

TSWAING LOCAL MUNICIPALITY



TENDER: SCM 005/2025/26

**APPLICATIONS ARE HEREBY INVITED FROM INTERESTED
ATTORNEYS / LAW FIRMS TO SERVE ON A PANEL OF ATTORNEYS
FOR TSWAING LOCAL MUNICIPALITY (12 MONTHS)**

BID DOCUMENT

NAME OF TENDERER:			
TOTAL TENDER AMOUNT AS PER THE OFFER PAGE			
COMPACT DISCS INCLUDED	YES	NO	NUMBER OF COPIES
BRIEFING SESSION DATE	N/A		
CLOSING DATE:	12/12/2025		

PREPARED AND ISSUED BY:

The Municipal Manager
Tswaing local municipality
P.O. Box 24
Delareyville
2770

CNR GEN DELAREY & GOV STR
DELAREYVILLE
2770
Tel: (053) 948 0900
Fax: (053) 948 1500

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APPLICATIONS ARE HEREBY INVITED FROM INTERESTED ATTORNEYS / LAW FIRMS TO SERVE ON A PANEL OF ATTORNEYS FOR TSWAING LOCAL MUNICIPALITY FOR A PERIOD OF TWELVE MONTHS.

The attorneys/law firms must be registered with the relevant law societies, have **an understanding** of municipal law and must inter alia be able to execute the following functions, which includes but not limited to the following:

1.	Property Registration and Conveyance	6.	Labour Disputes
2.	Legal Opinion	7.	Legislative Drafting and Review
3.	Labour Litigation	8.	Town Planning Litigation
4.	Drafting of Agreements	9.	Policy Formulation
5.	Land Restitution	10.	Civil and criminal Litigation

Bid documents must be submitted in a sealed envelope clearly marked with the bid number, closing date and, dropped off in the tender box at Tswaing Local Municipality, CNR GENERAL DELAREY & GOVERNMENT STREET, 2770 by no later than **16h00 on 12/12/2025**. The bid box is generally open from 7h30 to 16h00 Monday to Friday. All quotes must be submitted on the official forms – (Not to be retyped). This bid is subject to the general conditions of contract (GCC) and any other special conditions of contract.

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

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

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

Tender will be evaluated using functionality and PPR 2022.

NB: Please provide an itemized breakdown (on a separated sheet) of the total “tender sum” shown on the bid document.

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

Technical enquiries:

SCM related enquires: T.J Melken (053 948 1943 – alternatively use tmelken@tswaing.gov.za)

Mr. B Phutiyagae
ACTING MUNICIPAL MANAGER

APPLICATION ARE HEREBY INVITED FROM INTERESTED ATTORNEYS / LAW FIRMS TO SERVE ON A PANEL OF ATTORNEYS FOR TSWAING LOCAL MUNICIPALITY (12 MONTHS CONTRACT).

1. SCOPE OF WORK

The successful bidder (s) shall be required to assist the Tswaing Local Municipality's Legal Unit in rendering legal services on an *ad hoc* basis in the following categories:

The attorneys / law firms must be registered with the relevant law societies, have **an understanding** of municipal law and must *inter alia* be able to execute the following functions, which includes but not limited to the following:

1.	Property Registration and Conveyance	6.	Labour Disputes
2.	Legal Opinion	7.	Legislative Drafting and Review
3.	Labour Litigation	8.	Town Planning Litigation
4.	Drafting of Agreements	9.	Policy Formulation
5.	Land Restitution	10.	Civil and criminal Litigation

It is important that the firm of Attorneys ensure continuous quality and consistency of services.

1. DURATION OF THE CONTRACT

The duration of the Panel of Attorneys' database is TWELVE Months. The firm of Attorneys will be required to enter into a formal service level agreement governing the activities of the Panel of Attorneys with the Tswaing Local Municipality within thirty (30) days of receipt of a letter of appointment.

The firm of Attorneys will be required to provide effective and competent legal services as and when instructed subject to Tswaing Local Municipality Supply Chain Management Policy.

Appointment to the panel does not in any way guarantee that a firm of Attorneys will receive instructions.

