



UMKHANYAKUDE DISTRICT MUNICIPALITY

RENDERING OF ADVERTISING AGENCY SERVICES FOR 36 MONTHS

BID No:

SCMU _007/2023/2024

BID DESCRIPTION:	RENDERING OF ADVERTISING AGENCY SERVICES FOR 36 MONTHS
TOTAL BID AMOUNT:	
AMOUNT IN WORDS	
CLOSING DATE:	12h00, Friday, 15 September 2023
NAME OF BIDDER:	
CONTACT PERSON:	
STREET ADDRESS	
TEL:	CELL:
.....	
FAX:	E-MAIL:
.....	

PREPARED FOR:

Umkhanyakude District
Municipality
13433 Kingfisher Avenue
Mkuze

INVITATION TO BID

uMkhanyakude District Municipality invites prospective service providers to submit bids in accordance with the Terms of Reference provided in this invitation.

BID NO.	PROJECT NAME
SCMU 007/2023/2024	RENDERING OF ADVERTISING AGENCY SERVICES FOR 36 MONTHS
COLLECTION OF BID DOCUMENTS:	Bid documents available on www.etenders.gov.za from 18 August 2023
COMPULSORY SITE INSPECTION AND BRIEFING MEETING:	Not Applicable
BID CLOSING:	12h00, Friday, 15 August 2023. Bids must be delivered at uMkhanyakude District Municipality Offices no later than the time and date indicated above. The delivery address is 13433 Kingfisher Avenue, Mkuze, KwaZulu-Natal.

The Bid evaluation process will be conducted in three stages as follows:

Stage 1: Administrative Compliance.

Stage 2: Preferential System will be applied using the 80:20 points system, where 80 points are allocated to price and 20 points are allocated to Special Goals (MBD 6.1) in terms of UKDM SCM Policy.

Stage 3: Award Criteria

- ✓ **See attached Evaluation Criteria**

Bids must be sealed, externally endorsed with the **Project Name: “RENDERING OF ADVERTISING AGENCY SERVICES FOR 36 MONTHS”**. Bid No: **SCMU_007_/2023/2024** to be deposited in the uMkhanyakude District Municipality Tender Box, 13433 Kingfisher Avenue, Mkuze.

All enquiries regarding this bid must be directed **in writing** to the uMkhanyakude District Municipality Office of the Municipal Manager contact person: Mr. K. Molohlanye

Should you not receive communication from uMkhanyakude District Municipality within 90 days of submitting your bid; accept your submission is unsuccessful.

TENDER SUBMISSION CHECKLIST

The Checklist below is attached hereto to assist Tenderers with the completion of the tender document. Tenderers are required to **TICK** the relevant boxes for verification purposes. Where information is not applicable to the tender, the symbols **N/A** must be inserted in the space provided.

***** D: Failure to comply with these Sections will prejudice the tender.**

No.	Description	Tenderer to Tick (✓)	For Official Use Only	
1	Has the Tender Document been completed in INK and all corrections counter-signed? (No correction fluid used)		D	
2	Have all tendered rates been priced in INK and corrections counter-signed? (No correction fluid used)		D	
3	Has all tendered amounts been arithmetically checked and the correct total amounts carried forward to the Summary Page and Tender Form?			
4	Has all information as required in terms of the Tender Document been submitted with the tender?		D	
5	Has the compulsory "Site Inspection/Tender Briefing" meeting been attended and has the "Site Inspection/Tender Briefing" Certificate been completed and signed at the meeting?	N/A	D	
6	Have all Declarations contained in the Tender Document been completed and signed by the Tenderer, and before a Commissioner of Oaths (if applicable)?		D	
7	Has the "Tender Form" been completed and signed?		D	
8	Has the "Special Goals Claim Form in terms of the UKDM SCM Policy" been completed in its entirety and signed?			
9	As an EME , is a certificate issued by an Accounting Officer or a Verification Agency accredited by SANAS or a Registered Auditor attached to the tender document?			
11	Is a valid Tax Clearance Certificate and a Tax Clearance Status Verification Pin attached to the tender document?		D	
12	Has the CSD Supplier Number and Unique Registration Reference Number been submitted with the Tender Document?		D	
13	Has the Proof of payment of municipal services (Not older than 3 three months) or Lease Agreement attached?			
14	Has the Original or certified B-BBEE certificate or sworn affidavit attached?			

Name of Tenderer : _____

Signature : _____

TENDER NOTICE

UMkhanyakude District Municipality hereby invites tenders from qualifying service providers to assist the Municipality with the Rendering of Advertising Agency Services for 36 months.

Tender documents will be made available to tenderers from **Friday, 18 August 2023**.

Tender documents can be downloaded and printed at the tenderer's cost from the National Treasury eTender Publication Portal on www.etenders.gov.za

Any enquiries relating to this tender must be forwarded to sphamandla.mavundla6@gmail.com (SCM related). **Note that no enquiries will be attended to within the last three (3) calendar days before the date of tender closing.**

Tenders must be submitted in hard copy contained in sealed envelopes and marked with “**Contract No.** and the **Contract Description**” must be placed in the Tender Box located in the Foyer, Municipal Building, not later than **12h00 on Friday 15 August 2023** when they will be publicly opened. Only tenders placed in the Tender Box shall be accepted.

Tender Validity Period: Three (3) months commencing from the closing date of tender.

Tender Adjudication/Evaluation Criteria:

The tender shall be evaluated on a Two Stage Evaluation System

Stage One: Functionality and;

Tenderers are required to score more than 75 points as the minimum threshold for functionality.

• Quality Methodology	:40 points
• Experience or similar projects undertaken (Proof)	:25 points
• CV's of three individuals that will be involved in the projects	:15 points
• Capacity to execute the projects	:20 points
Total	100

Stage Two: 80/20 Special Goals System in accordance with the UKDM SCM Policy.

with the medical council must be included in the tender.

The UMrhanyakude District Municipality does not bind itself to accept the lowest or any tender and reserves the right to accept the whole or any part of a tender. Each tenderer will be informed of the tender result.

