

## **eDumbe Municipality**

10 Hoog Street  
Private Bag X308  
PAULPIETERSBURG 3180



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ALL CORRESPONDENCE TO BE ADDRESSED TO THE MUNICIPAL MANAGER

### **eDumbe Local Municipality**

**BID NO: EDUMPRO04/2022/23**

**PANEL OF REGISTERED ENVIRONMENTAL ASSESSMENT CONSULTANTS FOR ENVIRONMENTAL MANAGEMENT PROFESSIONAL SERVICES FOR APERIOD 2022/2023 TO 2024/2025 FINANCIAL YEARS OF 36 MONTHS**

NAME OF TENDERER	
ADDRESS OF TENDERER	
SARS PIN	
CSD NO.	
TEL NUMBER	
EMAIL ADDRESS	

**DOCUMENTS MUST BE SUBMITTED/DEPOSITED IN TO: TENDER BOX** situated at eDumbe Local Municipality, 10 Hoog Street, Paulpietersburg 3180

**CLOSING TIME:** 12H00 **CLOSING DATE:** 13\_January 2023\_\_

COMPILED BY:	
eDumbe Technical Services	
10 Hoog street	
Paulpietersburg	
3180	
Tel N°:	+27 34 995 1650
Fax N°:	+27 34 995 1192
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## BID NOTICE AND INVITATION AWARD

Bids are hereby invited from suitable service providers of the following eDumbe Local Municipality projects:

PROJECT NO	PROJECT DESCRIPTION	CONTRACT DURATION	POINT SYSTEM	CIDB GRADING	CLOSING DATE
Bid No: EDUMPRO04/2022/23	Panel of Registered Environmental Assessment Consultants For Environmental Management Professional Services for A Period 2022/2023 To 2024/2025 Financial Years Of 36 Months	36 MONTHS	80/20	N/A	13 January 2023

Bid documents may be downloaded through the municipal website on [www.edumbe.gov.za](http://www.edumbe.gov.za) or on the national treasury website on [www.etenders.gov.za](http://www.etenders.gov.za) from **Monday 28 June 2022**. Bid documents must be submitted in a sealed envelope clearly marked with the bid number, closing date and, dropped off in the tender box at, **eDumbe Local Municipality, 10 Hoog Street Paulpietersburg, 3180** by no later than **12H00 on Friday 13 January 2023**. All quotes must be submitted on the official forms – (Not to be retyped)..

**THE FOLLOWING ARE MANDATORY:** CSD summary report, valid tax clearance or SARS login pin, a certified copy of the most recent municipal account in which the business is registered or proof of residence if residing in rural areas, copies of ID of members of the entity, B-BBEE Certificate/ Affidavit and Certified copy of CIPRO e.g. CK certificates. Bidders are requested to sign where necessary and initial each page on the Bid Documents.

This proposal will be evaluated in terms of the 80/20 Preferential Procurement Point system where 80 points are for functionality and price, and 20 points are for BBEE according to the said legislation.

Late tenders will not be accepted and the eDumbe Local Municipality reserved the right not to make an award. Failure to comply with the above conditions will invalidate your offer.

**Kindly note that the successful bidder will be subjected to a screening process prior to the bid being awarded, should it be discovered that a successful bidder provided misleading information he/she will be disqualified with immediate effect.**

Enquiries are to be directed to Mr BW Buthelezi at 034 995 1650 (SCM) or Mr. M Nkala at 034 995 1650 (Technical)

  
**JFK KHUMALO**  
**MUNICIPAL MANAGER**

## **1. OBJECTIVE**

It is the intention for the eDumbe Municipality – Technical Services to have a panel of Registered Environmental Assessment Consultants (EAC) to render Environmental Management services as and when required by the Municipality for a period of 2022/2023 TO 2024/2025 FINANCIAL YEARS 36 Months. The Environmental Management services required will not be limited to this terms of reference.

## **2. PURPOSE OF THIS REPORT**

This report is aimed at providing Terms of Reference as a guideline within which interested Registered EAC are expected to base their proposals. Therefore, it is expected of prospective Registered EAC to demonstrate their approach to be adopted, this will consequently inform their methodology envisaged, project financial implications, timeframes, and deliverables.

