



BID NO: COM68/2026

**DEVELOPMENT OF A LOCAL BIODIVERSITY
STRATEGY AND ACTION PLAN, AND A
MUNICIPAL OPEN SPACE STRATEGY FOR
THE CITY OF MBOMBELA**

**CLOSING DATE: 17 JULY 2026
AT 11h00**

NAME OF BIDDER: _____

CSD REG. NO: MAAA _____



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**PART A
INVITATION TO BID**

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE CITY OF MBOMBELA

BID NUMBER:	COM68/2026	CLOSING DATE:	17 JULY 2026	CLOSING TIME:	11:00
DESCRIPTION	DEVELOPMENT OF A LOCAL BIODIVERSITY STRATEGY AND ACTION PLAN AND, A MUNICIPAL OPEN SPACE STRATEGY FOR THE CITY OF MBOMBELA				

THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (MBD7).

BID RESPONSE DOCUMENTS MUST BE SUBMITTED IN THE TENDER BOX LOCATED @ NO: 1 NEL STREET; MBOMBELA; 1200; MBOMBELA CIVIC CENTRE NEXT TO THE MAIN ENTRANCE.

SUPPLIER INFORMATION

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

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

ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES /WORKS OFFERED?	<input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES ENCLOSE PROOF]	ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES /WORKS OFFERED?	<input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES, ANSWER PART B:3]
TOTAL NUMBER OF ITEMS OFFERED		TOTAL BID PRICE	R
SIGNATURE OF BIDDER	.....	DATE	
CAPACITY UNDER WHICH THIS BID IS SIGNED			

BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO: TECHNICAL INFORMATION MAY BE DIRECTED TO:

Financial Management Supply Chain Management Unit Christopher Nkambule Telephone Number: 013 759 2358 Email Address: christopher.nkambule@mbombela.gov.za	City Planning Environmental Management Khethiwe Malaza Telephone Number: 013 759 9084 Email Address: Khethiwe.Malaza@mbombela.gov.za
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**PART B
TERMS AND CONDITIONS FOR BIDDING**

1. BID SUBMISSION:	
1.1.	BIDS MUST BE SUBMITTED AT THE TENDER BOX ON OR BEFORE THE CLOSING DATE AND TIME AS PER INSTRUCTIONS ON THE TENDER INVITATION. LATE BIDS WILL NOT BE ACCEPTED FOR CONSIDERATION.
1.2.	ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS PROVIDED–(NOT TO BE RE-TYPED) OR ONLINE
1.3.	THIS BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT AND THE PREFERENTIAL PROCUREMENT REGULATIONS, 2022, THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER SPECIAL CONDITIONS OF CONTRACT.
2. TAX COMPLIANCE REQUIREMENTS	
2.1	BIDDERS MUST ENSURE COMPLIANCE WITH THEIR TAX OBLIGATIONS.
2.2	BIDDERS ARE REQUIRED TO SUBMIT THEIR UNIQUE PERSONAL IDENTIFICATION NUMBER (PIN) ISSUED BY SARS TO ENABLE THE ORGAN OF STATE TO VIEW THE TAXPAYER'S PROFILE AND TAX STATUS.
2.3	APPLICATION FOR THE TAX COMPLIANCE STATUS (TCS) CERTIFICATE OR PIN MAY ALSO BE MADE VIA E-FILING. IN ORDER TO USE THIS PROVISION, TAXPAYERS WILL NEED TO REGISTER WITH SARS AS E-FILERS THROUGH THE WEBSITE WWW.SARS.GOV.ZA.
2.4	FOREIGN SUPPLIERS MUST COMPLETE THE PRE-AWARD QUESTIONNAIRE IN PART B:3.
2.5	BIDDERS MAY ALSO SUBMIT A PRINTED TCS CERTIFICATE TOGETHER WITH THE BID.
2.6	IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED, EACH PARTY MUST SUBMIT A SEPARATE TCS CERTIFICATE / PIN / CSD NUMBER.
2.7	WHERE NO TCS IS AVAILABLE BUT THE BIDDER IS REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD), A CSD NUMBER MUST BE PROVIDED.
3. QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS	
3.1.	IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)? <input type="checkbox"/> YES <input type="checkbox"/> NO
3.2.	DOES THE ENTITY HAVE A BRANCH IN THE RSA? <input type="checkbox"/> YES <input type="checkbox"/> NO
3.3.	DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA? <input type="checkbox"/> YES <input type="checkbox"/> NO
3.4.	DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA? <input type="checkbox"/> YES <input type="checkbox"/> NO
3.5.	IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION? <input type="checkbox"/> YES <input type="checkbox"/> NO
IF THE ANSWER IS "NO" TO ALL OF THE ABOVE, THEN IT IS NOT A REQUIREMENT TO REGISTER FOR A TAX COMPLIANCE STATUS SYSTEM PIN CODE FROM THE SOUTH AFRICAN REVENUE SERVICE (SARS) AND IF NOT REGISTER AS PER 2.3 ABOVE.	

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

SIGNATURE OF BIDDER:

CAPACITY UNDER WHICH THIS BID IS SIGNED:

DATE:



BID NO: COM68/2026
CLOSING DATE: 17 JULY 2026 AT 11:00

DEVELOPMENT OF A LOCAL BIODIVERSITY STRATEGY AND ACTION PLAN AND, A MUNICIPAL OPEN SPACE STRATEGY FOR THE CITY OF MBOMBELA

The City of Mbombela invites capable service providers for the development of a local biodiversity strategy and action plan, and a municipal open space strategy for the City of Mbombela

It is compulsory for service providers to download the bid document, which will be available from 3 July 2026, on the City's official website: www.mbombela.gov.za under the Tenders and Notices section, as well as the National e-Tender Portal: www.etenders.gov.za. Documents are available free of charge.

Fully completed bid documents, together with the required supporting documents, must be submitted. These include: a Valid Tax Compliance Status (TCS) Pin, Certified copy of a valid B-BBEE certificate or sworn affidavit, current municipal rates and taxes statement from the relevant local authority, or proof of residence from a tribal authority (where applicable), or a lease agreement accompanied by the lessor's up-to-date municipal rates and taxes statement for both the business and all active directors, including joint venture or consortium members, full Central Supplier Database (CSD) registration report (summary reports will not be accepted), certified copy of company registration certificate and certified copies of the directors' identification documents. The completed bid document and all supporting documents must be placed in a sealed envelope clearly marked with "the bid number, full project description and closing date", and submitted in the tender box at Mbombela Civic Centre, 1 Nel Street, Mbombela.

Bids must be submitted before 11:00 on the closing date. Late submissions will not be accepted. Bids received via telegram, facsimile, or email will not be considered. Bids received by telegram, fax or e-mail will not be considered. Late bids shall not be accepted or considered.

No briefing session will be held for this bid. Technical enquiries may be directed to the Project Manager using the contact details provided below.

Bidders are cautioned against any form of fraud or misrepresentation. Any bidder found to have submitted forged or falsified documents will be reported to the South African Police Service (SAPS) and may be restricted from conducting business with any public institution for a period not exceeding ten (10) years, in accordance with the Prevention and Combating of Corrupt Activities Act, Act 12 of 2004.