MR WM NXUMALO
MUNICIPAL MANAGER

THE UMKHANYAKUDE DISTRICT MUNICIPALITY

SCMU 007/2023/2024

RENDERING OF ADVERTISING AGENCY SERVICES FOR 36 MONTHS

INVITATION TO BID DOCUMENT

PART A

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE UMKHANYAKUDE DISTRICT MUNICIPALITY

BID NUMBER:	SCMU 007/2023/2024	CLOSING DATE:	15 AUGUST 2023	CLOSING TIME:	12H00
DESCRIPTION	RENDERING OF ADVERTISING AGENCY SERVICES FOR 36 MONTHS				

THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM

BID RESPONSE DOCUMENTS MAY BE DEPOSITED IN THE
BID BOX AT:

UMKHANYAKUDE DISTRICT MUNICIPALITY

13433 KINGFISHER AVENUE

MKUZE

3965

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:

TOTAL NUMBER OF ITEMS OFFERED

SIGNATURE OF BIDDER	☐ Yes ☐ No	ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES /WORKS OFFERED?	☐ Yes ☐
	[IF YES ENCLOSE PROOF]		[IF YES, ANSWER PART B:3]

CAPACITY UNDER WHICH THIS BID IS SIGNED		TOTAL BID PRICE	
BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO:		DATE	
DEPARTMENT			
CONTACT PERSON	TECHNICAL INFORMATION MAY BE DIRECTED TO:		
TELEPHONE NUMBER	SCM UNIT	CONTACT PERSON	Ms. K. Molohlane
FACSIMILE NUMBER	Mr. S. S. Mavundla	TELEPHONE NUMBER	035 – 573 8660
E-MAIL ADDRESS	Sphamandla.mavundla6@gmail.com	kmolohlanye@gmail.com	

PART B

1. BID SUBMISSION:

- 1.1. BIDS MUST BE DELIVERED BY THE STIPULATED TIME TO THE CORRECT ADDRESS. LATE BIDS WILL BE ACCEPTED FOR CONSIDERATION.
- 1.2. **ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS PROVIDED – (NOT TO BE RE-TYPED ONLINE)**

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 BY E-FILE. 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)? ☐ YES ☐ NO
- 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? ☐ YES ☐ NO
- 3.5. IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION? ☐ YES ☐ NO

IF THE ANSWER IS “NO” TO ALL OF THE ABOVE, THEN IT IS NOT A REQUIREMENT TO REGISTER FOR A T COMPLIANCE STATUS SYSTEM PIN CODE FROM THE SOUTH AFRICAN REVENUE SERVICE (SARS) AND 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:

STANDARD CONDITIONS OF TENDER

1. DOCUMENTS

This document comprises of the Standard Conditions of Tender, Standard Conditions of Contract, Special Conditions of Contract (if any), Legislation, Definitions, Specifications, Pricing Schedule, Tender Form, Drawings (if any), Data Sheets and Annexures thereto.

2. COMPULSORY SITE INSPECTION/TENDER BRIEFING MEETING

Not applicable

3. SUBMISSION OF TENDERS

Tenders must be made out on the Tender Form annexed hereto. Tenderers are advised that this document must be completed in ink and submitted in its entirety. Failure to comply with this condition shall result in the tender being disqualified.

Only original hand written priced tender documents will be considered. Tenders submitted by electronic mail, telex or facsimile shall not be considered. ***The use of correction fluid is strictly prohibited.*** All corrections are to be countersigned.

Tenderers using Courier Companies or any other mode of transport to deliver their tender documents must ensure that the tender documents are delivered to the District Municipal Offices by the close of tenders. The Council shall not be held liable for any tender document which is not timeously delivered, mislaid or incorrectly delivered due to the negligence of the Courier Company or any other party involved in the delivery of the tender documents, including any employee of the Council.

Sealed tenders endorsed with the appropriate contract number, must reach the District Municipal Offices, no later than the closing date and time stated in the public advertisement inviting tenders, when they will be opened in public. Under no circumstances will any extension of time be allowed for the submission of tenders. Tenders shall remain valid for three (3) calendar months from the date of opening, except for the initial five (5) working days grace period after the close of tenders within which period a tenderer may be permitted to withdraw its tender subject to an application with good and sufficient reasons being submitted in writing to obtain approval of such withdrawal, at the sole discretion of the Head: Supply Chain Management.

All literature submitted must be securely attached to the tender. The Council shall not be held liable for any loss or damages sustained due to the Tenderer's failure to comply with this condition.

In the case of a Tenderer withdrawing its tender after the expiry of the grace period, the Council may refuse to receive or consider, for such period as it may think fit, any further tenders from that Tenderer.

4. COMMUNICATION WITH MEMBERS OF THE COUNCIL OR COUNCIL EMPLOYEES

Without detracting from any prevailing law, no Tenderer shall offer, promise or give any person or persons connected with the adjudication, or awarding of the tender, any gratuity, bonus, discount or consideration of any kind in connection with the obtaining of a contract. Nor shall any Tenderer communicate with any member of the Council or a Council employee on a question affecting the awarding of a contract which is the subject of a tender, during the period between the closing date of tenders and the date of notification of the successful Tenderer; provided always that the Head: Supply Chain Management may, in exceptional circumstances, obtain additional information from a Tenderer to enable her to formulate her recommendation to Council.

Any attempt to contravene this condition which is brought to the notice of the Head: Supply Chain Management shall result in the disqualification of the Tenderer.

Prospective Tenderers are further advised that s118 of the Municipal Finance Management Act prohibits the interference, by any person, with the supply chain management system of the Municipality and the amendment of or tampering with any tender, quotation, contract or bid after its submission.

5. IMPORT PERMITS

The Council will not undertake to secure any import permits or currency for the import of any goods or materials required for the execution of this contract. The Tenderer must apply directly for any import permits or currency needed. However, the Council will furnish the successful Tenderer with a supporting statement, if required.

6. REGISTRATION WITH THE CENTRAL SUPPLIER DATABASE (CSD)

The National Treasury's Central Supplier Database (CSD) has been open for registration from 01 September 2015. The CSD serves as one single source of supplier information to all spheres of government.

Within this system, suppliers are required to register once when they do business with the state. This will significantly reduce the administrative burden for businesses, especially small and medium sized enterprises. The database interfaces with the South African Revenue Service (SARS), the Companies and Intellectual Property Commission (CIPC) and the payroll system. It will electronically verify a supplier's tax status and enable public sector officials doing business with the state to be identified.

All prospective suppliers can register any time on the CSD website www.csd.gov.za Prospective suppliers may also visit the Provincial Treasury Database office situated at Treasury House, Ground Floor, 145 Chief Albert Luthuli Road, Pietermaritzburg from 08h00 to 15h00, Mondays to Fridays, for any assistance with on-line registration on CSD.

For further information or enquiries, please contact 033 – 897 4516 / 033 – 897 4212 / 033 – 897 4624 / 033 – 897 4535 / 033 – 897 4676 / 033 – 897 4509 or toll-free at 0800 201 049 during office hours or via e-mail at database@kzntreasury.gov.za.

