

BID NUMBER: 2022/02/005

**RFP: PROVISION FOR A PANEL OF ATTORNEYS FOR LEGAL SERVICES FOR A PERIOD
OF THIRTYSIX (36) MONTHS.**

NAME & ADDRESS OF BIDDER	
Postal Code	
Tel	
Fax	
Mobile	
CSD Number	MAAA
Completion Period	

Address: Corner Le Roux and Theron Street, PO Box 8, Theunissen, 9410

Tel: (057) 733 2804, Fax: (057) 733 2356, Email: filem@masilonyana.co.za

Website: www.masilonyana.co.za



ADVERTISEMENT

BID INVITATION:

RFP: PROVISION FOR A PANEL OF ATTORNEYS FOR LEGAL SERVICES FOR A PERIOD OF THIRTY-SIX (36) MONTHS.

Bidders are hereby invited from suitably qualified service providers to render legal services for a period of thirty-six (36) months.

BID NUMBER: 2022/02/005

Bid Documentation will be available on e-tender.

Technical Enquiries: Mr Itumeleng Mogaecho
Corporate Services Department
Tel: 072 958 4122
Fax: 057 733 2417
Email: imogaecho@masilonya.co.za

SCM Enquiries:
Finance Department
Tel:
Email: scm@masilonyana.co.za

Briefing Session: None

Instruction with the depositing of tenders:
Address tenders to:
Mrs NHL Lungile
Acting Municipal Manager
Municipality

47 Le Roux Street
Theunissen
9410

Closing date: 17th of March 2022,
12:00(mid-day)
On the municipal clock

Tender Box: Municipality
47 Le Roux Street
Theunissen
9410

SPECIAL CONDITIONS OF A TENDER

- The tender will be evaluated using quality-based method.
- Must be registered on Central Supplier Database Web (CSD Treasury).
- Tenders must be enclosed in a sealed envelope clearly stating the tender number.
- The general conditions of contract will be applicable to this tender,
- No rectification/correction fluid may be used on the document.
- Bids received after closing TIME and/ or DATE will NOT be considered.
- Municipality reserves the right not to make any appointment.
- Tenders must be delivered personally and be placed in the Municipality's tender box. No emailed or faxed tenders will be accepted.
- No bids will be considered from persons in the service of the state.
- Validity Period is 90 days.
- Please note that should you not receive any correspondence from the Municipality regarding your bid within three months after the closing date of this advertisement, you should regard your bid unsuccessful.

COMPULSORY DOCUMENTS SHOULD BE SUBMITTED AS PART OF RETURNABLES (FAILURE TO SUBMIT WILL LEAD TO DISQUALIFICATION OF THE BID)

- Certified copy of Company registration certificate (CK), not older than 3 months
- Tax compliance status pin/ Valid Tax Clearance
- certified copy of the B-BBEE
- Certified copy of Identity documents of directors/owners/members/shareholders, not older than 3 months
- Fidelity Fund Certificate
- Letter of Good Standing with the legal Practitioners Council (Not older than 3 months)
- Indemnity cover.
- In case of a bidder owning a property, they must provide a municipal statement confirming status of municipal accounts not older than 3 months (Bidders must not be in arrears for more than 90 days)
In case of a bidder leasing the property, they must attach a lease agreement from landlord and a letter stating that rent is up to date. (letter must not be older than 3 months)
In case of the bidder operating in an area that doesn't pay rates, they must attach an affidavit stating that rates are not paid in that area. (affidavit must not be older than 3 months)
- Joint Venture agreement in the case of joint venture.
- Central Supplier Database (CSD) Registration Report or MAAA Number
- Any other requirement listed in the Tender Data.

Duly Signed

15 February 2022

MS. HNL Mokoteli
Acting Municipal Manager

Date:

Objectives

Municipality would like to invite suitable, qualified, and competent firms of attorneys to send proposals to be considered for inclusion on its panel of attorneys, as preferred service provider. Preferred service providers imply that the selected firms are a pool, not necessarily the only contracted service provider. The period of appointment is thirty-six (36) months.

SPECIFICATIONS AND PRICING SCHEDULE

<i>SPECIFICATIONS & SPECIAL CONDITIONS</i>

1. SCOPE OF WORK

ESTABLISHMENT OF PANELS OF LEGAL SERVICE PROVIDERS

It is the intention of the Municipality to establish the following panels:

ITEM	SERVICE CATEGORIES	PLEASE TICK
1..	Conveyancing	
2.	Corporate Law and Commercial Contracts	
3.	Magistrate and Regional Court matters (excluding debt collection)	
4.	Alternative Dispute Resolution	
5.	Labour Law	
6.	Planning Law	
7.	Environmental Law	
8.	Procurement Law	
9.	Public Law	
10.	Property Law	

11.	Intellectual Property, Information Technology and Internet Law	
12.	Urgent Interdicts	
13.	Public Liability and Personal Injury Law	
14.	Criminal Law	
15.	Administrative, Public Policy and Regulatory Law	
16.	Taxation Law	
17.	Banking and Finance Law	
18.	Constitutional Law	
19.	Evictions	
20.	Pension Law	
21.	Insurance Law	
22.	Health and Safety Legislation	

It is imperative for Tenderers to provide sufficient detail in respect of their practitioners' areas of expertise (especially the Lead legal practitioner proposed per panel), as well as to indicate clearly which additional practitioners are proposed to be included in the respective panels above. Lead legal practitioners proposed, from the same firm may only be considered for a **maximum of five panels**, whereas additional practitioners may be proposed for any number of panels, provided their expertise as submitted justifies their inclusion in a particular panel.