The bid will be evaluated in terms of the Preferential Procurement Policy Framework Act, Act No. 5 of 2000, read with the Preferential Procurement Regulations, 2022, and the City of Mbombela's Preferential Procurement Policy. An 80/20 preference point system will apply, where 80 points are allocated for price and 20 points for specific goals.

Supply Chain Management	:	Christopher Nkambule – (013) 759 2358
Project Manager	:	Khethiwe Malaza – (013) 759 9084
Employer	:	City Manager, Mr Wiseman Khumalo City of Mbombela Po Box 45; Mbombela; 1200

NB: The results of this bid will be published on the City's official website in accordance with Section 75(1)(g) of the Municipal Finance Management Act (MFMA) and SCM Regulations, Section 23(c).

SPECIAL CONDITIONS OF THE BID

1. SUBMISSION OF TENDERS

The tender must be completed on the attached tender form, which shall not be detached from this document. The completed submission must be fully priced, extended, and totalled, completed in all respects, and duly signed. It shall be sealed in an envelope and submitted in accordance with the instructions provided in the Invitation to Tender.

Proof of posting will not be accepted as proof of delivery to the designated tender receipt location.

Tenders will be opened in public immediately after the advertised closing date and time.

All information submitted by prospective bidders will be used solely for tender evaluation purposes and will be handled in accordance with the Protection of Personal Information Act (POPIA).

2. TENDER DEPOSIT

Tender documents may be downloaded free of charge from the following platforms: the City of Mbombela website at www.mbombela.gov.za under the Tenders and Notices section, as well as the National e-Tender Portal at www.etenders.gov.za

3. ADJUDICATION OF TENDER

The City of Mbombela shall not be obliged to accept the lowest or any tender submitted and reserves the right to cancel the tender process at any stage should it be deemed necessary.

The tender shall be adjudicated by the City of Mbombela in accordance with the Preferential Procurement Policy Framework Act, Act No. 5 of 2000, read together with the Preferential Procurement Regulations, 2022, the City's Preferential Procurement Policy, and the conditions of bid contained in the bid document. Evaluation will be conducted on the basis of an 80/20 preference point system, where 80 points will be allocated for price and 20 points for specific goals.

Prospective service providers shall not make any alterations or additions to the bid document, except where such amendments are in accordance with written instructions issued by the Employer. The bid document must be completed in non-erasable black ink. All corrections must be initialled and dated by the authorised signatory. The use of correction fluid, masking fluid, pencil, erasable ink, or any form of alteration is strictly prohibited, and non-compliance will render the bid non-responsive.

A bid that does not comply with the mandatory requirements set out in the bid document shall be regarded as non-responsive and will be rejected. Where a bid is not properly signed by a person duly authorised to do so, in accordance with the "Authority for Signatory" requirements, it will be rejected. This requirement shall not apply to sole proprietors or entities with a single director/member.

A bid shall be rejected where any municipal rates and taxes or municipal service charges owed by the bidder (including its business entity or directors) to any municipality or municipal entity are in arrears for more than three (3) months. Failure to submit valid and up-to-date proof of municipal rates and taxes will also render the bid non-responsive.

Bids shall further be rejected if the bidder or any of its directors is listed on the Register of Bid Defaulters in terms of the Prevention and Combating of Corrupt Activities Act, 2004, as a

person prohibited from conducting business with the public sector. Bids will also be rejected where the bidder has abused the City of Mbombela's Supply Chain Management System or any other state institution's SCM processes.

The MBD 1 form shall be regarded as the Form of Offer and must be fully completed and duly signed by the authorised signatory; failure to do so will render the bid non-responsive.

4. COMPLETION OF TENDER DOCUMENTS

Tenders shall only be considered if this tender document is fully and correctly completed, with all required information inserted in black ink and duly signed.

4.1. Compulsory documentation to be submitted

The following compulsory documents must be attached to ensure that the bid is considered:

- A valid Tax Compliance Status (TCS) Pin.
- Proof of company registration.
- Certified copies of the Business Director(s)' identity documents.
- Comprehensive company profile
- A full Central Supplier Database (CSD) registration report not older than 30 days from the closing date. Summary reports will not be accepted.

4.2. Municipal rates and taxes requirements

- The bidder must submit a valid and current municipal rates and taxes statement from the relevant local authority, or proof of residence from a recognised tribal authority (where applicable), or a valid lease agreement accompanied by the lessor's up-to-date municipal rates and taxes statement for the business premises.
- Bidders must ensure that the physical address details reflected on the Central Supplier Database (CSD) correspond with those on the company registration certificate.
- The Municipality reserves the right to verify municipal rates and taxes information linked to both CSD and company registration details.
- It remains the responsibility of bidders to ensure that municipal accounts are fully compliant and not in arrears.

4.3. Director(s) municipal compliance

- The bidder must submit valid and current municipal rates and taxes statements for all director(s), including consortium or joint venture partners or proof of residence from a recognised tribal authority (where applicable), or lease agreements accompanied by up-to-date municipal rates and taxes statements.
- The Municipality may verify, using directors' identity numbers, whether any municipal rates and taxes are outstanding.
- It is the responsibility of bidders to ensure that all directors are fully compliant with municipal rates and taxes obligations.

4.4. General note

- For all key personnel whose CV is submitted, certified copies of qualifications and certified copies of identity documents must be submitted with the bid (if applicable).
- Certified copies must not be older than three (3) months to be considered valid.
- Copies of certified copies will not be accepted; only certified copies of original documents will be recognised.
- Failure to comply with the above requirements will result in immediate disqualification.

5. TAXES AND DUTIES PAYABLE

Bidders shall include in their tender prices all applicable taxes, duties, and levies. No claims for additional payment in respect thereof will be entertained.

All prices and rates quoted shall be inclusive of Value-Added Tax (VAT). VAT shall be reflected as a separate lump sum in the tender summary, and the total amount inclusive of VAT shall be carried forward to the Form of Tender.

6. WITHDRAWAL OF TENDER

In the event that the successful bidder fails to perform the services in accordance with the terms of this tender, the City shall be entitled to terminate the contract summarily. In such circumstances, the bidder shall be liable for any additional costs incurred by the Municipality as a result of re-advertising the tender or awarding the contract to a less favourable bidder.

7. NOTICE OF BIDDERS

Should any amendments, additions, or alterations to the tender documents be deemed necessary prior to the closing date for the submission of tenders, such amendments shall be communicated to bidders through Notices to Bidders, which shall form an integral part of the tender documents.

Where applicable, bidders shall complete, sign, and date the Notices to Bidders and submit them together with their tender submissions.

8. PERIOD OF VALIDITY OF TENDERS

The tender shall remain valid for a period of thirty (120) days from the closing date for the submission of tenders, as specified in the Tender Form.

9. BID PRICE

All prices quoted shall be inclusive of the delivery of the required services as specified in the bid specifications, Value-Added Tax (VAT) where applicable, and all disbursements and associated costs.

All prices must be quoted in South African Rand (ZAR) and shall be deemed firm and fixed for the duration of the contract, unless otherwise stated in the bid documents.

10. CESSION OF ASSIGNMENT

Neither the Council nor the successful bidder shall cede, assign, transfer, or otherwise dispose of any rights, obligations, benefits, interests, or any part of the contract to a third party without the prior written consent of the Council.