With effect from 01 July 2016, the uMkhanyakude District Municipality stopped to award any tender to a supplier not registered as a prospective supplier on the CSD. Accordingly, negotiations for the tender award will only be concluded with the qualify tenderer(s) who is/are registered on the CSD.

In order for Council to verify your Company's registration with CSD, please provide the following information for verification purposes:

CSD Supplier Number	
Unique Registration Reference Number	

Failure to provide the above information shall render the tender to be disqualified.

7. TAX CLEARANCE CERTIFICATE REQUIREMENTS

It is a condition of tender that the taxes of the successful tenderer must be in order, or that satisfactory arrangements have been made with the South African Revenue Service (SARS) to meet the tenderer's tax obligations.

Tenderers shall be required to submit, together with the tender document, a valid Tax Clearance Certificate and a Tax Compliance Status Verification Pin issued by SARS. Failure to submit a valid Tax Clearance Certificate and a Tax Compliance Status Verification Pin will result in the invalidation and disqualification of the tender.

Further to the above, Tenderers are to note that the Tax Clearance Certificate must be valid for the full duration of the tender validity period i.e., three (3) months commencing from the closing date of the tender.

Should the validity of the Tax Clearance Certificate expire prior to the final award of the contract being made, the Council reserves the right to request the Tenderer to submit a further valid Tax Clearance Certificate. In this instance, the Tenderer shall be given seven (7) working days written notice in which to comply. Should the Tenderer fail to comply with this request, the Council further reserves the right to make no award to the Tenderer and the Council shall not be held liable for any loss or damages sustained by the Tenderer.

If a tenderer has already submitted a Tax Clearance Certificate when registering on the Central Supplier Database (CSD), then there is no need to submit a hardcopy of another Tax Clearance Certificate provided that the Tax Clearance Certificate is still valid for the full duration of the validity period for this tender. In this instance, the Tenderer will be required to indicate below the CSD Supplier Number and Unique Registration Reference Number for verification purposes:

CSD Supplier Number	
Unique Registration Reference Number	

8. RATES

The prices, rates or percentages quoted in the proposal shall be deemed to include all costs, including but not limited to materials, plant, labour, patent rights and royalties, freight, insurance, customs, railage, delivery, etc, unless the Service Provider states otherwise in the proposal.

9. **INCOMPLETE TENDERING**

Tenders may be rejected if they show any additional, conditional or incomplete offers or irregularities of any kind in either the Tender Form or the Pricing Schedule, or if the prices tendered in the Schedule are not market related i.e., the tendered rates do not conform to current day prices.

Partial awards **may** be made where this is perceived by the Accounting Officer to be in the best interests of the Council. Council reserves the right to take into account the principle of the distribution of works in order to empower SMME's and BEE's.

Should there be any difference or discrepancy between the prices and particulars contained in the Tender Form and those contained in any covering letter submitted by the Tenderer, the prices and particulars contained in the Tender Form shall prevail.

10. **ACCEPTANCE OF ANY TENDER**

The Council does not bind itself to accept the lowest or any tender and reserves the right to accept the whole or any part of a tender.

Where less than three (3) tenders are received, the Head: Supply Chain Management reserves the right to purchase such items on the open market notwithstanding the acceptance of an offer.

The procedure which will be followed with the acceptance of a tender is as follows:

Formal agreement will be signed.

A Service Level Agreement will be entered into with the successful Service Provider. A letter of acceptance stipulating which rate/s has been accepted will be sent by the Head: Supply Chain Management to the Tenderer. The tender documents, together with the letter of acceptance, shall constitute a binding agreement between the Tenderer and the Council.

Unless otherwise stipulated in the covering letter submitted with the tender, the Tenderer shall have waived, renounced and abandoned any conditions printed or written upon any stationery used for the purpose of, or in connection with, the submission of the tender which are in conflict with the Council's Conditions of Tender and the Standard Conditions of Contract. The Tenderer is warned that any material divergence from the official conditions or specification may render the tender liable to disqualification.

11. **DOMICILIUM CITANDI ET EXECUTANDI**

For the purpose of the service of all documents and the giving of notice as may be required in terms of this contract, or as a result of any action arising in conjunction with it, the Council chooses Stand 13433 King Fisher Road, Remainder of Harlingen Farm Mkuze 3965 as its *domicilium citandi et executandi*.

The Tenderer's *domicilium citandi et executandi* shall be whatever street address is given in the Tender Form attached hereto.

Either party may, at any time, give one (1) month notice, in writing, of a change of its *domicilium citandi et executandi* provided that such address shall be within the Republic of South Africa.

12. DATA SHEETS

Tenderers shall be required to complete all Data Sheets and the Tender Form attached hereto in their entirety for adjudication purposes. Where Data Sheets and/or any other documentation as contained herein are required to be commissioned, such Data Sheets and/or documentation must be stamped and signed by a Commissioner of Oaths (where applicable). ***Failure to comply with these provisions will render the offer unresponsive (invalid).***

13. PROHIBITION ON AWARDS TO PERSONS IN THE SERVICE OF THE STATE

The Supply Chain Management Regulations states that the Council may not make any award to a person:

- (a) Who is in the service of the state;
- (b) If that person is not a natural person, of which and director, manager, principal shareholder or stakeholder is a person in the service of the state; or
- (c) Who is an advisor or consultant contracted with the municipality or municipal entity.

14. MUNICIPAL FEES

All Tenderers are to sign the Declaration herein declaring that their Municipal Fees are in order, or that proper arrangements have been made with the Council. Tenderers must include the relevant account numbers in the declaration.

15. APPEALS AND/OR OBJECTIONS

Any Tenderer aggrieved by decisions or actions taken by the Municipality may lodge within fourteen (14) calendar days of the date of the decision or action, a written objection or complaint to the Municipal Manager / Head: Supply Chain Management and Provincial Treasury Municipal Bids Appeals Tribunal. In the event that an appeal and/or objection is lodged, the above procedure shall apply.