## **3. BACKGROUND**

There are many developments within the eDumbe area that requires professional assistance from the Registered EAC to ensure that the Municipality is able to comply with NEMA 107 OF 1998 policies and regulations. There were previously some projects within the municipality that were fined by the Department of Economic Development, Tourism and Environmental Affairs for not undertaking an EIA process and was instructed to appoint an EAC to conduct a Section 24G process in rectifying the unlawful commencement of a listed activity.

It is therefore the aim of the Technical Services to acquire the services of a panel of Registered EAC for a period of 36 Months with the aim of providing their professional services as required.

## **4. SCOPE AND EXTENT OF WORK**

The scope and extent of work will be different for each project. It will be communicated to the panel members at that particular point in time. The scope of work will include the following:

- 1) Basic Assessment – conduct all the relevant processes including engagement with the relevant competent authority, specialist studies, public participation, developing the Environmental Management Programme and obtaining the Environmental Authorization
- 2) Scoping and Environmental Impact Report – prepare scoping report which will include the plan study. Prepare the Environmental Impact Report which will include relevant specialist studies, public participation, developing the Environmental Management Programme and obtaining the Environmental Authorization
- 3) Water Use License Application – Conduct relevant specialist studies, fill in relevant application forms and submit to the relevant competent authority.
- 4) Environmental Management Programmes (EMPr) – it could be part of the EIA process or it could be responding to Section 28 of NEMA: Duty of care and remediation of the environment
- 5) Environmental Control Officer (ECO) services: conduct environmental audit as per the stipulations in the environmental authorisation and EMPr of a particular project and submit relevant reports to the LM and relevant competent authority.
- 6) Amendments in terms of Part 1 and Part 2 as per the 2014 EIA regulations as amended.
- 7) Section 30A of NEMA for projects that falls under emergency situations
- 8) EIA Enquiries/ screening/environmental surveys in order to verify if the proposed project requires EIA or not.

**5. PREREQUISITES FOR ENTRY TO THE PANEL**

- i) Registration with the Municipal data base;
- ii) Registration with provisional body (EAPASA).

**6. WORK ALLOCATION**

Work will be allocated in accordance with a quotation system. Whereby allocation will be assessed and assigned. Work will be allocated on a rotational basis.

**7. PAYMENT PROCEDURE**

Payment arrangements will be made on the basis of the completion of project milestones and will be outlined in the letter of appointment. Payment will be effective within 30 days of the completion of each milestone of the project.

**8. DURATION OF SERVICES**

The professional services of a panel of Registered EAC is required for a period of 2022/2023 TO 2024/2025 FINANCIAL YEARS 36 months

**9. DELIVERABLES AND FORMAT**

- Reports;
- Provide professional input and comments for development proposals;
- Facilitate the submission of documents, plans, reports and/or maps for comments and/or approval from various departments;
- diagrams (Soft and Hard copies);
- Professional Recommendations;

### Stage 1: Mandatory requirements

The following pre-qualification criteria will form part of bid evaluation process and these requirements are key components in determining the capacity and capabilities in executing a contract and failure to comply with these requirements will result in automatic disqualification of your bid.

MANDATORY REQUIREMENT		
Company profile	✓ Please tick the appropriate box	
	YES	NO
i. Appropriate qualifications as an Environmental Assessment practitioner; (Proof to be attached)		
ii. Registration with the Environmental Assessment Practitioners Association of South Africa (EAPASA) (Proof of Registration in the form of a copy of the registration certificate);		
iii. A list of 5 similar completed projects (Proof of project must be accompanied by appointment letters and reference letters);		

**Stage 2: Functionality evaluation criteria**

Stage 2			Weight	Score
<b>A</b>	<b>FUNCTIONALITY</b>		100	
<b>Project Methodology</b>	Bidder must show the understanding of the brief and the method to be employed.	There is clear proposed plan of action provided	10	<b>10</b>
		The proposed plan of action is not clear	5	
		No proposed plan of action	0	
<b>Relevant qualification of the Project Leader</b>	Must be qualified in <b>Environmental Management / Environmental Science/ Geography and Environmental Management</b>  certified copies of qualification must be attached.	Degree	20	<b>20</b>
		Diploma	10	
		No qualification /	0	
<b>Experience of the Project Leader Project Manager/ Environmental Assessment Practitioner</b>	Comprehensive CV to be included reflecting positions, duration and duties conducted.	10 years or more experience	20	<b>20</b>
		Between 5 – 9 years' experience	10	
		2 to 4 years' experience	5	
		Less than 2-year experience	0	
<b>Registration Professional body</b>	The successful service provider must be registered on EAPASA.	1. Registered EAP	20	<b>20</b>
		2. Candidate EAP	5	
		3. Not registered	0	

