



LEKWA LOCAL MUNICIPALITY

CONTRACT NUMBER:

DTS 23/2021/2022

BID DOCUMENT

BID PROPOSALS FOR THE APPOINTMENT OF PANEL OF SERVICE PROVIDERS FOR A PERIOD OF 36 MONTHS ON AN AS AND WHEN REQUIRED BASIS FOR THE SUPPLY-DELIVERY-AND-OFFLOADING OF ROAD MAINTENANCE MATERIAL

PREPARED BY
THE MUNICIPAL MANAGER LEKWA LOCAL MUNICIPALITY P.O. Box 66 STANDERTON 2430 Mr J Mokgatsi Tel: (017) 712 9600

NAME OF BIDDER (BIDDING ENTITY) (FULL NAME, i.e. (CC, (PTY) LTD, LTD, JV, SOLE PROPRIETOR etc.)	:	_____
TEL NUMBER	:	_____
FAX NUMBER	:	_____
E-MAIL	:	_____
CELL.	:	_____
CSD NO.	:	_____

THE TOTAL OFFERED PRICES INCLUDING VALUE ADDED TAX IS: R_____

R..... (In figures)

VERY IMPORTANT NOTICE:

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.

AND ALL PAGES INCLUDING THE COVER MUST BE INITIALIZED BY THE BIDDER AND TWO WITNESS AT THE BOTTOM

"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 40553, dated 20 January 2017, in terms of which provision is made for this policy.

Mandatory Requirements on Disqualifications

NB (The following are mandatory and failure to submit any of these documents will lead to a disqualification of the document)

1. Form of offer must be completed and signed by the authorised signatory.
2. Bid to be in the closing register.
3. Proof of CSD Registration and compliance.
4. Tax compliant as per the submitted CSD (in the case of a joint venture, of all the partners or both JV's must be tax compliant).
5. The Authority to sign must be completed and signed (Company resolution letter "on company letter head" by directors to be attached confirming the Authority to sign).
6. Failure to attach a copy of a valid signed Joint Venture/Consortium agreement (if applicable) to the bid document.
7. Signed declaration of interest.
8. Municipal rates and services account (not more than 60 days and not in Arrears).
9. Attendance of the compulsory clarification meeting.
10. Company registration documents must be submitted.

Compulsory additional required information or to be noted

1. When downloading the bid document please ensure that when you compile for submission all pages are included
2. Failure to complete the schedule of quantities as required, i.e only lump sums provided.
3. Scratching out without initialling next to the amended rates or information, writing over or painting out rates affecting the evaluation of the bid.
4. The use of correction fluid (i.e. tippex) or any erasable ink, eg. Pencil.
5. The Bid has not been properly signed by a party having the authority to do so, according to the *example* of "Authority for Signatory"
6. Non-attendance of mandatory/compulsory Site inspections or Information/Clarification meetings
7. No authority for signatory submitted – See example, where it is stated that a duly signed and dated original or certified copy of the company's relevant resolution (for each specific bid) of their members or their board of directors, must be submitted.
8. Particulars required in respect of the bid have not been completed, except if information required on Preferencing Schedule in respect of BBB- EE, is not attached, the bid will not be disqualified but no preference points will be awarded.
9. The bidder attempts to influence, or has in fact influenced the evaluation and/or awarding of the contract
10. The bid has been submitted either in the wrong bid box or after the relevant closing date and time
11. Failure to provide a valid certificate from the Department of Labour, or a declaration (Specific goals – "Equity ownership") by a designated employer that it complies with the Employment Equity Act 55 of 1998.
12. If any municipal rates and taxes or municipal service charges owed by the bidder or any of its directors to the municipality, or to any other municipality or municipal entity, are not to be in arrears, attach proof of municipal rates account for both company and director not in arrears and not older than 60 days . (If property is leased, lease agreement must be attached and must indicate that the lessor is responsible for the payment of rates and services)
13. 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.
14. 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;
 - who is an advisor or consultant contracted with the municipality in respect of contract that would cause a conflict of interest.
15. 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.
16. Bid offers will be rejected if the bidder has abused the LLM's Supply Chain Management System.
17. Proof of relevant experience of company
18. The municipality also reserves the right not to appoint the lowest bidder and to appoint the bid in whole or in parts. The municipality also reserves the right to appoint the bid based on its risk assessment.
19. The municipality reserves the right not to appoint.
20. All pages must be initialized.

LEKWA LOCAL MUNICIPALITY
BID PROPOSALS FOR THE APPOINTMENT OF PANEL OF SERVICE PROVIDERS FOR A
PERIOD OF 36 MONTHS ON AN AS AND WHEN REQUIRED BASIS FOR THE SUPPLY-
DELIVER-AND-OFFLOADING-OF ROAD MAINTENANCE MATERIAL

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INVITATION TO BID

SBD 1.