16. JOINT VENTURE AGREEMENTS AND CONSORTIUMS

Tenderers intending to tender in the form of Joint Ventures/Consortiums **must submit** the following documentation together with the tender:

- 1) Original valid Tax Clearance Certificates or a Tax Compliance Status Verification Pins issued by SARS of all parties of the Joint Venture/Consortium;
- 2) All parties of the Joint Venture/Consortium must submit signed copies of:
 - a) The Declaration of Interest Form;
 - b) The Declaration of Bidder's Past Supply Chain Management Practices Form, and
 - c) The Certificate of Independent Bid Determination Form.
- 3) An undertaking duly signed by all parties of the Joint Venture/Consortium indicating their intention to enter into an agreement for the purposes of this contract, and,

Further to the above, the name of the Joint Venture/Consortium must appear on the relevant pages of the document. Failure to comply with these requirements shall lead to disqualification.

17. COMBATIVE TENDERING

The Supply Chain Management Regulations states that Combative tendering practices are unethical and illegal. These include but are not limited to:

- (i) Suggestions to fictitious lower quotations;
- (ii) Reference to non-existent competition;
- (iii) Exploiting errors in tenders;
- (iv) Soliciting tenders from Tenderers whose names appear on the list of restricted tenderers/suppliers/persons, and,
- (v) Submission of two tenders by a Tenderer.

Any attempt by a Tenderer to contravene this condition which is brought to the notice of the Municipal Manager or the Head: Supply Chain Management shall result in the disqualification of the tender. The Council further reserves the right to take any other action as it may deem necessary.

18. ADJUDICATION CRITERIA

The tender shall be evaluated on a Two Stage Evaluation System – Stage One: Functionality and Stage Two: 80/20 Special Goals Point System in accordance with the UKDM SCM Policy

UMKHANYAKUDE DISTRICT MUNICIPALITY

DEFINITIONS

- 1) The following definitions apply: -
- 2) **"Council"** means Umkhanyakude District Municipality (UKDM).
- 3) **"Head: Supply Chain Management"** means the Head: Supply Chain Management of the day of the Umkhanyakude District Municipality or the Manager's duly appointed Representative.
- 4) **"Accounting Officer"** means the: Office of the Municipal Manager of uMkhanyakude District Municipality or the said Manager's duly appointed Representative.
- 5) **"Service Provider/Contractor"** means the person, firm, Service Provider or company whose tender has been accepted by the District Municipality and includes the Service Provider's heirs, executors, administrators, trustees, judicial managers or liquidators, as the case may be, but not, except with the written consent of the Council, any assignee of the Service Provider.
- 6) **"Special Conditions"** means any addition to or departure from or amendment of these Standard Conditions as set out in Annexure "A" hereof.
- 7) **"Drawings"** means the drawings referred to in the Specification and any modification of such drawings approved in writing by the Engineer and such other drawings as may from time to time be furnished or approved in writing by the Engineer.
- 8) **"Contract Document"** means the Conditions of Tender, Scope of Contract, Terms of Reference, these Definitions, Special Conditions (if any), Equipment Specifications, Rates, Percentages and Prices, Tender Form and Annexures thereto. Any amendments to the contract document agreed to by the Council and the Service Provider, Provisional Letter of Acceptance and the final Letter of Final Acceptance.
- 9) **"Goods"** means the equipment, plant, vehicles, service or materials to be supplied in accordance with the Contract.
- 10) **"The Tender"** means the written offer made by the Service Provider to the Council.
- 11) **"Preferential Procurement Policy"** means the Preferential Procurement Policy Framework Act, 2000 (Act No 5 of 2000).
- 12) **"SARS"** means the South African Revenue Services.

THE UMKHANYAKUDE DISTRICT MUNICIPALITY

SCMU 007/2023/2024

RENDERING OF ADVERTISING AGENCY SERVICES FOR 36 MONTHS

TERMS OF REFERENCE

1. SCOPE OF WORK

The Municipality wishes to enter into an exclusive agreement with a panel of advertising agency service providers (Maximum of 3) whereby all municipal publications will be handled.

This tender is for a period of three (3) years and will commence on October 2023, or if earlier/later, the effective date of installation will be negotiated with the successful tenderer on the same conditions as stipulated.

The successful service provider will be expected to perform the following:

1.2. The Municipality is using the following newspapers:

- Sunday Times
- Mercury
- Ilanga Newspapers
- Isolezwe

1.3. The Agency will be required to advertise the following:

- Tenders/ Bids
- Recruitment Positions
- Public Notices

1.4. Procedure for advertising

The Finance Department will be the one posting the adverts and any communication will be done in that section of the Municipality. The Agency will advise the Municipality in terms of closing dates and times in the Newspapers when posting adverts.

1.5. Advertisement not published and cancelled advertisements

Should any advertisements(s) not appear on the stipulated date in the medium agreed upon due to circumstances which the Service Provider can prove to be beyond his/her control, the Service Provider will not be liable in this respect but it will be expected to submit alternative dates immediately succeeding the actual date of advertisement, failing which such an advertisement(s) may be cancelled by the Municipality, and the Municipality will not bear any costs whatsoever for such failed advertisement.

1.6 Failure to provide service due to unforeseen circumstances

In the event of the Service Provider being unable to meet his/her obligations under the contract, through circumstances which the Municipality accepts to be beyond the control of the Service Provider to do the work in which event the Service Provider shall do everything in his/ her power to ensure success of the advertisement. He/she shall surrender all material which may be in his/her possession to the alternative Service Provider to enable the other to effectively complete the outstanding work requirements.

1.7. Submission of accounts

The Service Provider shall be required to invoice the Municipality on the tendered rates in accordance with the services provided.

1.8. Confirmation of the advertisement

Confirmation of the advertisement shall be provided by the Municipality in writing prior to release in relevant media.

1.9. Execution Capacity

Bidders are to submit a comprehensive company profile that will clearly indicate their capacity to render required services effectively and efficiently. The following information must be submitted in detail with the bid document as Annexure A

- The job title, qualifications, skills and experience of all personnel employed by the bidder involved in advertising
- Bidders are to submit with their bid documents, examples of recruitments advertisements handled by their agencies. At least 5 (five) examples of such advertisements must be submitted.
- Actual accounts handled by the agency with specific recruitment advertising (a full list of clients is required).
- Whether the agency's copywriters are able to draw up advertisements in English, Afrikaans, Zulu or any other official language.
- Whether he/she is a member of an association of practitioners in advertising and please provide certified copy of accreditation.
- Area where offices situated and provide physical address
- The ability to handle large volume of requirements.
- Infrastructure and expertise required to execute the service
- Provide deadline for the placing of advertisement by the Municipality
- Experience in the Advertising field
- Similar work undertaken

1.10. Contract Period

The Contract Period is 3 years (36 Months)

1.11. Performance

The appointed Service Providers are urged to adhere to the Municipal needs as well as specification outlined in this Tender Document.