<b>Track record of the company</b>	Must submit an appointment letter of relevant environmental management work conducted as per the scope of work provided in section 4	5 points per signed appoint letter attached	20	<b>20</b>
<b>Reference Letters</b>	Must submit a reference letter for the relevant work done.	signed reference letter attached.	10	<b>10</b>

√ In terms of the track record of the company and reference letters, the appointment letter must correspond with a respective reference letter  
 o Failure to submit the above-mentioned documents (the appointment letters and reference letters), the bidder will be disqualified.

**IN EVALUATING THE TECHNICAL INFORMATION CONTAINED IN THE BID, THE EVALUATION COMMITTEE WILL BE GUIDED BY THE FOLLOWING:**

- i. **Bidder's understanding of the brief** – The bid provides a clear indication that the bidder's fully understands the purpose and scope of the work and the bidders' own roles and functions in this regard.
- ii. **Track Record** – The bid provides clear information on previous, relevant projects that confirm that the bidder has the required experience and success track record in the area of general project management.

<b>Therefore minimum functionality score to qualify for further evaluation:</b>	<b>70 Points</b>
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Bidders are required to:

- Use the official eDumbe Local Municipality's bid documents;
- Correctly complete the bid documents;
- Furnish all further information required by the bid documents and to supply pamphlets, brochures and samples, etc, when required to do so;
- Ensure that bid documents are completed and signed in black ink;
- Submit an Original Valid Tax Pin;
- Submit the latest Municipal account of the firm;
- Registered on the eDumbe Municipality Supplier Database.

### **3) SIGNING OF TENDER DOCUMENTS**

Before submitting a tender, tenderers must ensure that this document is completed in every respect in black ink and signed.

#### **H) WITHDRAWAL OF TENDERS**

If a tenderer wishes to withdraw his tender without incurring any liability he may do so.

#### **I) VALUE ADDED TAX AND TOTAL TENDER PRICE**

Tenderers shall make provision for all taxes and any other levies in their tendered rates and lump sums. Should the rate at which VAT is charged by legislation be increased or decreased in relation to the rate applicable at the tender closing date, the difference in payment of VAT shall be borne by the employer or shall be to his benefit.

#### **j) COST INCURRED BY TENDERER**

The employer will neither be responsible for nor pay for expenses incurred or losses suffered by any tenderer in preparing and submitting the tender.

## **K) AWARDING OF BID**

NB: eDumbe local Municipality will appoint the service providers to form Panel of Registered Environmental Assessment Consultants for Environmental Management Professional Services for A Period 2022/2023 To 2024/2025 Financial Years Of 36 Months, but the projects allocation will be done by eDumbe LM per year as an when is necessary.

eDumbe Local Municipality will not award bids to consultants:

- Who have been convicted for fraud or corruption with any organ of state in the past five years;
- Who wilfully neglected, reneged on or failed to comply with government contracting during the past five years;
- Whose tax matter, or that of its directors / members are not cleared with the South African Revenue Services.
- Who have the proven record of not completing project in time and has a miss management of projects
- A tender that does not comply with the requirements in the tender documents and the instructions in the official tender advertisement may be rejected as being invalid.
- 

## **L) CONDITIONS PERTAINING TO PREFERENTIAL PROCUREMENT**

Preferential procurement aims to pursue socio-economic objectives through enabling procurement processes and may therefore award preference points when adjudicating bids.

All bids will be adjudicated using the Preferred Procurement Policy scorecard as a measure for BBBEE compliance.

