



KGETLENGRIVIER LOCAL MUNICIPALITY

CONTRACT NO: KRLM/COR/BID: 05/2023-24

**APPOINTMENT OF A SERVICE PROVIDER FOR PROVISION OF LEGAL SERVICES
FOR THE PERIOD OF 36 MONTHS (3 YEARS)**

07 JUNE 2024

NAME OF BIDDER:

BID PRICE: (Vat Incl)

Prepared by:

KGETLENGRIVIER
LOCAL MUNICIPALITY
P O Box 66
KOSTER
0348

Tel/Fax (014) 543 2004/5/6

BID CLOSES

27 JUNE 2024 @12H00

BID NOTICE

APPOINTMENT OF A SERVICE PROVIDER FOR PROVISION OF LEGAL SERVICES FOR THE PERIOD OF 36 MONTHS (3 YEARS)



**TENDER NOTICE AND INVITATION TO TENDER
DEPARTMENT: CORPORATE SUPPORT SERVICE**

Kgetlengrivier Local municipality invites tenders from suitably qualified service providers for the following tender:

NAME OF TENDER	TENDER NUMBER	CONTACT PERSON / ENQUIRIES	Evaluation Criteria	Functionality	Closing dates
APPOINTMENT OF A SERVICE PROVIDER FOR PROVISION OF LEGAL SERVICES FOR THE PERIOD OF 36 MONTHS (3 YEARS)	KRLM/COR/ BID: 05/2023-24	Mr M Wadee Mwadee77@gmail.com Cell Number: 067 731 8412 Strictly during working hours from 07:30-16:00	80/20 in line with Preferential Procurement Regulation 2017; 80/20 80 Points 20 price = Disability = 04 Women = 04 Locality = 04 Youth = 04	A N N E X U R E A	27 June 2024 At 12h00

FUNCTIONALITY CRITERIA

The following Functionality Criteria will apply to this bid:

Only those bidders who score a minimum score of 60 points in respect of the following functionality criteria will be recommended for short listing. 100 points are allocated for functionality.

DESCRIPTION	WEIGHT	VALUE	SCORE

COMPETENCY		70	
Qualification: BProc/ LLB with less than 3 years exeperiance'	5	15	
Experience: BProc/LLB with less than 5 years' experience	10		
BProc/LLB with above 5 years' or more experience	15		
Similar Work Conducted by the law firm:		20	
Number of similar work which was conducted by the law firm below 1-2 years	5		
Number of similar work which was conducted by the law firm between 3-5 years.	10		
Number of similar work which was conducted by the law firm 6 years or more	20		
Registration with Professional body:			
Valid registration with law society	15	15	
Key Management Experience		20	
Experience of 1-2 years	5		
Experience of 3-5 years	10		
Experience of 6-8 years	15		
Experience of 8 years or more	20		

METHODOLOGY		30	
Firm must present its methodology on how they will successfully wins cases, this will include the: -Composition of the various expertise by the law firm that may be of benefit to the Municipality, reference below 5 institutions: 1 to 2 references-3 Points 3 to 5 references-5 Points 6 or more references -10 Points	10		
Conveyancing – Proof of registration/Certificate and courses attended and experience- 15 points	10		
Labour law- proof that they attended CCMA– 10 points	10		
Total		100	

Bid documents containing of tenders as well as pre-qualification criteria and administrative requirements will be available from **07 June 2024** from **07h30 to 15h00 (Mondays to Fridays)** at the offices of Kgetlengrivier Local Municipality Cashier, corner Smuts and De Wet street, Koster

A non-refundable deposit of **R1000.00** will be charged for each set of documents issued. All payments and deposits are to be made in the currency of the Republic of South Africa. Cash made out of **Kgetlengrivier Local Municipality** will be accepted. Tender deposit, must be paid in at cashier of the Municipality quoting tender number as indicated above or the payment must be deposited to Kgetlengrivier Local Municipality bank account number :1700000032 Absa Bank or can be downloaded on the E-Tender portal for free.