2. DOCUMENTS AND CONTENT REQUIRED

The bidders must include the following in their submission:

- 2.1 The firm's profile, which must include the Directors, Partners and / or Associates of the firm.
 - 2.2 Knowledge and experience in the selected category as outlined in the advert above, which must include a minimum of five (5) previous and / or current projects being done or completed.
 - 2.3 Bidders must provide the following:
 - Summary of work performed or under way;
 - Year in which the project commenced and was completed; and
 - At least three (3) contactable references for the projects referred to herein.
 - 2.4 Curricula vitae of the firm's team members in the respective categories, which must, amongst others, include:
 - Experience of the team members in the selected category as mentioned in above; and
 - Tertiary and all relevant qualifications with full particulars, including the date obtained and the name of the institution from which the qualification was obtained.
- 5 A list of Junior and Senior Counsel who are associated with the firm and their track records in line with the requirements of the Municipality. Preference will be given to Counsel who have experience and / or knowledge in the selected categories.
- 6 Proof of Company / Firm's Registration with a South African Law Society.
- 7 Certified ID copies of all Members/Directors of Company, Firm or Sole Proprietor.
- 8 Proof of VAT registration, where applicable.
- 9 Bank details (together with an original cancelled cheque/bank stamp or original letter from Financial Institution)

- 10 Original or certified copy of valid B-BBEE status level verification
- 11 Certified copy of the Attorney Fidelity Fund Certificate – failure to submit the Fidelity Fund Certificate will lead to non-registration on the Panel.
- 12 Professional Admission Registration Certificates must be submitted with the bid.

3. GENERAL REQUIREMENTS

- 3.1 Only legal practices established in accordance with the provisions of the Attorneys Act, 1979 (Act No 53 of 1979 as amended) will be considered.
- 3.2 A contract will be concluded with each successful firm to the panel and be obliged to sign confidentiality and indemnity agreements.
- 3.3 Panel members are not guaranteed any work under this tender proposal. The engagement will be on an assignment basis.
- 3.4 Tswaing Local Municipality may, at its sole discretion, award an assignment or any part thereof to more than one panel member or may at its own discretion vary an instruction to include more work.
- 3.5 The firm of Attorneys may not cede or assign any part of its agreement with the Tswaing Local Municipality nor sub-contract any part of the work assigned to them without prior written authorization of the Tswaing Local Municipality, i.e. if the work assigned is at the Magistrates Court.
- 3.6 The firms of Attorneys must declare any interest it has in an assignment as well as declare any possible conflict of interest with the Tswaing Local Municipality in the pursuance of the proposed assignment. In the event that any conflict of interest is discovered during the assignment, the Council reserves the right to summarily cancel the Agreement and demand that all information, documents and property of the Council be returned forthwith.
- 3.7 The database registration is valid for a period of 12 months.
- 3.8 The respective firms of Attorneys will report to the Senior Manager: Legal Services.
- 3.9 Intellectual Property Rights – All copyrights and intellectual property rights that may result as consequences of the work to be performed will become the property of the Council.

3.10 Firms of Attorneys must hand over all documents and information in any format, including copies thereto, that it received from Tswaing Local Municipality or that it had access to during the assignment immediately after completion of the assignment.

3.11 The Council reserves the right to interview panel members that are shortlisted for specific assignments.

Mandatory Documents

i.) Valid tax clearance ii.) BBBEE certificate iii.) Municipal bill iv.) Certified C.K. documents v.) I.D. copies (certified) vi.) CSD registrations number

EVALUATION CRITERIA

The functional / technical criteria that will be utilized to test the capacity of the service provider are set out below. Proposals will be evaluated using the 80/20 preference point system as set out in the Preferential Procurement Policy Framework Act 2000, (Act No.5 of 2000).

The evaluation criteria will consist of the following three (3) phases:

PHASE 1: Mandatory Requirements

- Completion of all MBD and all mandatory documents e.g. Tax Clearance certificate, company registration documents etc.
- Valid letter of good standing from the relevant Law Society, for each team member not older than 6 months.
- Current Fidelity Fund Certificate.

• Bidders that do not meet these minimum requirements at this stage will be regarded as nonresponsive and will not be considered for further evaluation.

• The above phase does not have any weighting. Bidders will be automatically disqualified if any of the MBD documents are not completed or submitted, or any other mandatory requirements are not complied with.

