MAKHUDUTHAMAGA LOCAL MUNICIPALITY
LIM473/labour-law/22/23/021

Provision for legal services on defending or instituting labour actions instituted by or against municipality In both magistrate court and high court for the period of 3 (three) years .

ISSUED BY:	**PREPARED BY:**
Supply Chain Management Unit Mr Mothapo KJ Manager: SCM Private Bag X 434 Jane Furse 1085 Tel: 013 265 8607 Fax: 013 265 1975 Email: khalabom@makhuduthamaga.gov.za	Budget & Treasury Department Mr KT Mothapo Acting Chief Financial Officer Private Bag X 434 Jane Furse 1085 Tel: 013 265 8625 Fax: 013 265 1975 Email:mothapok@makhuduthamaga.gov.za
NAME OF BIDDER	**:**
TENDER AMOUNT	**:**
TEL NUMBER	**:**
FAX NUMBER	**:**
EMAIL ADDRESS	**:**

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The Bid

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MAKHUDUTHAMAGA LOCAL MUNICIPALITY
Bid notice and invitation to bid

No.	Project No.	Project Description.	Closing Date
1.	LIM473/commercial-law/22/23/020	Provision of commercial law services for the period of 3 (three) years.	19/09/2022 at 12H00
2.	LIM473/labour-law/22/23/021	Provision of labour law services for the period of 3 (three) years.	19/09/2022 at 12H00
3	LIM473/Labour-litigation/22/23/022	Provision of Labour litigation services for the period of 3 (three) years.	19/09/2022 at 12H00

The employer is Makhuduthamaga Local Municipality represented by the Municipal Manager.

Bid documents will be obtainable from Makhuduthamaga Local Municipal offices from **25 August 2022 (Mon-Fri from 08:00-16:30**) from the cashiers; at a non-refundable deposit of **R560.00** payable in cash or bank guaranteed cheque. Bid documents can also be downloaded from online services at (www.etender.gov.za) at no cost.

Completed and signed tender documents must be sealed in an envelope and marked with the relevant project number and project description and be deposited in the tender box at Makhuduthamaga Local Municipality Offices in Jane Furse before the closing date and time.

The municipality shall evaluate, adjudicate and award tenders in accordance with the Preferential Procurement Policy Framework Act. 5/2000 and revised procurement regulation April 2017 on 80/20 points system where 80 points will be allocated to price and 20 points for **B-BBEE and 100 points for functionality** according to the said legislation. **Details for functional will be in the tender document. Bids will remain valid for 90 (ninety) days after the closing date.**

The lowest tender will not necessarily be accepted and the municipality reserves the right not to consider any tender not fully completed. Tenderers are required to initial each page of the tender document and sign where necessary.

For enquiries contact:
Supply Chain Unit : Mr Mothapo KJ - 013 265 8607
Corporate Services : Mrs Mahlare MA - 013 265 8628

Mr Moganedi RM,
ACTING MUNICIPAL MANAGER
PRIVATE BAG X 434
JANE FURSE, 1085

Provision for legal services on defending or instituting labour actions instituted by or against municipality In both magistrate court and high court for the period of 3 (three) years .

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

Part Number **2. Bid Data**

2.2.1. The employer is MAKHUDUTHAMAGA **LOCAL MUNICIPALITY**

2.2.2 The bid documents issued by the employer comprise:

1.1 Bid notice and invitation to bid
1.2 Bid data
2.1 List of returnable documents
Part 1: Agreements and contracts data
C1.1 Form of offer and acceptance
Part 2: Pricing data
C2.1 Pricing instructions
C2.2 Specification

2.2.3 The employer's agent is the Municipal manager.

Tel: (013) 265 8600
Fax: (013) 265 1975

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

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

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

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

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

BID BOX (TENDER BOX)
MAKHUDUTHAMAGALOCALMUNICIPALITY
GROBLERSDAL ROAD
JANE FURSE

2.2.9 The closing time for submission of bid offers is as stated in the Bid Notice and Invitation to Bid.
2.2.10 Telephonic, telegraphic, telex, facsimile or e-mailed bid offers will not be accepted.

2.2.11 The bid offer validity period is ninety (90) days.

2.2.12 The bidder is required to submit with his/her bid all required documents as listed in the list of returnable documents as part of the eligibility criteria.