### **Process to be Confidential**

- Information supplied by Tenderers to the examination, clarification, evaluation and adjudication of tenders and recommendations for the award of the contract will not be disclosed to Tenderers or any other persons not officially concerned with such processes.
- Any effort by the Tenderer to influence the Employer's processing of tenders or award decisions may result in the rejection of this Tender.

### **Specific Goals**

- The promotion of South African-owned and managed enterprises;
- The promotion of export-oriented production to create jobs;
- The promotion of SMME's and enterprise development;
- The creation of new jobs or the intensification of labour absorption particularly the employment of local labour;

- The promotion of enterprises located in the municipal area where work needs to be done or services to be rendered;
- The promotion of enterprises located in rural area;
- The empowerment of the work force by standardizing the level of skill and knowledge of workers;
- To promote sector partnerships particularly in communities;
- The development of human resources, in line with key indicators such as percentage of wage bill spent on education and training and improvement of management skills;
- The promotion employment equity; and
- The promotion of preferential procurement.

## **MBD 2 TAX CLEARANCE CERTIFICATE REQUIREMENTS**

**It is a condition of bid that the taxes of the successful bidder must be in order, or that satisfactory arrangements have been made with South African Revenue Service (SARS) to meet the bidder's tax obligations.**

- 1 In order to meet this requirement bidders are required to complete in full the attached form TCC 001 "Application for a Tax Clearance Certificate" and submit it to any SARS branch office nationally. The Tax Clearance Certificate Requirements are also applicable to foreign bidders / individuals who wish to submit bids.
- 2 SARS will then furnish the bidder with a Tax Clearance Certificate that will be valid for a period of 1 (one) year from the date of approval.
- 3 The original Tax Clearance Certificate must be submitted together with the bid. Failure to submit the original and valid Tax Clearance Certificate will result in the invalidation of the bid. Certified copies of the Tax Clearance Certificate will not be acceptable.
- 4 In bids where Consortia / Joint Ventures / Sub-contractors are involved, each party must submit a separate Tax Clearance Certificate.
- 5 Copies of the TCC 001 "Application for a Tax Clearance Certificate" form are available from any SARS branch office nationally or on the website [www.sars.gov.za](http://www.sars.gov.za).
- 6 Applications for the Tax Clearance Certificates may also be made via eFiling. In order to use this provision, taxpayers will need to register with SARS as eFilers through the website [www.sars.gov.za](http://www.sars.gov.za).

**TAX PIN**

**[TAX PIN]**

***obtained from SARS to be attached to this page]***

## DECLARATION OF INTEREST

**MBD 4**

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.

- No bid will be accepted from persons in the service of the state\*.
- Any person, having a kinship with persons in the service of the state, including a blood relationship, may make an offer or offers in terms of this invitation to bid. In view of possible allegations of favoritism, 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: .....

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.

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

**YES/NO**

3.8.1 If so, furnish particulars

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

**YES/NO**

3.9.1 If so, furnish particulars

.....  
3.10 Are any of the company's Directors, Managers, Principle 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, Principle Shareholders or Stakeholders in service  
of the State?

**YES/NO**

3.11.1 If so, furnish particulars

.....

**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 THE DECLARATION  
PROVE TO BE FALSE.**

.....

**SIGNATURE**

.....

**DATE**

.....  
**POSITION**

.....

**NAME OF BIDDER**

## MBD 6.1

### PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL PROCUREMENT REGULATIONS 2011

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

**NB: BEFORE COMPLETING THIS FORM, BIDDERS MUST STUDY THE GENERAL CONDITIONS, DEFINITIONS AND DIRECTIVES APPLICABLE IN RESPECT OF B-BBEE, AS PRESCRIBED IN THE PREFERENTIAL PROCUREMENT REGULATIONS, 2011.**

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#### 1. GENERAL CONDITIONS

The following preference point systems are applicable to all bids:

- the 80/20 system for requirements with a Rand value equal to or above R30 000 and up to a Rand value of R50 million (all applicable taxes included); and
- the 90/10 system for requirements with a Rand value above R50 million(all applicable taxes included).

1.2 The value of this bid is estimated to not exceed R50 million (all applicable taxes included) and therefore the 80/20 preference point system shall be applicable.