PHASE 2: Functionality

Points

Experience of the bidders for each selected category mentioned below:

- Local Government Law and Regulations;
- Labour Law and Employment Law;
- Conveyancing;
- Drafting of Legal Opinions regarding various Legal matters; • Labour Matters;

50

• Issues regarding application of Local Government Legislations; • Magistrates and High Court Litigation; and • Litigation High Court and Constitutional Court. The scores will be allocated for minimum experience in each of the above categories as follows: 5 year = 5 points 6 years = 10 points 7 years = 20 points 8 years = 30 points 9 years = 40 points 10 years+ = 50 points	
Detailed CVs of team members who will be directly involved in providing the required services. The team members must have at least three (3) years' experience in the selected category. The scores will be allocated for experience, as follows: 5 years = 5 points 6 years = 10 points 7 years = 15 points 8 years = 20 points 9 years = 25 points 10 years + = 30 points	30
A minimum of three (3) contactable references where the bidder has rendered legal services in the selected category.	20
TOTAL POINTS	100

- All bidders who score 60 points and above out of 100 on functionality, in each category, will be considered for further evaluation. Each category will be evaluated separately.
- Only bidders that have achieved the minimum qualifying points for functionality will be Evaluated further in accordance with the 80/20 preference point system as follows:

Price & BBBEE	Points
Price	80

SPECIFIC GOALS	20
TOTAL	100

Pricing Schedule

Project description	AMOUNT (r)
Application Are Hereby Invited From Interested Attorneys / Law Firms To Serve On A Panel Of Attorneys For Tswaing Local Municipality (12 months Contract)	
Total	
Vat(15%)	
Subtotal	

COMPANY STAMP

Bidder's Signature

TAX CLEARANCE CERTIFICATE REQUIREMENTS

It Is a condition of the bid that the taxes of the successful bidder must be in order or that satisfactory arrangement have been made with South African Revenue Service(SARS) to meet the bidders tax obligations.

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

SBD 4

DECLARATION OF INTEREST

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

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

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

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

2.2 Identity Number:
.....

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

2.4 Company Registration Number:
.....

2.5 Tax Reference Number:
.....

2.6 VAT Registration Number:
.....

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

¹"State" means –

- (a) any national or provincial department, national or provincial public entity or constitutional institution within the meaning of the Public Finance Management Act, 1999 (Act No. 1 of 1999);
- (b) any municipality or municipal entity;

- (c) provincial legislature;
- (d) national Assembly or the national Council of provinces; or
- (e) Parliament.

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

2.7 Are you or any person connected with the bidder **YES / NO** presently employed by the state?

2.7.1 If so, furnish the following particulars:

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

.....

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

.....

Position occupied in the state institution:

.....

Any other particulars:

.....

.....

.....

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

2.7.2.1 If yes, did you attached proof of such authority to the bid **YES / NO** document?

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

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

.....

.....

.....

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

2.8.1 If so, furnish particulars:

.....

.....

.....

2.9 Do you, or any person connected with the bidder,
have
any relationship (family, friend, other) with a person
employed by the state and who may be involved
with the evaluation and or adjudication of this bid?
2.9.1If so, furnish particulars.

YES / NO

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

Are you, or any person connected with the bidder,
aware of any relationship (family, friend, other)
between any other bidder and any person employed by the
state who may be involved with the evaluation and or
adjudication of this bid?
2.10.1 If so, furnish particulars.

YES/NO

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

Do you or any of the directors / trustees / shareholders / members
of the company have any interest in any other related companies
whether or not they are bidding for this contract?
2.11.1 If so, furnish particulars:

YES/NO

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

Full details of directors / trustees / members / shareholders.

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

4 DECLARATION

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

CERTIFY THAT THE INFORMATION FURNISHED IN PARAGRAPHS 2 and 3 ABOVE IS CORRECT. I ACCEPT THAT THE STATE MAY REJECT THE BID OR ACT AGAINST ME IN TERMS

OF PARAGRAPH 23 OF THE GENERAL CONDITIONS OF CONTRACT SHOULD THIS DECLARATION PROVE TO BE FALSE.

.....
Signature Date

.....
Position Name of bidder

Preferential Procurement Regulation 2022

52. Specific goals

- (a) Company which at least 51% is owned by Black People
- (b) Company which is at least 51% is owned by women
- (c) Company which at least 51% is owned by people with disabilities
- (d) Company which 51% is owned by people living in rural underdeveloped areas
- (e) Locality

Points to be allocated for specific goals and to promote economic development"

1. The following conditions will stipulate the specific goals as contemplated in section 2(1) (d) (ii) of the Preferential Procurement Policy Framework Act, be attained.

