

MALUTI-A-PHOFUNG MUNICIPALITY



NOTICE NUMBER: 09/2025

BID NUMBER: SCM/BID09/2024/2025

**APPOINTMENT OF A PANEL OF ATTORNEYS TO RENDER LEGAL SERVICE AT
MALUTI-A-PHOFUNG LOCAL MUNICIPALITY FOR A PERIOD OF THREE (03)
YEARS**

CLOSING DATE: 20th MARCH 2025 AT 10H00

PREPARED FOR:

MALUTI-A-PHOFUNG MUNICIPALITY

PRIVATE BAG X 805

WITSIESHOEK

9870

TEL: (058) 718 6558

CONTACT PERSON: Mr L. Motlounge

E-MAIL: lebonam@map.fs.gov.za

PREPARED BY:

**SUPPLY CHAIN MANAGEMENT
UNIT**

**MALUTI-A-PHOFUNG
MUNICIPALITY**

PRIVATE BAG X 805

WITSIESHOEK

9870

TEL: (058) 718 3878

(058) 718 3870

NAME OF BIDDER: _____

BID AMOUNT EXCL/INCL VAT: _____

CSD NUMBER: _____

**NOTE: NO BIDS WILL BE CONSIDERED FROM PERSONS IN THE SERVICE OF THE
STATE.**

MALUTI-A-PHOFUNG MUNICIPALITY



NOTICE NUMBER: 09/2025
BID NO. SCM/BID09/2024/25

APPOINTMENT OF A PANEL OF ATTORNEYS TO RENDER LEGAL SERVICE AT MALUTI-A-PHOFUNG LOCAL MUNICIPALITY FOR A PERIOD OF THREE (03) YEARS

Maluti-a-Phofung Municipality hereby invite bids for **Appointment of a Panel of Attorneys to Render Legal Service at Maluti-A-Phofung Local Municipality for a Period of Three (03) Years**

Requirements:

- Bidders must submit Copy of Company Registration Certificate (CRC) Reflecting Active Members (Except for Sole Traders and Partnership).
- Bidders must be registered with Central Supplier Database (CSD), CSD number must be provided. Bidders are required submit their unique personal identification Number (Pin) issued by SARS to enable the Municipality to view the taxpayer's profile and tax Status. In Bids where consortia/ joint ventures/ sub-contractors are involved, each party must submit a separate Tax Compliance Status (TCS) Certificate/Pin/CSD Number
- Company registration certificate reflecting active members (Except for some traders and partnerships) must be attached.
- All supplementary forms including municipal rates and taxes clearance certificate form contained in the bid documents must be completed in full or (submit a proof that the municipal rates and taxes are not in arrears for more than three months)
- In Bids where consortia/ joint ventures/ sub-contractors are involved, each party must submit a separate Tax Compliance Status (TCS) Certificate/Pin/CSD Number
- Bidder must submit Company Profile.
- Sealed Bids should clearly indicate: **APPOINTMENT OF A PANEL OF ATTORNEYS TO RENDER LEGAL SERVICE AT MALUTI-A-PHOFUNG LOCAL MUNICIPALITY FOR APERIOD OF THREE (03) YEARS (SCM/BID09/2024/25)**

Closing date: **20th March 2025 at 10h00**

Bid Box: Bid Box No. "B"
Maluti-a-Phofung Municipality
Setsing Business Centre
C/O Moremoholo & Motloun streets
Phuthaditjhaba

Supply chain enquiries: M. Motsau (058)718 3878/ (058)718 3870 – mastokim@map.fs.gov.za
palesal@map.fs.gov.za

Technical Enquiries: L. Motloun (058) 718 6558 - lebonam@map.fs.gov.za

Please note:

1. **No bids will be accepted from persons in the service of the state.**
2. Bid documents may be download from e-tender portal at no extra charge or alternatively may be obtainable from Maluti-A-Phofung Local Municipality Phuthaditjhaba offices at the cashier's points as of **Wednesday the 19th of February 2025** after **10h00** upon payment of an amount of **R 244.32** non-refundable fee (cash or bank guaranteed in favour of Maluti-a-Phofung Municipality).
3. No electronic copies, telegraphics, telefaxes and late Bids will be accepted.
4. Municipality is not bound to accept the lowest Bid.
5. Municipality reserve the right not to award the bid.
6. Municipal Supply chain management policy and Preferential Procurement Policy Framework Act No 5 of 2000 (80/20 preferential points allocation system in line with revised Procurement Regulations of 2022 by using the balance scorecard methodology) will be applied.
7. Only one submission for this bid will be considered from the bidder.
8. Failure to comply with the above mentioned conditions may invalidate your bid.
9. Should you not receive any correspondence from us within 120 days regard your bid as unsuccessful.
10. Communication will be limited to the successful bidder.

