

Phumelela Local Municipality



**REQUEST FOR PROPOSALS FROM SUITABLE SERVICE PROVIDERS TO PLAN,
PACKAGE AND SOURCE FUNDS FOR UNFUNDED CATALYTIC PROJECTS IN
SECTORAL STRATEGIES
RFP 24-25/01**

Name of company	
Contact name	
Contact number	
Address	

BID DOCUMENT

Issued by:
Phumelela Local Municipality
52 Kuhn Street
Vrede
9835
Tel: 058 913 8300
Fax: 058 913 2317

Closing Date: 03 March 2025

Closing Time: 12h00

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1. TENDER NOTICE AND INVITATION TO TENDER



Invitation to bid

Phumelela Local Municipality hereby invites proposals from suitable service providers to plan, package and source funds for unfunded catalytic projects in sectoral strategies

Bid number: RFP 24-25/01

Bidders must take note of the following:

- Bid documents will be available at Vrede Municipal offices from 19 February 2025 during working hours, for a non-returnable fee of R 350,00 or can be downloaded for free from <https://www.etenders.gov.za/>
- There will not be a briefing session for this bid
- The bid will close on 03 March 2025 at 12h00. Bid documents should be deposited in the bid box situated at the Supply Chain Office before the closing date and time. Address: 52 Kuhn Street, Vrede 9835
- Bids must be submitted on the original document and remain valid for 90 days after the closing date
- No telegraphic, telefax and late bids will be accepted
- Valid company Tax Compliance Status must be attached.
- CSD registration report must be attached
- Bidders must submit company's proof of payment of municipal services not older than 3 months or a lease agreement clearly indicating who is responsible for paying municipal rates and taxes
- The municipality is not bound to accept the lowest bid or part of any bid
- No bid will be accepted from persons in the service of the state
- Technical queries can be directed to the chief financial officer (Mr NF Ralebenya) cfo@phumelela.gov.za ,SCM queries can be directed to Manager Supply chain (Mrs. D Makhubu) scm@phumelela.gov.za

Municipal Manager
Mrs. GPN Mhlongo-Ntshangase

2. MUNICIPAL BIDDING FORMS (MBD)

2.1 INVITATION TO BID

MBD1

PART A

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE (NAME OF MUNICIPALITY/ MUNICIPAL ENTITY)					
BID NUMBER:	RFP 24-25/01	CLOSING DATE:	03 March 2025	CLOSING TIME:	12h00
DESCRIPTION	Request for proposals from suitable service providers to plan, package and source funds for unfunded catalytic projects in sectoral strategies				
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]	☐ Ye ☐ s No		B-BBEE STATUS LEVEL SWORN AFFIDAVIT ☐ Yes ☐ No		
[A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE/ SWORN AFFIDAVIT (FOR EMES & OSEs) 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 [IF YES ENCLOSE PROOF]		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	RXXXXXXXXXX	
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	FINANCE	CONTACT PERSON	DP MAKHUBU
CONTACT PERSON	MR NF RALEBENYA	TELEPHONE NUMBER	058 913 8300
TELEPHONE NUMBER	058 913 8300	FACSIMILE NUMBER	
FACSIMILE NUMBER		E-MAIL ADDRESS	scm@phumelela.gov.za
E-MAIL ADDRESS	cfo@phumelela.gov.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)? ☐ 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 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:

2.2 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,
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

- (e) entity or constitutional institution within the meaning of the Public Finance Management Act, 1999 (Act No.1 of 1999);
- (f) a member of the accounting authority of any national or provincial public entity; or
- (g) 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

CERTIFICATION

I, THE UNDERSIGNED (NAME)

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

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

.....
Signature

.....
Date

.....
Capacity

.....
Name of Bidder

2.3 DECLARATION OF BIDDER'S PAST SUPPLY CHAIN MANAGEMENT PRACTICES

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

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:		
Item	Question	Yes	No
4.4	Does the bidder or any of its directors owe any municipal rates and taxes or municipal charges to the municipality / municipal entity, or to any other municipality / municipal entity, that is in arrears for more than three months?	Yes ☐	No ☐
4.4.1	If so, furnish particulars:		
4.5	Was any contract between the bidder and the municipality / municipal entity or any other organ of state terminated during the past five years on account of failure to perform on or comply with the contract?	Yes ☐	No ☐
4.7.1	If so, furnish particulars:		