2. A maximum of 20 points (80/20) preference points system or 10 (90/10) preference points system will be allocated for specific goals. These goals are as follow"

a) Contracting with persons, or categories of persons, historically disadvantaged by unfair discrimination on the basis of race, gender or disability;

b) the promotion of enterprise located in the local area (phased in approach to be applied for other RDP

3. On paragraph 2 (b) above 50% of the (20/10) points will be allocated to promote this goal. Points will be allocated as follows:

Local area of Supplier Number of Points for

Preference (50%) Means of Verification

80/20 90/10

Within the area of Tswaing Local Municipality. 10 5 Company registration- physical address

Within the area of Ngaka Modiri Molema

District Municipality. 6 3 Company registration- physical address

Within the area of North West Province. 4 2 Company registration- physical address

Within the Republic of South Africa. 2 1 Company registration- physical address

4. Any specific goal for which a point may be awarded, must be clearly specified in the invitation to submit a tender

5. A tender failing to submit proof of required evidence to claim preference for other specified goals, which is in line section 2 (1) (d) (i) of the Act.

a) may only score in terms of the 80/90-point formula for price and;

b) Scores 0 points out of 10/5 of the relevant specific goals where the supplier or service provider did not stipulate the area where the business is operating and/ or locating.

6. The preference points scored by a tender must be added to the points scored for price

7. The points scored must be rounded off to the nearest two decimal places

8. The contract must be awarded to the tender scoring the highest points

Specific Goals Number of

Points for

Preference

(80/20) Number of

Points for

Preference

(90/10) Means of Verification

Company which at least 51% is owned by Black People 10 5 CSD Report

Company which is at least

51% is owned by women 10 5 CSD Report

Company which at least 51% is owned by people with

disabilities 10 5 Medical report indicating disability /CSD Report

Company which 51% is owned by people living in rural underdeveloped areas 10 5 CSD Report

Identification of preference point system

53. 1. Tswaing Local Municipality must, in the tender documents, stipulate—

a) The applicable preference point system as envisaged in regulations 4, 5, 6 or 7;

b) the specific goal in the invitation to submit the tender for which a point may be awarded, and the number of points that will be awarded to each goal, and proof of the claim for such goal.

2. If it is unclear whether the 80/20 or 90/10 preference point system applies, Tswaing Local Municipality 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.

80/20 preference point system for acquisition of goods or services with Rand value equal to or below R50 million

1. The following formula must be used to calculate the points out of 80 for price in respect of an invitation for a tender with a Rand value equal to or below R50 million, inclusive of all applicable taxes:

$P_s = 80 - 1 -$

P_{min}

Where-

P_s = Points scored for price of tender under consideration;

P_t = Price of tender under consideration; and

P_{min} = Price of lowest acceptable tender.

2. A maximum of 20 points may be awarded to a tenderer for the specific goal specified for the tender. (The allocation of preference points for tenders above the quotation threshold to be decided and allocated per tender)

3. The points scored for the specific goal must be added to the points scored for price and the total must be rounded off to the nearest two decimal places.

4. Subject to section 2(1)(f) of the Act, the contract must be awarded to the tenderer scoring the highest points.

90/10 preference point system for acquisition of goods or services with Rand value above R50 million

1. The following formula must be used to calculate the points out 90 for price in respect of an invitation for tender with a Rand value above R50 million, inclusive of all applicable taxes:

Where-

$$P_s = 90 \frac{P_t - P_{\min}}{P_t - P_{\min}}$$

P_s = Points scored for price of tender under consideration;

P_t = Price of tender under consideration; and

$P_{\min}$ = Price of lowest acceptable tender.

2. A maximum of 10 points may be awarded to a tenderer for the specific goal specified for the tender. (The allocation of preference points for tenders above the quotation threshold to be decided and allocated per tender)
3. The points scored for the specific goal must be added to the points scored for price and the total must be rounded off to the nearest two decimal places.
4. Subject to section 2(1)(f) of the Act, the contract must be awarded to the tenderer scoring the highest points.

80/20 preference points system for tenders for income-generating contracts with Rand value equal to or below R50 million

1. The following formula must be used to calculate the points for price in respect of an invitation for tender for income-generating contracts, with a Rand value equal to or below R50 million,

$$P_s = 80 \frac{P_t - P_{\max}}{P_t - P_{\max}}$$

Where-

P_s = Points scored for price of tender under consideration;

P_t = Price of tender under consideration; and

$P_{\max}$ = Price of highest acceptable tender.