FORM 7.1 YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE Lekwa Local Municipality

BID NUMBER: DTS 23/2019/2020

Tender Briefing :no Compulsory Tender Briefing session

CLOSING DATE: 20 September 2021

CLOSING TIME: 12H00

DESCRIPTION...APPOINTMENT OF SERVICE PROVIDERS: BID PROPOSALS FOR THE APPOINTMENT OF PANEL OF SERVICE PROVIDERS FOR A PERIOD OF 36 MONTHS ON AN AS AND WHEN REQUIRED BASIS FOR THE SUPPLY-DELIVER-AND-OFFLOADING-OF ROAD MAINTENANCE MATERIAL

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

DEPOSITED IN THE BID BOX SITUATED AT (STREET ADDRESS)

Lekwa Local Municipality, Cnr Dr Beyers Naude & Mbonani Mayisela Street, Standerton

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 between 8am to 4pm hours a day, 5 days a week Monday to Friday. (NB See original advert on annexure 1)

FORM 7.2 ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS – (NOT TO BE RE-TYPED)

THIS BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT AND THE PREFERENTIAL PROCUREMENT REGULATIONS, 2017, THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER SPECIAL CONDITIONS OF CONTRACT

**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 CODENUMBER.....

E-MAIL ADDRESS.....

VAT REGISTRATION NUMBER.....

HAS AN ORIGINAL AND VALID TAX CLEARANCE CERTIFICATE BEEN SUBMITTED? (SBD 2)

YES or NO

HAS A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE BEEN SUBMITTED? (SBD 6.1)

YES or NO

IF YES, WHO WAS THE CERTIFICATE ISSUED BY?

AN ACCOUNTING OFFICER AS CONTEMPLATED IN THE CLOSE CORPORATION ACT (CCA) ☐
 A VERIFICATION AGENCY ACCREDITED BY THE SOUTH AFRICAN ACCREDITATION SYSTEM (SANAS) ☐
 A REGISTERED AUDITOR ☐
 [TICK APPLICABLE BOX]

(A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE MUST BE SUBMITTED IN ORDER TO QUALIFY FOR PREFERENCE POINTS FOR B-BBEE)

1.1 ARE YOU THE ACCREDITED REPRESENTATIVE
 IN SOUTH AFRICA FOR THE GOODS / SERVICES / WORKS OFFERED? YES or 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:

Contact Person: Ms Lerato Nhlapo

Cell: 079 135 9105

E-mail address: lekwascm@gmail.com / lnhlapo@lekwalim.gov.za

ANY ENQUIRIES REGARDING TECHNICAL INFORMATION MAY BE DIRECTED TO:

Contact Person: Ms Zandile Mngadi

Cell: 079 894 8530

E-mail address: precious100@webmail.co.za

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1.2 Bid Data

Bid offers will only be accepted if the bidder is free of any common conflict of interest with the LEKWA Local Municipality.

Bid Data

1.2.1. The employer is **LEKWA LOCAL MUNICIPALITY**

1.2.2 The bid documents issued by the employer comprise:

1.1 Bid notice and invitation to bid

1.2 Bid data

2.1 List of returnable documents

Agreements and contracts data

Form of offer and acceptance

pricing data

Pricing instructions

Specification

1.2.2. The employer's agent is: No Consultant for the project

1.2.3 Only Bidders who are registered with central supplier database (CSD) will be considered.

1.2.4 The arrangements for a compulsory clarification meeting are as stated in the Bid Notice and Invitation to Bid.

1.2.5 If a bidder wishes to submit an alternative bid offer, the only criteria permitted for such alternative bid offer is that it demonstrably enables the Employer's objectives for the services as stated in the Scope of Work to be achieved.

1.2.6 All parts of each bid offer communicated on paper shall be submitted as the original.

1.2.7 The employer's address for delivery of bid offers and identification details to be shown on each bid offer package is:

**Lekwa Local Municipality,
Cnr Dr Beyers Naude & Mbonani Mayisela
Street,
Standerton**

- 1.2.8 The closing time for submission of bid offers is as stated in the Bid Notice and Invitation to Bid.
- 1.2.9 Telephonic, telegraphic, telex, facsimile or e-mailed bid offers will not be accepted.
- 1.2.10 The bid offer validity period is ninety (90) days.
- 1.2.11 The bidder is required to submit with his/her bid all required documents as listed in the list of returnable documents as part of the eligibility criteria.
- 1.2.12 The Bid/Proposal will be opened immediately after the closing time for bids only to confirm the bidder, at:

**Lekwa Local Municipality,
Cnr Dr Beyers Naude & Mbonani Mayisela Street,
Standerton**

- 1.2.13 The procedure for the evaluation of responsive bids will be on 80/20 points system, where 80 points are for price and 20 points are for B-BBEE**

1.2.14 Bid offers will only be accepted if:

- 1.2.14.1 The bidder has registered with the central supplier database (CSD);
- 1.2.14.2 The bidder or any of its directors is not 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;
- 1.2.14.3 The bidder has not:
- abused the Employer's Supply Chain Management System; or
 - failed to perform on any previous contract and has been given a written notice to this effect;
- 1.2.14.4 The bidder has completed the Compulsory Enterprise questionnaire and there are no conflicts of interest which may impact on the bidder's ability to perform the contract in the best interests of the employer or potentially compromise the bid process; and
- 1.2.14.5 Proof of municipal rates and taxes for both the company and the directors are attached not older than 60 days of the closing date of the tender.
- 1.2.14.6 The bidder or any of its directors is not employed by the stat