Tenderers are to note that there may be an overlap between certain panels and Tenderers may apply for any number of the panels mentioned above, provided the resources proposed have the necessary expertise to ensure the provision of professional services within those categories applied for. Tenderers are to note that a particular lead legal practitioner may not be proposed as such for more than five panels.

Municipality will, in its sole discretion, assess a particular matter and decide within which panel that specific matter resides. In the event that a matter initially resides in a particular panel, but subsequently evolves and may be better placed within another panel, the municipality reserves the right to re-allocate such a matter to a Tenderer in the second mentioned panel. In the interests of continuity, the municipality may however decide to instruct the initial Tenderer to continue with the matter. Tenderers are to note that these decisions are within the exclusive mandate of the municipality.

Award Methodology: Rotational mechanism

The Masilonyana Local Municipality will assess a particular matter and determine, in its own discretion, in which panel the particular matter falls. Work will be allocated on a rotation basis to the tenderers on the relevant panel, which rotation will follow the order of ranking of the bidders, as per points achieved for price and preference.

The Masilonyana Local Municipality will approach the tenderer on the panel in the order of their ranking and/or based on who is next in line on that panel to accept the instruction. The panel member will have a period of 24 hours from the time the instruction was sent to the panel member to accept or decline the instruction.

Should the panel member fail to accept or decline the instruction within the aforementioned period, the Masilonyana Local Municipality will approach the next ranked panel member in accordance with the ranking and rotation system.

Tenderers are to note that the period allowed for the acceptance of instructions are 24 hours from the time the instruction was sent for all panels, EXCEPT the Urgent Interdicts panel. In respect of the latter panel, Tenderers will only have a period of two hours to either accept or decline the instruction. This shorter time period is to cater for the nature of instructions that fall within the ambit of the Urgent Interdicts panel.

Tenderers are to note that in respect of urgent matters that fall within any of the panels, excluding the urgent Interdicts Panel, the Masilonyana Local Municipality may need to reduce the response time of 24 hours to accept the instruction, as circumstances require. The Masilonyana Local Municipality therefore expressly reserves the right to reduce the response time in a particular matter, where the circumstances of the matter warrant such a reduction. Failure by a Tenderer to accept the instruction within such a shorter period, the Masilonyana Local Municipality will be entitled to approach another Tenderer on the particular panel.

The Masilonyana Local Municipality also expressly reserves the right to deviate from the rotation schedule per panel and to approach any tenderer within that panel for a specific instruction, where this is considered to be in the best interests of the municipality. This may be the case where a panel member has previous knowledge of a particular matter or where specific expertise is required for a particular matter and the tenderer next in line for instructions do not have the required expertise. This could include the situation where the Tenderer next in line on the rotation roster does not have adequate capacity to attend to the matter.

The Masilonyana Local Municipality, when approaching a panel member for work allocation, retains the discretion to select either the lead legal practitioner of the tenderer or one of the additional resources proposed, for the particular matter.

The appointment of a particular practitioner of a Tenderer to attend to specific instructions will be confirmed to the Tenderer by way of an instruction letter from the Legal Services division. Tenderers are to note that no work may commence prior to the receipt of such letter.

Tenderers when receiving instructions on a particular matter are to work with and liaise with the Legal Services division.

Legal Services Manager
A.I Mogaqecho
Email: imogaecho@masilonyana.co.za
Cell no: 0729584122

Appointment of advocates, cost consultants and other service providers

Tenderers are to note that the appointment of advocates will be done on an "as and when required" basis by the appointed Tenderer in a specific matter, in consultation with the Municipality and the use of one or more advocates in any matter shall be at the Municipality's sole discretion.

Tenderers will be required to recommend an advocate for a particular matter, after due consideration of the facts, complexity, expertise required and costs. Tenderers will approach advocates willing and able to accept the instruction and the appointment will be made after consultation with the Municipality's Manager: Legal Services.

Cost consultants are to be appointed by the Tenderer in a particular matter where the services of a Cost Consultant are required. Cost Consultants are appointed by the Tenderer following consultation with the Manager: Legal Services and the use thereof is at the sole discretion of the Municipality.

Any other third party required for a particular matter will be appointed by the Tenderer after requesting such appointment from the Municipality, which request should include a detailed motivation for the need to appoint such additional resource. Tenderers should be mindful of the need to curtail the costs of such appointment and therefore such appointments will only be approved by the Municipality where the Municipality deems same necessary in the circumstances.