CERTIFICATION

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

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

.....
Signature

.....
Date

.....
Position

.....
Name of Bidder

2.4 CERTIFICATE OF INDEPENDENT BID DETERMINATION

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

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

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

CERTIFICATE OF INDEPENDENT BID DETERMINATION

I, the undersigned, in submitting the accompanying bid:

(Bid Number and Description)

in response to the invitation for the bid made by:

(Name of Municipality / Municipal Entity)

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

respect: I certify, on behalf of: _____ that:

(Name of Bidder)

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

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

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

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

.....
Signature

.....
Date

.....
Position

.....
Name of Bidder

3. GENERAL CONDITIONS OF THE BID PROPOSAL

1. Definitions

In these Conditions of Bid, words and expressions shall have the meanings assigned to them in the various parts of the Bid Documents and in addition, the following words and expressions shall have the meanings assigned to them hereunder:

Words and Expressions	Meaning
"Addendum" and "Addendum to Bid"	any document so entitled and pertaining to the Bid, as may be issued by the Council to prospective Bidders at any time prior to the Closing of Bids
"Authorized"	By or with the prior written instruction, consent or approval of the Council and "unauthorized" means the converse.
"Closing of Bids"	The time and date before which Bids must be received by the Council and after which no further Bids will be accepted by the Council.
"Conforming Bid"	a bid which is strictly in accordance with the Bid Documents in all respects, without variation, addition, omission or qualification whatever.
"Bidder"	Any person, firm, or juristic party which submits a Bid to the Council in response to the Invitation issued or published by the Council inviting the submission of Bids.
"Bid Period"	The period between the issue by the Council, of an invitation to submit Bids for the project or the issue of the Bid Documents, whichever is the earlier, and the Closing of Bids.
brand names, trademarks, names, patent or producer,	Any reference in circumstances to brand names, trademarks, names, patent or producer, implies to be followed by the word "or similar" or "or equivalent".

2. INTERPRETATION

2.1. APPLICATION

These Conditions of Bid govern the submission and adjudication of proposals and the acceptance by the Council of any proposal. They shall not form part of nor be interpreted or construed as forming part of any subsequent Contract as may result from the acceptance by the Council of any Bid received, nor shall these Conditions of Bid have any force or significance in any such subsequent Contract.

2.2. LANGUAGE

These Conditions of Bid shall be interpreted in the English language.

2.3. GOVERNING LAW

All Bids, as well as the adjudication thereof and the acceptance of any bid shall be subject to the law of the Republic of South Africa.

2.4. SINGULAR, PLURAL AND GENDER

In these Conditions of Bid, words importing the singular include the plural and words imparting the masculine include the feminine and neuter and vice versa where the context requires.

2.5. AMENDMENTS TO THE BID DOCUMENTS

2.5.1.

AMENDMENTS BY THE BIDDER

2.5.1.1. Bidders shall not make any unauthorised amendment or addition to any part of the text or content of the proposal

Documents. If any such unauthorised amendments, alterations or additions are made by the Bidder, these will be deemed to be of no force or significance in the Bid and will be ignored in the evaluation and adjudication of the Bid.

2.5.1.2. Any point of difficulty in the interpretation of the Bid Documents must be clarified with the Council as early as possible during the Bid Period. If a query by any Bidder is found to be of significance, the Council will inform all Bidders accordingly as soon as possible.

2.5.2. AMENDMENTS BY THE EMPLOYER

2.5.2.1. The Council shall be entitled, at any time prior to the Closing of Bids, to make any variation, amendment or addition to, or omission from the Bid Documents, including to the time and date set for the Closing of Bids, by the issuing of an Addendum (or Addenda).

2.5.2.2. Any Addendum so issued shall be deemed to form part of the Bid Documents and shall be communicated in writing to all parties who have acquired the Bid Documents from the Council.

Prospective Bidders shall comply in all respects with the content of any such Addendum and failure to do so will render any Bid subsequently submitted, as invalid.

