



ELIAS MOTSOALEDI LOCAL MUNICIPALITY

**EMLM 10/2024**

SITE(S) BOUNDARIES IDENTIFICATION: GROBLERSDAL EXTENSION 45 (GAME FARM)

<b>CLOSING DATE:</b>	<b>08 DECEMBER 2023</b>	<b>TIME</b>	<b>11H00</b>
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<b>NAME OF TENDERER / BIDDER</b>	
<b>TOTAL BID PRICE</b>	
<b>CENTRAL SUPPLIER DATABASE NUMBER</b>	MAAA-
<b>TOTAL SPECIFIC GOAL POINTS</b>	
<b>CONTACT PERSON</b>	
<b>TELEPHONE NUMBER</b>	
<b>FAX NUMBER</b>	
<b>EMAIL ADDRESS</b>	

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

# ELIAS MOTSOALEDI LOCAL MUNICIPALITY

## BIDDER'S TENDER DOCUMENTATION DECLARATION CERTIFICATION

I, the undersigned certify that the information furnished on this declaration form is correct, completed and submitted.	
NAME OF REPRESENTATIVE	
POSITION / DESIGNATION	
SIGNATURE	
DATE	

**T1.1 TENDER NOTICE & INVITATION**  
**ELIAS MOTSOALEDI LOCAL MUNICIPALITY**  
**TENDER NO.: EMLM 10/2024**  
**CLOSING DATE: 08 DECEMBER 2023 AT 11H00**



In terms of Section 110 of the Municipal Finance Management Act, 2003 (No. 56 of 2003), tenders are hereby invited for  
**SITE(S) BOUNDARIES IDENTIFICATION: GROBLERSDAL EXTENSION 45 (GAME FARM)**

Tender documents and specifications are available and can be obtained from CASHIERS OFFICE IN THE MAIN OFFICES, 2<sup>ND</sup> Grobler Avenue Groblersdal, P.O. Box 48, Groblersdal, 0470 (Tel: [013] 262 3056, at a non-refundable deposit of **R1000.00** when the bidder request/need a document from the municipality, and it is free of charge when downloaded from the e-Tender Portal. Payments can be made through bank guaranteed cheque payable to the Elias Motsoaledi Local Municipality or cash.

The closing time for receipt of tenders is **08 DECEMBER 2023 at 11H00**. Telegraphic, telephonic, telex, facsimile, e-mail, unmarked and **late tenders** will under no circumstances be considered and accepted. The tender box will be emptied just after closing time on the closing date. Hereafter all bids will be open in public.

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

Fully completed tender documents, clearly marked "**SITE(S) BOUNDARIES IDENTIFICATION: GROBLERSDAL EXTENSION 45 (GAME FARM)**" with "**NAME of TENDERER**" must be placed in a sealed envelope and placed in the **tender box No: 1** on the **2<sup>nd</sup> Grobler Avenue**, Elias Motsoaledi Local Municipality, Main Offices, Groblersdal, **by no later than 08 DECEMBER 2023 at 11H00**. The envelope must be endorsed with number, title and closing date as indicated above.

Bidders will be evaluated on functionality whereby **49 points (70%)** has to be attained before financial proposals can be looked at. A preferential point system shall apply whereby a contract will be allocated to a tenderer in accordance with the Preferential Procurement Policy Framework Act, Act No. 5 of 2000 and as defined in the Conditions of Tender in the tender document, read in conjunction with the Supply Chain Management Policy of Elias Motsoaledi Local Municipality where **80 points** will be allocated in respect of price and **20 points** in respect of specific goals.

No awards will be made to a person:

- Who is not registered on the Central Supplier Database;
- Who is in the service of the state;
- If that person is not a natural person, of which any director, manager, principal shareholder or stakeholder is a person in the service of the state; and/or
- Who is an advisor or consultant contracted with the municipality or municipal entity.

The municipality reserves the right to withdraw any invitation to tender and/or to re-advertise or to reject any tender or to accept a part of it. The municipality does not bind itself to accepting the lowest tender or award a contract to the bidder scoring the highest number of points



## TERMS OF REFERENCE

FOR

### **SITE(S) BOUNDARIES IDENTIFICATION: GROBLERSDAL EXTENSION 45 (GAME FARM)**

#### **1. Introduction**

Elias Motsoaledi Local Municipality intends appointing a service provider to undertake the process of identifying and marking hundred (100) residential sites (in terms of stand numbers) that forms part of Groblersdal extension 45.