Any cession or assignment shall only be permitted where it is made in favour of a duly registered financial institution and subject to the prior written approval of the Council.

11. DELIVERABLES

The successful bidder shall be required to complete the project within eighteen (18) months from the date of appointment and acceptance of the contract. Penalties for non-performance, as well as additional terms and conditions governing the execution of the contract, will be stipulated in the Service Level Agreement (SLA) to be concluded prior to the commencement of the contract.

NOTES / CHECKLIST FOR RETURNABLE DOCUMENTS STIPULATED UNDER SPECIAL CONDITIONS OF TENDER DOCUMENTS AS MANDATORY REQUIREMENTS. THIS DOCUMENT SHALL BE APPLICABLE TO ALL TENDER DOCUMENTS OF THE CITY.

Preamble

The objective of this checklist is aimed at ensuring that interpretation and application of the special conditions and other mandatory requirements at Bid Evaluation Committee (BEC) & Bid Adjudication Committee (BAC) are aligned as envisaged by the Bid Specification Committee (BSC). This will enhance consistency and uniformity in the entire bid committee system whilst promoting “user friendly” principles by simplifying tender requirements to all interested prospective bidders.

ITEM NO:	DESCRIPTION / RETURNABLE DOCUMENTS	NOTES	FOR OFFICE USE ONLY	
			CHECKLIST	YES or NO or N/A
1.	Company Registration Certificate	a) It's a certificate issued by the Companies and Intellectual Property Commission in line with section 14 of the Companies Act 78 of 2008 b) A Certificate issued by CIPRO in line with section 2 of the Close Corporation Act 69 of 1984 NB: The registration of Close Corporations (CCs) was replaced by introduction of the New Companies Act which came to effect in April 2011. CCs to be recognized as valid registration certificate will be up to 2010.	Has the bidders attached a valid company registration document in line with the applicable legislation?	YES
2.	Company Profile	a) A Company Profile is a professional introduction of your Business that aims to inform Clients about its purpose, vision, trustworthiness, products and services, and experience of your Company. It is basically a “CV for your Business/Company”	Has the bidder attached a company profile and its experience is relevant to add value on this project?	YES

<p>3.</p>	<p>Certification of documents to be submitted together with the tender document.</p> <p>I.e. ID Copies of business owners, qualifications, Licenses and certificates, accreditation by professional bodies, proof of ownership document, appointment letters, completion certificates, etc.</p>	<p>a) The certification of documents must be done by a commissioner of oath as prescribed in the Justices of the Peace and Commissioners of Oaths Act 16 of 1963 and its Regulations.</p> <p>b) Acceptable certified copies are copies originally certified from any police station, post office, Lawyers or <u>notary public</u> (who are members of a recognised professional body), Actuaries or accountants (who are members of a recognised professional body), Members of the judiciary, Directors, managers or company secretaries of a banks or regulated financial services business.</p> <p>c) <i>Commissioner of Oaths stamps can be purchased at Stationary shops, but it can be custom made following the below example:</i></p> <div data-bbox="737 735 1482 1027" style="border: 1px solid black; padding: 5px;"> <p>CERTIFIED TRUE COPY OF THE ORIGINAL DOCUMENT. THERE ARE NO INDICATIONS THAT THE ORIGINAL DOCUMENT HAS BEEN ALTERED BY UNAUTHORISED PERSONS.</p> <p>Designation (rank) .....ex officio: RSA</p> <p>Date: Place</p> <p>Business Address:</p> <p>.....</p> <p>.....</p> <p>Commissioner of Oaths</p> <p>.....</p> <p>Signature Full Names</p> </div> <p>NB: All certified copies must NOT exceed three months and be originally certified.</p>	<p>Has the bidder certified all documents to be certified as per special conditions of bid? Check validity on the date, check if the commissioner of oaths stamp is compliant as per example copied from the Regulations.</p>	<p>YES</p>
<p>4.</p>	<p>Central Supplier Database (CSD) Full report, (Summary report will NOT be acceptable). N/B CSD Report date should not be more than 30 days before Bid closing date.</p>	<p>a) The City requires that all prospective bidders should be registered on CSD. This is aimed at verification of email addresses, phone numbers, banking details, company registration numbers, tax status with SARS, state employees, etc.</p>	<p>Has the bidder attached a full CSD report, are tax matters in good order, are the directors not in the employment of any state and the CSD report</p>	<p>YES</p>

			is not older than 30 days from the closing date?	
5.	Tax Compliant Status (TCS)	a) Prospective bidders are required to attach a valid TCS together with the tender document.	<p>Has the bidder attached a valid (not expired) TCS?</p> <p>The designated official should verify the bidder's tax compliance status prior to finalization of the award of a bid or prize quotation. Where the recommended bidder is not tax compliant, the bidders should be notified of their non-compliant status and the bidder must be requested to submit to the City within 7 working days, written proof from SARS of their tax compliance status or proof from SARS that they have made arrangements to meet their outstanding tax obligations. The proof of tax compliance status submitted by the bidder to the City must be verified via the CSD report or e-Filing. The</p>	YES

			City should reject a bid submitted by the bidder if such a bidder fails to provide proof of tax compliance status within the timeframe stated above (See MFMA Circular No: 90) .	
6.	Certified copy of B-BBEE Certificate / affidavit for B-BBEE status level of contributor (to claim points only) .	<p>a) EMEs in terms of the B-BBEE Act 53 of 2003 may submit a sworn affidavit confirming annual total revenue and level of black ownership or Certified Copy of B-BBEE Certificate.</p> <p>b) Bidders other than EMEs and QSEs MUST submit their certified copies of valid B-BBEE status level verification certificate, substantiating their B-BBEE rating issued by a registered auditor approved by IRBA or a verification agency accredited by SANAS.</p> <p>c) A trust, consortium or joint venture will qualify for points for their B-BBEE status level as an unincorporated entity, provided that the entity submits their consolidated B-BBEE scorecard as if they were a group structure and that such a consolidated B-BBEE scorecard is prepared for every separate bid.</p> <p>NB: There is NO consolidated affidavit for B-BBEE status level of contributor. Only consolidated B-BBEE certificate will be considered for JVs / Consortium & large companies that are making an annual turnover in excess of R50 million including value added tax (VAT). <i>This is not a disqualifying factor, non-adherence will lead to no allocation of B-BBEE points.</i></p>	<p>Is the copy B-BBEE Certificate valid?</p> <p>Is the sworn affidavit for EME / QSE in line with the threshold for EME and EME and valid?</p> <p>If the tendering entity is a JV / Consortium / Large company, has the bidder attached a certified copy of a valid and consolidated B-BBEE certificate in order to claim points as prescribed by the MSCM Regulations?</p> <p>Is the copy of B-BEE certificate certified by the Commissioner of Oaths reflects as prescribe on the regulations of the Act?</p> <p>Is the affidavit for B-BBEE stamped and</p>	YES

			signed by commissioner of oaths? I.e. full names and signature, force/practice number, designation / rank, date and address. Is the certification date not older than 3 months and original ink is clear on the document to confirm if it is originally certified?	
7.	Formal agreement must be attached in case of a joint venture (JV) or consortium.	a) The JV/consortium must amongst others, reflect clear profit and loses sharing percentages. It is compulsory that the lead partner must have at least 51% majority shares in the JV/consortium.	If the tendering entity / bidder is a JV/Consortium, has the bidder attached a detailed JV/Consortium agreement with all critical information?	YES
8.	In bids where Consortia / Joint Ventures / Sub-contractors are involved, each party must submit separate required returnable documents.	a) This will not be applicable to functionality and B-BBEE requirements.	If the tendering entity / bidder is a JV/Consortium, have the parties involved attached all individual required documents as per special condition of bid?	YES
9.	Latest municipal rates and taxes certificates from relevant local authority for the business and all business directors OR	a) If the business is operated and its director(s) are residing within a municipal area, bidders are expected to attach latest municipal rate and taxes certificates for the business and ALL its directors. b) If the business is operated and its director(s) are residing within a tribal authority. Bidders are	Has the bidder attached latest municipal rates and taxes from relevant local authority for the company / business and	YES