2.5.2.3. No variation by the Council of the Bid Documents will be of any force or effect unless set out in an Addendum as described above, despite the fact that a variation of or amendment to the Bid Documents may have been implied in or may reasonably be inferred from any other document issued or statement made by the Council.

3. SIGNING OF BID

The Bid must be signed in the presence of the subscribing witnesses, by the person named in the form entitled "Authority of Signatory" in the section "Forms to be Completed by the Bidder" of the Bid Documents, as duly authorised by the Bidder to do so.

4. CONFIDENTIAL NATURE OF DOCUMENTS

The content of the Bid Documents is private and confidential and copyright in every aspect thereof remains vested in the Council. Recipients of the Bid Documents shall not be entitled to utilise the Bid Documents or any part of the content thereof for any purpose whatsoever, other than for the preparation and submission of their Bid and shall, whether a Bid is submitted or otherwise, treat the details of the documents as private and confidential.

5. COSTS INCURRED BY BIDDERS

The Council will neither be responsible for nor pay for any costs whatever, incurred by any Bidder or any recipient of the Bid Documents in preparing a Bid, nor in providing any such

further information pertaining to the Bid as may be required by the Council or in terms of these Conditions of Bid.

6. ACCEPTANCE OF BID

The Council is not bound to accept any Bid or the lowest bid sum offered and reserves the right to award in part or in whole.

7. PERIOD OF VALIDITY OF BIDS

- 7.1. The bids shall remain valid for a period of three (3) months or 90 days after the Closing date.
- 7.2. Prices must be firm during this period and not linked to any exchange rate whatsoever.

8. REPUDIATION OF BID OR INVALIDATION OF CONTRACT

- 8.1. If the Council is satisfied that the Bidder or any person, whether an employee, partner, director, member or shareholder of the Bidder, or a person acting on behalf of or with the knowledge of the Bidder:
 - 8.1.1. Has offered, promised or given a bribe or other gift or remuneration or reward to any person in connection with obtaining a contract; or has acted in a fraudulent or corrupt manner in obtaining a contract; or
 - 8.1.2. Has approached an officer or employee of the Council in order to influence the award of a contract in the Bidder's favour; or
 - 8.1.3. Has entered into an agreement or has made an arrangement, whether legally binding or not, with another person, firm or company to:
 - 8.1.3.1. Refrain from bidding for this Contract; or
 - 8.1.3.2. as to the amount of the Bid to be submitted by either party;
 - 8.1.3.3. Except only where such other person or firm is named in the Bid as a prospective member of an intended Joint Venture to be formed if the Bid is accepted by the Council; or
 - 8.1.4. Has disclosed to another person, firm or company other than the Council, the exact or approximate amount of its proposed Bid, except only when:
 - 8.1.4.1. the disclosure, in confidence, had been necessary in order to obtain insurance premium quotations required for the preparation of the Bid; or such other person, firm or company is named in the Bid as a prospective member of an intended Joint Venture to be formed if the Bid is accepted by the Council;
 - 8.1.5. The Council may, in addition to other legal remedies, repudiate the Bid or declare the Contract invalid if the Contract has been awarded.

9. BIDDER'S ADDRESS FOR THE DELIVERY OF NOTICES

Each Bidder shall, indicate a place in the Republic of South Africa and specify it in the "Bidders Particulars" form, where legal process and all notices pertaining to the Bid may be delivered to him. Such address shall not be a postal box, private bag or electronic address, but shall be

the address of a physical location within South Africa (e.g. street address, property/stand number or farm name etc.).

10. ADDITIONAL INFORMATION REQUIRED

- 10.1. The Council may request any Bidder to clarify any aspect of its Bid and also reserves the right to instruct a public accountant to report on the financial status of the Bidder, and the Bidder must render all reasonable assistance in such an investigation.
- 10.2. The additional information so obtained, as well as all written information submitted by the Bidder with and in support of its Bid, will be considered to form the basis on which the Bid has been prepared and submitted.

11. TAXES AND LEVIES

The bidder must submit with this bid an original and valid Tax Pin from the South African Revenue Services (SARS).

12. CLEARANCE FROM MUNICIPALITIES

The contractor must provide clearance from the municipality where they are based indicating that they are not in arrears with regard to their respective municipal services accounts. Bidders that are based in areas that are non-rated and no municipal services are provided to them are required to provide a letter from the municipality confirming that the area is non-rated.