2. A maximum of 20 points may be awarded to a tenderer for the specific goal specified for the tender. (The allocation of preference points for tenders above the quotation threshold to be decided and allocated per tender)
3. The points scored for the specific goal must be added to the points scored for price and the total must be rounded off to the nearest two decimal places.
4. Subject to section 2(1)(f) of the Act, the contract must be awarded to the tenderer scoring the highest points.

90/10 preference point system for tenders for income-generating contracts with Rand value above R50 million

1. The following formula must be used to calculate the points for price in respect of a tender for income-generating contracts, with a Rand value above R50 million, inclusive of all applicable taxes:

$$P_s = 90 \frac{P_t - P_{\max}}{P_t - P_{\max}}$$

Where:

P_s = Points scored for price of tender under consideration;

P_t = Price of tender under consideration; and

P_{max} = Price of highest acceptable tender.

2. A maximum of 10 points may be awarded to a tenderer for the specific goal specified for the tender. (The allocation of preference points for tenders above the quotation threshold to be decided and allocated per tender)
3. The points scored for the specific goal must be added to the points scored for price and the total must be rounded off to the nearest two decimal places.
4. Subject to section 2(1) (f) of the Act, the contract must be awarded to the tenderer scoring the highest points.

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Subcontracting as a condition of tender for procurement above R30 million (regulation 9)

1. The regulation states that if feasible to contract above R 30 million, an organ of state must apply subcontracting to advance designated groups.
2. The term “feasible” is used in recognition of the fact that it may not always be possible to subcontract in all tenders due to the nature of some tenders. (For instance it may not be possible to sub-contract one piece of machinery that is above R 30 million).
3. Tswaing Local Municipality will identify procurement opportunities for designated groups where compulsory sub-contracting must be applied to all contracts/ projects above R30 million.
4. The responsibility to determine whether it is feasible or not rests with Tswaing Local Municipality. Tswaing Local Municipality must ensure participation of EMEs and QSEs in contracts or projects and not just dismiss this provision on the basis that it is not feasible without providing facts and objective analysis to substantiate their decision.
5. Notwithstanding the minimum 30% compulsory sub-contracting provision, Tswaing Local Municipality may identify procurement opportunities for participation of designated groups in contracts or projects below R30 million.
6. Tenders must be advertised with a condition that tenderers who fail to comply with this requirement would be disqualified.
7. The Central Supplier Database (CSD) has been upgraded to allow bidders/ contractors/ suppliers access to CSD for identification of potential subcontractors from the pool of EMEs or QSEs to advance designated groups.
8. In the case of construction and built environment sectors, nothing prevents bidders/ contractors/ suppliers to select sub-contractors from the CIDB database who are registered on the CSD for the purposes of compliance with the minimum 30% compulsory sub-contracting provisions.
9. Tenderers or contractors must submit proof of subcontracting arrangement between the main tenderer and the subcontractor. Proof of subcontracting arrangement may include a subcontracting agreement between main tenderer and the subcontractor.
10. The responsibility for inclusion of compulsory subcontracting clause in the tender rests with Tswaing Local Municipality.

11.The responsibility to sub-contract with competent and capable subcontractors rests with the main contractor/ supplier in conjunction with Tswaing Local Municipality.

12.The contract will be concluded between the main contractor and Tswaing Local Municipality, therefore, the main contractor and not the subcontractor would be held liable for performance in terms of its contractual obligations.

13.Main contractors/ suppliers are discouraged from subcontracting with their subsidiary companies as this may be interpreted as subcontracting with themselves and / or using their subsidiaries for fronting. Where primary contractor subcontracts with a subsidiary this must be declared in tender documents.

14.Tenders that do not meet subcontracting requirements are considered as being not acceptable tenders and must be disqualified and may not be considered for further evaluation or award.

Criteria for breaking deadlock in scoring

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

2. If two or more tenderers score equal total points in all respects, the award must be decided by the drawing of lots. Which must be conducted by the Bid Evaluation Committee.

Remedies

56.1. If Tswaing Local Municipality is of the view that a tenderer submitted false information regarding a specific goal, it must—

a)Inform the tenderer accordingly; and

b)Give the tenderer an opportunity to make representations within 14 days as to why the tender may not be disqualified or, if the tender has already been awarded to the tenderer, the contract should not be terminated in whole or in part.

2. After considering the representations referred to in sub regulation (1)(b), Tswaing Local Municipality may, if it concludes that such information is false—

a)disqualify the tenderer or terminate the contract in whole or in part; and

b)if applicable, claim damages from the tenderer.