1.12. Termination

The Municipality reserves the right to terminate the contract at any stage of the contract.

2. Duration

The project duration will be for 36 months.

3. General Tender Requirements

- The Bidder must carefully study this invitation to tender and should obtain all other information or independent advice that he may require to enable him to submit his tender. No claims of any nature arising out of or resulting from the Bidder's failure to do so will be considered by the Municipality.
- The Bidder is advised to read this document as a whole and not in isolation. In particular, the Bidder should take care not to split the documentation so that parts may be dealt with by different individuals, who may thus be unaware of important information contained elsewhere in the document.
- Bidders must satisfy themselves before tendering as to the correctness and sufficiency of their tenders to cover all their obligations under any contract that may result from the tender.
- This Bid document must be completed in full. All information and documentary proof as required must be attached by way of annexures. Should the Bidder not comply with these requirements and format, it may deem the Bidder to be non-compliant with these requirements and his bid may be disqualified.
- All costs and expenses resulting from the Bidder's attendance of compulsory briefing meetings and site inspections, as well as the preparation of the tender, shall be borne by Bidder.
- Tenders to be evaluated according to the **80/20**-point system.
- Original tenders must be signed by the Bidder or his/her duly authorised representative/s. All corrections must be readably crossed out and signed. No correction fluid may be used. Each and every page of this Bid document must be initialled.
- uMkhanyakude District Municipality does not bind itself to accept the lowest or highest tender as the case may be, or any tender, but reserves the right to take all information pertaining to the various aspects of the tender into account and to accept or reject any tender in whole or part.
- Bidders will be advised telephonically or per fax of their success in securing the tender.
- The Bidder understands and accepts that uMkhanyakude District Municipality has the right, after tenders are opened, and before a contract is awarded, to enter into negotiations and discussions with one or more Bidders with a view to clarify, improve or amend any particular tender.
- Bidders are advised to ensure that the tender submitted in first response to this invitation contains their best possible offer to uMkhanyakude District Municipality and that uMkhanyakude District Municipality reserves the right to disregard any subsequent variations to the said tender.
- The decision of uMkhanyakude District Municipality on the award of this tender is final and binding.

4. Submission of Documents

- Bids must be submitted in a sealed envelope clearly marked
- and must be deposited in the Tender Box situated at uMkhanyakude District Municipality Offices, on or before the closing date, **Friday, 15 August 2023 at 12h00**, where after they will be opened in public. Late bids and bids submitted via facsimile or email will not be accepted.
- A completed tender document with all necessary attachments (one copy), together with a scanned copy either on a Compact Disc (CD) or USB-Flash Drive securely attached to the tender document, must be submitted in a sealed envelope on the closing date of tender.
- **For tenders to be responsive the following conditions will be applicable during the evaluation of bids:**
 - Tax Compliant status as per CSD (Central Supplier Database);
 - CSD summary report;
 - Copy of company registration Certificate;
 - Original or certified B-BBEE certificate or sworn affidavit
 - Certified copies ID of shareholders
 - Latest Municipal statement (rates and taxes) not older than 3 months and a copy of a lease agreement and the confirmation of the landlord that the payments are up to date.
 - Letter of Authority for signatory
 - Tender document completed in full.
 - In addition to the above requirements, Service Providers must maintain full support services, which include the following:
 - 1) Management of resources;
 - 2) Project Management (from planning to output);
 - 3) Guarantee of quality in the services provided; and
 - 4) Contractual control for resources supplied.

5. Competency/Expertise required

Service Providers shall provide only personnel with the required competency and skills necessary to execute advertising services.

6. Communication and Reporting

The successful tenderer(s) will report to the office of the Head of Department (Corporate Services) administration in relation to the service provided and according to agreed terms as would be documented on the subsequent Service Level Agreements (SLAs) and contracts.

7. Details of service provider's proposal

- 7.1 Company/individual profile.
- 7.2 Methodologies to be applied in various assignments (refer to scope). Similar assignments undertaken, contactable references, nature of assignments, and duration.

8. Mandatory Conditions

- 8.1 The Services Providers must have an office in the Province of KwaZulu-Natal that is functional.

- 8.2 The successful tenderer(s) will enter into a contractual agreement(s) with the uMkhanyakude Municipality confirming the appointment.
- 8.3 The appointed Service Provider(s) may not recruit or shall not attempt to recruit an employee of the principal for purposes of preparation of the tender or for the duration of the execution of this contract or any part thereof.
- 8.4 Payment will only be made upon approved deliverables.

9. Inspection of service provider's premises

The Municipality reserves the right to inspect the Service Provider's premises to verify the existence and functionality of such an office.

10. Evaluation Criteria

10.1 Stage One: Functionality Stage

10.1.1 NB. Functionality will be assessed separately from the 80/20 formula.

10.1.2 Stage Two: 80/20 Special Goals Point System

The second stage will be the assessment and evaluation of tenderers in terms of 80/20, where 80 points shall be used for pricing scores only, and the 20 used for Special Goals points.

In terms of UKDM SCM Policy, points must be awarded to a tenderer for attaining the special goals contribution in accordance with the table below:

POINTS AWARDED FOR SPECIFIC GOALS

In terms of Regulation 3 (1) an organ of state must, in the tender documents, stipulate the specific goal in the invitation to submit the tender for which a point may be awarded, and the number of points that will be awarded to each goal, and proof of the claim for such goal.

SPECIFIC GOAL	NUMBER OF POINTS FOR (80/20) PREFERENCE SYSTEM	NUMBER OF POINTS (90/10) PREFERENCE SYSTEM
1.Enterprise owned by Black people	4	2
2.Enterprise owned by Women	4	2
3. Enterprise owned by Youth	4	2
4.Enterprise owned by Disabled persons	4	2
5. Enterprise owned by SMME`S – QSE and EME	4	2

The contract shall thereafter be adjudicated on the 80/20 Points System, where:

Price	80 Points
Special Goals	20 Points
<u>TOTAL</u>	<u>100 Points</u>

11. Council's Liability and Indemnity

11.1 The Service Providers hereby indemnifies the Council and its employees and agents against all losses and claims for injuries or damages to any person or property whatsoever which may arise out of the execution of this contract.

11.2 The Council shall not be held liable to the Service Providers for any direct or indirect damages or losses and the Council shall be indemnified and held free against claims arising out of:

11.2.1 any negligent or innocent misrepresentations made by the Council, its employees or agents in respect of any data, information and statistics supplied to the Service Providers prior to or during the contract; provided that this condition shall not deprive the Contractor of any payments lawfully due to the Service Providers in terms of the contract, and

11.2.2 a change in a legislative provision applicable to the contract.