<p>Proof of resident from tribal authority for the business and all business directors</p> <p style="text-align: center;">OR</p> <p>Lease agreement with the Lessor's latest municipal rates and taxes certificates from relevant local authority.</p> <p>NB: All accounts owing any municipality for more than 90 days will be disqualified as prescribed on the MSCM Regulations.</p>	<p>expected to attach proof of resident for the business and ALL its directors.</p> <p>c) If the business directors are leasing a facility for residential purposes, they are required to attach individual lease agreement with lessor's latest municipal rates and taxes for a facility is within a Municipal boundary and if the business is renting office / business facility, the bidders are required to attach lease agreement for the business with lessor's latest municipal rates and taxes for a facility within a municipal boundary. If the facility leased is in a rural area, lease agreement will be accompanied with the lessor's proof of residential from a tribal authority.</p> <p>NB: <i>Domicilium citandi at executandi</i>: Domicilium citandi et executandi is a Latin legal term meaning the address nominated by a bidder in a legal contract where legal notices may be sent.</p> <p>Bidders are encouraged to update their addresses when they relocate their businesses and the preferred address on the CSD should be in line with the address on the Company Registration Document. It is the responsibility of the bidder to ensure that all physical addresses reflected either on the company registration document and CSD are not owing any municipal rates and taxes for more than three months including the Lessor's municipal account in case of lease.</p> <p>The rationale behind this requirement is the enhance revenue in RSA municipalities as enshrined on the Municipal Systems Act 32, 2000. Alignment of physical addresses must be as stipulated on the special conditions of the tender document in two folds i.e. director(s) & company.</p>	<p>all company directors / owners?</p> <p>In case of lease, has the bidders attached lease agreements and lessor's proof of res from a tribal authority or latest municipal rates and taxes certificate?</p> <p>Is the account not in areas for more than 90 days (3 months)?</p>	
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10.	<p>Forging of documents/certificates</p> <p>The City has noted that prospective bidders are allegedly submitting fraudulent and forged documents when bidding for tenders. Bidders are advised not to commit fraudulent activities and forge documents. The City will ensure that this Act is adhered to by reporting all abusers of the SCM system to SAPS and enlist them on the Register of Tender Defaulters as prescribed on section 29 of the Prevention and Combating of Corrupt Activities Act 12 of 2004.</p> <p>Abusers of the SCM system, amongst other penalties, may be restricted to do business with any Public Institutions for a period NOT exceeding 10 years (see section 28 of this Act).</p>	<p>Section 34(1)(b) of the Prevention and Combating of Corrupt Activities Act 12 of 2004, stipulates that: <i>“any person who holds a position of authority and who knows or ought reasonably to have known or suspected that any other person has committed the offence of theft, fraud, extortion, forgery or uttering a forged document involving an amount of R100 000 or more, must report such knowledge or suspicion or cause such knowledge or suspicion to be reported to any police official”.</i></p> <p>Section 34(2) of the same Act stipulates that: <i>“subject to the provision of section 37(2), any person who fails to comply with subsection (1), is guilty of an offence”.</i></p>	<p>Are there any suspicious / alleged fraudulent or forged documents? If yes, has the matter been reported to the nearest SAPS following correct institutional protocol? Has the matter been registered with the Registrar to enable due processes and per the Act? NB: The minutes of the BEC / BAC should detail all the elements of alleged fraud and forged documents.</p>	YES
11.	<p>Copy of Public Liability insurance. Only insurance covers from registered and authorized financial service providers will be accepted.</p>	<p>a) Public liability insurance may vary from one project to another on the basis of the level of risk and complexity of the project. Minimum cover to be determined by the BSC prior consultation with the project manager if deemed necessary.</p>	<p>If applicable, is the bidder compliant with the minimum cover stipulated in the bid document? Is the public liability insurance from a registered financial institution?</p>	N/A
12.	<p>Recent audited / independently reviewed financial statements for three consecutive years.</p>	<p>a) Applicable to private companies that are not managed by its owners, if:</p>	<p>Has the bidder furnished MBD 5 as mandatory for all projects estimated to</p>	N/A

	<p>NB: if a company provides any financial statements in terms of section 29 of the Companies Act, such statements must comply with the provision of the Act.</p>	<ul style="list-style-type: none"> - It compiles its financial statement internally and its public interest score is less than 100. - It has its financial statements compiled independently and its public interest score is between 100 and 349. - the public interest score is 350 points or more, is required for an audit to be conducted. 	<p>be in excess of R10 million? Has the bidder attached the relevant AFS as required by law and is it aligned with his/her declaration on MBD 5? False / mismatched / inconsistent declaration may lead to immediate disqualification.</p>	
13.	<p>Recent annual financial statement (AFS) for three consecutive years (unaudited AFS). NB: if a company provides any financial statements in terms of section 29 of the Companies Act, such statements must comply with the provision of the Act.</p>	<p>a) Applicable to private companies with a public interest score of less than 100. b) If, with respect to a particular company, every person who is a holder of, or has a beneficial interest in, any securities issued by that company is also a director of the company, that company is exempt from the requirements in this section to have its annual financial statements audited or independently reviewed. NB: An independent review will suffice if the company has opted to have its financial statement audited or is required by its Memorandum of Incorporation (MOI) to do so.</p>	<p>Has the bidders furnished MBD 5 as mandatory? Has the bidder attached the relevant AFS as required by law in line with his/her declaration on MBD 5?</p>	N/A

14.	Functionality / Quality for evaluation of complex projects	<p>a) Functionality test refers to evaluation of bidders on various aspects of the contract to establish if the bidders has the capabilities to execute the contract or not. The various aspect may include but not limited to: track record and experience on similar projects, human resource and their individual experience, financial capabilities, relevant technology, etc.</p> <p>NB: Functionality will not be compulsory for all projects but for complex projects. Functionality criteria will vary from one project to another.</p>	<p>Has the bidder met the minimum threshold on functionality in order to qualify for further evaluation on price and B-BBEE? Has the bidders been scored in line with the evaluation criteria set on the tender document? All portfolio of evidence attached and certified as stated on the bid document?</p>	N/A
15.	The Compensation for Occupation Injuries and Diseases Act 130 of 1993 (COIDA)	<p>a) The COIDA provides for compensation for disablement caused by occupational injuries or diseases sustained or contracted by employees in the course of their employment, or for death resulting from such injuries or diseases, hence bidders are expected to attach COIDA certificates in line with their specialize area aligned to the type/nature of business.</p>	<p>If applicable, is the COIDA certification / letter of good standing attached, valid and reflects the nature of work in line with the scope of works?</p>	N/A