Duly completed bids and supporting documents must be deposited in the bid box situated at the Kgetlengrivier Local Municipality office, corner Smuts and De Wet Street, Koster, not later than the stipulated time and dates, whereby tenders will be opened in public.

Queries relating to the issue of tender documents may be addressed to Ms Sonto Ntshangase, e-mail ntshangases@kgetleng.gov.za or Tell Number: 014 403 5492/060 977 0342

The Kgetlengrivier Local Municipality is not compelled to accept the lowest or any tender. No late, faxed, e-mail or telephonic tenders will be accepted.

NOTE: Successful bidders will be subjected to Security Check.

**MR G.C LETSOALO
MUNICIPAL MANAGER**

TERMS OF REFERENCE (SPECIFICATIONS)

APPOINTMENT OF A SERVICE PROVIDER FOR PROVISION OF LEGAL SERVICES FOR THE PERIOD OF 36 MONTHS (3 YEARS)

HEAD OFFICE: KOSTER

P.O. Box 66, Koster, 0348

Tel/ Fax: (014) 543 2004/5/6

Our Ref:



All correspondents must be addressed to:
"The Municipal Manager"

24 MAY 2024

BID NAME: APPOINTMENT OF A SERVICE PROVIDER FOR PROVISION OF LEGAL SERVICES FOR THE PERIOD OF 36 MONTHS (3 YEARS)

The purpose of this letter is to present the specification presented to the Bid Specification Committee Meeting held on 20 May 2024 to the Accounting Officer for approval.

PART A

1. LEADING DEPARTMENT

This project will be implemented by Corporate Support Services department.

PART B

2. PROJECT SCOPE & SCHEDULE OF WORKS

2.1. The project scope shall include but not limited to:

Proposals are requested from service provider who have the necessary stature, extensive legal services and legal investigation experience and qualification to undertake legal opinions, litigations, conveyance services, labour law and any other specialized legal expertise that council may deem to be necessary which, maybe of benefit to Kgetlengrivier Local Municipality, to render specialized legal services as and when council requires.

2.1 QUALIFICATION

Qualified legal firms/legal practitioners with 3 (3) years or more legal experience as an attorney having the right of appearance in high court and expertise in the field of legal investigation, litigation, conveyance services, labour law and municipal law are invited to provide the services as outlined above.

2.2 SERVICE REQUIRED

- Conducting Legal investigation on labour matters, Financial Misconduct, Misuse of Municipal Assets and any other investigation in relation to the violation of Municipal By-Laws and policies depending on the merits of the case.
- Conducting any enquiry with Municipal Officials regarding the investigations.
- Compiling of Legal Investigation report to the Municipality and making the necessary recommendations to council for consideration and approval.
- Instituting and defending any Legal action against the Municipality. Defending civil actions on behalf of the Municipality before any forum inclusive of both administrative and courts of law.
- Issuing of Summons.
- Making an Application to the Court for default Judgment.
- Issuing of Emolument Attachment Orders.
- Issuing of Warrant of Execution.
- Litigating at the Labour Court in defending the Municipality in all labour matters.
- Drafting of legal opinions and making the necessary recommendations to the Municipality.
- Attending to matters that relates to tribal Authority and communal property association.

- Attending to matters should any non-compliance be reported by the relevant department within the Municipality for outstanding debts.
- Attending to draft matters of conveyance and notary related work on behalf of Kgetlengrivier Local Municipality.
- To draw any necessary pleadings and notices on behalf of the Municipality.

3. SPECIAL DISQUALIFICATION CRITERIA

Non submission of the following documents will results in disqualification criteria:

- Non submission of Central Suppliers Data base (CSD)
- Reference letters x3
- Registered board of Law
- Fidelity Fund Certificate

4. FUNCTIONALITY CRITERIA

The following Functionality Criteria will apply to this bid:

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Number of similar work which was conducted by the law firm 6 years or more	20		
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Valid registration with law society	15	15	
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Experience of 1-2 years	5		
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6 or more references -10 Points			
Conveyancing – Proof of registration/Certificate and courses attended and experience- 15 points	10		
Labour law- proof that they attended CCMA– 10 points	10		
Total		100	

5. COMPULSORY BRIEFING SESSION

Not Applicable

6. EQUITY

As per Government Gazette No: 47452 on Preferential Procurement Policy Framework Act (PPPFA) 5 of 2005: Preferential Procurement Regulations with effect from 16 January 2023. The following preferential point system of 80/20 will be applicable according to SCM policy of Kgetlengrivier Local Municipality. Functionality of equity on 20 points will be as follows and 80 points for price for all goods and service below R50 million.