CONDITIONS THAT FORM PART OF THE CONTRACT

5.1. Definitions

The following terms shall be interpreted as indicated:

1. "Closing time" means the date and hour specified in the bidding documents for the receipt of bids.
1. "Contract" means the written agreement entered into between the purchaser and the supplier, as recorded in the contract form signed by the parties, including all attachments and appendices thereto and all documents incorporated by reference therein.
2. "Contract price" means the price payable to the supplier under the contract for the full and proper performance of his contractual obligations.
3. "Corrupt practice" means the offering, giving, receiving, or soliciting of anything of value to influence the action of a public official in the procurement process or in contract execution.
4. "Countervailing duties" are imposed in cases where an enterprise abroad is subsidized by its government and encouraged to market its products internationally.
5. "Country of origin" means the place where the goods were mined, grown or produced or from which the services are supplied. Goods are produced when, through manufacturing, processing or substantial and major assembly of components, a commercially recognized new product results that is substantially different in basic characteristics or in purpose or utility from its components.
7. "Day" means calendar day.
8. "Delivery" means delivery in compliance of the conditions of the contract or order.
9. "Delivery ex stock" means immediate delivery directly from stock actually on hand.
10. "Delivery into consignees store or to his site" means delivered and unloaded in the specified store or depot or on the specified site in compliance with the conditions of the contract or order, the supplier bearing all risks and charges involved until the goods are so delivered and a valid receipt is obtained.
11. "Dumping" occurs when a private enterprise abroad market its goods on own initiative in the RSA at lower prices than that of the country of origin and which have the potential to harm the local industries in the RSA.
12. "Force majeure" means an event beyond the control of the supplier and not involving the supplier's fault or negligence and not foreseeable. Such events may include, but is not restricted to, acts of the purchaser in its sovereign capacity, wars or revolutions, fires, floods, epidemics, quarantine restrictions and freight embargoes.
13. "Fraudulent practice" means a misrepresentation of facts in order to influence a procurement process or the execution of a contract to the detriment of any bidder, and includes collusive practice among bidders (prior to or after bid submission) designed to establish bid prices at artificial non-competitive levels and to deprive the bidder of the benefits of free and open competition.
14. "GCC" means the General Conditions of Contract.
15. "Goods" means all of the equipment, machinery, and/or other materials that the supplier is required to supply to the purchaser under the contract.
16. "Imported content" means that portion of the bidding price represented by the cost of components, parts or materials which have been or are still to be imported (whether by the supplier or his subcontractors) and which costs are inclusive of the costs abroad, plus freight and other direct importation costs such as landing costs, dock dues, import duty, sales

duty or other similar tax or duty at the South African place of entry as well as transportation and handling charges to the factory in the Republic where the goods covered by the bid will be manufactured.

17. "Local content" means that portion of the bidding price, which is not included in the imported content provided that local manufacture does take place.

18. "Manufacture" means the production of products in a factory using labour, materials, components and machinery and includes other related value-adding activities.

19. "Order" means an official written order issued for the supply of goods or works or the rendering of a service.

20. "Project site," where applicable, means the place indicated in bidding documents.

21. "Purchaser" means the organization purchasing the goods.

22. "Republic" means the Republic of South Africa.

23. "SCC" means the Special Conditions of Contract.

24. "Services" means those functional services ancillary to the supply of the goods, such as transportation and any other incidental services, such as installation, commissioning, provision of technical assistance, training, catering, gardening, security, maintenance and other such obligations of the supplier covered under the contract.

25. "Supplier" means the successful bidder who is awarded the contract to maintain and administer the required and specified service(s) to the State.

26. "Tort" means in breach of contract.

27. "Turnkey" means a procurement process where one service provider assumes total responsibility for all aspects of the project and delivers the full end product / service required by the contract.

28. "Written" or "in writing" means hand-written in ink or any form of electronic or mechanical writing.

2. CRITERIA FOR THE SELECTION OF PROPOSALS AND AWARDING OF CONTRACTS

Evaluation Criteria

Municipal Supply Chain Management Policy will be used for evaluation of Prospective Service Provider as per the approved scoring system by the specification committee.

The evaluation will be done as per Preferential Procurement Regulations, 2017 issued in terms of section 5 of PPPFA, Act No. 5 of 2000.

Evaluation Criteria shall follow the following

1. Responsiveness
2. Functionality
3. The 80/20 preference point systems, B-BBEE

2.1 Returnable Documents

List of Returnable Documents

The bidder must complete the following returnable documents:

Returnable schedules required for bid evaluation purposes (This Document & as listed page 1&2)

1. Form of offer must be completed and signed by the authorised signatory.
2. Bid to be in the closing register
3. Proof of CSD Registration and compliance

4. Tax compliant as per the submitted CSD (in the case of a joint venture, of all the partners or both JV's must be tax compliant.
5. The Authority to sign must be completed and signed (Company resolution letter "on company letter head" by directors to be attached confirming the Authority to sign)
6. Failure to attach a copy of a valid signed Joint Venture/Consortium agreement (if applicable) to the bid document.
7. Signed declaration of interest
8. Municipal rates and services account (not more than 90 days and not in Arrears)
9. Attendance of the compulsory clarification meeting
10. Company registration documents must be submitted.