#### **2. Background**

The Development Planning and Local Economic Development Directorate of Elias Motsoaledi Local Municipality has prioritized marking and identifying boundaries of the above said residential stands that are located at Groblersdal extension 45. The latter will be made up of hundred (100) stands since the process at hand is phased due to limitation of funds. The Municipality intends selling a chunk of the stands that makes up Groblersdal extension 45 to the public with the quest of neutralizing the Municipal housing backlog.

#### **3. Purpose**

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

#### **4. Objectives**

The main objective is to comply with the requisites of section 7 of the Spatial Planning and Land Use Management Act (16:2013).

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

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

- The appointed Service provider to conduct necessary due diligence to ascertain what is necessary to finalize the project at hand as per information availed by the Municipality.
- Pegging of erven.
- Sites Marking in terms of Numbers.
- Issuing of Beacon Certificate.

##### **5.1. List of Activities.**

1.	The appointed Service provider to conduct necessary due diligence to ascertain what is necessary to finalize the project at hand as per information availed by the Municipality.
2.	Pegging of 100 erven.
3.	Sites Marking in terms of Numbers.
4.	Issuing of Beacon Certificate.

## 6. Deliverables

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

### 6.1. Inception Report.

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

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

- Pegging of 100 sites.
- Sites Marking
- Issuing of Beacon Certificate(s).

The project is envisaged to be phased as follows:

Phase 1: Inception.

Phase 2: Pegging of 100 Sites.

Phase 3: Site Marking.

Phase 4: Issuing of Beacon Certificate(s).

### 4.2.1.PROPOSED MILESTONES.

Milestone	Month 1	Month 2	Month 3	Month 4	Month 5	Month 6
Inception report and project plan.	X					
Pegging of 100 Sites.		X	X			
Site Marking.				X		
Issuing of Beacon Certificate(s).					X	

The Land Surveyor) is expected to assemble a team of his choice within the confines of the available resources to enable the process at hand to run smoothly.

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

## 7. Relevant Skills and Experience.

Below, is a summary of mandatory requirements:

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

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

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

## 8. Documentation.

- Fully completed and signed application form.
- Power of Attorney.
- Site(s) Markings.
- Beacon Certificate.

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

- Presentation of the draft and final documents to all stakeholders.
- Five (5) hard copies of the draft and final document.
- Electronic copies of the draft and final copies.
- Word format with separate maps.
- PDF format (text & maps).
- Down sized PDF for website display.
- All maps in electronic ESRI Arc view shape files format, GIS spatially referenced.

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

## **Roles of the Service Provider**

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

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

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

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

Enter into service level agreement with the Municipality.

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

#### **Project Duration and Costs:**

Phase	Tasks	By-Law Reference	Deliverable	% Payment on Completion	Timeframe (to be completed by the Bidder)
<b>Phase 1:</b> Inception Report	Confirm project process & participation milestones	N/A	Inception meeting.  Project implementation plan (PIP)  PSC Meeting	15%	
<b>Phase 2:</b> Pegging of Sites	Identification of Sites Boundaries.	N/A	Actual Sites Boundaries Identification.	50%	
<b>Phase 3:</b>	Installation of Sites Markings	N/A	Actual Installation of Site Markings.	15%	
<b>Phase 4:</b>	Issuing of Beacon Certificate	N/A	Beacon Certificate	10%	
<b>Total</b>				<b>100%</b>	

## 9. EVALUATION METHODOLOGY AND CRITERIA

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

### Minimum Qualifying Requirements /Compulsory Returnable Documents:

1. Fully Completed and Signed MBD Forms with a black ink (1; 4; 6.1; 8 & 9).
2. Proof of Registration with Survey / Geomatics Regulatory Body. **South African Geomatics Council (SAGC) / (PLATO)**
3. Attach cost breakdown of the entire scope of work (**BOQ**)
4. Attach CSD registration report (**Detailed**). (**NB: Not Summary**).
5. Valid copy Entity / Company registration certificate.
6. Sign any alteration on the tender document (**NB: Not Initialed**).
7. Sign every page on the tender document (**NB: Not Initialed**).
8. Forms must be sign in a Black ink.
9. CIPC Abridged Certificate Annual returns (**NB applicable to entities that are in business for more than 12 months**).
10. Company Profile (**Detailing; Name of Client; Service Provided; Award Amount; Contact Person and Contact Number**).
11. Proof of Municipal rates and taxes or services charges:
  - Of the company and all of its directors not in arrears for more than 90 days or
  - Confirmation from the municipality if municipal rates and taxes are not levied (for the company and all its director(s)) as per CK/Company form of address on the registration certificate or
  - if leasing, a signed lease agreement by the lessor and the lessee and a Municipal rates and taxes in the name of the lessor for both company and director(s) not in arrears for more than 90 days (3 months).
12. Original Certified copies of ID's of the Director(s) (**Certification not older than 3 months before the closing date**).
13. **In case of a Joint Venture**, Association or Consortium a formal contract agreement must be signed by both parties and be attached and the following must be adhered to:
  - All of the above requirements must be for the both entities.