2.2.13 The Bid/Proposal will be opened immediately after the closing time for bids only to confirm the bidder, at:

MAKHUDUTHAMAGALOCALMUNICIPALITY
GROBLERSDAL ROAD
JANE FURSE

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

2.2.15 Bid offers will only be accepted if:

2.2.15.1 The bidder has registered with the central supplier database (CSD);

2.2.15.2 The bidder or any of its directors is not listed on the Register of Bid Defaulters in terms of the Prevention and Combating of Corrupt Activities Act of 2004 as a person prohibited from doing business with the public sector;

2.2.15.3 The bidder has not:

- abused the Employer's Supply Chain Management System; or
- failed to perform on any previous contract and has been given a written notice to this effect;

2.2.15.4 The bidder has completed the Compulsory Enterprise questionnaire and there are no conflicts of interest which may impact on the bidder's ability to perform the contract in the best interests of the employer or potentially compromise the bid process; and

2.2.15.5 Proof of municipal rates and taxes for both the company and the directors are attached not older than three months of the closing date of the tender.

2.2.6 .6 The bidder or any of its directors is not employed by the state.

3. CRITERIA FOR THE AWARDING OF CONTRACTS

3.1. FUNCTIONALITY

The quality criteria and maximum score in respect of each of the criteria are as follows:

Quality Criteria	Sub-Criteria	Weighting
Organization and staffing		10
Experience of the key staff (assigned personnel) in relation to the scope of work	Project Leader	15
	General qualifications	30
Company Experience	-	45
Maximum possible score for quality (M_s)		**100 points**

Organization & Staffing (10)

Item	Organisational structure	Points allocations	Tick the applicable one	Points by the municipality
1.	Organisation structure attached without cv and qualifications	5		
2.	Organizational Structure attached with cv and qualifications	10		

Experience of Project Leader in relation to defending and instituting labour litigations (attach CV) (15)

Item	Experience on curriculum vitae	Points allocation	Tick the applicable one	Points by the municipality
1.	No CV attached	0		
2.	With 1 – 2 years' experience	10		
3.	With > 2 years' experience	15		

General Qualifications in relation to defending and instituting labour litigations– Attach qualifications (30)

Item	Qualifications	Points allocation	Tick the applicable one	Points by the municipality
1.	No qualification attached	0		
2.	At least one person with diploma in relation to defending and instituting labour litigations	10		
3.	At least one person with Senior degree /honours or in relation to defending and instituting labour litigations	30		

Company Experience - in relation to the scope : (45)

-tick the applicable one and attach the previous appointment letters.

Item	Experience	Points allocation	Tick the applicable one	Points by the municipality
1.	No orders or appointment letters attached.	0		
2.	1–2 years experience	10		
3.	2-3 years experience	15		
4.	3-4 years experience	35		
	> 4 years experience	45		

- N.B-attach the previous appointment letters or/orders for work done in different institutions(No appointment letters attached-the bidder will score 0 points)

Note: The Municipality has the right to verify the validity of the supporting documents.

Minimum score for functionality is 60%. Bidders who score 60 points and above, will be evaluated further on 80/20 points system where 80 points will be for price and 20 points will be for B-BBEE Certificate.

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

3.2. The 80/20 Preference Point System

a) The following formula must be used to calculate the points for price in respect of tenders/procurement with a Rand value equal to, or above R30 000 and up to a Rand value of R 50 000 000.00 Organs of state may, however, apply this formula for procurement with a value less than R30 000, if and when appropriate:

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

Where
Ps = Points scored for price of tender under consideration

Pt = Rand value offer tender consideration
Pmin = Rand value of lowest acceptable tender

b) A maximum of 20 points will be awarded to a tenderer according to the B-BBEE verification level certificate.

c) The points scored by a tender in respect of the goals contemplated in sub-regulation (2) must be added to the points scored for price.

d) Only the tender with the highest number of points scored will be selected.

3.3.B-BBEE Status Level of Contributor Number of points (80/20 system)

B-BBEE Status Level of Contributor	Number of Points (80/20system)
1	**20**
2	**18**
3	**14**
4	**12**
5	**8**
6	**6**
7	**4**
8	**2**
Non-compliant contributor	**0**

Award of contract to bids not scoring the highest number of points

(a) A contract must be awarded to the bidder who scored the highest total number of points in terms of the 80/20 preference point system.
(b) In exceptional circumstances a contract may, on reasonable and justifiable grounds, be awarded to a bidder that did not score the highest number of points. The reasons for such a decision must be approved and recorded for audit purposes and must be defendable in a court of law.