1.3 Preference points for this bid shall be awarded for:

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

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

1.3.1.1	PRICE	.....
1.3.1.2	B-BBEE STATUS LEVEL OF CONTRIBUTION	.....
Total points for Price and B-BBEE must not exceed		100

1.4 Failure on the part of a bidder to fill in and/or to sign this form and submit a B-BBEE Verification Certificate from a Verification Agency accredited by the South African Accreditation System (SANAS) or a Registered Auditor approved by the

Independent Regulatory Board of Auditors (IRBA) or an Accounting Officer as contemplated in the Close Corporation Act (CCA) together with the bid, will be interpreted to mean that preference points for B-BBEE status level of contribution are not claimed.

- 1.5. The purchaser reserves the right to require of a bidder, either before a bid is adjudicated or at any time subsequently, to substantiate any claim in regard to preferences, in any manner required by the purchaser.

## 2. DEFINITIONS

- 2.1 **“all applicable taxes”** includes value-added tax, pay as you earn, income tax, unemployment insurance fund contributions and skills development levies;
- 2.2 **“B-BBEE”** means broad-based black economic empowerment as defined in section 1 of the Broad -Based Black Economic Empowerment Act;
- 2.3 **“B-BBEE status level of contributor”** means the B-BBEE status received by a measured entity based on its overall performance using the relevant scorecard contained in the Codes of Good Practice on Black Economic Empowerment, issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act;
- 2.4 **“bid”** means a written offer in a prescribed or stipulated form in response to an invitation by an organ of state for the provision of services, works or goods, through price quotations, advertised competitive bidding processes or proposals;
- 2.5 **“Broad-Based Black Economic Empowerment Act”** means the Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003);
- 2.6 **“comparative price”** means the price after the factors of a non-firm price and all unconditional discounts that can be utilized have been taken into consideration;
- 2.7 **“consortium or joint venture”** 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;
- 2.8 **“contract”** means the agreement that results from the acceptance of a bid by an organ of state;
- 2.9 **“EME”** means any enterprise with a annual total revenue of R5 million or less.



- 2.10 **“Firm price”** means the price that is only subject to adjustments in accordance with the actual increase or decrease resulting from the change, imposition, or abolition of customs or excise duty and any other duty, levy, or tax, which, in terms of the law or regulation, is binding on the contractor and demonstrably has an influence on the price of any supplies, or the rendering costs of any service, for the execution of the contract;
- 2.11 **“functionality”** means the measurement according to predetermined norms, as set out in the bid documents, of a service or commodity that is designed to be practical and useful, working or operating, taking into account, among other factors, the quality, reliability, viability and durability of a service and the technical capacity and ability of a bidder;
- 2.12 **“non-firm prices”** means all prices other than “firm” prices;
- 2.13 **“person”** includes a juristic person;
- 2.14 **“rand value”** means the total estimated value of a contract in South African currency, calculated at the time of bid invitations, and includes all applicable taxes and excise duties;
- 2.15 **“sub-contract”** means the primary contractor’s assigning, leasing, making out work to, or employing, another person to support such primary contractor in the execution of part of a project in terms of the contract;
- 2.16 **“total revenue”** bears the same meaning assigned to this expression in the Codes of Good Practice on Black Economic Empowerment, issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act and promulgated in the *Government Gazette* on 9 February 2007;
- 2.17 **“trust”** means the arrangement through which the property of one person is made over or bequeathed to a trustee to administer such property for the benefit of another person; and
- 2.18 **“trustee”** means any person, including the founder of a trust, to whom property is bequeathed in order for such property to be administered for the benefit of another person.

### 3. ADJUDICATION USING A POINT SYSTEM

- 3.1 The bidder obtaining the highest number of total points will be awarded the

contract.

- 3.2 Preference points shall be calculated after prices have been brought to a comparative basis taking into account all factors of non-firm prices and all unconditional discounts;.
- 3.3 Points scored must be rounded off to the nearest 2 decimal places.
- 3.4 In the event that two or more bids have scored equal total points, the successful bid must be the one scoring the highest number of preference points for B-BBEE.
- 3.5 However, when functionality is part of the evaluation process and two or more bids have scored equal points including equal preference points for B-BBEE, the successful bid must be the one scoring the highest score for functionality.
- 3.6 Should two or more bids be equal in all respects, the award shall be decided by the drawing of lots.