Policy Review

57.1. This policy shall be reviewed as and when necessary.

MBD 7.1

CONTRACT FORM - PURCHASE OF GOODS/WORKS

THIS FORM MUST BE FILLED IN DUPLICATE BY BOTH THE SUCCESSFUL BIDDER (PART 1) AND THE PURCHASER (PART 2). BOTH FORMS MUST BE SIGNED IN THE ORIGINAL SO THAT THE SUCCESSFUL BIDDER AND THE PURCHASER WOULD BE IN POSSESSION OF ORIGINALLY SIGNED CONTRACTS FOR THEIR RESPECTIVE RECORDS.

PART 1 (TO BE FILLED IN BY THE BIDDER)

1. I hereby undertake to supply all or any of the goods and/or works described in the attached bidding documents to (name of institution)..... in accordance with the requirements and specifications stipulated in bid number..... at the price/s quoted. My offer/s remain binding upon me and open for acceptance by the purchaser during the validity period indicated and calculated from the closing time of bid.
2. The following documents shall be deemed to form and be read and construed as part of this agreement:
 - (i) Bidding documents, viz
 - Invitation to bid;
 - Tax clearance certificate; - Pricing schedule(s);
 - Technical Specification(s);
 - Preference claims for Broad Based Black Economic Empowerment Status Level of Contribution in terms of the Preferential Procurement Regulations 2011;
 - Declaration of interest;
 - Declaration of bidder's past SCM practices;
 - Certificate of Independent Bid Determination
 - Special Conditions of Contract;
 - (ii) General Conditions of Contract; and
 - (iii) Other (specify)
3. I confirm that I have satisfied myself as to the correctness and validity of my bid; that the price(s) and rate(s) quoted cover all the goods and/or works specified in the bidding documents; that the price(s) and rate(s) cover all my obligations and I accept that any mistakes regarding price(s) and rate(s) and calculations will be at my own risk.
4. I accept full responsibility for the proper execution and fulfilment of all obligations and conditions devolving on me under this agreement as the principal liable for the due fulfillment of this contract.
5. I declare that I have no participation in any collusive practices with any bidder or any other person regarding this or any other bid.
6. I confirm that I am duly authorised to sign this contract.

NAME (PRINT)

.....

CAPACITY

.....

SIGNATURE

.....

NAME OF FIRM

.....

DATE

.....

WITNESSES

1.

2.

DATE:

MBD 7.1

CONTRACT FORM - PURCHASE OF GOODS/WORKS

PART 2 (TO BE FILLED IN BY THE PURCHASER)

- 1. I..... in my capacity
as.....
accept your bid under reference numberdated.....for the supply of
goods/works indicated hereunder and/or further specified in the annexure(s).
- 2. An official order indicating delivery instructions is forthcoming.
- 3. I undertake to make payment for the goods/works delivered in accordance with the terms and conditions
of the contract, within 30 (thirty) days after receipt of an invoice accompanied by the delivery note.

<i>ITEM NO.</i>	PRICE (ALL APPLICABLE TAXES INCLUDED)	BRAND	DELIVERY PERIOD	B-BBEE STATUS LEVEL OF CONTRIBUTI ON	MINIMUM THRESHOLD FOR LOCAL PRODUCTI ON AND CONTENT (if applicable)

4. I confirm that I am duly authorized to sign this contract.

SIGNED ATON.....

NAME (PRINT)

SIGNATURE

WITNESSES

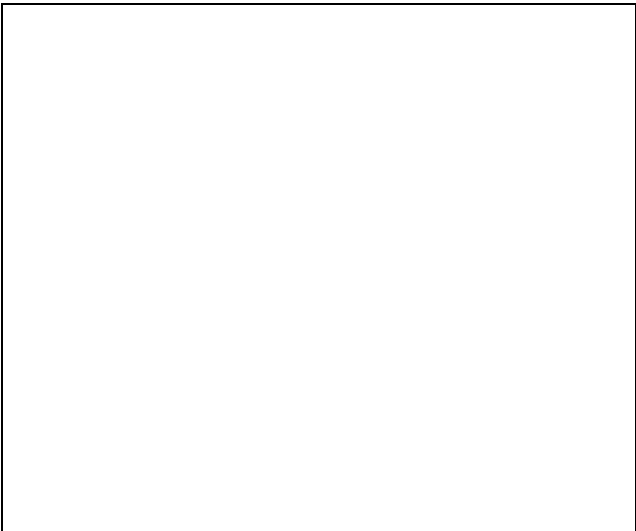
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OFFICIAL STAMP