MM MOFOKENG
MUNICIPAL MANAGER



SPECIFIC GOALS

HISTORICALLY DISADVANTAGED PERSONS = 10 POINTS	DOCUMENTATION REQUIRED FROM THE BIDDER TO VALIDATE THEIR CLAIM FOR POINTS
<p>Unfair discrimination on a basis of race and disability. Any person who had no franchise in national elections prior to the introduction of the Constitution of the Republic of South Africa and discriminated on a basis of disability.</p> <p>Persons with disabilities are people who have a long term or recurring impairment, including sensory which substantially limits their prospects of entry into or advancement in employment.</p>	<ul style="list-style-type: none"> • Company registration documents • Identification Documents • Doctor's report or a completed EEA1 form by a medical doctor confirming impairments
LOCATION BASED = 10 POINTS	DOCUMENTATION REQUIRED FROM THE BIDDER TO VALIDATE THEIR CLAIM FOR POINTS
<p>Within the boundaries of the Maluti A Phofung Municipality = 10 Points</p> <p>Within the boundaries of Thabo Mofutsanyana = 8 Points</p> <p>District Within the boundaries of the Free State = 5 Points</p> <p>Other Provinces = 2 Points</p>	<ul style="list-style-type: none"> • Official Municipal Rates Statement • Lease Agreement • Affidavit for rural entities

SPECIFICATION SCOPE OF WORK

1. LITIGATIONS

To represent the Municipality in various forums;

To institute legal proceedings against third parties on behalf of the Municipality;

To defend the Municipality in legal proceedings;

To advise the Municipality in any legal proceedings;

Any other service required by the Municipality in legal proceedings.

2. CORPORATE SERVICES

Services would be expected to include:

- a) Advising the municipality with respect to its rights and obligations under its various operating and other agreements;
- b) Advising the municipality in connection with potential disputes arising out of its various operating and other agreements;
- c) Advising the municipality with regard to possible acquisition, sales joint ventures and antitrust matters;
- d) Advising the municipality with respect to compliance and corporate governance issue;
- e) The municipality expect from time-to-time to require legal advices, assistance and representation in a corporate matters.

3. LAND MATTERS

- a) Represent the municipality in the disputes over the building property rights and land property rights and related responsibilities;
- b) Land restitution claims;
- c) Represent the municipality in a land invasion and or eviction matters;
- d) Land audit;
- e) Any other matter related to land issues.

4. LABOUR DISPUTES

- a) Represent the municipality at the labour disputes forums including the courts, bargaining council, CCMA, labour court and etc.;

- b) Conducting the disciplinary hearing on behalf of the municipality;
- c) Giving legal advice on the labour issues;
- d) Providing the necessary personnel/s to conduct the disciplinary hearing;
- e) Any other labour matter.

5. GENERAL LIABILITY

The municipality expect from time-to-time to require legal advices, assistance and representation in a general liability claims including but not limited to the following matters:

- a) Contractual disputes;
- b) Personal injury claims;
- c) Property damages
- d) Professional liability claims;
- e) Any other dispute relating to general liability.

6. CONVEYANCING

The service provider shall be expected to register the immovable assets of the municipality;
Any other conveyancing related matter.

7. ANY OTHER LEGAL MATTER

Any other legal matter not specifically mentioned herein that the Municipality may requires assistance with.

8. PROFESSIONAL CARE AND SERVICES

1. The firm must exercise all reasonable skill, care and diligence in discharging its obligations in terms of the agreement and shall comply with all prevailing legislation relating to the rendering of the services.
2. The service will be rendered in a timely manner as each request for services requires, and the firm will use reasonable endeavours to adhere to the time limits agreed upon when instructions are furnished,
3. The firm will be expected to respond to any issue raised by either telephone, fax or e-mail within 24 hours and to any issue raised in any letter or similar manner within 48 hours,
4. Where no time limits are agreed to, the services will be rendered within a reasonable period and where necessary, in accordance with the prevailing legislations.
5. Failure to render services within a reasonable time shall be regarded as non-performance and may lead to termination of the mandate.
6. The service provider shall not settle any claim or litigation by or against the municipality without the necessary consultation with the municipality.