#### 4. POINTS AWARDED FOR PRICE

##### 4.1 THE 80/20 OR 90/10 PREFERENCE POINT SYSTEMS

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

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

80/20    or    90/10

Where

$P_s$  = Points scored for comparative price of bid under consideration

$P_t$  = Comparative price of bid under consideration

$P_{\min}$  = Comparative price of lowest acceptable bid

#### Points awarded for B-BBEE Status Level of Contribution

- 5.1 In terms of Regulation 5 (2) and 6 (2) of the Preferential Procurement Regulations, preference points must be awarded to a bidder for attaining the B-BBEE status level of contribution in accordance with the table below:

<b>B-BBEE Status Level of Contributor</b>	<b>Number of points (90/10 system)</b>	<b>Number of points (80/20 system)</b>
1	10	20
2	9	18
3	8	16
4	5	12
5	4	8
6	3	6
7	2	4
8	1	2
Non-compliant contributor	0	0

- 5.2 Bidders who qualify as EMEs in terms of the B-BBEE Act must submit a certificate issued by an Accounting Officer as contemplated in the CCA or a Verification Agency accredited by SANAS or a Registered Auditor. Registered auditors do not need to meet the prerequisite for IRBA's approval for the purpose of conducting verification and issuing EMEs with B-BBEE Status Level Certificates.
- 5.3 Bidders other than EMEs must submit their original and valid B-BBEE status level verification certificate or a certified copy thereof, substantiating their B-BBEE rating issued by a Registered Auditor approved by IRBA or a Verification Agency accredited by SANAS.
- 5.4 A trust, consortium or joint venture, will qualify for points for their B-BBEE status level as a legal entity, provided that the entity submits their B-BBEE status level certificate.
- 5.5 A trust, consortium or joint venture will qualify for points for their B-BBEE status level as an unincorporated entity, provided that the entity submits their consolidated B-BBEE scorecard as if they were a group structure and that such a consolidated B-BBEE scorecard is prepared for every separate bid.
- 5.6 Tertiary institutions and public entities will be required to submit their B-BBEE status level certificates in terms of the specialized scorecard contained in the B-BBEE Codes of Good Practice.
- 5.7 A person will not be awarded points for B-BBEE status level if it is indicated in the bid documents that such a bidder intends sub-contracting more than 25% of the

value of the contract to any other enterprise that does not qualify for at least the points that such a bidder qualifies for, unless the intended sub-contractor is an EME that has the capability and ability to execute the sub-contract.

- 5.8 A person awarded a contract may not sub-contract more than 25% of the value of the contract to any other enterprise that does not have an equal or higher B-BBEE status level than the person concerned, unless the contract is sub-contracted to an EME that has the capability and ability to execute the sub-contract.

## 6. BID DECLARATION

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

## 7. B-BBEE STATUS LEVEL OF CONTRIBUTION CLAIMED IN TERMS OF PARAGRAPHS 1.3.1.2 AND 5.1

- 7.1 B-BBEE Status Level of Contribution: = (maximum of 10 or 20 points)

(Points claimed in respect of paragraph 7.1 must be in accordance with the table reflected in paragraph 5.1 and must be substantiated by means of a B-BBEE certificate issued by a Verification Agency accredited by SANAS or a Registered Auditor approved by IRBA or an Accounting Officer as contemplated in the CCA).

## 8 SUB-CONSULTING

- 8.1 Will any portion of the contract be sub-contracted? YES / NO (delete which is not applicable)

- 8.1.1 If yes, indicate:

- (i) what percentage of the contract will be subcontracted?

.....%

- (ii) the name of the sub-contractor?

.....

- (iii) the B-BBEE status level of the sub-contractor?

.....

- (iv) whether the sub-contractor is an EME? YES / NO (delete which is not applicable)

## 9 DECLARATION WITH REGARD TO COMPANY/FIRM

- 9.1 Name of firm : .....

9.2 VAT registration number .....

9.3 Company registration number

.....