TERMS OF REFERENCE

DEVELOPMENT OF A LOCAL BIODIVERSITY STRATEGY AND ACTION PLAN (LBSAP) AND A MUNICIPAL OPEN SPACE STRATEGY (MOSS) FOR THE CITY OF MBOMBELA

1. BACKGROUND

The gazetted City of Mbombela Environmental Management Framework (2021) indicated that the COM is biodiversity rich and; its key terrestrial biodiversity features that require adequate protection include the following:

- Three biomes, namely Savanna, Grassland and Forest;
- Twenty vegetation types;
- Seven threatened terrestrial ecosystems;
- Various formally protected areas, including the KNP and Barberton Makhonjwa Mountains World Heritage Site (WHS);
- The Songimvelo-Malolotja Transfrontier Conservation Area (TFCA);
- The Kruger to Canyons Biosphere Region;
- The Barberton Centre of Endemism;
- Three Important Bird & Biodiversity Areas (IBAs); and
- Terrestrial Critical Biodiversity Areas (CBAs) and Ecological Support Areas (ESAs)

In addition, the Municipality's Wetland Inventory and Ecological Integrity Assessment report (2022) revealed that there are about 2700 wetlands in the municipal area providing several ecosystem services that has to be restored and conserved. The LBSAP seeks to clearly identify conservation priorities that ought to be integrated into spatial plans; with a view to pro-actively guide development away from priority areas and potentially improve spatial decision-making that benefits both economic and biodiversity conservation requirements.

2. ADAPTIVE APPROACH TO BIODIVERSITY PLANNING

According to the CSIR (2024) the City of Mbombela will experience significant effects of climate change particularly as a result of increased temperatures and rainfall variability. The uncertainties projected by climate analysts and the municipality's commitments to climate change adaptation requires that biodiversity planning employ an adaptive approach to build climate resilience.

3. RATIONALE FOR BIODIVERSITY PLANNING:

- Identify opportunities to enhance biodiversity conservation.
- Avoid or prevent biodiversity destruction by providing alternatives with less potential for biodiversity loss.
- Minimize biodiversity loss/damage through design modification.
- Provide information to decision-makers (developers and town planners) to divert development away from high-priority conservation areas.
- Pro-actively identify ecosystem-based / biome-based climate adaption potential projects.

4. SCOPE OF WORK

We require the services of qualified and experienced scientists to conduct extensive research and compile the City's Local Biodiversity Strategy and Action Plan and a Municipal Open Space Strategy. It is envisaged that this work will be completed within 18 months.

A. Develop an Implementable Local Biodiversity Strategy and Action Plan for the City of Mbombela

1. Biodiversity Baseline Assessment

- Determine the state, status, and distribution of biodiversity within the municipal area.
- Undertake a baseline assessment of terrestrial, freshwater, wetland, and ecological systems.
- Assess current land use, land cover change, habitat fragmentation, ecosystem degradation, and environmental pressures.
- Identify invasive alien species and associated ecological risks.
- Identify environmentally sensitive areas and biodiversity hotspots.
- Assess ecosystem condition, ecological functioning, and ecological connectivity.
- Establish vulnerabilities of the Municipality's biological diversity to changing climatic conditions.
- Identify ecosystems and areas with high exposure to climate change impacts.

2. Spatial Mapping and GIS Deliverables

- Produce biodiversity distribution maps at municipal and regional scales.
- Produce maps identifying Critical Biodiversity Areas (CBAs), Ecological Support Areas (ESAs), protected areas, ecological corridors, climate-sensitive ecosystems, biodiversity priority areas, and areas vulnerable to environmental degradation.
- Produce land-use and ecological sensitivity maps.
- Develop GIS-compatible datasets, shapefiles, geodatabases, and metadata.
- Provide spatial decision-support tools compatible with municipal GIS systems.

3. Conservation Planning and Biodiversity Management

- Identify conservation options and opportunities within the municipal area.
- Determine priorities for conservation action and biodiversity planning.
- Identify biodiversity stewardship opportunities.
- Identify protected-area expansion opportunities.
- Propose conservation and biodiversity management options.
- Identify ecological corridors and landscape-scale conservation initiatives.
- Develop ecological restoration recommendations where required.
- Identify priority interventions for ecosystem rehabilitation and protection.

4. Climate Change and Ecosystem Resilience

- Identify and map ecosystems and areas highly exposed to climate change impacts.
- Assess climate-related biodiversity vulnerabilities and risks.

- Propose climate adaptation measures for biodiversity conservation and ecosystem resilience.
- Propose mitigation measures to reduce biodiversity loss associated with climate change.
- Identify nature-based solutions and ecosystem-based adaptation opportunities.
- Identify community-based resilience initiatives aimed at strengthening adaptive capacity.

5. Ecosystem Services and Natural Capital Assessment

- Assess ecosystem services and natural capital contributions within the municipal area.
- Identify ecological assets contributing to water security, flood attenuation, climate regulation, carbon sequestration, agricultural productivity, tourism, and livelihood support.
- Assess the socio-economic value of biodiversity and ecosystem services.

6. Socio-Economic Opportunities and Green Economy Development

- Identify wildlife economy opportunities.
- Identify green jobs and biodiversity economy opportunities.
- Identify economic opportunities linked to conservation and sustainable resource use.
- Identify development corridors and landscape initiatives compatible with biodiversity conservation.
- Identify opportunities for sustainable eco-tourism and conservation-linked livelihoods.
- Identify possible community-public-private partnerships around conservation.
- Identify financing and investment opportunities for biodiversity conservation initiatives.

7. Institutional, Policy and Legislative Review

- Review applicable national, provincial, and local biodiversity legislation, policies, and strategies.
- Assess alignment with municipal IDPs, SDFs, EMFs, Climate Change Strategies, Bioregional Plans, and sectoral environmental plans.
- Assess institutional arrangements and municipal capacity for biodiversity management and implementation.
- Identify policy, governance, and institutional gaps affecting biodiversity management.
- Provide recommendations for integration of the LBSAP into municipal planning instruments and LUMS.

8. Stakeholder Engagement and Public Participation

- Develop and implement a stakeholder engagement and public participation plan.
- Conduct at least four regional stakeholder workshops.
- Obtain indigenous knowledge and grass-roots level information relating to biodiversity management practices.
- Engage communities, traditional authorities, government departments, NGOs, academic institutions, private sector stakeholders, and environmental forums.
- Document stakeholder inputs and incorporate relevant recommendations into the final plan.

9. Local Biodiversity Action Plan

- Develop a Biodiversity Management and Implementation Plan.
- Develop realistic goals, targets, and priority actions.
- Develop short, medium, and long-term implementation programs.
- Define implementation responsibilities and institutional roles.
- Develop indicative implementation budgets and resource requirements.
- Identify funding mechanisms and potential funding partners.
- Develop prioritised intervention plans for biodiversity conservation and management.
- Provide recommendations for integration into municipal planning and decision-making processes.