Functionality on Equity = 20 points

Details		Points
Women		4.0
Disabled		4.0
Locality		4.0
Youth		4.0
B-BBEE		4.0
Status Level	Number of points	
1	4	
2	4	
3	4	

4	4	
5	-	
6	-	
7	-	
8	-	
Total		20

7. FEES

Set tariffs such as the Magistrates Court and High Court tariff shall apply whenever applicable. The proposal must expressly confirm acceptance of this condition. It must further provide details of hourly rates for all levels of staff and stating fees for disbursements (e.g. Photocopies and travelling per kilometre).

8. QUERIES

Any service provider requiring clarification on any matter whatsoever, including questions relating to the specifications required of the service provider to perform this project or the tender and evaluation process must do so via the telephone number provided.

9.PRICE SCHEDULE PER HOUR

Legal Advisor/Attorney levels	Rate/hr in rands	Candidate Attorney
Taking Instructions		
Legal Opinions		

Notices and correspondence		
Telephone Calls		
Photocopying		
Travelling km/hr		
Consultations		
Total per Item		

Escalation to the rate of CPIX for that year will be permitted. It is the responsibility of the service provider to inform the municipality about changes to stated rates.

Please Note: No other fees will be entertained other than those that are declared above.

SIGNATURE		NAME (PRINT)	
CAPACITY		DATE	
NAME OF FIRM			

THE ESTABLISHMENT OF THE PANEL OF ATTORNEYS FOR THE PROVISION OF LEGAL SERVICES TO KGETLENGRIVIER LOCAL MUNICIPALITY FOR THE PERIOD OF 36 MONTHS

The Kgetlengrivier Local Municipality seeks legal professional service providers with offices based in North West to be placed on the Panel of Attorneys to assist with Legal Services.

The Legal Services responsibilities includes the following: Contract Management; Litigations & Claims; Compliance & policy development; By-laws formulation & Gazetting; Debt

Collection; Labour Law; Public Law, conveyancing and any other legal related matters.

The contract will be for a period of three years.

All bidders should provide their pricing schedule at an hourly rate

10. COMPUSORY BRIEFING SESSION

No compulsory briefing session.

11. VALIDITY PERIOD

The tender will remain valid for 120 days after it's closed

PART C

INVITATION TO TENDER

PART 3: KRLM/COR/BID: 05/2023-24

AND FOR WHICH PERIOD THE BID WILL BE ADVERTISED

The bid will be advertised on E-Tender Portals, National & Local Newspaper, Municipal Website & Municipal Notice Boards for a period of Fourteen Days (14) working days

APPROVAL OF TERMS OF REFERENCE

MR G.C LETSOALO
MUNICIPAL MANAGER

BID PROCESS CRITERIA LIST

APPOINTMENT OF A SERVICE PROVIDER FOR PROVISION OF LEGAL SERVICES FOR THE PERIOD OF 36 MONTHS (3 YEARS)

VERY IMPORTANT NOTICE ON TENDER PROCESS:

A bid not complying with the peremptory requirements stated hereunder will be regarded as not being an “Acceptable bid”, and as such will be rejected.

“Acceptable bid” means any bid which, in all respects, complies with the conditions of bid and specifications as set out in the bid documents, including conditions as specified in the Preferential Procurement Policy Framework Act (Act 5 of 2000) and related legislation as published in Government Gazette number 22549, dated 10 August 2001, in terms of which provision is made for this policy.