Other documents required only for bid evaluation purposes (External Documents)

1. Central suppliers database summary report (Central suppliers database summary report of each firm on the team if tendered as a JV / Consort
2. Joint venture, consortium agreements (if applicable).
3. B-BBEE certificate/sworn affidavit-BBBEE for exempted micro enterprise .(Joint B- BBEE/sworn affidavit-BBBEE for exempted micro enterprise in case of joint ventures)

Other documents that will be incorporated into the contract

1. Original downloaded bid document
2. Addendum – if issued

Note: All copies must be certified

: Use black pen only.

: All correction must be signed by the authorised person.

: Use of correction pen (tippex) is prohibited.

: Failure to adhere any of the above will lead to automatic disqualification

2.2. TOTAL FUNCTIONALITY POINTS ARE 34, MINIMUM THRESHOLD 17. THE POINTS ARE DISTRIBUTED AS FOLLOWS:

3.

The below table will be evaluated and adjudicated on basis of information provided (Ownership certificate must be in the name of the company)

Table 1

The minimum points are not based on the summation of the points on the lower side of each scoring item

Evaluation Description		Minimum Points to be scored	Maximum points to scored
1	Experience & Qualification of the Key Personnel	6	10
2	Company's Experience	9	15
3	Company's Capability	9	15
4	Financial Resources	6	10
	Total	30	50

10

preference points for B-BBEE status level of contribution are not claimed.

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

POINTS AWARDED FOR PRICE THE 80/20 PREFERENCE POINT SYSTEMS

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

According to the Preferential Procurement Framework Act and Regulations a preference point system must be followed:

1.1 The 80/20 Preference Point System

- a) The following formula must be used to calculate the points for price in respect of tenders/procurement with a Rand value equal to, or above R30 000 and up to a Rand value of R50 000 000. Organs of state may, however, apply this formula for procurement with a value less than R30 000, if and when appropriate:

$$Ps=80 \left(1 - \frac{Pt-Pmin}{Pmin} \right)$$

Where

Ps = Points scored for price of tender under consideration

Pt = Rand value offer tender consideration

Pmin = Rand value of lowest acceptable tender

- b) A maximum of 20 points will be awarded to a tenderer for being an HDI and/or subcontracting with an HDI and /or achieving any of the specified goals stipulated in regulation 17.
- c) The points scored by a tender in respect of the goals contemplated in sub-regulation (2) must be added to the points scored for price.
- d) Only the tender with the highest number of points scored will be selected.

1.2 The 90/10 Preference Point System

- a) The following formula must be used to calculate the points for price in respect of tenders/procurement with a Rand value above R50 000 000:

$$Ps=90 \left(1 - \frac{Pt-Pmin}{Pmin} \right)$$

Where

Ps = Points scored for price of tender under consideration

Pt = Rand value of tender under consideration

Pmin = Rand value of lowest acceptable tender

- b) A maximum of 10 points will be allocated according to the B-BBEE certificate.
- c) The points scored by a tenderer in respect of the goals contemplated in sub-regulation (2) must be added to the points scored for price.
- d) Only the tender with the highest number of points scored may be selected.

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Certificate of Authority

Indicate the status of the tenderer by ticking the appropriate box hereunder. The tenderer must complete the certificate set out below for the relevant category.

A Company	B Partnership	C Joint Venture	D Sole Proprietor	E Close Corporation

A. Certificate for company (Confirmation in the Company Letter must also be Attached)

I,....., chairperson of the board of directors of hereby confirm that by resolution of the board (copy attached) taken on20...., Mr/Mrs.....acting in the capacity of.....,was authorised to sign all documents in connection with this tender and any contract resulting from it on behalf of the company.

As witness

1.....
Chairman

2.....
Date

B. Certificate of partnership

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

hereby authorise Mr/Mrs....., acting in the capacity of.....to sign all documents in connection with the tender for Contract.....and any contract resulting from it on our behalf.

NAME	ADDRESS	SIGNATURE	DATE

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

C. Certificate for Joint Venture

We, the undersigned, are submitting this tender offer in Joint Venture and hereby authorise Mr/Mrs....., authorised signatory of the company,

Acting in the capacity of lead partner, to sign all documents in connection with the tender offer for Contract.....and any other contract resulting from it on our behalf.

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

NAME OF FIRM	ADDRESS	AUTHORISING NAME & CAPACITY	SIGNATURE,

D. Certificate for sole proprietor

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

As Witness:

1.....

.....
Signature: Sole owner

2.....

Date

.....

E. Certificate for Close Corporation

We, the undersigned, being the key members in the business trading as.....hereby authorise Mr/Mrs.....

Acting in the capacity of....., to sign all documents in connection with the tender for Contract.....and any contract resulting from it on our behalf.

NAME	ADDRESS	SIGNATURE	DATE

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

Record of Addendum to Bid Documents

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

	Date	Title or Details
1.		
2.		
3.		
4.		
5.		
6.		
7.		
8.		

Attached additional pages if more space is required.