10. Monitoring, Evaluation and Reporting Framework

- Develop a monitoring and evaluation framework.
- Develop measurable biodiversity indicators and performance targets.
- Develop reporting mechanisms and review procedures.
- Recommend monitoring intervals and adaptive management approaches.
- Develop a framework for ongoing biodiversity data management and updating.

11. Capacity Building and Knowledge Transfer

- Conduct capacity-building and knowledge-transfer sessions for municipal officials.
- Provide training on biodiversity management tools, GIS datasets, and implementation approaches.
- Provide guidance on the use and maintenance of biodiversity information systems.

B. MUNICIPAL OPEN SPACE STRATEGY (MOSS)

12. Open Space Planning and Assessment

- Identify and prioritise additional open spaces for passive recreation and environmental preservation.
- Propose additional open lands to support biodiversity conservation objectives.
- Develop a rationale for open space planning and propose open space categories.
- Assess the adequacy, distribution, and accessibility of existing municipal open spaces.
- Identify open spaces that are degraded and require restorative interventions.
- Identify open spaces suitable for community pocket parks in line with the City of Mbombela Transformative River and Stormwater Management Programme (2023).
- Identify opportunities for multifunctional open spaces that support biodiversity, recreation, climate resilience, and community well-being.

13. MOSS Spatial Planning and GIS Deliverables

- Develop an Open Space Spatial Layer building on information contained in the current City of Mbombela Spatial Development Framework (SDF).

- Identify and map existing and proposed greenbelts and ecological corridors for conservation purposes.
- Provide a separate shapefile for existing municipal developed recreational parks.
- Produce GIS-compatible datasets, shapefiles, geodatabases, and metadata for all MOSS-related outputs.
- Identify and map strategic open spaces that contribute to biodiversity conservation, flood attenuation, climate resilience, urban cooling, ecological connectivity, recreation, and social cohesion.

14. Nature-Based Solutions and Climate Resilience

- Demonstrate the role of open spaces as Nature-Based Solutions (NbS).
- Identify and propose areas that may be acquired for biodiversity conservation and climate resilience purposes.
- Identify ecological infrastructure opportunities that contribute to flood management, stormwater attenuation, and ecosystem resilience.
- Provide recommendations for integrating open space planning into climate adaptation and resilience strategies.

15. Land Acquisition and Property Analysis

- Identify priority properties and open spaces important for biodiversity conservation, protected area expansion, climate resilience, ecological connectivity, and open space protection.
- Provide property ownership information for land parcels identified as priorities for acquisition or protection.
- Recommend land acquisition, stewardship, servitude, or conservation partnership mechanisms where appropriate.

16. Integration of MOSS with LBSAP and Municipal Planning

- Succinctly demonstrate linkages between the MOSS and the LBSAP.
- Provide recommendations for integrating the MOSS and LBSAP into LUMS, SDFs, precinct planning, EMFs, and infrastructure planning processes.
- Develop spatial planning guidelines to support biodiversity-sensitive development and open space protection.

17. Learning Exchange and Institutional Strengthening

- Facilitate a learning exchange session between the City of Mbombela and another municipality in South Africa on the integration of the LBSAP and MOSS into LUMS.
- Provide knowledge-sharing material and case studies on best practice approaches to biodiversity and open space planning.
- Conduct institutional support and awareness sessions for relevant municipal departments.

C. FINAL PROJECT DELIVERABLES

- Inception Report.
- Stakeholder Engagement Plan.
- Biodiversity Baseline Assessment Report.
- Municipal Open Space System (MOSS) Assessment Report.
- Climate Change and Ecosystem Resilience Assessment.
- Biodiversity and Open Space Spatial Mapping Outputs.
- GIS Database, shapefiles, metadata, and spatial layers.
- Draft LBSAP.
- Final LBSAP.
- Draft MOSS.
- Final MOSS.
- Biodiversity Action Plan and Implementation Framework.
- Monitoring and Evaluation Framework.
- Property and Land Acquisition Assessment Report.
- Stakeholder Engagement Report.
- Learning Exchange Session
- Presentation of findings to municipal management and stakeholders.

B. REPORTING

The Service Provider is expected to report project progress quarterly with quarterly reports and presentations.

C. SPECIAL CONDITION

The bidder shall appoint a multidisciplinary project team comprising of the following key experts/specialists:

- i) Environmental Scientist (Project Lead)
- ii) Biodiversity Specialist
- iii) Climate Change Specialist / Climate Scientist
- iv) Town and Regional Planner
- v) GIS Specialist

- All specialists must be qualified in their respective fields.
- All specialists must be registered with the relevant recognised professional bodies applicable to their professions.
- Each specialist must have a minimum of five (5) years' relevant post-qualification experience in their respective fields of expertise.
- Bidders must submit:
 - Updated Curriculum Vitae (CVs) of all proposed specialists,
 - Certified copies of qualifications,
 - Proof of professional registration
 - Project experience demonstrating relevant experience.

Failure to meet the minimum requirements stipulated above, including submission of proof of qualifications, professional registration, and minimum experience, will render the bid non-responsive and the bidder will be disqualified from further evaluation.

D. PRICING SCHEDULE

SERVICE DESCRIPTION	QTY	UNIT PRICE EXCL. VAT
DEVELOPMENT OF A LOCAL BIODIVERSITY STRATEGY AND ACTION PLAN AND A MUNICIPAL OPEN SPACE STRATEGY FOR THE CITY OF MBOMBELA	1	R
	15% OF VAT	R
	TOTAL BID PRICE INCLUDING VAT	R

NB: THE TOTAL BID PRICE MUST BE ALSO REFLECTED ON MBD 1 (FORM OF OFFER) AND FAILURE TO ADHERE WILL LEAD TO IMMEDIATE DISQUALIFICATION.

E. EVALUATION CRITERIA

Quality/Functionality will be used as an evaluation criterion, but not for the purposes of points in terms of the 80/20 point system. Only those bids that fully comply with quality (responsive bids) will proceed to the scoring for price and targeted goals. This means that functionality will be a pre-qualifying criterion. Thus bidders **MUST** score a minimum of **30 points** to qualify for further evaluation on price and B-BBEE status level of contribution

TABLE 1: WEIGHT SCORING

CRITERION	BASIS FOR POINTS ALLOCATION	SCORING	MAXIMUM POINTS
Criterion 1: Qualifications of Team Leader (SACNASP registered Environmental Scientist)	Attach certified copy of qualifications	Masters and above : 10 Honours : 5 Degree/Diploma : 2	10
Criterion 2: Experience of Team Leader	Attach CV with project list	Above 10 years : 10 5 – 10 years : 5	10
Criterion 4: Traceable Appointment and Reference Letters (on letterheads) for biodiversity related work undertaken in last five (5) years.	Attach reference letters.	3 Reference Letters : 15 points 2 Reference Letters : 10 points 1 Reference Letter : 5 points 3 Appointment Letters : 15 points 2 Appointment Letters : 10 points 1 Appointment Letter : 5 points	30
			50 POINTS
<p>NB: Appointment letters must correspond with the submitted reference letters. Failure to provide matching appointment and reference letters will result in no points being allocated for the relevant project.</p> <p>Each project must be supported by its own appointment letter and corresponding reference letter to qualify for evaluation and scoring.</p> <p>All appointment and reference letters must be certified copies. Certifications must be original and not older than three (3) months from the closing date of the bid.</p>			

**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 CASE WHERE DIFFERENT DELIVERY POINTS INFLUENCES THE PRICING, A SEPARATE PRICING SCHEDULE MUST BE SUBMITTED FOR EACH DELIVERY POINT

Name of bidder..... Bid number: COM68/2026

Closing Time 11:00 on 17 JULY 2026

OFFER TO BE VALID FOR **120** DAYS FROM THE CLOSING DATE OF BID.