2. CONDITIONS OF TENDER

2.1 Appointment of Panel

Only firms of attorneys recognized in terms of the provisions of the Legal Practice Act 28 of 2014 and duly registered to practice with the Law Society of Free State will be considered for this tender.

The invitation applies to qualified and suitable firm of attorneys situated within the Free State Province.

A service level agreement will be entered into with each firm of attorneys appointed to render services to the Municipality.

The cost of each assignment will be agreed upon upfront and/or the Municipality together with the relevant firm of attorney will negotiate and agree on the applicable rates.

The Municipality does not guarantee that any work or assignment will be given to any firm of attorneys on the panel.

The Municipality may in its sole discretion award any assignment or part thereof to more than one firm of attorneys. The services of appointed firm of attorneys will be utilised by the Municipality as and when the need arises. The Municipality reserves the right to categorize the tenderers' expertise according to different fields of law.

A firm of attorneys assigned any work may not cede or subcontract any part thereof to any person except with the written consent of the Municipality or as may be required by the applicable laws, e.g. in instances where correspondent attorneys may be necessary.

The term of the appointed panel shall be 3 (three) years. The Municipality, however, reserves the right to continue with any firm of attorneys to complete any assignment awarded by the Municipality prior to the expiry of the 3 (three year term and/or may appoint any firm of attorneys to complete any task not completed.

The Municipality reserves the right to cancel the appointment of firms of attorneys and remove such firms from its panel if such firms do not meet the standards agreed upon and/or expected from such firms. The appointment of a panel of attorneys for the Municipality will not preclude it from utilising the services of any other firm of attorneys that is not appointed on the panel.

Each firm undertakes not to become involved in any matter against the Municipality or its Municipal entities or in any way prejudice its rights and interests. Firms that have matters pending against the Municipality or its entities at the time of the evaluation and adjudication of the tender will not be appointed to the panel.

2.2 Required attributes

The following attributes, among others, will be considered by the Municipality:

- (a) knowledge and application of the Municipal regulatory framework;
- (b) conformance to exceptional quality and standard of work, and meticulous attention to detail; and
- (c) a fast turnaround time and ability to adapt quickly.

2.3 Submission instructions

The following must also be included in the proposal:

- (a) a proven track record in the provision of required services (three reference letters to be submitted);
- (b) relevant experience;
- (c) necessary acumen and logistics to provide services;
- (d) Black economic empowerment initiatives;
- (e) Names, ranks and experience of personnel – detailed CV's to be provided;
- (f) Hourly fees in providing the services and administration charges (if applicable) (All fees subject to tariffs such as the Magistrates Court and High Court tariffs shall be billed in accordance with those tariffs);
- (g) (g) Company profile.

2.4 Company profile

Your company profile must address the following areas / headings in the following order:

2.4.1 History

Provide a brief history of the firm and an outline of the firm's geographic structure (excluding alliances or affiliation you may have with other law firms)

2.4.2 Client Base

Provide a list of local government clients for whom legal services were rendered on a regular basis in the past 3 years and specify the nature of all work done.

2.4.3 Field of Expertise

Each proposal must include the specialist fields of law of the firm, with specific reference to the fields as set out in paragraph 24.2 above.

If a firm of attorneys has expertise in more than one field of law, all relevant fields must be indicated in the proposal together with demonstrated experience in the specified areas of law. Clearly indicate for which of the specialist fields (as set out in paragraph 2) your firm tenders to provide legal services to the Municipality.

2.4.4 Your Team

CV's of your core service team that will be attending to the Municipality's work with specific reference to their educational/ professional background and their relevant experience.
Certified copies of qualifications are to be submitted.

2.4.5 Fees

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

2.4.6 Queries

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

3. **SPECIAL CONDITIONS**

Tenderer to complete the table below.

Conditions of Tender checklist

No	Condition of Tender	Completed by the tenderer	Completed by the BEC
		Yes/No (Attach proof)	Yes/No
1	Valid Fidelity Fund Certificate		
2	Certificate of Good Standing from the Legal Practice Council for the tendering entity		
3	Certificate of Good Standing from the Legal Practice Council in respect of proposed practitioners		
4	B-BBEE Certificate		
5	Disaster recovery plan		
6	Statement of Municipal rates and taxes		
7	CK Documents and ID copies of members		
8	Valid tax clearance certificate		

3.1 **REPORTING RELATIONSHIP**

- The respective bidder firms of Legal Practitioners will report to the Accounting Officer or a person delegated by the Accounting Officer (The Manager: Legal Services of the MLM);
- The firms of Legal Practitioners will be expected to provide formal written monthly reports on the progress of all pending assignments to the Manager: Legal Services.

- The firms of Legal Practitioners will be expected to provide formal written reports and soft copies to the Manager: Legal Services after the completion of each assignment.