13. NO ACCEPTANCE OF BIDS FROM PERSONS IN THE SERVICE OF THE STATE

- 13.1. No bids will be considered from persons in the service of the state

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

- 13.1.1.1. a member of any municipal council;
 - 13.1.1.2. a member of any provincial legislature; or
 - 13.1.1.3. a member of the national Assembly or the national Council of provinces;
 - 13.1.1.4. a member of the board of directors of any municipal entity;
 - 13.1.1.5. an official of any municipality or municipal entity;
 - 13.1.1.6. 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);
 - 13.1.1.7. a member of the accounting authority of any national or provincial public entity; or
 - 13.1.1.8. an employee of Parliament or a provincial legislature.
-

14. SPECIAL CONDITIONS OF THE BID PROPOSAL

- 14.1. The transaction shall be subject to any stipulations in any Act, Ordinance or By-law pertaining thereto.
- 14.2. No proposals by any person that is not competent to enter into an agreement will be considered and if it is established that it is the case, the contract agreement in this regard will be considered null and void by Council.
- 14.3. Disputes must be settled by means of mutual consultation, mediation (with or without legal representation) or when unsuccessful, in a South African court of law on an attorney and client scale.
- 14.4. Should any legal action be deemed necessary to determine any aspect arising out of these conditions or to enforce any rights in terms of these conditions, then and in that event the parties hereto agree categorically to the jurisdiction of the Magistrate's Court to hear such action and to pass judgment notwithstanding the fact that the cause of action is beyond the jurisdiction of the Court: Provided always that Council shall have the right in its sole discretion to take action in any competent higher court in any matter exceeding the ordinary jurisdiction of the Magistrate's Court.
- 14.5. Council reserves the right to accept any cost proposal in a bid submitted or part thereof and will not be obliged to accept the lowest bid price submitted in a bid OR any cost proposal submitted.
- 14.6. Council reserves the right to alter quantities based on the supplied rates.
- 14.7. All Bids will be adjudicated in terms of the Phumelela Local Municipality's SCM Policy and in compliance with the criteria as set out in the Preferential Procurement Framework Act, Act No. 5 of 2000.
- 14.8. The successful bidder(s) must accept to make good or reimburse the Council on all damages or repairs that arise from the actions in executing this bid award.
- 14.9. The successful bidder(s) must accept to remove all equipment, restore the system(s) to the original state(s) at their own costs and and/or reimburse the Council in full in the event of failing to deliver as proposed in this bid.
- 14.10. The successful bidder(s) will at all times report to and obey the instructions of the Council's representative in relation to this bid.
- 14.11. Any variation to the execution in terms of this bid must be by mutual agreement by all parties concerned and served with official notices in writing.

4. RETURNABLE DOCUMENTS

1. Failure to fully complete and sign the relevant returnable documents shall render such a tender offer unresponsive.
2. Tenderers shall note that their signatures appended to each returnable form represents a declaration that they vouch for the accuracy and correctness of the information provided, including the information provided by candidates proposed for the specified key positions.
3. Notwithstanding any check or audit conducted by or on behalf of the Employer, the information provided in the returnable documents is accepted in good faith and as justification for entering into a contract with a tenderer. If subsequently any information is found to be incorrect such discovery shall be taken as wilful misrepresentation by that tenderer to induce the contract. In such event the Employer has the discretionary right to terminate the contract.

RETURNABLE DOCUMENTS

The following documents are to be completed and returned as they constitute the tender. Whilst many of the returnable are required (Compulsory to be completed and submitted) for the purpose of evaluating the tenders, some will form part of the subsequent contract, as they form the basis of the tender offer. For this reason, it is very important that tenderers return all information requested.