9. Special requirements

The following are the special conditions applicable to this procurement:

- 9.1 The appointment of the panel of attorneys' firms will be for a period of Three (3) Year reckoned from the date of signing service level agreements with the Municipality.
- 9.2 The successful firms may be assigned work as and when required and the payment for service rendered will be accordance with agreed tariff.
- 9.3 For every assignment, an assignment/ appointment letter will be issued to the assigned firm.
- 9.4 The Municipality will negotiate fees charged at a rate per hour basis with all the successful firms; negotiate pre-approved rates/percentages for escalations over the period in line with the tariffs and the agreed tariff which will be part of the service agreement.
- 9.5 A firm of attorneys assigned any work may not cede, assign or sub-contract any part thereof to any person unless with the written consent of the Municipality or as may be required by the applicable regulations.
- 9.6 The appointment of Counsel will be in consultation with the Municipality.
- 9.7 The appointment to the Municipality's panel of attorneys does not guarantee assignment of work to any of the successful firms.
- 9.8 The successful attorneys' firms shall report directly to the Manager Legal Services or any person delegated by the Municipality in respect of any engagement and for the receipt and handling of all forms of reports and administration pertaining to any particular assignment.
- 9.9 The appointed firms will not represent the Municipality on the matters where conflict of interest exist i.e. where the firms also represent the other in the same case.
- 9.10 The appointed firms will provide the Municipality with the quarterly report on each matter.

9.2 Pricing

- 9.2.1 Proposals must provide a pricing schedule which clearly sets out the cost of providing the services including any applicable charges in line with court tariffs.
- 9.2.3 The pricing schedule must clearly indicate the hourly rate per level of the bidder's respective staff member(s) allocated to the Municipality to perform the activities as

set out in the scope.

9.3 Legal attorneys' selection

9.3.1 Attorneys selected to represent Municipalities must meet the following criteria:

- a. Bidders must be law firms registered with the Legal Practice Council (“LPC”). Bidders must attach the Fidelity Fund Certificate.
- b. The lead legal practitioner must be admitted to practice as a legal practitioner by the LPC. Bidders must provide the certificate of admission to practice as a legal practitioner and a certificate in good standing for the lead legal practitioner.
- c. Attorneys should have an experience and a comprehensive knowledge of the legislative mandate, and the prescripts governing municipalities or a local law firm with experience and knowledge of the legislative mandate, and the prescripts governing municipalities;
- d. Law firms and their attorneys must have no conflicts of interest in matters relating to the Municipality, it’s councillors, contracts or municipal staff;
- e. Fees in respect of litigious and non-litigious legal services rendered by Attorneys in respect of litigious and non-litigious legal services must be in accordance with the provisions of section 35(1) of Legal Practice Act 28 of 2014 and any deviation in this regard must be approved by the Municipal Manager;
- f. The Law firms must be registered with the Central Supplier Database (CSD);
- g. Complete the pricing schedule; and
- h. Complete the bidding form completely.

The Municipality to appoint a panel of attorneys (10 firms of attorneys of which at least 4 must be local).

9.4 Bid evaluation

The bids will be evaluated as follows:

9.4.1 Evaluation Stage One: Compliance

Compliance with administrative and mandatory requirements stated in the standard bidding documents. Bidders that fail to provide the required information and documentation will be disqualified from further evaluation.

9.4.2 Evaluation Stage Two: Functionality evaluation criteria

Bidders are expected to obtain a minimum of seventy out of hundred points available to proceed to the next evaluation stage. Failure to obtain the prescribed points will automatically disqualify the bid offer from proceeding to the next evaluation stage.