Evaluation of bids that scored equal points

(a) In the event that two or more bids have scored equal total points, the successful bid must be the one that scored the highest points for B-BBEE.
(b) If two or more bids have equal points, including equal preference points for B-BBEE, the successful bid must be the one scoring the highest score for functionality if applicable
(c) In the event that two or more bids are equal in all respects, the award must be decided by the drawing of lots.

4. List of Returnable Documents

The bidder must complete the following returnable documents:

4.1. Returnable schedules required for bid evaluation purposes (This Document)

- Compulsory Enterprise Questionnaire
- Certificate of authority to sign documents (include for Joint Ventures / Consortia agreement where applicable)
- record of addenda to bid documents
- Certificate for Municipal Services and Payments (for both the company, and the director(s)). An affidavit from SAPS must be attached in case of bidders who are not paying rates and taxes e.g. in a rural areas.
- Authorisation for deduction of outstanding amounts owed to Council
- Company profile.
- Qualifications
- Professional body certificate in the legal field.
- A letter for good standing and fertility fund certificate
- All Pages must be initialized

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

- Joint venture, consortium agreements (if applicable).
- B-BBEE certificate/sworn affidavit–BBBEE for exempted micro enterprise .(Joint B-BBEE/sworn affidavit–BBBEE for exempted micro enterprise in case of joint ventures)

4.3. Other documents that will be incorporated into the contract

4.3.1. Original bid document
4.3.2. Addendum – if issued

4.3.3.Original Proof of purchase of the original bid document

Note : All copies must be certified
: Use black pen only.
: All correction must be signed by the authorised person.
: Use of correction pen (tippex) is prohibited.
: Failure to adhere any of the above will lead to automatic disqualificatio

Record of Addendum to Bid Documents

We confirm that the following communications received from the Employer before the submission of this bid offer, amending the bid documents, have been taken into account in this bid offer:		
	Date	**Title or Details**
1.		
2.		
3.		
4.		
5.		
6.		
7.		
8.		

Attached additional pages if more space is required.

Signed _____ Date _____

Name _____ Position_____

Bidder _____

Compulsory Enterprise Questionnaire

The following particulars must be furnished. In the case of a joint venture, **separate** enterprise questionnaires in respect of each partner must be completed and submitted.

Section 1: **Name of enterprise: ……..**

Section 2: **VAT Registration number, if any: ……..**

Section 3: **Particulars of sole proprietors and partners in partnerships**

Name*	**Identity Number***	**Personal income tax number***

***Complete only if sole proprietor or partnership and attach separate page if more than 3 partners

Section 5: **Particulars of companies and close corporations**

Company registration number ……

Close corporation number ……..

Tax reference number …….

Section 6: **Record in the service of the state**

Indicate by marking the relevant boxes with a cross, if any sale proprietor, partner in a partnership or director, manger, principal shareholder or stakeholder in a company or close corporation is currently or has been within the last 12 months in the service of any of the following:

- ☐ a member of any municipal council
- ☐ a member of any provincial legislature,
- ☐ a member of the National Assembly or the National Council of Province
- ☐ a member of the board of directors of any municipal entity
- ☐ an official of any municipality or municipal entity
- ☐ an employee of any provincial department, national or provincial public entity or constitutional institution within the meaning of the Public Finance Management Act, (Act 1 of 1999)
- ☐ a member of an accounting authority of any national or provincial public entity
- ☐ an employee of parliament or a provincial legislature

If any of the above boxes are marked, disclose the following:

Name of sole proprietor, partner, director, manager, principal shareholder or stakeholder	**Name of institution, public office, board or organ of state and position held**	**Status of service (tick appropriate column)**	
		Current	**Within last 12 months**

***insert separate page if necessary**

Section 7: Record of spouses, children and parents in the service of the state

Indicate by marking the relevant boxes with a cross, if any spouse, child or parent of a sole proprietor, partner in a partnership or director, manager, principal stakeholder or stakeholder in a company or close corporation is currently or has been within the last 12 months been in the service of any of the following:

- ☐ a member of any municipal council
- ☐ a member of any provincial legislature,
- ☐ a member of the National Assembly or the National Council of Province
- ☐ a member of the board of directors of any municipal entity
- ☐ an official of any municipality or municipal entity
- ☐ an employee of any provincial department, national or provincial public entity or constitutional institution within the meaning of the Public Finance Management Act, (Act 1 of 1999)
- ☐ a member of an accounting authority of any national or provincial public entity
- ☐ an employee of parliament or a provincial legislature