4. FUNCTIONALITY

Evaluation

The Service Providers will be evaluated against the criteria as set out below:

Bids will be evaluated strictly according to the bid evaluation criteria stipulated in the terms of reference. Bidders must, as part of their bid documents, submit supportive documentation for all requirements as indicated hereunder. The panel responsible for scoring the respective bids will evaluate and score all bids based on their submissions and the information provided.

Bidders must ensure that all information is supplied as required. The Bid Evaluation Committee (BEC) will evaluate and score all responsive bids and will verify all documents submitted by the bidders.

The panel members will individually evaluate the responses received against the following criteria as set out below:

Bidders must score a minimum qualifying score of 80 out of 100 for functionality for the all panels which are tendered for. All bids that fail to achieve the minimum score shall be deemed as being non-responsive.

The evaluation criteria for Quality/functionality minimum threshold

requirement is 80% NB: Evaluations must be done per category

FUNCTIONALITY CRITERIA	POINTS	DOCUMENTS TO BE SUBMITTED FOR EVALUATIONS
Experience and Capacity 3 references = 10 Less than 3 = 0	10	3 contactable references letters per category the bidder is bidding for.
Lead Attorney: Knowledge and expertise Over 10 years = 30 5 – 10 years = 20 Less then 5 years = 0	30	Experience, expertise not less then five (5) years (post admission) in each category the bidder is bidding for.

Project Team: Knowledge and expertise 10 points for each CV	40	Provide Task Team with their CVs and proof of qualifications for each category the service provide is applying for
Provide your Law firm disaster recovery plan and systems back up procedure should any disaster occurs on your business premises If attached = 20 points Not attached = 0 points	20	Provide Disaster Recovery Plan

5. PRICING SCHEDULE

Item (where applicable)	High Court	Magistrate Court	Total Rates	Level of experience of Attorneys/Legal Advisors
Consultation (per hour)				
Drafting of Legal Opinion (per hour)				
Legal Research (per hour)				
Drafting of contracts (per hour)				
Perusal of documents (per hour)				
Traveling (per kilometre)				
Drafting of Court documents (Summons, Notices, Affidavits)				

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

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

6. SCHEDULE A: CERTIFICATE OF AUTHORITY TO SIGN DOCUMENTS

Indicate the status of the tenderer by ticking 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

I, _____, chairperson of the board of directors of

_____ hereby confirm that by resolution of the board

(Copy attached) taken on _____ 20_____, Mr/Mrs _____

Acting in the capacity of _____, was authorised to sign documents in
Connection with this tender and any contract resulting from it on behalf of the company.

As witness:

1. _____

Chairman

2. _____

_____ Date

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.

D. Certificate for Sole Proprietor

I, _____, hereby confirm that I am the sole owner of the
Business trading as _____

As witness:

Signature: sole owner

1. _____

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
this tender 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
members upon Who rests the direction of the affairs of the close
Corporation as a whole.

Annexure A: Local Government Track record of the Tendering entity

The tenderer shall list all instruction in relation to the Panel tendered for. This Annexure may be duplicated if
the tenderer is tendering for more Panels.

Where the entity tendering is a joint venture, the track record of each party to the joint venture must be
submitted as part of this schedule (additional pages may be added if necessary).

TRACK RECORD			
		EMPLOYER	DURATION

DESCRIPTION OF MATTER / INSTRUCTIONS	APPLICABLE PANEL	(include contact details)	Start Date	End Date

The reference letter attached hereto as Annexure B must be submitted by at least 2 clients/employers per panel

ANNEXURE B: REFERENCE LETTER

Reference Letter – Legal Services

- 1 We hereby confirm that (insert name of firm) has provided legal services in (insert field of law or matter details).
- 2 The account with (insert name of firm) was managed (insert level of services) during the period that they provided, legal services to the (insert name of client).
- 3 We rate their services as follows:

3.1 Skills level and professionalism of personnel assigned:

Very Good	Good	Average	Below Average	Poor
5	4	3	2	1

3.2 Ability to deliver required project output on time and within the desired quality and scope:

Very Good	Good	Average	Below Average	Poor
5	4	3	2	1

3.3 Overall satisfaction of the service and deliverables received:

Very Good	Good	Average	Below Average	Poor
5	4	3	2	1

Should you require any further information please contact (insert contact person

MBD 1

PART A

I INVITATION TO BID

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE (MUNICIPAL ENTITY)					
BID NUMBER:	2022/02/005	CLOSING DATE:	17 March 2022	CLOSING TIME:	12h00 PM
DESCRIPTION	RFP: PROVISION FOR A PANEL OF ATTORNEYS FOR LEGAL SERVICES FOR A PERIOD OF THIRTY-SIX (36) MONTHS.				
THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (MBD7).					