Signed _____ Date _____

Name _____ Position _____

Bidder _____

LEKWA LOCAL MUNICIPALITY

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3. Agreement and Contract

3.1. Form of Offer and Acceptance

Offer

The employer, identified in the acceptance signature block, has solicited offers to enter into a contract for the **BID PROPOSALS FOR THE APPOINTMENT OF PANEL OF SERVICE PROVIDERS FOR A PERIOD OF 36 MONTHS ON AN AS AND WHEN REQUIRED BASIS FOR THE SUPPLY-DELIVER-AND-OFFLOADING-OF ROAD MAINTENANCE MATERIAL.**

NB: The total from the rates shall be carried forward the appointment shall be rate based

The bidder, identified in the offer signature block, has examined the documents listed in the bid data and addenda thereto as listed in the returnable schedules, and by submitting this offer has accepted the conditions of bid.

By the representative of the bidder, deemed to be duly authorized, signing this part of this form of offer and acceptance, the bidder offers to perform all of the obligations and liabilities of the service provider under the contract including compliance with all its terms and conditions according to their true intent and meaning for an amount to be determined in accordance with the conditions of contract identified in the contract data.

THE OFFERED TOTAL OF THE PRICES INCLUSIVE OF VALUE ADDED TAX IS:

----- (Rands VAT Inclusive)

.....

.....

..... (Amount in Words)

This offer may be accepted by the employer by signing the acceptance part of this form of offer and acceptance and returning one copy of this document to the bidder before the end of the period of validity stated in the bid data, whereupon the bidder becomes the party named as the Service Provider in the conditions of contract identified in the contract data.

For the bidder

Signature Date

Name

Capacity

(Name and Address
of
Organization)

.....

Name and
Signature
Of witness

.....

Acceptance

By signing this part of this form of offer and acceptance, the employer identified below accepts the bidder's offer. In consideration thereof, the employer shall pay the service provider the amount due in accordance with the conditions of contract identified in the contract data. Acceptance of the bidder's offer shall form an agreement between the employer and the bidder upon the terms and conditions contained in this agreement and in the contract that is the subject of this agreement.

Notwithstanding anything contained herein, this agreement comes into effect on the date when the bidder receives on fully completed original copy of this document. Unless the bidder (now service provider) within five working days of the date of such receipt notifies the employer in writing of any reason why he cannot accept the contents of this agreement, this agreement shall constitute a binding contract between the parties.

Signature

Date

Name

Capacity.....

..... For the Lekwa Local Municipality

.....

.....

.....

Name and

Date

Signature Of witness

LEKWA LOCAL MUNICIPALITY

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4. Pricing

4.1. PRICING INSTRUCTIONS

1. The Service Provider is required to provide the services in accordance with the Scope of Work. This embraces all things necessary and incidental to complete the work.
2. The only basis for a change to the prices is as a result of the Employer giving an instruction to change the Scope of Work.
3. The General Conditions of Contract, the Contract Data, and the Specifications (including the Project Specifications) shall apply to this contract.
4. The Bill comprises items covering the Service Providers profit and costs of general liabilities and of Temporary and Permanent Works.

Although the Bidder is at liberty to insert a rate of his own choosing for each item in the Bill, he should note the fact that the bidder is entitled, under various circumstances, to payment for additional work carried out and that the client is obliged to base his assessment of the rates to be paid for such additional work on the rates the Service Providers inserted in the Bill.

5. The amounts and rates to be inserted in the Bill of Quantities shall be the full inclusive amounts to the Employer for the work described under the several items. Such amounts shall cover all the costs and expenses that may be required in and for the construction of the work described, and shall cover the costs of all general risks, profits, taxes (but excluding value-added tax), liabilities and obligations set forth or implied in the documents on which the Bid is based.
6. For the purposes of this Bill of Quantities, the following words shall have the meanings hereby assigned to them:

Unit : The unit of measurement for each item of work as defined in the Standardized, Project or Particular Specifications

Quantity : The number of units of work for each item

Rate : The payment per unit of work at which the Bidder bids to do the work

Amount : The quantity of an item multiplied by the bid rate of the (same) item

Sum : An amount bid for an item, the extent of which is described in the Bill of Quantities, the Specifications or elsewhere, but of which the quantity of work is not measured in units

7. The units of measurement indicated in the Bill of Quantities are metric units. The following abbreviations may appear in the Bill of Quantities:

4.2. BILL OF QUANTITIES

Item	Description (Clear specification of required goods or services)	Unit	QTY	Total Amount (VAT inclusive)
1	Supply, delivery and offloading of Asphalt Cold Mix in 25Kg	kg	25	
2	Supply, delivery and offloading of Asphalt Hot Mix in	Ton	1	
3	Supply, delivery and offloading of Crusher 6.7mm	M3	1	
4	Supply, delivery and offloading of Crusher Dust	M3	1	
5	Supply, delivery and offloading of 19mm stone	M3	1	
6	Supply, delivery and offloading of Interlocking Paving Blocks 80mm	M2	1	
7	Supply, delivery and offloading of fine sand for jointing of paving blocks	M3	1	
8	Supply, delivery and offloading of binding materials (premier, SS60) per drum	L	210	
Sub-Total				
Vat				
Total carried to form of offer				

NB: In case of emergencies during the week the rate per normal working day that is 7H30 – 16H30 shall apply if the works go beyond the stipulated times because the machinery will not have the rate applying as over time it shall be standard. And the service providers will be appointed based on the offered rates.