12. Secrecy of information

Subject to the provisions of the Promotion of Access to Information Act, the information revealed in this tender document is to be classified as confidential. Accordingly, the Council reserves the right to request references and generally examine bona fides and available facilities of any Company of Firm wanting to participate in this contract.

13. Law to apply

The contract shall in all respects be construed in accordance with the law of the Republic of South Africa, and any difference that may arise between the Council and the Service Providers in regard to the contract shall be settled in the Republic of South Africa.

14. Patent rights

The Service Providers shall pay all royalties and expenses and be liable for all claims in respect of the use of patent rights, trade marks or other protected rights, and shall hold the Council indemnified and harmless against any claims for loss or damage to (including legal expenses) arising therefrom.

15. Contract to be in conformity with BY-LAWS and any other applicable laws

The contract shall be carried out subject to and in conformity with any law, regulation or By-law which is of application thereto and shall be conditional upon any necessary consent required by law being obtained.

THE UMKHANYAKUDE DISTRICT MUNICIPALITY

SCMU 007/2023/2024

RENDERING OF ADVERTISING AGENCY SERVICES FOR 36 MONTHS

PRICING SCHEDULE

Please attach the company's pricing schedule as per the specification provided.

Signature Date

THE UMKHANYAKUDE DISTRICT MUNICIPALITY

SCMU 007/2023/2024

RENDERING OF ADVERTISING AGENCY SERVICES FOR 36 MONTHS

AUTHORITY TO SIGN DOCUMENT

I/We*, the undersigned, am/are* duly authorised to sign the tender document on behalf of

.....

by virtue of the Articles of Association/Resolution of the Board of Directors*, of which a certified copy is attached, or

Full Name of Signatory:

Capacity of Signatory:

Signature:

Date:

Witnesses: -

(1) Full Name:

Signature:Date.....

(2) Full Name:

Signature:Date.....

* *Delete whichever is inapplicable or complete as indicated if none are applicable.*

THE UMKHANYAKUDE DISTRICT MUNICIPALITY

SCMU 007/2023/2024

RENDERING OF ADVERTISING AGENCY SERVICES FOR 36 MONTHS

STATEMENT OF PREVIOUS EXPERIENCE

The nomination of works, preferably of a similar nature to the works in this contract and which the Tenderer has successfully completed, is invited for adjudication purposes.

Tenderers are hereby required to complete the schedule below in its entirety.

Alternatively, Tenderers without experience may submit statements from a person or persons or organisation as to their abilities and standing in support of their tender, for adjudication purposes.

Failure to comply with either of these requirements shall lead to disqualification.

Name of Company	Contact Person	Contact No.	Project description	Project value and

SIGNATURE..... DATE.....

THE UMKHANYAKUDE DISTRICT MUNICIPALITY

SCMU 007/2023/2024

RENDERING OF ADVERTISING AGENCY SERVICES FOR 36 MONTHS

SCHEDULE OF RESOURCES/PERSONNEL

Tenderers are required to submit details of their management, office and supervisory personnel, yard and office personnel and full-time work-force that will be responsible for this contract.

SIGNATURE..... DATE.....

THE UMKHANYAKUDE DISTRICT MUNICIPALITY

SCMU 007/2023/2024

RENDERING OF ADVERTISING AGENCY SERVICES FOR 36 MONTHS

DECLARATION OF MUNICIPAL FEES

I/We do hereby declare that the Municipal Fees of _____

Is/are, as at the date of the tender closing, fully paid up, or arrangements have been concluded with the Municipality to pay the said Fees: -

DESCRIPTION

ACCOUNT No.

Electricity _____

Water _____

Rates _____

I/We acknowledge that should it be found that the Municipal Fees are not up to date, the Council may take such remedial action as it required, including termination of contract, and any income due to the Contractor shall be utilised to offset any monies due to the Council.

Full Name of Signatory.....

Capacity of Signatory.....

I.D. Number.....

Duly authorised to sign on behalf of.....

Physical Address.....

.....

.....

Signature Date

THE UMKHANYAKUDE DISTRICT MUNICIPALITY

SCMU 007/2023/2024

RENDERING OF ADVERTISING AGENCY SERVICES FOR 36 MONTHS

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 shareholder²):

.....

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.

“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**

3.10.1If 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, principal 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 director’s trustees, managers, principal 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, principal 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

CERTIFICATION

I, THE UNDERSIGNED, (NAME)

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

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

.....
Signature

.....
Date

.....
Position

.....
Name of Bidder

THE UMKHANYAKUDE DISTRICT MUNICIPALITY

SCMU 007/2023/2024

**RENDERING OF ADVERTISING AGENCY SERVICES FOR 36 MONTHS
DECLARATION FOR PROCUREMENT ABOVE R10 MILLION**

(ALL APPLICABLE TAXES INCLUDED)

For all procurement expected to exceed R10 million (all applicable taxes included), bidders must complete the following questionnaire:

* Delete if not applicable

1. Are you by law required to prepare annual financial statements for auditing?

***YES / NO**

1.1 If yes, submit audited annual financial statements for the past three years or since the date of establishment if established during the past three years.

.....
.....

2. Do you have any outstanding undisputed commitments for municipal services towards any municipality for more than three months or any other service provider in respect of which payment is overdue for more than 30 days?

***YES / NO**

2.1 If no, this serves to certify that the bidder has no undisputed commitments for municipal services towards any municipality for more than three months or other service provider in respect of which payment is overdue for more than 30 days.

2.2 If yes, provide particulars.

.....
.....

3. Has any contract been awarded to you by an organ of state during the past five years, including particulars of any material non-compliance or dispute concerning the execution of such contract?

***YES / NO**

3.1 If yes, furnish particulars

.....
.....

4. Will any portion of goods or services be sourced from outside the Republic, and, if so, what portion and whether any portion of payment from the municipality / municipal entity is expected to be transferred out of the Republic?

***YES / NO**

- 4.1 If yes, furnish particulars

.....
.....

CERTIFICATION

I, THE UNDERSIGNED, (NAME)

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

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

.....
Signature

.....
Date

.....
Position

.....
Name of Bidder

THE UMKHANYAKUDE DISTRICT MUNICIPALITY

SCMU 007/2023/2024

RENDERING OF ADVERTISING AGENCY SERVICES FOR 36 MONTHS

SPECIFIC GOALS

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

NB: BEFORE COMPLETING THIS FORM, BIDDERS MUST STUDY THE GENERAL CONDITIONS AND DEFINITIONS

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 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

a) The value of this bid is estimated to not exceed R50 000 000 (all applicable taxes included) and therefore the preference point system shall be applicable; or

b) Either the 80/20 preference point system will be applicable to this tender.