1. If any pages have been removed from the bid document, and have therefore not been submitted, or a copy of the original bid document has been submitted.
2. If the bid document is completed using a pencil. Only black ink must be used to complete the bid document.
3. **THE BID HAS NOT BEEN PROPERLY SIGNED BY A PARTY HAVING THE AUTHORITY TO DO SO ACCORDING TO THE EXAMPLE OF “AUTHORITY FOR SIGNATORY”**
4. No authority for signatory submitted (printed on bidder’s letter head) – See example, where it is stated that a duly signed and dated original copy of the company’s relevant resolution (for each specific bid) of their members or their board of directors, must be submitted.
5. The bidder attempts to influence, or has in fact influenced the evaluation and/or awarding of the contract.
6. The bid has been submitted after the relevant closing date and time.
7. If any bidder who during the last five years has failed to perform satisfactorily on a previous contract with the municipality, municipal entity or any other organ of state after written notice was given to that bidder that performance was unsatisfactory.
8. The accounting officer must ensure that irrespective of the procurement process followed, no award may be given to a person –
 - (a) who is in the service of the state, or;
 - (b) if that person is not a natural person, of which any director, manager, principal shareholder or stakeholder, is a person in the service of the state; or;

- (c) Who is an advisor or consultant contracted with the municipality in respect of contract that would cause a conflict of interest.
9. Bid offers will be rejected if the bidder or any of his directors is listed on the Register of Bid Defaulters in terms of the Prevention and Combating of Corrupt Activities Act of 2004 as a person prohibited from doing business with the public sector
 10. Bid offers will be rejected if the bidder has abused the Kgetlengrivier Local municipality's Supply Chain Management System.
 11. Failure to attach a copy of a valid signed Joint Venture/Consortium agreement (if applicable) to the bid document.
 12. Failure to complete and sign the certificate of independent determination or disclosing of wrong information.
 13. An updated record of payment of rates and taxes (three months) and services to the relevant Municipality must be attached. Failure to do so will invalidate the tender submitted. In case where a bidder is leasing a property, lease agreement and signed or letter from the landlord or landlady should be attached. Bidders that are residing in Traditional lands must attach an updated letter from the Tribal Authority falling within the bid period. If payment arrangement has been made to relevant municipality, proof must be attached.
 14. None attachment of CK/CM Certificate
 15. Non Attendance of the compulsory briefing session
 16. None submission of Reference letters x3
 17. None submission of Registered board of Law
 18. None submission of Valid Fidelity Fund Certificate

BIDDER

AUTHORITY FOR SIGNATORY

APPOINTMENT OF A SERVICE PROVIDER FOR PROVISION OF LEGAL SERVICES FOR THE PERIOD OF 36 MONTHS (3 YEARS)

CERTIFICATE OF AUTHORITY FOR SIGNATORY

Status of concern submitting tender (delete which ever is not applicable.)

COMPANY /PARTNERSHIP /ONE-PERSON BUSINESS / CLOSE CORPORATION/
JOINT VENTURE

A. COMPANIES

If the bidder is a company, a certified copy of the resolution of the Board of Directors, personally signed by the chairperson of the board, authorizing the person to signs this bid to do so, as well as to sign any contract resulting from this bid and any other documents and correspondence in connection with this bid or contract on behalf of the company must be submitted with this Bid.

An example is shown below:

By resolution of the board of Directors on20....., Mr. / Mshas
been duly authorized to sign all documents in connection with BID NO.

SIGNED ON BEHALF OF THE COMPANY:

IN HIS CAPACITY AS:

DATE:

SIGNATURE OF SIGNATORY:.....

WITNESSES: 1.

2.

B. PARTNERSHIP

The following particulars in respect of every partner must be furnished and signed by every partner:

Full name of partner	Residential address	Signature
.....		
.....		
.....		

We, the undersigned partners in the business trading as,.....

Hereby authorize to sign this bid as well s any contract resulting from the bid and any other documents and correspondence in connection with this bid / or contract on our behalf.