The service provider shall be appointed based on his/her rates offered.

SCOPE OF WORKS

DESCRIPTION OF THE WORKS

EMPLOYER'S OBJECTIVES

The purpose of the Request for Quotations is to appoint service providers for the Supply, delivery and offloading of road maintenance material to the Lekwa Local Municipality on an as and when required basis for a period of 36 months from the date of appointment.

The employer's objectives are to address public infrastructure challenges to be able to deliver the basic services to the communities of Lekwa Municipality.

EXTENT OF WORKS

Scope of work –

Supply-Deliver-And-Offloading-Of Road Maintenance Material

6. Scope of Works General

- Lekwa Local Municipality reserves the right to inspect all bagged cold mix asphalt at any given time during the delivery and all other associated material, and shall have the right to reject or ask for remedial treatment of any defects which is considered to be unsuitable. This applies particularly to the condition of the bags and contents, e.g. if it is old and dry, brittle and etc

Bidders with less experience will be considered for the database appointment.

SPECIFICATIONS

1. Cold asphalt.

The required services entails the delivery of the 25kg bagged cold mix asphalt upon a formal request from the Lekwa Local Municipality's Technical Department and the sectional division roads and works Division.

All Cold Asphalt mix supplied must comply with the following SABS standards as detailed in the table below as well as to those standards mentioned thereafter:

All Asphalt mix supplied must comply with the following SABS standards as detailed in the table below as well as to those standards mentioned thereafter:

COLD ASPHALT	
ITEMS	SABS / OTHER CODE
All aggregates used in production of Cold-Mix	SABS 1083
Bitumen (cutback)	SABS 308

SABS certificates must be submitted for materials used and LAB report for Asphalt Cold Mix.

2. Interlocking paving 80mm

- 80mm Interlocking Paver
- Dimensions 200mm x 100mm
- Thickness 80mm
- Mass per paver 3.5kg
- Pavers per m² 50
- SANS 1058:2012 approved

3. Crusher run

- 6.7mm
- Originating from good sound rock
- Free from foreign material

4. Crusher dust

- Free from foreign material such as oils, dirt and etc, SABS approved
- Originating from good sound rock

5. Primer

- Ss60

CONDITIONS THAT FORM PART OF THE CONTRACT**DURATION OF CONTRACT**

The allowed period for this project is 36 Months from the date of appointment on an as and when required bases

LOCATION OF THE DELIVERY

The delivery will be made in the Standerton area, the roads and works offices or stores, Incidental intrust in to ~~place~~ property shall not be permitted ~~without~~ the owner's written authority. Any such agreement reached with a private landowner (occupier) shall include the proviso that any material or equipment on that site shall remain the exclusive property of the Employer in terms of the contract.

STANDING TIME

Standing time shall not apply.

Offloading

The successful bidder shall use his own means to offload and pack at the municipal designated place

ISSUING OF WORKS ORDER

Upon the municipality issuing the successful bidder with a works order with a site the bidder shall confirm delivery date and time

SUBCONTRACTING

Not applicable

Termination

Failure of the service provider not be able to supply the equipment will result in immediate termination of contract.

Procurement

The preferential procurement will be in accordance with the ***Preferential Procurement Policy Framework Act, 2000 (Act No 5 of 2000)*** and the ***Preferential Procurement Regulations 2017***.

Preference points will be awarded for the targeting of local resources in accordance with the resource specification for the Implementation of Targeted Construction Procurement ***SOUTH AFRICA NATIONAL STANDARDS (SANS)***

Resource standard pertaining to targeted procurement

1914-4: 2002: Participation of Targeted Enterprises and Targeted Labour, issued by the South African Bureau of Standards.

Tender evaluation points for preferences is scored in relation to the extent to which the tenderer commits himself/herself to the employment of targeted labour or engaging targeted enterprises in the execution of the contract as reflected in the tendered Contract Participation Goal.

OCCUPATIONAL HEALTH AND SAFETY ACT 1993: HEALTH AND SAFETY SPECIFICATION

In terms of the Construction Regulation 4(1) (a) of the Occupational Health and Safety Act, No. 85 of 1993, LEKWA LOCAL MUNICIPALITY, as the Client, is required to compile a Health & Safety Specification for any intended project and provide such specification to any prospective tenderer.

The successful bidder shall develop and submit for approval a fully detailed health & safety specification that addresses all aspects of occupational health and safety as affected by the abovementioned contract work.

The specification will provide the requirements that the Principal Service Provider and other Service Providers will have to comply with in order to reduce the risks associated with the abovementioned contract work that may lead to incidents causing injury and/or ill health, to a level as low as reasonably practicable.

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 authorized 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. PTax 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 constitution within the meaning of 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 them bidder
presently employed by the state? YES ☐ NO ☐

2.7.1. If so, furnish the following particulars:

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

.....

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

.....

Position occupied in the public institution:

.....

Any other particulars:

.....

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

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

(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/trustees/ YES ☐ NO ☐
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 YES ☐ NO ☐
(family, friend, other) with a person employed by the state and who may
be involved with the evaluation and or adjudication of this bid?

