICABLE BOX]

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

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

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.....

SIGNATURE(S) OF TENDERER(S)

SURNAME AND NAME:

DATE:

ADDRESS:

.....

DECLARATION OF BIDDER'S PAST SUPPLY CHAIN MANAGEMENT PRACTICES

1. This Municipal Bidding Document must form part of all bids invited.
2. This 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 of fraud or corruption during the past five years;
 - c. wilfully neglected, reneged on or failed to comply with any government, municipal or other public sector contract during the past five years; or
 - d. been listed in the Register for Tender Defaulters in terms of section 29 of the Prevention and combating of Corrupt Activities Act (No 12 of 2004).
4. 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 alter am partum</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>	<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	<p>Is the bidder or any of its directors listed on the Register of Tender Defaulters in terms of section 29 of the Prevention and Combating of Corrupt Activities Act (No 12 of 2004)?</p> <p>The Register of 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>	<p>Yes</p> <p><input type="checkbox"/></p>	<p>No</p> <p><input type="checkbox"/></p>

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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"/>
4.5.1	If so, furnish particulars:		

PANEL FOR DISASTER RELIEF MATERIAL AND FOOD PARCEL

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

Js367bW

MBD 9

Name of Bidder

CERTIFICATE OF INDEPENDENT BID DETERMINATION

1. This Municipal Bidding Document (MBD) must form part of all bids¹ invited.
2. Section 4 (1) (b) (iii) of the Competition Act No. 89 of 1998, as amended, prohibits an agreement between, or concerted practice by, firms, or a decision by an association of firms, if it is between parties in a horizontal relationship and if it involves collusive bidding (or bid rigging). ² Collusive bidding is a per 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 of 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 of municipal entity of 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:

¹Includes price quotations, advertised competitive bids, limited bids and proposals.

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

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 purpose 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

MBD 9

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 of consortium³ will not be construed as collusive bidding.

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7. In particular, without limiting the generality of paragraph 6 above, there has been no consultation, communication, agreement or arrangement with any competitor regarding:
- (a) prices;
 - (b) 3
 - (c) 3
 - (d) geographical area where product or service will be rendered (market allocation)
 - (e) methods, factors or formulas used to calculate prices;
 - (f) the intention or decision to submit or not to submit, a bid;
 - (g) 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.**

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