.....		
Signature	Signature	Signature
.....		
Date	Date	Date

C. ONE-PERSON BUSINESS

I, the undersignhereby confirm that I am the sole owner of the business trading as

.....	
Signature	date

D. CLOSE CORPORATION

If the case of a close corporation submitting a bid, a certified copy of the founding Statement of such corporation shall be included with the Bid, together with a resolution by its members authorizing a member or other official of the corporation to sign the documents and correspondence in connection with this bid or contract on behalf of the company must be submitted with this Bid.

An example is shown below:

By resolution of the members at the meeting on the200.....at
.....Mr. / Mswhose signature appear below, has been
duly authorized to sign all documents in connection with BID NO.
.....

SIGNED ON BEHALF OF THE CLOSE CORPORATION:

IN HIS / HER CAPACITY AS:.....

DATE:

SIGNATURE OF SIGNATORY:.....

WITNESSES: 1.

2.....

Certificate of Authority for Joint Ventures

This Returnable Schedule is to be completed by joint ventures.

We, the undersigned, are submitting this bid offer in Joint Venture and hereby authorize Mr./Ms , authorized signatory of the company
. . . , acting in the capacity of lead partner, to sign all documents in connection with the bid offer and any contract resulting from it on our behalf.

NAME OF FIRM	ADDRESS	DULY AUTHORISED SIGNATORY
Lead partner		Signature. Name Designation
		Signature. Name Designation
		Signature. Name Designation
		Signature. Name Designation

LIST OF RETURNABLE DOCUMENTS

APPOINTMENT OF A SERVICE PROVIDER FOR PROVISION OF LEGAL SERVICES FOR THE PERIOD OF 36 MONTHS (3 YEARS)

LIST OF RETURNABLE DOCUMENTS THAT SHOULD FORM PART OF THE BID DOCUMENT.

1. Form MBD 1 : Invitation to bid
2. Form MBD 2 : Tax clearance certificate
3. Form MBD 3.1: Price schedule – Firm prices
4. Form MBD 4 : Declaration of Interest
5. Form MBD 6.1: Preference points claimed form
6. Form MBD 7.1 Contract form : - Purchase of goods/ services
7. MBD 8: Certificate of bid independent determination
8. MBD 9 : Declaration of bidders past supply chain management practices
9. COMPANY REGISTRATION CERTIFICATE
10. Rate & Taxes

11. Valid Tax Clearance Certificate

12. BBBEE valid certificate (from approved authority)

13. Central Supplier Database Full Report

14. Submission of Reference letters x3

15. Submission of Registered board of Law

16. Submission of Valid Fidelity Fund Certificate

**NB FAILURE TO COMPLETE OR SIGN THIS DOCUMENT WILL RESULT IN YOUR
BID NOT BEING CONSIDERED.**

BID CHECKLIST

This list is aimed at assisting all bidders to submit complete bid

Bidders are to check the following points before the submission of their tender and to complete YES/NO next to each item as indication that the bidder has complied with the provision of the item concerned.

BIDDER CHECK LIST		MARK WITH YES/NO
1.	The B-BEE valid certificate from approved authority has been submitted. Consolidated if joint venture	
2.	All pages of the bid documents have been read by the bidder and the form confirming familiarity with the whole tender document is signed.	
3.	All pages requiring information have been completed in full and in black ink.	
4.	An original tax clearance certificate has been submitted.	
5.	A copy of the resolution of your Board of Directors, similar to the attached specimen, 26authorizing the signatory to sign the tender and the subsequent contract has been signed.(It must be on Company's Letter Head)	
6.	The bidder has complied with all the bid prerequisites.	
7.	Company registration certificate has been submitted.	

8.	Municipality rates and taxes current invoice has been submitted.	
9.	The tender document is to be submitted before 12:00 on the due date at the designated tender box of the KGETLENGRIVIER LOCAL Municipality.	
10.	Submission of proof of registration on the Central Supplier Database (Full report to be attached)	

FAILURE TO COMPLETE OR SIGN THIS DOCUMENT WILL RESULT IN YOUR BID NOT BEING CONSIDERED

I, the undersigned, hereby acknowledge that the bid check-list as completed above is the true reflection of what have been submitted and that the bid was fully complied with.