2.9.1. If so, furnish particulars:

.....

.....

- 2.10. Are you, or any person connected with the bidder, aware of any YES ☐ NO ☐
relationship (family, friend, other) between any other bidder and any person
employed by the state who may be involved with the evaluation and or adjustment
of this bid?

2.10.1. If so, furnish particulars:

.....

.....

.....

- 2.11. 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:

.....

.....

.....

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

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

4. DECLARATION

I, THE UNDERSIGNED

(NAME).....

CERTIFY THAT THE INFORMATION FURNISHED IN PARAGRAPH 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

Part 7: Forms**MBD9****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

MBD 9

6. The bidder has arrived at the accompanying bid independently from, and without consultation, communication, agreement or arrangement with any competitor. However communication between partners in a joint venture or consortium³ will not be construed as collusive bidding.
7. In particular, without limiting the generality of paragraphs 6 above, there has been no consultation, communication, agreement or arrangement with any competitor regarding:
 - (a) prices;
 - (b) geographical area where product or service will be rendered (market allocation)
 - (c) methods, factors or formulas used to calculate prices;
 - (d) the intention or decision to submit or not to submit, a bid;
 - (e) the submission of a bid which does not meet the specifications and conditions of the bid; or
 - (f) bidding with the intention not to win the bid.
8. In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications and conditions or delivery particulars of the products or services to which this bid invitation relates.

9. The terms of the accompanying bid have not been, and will not be, disclosed by the bidder, directly or indirectly, to any competitor, prior to the date and time of the official bid opening or of the awarding of the contract.

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

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

MBD 6.2

DECLARATION CERTIFICATE FOR LOCAL PRODUCTION AND CONTENT FOR DESIGNATED SECTORS

This Municipal Bidding Document (MBD) must form part of all bids invited. It contains general information and serves as a declaration form for local content (local production and local content are used interchangeably).

Before completing this declaration, bidders must study the General Conditions, Definitions, Directives applicable in respect of Local Content as prescribed in the Preferential Procurement Regulations, 2017, the South African Bureau of Standards (SABS) approved technical specification number SATS 1286:2011 (Edition 1) and the Guidance on the Calculation of Local Content together with the Local Content Declaration Templates [Annex C (Local Content Declaration: Summary Schedule), D (Imported Content Declaration: Supporting Schedule to Annex C) and E (Local Content Declaration: Supporting Schedule to Annex C)].

1. General Conditions

- 1.1. Preferential Procurement Regulations, 2017 (Regulation 8) make provision for the promotion of local production and content.
- 1.2. Regulation 8.(2) prescribes that in the case of designated sectors, organs of state must advertise such tenders with the specific bidding condition that only locally produced or manufactured goods, with a stipulated minimum threshold for local production and content will be considered.
- 1.3. Where necessary, for tenders referred to in paragraph 1.2 above, a two stage bidding process may be followed, where the first stage involves a minimum threshold for local production and content and the second stage price and B-BBEE.
- 1.4. A person awarded a contract in relation to a designated sector, may not sub-contract in such a manner that the local production and content of the overall value of the contract is reduced to below the stipulated minimum threshold.

- 1.5. The local content (LC) expressed as a percentage of the bid price must be calculated in accordance with the SABS approved technical specification number SATS 1286: 2011 as follows:

$$LC = [1 - x / y] * 100$$

Where

x is the imported content in Rand

y is the bid price in Rand excluding value added tax (VAT)

Prices referred to in the determination of x must be converted to Rand (ZAR) by using the exchange rate published by South African Reserve Bank (SARB) on the date of advertisement of the bid as indicated in paragraph 3.1 below.

The SABS approved technical specification number SATS 1286:2011 is accessible on [http://www.thedti.gov.za/industrial development/ip.jsp](http://www.thedti.gov.za/industrial%20development/ip.jsp) at no cost.

- 1.6. A bid may be disqualified if this Declaration Certificate and the Annex C (Local Content Declaration: Summary Schedule) are not submitted as part of the bid documentation;

- 2. The stipulated minimum threshold(s) for local production and content (refer to Annex A of SATS 1286:2011) for this bid is/are as follows:**

<u>Description of services, works or goods</u>	<u>Stipulated minimum threshold</u>
_____	_____ %
_____	_____ %
_____	_____ %

- 3.** Does any portion of the goods or services offered have any imported content?

(Tick applicable box)

YES	☐	NO	☐
-----	--------------------------	----	--------------------------

- 3.1 If yes, the rate(s) of exchange to be used in this bid to calculate the local content as prescribed in paragraph 1.5 of the general conditions must be the rate(s) published by SARB for the specific currency on the date of advertisement of the bid.

The relevant rates of exchange information is accessible on www.resbank.co.za

Indicate the rate(s) of exchange against the appropriate currency in the table below (refer to Annex A of SATS 1286:2011):

Currency	Rates of exchange
US Dollar	
Pound Sterling	
Euro	
Yen	
Other	

NB: Bidders must submit proof of the SARB rate (s) of exchange used.

4. Where, after the award of a bid, challenges are experienced in meeting the stipulated minimum threshold for local content the dti must be informed accordingly in order for the dti to verify and in consultation with the AO/AA provide directives in this regard.