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

## PHASE 2: PRICE AND PREFERENTIAL POINTS ALLOCATIONS

For quotes with a Rand value up to R50 000 000, the preference point system of 80/20 will apply, where 80 points will be for (**Price**) and 20 points will be for **Specific Goals** (Black, Women, Disability & people living in rural underdeveloped areas) in terms of section 2(1)(d)of the Preferential Procurement Policy Framework Act, 2000, (Act No 5 Of 2000)

<b>Price</b>	=	<b>80 Points</b>
<b>Specific Goals</b>	=	<b>20 Points</b>
<b>Total</b>	=	<b>100 Points</b>

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)
▪ 51% Black owned Company	10	
▪ Company which 51% is owned by people living in rural underdeveloped areas	10	
<b>TOTAL POINTS</b>	<b>20</b>	

#### Phase 1: Functionality Evaluation

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

NO	EVALUATION CRITERIA	MAXIMUM POINTS
1	<b>COMPANY EXPERIENCE:</b> Bidder must demonstrate experience in preparation of land use applications & Subdivision – <b>(Appointment letters / Purchase Orders and Stamped Reference letters to be attached.)</b> ▪ 10 points per Appointment Letter / Purchase Orders & Stamped Reference letter.	40
2	<b>CAPACITY OF KEY PERSONNEL</b>  Team CV  ▪ <b>Project Leader:</b> Qualification: Degree / B-Tech in Land Survey / Geomatics  ✓ Above 5 years' experience = 30. ✓ 3 – 4 years' experience = 20. ✓ 1- 2 years' experience =10.  <b>(Attached C.V and Certified Copies of Qualifications; Certification not older than 3 months)</b>  Team CV  ▪ <b>Project Leader:</b> Qualification: Diploma in Land Survey / Geomatics (20 points)  ✓ Above 5 years' experience = 20. ✓ 3 – 4 years' experience = 15. ✓ 1- 2 years' experience =05.  <b>(Attached C.V and Certified Copies of Qualifications; Certification not older than 3 months)</b>	30
<b>TOTAL POINTS</b>		<b>70</b>
<b>MINIMUM QUALIFYING POINTS =49</b>		<b>70%</b>

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

## **CONCLUSION**

Any false information given by the Prospective Service Provider and not meeting the minimum qualifying requirement, will lead to automatic disqualification of the PSP.

The council reserves the right to either accept the whole or part of any Bid, or not to appoint at all. **Faxes or e-mail are not acceptable.**

Bidders will be required to show compliance with the New Preferential Procurement Policy Framework Act of 2022.

## **COMPULSORY MUNICIPAL BID DOCUMENTATION**

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

## INVITATION TO BID

**YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE (ELIAS MOTSOALEDI LOCAL MUNICIPALITY)**

BID NUMBER:	<b>EMLM 10/2024</b>	CLOSING DATE:	<b>08 DECEMBER 2023</b>	CLOSING TIME:	<b>11H00</b>
DESCRIPTION	<b>SITE(S) BOUNDARIES IDENTIFICATION: GROBLERSDAL EXTENSION 45 (GAME FARM)</b>				

**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)

**02 GROBLER AVENUE**

**GROBLERSDAL**

**0470**

**SUPPLIER INFORMATION**

NAME OF BIDDER				
POSTAL ADDRESS				
STREET ADDRESS				
TELEPHONE NUMBER	CODE		NUMBER	
CELLPHONE NUMBER				
FACSIMILE NUMBER	CODE		NUMBER	
E-MAIL ADDRESS				
VAT REGISTRATION NUMBER				
TAX COMPLIANCE STATUS	TCS PIN:		OR	CSD No:
B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE [TICK APPLICABLE BOX]	<input type="checkbox"/> Yes <input type="checkbox"/> No	B-BBEE STATUS LEVEL SWORN AFFIDAVIT	<input type="checkbox"/> Yes <input type="checkbox"/> No	