FULL NAME: BIDDER

SIGNATURE: BIDDER

DATE

MUNICIPAL BIDDING DOCUMENTS

APPOINTMENT OF A SERVICE PROVIDER FOR PROVISION OF LEGAL SERVICES FOR THE PERIOD OF 36 MONTHS (3 YEARS)

**MBD 1
INVITATION TO BID**

**APPOINTMENT OF A SERVICE
PROVIDER FOR PROVISION OF
LEGAL SERVICES FOR THE PERIOD
OF 36 MONTHS (3 YEARS)**

MBD 1

INVITATION TO BID

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE (NAME OF MUNICIPALITY/ENTITY)

BID NUMBER: KRLM/COR/BID: 05/2023-2024

DATE: 27JUNE 2024 CLOSING TIME: 12H00

DESCRIPTION: APPOINTMENT OF A SERVICE PROVIDER FOR PROVISION OF LEGAL SERVICES FOR THE PERIOD OF 36 MONTHS (3 YEARS)

The successful bidder will be required to fill in and sign a written Contract Form (MBD 7).

DEPOSITED IN THE BID BOX SITUATED AT (STREET ADDRESS)

**Kgelengrivier Local Municipality
Cnr Smuts and De Wet Street
Koster
0348**

Bidders should ensure that bids are delivered timeously to the correct address. If the bid is late, it will not be accepted for consideration.

The bid box is generally open 8hours a day, 5 days a week.

ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS – (NOT TO BE RE-TYPED)

THIS BID IS SUBJECT TO THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER SPECIAL CONDITIONS OF CONTRACT

THIS BID WILL BE EVALUATED AND ADJUDICATED ACCORDING TO THE FOLLOWING CRITERIA:

- 1.Relevant specifications
- 2.Value for money
- 3.Capability to execute the contract
- 4.PPPFA & associated regulations

..... *[insert any other criteria]*

NB: NO BIDS WILL BE CONSIDERED FROM PERSONS IN THE SERVICE OF THE STATE (see definition on MBD 4 attached)

**THE FOLLOWING PARTICULARS MUST BE FURNISHED
(FAILURE TO DO SO MAY RESULT IN YOUR BID BEING DISQUALIFIED)**

NAME OF BIDDER

POSTAL ADDRESS

STREET ADDRESS

TELEPHONE NUMBER CODE.....NUMBER.....

CELLPHONE NUMBER

FACSIMILE NUMBER CODE NUMBER.....

VAT
NUMBER.....REGISTRATION

HAS AN ORIGINAL TAX CLEARANCE CERTIFICATE BEEN ATTACHED (MBD 2)? YES/NO

ARE YOU THE ACCREDITED REPRESENTATIVE
IN SOUTH AFRICA FOR THE G
OODS/SERVICES OFFERED BY YOU? YES/NO
(IF YES ENCLOSE PROOF)

SIGNATURE OF BIDDER
.....

DATE.....

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

TOTAL BID PRICE..... TOTAL NUMBER OF ITEMS OFFERED
.....

ANY ENQUIRIES REGARDING THE BIDDING PROCEDURE MAY BE DIRECTED TO:

Municipality / Municipal Entity: Kgetlengrivier Local Municipality

Department: Budget & Treasury Office

Contact Person: Supply Chain Management Unit

Tel: 014 403 5492

ANY ENQUIRIES REGARDING THE TECHNICAL INFORMATION MAY BE DIRECTED TO:

Contact Person: Mr. M Wadee

Cell: 067 731 8412

MBD 2 TAX CLEARANCE REQUIREMENTS

APPOINTMENT OF A SERVICE PROVIDER FOR PROVISION OF

LEGAL SERVICES FOR THE PERIOD OF 36 MONTHS (3 YEARS)

MBD 2

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:

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

4. Company / Close Corporation registration number:

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

5. Income tax reference number:

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

6. VAT registration number (if applicable):

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

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.