If the Tender does not comply with the Tender conditions, the Tender will be rejected. If specifications are not met, the Tender will also be rejected. With regard to the above, certain actions or errors are unacceptable, and warrants **REJECTION OF THE TENDER**, for example:

- The Master Registration Number and Tax compliance status PIN to enable the municipality to verify the bid tax compliance status must be attached.
- Non submission of company registration certificates.
- Non submission of proof of registration on CSD
- Non submission of the proposal in the prescribed format
- Pages to be completed, removed from the Tender document, and have therefore not been submitted.
- Scratching out without initialling next to the amended rates or information.
- Writing over / painting out rates / the use of tippex or any erasable ink, eg. pencil.
- Tempering with the original tender document in any way.
- Not completing the document by black ink.
- Failure to attend compulsory briefing meetings, if any.
- The Tender has not been properly signed by a party having the authority to do so, according to the **Form “Authority for Signatory”**
- No authority for signatory submitted.
- Particulars required in respect of the Tender have not been provided – non-compliance of Tender requirements and/or specifications.
- The Tenderer’s attempts to influence, or has in fact influenced the evaluation and/or awarding of the contract.

- The Tender has been submitted after the relevant closing date and time
- If any municipal rates and taxes or municipal service charges owed by that Tenderer to the municipality, or to any other municipality or municipal entity, are in arrears for more than three months.
- If any Tenderer who during the last five years has failed to perform satisfactorily on a previous contract with municipality or any other organ of state after written notice was given to that Tenderer that performance unsatisfactory.
- The declaration of interest form is not fully completed, or any false declaratio

4.4 AUTHORITY OF SIGNATORY

Details of person responsible for tender process and duly authorized to sign all documents in connection with this Tender:

Name :

Contact number :

Office Address :

Signatories for close corporations and companies shall confirm their authority by attaching to this form a **duly signed and dated original or certified copy on the Company Letterhead** of the relevant resolution of their members or their board of directors, as the case may be.

A **one- man business (Sole trader/owner)** shall confirm by attaching hereto a certified proof that he/she is the sole owner of the business e.g. (attaching a CK or company registration documents)

PRO-FORMA FOR COMPANIES AND CLOSE CORPORATIONS:

"By resolution of the board of directors passed on (date)

Mr / Ms

has been duly authorized to sign all documents in connection with the Tender for: Appointment of a panel of financial consultants for AFS, Asset register and mSCOA for a period of 3 years and any Contract which may arise there from on behalf of

.....

(BLOCK CAPTIALS)

SIGNED ON BEHALF OF THE COMPANY

IN HIS CAPACITY AS

DATE

NAMES OF SIGNATORY

.....

AS WITNESSES: 1.

2.

4.8 SCOPE OF WORK

TERMS AND CONDITIONS TO BE TAKEN INTO ACCOUNT BY SERVICE PROVIDERS

This Request for Proposal (RFP) has been compiled by the Phumelela Local Municipality and it is made available to the Bidders on the following basis. Bidders submitting a Bid in response to this RFP are deemed to do so, on the basis that they acknowledge and accept the terms and conditions set out below.

The Phumelela Local Municipality reserves the right to amend, modify, or withdraw this RFP or any of the procedures or requirements as set out herein at any time without prior notice and without liability to compensate or reimburse any person. If the Phumelela Local Municipality amends this RFP, the amendment will be sent to each Bidder in writing or publicized as the case maybe. No oral amendments by any person will be considered or acknowledged. The premises of the bidder should be open at all reasonable hours for inspection by representatives of the Phumelela Local Municipality. This is required in order to confirm any information provided by a Bidder in the RFP Bid.

The RFP is not intended to form the basis of a decision to enter into any transaction involving the Phumelela Local Municipality, and does not constitute an offer or recommendation to enter into such transaction, or an intention to enter into any legal relationship with any person. A Bid submitted in response to this RFP will constitute a binding offer which will remain binding and irrevocable for a period of six months from the date of submission to the Phumelela Local Municipality. The offer constituted by the Bid will be deemed not to have been accepted and no agreement will be deemed to be reached with any Bidder, unless and until a definitive Agreement and other related transaction documents are concluded between the Phumelela Local Municipality and the Preferred Bidder.

Neither the Phumelela Local Municipality nor any of their respective directors, officers, employees, agents, representatives or advisors will assume any obligation for any costs or expenses incurred by any party in or associated with preparing or submitting a Bid in response to the RFP. All costs associated with the Bid shall be borne by the bidder.

No entity may be involved, whether directly or indirectly, in more than one Bid in response to this RFP. A failure to comply with this requirement may, within the sole discretion of the Phumelela Local Municipality, result in disqualification of the relevant entity.