BID RESPONSE DOCUMENTS MAY BE DEPOSITED IN THE BID BOX

SITUATED AT (STREET ADDRESS

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]	☐ Yes ☐ No	B-BBEE STATUS LEVEL SWORN AFFIDAVIT	☐ Yes ☐ 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?	☐ Yes ☐ No : YES ENCLOSE] [ROOF	ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES /WORKS OFFERED?	☐ Yes ☐ 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:	
DEPARTMENT	SUPPLY CHAIN	CONTACT PERSON	Mr Mogaecho
CONTACT PERSON	K. Kotsamere	TELEPHONE NUMBER	
TELEPHONE NUMBER	078 400 6122	FACSIMILE NUMBER	057 733 2417
FACSIMILE NUMBER	057 733 2417	E-MAIL ADDRESS	imogaecho@masilonya.co.za
E-MAIL ADDRESS	kea@masilonyana.co.za		

PART B

TERMS AND CONDITIONS FOR BIDDING

1. BID SUBMISSION:

- 1.1. BIDS MUST BE DELIVERED BY THE STIPULATED TIME TO THE CORRECT ADDRESS. LATE BIDS WILL NOT BE ACCEPTED FOR CONSIDERATION.
- 1.2. **ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS PROVIDED–(NOT TO BE RE-TYPED) OR ONLINE**
- 1.3. THIS BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT AND THE PREFERENTIAL PROCUREMENT REGULATIONS, 2017, 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)? NO ☐ YES ☐ SOUTH AFRICA
- 3.2. DOES THE ENTITY HAVE A BRANCH IN THE RSA? ☐ YES ☐ NO
- 3.3. DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA? ☐ YES ☐ NO
- 3.4. DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA?
- 3.5. IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION?

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:

MBD 4

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

Name of Signatory

Signature

Name of the Bidder

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. wilfully 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.**

4.1	Is the bidder or any of its directors listed on the National Treasury's database as a company or person prohibited from doing business with the public sector? (Companies or persons who are listed on this database were informed in writing of this restriction by the National Treasury after the <i>audi alteram partem</i> rule was applied).	Yes ☐	No ☐
4.1.1	If so, furnish particulars:		
4.2	Is the bidder or any of its directors listed on the Register for Tender Defaulters in terms of section 29 of the Prevention and Combating of Corrupt Activities Act (No 12 of 2004)? (To access this Register enter the National Treasury's website, www.treasury.gov.za, click on the icon "Register for Tender Defaulters" or submit your written request for a hard copy of the Register to facsimile number (012) 3265445).	Yes ☐	No ☐

4.2.1	If so, furnish particulars:		
4.3	Was the bidder or any of its directors convicted by a court of law (including a court of law outside the Republic of South Africa) for fraud or corruption during the past five years?	Yes ☐	No ☐
4.3.1	If so, furnish particulars:		
4.4	Does the bidder or any of its directors owe any municipal rates and taxes or municipal charges to the municipality / municipal entity, or to any other municipality / municipal entity, that is in arrears for more than three months?	Yes ☐	No ☐
4.4.1	If so, furnish particulars:		
4.5	Was any contract between the bidder and the municipality / municipal entity or any other organ of state terminated during the past five years on account of failure to perform on or comply with the contract?	Yes ☐	No ☐
4.7.1	If so, furnish particulars:		

CERTIFICATION

I, THE UNDERSIGNE (FULLNAME)

CERTIFY THAT THE INFORMATION FURNISHED ON THIS DECLARATION FORM IS 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

MBD 6.1 PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL PROCUREMENT REGULATIONS 2011

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

Broad-Based Black Economic Empowerment (B-BBEE) Status Level of Contribution

NB: BEFORE COMPLETING THIS FORM, BIDDERS MUST STUDY THE GENERAL CONDITIONS, DEFINITIONS AND DIRECTIVES APPLICABLE IN RESPECT OF B-BBEE, AS PRESCRIBED IN THE PREFERENTIAL PROCUREMENT REGULATIONS, 2011.

1. GENERAL CONDITIONS

1.1 The following preference point systems are applicable to all bids:

- the 80/20 system for requirements with a Rand value of up to R1,000,000 (all applicable taxes included); and - the 90/10 system for requirements with a Rand value above R1,000,000 (all applicable taxes included).

1.2 The value of this bid is not estimated to exceed R1,000,000 (all applicable taxes included) and therefore the 80/20 system shall be applicable.

1.3 Preference points for this bid shall be awarded for:

- (a) Price; and
- (b) B-BBEE Status Level of Contribution.

1.3.1 The maximum points for this bid are allocated as follows:

POINTS

1.3.1.1PRICE	80
1.3.1.2 B-BBEE STATUS LEVEL OF CONTRIBUTION	20

1.4 Failure on the part of a bidder to fill in and/or to sign this form and submit a B-BBEE Verification Certificate from a Verification

Agency accredited by the South African Accreditation System (SANAS) or a Registered Auditor approved by the Independent Regulatory Board of Auditors (IRBA) or an Accounting Officer as contemplated in the Close Corporation Act (CCA) together with the bid, will be interpreted to mean that preference points for B-BBEE status level of contribution are not claimed.