**MBD 3.1
PRICING SCHEDULE**

**APPOINTMENT OF A SERVICE
PROVIDER FOR PROVISION OF
LEGAL SERVICES FOR THE PERIOD
OF 36 MONTHS (3 YEARS)**

MBD 3.1

**PRICING SCHEDULE – FIRM PRICES
(PURCHASES)**

NOTE: ONLY FIRM PRICES WILL BE ACCEPTED. NON-FIRM PRICES (INCLUDING PRICES SUBJECT TO RATES OF EXCHANGE VARIATIONS) WILL NOT BE CONSIDERED

IN CASES WHERE DIFFERENT DELIVERY POINTS INFLUENCE THE PRICING, A SEPARATE PRICING SCHEDULE MUST BE SUBMITTED FOR EACH DELIVERY POINT

Name of Bidder.....	Bid Number.....
Closing Time 12:00	Closing Date 18 April 2023

OFFER TO BE VALID FOR 07 DAYS FROM THE CLOSING DATE OF BID.

ITEM NO.	QUANTITY	DESCRIPTION	BID PRICE IN RSA CURRENCY (INCLUDING VAT)
-	Required by:		
-	At:		
			
-	Brand and Model		
-	Country of Origin		
-	Does offer comply with specification?		*YES/NO
-	If not to specification, indicate deviation(s)		
-	Period required for delivery		
			*Delivery: Firm/not firm

- **Delivery basis (all delivery costs must be included in the bid price)**

Note: All delivery costs must be included in the bid price, for delivery at the prescribed destination

**MBD 4
DECLARATION OF INTEREST**

**APPOINTMENT OF A SERVICE
PROVIDER FOR PROVISION OF
LEGAL SERVICES FOR THE PERIOD
OF 36 MONTHS (3 YEARS)**

MBD 4

DECLARATION OF INTEREST

1. No bid will be accepted from persons in the service of the state*.
2. Any person, having a kinship with persons in the service of the state, including a blood relationship, may make an offer 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 and/or take an oath declaring his/her interest.

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

3.1 Full Name:

3.2 Identity Number:

3.3 Company Registration Number:

3.4 Tax Reference Number:

3.5 VAT Registration Number:

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

3.6.1 If so, furnish particulars.

.....
.....

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

3.7.1 If so, furnish particulars.

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

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

.....

.....

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

- 3.8.1 If so, furnish particulars.

.....

.....

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

- 3.9.1 If so, furnish particulars

.....

.....

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

YES / NO

3.10.1 If so, furnish particulars.

.....
.....

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

YES / NO

3.11.1 If so, furnish particulars.

.....
.....

CERTIFICATION

I, THE UNDERSIGNED (NAME)

CERTIFY THAT THE INFORMATION FURNISHED ON THIS DECLARATION FORM IS CORRECT.

I ACCEPT THAT THE STATE MAY ACT AGAINST ME SHOULD THIS DECLARATION PROVE TO BE FALSE.

.....
Signature

.....
Date

.....
Position

.....
Name of Bidder

MBD 6.1
PREFERENCE POINTS CLAIM FORM

**APPOINTMENT OF A SERVICE
PROVIDER FOR PROVISION OF
LEGAL SERVICES FOR THE PERIOD
OF 36 MONTHS (3 YEARS)**

MBD 6.1

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

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

NB: BEFORE COMPLETING THIS FORM, TENDERERS MUST STUDY THE GENERAL CONDITIONS, DEFINITIONS AND DIRECTIVES APPLICABLE IN RESPECT OF THE TENDER AND PREFERENTIAL PROCUREMENT REGULATIONS, 2022

1. GENERAL CONDITIONS

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

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

1.2 Preference Point System

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

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

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

1.4 To be completed by the organ of state:

The maximum points for this tender are allocated as follows:

	POINTS
PRICE	
SPECIFIC GOALS	
Total points for Price and SPECIFIC GOALS	100

- 1.5 Failure on the part of a tenderer to submit proof or documentation required in terms of this tender to claim points for specific goals with the tender, will be interpreted to mean that preference points for specific goals are not claimed.
- 1.6 The organ of state reserves the right to require of a tenderer, either before a tender is adjudicated or at any time subsequently, to substantiate any claim in regard to preferences, in any manner required by the organ of state.