9.4 TYPE OF COMPANY/ FIRM

☐ Partnership/Joint Venture / Consortium

☐ One person business/sole propriety

☐ Close corporation

☐ Company

☐ (Pty) Limited

[TICK APPLICABLE BOX]

9.5 DESCRIBE PRINCIPAL BUSINESS ACTIVITIES

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

9.6 COMPANY CLASSIFICATION

☐ Manufacturer

☐ Supplier

☐ Professional service provider

☐ Other service providers, e.g. transporter, etc.

[TICK APPLICABLE BOX]

9.7 MUNICIPAL INFORMATION

Municipality where business is situated

.....

Registered Account Number .....

Stand Number .....

9.8 TOTAL NUMBER OF YEARS THE COMPANY/FIRM HAS BEEN IN BUSINESS?

9.9 I/we, the undersigned, who is / are duly authorised to do so on behalf of the company/firm, certify that the points claimed, based on the B-BBE status level of contribution indicated in paragraph 7 of the foregoing certificate, qualifies the company/ firm for the preference(s) shown and I / we acknowledge that:

(i) The information furnished is true and correct;

(ii) The preference points claimed are in accordance with the General Conditions as indicated in paragraph 1 of this form.

(iii) In the event of a contract being awarded as a result of points claimed as shown in paragraph 7, the contractor may be required

to furnish documentary proof to the satisfaction of the purchaser that the claims are correct;

(iv)

- (a) disqualify the person from the bidding process;
- (b) recover costs, losses or damages it has incurred or suffered as a result of that person's conduct;
- (c) cancel the contract and claim any damages which it has suffered as a result of having to make less favourable arrangements due to such cancellation;
- (d) restrict the bidder or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, from obtaining business from any organ of state for a period not exceeding 10 years, after the audi alteram partem (hear the other side) rule has been applied; and
- (e) forward the matter for criminal prosecution

**WITNESSES:**

1. ....
2. ....

SIGNATURE(S) BIDDER(S)

DATE:.....ADDRESS:.....

## MBD 8

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

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

Item	Question	Yes	No
4.1	<p><b>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?</b></p> <p><i>(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 audi alteram partem rule was applied).</i></p> <p><b>The Database of Restricted Suppliers now resides on the National Treasury's website (<a href="http://www.treasury.gov.za">www.treasury.gov.za</a>) and can be accessed by clicking on its link at the bottom of the home page.</b></p>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.1.1	If so, furnish particulars:		

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



## CERTIFICATION

I, THE UNDERSIGNED (FULL NAME) .....  
 CERTIFY THAT THE INFORMATION FURNISHED ON THIS DECLARATION  
 FORM TRUE AND CORRECT.

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

.....  
Signature

Date .....

Position

.....

Name of Bidder

## MBD 9

### CERTIFICATE OF INDEPENDENT BID DETERMINATION

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

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

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

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

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

10. I am aware that, in addition and without prejudice to any other remedy provided

to combat any restrictive practices related to bids and contracts, bids that are suspicious will be reported to the Competition Commission for investigation and possible imposition of administrative penalties in terms of section 59 of the Competition Act No 89 of 1998 and or may be reported to the National Prosecuting Authority (NPA) for criminal investigation and or may be restricted from conducting business with the public sector for a period not exceeding ten (10) years in terms of the Prevention and Combating of Corrupt Activities Act No 12 of 2004 or any other applicable legislation.

.....  
Signature

.....  
Date

.....  
Position

.....  
Name of Bidder

## A: CERTIFICATE OF AUTHORITY OF AN ENTITY

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.

(I) Company	(II) Close Corporation	(III) Partnership	(IV) Joint Venture	(V) Sole Proprietor

### (I) CERTIFICATE FOR COMPANY

I ....., chairperson of the Board of Directors of ....., hereby confirm by resolution of the Board (copy attached) taken on ..... 20 ....., that

Mr/Ms ....., 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.

**Signature** ..... **of** ..... **Chairman:**

**Signature of Signatory:** .....

**As Witnesses:**

1.....Name in BlockLetters.....

2..... Name in Block Letters.....

**Date:** .....

## CERTIFICATE FOR CLOSE CORPORATION

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

.....hereby authorise

Mr/Ms.....

acting in the capacity of ....., to  
sign all documents

in connection with the tender for Contract No ..... and any  
contract resulting from it on our behalf.