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

2. DEFINITIONS

2.1 **“all applicable taxes”** includes value-added tax, pay as you earn, income tax, unemployment insurance fund contributions and skills development levies;

2.2 **“B-BBEE”** means broad-based black economic empowerment as defined in section 1 of the Broad-Based Black Economic Empowerment Act;

2.3 **“B-BBEE status level of contributor”** means the B-BBEE status received by a measured entity based on its overall performance using the relevant scorecard contained in the Codes of Good Practice on Black Economic Empowerment, issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act;

2.4 **“bid”** means a written offer in a prescribed or stipulated form in response to an invitation by an organ of state for the provision of services, works or goods, through price quotations, advertised competitive bidding processes or proposals;

2.5 **“Broad-Based Black Economic Empowerment Act”** means the Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003);

2.6 **“comparative price”** means the price after the factors of a non-firm price and all unconditional discounts that can be utilized have been taken into consideration;

2.7 **“consortium or joint venture”** 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;

2.8 “**contract**” means the agreement that results from the acceptance of a bid by an organ of state;

2.9 “**EME**” means any enterprise with annual total revenue of R5 million or less.

2.10 “**Firm price**” means the price that is only subject to adjustments in accordance with the actual increase or decrease resulting from the change, imposition, or abolition of customs or excise duty and any other duty, levy, or tax, which, in terms of the law or regulation, is binding on the contractor and demonstrably has an influence on the price of any supplies, or the rendering costs of any service, for the execution of the contract;

2.11 “**functionality**” means the measurement according to predetermined norms, as set out in the bid documents, of a service or commodity that is designed to be practical and useful, working or operating, taking into account, among other factors, the quality, reliability, viability and durability of a service and the technical capacity and ability of a bidder;

2.12 “**non-firm prices**” means all prices other than “firm” prices;

2.13 “**person**” includes a juristic person;

2.14 “**rand value**” means the total estimated value of a contract in South African currency, calculated at the time of bid invitations, and includes all applicable taxes and excise duties;

2.15 “**sub-contract**” means the primary contractor’s assigning, leasing, making out work to, or employing, another person to support such primary contractor in the execution of part of a project in terms of the contract;

2.16 “**total revenue**” bears the same meaning assigned to this expression in the Codes of Good Practice on Black Economic Empowerment, issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act and promulgated in the *Government Gazette* on 9 April 2007;

2.17 “**trust**” means the arrangement through which the property of one person is made over or bequeathed to a trustee to administer such property for the benefit of another person; and

2.18 “**trustee**” means any person, including the founder of a trust, to whom property is bequeathed in order for such property to be administered for the benefit of another person.

3. ADJUDICATION USING A POINT SYSTEM

3.1 The bidder obtaining the highest number of total points will be awarded the contract.

3.2 Preference points shall be calculated after prices have been brought to a comparative basis taking into account all factors of non-firm prices and all unconditional discounts; Points scored must be rounded off to the nearest 2 decimal places.

3.4 In the event that two or more bids have scored equal total points, the successful bid must be the one scoring the highest number of preference points for B-BBEE.

3.5 However, when functionality is part of the evaluation process and two or more bids

Have scored equal points including equal preference points for B-BBEE, the successful bid must be the one scoring the highest score for functionality.

3.6 Should two or more bids be equal in all respects, the award shall be decided by the drawing of lots.

4. POINTS AWARDED FOR PRICE

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

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

80/20 or 90/10

$$Ps = 80 \times \frac{Pt - Pmin}{Pt - Pmin} \quad \text{or} \quad Ps = 90 \times \frac{Pt - Pmin}{Pt - Pmin}$$

Where

Ps = Points scored for comparative price of bid under consideration

Pt = Comparative price of bid under consideration

Pmin = Comparative price of lowest acceptable bid

5. Points awarded for B-BBEE Status Level of Contribution

5.1 In terms of Regulation 5 (2) and 6 (2) of the Preferential Procurement Regulations, preference points must be awarded to a bidder for attaining the B-BBEE status level of contribution in accordance with the table below:

B-BBEE Status Level of Contributor	Number of points (90/10 system)	Number of points (80/20 system)
1	10	20
2	9	18
3	8	16
4	5	12
5	4	8
6	3	6
7	2	4
8	1	2
Non-compliant contributor	0	0

5.2 Bidders who qualify as EMEs in terms of the B-BBEE Act must submit a certificate issued by an Accounting Officer as contemplated in the CCA or a Verification Agency accredited by SANAS or a Registered Auditor. Registered auditors do not need to meet the prerequisite for IRBA's approval for the purpose of conducting verification and issuing EMEs with B-BBEE Status Level Certificates.

5.3 Bidders other than EMEs must submit their original and valid B-BBEE status level verification certificate or a certified copy thereof, substantiating their B-BBEE rating issued by a Registered Auditor approved by IRBA or a Verification Agency accredited by SANAS.