**[A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE/ SWORN AFFIDAVIT (FOR EMES & QSEs) MUST BE SUBMITTED IN ORDER TO QUALIFY FOR PREFERENCE POINTS FOR B-BBEE]**

ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES /WORKS OFFERED?	<input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES ENCLOSURE 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		TECHNICAL INFORMATION MAY BE DIRECTED	
DEPARTMENT	BUDGET AND TREASURY	DEPARTMENT	DEVELOPMENT PLANNING
CONTACT PERSON	M. MTHIMUNYE	CONTACT PERSON	B SETHOJOA
TELEPHONE NUMBER	013 262 3056	TELEPHONE NUMBER	082 082 1222
FACSIMILE NUMBER	013 262 2547	FACSIMILE NUMBER	N/A

E-MAIL ADDRESS

[mmthimunye@emlm.gov.za](mailto:mmthimunye@emlm.gov.za)

E-MAIL ADDRESS

[bsethoja@emlm.gov.za](mailto:bsethoja@emlm.gov.za)

**PART B**  
**TERMS AND CONDITIONS FOR BIDDING**

**1. BID SUBMISSION:**

- 1.1. BIDS MUST BE DELIVERED BY THE STIPULATED TIME TO THE CORRECT ADDRESS. LATE BIDS WILL NOT BE ACCEPTED FOR CONSIDERATION.
- 1.2. **ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS PROVIDED-(NOT TO BE RE-TYPED) OR ONLINE**
- 1.3. THIS BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT AND THE PREFERENTIAL PROCUREMENT REGULATIONS, 2022, THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER SPECIAL CONDITIONS OF CONTRACT.

**2. TAX COMPLIANCE REQUIREMENTS**

- 2.1 BIDDERS MUST ENSURE COMPLIANCE WITH THEIR TAX OBLIGATIONS.
- 2.2 BIDDERS ARE REQUIRED TO SUBMIT THEIR UNIQUE PERSONAL IDENTIFICATION NUMBER (PIN) ISSUED BY SARS TO ENABLE THE ORGAN OF STATE TO VIEW THE TAXPAYER'S PROFILE AND TAX STATUS.
- 2.3 APPLICATION FOR THE TAX COMPLIANCE STATUS (TCS) CERTIFICATE OR PIN MAY ALSO BE MADE VIA E-FILING. IN ORDER TO USE THIS PROVISION, TAXPAYERS WILL NEED TO REGISTER WITH SARS AS E-FILERS THROUGH THE WEBSITE WWW.SARS.GOV.ZA.
- 2.4 FOREIGN SUPPLIERS MUST COMPLETE THE PRE-AWARD QUESTIONNAIRE IN PART B:3.
- 2.5 BIDDERS MAY ALSO SUBMIT A PRINTED TCS CERTIFICATE TOGETHER WITH THE BID.
- 2.6 IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED, EACH PARTY MUST SUBMIT A SEPARATE TCS CERTIFICATE / PIN / CSD NUMBER.
- 2.7 WHERE NO TCS IS AVAILABLE BUT THE BIDDER IS REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD), A CSD NUMBER MUST BE PROVIDED.

**3. QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS**

- 3.1. IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)?  YES  
 NO
- 3.2. DOES THE ENTITY HAVE A BRANCH IN THE RSA?  YES  NO
- 3.3. DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA?   
YES  NO
- 3.4. DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA?   
YES  NO
- 3.5. IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION?  YES  
 NO

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

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

**SIGNATURE OF BIDDER:** .....

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

**DATE:** .....

## DECLARATION OF INTEREST

1. No bid will be accepted from persons in the service of the state.
2. Any person, having a kinship with persons in the service of the state, including a blood relationship, may make an offer or offers in terms of this invitation to bid. In view of possible allegations of favouritism, should the resulting bid, or part thereof, be awarded to persons connected with or related to persons in service of the state, it is required that the bidder or their authorised representative declare their position in relation to the evaluating/adjudicating authority.
3. In order to give effect to the above, the following questionnaire must be completed and submitted with the bid.
  - 3.1. Full Name of bidder or his or her representative: \_\_\_\_\_
  - 3.2. Identity Number: \_\_\_\_\_
  - 3.3. Position occupied in the Company (director, trustee, shareholder<sup>2</sup>): \_\_\_\_\_
  - 3.4. Company Registration Number: \_\_\_\_\_
  - 3.5. Tax Reference Number: \_\_\_\_\_
  - 3.6. VAT Registration Number: \_\_\_\_\_
  - 3.7. The names of all directors / trustees / shareholders members, their individual identity numbers and state employee numbers must be indicated in paragraph 4 below.
  - 3.8. Are you presently in the service of the state? ....
 