LOCAL CONTENT DECLARATION
(REFER TO ANNEX B OF SATS 1286:2011)

LOCAL CONTENT DECLARATION BY CHIEF FINANCIAL OFFICER OR OTHER LEGALLY RESPONSIBLE PERSON NOMINATED IN WRITING BY THE CHIEF EXECUTIVE OR SENIOR MEMBER/PERSON WITH MANAGEMENT RESPONSIBILITY (CLOSE CORPORATION, PARTNERSHIP OR INDIVIDUAL)

IN RESPECT OF BID NO.

ISSUED BY: (Procurement Authority / Name of Institution):

.....
 NB

- 1 The obligation to complete, duly sign and submit this declaration cannot be transferred to an external authorized representative, auditor or any other third party acting on behalf of the bidder.
- 2 Guidance on the Calculation of Local Content together with Local Content Declaration Templates (Annex C, D and E) is accessible on http://www.thedti.gov.za/industrial_development/ip.jsp. Bidders should first complete Declaration D. After completing Declaration D, bidders should complete Declaration E and then consolidate the information on Declaration C. **Declaration C should be submitted with the bid documentation at the closing date and time of the bid in order to substantiate the declaration made in paragraph (c) below.** Declarations D and E should be kept by the bidders for verification purposes for a period of at least 5 years. The successful bidder is required to continuously update Declarations C, D and E with the actual values for the duration of the contract.

I, the undersigned, (full names),
 do hereby declare, in my capacity as
 of(name of bidder entity), the following:

- (a) The facts contained herein are within my own personal knowledge.
- (b) I have satisfied myself that:
 - (i) the goods/services/works to be delivered in terms of the above-specified bid comply with the minimum local content requirements as specified in the bid, and as measured in terms of SATS 1286:2011; and
- (c) The local content percentage (%) indicated below has been calculated using the formula given in clause 3 of SATS 1286:2011, the rates of exchange indicated in paragraph 3.1 above and the information contained in Declaration D and E which has been consolidated in Declaration C:

Bid price, excluding VAT (y)	R
Imported content (x), as calculated in terms of SATS 1286:2011	R
Stipulated minimum threshold for local content (paragraph 3 above)	
Local content %, as calculated in terms of SATS 1286:2011	

If the bid is for more than one product, the local content percentages for each product contained in Declaration C shall be used instead of the table above.

The local content percentages for each product has been calculated using the formula given in clause 3 of SATS 1286:2011, the rates of exchange indicated in paragraph 3.1 above and the information contained in Declaration D and E.

- (d) I accept that the Procurement Authority / Institution has the right to request that the local content be verified in terms of the requirements of SATS 1286:2011.
- (e) I understand that the awarding of the bid is dependent on the accuracy of the information furnished in this application. I also understand that the submission of incorrect data, or data that are not verifiable as described in SATS 1286:2011, may result in the Procurement Authority / Institution imposing any or all of the remedies as provided for in Regulation 14 of the Preferential Procurement Regulations, 2017 promulgated under the Preferential Policy Framework Act (PPPFA), 2000 (Act No. 5 of 2000).

SIGNATURE: _____

WITNESS No. 1 _____

DATE: _____

WITNESS No. 2 _____

DATE: _____

DECLARATION (MUST BE COMPLETED and STAMPED)

I/WE, THE UNDERSIGNED WHO WARRANTS THAT I/WE ARE DULY AUTHORISED TO DO SO ON BEHALF OF THE ENTERPRISE, CERTIFIES THAT THE INFORMATION SUPPLIED IN TERMS OF THIS DOCUMENT INCLUDING THE RELEVANT ATTACHEMENT IS CORRECT AND ACCURATE AND ACKNOWLEDGE THAT:

1. The enterprise will be required to furnish documentary proof requested to do so.
2. If the information supplied is found to be incorrect, then Lekwa Local Municipality may in addition to any remedies it may have
 - a) Disqualify the supplier/service provider for a particular quotation/bid/contract/project it may be considered for, or which had been awarded to the supplier/service ;
 - b) Recover from the service provider /supplier all costs, losses or damages incurred by Lekwa Municipality as a result of the breach of contract;
 - c) De-register the supplier from the accredited suppliers database;
 - d) Take any other action as may be deemed necessary.

Full Names: _____

ID Number: _____

Signature: _____

Date: _____

Duly authorised on behalf of: _____

Address: _____

Telephone no: _____

Signed and affirmed before me at _____ on this _____ day of _____ year _____ by the dependent who has acknowledged that he/she knows and understands, the contents of this document, and he/she has acknowledged that he/she regards the affirmation to be binding on his/her conscience.

Commissioner of Oaths

Full Name

Capacity

Business address

NOTE: Both the deponent and the Commissioner of Oath must initial all pages on the Application form

AND ALL PAGES INCLUDING THE COVER MUST BE INITIALIZED BY THE BIDDER AND 2 WITNESSES AT THE BOTTOM.

THIS BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT AND THE PREFERENTIAL PROCUREMENT REGULATIONS, 2017, THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER SPECIAL CONDITIONS OF CONTRACT.