**Signature of Signatory:** .....

**As Witnesses:**

1..... Name in Block Letters.....

2..... Name in Block Letters.....

**Date:** .....

NAME	ADDRESS	SIGNATURE	DATE

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

### (III) CERTIFICATE FOR PARTNERSHIP

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

.....hereby authorise

Mr/Ms... acting in the capacity of

....., to sign all documents in connection

with the tender for Contract No ..... and any  
contract resulting from it on our behalf.

**Signature of Signatory:**.....

**As Witnesses:**

1..... Name In Block  
Letters.....

2..... Name in Block  
Letters.....

**Date:** .....

NAME	ADDRESS	SIGNATURE	DATE

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



#### (IV) CERTIFICATE FOR JOINT VENTURE

We, the undersigned, are submitting this tender offer in Joint Venture and hereby authorize

Mr/Ms....., authorized signatory of the company,  
.....acting in the capacity of lead partner, to  
sign all documents in  
connection with the tender offer for Contract No .....and any  
contract resulting from it on our behalf.

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

**Signature of Signatory:** .....

**As Witnesses:**

1..... Name in Block  
Letters.....

2..... Name in Block Letters.....

**Date:** .....

NAME OF FIRM	ADDRESS	AUTHORISING SIGNATURE, NAME AND CAPACITY
Lead partner		

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

**(V) CERTIFICATE FOR SOLE PROPRIETOR**

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

**Signature of Sole owner:** .....

**As Witnesses:**

1..... Name in Block  
Letters.....

2..... Name in Block Letters.....

**Date:** .....

## **B: REGISTRATION CERTIFICATE OF AN ENTITY**

***[Important note to Tenderer: Registration Certificates for Companies, Close Corporations and Partnerships and ID documents for Sole Proprietors, must be inserted here. In the case of a Joint Venture, a copy of a duly signed Joint Venture Agreement clearly setting out the roles and responsibilities of the parties must be included with particular reference to the guarantees required in terms of the Contract Data. The Joint Venture Agreement must also clearly indicate how payment is to be effected to the entity and distributed to the parties]***

**E: DECLARATION OF PAYMENT OF MUNICIPAL SERVICES**

**DECLARATION TO CERTIFY THAT:**

**THE TENDERER HAS NO UNDISPUTED COMMITMENTS FOR MUNICIPAL SERVICES TOWARDS A MUNICIPALITY OF WHICH PAYMENT IS OVERDUE FOR MORE THAN 90 DAYS**

*[Proof of municipal rates account to be attached to this page]*

**DECLARATION**

The undersigned, who warrants that he/she is duly authorized to do so on behalf of the firm, confirms that there are no undisputed commitments for municipal services towards a municipality of which payment is overdue for more than 90 days to my personal knowledge, and save where stated otherwise to the best of my belief both true and correct.

Signature: .....

Duly authorized to sign on behalf of : .....

Address: .....

.....

.....

Telephone: .....

Date: .....

**F: RECORD OF ADDENDA TO TENDER DOCUMENTS**

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

AD D.N o.	DATE	TITLE OR DETAILS
1		
2		
3		
4		
5		

SIGNATURE: ..... DATE:.....  
(of person authorised to sign on behalf of the Tenderer)

G) REQUIREMENTS FOR SERVICE PROVIDER

Company Details

Registered name of the company : \_\_\_\_\_

Postal address of the company : \_\_\_\_\_

Street address of the company: \_\_\_\_\_

Telephone No. \_\_\_\_\_ -

Cell No. \_\_\_\_\_

E-mail address \_\_\_\_\_

Indemnity insurance detail (certified copy of letter must be attached)  
municipality may verify if the letter is authentic.

Company	Indemnity Insurance No.	Validity period

Key Personal

Name & surname	Position	Qualifications	Registered body and number

(I) **Members/Staff/ Permanent (CV with qualifications to be attached with certified copies)**

Name	Qualifications	Responsibility

**Programme**

Activity	Specify timeframes for the following activities		
	Start	Complete	Days

Experience on Environment Management Professional

Name of Institution/Municipality	Contact No	Contact Person	Financial year

**NB:** An appointment letters signed Delegated official must be attached to support the above informat