5.4 A trust, consortium or joint venture, will qualify for points for their B-BBEE status level as a legal entity, provided that the entity submits their B-BBEE status level certificate.

5.5 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.

5.6 Tertiary institutions and public entities will be required to submit their B-BBEE status level certificates in terms of the specialized scorecard contained in the B-BBEE Codes of Good Practice.

5.7.A person will not be awarded points for B-BBEE status level if it is indicated in the bid documents that such a bidder intends sub-contracting more than 25% of the value of the contract to any other enterprise that does not qualify for at least the points that such a bidder qualifies for, unless the intended sub-contractor is an EME that has the capability and ability to execute the sub-contract.

5.8 A person awarded a contract may not sub-contract more than 25% of the value of the contract to any other enterprise that does not have an equal or higher B-BBEE status level than the person concerned, unless the contract is sub-contracted to an EME that has the capability and ability to execute the sub-contract.

6. BID DECLARATION

6.1 Bidders who claim points in respect of B-BBEE Status Level of Contribution must complete the following:

7. B-BBEE STATUS LEVEL OF CONTRIBUTION CLAIMED IN TERMS OF PARAGRAPHS 1.3.1.2 AND 5.1

7.1 B-BBEE Status Level of Contribution: = (Maximum of 10 or 20 points)

(Points claimed in respect of paragraph 7.1 must be in accordance with the table reflected in paragraph 5.1 and must be substantiated by means of a B-BBEE certificate issued by a Verification Agency accredited by SANAS or a Registered Auditor approved by IRBA or an Accounting Officer as contemplated in the CCA).

8. SUB-CONTRACTING

8.1 Will any portion of the contract be sub-contracted? YES / NO (delete which is not applicable)

8.1.1 If yes, indicate:

- (i) What percentage of the contract will be subcontracted?%
- (ii) The name of the sub-contractor?
- (iii) The B-BBEE status level of the sub-contractor?
- (iv) Whether the sub-contractor is an EME? YES / NO (delete which is not applicable)

9. DECLARATION WITH REGARD TO COMPANY/FIRM

9.1 Name of company/firm

9.2 VAT registration number :.....

9.3 Company registration number :

9.4 TYPE OF COMPANY/ FIRM

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

[TICK APPLICABLE BOX]

9.5 DESCRIBE PRINCIPAL BUSINESS ACTIVITIES

.....

.....

.....

.....

.....

9.6 COMPANY CLASSIFICATION

- ☐ Manufacturer
- ☐ Supplier
- ☐ Professional service provider
- ☐ Other service providers, e.g. transporter, etc.

[TICK APPLICABLE BOX]

9.7 Total number of years the company/firm has been in business?

.....

9.8I/we, the undersigned, who is / are duly authorised to do so on behalf of the company/firm, certify that the points claimed, based on the B-BBE status level of contribution indicated in paragraph 7 of the foregoing certificate, qualifies the company/ firm for the preference(s) shown and I / we 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 paragraph 7, the contractor may be required to furnish documentary proof to the satisfaction of the purchaser that the claims are correct;
- (iv) If the B-BBEE status level of contribution has been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the purchaser may, in addition to any other remedy it may have
 - (a) Disqualify the person from the bidding 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) restrict the bidder or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, 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

WITNESSES:

1.

SIGNATURE(S) OF BIDDER(S)

2.

DATE:

ADDRESS.....

.....

MBD 6.2

DECLARATION CERTIFICATE FOR LOCAL PRODUCTION AND CONTENT

This Municipal Tendering Document (MBD) must form part of all Tenders 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, Tenderers must study the General Conditions, Definitions, Directives applicable in respect of Local Content as prescribed in the Preferential Procurement Regulations, 2011 and the South African Bureau of Standards (SABS) approved technical specification number SATS 1286:201x.

1. General Conditions

- 1.1. Preferential Procurement Regulations, 2011 (Regulation 9. (1) and 9. (3) make provision for the promotion of local production and content.
- 1.2. Regulation 9.(1) prescribes that in the case of designated sectors, where in the award of Tenders local production and content is of critical importance, such Tenders must be advertised with the specific Tendering condition that only locally produced goods, services or works or locally manufactured goods, with a stipulated minimum threshold for local production and content will be considered.
- 1.3. Regulation 9.(3) prescribes that where there is no designated sector, a specific Tendering condition may be included, that only locally produced services, works or goods or locally manufactured goods with a stipulated minimum threshold for local production and content, will be considered.

- 1.4. Where necessary, for Tenders referred to in paragraphs 1.2 and 1.3 above, a two stage Tendering 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.
- 1.5. 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.
- 1.6. The local content (LC) as a percentage of the Tender price must be calculated in accordance with the SABS approved technical specification number SATS 1286: 201x as follows:

$$LC = 1 \times 100 - \left(\frac{x}{y} \right)$$

Where

- x imported content
- y Tender price 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 the South African Reserve Bank (SARB) at 12:00 on the date, one week (7 calendar days) prior to the closing date of the Tender as required in paragraph 4.1 below.