2. DEFINITIONS

- (a) **“tender”** means a written offer in the form determined by an organ of state in response to an invitation to provide goods or services through price quotations, competitive tendering process or any other method envisaged in legislation;
- (b) **“price”** means an amount of money tendered for goods or services, and includes all applicable taxes less all unconditional discounts;
- (c) **“rand value”** means the total estimated value of a contract in Rand, calculated at the time of bid invitation, and includes all applicable taxes;
- (d) **“tender for income-generating contracts”** means a written offer in the form determined by an organ of state in response to an invitation for the origination of income-generating contracts through any method envisaged in legislation that will result in a legal agreement between the organ of state and a third party that produces revenue for the organ of state, and includes, but is not limited to, leasing and disposal of assets and concession contracts, excluding direct sales and disposal of assets through public auctions; and
- (e) **“the Act”** means the Preferential Procurement Policy Framework Act, 2000 (Act No. 5 of 2000).

3. FORMULAE FOR PROCUREMENT OF GOODS AND SERVICES

3.1. POINTS AWARDED FOR PRICE

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

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

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

80/20 or 90/10

Where

- P_s = Points scored for price of tender under consideration
- P_t = Price of tender under consideration
- P_{min} = Price of lowest acceptable tender

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

3.2.1. POINTS AWARDED FOR PRICE

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

$$\begin{array}{ccc} 80/20 & \text{or} & 90/10 \\ P_s = 80 \left(1 + \frac{P_t - P_{max}}{P_{max}} \right) & \text{or} & P_s = 90 \left(1 + \frac{P_t - P_{max}}{P_{max}} \right) \end{array}$$

Where

P_s = Points scored for price of tender under consideration
 P_t = Price of tender under consideration
 P_{max} = Price of highest acceptable tender

4. POINTS AWARDED FOR SPECIFIC GOALS

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

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

(Note to organs of state: Where either the 90/10 or 80/20 preference point system is applicable, corresponding points must also be indicated as such.)

Note to tenderers: The tenderer must indicate how they claim points for each preference point system.)

The specific goals allocated points in terms of this tender	Number of points allocated (90/10 system) (To be completed by the organ of state)	Number of points allocated (80/20 system) (To be completed by the organ of state)	Number of points claimed (90/10 system) (To be completed by the tenderer)	Number of points claimed (80/20 system) (To be completed by the tenderer)

DECLARATION WITH REGARD TO COMPANY/FIRM

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

4.4. Company registration number:

4.5. TYPE OF COMPANY/ FIRM

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

☐ State Owned Company
[TICK APPLICABLE BOX]

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

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

.....
SIGNATURE(S) OF TENDERER(S)

SURNAME AND NAME:

DATE:

ADDRESS:

.....

.....

.....

CONTRACT FORM - PURCHASE OF GOODS/WORKS

**APPOINTMENT OF A SERVICE
PROVIDER FOR PROVISION OF
LEGAL SERVICES FOR THE PERIOD
OF 36 MONTHS (3 YEARS)**

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 in terms of the Preferential Procurement Regulations 2001
 - Declaration of interest
 - 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.

— — —

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.

ITEM NO.	PRICE (VAT INCL)	BRAND	DELIVERY PERIOD	POINTS CLAIMED FOR HDI'S	POINTS CLAIMED FOR RDP GOALS

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

SIGNED ATON.....

NAME (PRINT)

SIGNATURE

OFFICIAL STAMP

WITNESSES

1.

2.

DATE.....

MBD 8

**DECLARATION OF BIDDERS PAST SUPPLY CHAIN
MANAGEMENT PRACTICES**

**APPOINTMENT OF A SERVICE
PROVIDER FOR PROVISION OF
LEGAL SERVICES FOR THE PERIOD
OF 36 MONTHS (3 YEARS)**

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:		

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

Js367bW

MBD 9

CERTIFICATE OF INDEPENDENT BID DETERMINATION

**APPOINTMENT OF A SERVICE
PROVIDER FOR PROVISION OF
LEGAL SERVICES FOR THE PERIOD
OF 36 MONTHS (3 YEARS)**

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.

MBD 9

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