ITEM NO.	QTY	DESCRIPTION	BID PRICE IN RSA CURRENTLY (INCLUDING VAT)
-	Required by		.....
-	At:		..... .....
-	Brand and model		.....
-	Country of origin		.....
-	Does the 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.

Any enquiries regarding the bidding procedure may be directed to:

SCM information – Christopher Nkambule P.O Box 45 Mbombela 1200 Tel: 013 759 2358	or	Technical information – Khethiwe Malaza P.O Box 45 Mbombela 1200 Tel: 013 759 9084
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DECLARATION OF INTEREST

1. No bid will be accepted from persons in the service of the state¹.
2. Any person, having a kinship with persons in the service of the state, including a blood relationship, may make an offer or offers in terms of this invitation to bid. In view of possible allegations of favouritism, should the resulting bid, or part thereof, be awarded to persons connected with or related to persons in service of the state, it is required that the bidder or their authorised representative declare their position in relation to the evaluating/adjudicating authority.

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

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

3.2 Identity Number:

3.3 Position occupied in the Company (director, trustee, hareholder²):...

3.4 Company Registration Number:

3.5 Tax Reference Number:.....

3.6 VAT Registration Number:

3.7 The names of all directors / trustees / shareholders members, their individual identity Numbers and state employee numbers must be indicated in paragraph 4 below.

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

3.8.1 If yes, furnish particulars.....

¹MSCM Regulations: "in the service of the state" means to be –

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

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

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

3.9.1 If yes, furnish particulars.....

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

3.10.1 If yes, furnish particulars.

.....
.....

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

3.11.1 If yes, furnish particulars

.....
.....

3.12 Are any of the company's directors, trustees, managers, Principle shareholders or stakeholders in service of the state? **YES / NO**

3.12.1 If yes, furnish particulars.

.....
.....

3.13 Are any spouse, child or parent of the company's directors, trustees, managers, principle shareholders or stakeholders in service of the state? **YES / NO**

3.13.1 If yes, furnish particulars.

.....
.....

3.14 Do you or any of the directors, trustees, managers, principle shareholders, or stakeholders of this company have any interest in any other related companies or business whether or not they are bidding for this contract. **YES / NO**

3.14.1 If yes, furnish particulars:

.....
.....

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

Full Name	Identity Number	State Employee Number

.....
Signature

.....
Date

.....
Capacity

.....
Name of Bidder

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

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

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

1. GENERAL CONDITIONS

- 1.1 The following preference point systems are applicable to invitations to tender:
- the 80/20 system for requirements with a Rand value of up to R50 000 000 (all applicable taxes included); and
 - the 90/10 system for requirements with a Rand value above R50 000 000 (all applicable taxes included).

1.2 To be completed by the organ of state

- a) The applicable preference point system for this tender is the 80/20 preference point system.

- 1.3 Points for this tender (even in the case of a tender for income-generating contracts) shall be awarded for:
- (a) Price; and
 - (b) Specific Goals.

1.4 To be completed by the organ of state:

The maximum points for this tender are allocated as follows:

	POINTS
PRICE	80
SPECIFIC GOALS	20
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:

$$\begin{array}{ccc} \mathbf{80/20} & \mathbf{or} & \mathbf{90/10} \\ \\ \mathbf{Ps} = \mathbf{80} \left(\mathbf{1} - \frac{\mathbf{Pt} - \mathbf{P min}}{\mathbf{P min}} \right) & \mathbf{or} & \mathbf{Ps} = \mathbf{90} \left(\mathbf{1} - \frac{\mathbf{Pt} - \mathbf{P min}}{\mathbf{P min}} \right) \end{array}$$

Where

- Ps = Points scored for price of tender under consideration
- Pt = Price of tender under consideration
- Pmin = Price of lowest acceptable tender

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

3.2.1. **POINTS AWARDED FOR PRICE**

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

$$Ps = 80 \left(1 + \frac{Pt - Pmax}{Pmax} \right) \text{ or } Ps = 90 \left(1 + \frac{Pt - Pmax}{Pmax} \right)$$

Where

- Ps = Points scored for price of tender under consideration
- Pt = Price of tender under consideration
- Pmax = 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 tenderers: The tenderer must indicate how they claim points for each preference point system.

Item no.	The specific goals allocated points in terms of this tender	Number of points allocated (80/20 system)	Number of points claimed (80/20 system) (To be completed by the tenderer)
A total of 15 preference points shall be allocated on a proportional or pro rata basis for contracting an enterprise owned by historically disadvantaged persons or individuals who meet the following requirements -			
1.	for 100% black person or people owned enterprise	5 points	
2.	for at least 30% woman or women shareholding or owned enterprise	2.5 points	
3.	For at least 30% youth shareholding or owned enterprise	2.5 points	
4.	for at least 30% people living with disability shareholding or owned enterprise	2.5 points	
A total of 5 preference points shall be allocated on a proportional or pro rata basis for implementing of programmes for RDP -			
5.	for enterprise regarded as EMEs located within the City of Mbombela	2.5 points	
	for valid B-BBEE level 1 contribution (SANAS accredited B-BBEE certificate for generic enterprise, and for EME and SME a sworn affidavit or CIPC issued certificate confirming annual turnover and level of Black Ownership).	5 points	
The City will utilize the CSD report for the above-mentioned information.			

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:	..... ..... .....

THIS MBD FORM MUST NOT BE COMPLETED PRIOR TO APPOINTMENT. IT WILL BE ONLY BE FURNISHED AND SIGNED BY THE SUCCESSFUL BIDDER/SERVICE PROVIDER

CONTRACT FORM - PURCHASE OF GOODS/WORKS

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

PART 1 (TO BE FILLED IN BY THE BIDDER)

1. I hereby undertake to supply all or any of the goods and/or works described in the attached bidding documents to (name of institution)..... in accordance with the requirements and specifications stipulated in bid number..... at the price/s quoted. My offer/s remain binding upon me and open for acceptance by the purchaser during the validity period indicated and calculated from the closing time of bid.
2. The following documents shall be deemed to form and be read and construed as part of this agreement:
 - (i) Bidding documents, viz
 - Invitation to bid;
 - Tax clearance certificate;
 - Pricing schedule(s);
 - Technical Specification(s);
 - Preference claims for Broad Based Black Economic Empowerment Status Level of Contribution in terms of the Preferential Procurement Regulations 2022;
 - Declaration of interest;
 - Declaration of bidder's past SCM practices;
 - Certificate of Independent Bid Determination;
 - Special Conditions of Contract;
 - (ii) General Conditions of Contract; and
 - (iii) Other (specify)
3. I confirm that I have satisfied myself as to the correctness and validity of my bid; that the price(s) and rate(s) quoted cover all the goods and/or works specified in the bidding documents; that the price(s) and rate(s) cover all my obligations and I accept that any mistakes regarding price(s) and rate(s) and calculations will be at my own risk.
4. I accept full responsibility for the proper execution and fulfilment of all obligations and conditions devolving on me under this agreement as the principal liable for the due fulfillment of this contract.
5. I declare that I have no participation in any collusive practices with any bidder or any other person regarding this or any other bid.
6. I confirm that I am duly authorised to sign this contract.