The evaluation criteria below will be applied:

FUNCTIONALITY EVALUATION CRITERIA

This bid will be evaluated and adjudicated according to the following criteria:

- Price Based - 80
- Specific Goals - 20
 - * HDI - 10
 - * Locality - 10
 - Maluti-a-Phofung 10
 - Thabo Mofutsanyana District 8
 - Free State Province 5
 - Outside 2

	EVALUATION CRITERIA	WEIGHT	SCORE
1.	<p>Accreditation</p> <p>The director of the law firm must be qualified and registered with the Legal Practice Council and have a valid Fidelity Fund Certificate.</p> <p>Points will be allocated for a qualified Attorney that submits the two certificates required failure to submit both certificates the bidder will be scored zero.</p> <p>Bidders must submit certified proof of valid accreditation/certificate of admission as Attorney and a certified valid Fidelity Fund Certificate. The certificates will be considered valid only if they are duly certified as true copies of the original.</p>	20	<p>20 = Certified valid proof of membership /accreditation and certified valid Fidelity Fund Certificate.</p> <p>0 = One or no submission</p>

2.	<p>Experience</p> <p>Points will be allocated for number of years' experience of appropriate resources relevant to the bid e.g. Attorney. Bidder must provide CV and qualifications of relevant key personnel.</p> <p>CV's of the assigned personnel to demonstrate skills and capabilities by showing current and previous work done as well as number of years in the field. Admission certificate and CV's will be used to determine the points scored for experience.</p>	35	<p>35 =Five and above years' experience.</p> <p>30 =Four years' experience.</p> <p>25 =Three years' experience.</p> <p>20=Two years' experience</p> <p>0 = Less than two years</p>
3.	<p>Performance</p> <p>Work performance on civil matters, legal opinions, labour matters and contracts over the last five years/ local law firm.</p> <p>Bidders must provide reference letter from previous clients with contactable reference</p> <p>Reference letter or confirmation letter attached as evidence and will only be considered valid if they meet the following criteria:</p> <ul style="list-style-type: none"> • Have client's letterhead, • Reference of similar service • Must contain contact details , signature and be dated by he authorised personnel 	30	<p>30 =Five or more reference/ confirmation letters.</p> <p>25 = Four confirmation letters</p> <p>20 =Three reference/ confirmation letters.</p> <p>15 =One to two reference/ confirmation letter(s)</p>
4.	<p>Capacity</p> <p>Availability of appropriate skills and resources to manage the civil matters, legal opinions, labour matters and contracts. CV or admission certificate or confirmation of articles to be attached as evidence.</p>	15	<p>10 = Three or more admitted attorneys.</p> <p>5 = 1 or 2 admitted attorneys.</p> <p>5 = Candidate attorney(s)</p>
	Maximum points	100	
	Minimum points required to proceed to next evaluation stage	70	

Prospective bidder who cover minimum of 70 points will be considered for further evaluation

Please note:

TOTAL	100
PRICE	80
SPECIFIC GOALS	20

PRICING SCHEDULE

Litigious Matters

High court

<u>No</u>	<u>Item</u>	<u>Description</u>	<u>Price excluding vat in rand</u>
1.	Consultation with client and witness to institute to defend an action, including exceptions and to draft an affidavit	Price per quarter of an hour or part thereof	
2.	Drawing up of formal documents and summonses, including documents such as the prescribed forms in First Schedule to these Rules	Price per page of the original only	
3.	Drawing up of other necessary documents including instruction for an opinion, for an advocate's guidance in preparing pleadings, including further particulars and request for same, including exception	Price per page of the original only	
4.	Drawing up of other necessary documents including exception or affidavit, any notice (except a formal notice), particular of claim, inclusive tariff – drawing up, delivery and filing thereof	Price per page of the original only	
5.	Letters, email: Inclusive tariff – drawing up, printing thereof	Price per page	
6.	Attending the receipt, perusing, considering of any summon, affidavit, pleading, important letter, notice or document		
7.	Necessary telephone calls; the actual cost thereof, plus for every five minutes or part thereof	Price per 5 minutes or part thereof	
8.	Necessary copies of and document or papers not already provided for	R 6.00 per A4 size page	
9.	Drawing the bill of costs	Percentage of the attorney's fees	
10.	Attending taxation	10.1 Percentage on the first R10 000.00 or portion thereof 10.2 percentage on the next R 10 000.00 or portion thereof, and 10.3 percentage on the balance of the total amount of the bill	
11.	Travelling Time	Price per quarter of an hour or part thereof	
12.	Waiting Time	Price per quarter of an hour or part thereof	
13.	Court attendance for trial or for any	Price per quarter of an	

	other hearing relating to proceedings by the attorney	hour or part thereof	
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The items included above are commonly utilized by the attorney renders any service not included above the high court tariffs applicable at the time the service is rendered will be applicable.