- 1.7. A Tender will be disqualified if:

- ☐ The Tenderer fails to achieve the stipulated minimum threshold for local production and content indicated in paragraph 3 below; and this declaration certificate is not submitted as part of the Tender documentation.

2. Definitions

- 2.1. "Tender" includes advertised competitive Tenders, written price quotations or proposals;
- 2.2. "Tender price" price offered by the Tenderer, excluding value added tax (VAT);
- 2.3. "contract" means the agreement that results from the acceptance of a Tender by an organ of state;
- 2.4. "designated sector" means a sector, sub-sector or industry that has been designated by the Department of Trade and Industry in line with national development and industrial policies for local production, where only locally produced services, works or goods or locally manufactured goods meet the stipulated minimum threshold for local production and content;
- 2.5. "Duly sign" means a Declaration Certificate for Local Content that has been signed by the 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).

- 2.6. "imported content" means that portion of the Tender price represented by the cost of components, parts or materials which have been or are still to be imported (whether by the supplier or its subcontractors) and which costs are inclusive of the costs abroad, plus freight and other direct importation costs, such as landing costs, dock duties, import duty, sales duty or other similar tax or duty at the South African port of entry;
- 2.7. "local content" means that portion of the Tender price which is not included in the imported content, provided that local manufacture does take place;
- 2.8. "stipulated minimum threshold" means that portion of local production and content as determined by the Department of Trade and Industry; and
- 2.9. "Sub-contract" means the primary contractor's assigning, leasing, making out work to, or employing another person to support such primary contractor in the execution of part of a project in terms of the contract.

3. The stipulated minimum threshold(s) for local production and content for this Tender is/are as follows:

Description of services, works or goods Stipulated minimum threshold

	_____ %
	_____ %
	_____ %

4. Does any portion of the services, works or goods offered have any imported content? **YES / NO**

- 4.1. If yes, the rate(s) of exchange to be used in this Tender to calculate the local content as prescribed in paragraph 1.6 of the general conditions must be the rate(s) published by

The SARB for the specific currency at 12:00 on the date, one week (7 calendar days) prior to the closing date of the Tender.

The relevant rates of exchange information is accessible on www.reservebank.co.za. Indicate the rate(s) of exchange against the appropriate currency in the table below:

Currency	Rates of exchange
US Dollar	
Pound Sterling	
Euro	
Yen	
Other	

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

**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 TENDER No.

ISSUED BY: (Procurement Authority / Name of Municipality / Municipal Entity):

.....

NB 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 Tenderer.

I, the undersigned,
..... (full
names),

do hereby declare, in my capacity as

.....

of

.....(name
of Tenderer entity), the following:

- (a) The facts contained herein are within my own personal knowledge.
- (b) I have satisfied myself that the goods/services/works to be delivered in terms of the above-specified Tender comply with the minimum local content requirements as specified in the Tender, and as measured in terms of SATS 1286.
- (c) The local content has been calculated using the formula given in clause 3 of SATS 1286, the rates of exchange indicated in paragraph 4.1 above and the following figures:

	Stipulated minimum threshold for Local content (paragraph 3 above)		
	Local content % as calculated in terms of SATS 1286		

If the Tender is for more than one product, a schedule of the local content by product shall be attached.

- (d) I accept that the Procurement Authority / Municipality /Municipal Entity have the right to request that the local content be verified in terms of the requirements of SATS 1286.
- (e) I understand that the awarding of the Tender 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, may result in the Procurement Authority / Municipal / Municipal Entity imposing any or all of the remedies as provided for in Regulation 13 of the Preferential Procurement Regulations, 2011 promulgated under the Policy Framework Act (PPFA), 2000 (Act No. 5 of 2000).

SIGNATURE: _____

DATE: _____

WITNESS No. 1 _____

DATE: _____

WITNESS No. 2 _____

DATE: _____

	Tender price, excluding VAT (y)	R	
	Imported content (x)	R	

MBD: 9

CERTIFICATE OF INDEPENDENT BID DETERMINATION

CERTIFICATE OF INDEPENDENT BID DETERMINATION

I, the undersigned, in submitting the accompanying bid:

(Bid Number and Description)

In response to the invitation for the bid made by:

(Name of Municipality/ Municipal Entity)

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

I certify, on

Behalf of: _____ that:

(Name of Bidder)

1. I have read and I understand the contents of this Certificate;
2. I understand that the accompanying bid will be disqualified if this Certificate is found not to be true and complete in every respect;
3. I am authorized by the bidder to sign this Certificate, and to submit the accompanying bid, on behalf of the bidder;
4. Each person whose signature appears on the accompanying bid has been authorized by the bidder to determine the terms of, and to sign the bid, on behalf of the bidder;
5. For the purposes of this Certificate and the accompanying bid, I understand that the word "competitor" shall include any individual or organization, other than the bidder, whether or not affiliated with the bidder, who:

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

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

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.

.....
Signature **Date**

.....
Position **Name of Bidder**