Any change in the control and / or composition of any Bidder or any core member of a Bidder after submission of a Bid, shall require the prior written approval of the Phumelela Local Municipality, and any failure to seek such approval from the Phumelela Local Municipality shall result in the Phumelela Local Municipality being entitled, in its sole discretion, to exclude the relevant Bidder from any further participation in the bid process. The Phumelela Local Municipality shall be the sole arbiter as to what constitutes a "material change in the control and / or composition of any Bidder", and as to what constitutes a "core member of a Bidder" for purposes of such approval. Any request for such approval

shall be made to the Phumelela Local Municipality in writing and shall provide sufficient reasons and information to allow the Phumelela Local Municipality to make an informed decision. The Phumelela Local Municipality reserves the right to accept to reject any request for approval at its sole discretion.

The Phumelela Local Municipality and its advisors may rely on a Bid as being accurate and comprehensive in relation to the proposals provided therein by the Bidders. All bids information submitted to Phumelela Local Municipality will become the property of Phumelela Local Municipality and will as such not be returned to the bidder. The Phumelela Local Municipality will make all reasonable efforts to maintain proposals in confidence; Proprietary information should be identified as such in each proposal.

RFP shall be considered irregular if it shows any omissions, alternations of form, additions, or conditions not called for, or irregularities and to make award in the best interest of the company.

The Phumelela Local Municipality reserves the right to appoint one or more service providers. RFP's shall be rejected, among other reason, for any of the following: RFP's received after the closing date and time as specified. Collusion among bidders or upon detecting that, the B-BBEEE status level of contribution has been claimed or obtained in a fraudulent manner. Incomplete work that in the judgement of the Phumelela Local Municipality shall prevent or hinder the prompt completion of additional work, if awarded. All Bids must be formulated and submitted in accordance with the requirements of this RFP.

PART A – PHUMELELA LOCAL MUNICIPALITY BACKGROUND.

The Phumelela Local Municipality is one of six local municipalities located within Thabo Mofutsanyana District Municipality in Free State Province. It is strategically located along the R34/N3 route. All traffic between Johannesburg Metro Municipality and Durban passes through Phumelela Local Municipality. For this reason, the municipality has potential for housing development, logistics hubs and training centers that can serve the Free State Province. The rural areas in Phumelela Local Municipality are predominantly agricultural and tourism, hence there is a potential for SMME service providers to support these sectors and add value to the raw products produced in this area

The Phumelela Local Municipality has four (3) main urban centres namely; Vrede, Warden, and Memel, and borders the provinces of Mpumalanga (30kms from Vrede) and Kwazulu Natal (35kms from Memel). Besides these settlements, the municipality is characterised by farming and rural settlements, and therefore, there are several farming and rural communities in the municipality that would need to be considered in the provision of basic water supplies.

PROJECT OBJECTIVES

Phumelela Local Municipality developed strategies including the Integrated Development Plan (herein referred to as IDP), Water Services and Developmental Plans (herein referred to as WSDP) that paved the way for the implementation of a number of infrastructure and catalyst projects necessary to turn around the delivery of water and sanitation at Phumelela Local Municipality. These strategies suggested a large number of projects that require immediate attention.

Therefore, with that stock of projects, the Phumelela Local Municipality has decided to undertake a thorough programme of implementing most if not all as well as to review some of its outdated strategies in order to adhere to its constitutional mandate and obligation of promoting socio-economic development in its area of jurisdiction.

BUSINESS OVERVIEW

Mandated by Chapter 7 of the Constitution of the Republic of South Africa which provides the primary legislative framework for the establishment of local government structures, Phumelela Local Municipality's primary objectives as stipulated in Section 152 (1) are as follows:

- To provide democratic and accountable government for local communities;
- To ensure the provision of services to communities in a sustainable manner;
- To promote social and economic development;
- To promote a safe and healthy environment;
- To encourage the involvement of communities and community organizations in the matters of local government.