Magistrates' court

<u>No</u>	<u>Item</u>	<u>Description</u>	<u>Price excluding vat in rand</u>
1.	Taking instructions to sue or defend, counterclaim or defend counterclaim, perusal of documents consideration of merits and all consultations to issue summon	Price per quarter of an hour or part thereof	
2.	Summons	Price per page of the original only	
3.	Particulars of claim or declaration	Price per page of the original only	
4.	Appearance	Price per page of the original only	
5.	Notice in terms of Rule 12(2) and 21B(2)	Price per page	
6.	Plea	Price per page	
7.	Claim in reconvention	Price per 5 minutes or part thereof	
8.	Reply	R 6.00 per A4 size page	
9.	Drawing up of all documents not specifically mentioned	Price per quarter of an hour or part thereof	
10.	Waiting time at court	Price per quarter of an hour or part thereof	
11.	Travelling Time	Price per quarter of an hour or part thereof	
12.	Drawing up the bill of costs	Price of the attorney's fees	
13.	Attending taxation	Percentage of the total of bill allowed	
14.	Court attendance for trial or any other hearing relating to proceedings by the attorney	Price per quarter of an hour or part thereof	

The items included above are commonly utilized by the attorneys render any service not included above the Magistrates' Court Tariffs applicable at the time the service is rendered will be applicable.

Non-litigious matters

Attorney and client fee schedule applicable to non-litigious matter

PROFESSIONAL STATUS	RATE PER HOUR WITH THE MAXIMUM OF 10 HOURS PER DAY
Director/ Partner with more than 10 years' experience	
Director/ Partner with speciality for more than 5	

years	
Director/ Partner with 5 to 10 year Experience	
Partner/ Director with 3 to 5 year experience	
Professional Assistants with 5 to 10 year	
Support or witness experts/ consultants with 5 years or more experience	
Professional Assistants with 1 to 5 years' experience	
Candidate Attorneys	

**PART A
INVITATION TO BID**

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF MALUTI-A-PHOFUNG LOCAL MUNICIPALITY					
BID NUMBER:	SCM/BID09/2024/2025	CLOSING DATE:	20 MARCH 2025	CLOSING TIME:	10H00
DESCRIPTION	APPOINTMENT OF A PANEL OF ATTORNEYS TO RENDER LEGAL SERVICE AT MALUTI-A-PHOFUNG LOCAL MUNICIPALITY FOR A PERIOD OF THREE (03) YEARS				
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:

MALUTI-A-PHOFUNG LOCAL MUNICIPALITY
CNR MOREMOHOLO & MOTLOUNG STREETS
SETSING BUSINESS CENTRE
PHUTHADITJHABA
9870
BID BOX "B"

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:	
ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES OFFERED?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES OFFERED?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
	[IF YES ENCLOSE PROOF]			[IF YES, ANSWER PART B:3]	
TOTAL NUMBER OF ITEMS OFFERED			TOTAL BID PRICE	R	
SIGNATURE OF BIDDER		DATE		
CAPACITY UNDER WHICH THIS BID IS SIGNED					
BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO:			TECHNICAL INFORMATION MAY BE DIRECTED TO:		
DEPARTMENT	SCM		TECHNICAL ENQUIRY	LEGAL SERVICES	
CONTACT PERSON	MISS M. MOTSAU OR MISS P. LITSIBANE		CONTACT PERSON	Mr L. MOTLOUNG	
TELEPHONE NUMBER	058 718 3878/70		TELEPHONE NUMBER	058 718 6558	
E-MAIL ADDRESS	mastokim@map.fs.gov.za palesal@map.fs.gov.za		E-MAIL ADDRESS	lebonam@map.fs.gov.za a	

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 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:

TAX CLEARANCE REQUIREMENTS

IT IS A CONDITION OF BIDDING THAT -

1. The taxes of the successful bidder must be in order, or that satisfactory arrangements have been made with the Receiver of Revenue to meet his / her tax obligations.
2. The attached form “Application for Tax Clearance Certificate (in respect of bidders)”, must be completed in all respects and submitted to the Receiver of Revenue where the bidder is registered for tax purposes. The Receiver of Revenue will then furnish the bidder with a Tax Clearance Certificate that will be valid for a period of twelve (12) months from date of issue. This Tax Clearance Certificate must be submitted in the original together with the bid. Failure to submit the original and valid Tax Clearance Certificate may invalidate the bid.
3. In bids where Consortia / Joint Ventures / Sub-contractors are involved each party must submit a separate Tax Clearance Certificate. Copies of the Application for Tax Clearance Certificates are available at any Receiver’s Office.