1.3 Points for this bid shall be awarded for:

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

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

POINTS

PRICE	80
SPECIFIC GOALS	20
Total points for Price and Specific goals must not exceed	100

1.5 Failure on the part of a bidder to submit the required documents to substantiate the points claimed with the bid, will be interpreted to mean that points for specific goals are not claimed.

1.6 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 specific goals in any manner required by the purchaser.

2. DEFINITIONS

(a) "B-BBEE" means broad-based black economic empowerment as defined in section 1 of the Broad-Based Black Economic Empowerment Act.

(b) "Specific goals" means specific goals as contemplated in section 2(1)(d) of the Act which may include contracting with persons, or categories of persons, historically disadvantaged by unfair discrimination on the basis of race, gender and disability including the implementation of programmes of the Reconstruction and Development

Programme as published in Government Gazette No. 16085 dated 23 November 1994

(c) "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 goods or services, through price quotations, advertised competitive bidding processes or proposals.

(d) "Broad-Based Black Economic Empowerment Act" means the Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003);

- (e) “EME” means an Exempted Micro Enterprise in terms of a code of good practice on black economic empowerment issued in terms of section 9 (1) of the Broad-Based Black Economic Empowerment Act;
- (f) “functionality” means the ability of a tenderer to provide goods or services in accordance with specifications as set out in the tender documents.
- (g) “prices” includes all applicable taxes less all unconditional discounts;
- (h) “proof of B-BBEE status level of contributor” means:
- 1) B-BBEE Status level certificate issued by an authorized body or person;
 - 2) A sworn affidavit as prescribed by the B-BBEE Codes of Good Practice;
 - 3) Any other requirement prescribed in terms of the B-BBEE Act;
- (i) “QSE” means a qualifying small business enterprise in terms of a code of good practice on black economic empowerment issued in terms of section 9 (1) of the Broad-Based Black Economic Empowerment Act;
- (j) “rand value” means the total estimated value of a contract in Rand, calculated at the time of bid invitation, and includes all applicable taxes;

3. FORMULAE FOR PROCUREMENT OF GOODS AND SERVICES

3.1 POINTS AWARDED FOR PRICE (the 80/20 or 90/10 preference point systems)

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

80/20 or 90/10

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

$$\text{or } Ps = 90 \left(1 - \frac{Pt - P_{min}}{P_{min}} \right)$$

Where:

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

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:

80/20 or 90/10

$$Ps = 80 \left(1 + \frac{Pt - P_{max}}{P_{max}} \right)$$

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

Where:

Ps = Points scored for price of bid under consideration
 Pt = Price of bid under consideration

Pmax = Price of highest acceptable bid

4. POINTS AWARDED FOR SPECIFIC GOALS

4.1 In terms of Regulation 3 (1) an organ of state must, in the tender documents, stipulate the specific goal in the invitation to submit the tender for which a point may be awarded, and the number of points that will be awarded to each goal, and proof of the claim for such goal.

SPECIFIC GOAL	NUMBER OF POINTS FOR (80/20) PREFERENCE SYSTEM	NUMBER OF POINTS (90/10) PREFERENCE SYSTEM
1.Enterprise owned by Black people	4	2
2.Enterprise owned by Women	4	2
3. Enterprise owned by Youth	4	2
4.Enterprise owned by Disabled persons	4	2
5. Enterprise owned by SMME`S – QSE and EME	4	2

5. B-BBEE STATUS LEVEL OF CONTRIBUTOR CLAIMED IN TERMS OF PARAGRAPHS 1.4 AND 3.1

5.1 Specific goals: = (maximum of 10 or 20 points)

(Points claimed in respect of paragraph 6.1 must be in accordance with the table reflected in paragraph 3.1 and must be substantiated by submitting the required documents.

6. DECLARATION WITH REGARD TO COMPANY/FIRM

6.1 Name of company/firm:

6.2 VAT registration number:

6.3 Company registration number:

6.4 TYPE OF COMPANY/ FIRM

☐ Partnership/Joint Venture / Consortium

☐ One person business/sole propriety

☐ Close corporation

☐ Company

☐ (Pty) Limited [TICK APPLICABLE BOX]

6.5 DESCRIBE PRINCIPAL BUSINESS ACTIVITIES

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

6.6 COMPANY CLASSIFICATION

☐ Manufacturer

☐ Supplier

☐ Professional service provider

☐ Other service providers, e.g., transporter, etc. [TICK APPLICABLE BOX]

6.7 Total number of years the company/firm has been in business:

6.8 I/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 specific goals indicated in paragraphs 1.4 and 5.1 of the foregoing certificates, 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 paragraphs 1.4 and 5.1, 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 contributor 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) recommend that the bidder or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, be restricted by the National Treasury 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.

1. DECLARATION WITH REGARD TO COMPANY/FIRM

1.1 Name of company/firm:

1.2 VAT registration number:

1.3 Company registration number:

1.4 TYPE OF COMPANY/ FIRM

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

[TICK APPLICABLE BOX]

1.5 DESCRIBE PRINCIPAL BUSINESS ACTIVITIES

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

1.6 COMPANY CLASSIFICATION

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

[TICK APPLICABLE BOX]

1.7 MUNICIPAL INFORMATION

Municipality where business is situated:

Registered Account Number:

Stand Number:

1.8 Total number of years the company/firm has been in business:

.....
SIGNATURE(S) OF BIDDER(S)

DATE:

ADDRESS:

.....

WITNESSES:

1.

2.

THE UMKHANYAKUDE DISTRICT MUNICIPALITY

SCMU 007/2023/2024

RENDERING OF ADVERTISING AGENCY SERVICES FOR 36 MONTHS

BID DECLARATION

CONTRACT FORM - RENDERING OF SERVICES

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

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

1. I hereby undertake to render services described in the attached bidding documents to (name of the institution) in accordance with the requirements and task directives / proposals specifications stipulated in Bid Number.....at the price/s quoted. My offer/s remains binding upon me and open for acceptance by the Purchaser during the validity period indicated and calculated from the closing date of the 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);
 - Filled in task directive/proposal;
 - 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 services specified in the bidding documents; that the price(s) and rate(s) cover all my obligations and I accept that any mistakes regarding price(s) and rate(s) and calculations will be at my own risk.
 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 fulfilment 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

CONTRACT FORM - RENDERING OF SERVICES
PART 2

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

DESCRIPTION OF SERVICE	PRICE (ALL APPLICABLE TAXES INCLUDED)	COMPLETION DATE

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

SIGNED AT ON.....