MBD 7.2

CONTRACT FORM - RENDERING OF SERVICES

THIS FORM MUST BE FILLED IN DUPLICATE BY BOTH THE SERVICE PROVIDER (PART 1) AND THE PURCHASER (PART 2). BOTH FORMS MUST BE SIGNED IN THE ORIGINAL SO THAT THE SERVICE PROVIDER AND THE PURCHASER WOULD BE IN POSSESSION OF ORIGINALLY SIGNED CONTRACTS FOR THEIR RESPECTIVE RECORDS.

PART 1 (TO BE FILLED IN BY THE SERVICE PROVIDER)

- 1. I hereby undertake to render services described in the attached bidding documents to (name of the institution)..... in accordance with the requirements and task directives / proposals specifications stipulated in Bid Number..... at the price/s quoted. My offer/s remain binding upon me and open for acceptance by the Purchaser during the validity period indicated and calculated from the closing date of the bid.

The following documents shall be deemed to form and be read and construed as part of this agreement:

- (i) Bidding documents, viz
- Invitation to b
 - Tax clearance certificate;
 - Pricing schedule(s);
 - Filled in task directive/proposal;
 - Preference claims for Broad Based Black Economic Empowerment Status Level of Contribution in terms of the Preferential Procurement Regulations 2011;
 - Declaration of interest;
 - Declaration of Bidder's past SCM practices;
 - Certificate of Independent Bid Determination;
 - Special Conditions of Contract;
- (ii) General Conditions of Contract; and
- (iii) Other (specify)

2. I confirm that I have satisfied myself as to the correctness and validity of my bid; that the price(s) and rate(s) quoted cover all the services specified in the bidding documents; that the price(s) and rate(s) cover all my obligations and I accept that any mistakes regarding price(s) and rate(s) and calculations will be at my own risk.
3. I accept full responsibility for the proper execution and fulfilment of all obligations and conditions devolving on me under this agreement as the principal liable for the due fulfillment of this contract.
4. I declare that I have no participation in any collusive practices with any bidder or any other person regarding this or any other bid.
5. I confirm that I am duly authorised to sign this contract.

NAME (PRINT)

CAPACITY

SIGNATURE

NAME OF FIRM

DATE

WITNESSES

.....

.....

.....

.....

MBD 7.2

CONTRACT FORM - RENDERING OF SERVICES

PART 2 (TO BE FILLED IN BY THE PURCHASER)

1. I..... in my capacity
as.....
accept your bid under reference numberdated.....for the
rendering of services indicated hereunder and/or further specified in the annexure(s).
2. An official order indicating service delivery instructions is forthcoming.
3. I undertake to make payment for the services rendered in accordance with the terms and
conditions of the contract, within 30 (thirty) days after receipt of an invoice.

DESCRIPTION OF SERVICE	PRICE (ALL APPLICABLE TAXES INCLUDED)	COMPLETION DATE	B-BBEE STATUS LEVEL OF CONTRIBUTION	MINIMUM THRESHOLD FOR LOCAL PRODUCTION AND CONTENT (if applicable)

4. I confirm that I am duly authorised to sign this contract.

SIGNED AT ON

NAME (PRINT)

SIGNATURE

OFFICIAL STAMP

WITNESSES

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

MBD 8

DECLARATION OF BIDDER'S PAST SUPPLY CHAIN MANAGEMENT PRACTICES

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

Item	Question	Yes	No
4.1	Is the bidder or any of its directors listed on the National Treasury's database as a company or person prohibited from doing business with the public sector?(Companies or persons who are listed on this database were informed in writing of this restriction by the National Treasury after the <i>audi alteram partem</i> rule was applied).	Yes ☐	No ☐

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)? (To access this Register enter the National Treasury's website, www.treasury.gov.za, click on the icon "Register for Tender Defaulters" or submit your written request for a hard copy of the Register to facsimile number (012) 3265445).	Yes ☐	No ☐
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 ☐	No ☐
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 ☐	No ☐
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 ☐	No ☐
4.7.1	If so, furnish particulars:		

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

[illegible]

CERTIFICATE OF INDEPENDENT BID DETERMINATION

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.

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.

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.

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

MBD 9

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.
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