YES	NO
  - 3.8.1. If yes, furnish particulars.  
.....

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

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

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

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

YES	NO

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

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

.....

YES	NO

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

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

YES	NO

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

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

YES	NO

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

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

YES	NO

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

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

YES	NO

3.14.1. If yes, furnish particulars:

.....

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

Full Name	Identity Number	State Employee Number

.....  
Signature

.....  
Date

.....  
Capacity

.....  
Name of Bidder /Company

## PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL PROCUREMENT REGULATIONS 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
- the 90/10 system for requirements with a Rand value above R50 000 000 (all applicable taxes included).

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 **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	80
SPECIFIC GOALS	20
<b>Total points for Price and SPECIFIC GOALS</b>	<b>100</b>

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 OR 90/10 PREFERENCE POINT SYSTEMS

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

$$\begin{array}{ccc}
 80/20 & \text{or} & 90/10 \\
 \hline
 \mathbf{P_S = 80 \left(1 - \frac{Pt - P_{min}}{P_{min}}\right) \text{ or} \quad P_S = 90 \left(1 - \frac{Pt - P_{min}}{P_{min}}\right)} & &
 \end{array}$$

Where

Ps = Points scored for price of tender under consideration

Pt = Price of tender under consideration

Pmin = 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:

<b>80/20</b>	<b>or</b>	<b>90/10</b>
$P_S = 80 \left(1 + \frac{Pt - P_{max}}{P_{max}}\right)$ or		$P_S = 90 \left(1 + \frac{Pt - P_{max}}{P_{max}}\right)$

Where

Ps = Points scored for price of tender under consideration

Pt = Price of tender under consideration

P<sub>max</sub> = Price of highest 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:
- 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
  - (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 (80/20 system) (To be completed by the organ of state)	Number of points claimed (80/20 system) (To be completed by the tenderer)
▪ 51% Black owned Company	10	
▪ Company which 51% is owned by people living in rural underdeveloped areas	10	
<b>TOTAL POINTS</b>	<b>20</b>	

#### DECLARATION WITH REGARD TO COMPANY/FIRM

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

4.4. Company registration number: .....

#### 4.5. TYPE OF COMPANY/ FIRM

- Partnership/Joint Venture / Consortium
- One-person business/sole proprietor
- 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.

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

Item	Question	Yes	No
4.1	<p>Is the bidder or any of its directors listed on the National Treasury's Database of Restricted Suppliers as companies or persons prohibited from doing business with the public sector?</p> <p>(Companies or persons who are listed on this Database were informed in writing of this restriction by the Accounting Officer/Authority of the institution that imposed the restriction after the <i>audi alteram partem</i> rule was applied).</p> <p><b>The Database of Restricted Suppliers now resides on the National Treasury's website(<a href="http://www.treasury.gov.za">www.treasury.gov.za</a>) and can be accessed by clicking on its link at the bottom of the home page.</b></p>	<input type="checkbox"/>	<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)?  <b>The Register for Tender Defaulters can be accessed on the National Treasury's website (<a href="http://www.treasury.gov.za">www.treasury.gov.za</a>) by clicking on its link at the bottom of the home page.</b>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.2.1	If so, furnish particulars:		
4.3	Was the bidder or any of its directors convicted by a court of law (including a court of law outside the Republic of South Africa) for fraud or corruption during the past five years?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.3.1	If so, furnish particulars:		
Item	Question	Yes	No
4.4	Does the bidder or any of its directors owe any municipal rates and taxes or municipal charges to the municipality / municipal entity, or to any other municipality / municipal entity, that is in arrears for more than three months?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.4.1	If so, furnish particulars:		

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

### CERTIFICATION

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

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

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

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Position

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

**CERTIFICATE OF INDEPENDENT BID DETERMINATION**

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

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

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

**CERTIFICATE OF INDEPENDENT BID DETERMINATION**

I, the undersigned, in submitting the accompanying bid:

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**(Bid Number and Description)**

in response to the invitation for the bid made by:

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

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

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

**(Name of Bidder / Company)**

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

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

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

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

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**Signature**

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**Date**

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**Position**

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**Name of Bidder / Company**

## **GENERAL CONDITIONS OF CONTRACT**

The General Conditions of Contract are not included in this document and may be downloaded from the following website – [www.treasury.gov.za / legislation:](http://www.treasury.gov.za / legislation)