NAME (PRINT)

CAPACITY

SIGNATURE

NAME OF FIRM

DATE

WITNESSES	
1	.....
2	.....
DATE:	

(BIDDERS / SERVICE PROVIDERS MUST NOT FILL THIS PART TWO OF THIS MBD 7)

CONTRACT FORM - PURCHASE OF GOODS/WORKS

PART 2 (TO BE FILLED IN BY THE PURCHASER / CITY OF MBOMBELA)

- 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 (ALL APPLICABLE TAXES INCLUDED)	BRAND	DELIVERY PERIOD	B-BBEE STATUS LEVEL OF CONTRIBUTION	MINIMUM THRESHOLD FOR LOCAL PRODUCTION AND CONTENT (if applicable)

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

SIGNED ATON.....

NAME (PRINT)

SIGNATURE

OFFICIAL STAMP

WITNESSES

1.

2.

DATE

DECLARATION OF BIDDER’S PAST SUPPLY CHAIN MANAGEMENT PRACTICES

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

Item	Question	Yes	No
4.1	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 <input type="checkbox"/>	No <input type="checkbox"/>
4.1.1	If so, furnish particulars:		
4.2	Is the bidder or any of its directors listed on the Register for Tender Defaulters in terms of section 29 of the Prevention and Combating of Corrupt Activities Act (No 12 of 2004)? (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 <input type="checkbox"/>	No <input type="checkbox"/>
4.2.1	If so, furnish particulars:		
4.3	Was the bidder or any of its directors convicted by a court of law (including a court of law outside the Republic of South Africa) for fraud or corruption during the past five years?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.3.1	If so, furnish particulars:		
Item	Question	Yes	No
4.4	Does the bidder or any of its directors owe any municipal rates and taxes or municipal charges to the municipality / municipal entity, or to any other municipality / municipal entity, that is in arrears for more than three months?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.4.1	If so, furnish particulars:		

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

CERTIFICATION

**I, THE UNDERSIGNED (FULL NAME).....
CERTIFY THAT THE INFORMATION FURNISHED ON THIS DECLARATION FORM TRUE AND CORRECT.**

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

.....
Signature

.....
Date

.....
Position

.....
Name of Bidder

CERTIFICATE OF INDEPENDENT BID DETERMINATION

- 1 This Municipal Bidding Document (MBD) must form part of all bids¹ invited.
- 2 Section 4 (1) (b) (iii) of the Competition Act No. 89 of 1998, as amended, prohibits an agreement between, or concerted practice by, firms, or a decision by an association of firms, if it is between parties in a horizontal relationship and if it involves collusive bidding (or bid rigging).² Collusive bidding is a *pe se* prohibition meaning that it cannot be justified under any grounds.
- 3 Municipal Supply Regulation 38 (1) prescribes that a supply chain management policy must provide measures for the combating of abuse of the supply chain management system, and must enable the accounting officer, among others, to:
 - a) take all reasonable steps to prevent such abuse;
 - b) reject the bid of any bidder if that bidder or any of its directors has abused the supply chain management system of the municipality or municipal entity or has committed any improper conduct in relation to such system; and
 - c) cancel a contract awarded to a person if the person committed any corrupt or fraudulent act during the bidding process or the execution of the contract.
- 4 This MBD serves as a certificate of declaration that would be used by institutions to ensure that, when bids are considered, reasonable steps are taken to prevent any form of bid-rigging.
- 5 In order to give effect to the above, the attached Certificate of Bid Determination (MBD 9) must be completed and submitted with the bid:

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

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

CERTIFICATE OF INDEPENDENT BID DETERMINATION

I, the undersigned, in submitting the accompanying bid:

(Bid Number and Description)

in response to the invitation for the bid made by:

(Name of Municipality / Municipal Entity)

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

I certify, on behalf of:

_____ that:
(Name of Bidder)

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

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

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

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

.....
Signature

.....
Date

.....
Position

.....
Name of Bidder

AUTHORITY TO SIGN A BID

1. COMPANIES AND CLOSE CORPORATIONS

- a. **If a Bidder is a COMPANY, a certified copy of the resolution by the board of directors**, duly signed, authorising the person who 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 and/or contract on behalf of the company **must be submitted with this bid**, that is, before the closing time and date of the bid

- b. In the case of a **CLOSE CORPORATION (CC)** submitting a bid, **a resolution by its members**, authorizing a member or other official of the corporation to sign the documents on their behalf, **shall be included with the bid**.

PARTICULARS OF RESOLUTION BY BOARD OF DIRECTORS OF THE COMPANY / MEMBERS OF THE CC

Date Resolution was taken			
Resolution signed by (name and surname)			
Capacity			
Name and surname of delegated Authorized Signatory			
Capacity			
Specimen Signature			
Full name and surname of ALL Director(s) / Member (s)			
Is a CERTIFIED COPY of the resolution attached?		YES	NO
SIGNED ON BEHALF OF COMPANY / CC:		DATE:	
PRINT NAME:			
WITNESS 1:		WITNESS 2:	

2. SOLE PROPRIETOR (SINGLE OWNER BUSINESS)

I, _____, the undersigned, hereby confirm

that I am the sole owner of the business trading as _____

3. PARTNERSHIP

We, the undersigned partners in the business trading as _____

hereby authorize Mr/Ms _____ to sign this bid as well as any contract resulting from the bid and any other documents and correspondence in connection with this bid and /or contract for and on behalf of the abovementioned partnership.

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

Full name of partner	Signature

SIGNED ON BEHALF OF PARTNERSHIP:		DATE:	
PRINT NAME:			
WITNESS 1:		WITNESS 2:	

This returnable schedule is to be completed by JOINT VENTURES

We, the undersigned, are submitting this tender offer in joint venture and hereby authorize Mr/Ms

_____ authorized signatory of the Company/Close Corporation/Partnership (name) _____, acting in the capacity of lead partner, to sign all documents in connection with the tender offer and any contract resulting from it on our behalf.

1. Name of firm (Lead partner)			
Address			
		Tel. No.	
Signature		Designation	

2. Name of firm			
Address			
		Tel. No.	
Signature		Designation	

3. Name of firm			
Address:			
		Tel. No.	
Signature		Designation	

4. Name of firm			
Address			
		Tel. No.	
Signature		Designation	

NOTE: A copy of the Joint Venture Agreement showing clearly the percentage contribution of each partner to the Joint Venture, shall be appended to this Schedule.

SUPPLY CHAIN POLICY USING 80/20 SPECIFIC GOALS

		MAXIMUM POINTS TO BE ALLOCATED	POINTS CLAIMED BY BIDDER	ALLOCATED POINTS
PRICE AND COMPETENCE GOALS (80 POINTS)	PRICE	80		
	SUB TOTAL	80		
TARGETED GOALS (20 POINTS)				
	SPECIFIC TARGETED GOALS	20		
	SUB TOTAL	20		
	TOTAL	100		