MBD2/ Application for tax Certificate...

**APPLICATION FOR TAX CLEARANCE CERTIFICATE
(IN RESPECT OF BIDDERS)**

1. Name of taxpayer / bidder:

2. Trade name:

3. Identification number:

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4. Company / Close Corporation registration number:

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

5. Income tax reference number:

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

6. VAT registration number (if applicable):

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7. PAYE employer's registration number (if applicable):

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

Signature of contact person requiring Tax Clearance Certificate:.....
.....

Name:

Telephone number: Code:..... Number:

Address:
.....
.....

DATE: 20____ / ____ / ____

PLEASE NOTE THAT THE COMMISSIONER FOR THE SOUTH AFRICAN REVENUE SERVICE (SARS) WILL NOT EXERCISE HIS DISCRETIONARY POWERS IN FAVOUR OF ANY PERSON WITH REGARD TO ANY INTEREST, PENALTIES AND / OR ADDITIONAL TAX LEVIABLE DUE TO THE LATE- OR UNDERPAYMENT OF TAXES, DUTIES OR LEVIES OR THE RENDITION RETURNS BY ANY PERSON AS A RESULT OF ANY SYSTEM NOT BEING YEAR 2000 COMPLIANT.

DECLARATION OF INTEREST

- 1. No bid will be accepted from persons in the service of the state¹.
- 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, hareholder²):.....
- 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.

¹MSCM 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

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

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

NB: BEFORE COMPLETING THIS FORM, BIDDERS 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 all bids:
 - **the 80/20 system for requirements with a Rand value of up to R50 000 000 (all applicable taxes included); and**
 - **the 90/10 system for requirements with a Rand value above R50 000 000 (all applicable taxes included).**
- 1.2 a) The value of this bid is estimated to exceed/not exceed R50 000 000 (all applicable taxes included) and therefore the 80/20 preference point system shall be applicable; or
- 1.3 Points for this bid shall be awarded for:
 - (a) Price; and
 - (b) Specific goals
- 1.4 The maximum points for this bid are allocated as follows:
- 1.5

	POINTS
PRICE	80
SPECIFIC GOALS	20
Total points for Price and Specific Goals must not exceed	100

- 1.6 Failure on the part of a bidder 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.
- 1.7 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

The words in this policy shall bear a meaning as prescribed and/or ascribed by applicable legislation, and in the event of a conflict, the meaning attached thereto by National Legislation shall prevail:

- (a) “Act” means the Preferential Procurement Policy Framework Act, 2000 (Act No. 5 of 2000).
- (b) “Black people” as defined in the Broad-Based Black Economic Empowerment Act, 2003 (Act No 53 of 2003), is a generic term which means Africans, Coloured and Indians.
- (c) “Tender” means a written offer or bid in a prescribed or stipulated form in response to an invitation by an organ of state for the provision of services or goods.
- (d) “price” means an amount of money tendered for good or services, and includes all applicable taxes less all unconditional discounts;
- (e) “rand value” means the total estimated value of a contract in rand, calculated at the time of bid tender invitation, and includes all applicable taxes and
- (f) “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 auction.