Empowered by Chapter 5 and Section 25 of Local Government Municipality System Act (32 of 2000), the Phumelela Local Municipality has adopted an INTEGRATED DEVELOPMENT PLAN 2022 – 2027 for the development of the Phumelela Local Municipality that:

- Links, integrates and coordinates plans and takes into account proposals for the development of the Phumelela Local Municipality;
- Aligns the resources and capacity of the Phumelela Local Municipality with the implementation of the plan;
- Forms policy framework for general basis on which annual budgets must be based;
- Complies with the provisions of this Chapter; and
- Is compatible with national and provincial development plans and planning requirements binding on the Phumelela Local Municipality in terms of legislation.

Phumelela Local Municipality has both financial and administrative capacity challenges as it battles to attract and retain skilled and experienced personnel across all spectrums as well as other sectors

thereby robbing the area of its economic development potential. It is against this background the Phumelela Local Municipality seeks to partner with reputable service providers to unlock the economic development potential by implementing water and sanitation projects within its IDP and within its financial and administrative capacity.

TECHNICAL INFORMATION TO BE SUBMITTED BY SERVICE PROVIDERS

The Phumelela Local Municipality seeks to appoint reputable service provider(s) for a period of three (3) years for the implementation of its IDP projects and other infrastructure development programs. The appointed PSP is expected to implement these projects using turnkey solutions.

The purpose of this RFP is to invite proposal from reputable service providers to assist the Phumelela Local Municipality with:

- Development of feasibility assessment and business plan for IDP projects and other infrastructure programme which will unlock the economic development potential of the area whilst addressing the key performance areas of the Phumelela Local Municipality.
- Service providers will be required to refine the development concepts and undertake feasibility assessment of the projects covered by IDP, and if feasible, develop a business plan for the implementation on a turnkey basis.
- The Service provider must take full responsibility of planning, assuming all risk, construction, implementation and project management which means they will take the project from start to finish.
- Raise funds for all feasible projects within the IDP from potential state funding institutions as well as private equity investment where returns can be highlighted.
- Should the requested funding be approved, the service provider will further be appointed to lead the approved intervention towards implementation.
- This would include detailed project planning, designs and documentation, project implementation, monitoring and control and project closure and hand-over.

The phases and outputs are summarized as follow:

Phase 1 : Concept Stage

- Review high level feasibility study for upgrade interventions and development:
 - Initial reconnaissance site visit (including visual condition assessment) and consultation with Phumelela Local Municipality officials.
 - Report on the final concept & high level feasibility assessment.
 - This report to include photographic evidence, identified defects, proposal rectification specification and costs estimates.
-

- Presentation of the concept and high level feasibility report to the Project Steering Committee (PSC) for approval and final editing before commencing to Phase2.

Phase 2 : Business plan development:

- Preparation of business plan.
- Presentation of the draft business plan to Project Steering Committee (PSC) for approval.
- Preparation of Final business plan for submission to potential funders.
- Funding to be raised for all feasible IDP projects after studies are concluded.

Phase 3 : Implementation (ungraded and development interventions)

- Detailed project planning design and documentation.
- Construction, Project implementation, monitoring and control.
- Project Management.
- Appoint all relevant / Professional stakeholders.
- Project closure and handover.

Service Providers will be allocated works within the Phumelela Local Municipality area of jurisdiction. Some projects are located in the rural and remote areas. Reference is to be made to the IDP, WSDP and Water Services Sector Plans as Phumelela Local Municipality may not be in a position to provide details of the exact projects location at this stage.

SCOPE OF WORK

The focus areas of the appointment shall comprise the total project implementation value chain that will include amongst others:

- Securing of funding from various stakeholders,
 - Ensuring sustainable and reliable water supply through innovative solutions,
 - Ensuring sustainable and reliable sanitation services through innovative solutions,
 - Reduce high water losses in the system and implement conservation measures and,
 - Eradicate water pollution due to non and/or partially functional sanitation systems.
 - Securing funds for any project that will be beneficial to Phumelela Local Municipality
-

4.10 Functionality, 80/20 point scoring and pricing

- There won't be any functionality scoring for this bid
 - There won't be 80/20 point scoring for this bid
 - Bidders who are able to successfully secure funding for the municipality, will enter into a service level agreement with the municipality, where responsibilities and roles of each party will be negotiated and clearly defined. The service level agreement will also outline how the project will be undertaken
-