NAME (PRINT)

SIGNATURE

OFFICIAL STAMP:

WITNESSES	
1	
2	
DATE:	

THE UMKHANYAKUDE DISTRICT MUNICIPALITY

SCMU 006/2023/2024

PROVISION OF OCCUPATIONAL HEALTH SERVICES FOR 36 MONTHS

**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.***

Item	Question	Yes	No
4.1	Is the bidder or any of its directors listed on the National Treasury's Database of Restricted Suppliers as companies or persons 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 Accounting Officer/Authority of the institution that imposed the restriction after the <i>audi alteram partem</i> rule was applied). The Database of Restricted Suppliers now resides on the National Treasury's website (www.treasury.gov.za) and can be accessed by clicking on its link at the bottom of the home page.	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)? The Register for Tender Defaulters can be accessed on the National Treasury's website (www.treasury.gov.za) by clicking on its link at the bottom of the home page.	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 UNDERSIGNED, (NAME)

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

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

.....
Signature

.....
Date

.....
Position

.....
Name of Bidder

THE UMKHANYAKUDE DISTRICT MUNICIPALITY

SCMU 007/2023/2024

RENDERING OF ADVERTISING AGENCY SERVICES FOR 36 MONTHS

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 *per se* prohibited 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

THE UMKHANYAKUDE DISTRICT MUNICIPALITY

SCMU 007/2023/2024

RENDERING OF ADVERTISING AGENCY SERVICES FOR 36 MONTHS

TENDER FORM

The Municipal Manager
Harlingen 13433
MKUZE
3965

Dear Sir,

Having examined the Conditions of Contract, Specifications, Tender and Legislation of the above contract, I/we offer to supply and deliver the whole of the said Works in conformity with the Conditions of Contract, Specification, Tender and Legislation, save as amended by any modifications under Annexure "A", for the rates as stipulated in the Pricing Schedule herein.

I/We are registered VAT vendors. I/We undertake to deliver the goods comprised in the contract within the time frames stated in this contract document.

I/We certify that I/we have satisfied myself/ourselves that the particulars inserted on all required Affidavits (if applicable) are complete and correct.

I/We confirm that I am/we are fully acquainted with the current South African laws and regulations applicable to this contract including inter alia those laws to which my/our attention has been drawn in the Legislation section of this document.

I/We are registered VAT vendors and my/our VAT vendor registration number is:

I/We are formally associated by written agreement with the following firms, corporations or companies:

(Enter Nil if no affiliations)

I/We are fully paid-up members in good standing of the following organisation(s):

(Enter Nil if no affiliations)

My/Our Tender Deposit receipt number as issued by the Council is _____
(Include a copy of the Tender Deposit Receipt only if purchased at the Umkhanyakude Municipality)

I/We bank at the _____

Branch of _____

Where I/we have a _____ account.

It is agreed and understood that should there be any changes on the banking details provided for the entity, a duly signed resolution by all its directors and minutes whereby a resolution for changing the banking details was passed will be submitted to Council including the original letter from the bank confirming the details.

It is agreed and understood that this tender is valid for four (4) months from the date hereof and that it, together with your final letter of acceptance, shall constitute a binding Contract between us.

I/We understand that the Council is not bound to accept the lowest or any tender and acknowledge that the Head: Supply Chain Management may, in her absolute discretion if good and sufficient grounds are brought to her attention in writing within five (5) working days from the date of closing of tenders, decline to consider my/our offer.

I/We the undersigned, warrants that I am/we are duly authorised to do so on behalf of the enterprise, certifies that the enterprise complies with all statutory and municipal requirements and that the information supplied in terms of this documents with additional information is correct and accurate and acknowledges that if the information supplied is found to be incorrect then the Umkhanyakude Municipality in addition to any remedies, it may have: may

- i Recover from the Enterprise all costs, losses or damages incurred or sustained by the Municipality as result of the award of the contract, and /or
- ii Cancel the contract and claim any damages which the Municipality may suffer by having to make less favourable arrangements after such cancellations, and/or
- iii Impose a penalty on the Enterprise as provided in the Tender Document, and/or
- iv Take any other action as may be deemed necessary.

I/we further undertake to submit documentary proof regarding any tendering issue to the Council when so required.

Full Name of Signatory.....

Capacity of Signatory.....

Identity Number.....

Duly authorised to sign on behalf of.....

Physical Address.....

.....

SIGNATURE..... DATE.....

THE UMKHANYAKUDE DISTRICT MUNICIPALITY

SCMU 007/2023/2024

RENDERING OF ADVERTISING AGENCY SERVICES FOR 36 MONTHS

ALTERATIONS BY TENDERER

PAGE	SECTION OR ITEM	PROPOSED DEPARTURE/MODIFICATION

SIGNATURE..... DATE.....

THE UMKHANYAKUDE DISTRICT MUNICIPALITY

SCMU 007/2023/2024

RENDERING OF ADVERTISING AGENCY SERVICES FOR 36 MONTHS

TAX CLEARANCE CERTIFICATE

Please attach hereto a Valid Tax Clearance Certificate
and Tax Compliance Status Verification Pin issued by
SARS

THE UMKHANYAKUDE DISTRICT MUNICIPALITY

SCMU 007/2023/2024

RENDERING OF ADVERTISING AGENCY SERVICES FOR 36 MONTHS

CIPC REGISTRATION CERTIFICATE

Please attach hereto proof of registration with the
Companies and Intellectual Property Commission
(CIPC)

THE UMKHANYAKUDE DISTRICT MUNICIPALITY

SCMU 007/2023/2024

RENDERING OF ADVERTISING AGENCY SERVICES FOR 36 MONTHS

CENTRAL SUPPLIER DATABASE (CSD) REGISTRATION REPORT

Please attach hereto proof of registration with the
Central Supplier Database (CSD)

THE UMKHANYAKUDE DISTRICT MUNICIPALITY

SCMU 007/2023/2024

RENDERING OF ADVERTISING AGENCY SERVICES FOR 36 MONTHS

BROAD-BASED BLACK ECONOMIC EMPOWERMENT (B-BBEE) REGISTRATION

Please attach hereto B-BBEE Certificate

UMKHANYAKUDE DISTRICT MUNICIPALITY