3. FORMULAE FOR PROCUREMENT OF GOODS AND SERVICES

3.1 POINTS AWARDED FOR PRICE

3.1.1 THE 80/20 PREFERENCE POINT SYSTEMS

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

80/20

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

Where

P_s = Points scored for price of bid under consideration

P_t = Price of bid under consideration

P_{min} = Price of lowest acceptable bid

4. POINTS AWARDED FOR SPECIFICATION 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 (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 allocated (90/10 system) (To be completed by the tenderer)	Number of points allocated (80/20 system) (To be completed by the tenderer)
Historically Disadvantaged = 10 Points		10		
Locality =10 Points <ul style="list-style-type: none"> • Maluti a Phofung 10 points • Thabo Mofutsanyana 8 points • Free State 5points • Other Provinces 2 points 		10		
Total Points Allocated		20		

DECLARATION WITH REGARD TO COMPANY/FIRM

4.1 Name of company/firm:.....

4.2 VAT registration number:.....

4.3 Company registration number:.....

4.4 TYPE OF COMPANY/ FIRM

- Partnership/Joint Venture / Consortium
- One person business/sole propriety
- Close corporation
- Company
- (Pty) Limited

[TICK APPLICABLE BOX]

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): _____ Date: _____

DECLARATION OF BIDDER’S PAST SUPPLY CHAIN MANAGEMENT PRACTICES

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

Item	Question	Yes	No
4.1	<p>Is the bidder or any of its directors listed on the National Treasury’s Database of Restricted Suppliers as companies or persons prohibited from doing business with the public sector?</p> <p>(Companies or persons who are listed on this Database were informed in writing of this restriction by the Accounting Officer/Authority of the institution that imposed the restriction after the <i>audi alteram partem</i> rule was applied).</p> <p>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> <input type="checkbox"/>	<p>No</p> <input type="checkbox"/>
4.1.1	If so, furnish particulars:		
4.2	<p>Is the bidder or any of its directors listed on the Register for Tender Defaulters in terms of section 29 of the Prevention and Combating of Corrupt Activities Act (No 12 of 2004)?</p> <p>The Register for Tender Defaulters can be accessed on the National Treasury’s website (www.treasury.gov.za) by clicking on its link at the bottom of the home page.</p>	<p>Yes</p> <input type="checkbox"/>	<p>No</p> <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

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 *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:

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

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 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 consortium³ 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.

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

Maluti-a-Phofung Municipality



Setsing Business Centre
C/o Moremoholo & Motloun Streets
Phuthaditjhaba
9866

Private Bag X805
Witsieshoek
9870
Tel: 058 718 3700
Fax: 058 713 0459

Enquiries: Supply Chain Management Unit

MUNICIPAL SERVICES, RATES AND TAXES CLEARANCE CERTIFICATE FOR SUPPLY CHAIN MANAGEMENT PURPOSE

The purpose of this form is to obtain prove that municipal services, rates and taxes of the service provider are not more than three months in arrears with the relevant municipality / landlord in the municipal area where the service provider conduct his / her business. **This form is to be completed only if the service provider's rates and taxes are not in arrears for more than three months.**

PART A – to be completed by the relevant municipality in the case where the service provider is the registered owner of the site / owner pays for municipal services / tenant pays for municipal services

OR

PART B – to be completed by the landlord in the case where the service provider is renting the premises / rental paid by tenant include municipal services.

PART A (TO BE COMPLETED BY THE RELEVANT MUNICIPALITY)	
Name of the Municipality:	
Property Physical Address:	
Registered Name:	
Official's Name: _____	Municipality Stamp Here
Signature : _____	
Date: _____	
Please tick whether in arrears or up-to-date	
Rates and taxes : Up-to-date / in arrears for more than 3 months	

Water:	Up-to-date	/	in arrears for more than 3 months
Electricity:	Up-to-date	/	in arrears for more than 3 months
Refuse :	Up-to-date	/	in arrears for more than 3 months
Other services:	Up-to-date	/	in arrears for more than 3 months

PART B (TO BE COMPLETED BY THE LANDLORD)

Name of the Landlord:

Property Physical Address:

Landlord Signature:

Date: _____

**Landlord's business stamp here Or an Affidavit from SAPS
Lease Agreement (Compulsory)**

Please tick whether up-to-date or in arrears

Rental: Up-to-date / in arrears for more than 3 months

Municipal services: Up-to-date / in arrears for more than 3 months

NB: In the event that company is operating on leased premises and the address is not the same as the Company registration both lease agreement and landlord statement of account (not in arrears for more than three months) must be attached.

: If the company address or operate in rural settlement the service provider should attach their electricity purchase pattern. Electricity purchase pattern can be validated once the company purchase electricity in three (03) consecutive months.

: In the event the landlord does not have a business stamp an affidavit from SAPS AND lease Agreement must be attached.