Name of spouse, child or parent	**Name of institution, public office, board or organ of state and position held**	**Status of service (tick appropriate column)**	
			Within last 12 months

***insert separate page if necessary**

The undersigned, who warrents that he / she is duly authorised to do so on behalf of the enterprise:

i) authorizes the Employer to obtain a tax clearance certificate from the South African Revenue Services that my / our tax matters are in order;
ii) confirms that the neither the name of the enterprise or the name of any partner, manager, director or other person, who wholly or partly exercises, or may exercise, control over the enterprise appears on the Register of Bid Defaulters established in terms of the Prevention and Combating of Corrupt Activiteis Act of 2004;
iii) confirms that no partner, member, director or other person, who wholly or partly excercises, or may exercise, control over the enterprise appears, has within the last five years been convicted of fraud or corruption;
iv) confirms that I / we are not associated, linked or involved with any other biding entitities submitting bid offers and have no other relationship with any of the bidders or those responsible for compiling the scope of work that could cause or be interpreted as a conflict of interest; and
iv) confirms that the contents of this questionnare are witin my personal knowledge and are to the best of my belief both true and correct.

Signed _____ Date _____

Name _____ Position_____

Enterprise Name _____

Certificate of Authority

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

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

A. Certificate for company

I,……., chairperson of the board of directors of ……, hereby confirm that by resolution of the board (copy attached) taken on ……20…., Mr/Mrs…….acting in the capacity of……,was authorised to sign all documents in connection with this tender and any contract resulting from it on behalf of the company.

As witness

1…….. ……

. Chairman

2…….. ……..

Date

B. Certificate of partnership

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

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

NAME	ADDRESS	SIGNATURE	DATE

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

C. Certificate for Joint Venture

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

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

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

NAME OF FIRM	ADDRESS	AUTHORISING SIGNATURE, NAME & CAPACITY

D. Certificate for sole proprietor

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

As Witness:

1…….. ……
Signature: Sole owner

2……. …….
Date

E. Certificate for Close Corporation

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

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

NAME	ADDRESS	SIGNATURE	DATE

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

CERTIFICATE FOR MUNICIPAL SERVICES AND PAYMENTS

TO: MUNICIPAL MANAGER, MAKHUDUTHAMAGA LOCAL MUNICIPALITY

FROM: _____ (Name of Bidder)

FURTHER DETAILS OF BIDDER(S); DIRECTORS/SHAREHOLDERS/PARTNERS, ETC.

Directors/shareholders/Partner	Physical address of the Business	Municipal Account No.	Physical residential address of the Director/Shareholder/Partner	Municipal Account No.

NB: Please attach certified copy (ies) of ID document(s) and proof of payment not older than 3 months

_____ _____

Signatory Date

Witnesses

1. _____ _____ _____

Full Names Signature Date

2. _____ _____ _____

Full Names Signature Date

AUTHORISATION FOR DEDUCTION OF OUTSTANDING AMOUNTS OWED TO COUNCIL

TO: MUNICIPAL MANAGER, MAKHUDUTHAMAGA LOCAL MUNICIPALITY

FROM: _____ (Name of the Bidder or Consortium)

I, _____ the undersigned, hereby authorise the Makhuduthamaga Local Municipality to deduct the full amount outstanding by the business organisation/Director/Shareholder/Partner, etc. from the payment that will be made to me.

Signed at _____ Date_____ Month _____ 2022

Print Name: _____

Signature: _____

Thus done and signed for and on behalf of the bidder

_____ _____

Signatory Date

Witnesses

1. _____ _____ _____

Full Names Signature Date

2. _____ _____ _____

Full Names Signature Date

5. Form of Offer and Acceptance

Offer

The employer, identified in the acceptance signature block, has solicited offers for the
Provision for legal services on defending or instituting laour actions instituted by or against municipality in both magistrate court and high court for the period of 3 (three) years .

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

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

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

---------- (Rands VAT Inclusive/ exclusive)

.....
.....
..... (Amount In words)

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

for the bidder

Signature …….. Date ……

Name ……..

Capacity ……..

(Name and address of organization) ……
……
……

Name and signature of witness …….. ……..

Acceptance

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

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

Signature …… Date ……..

Name ……

Capacity ……

for the Makhuduthamaga Local Municipality

…….

……..……

…….

Name and signature of witness …… Date ……..

……

Data Provided by the Service Provider

Clause	
•	The Service Provider is …… Address: …….. Telephone: …….. Fax simile: ……..
•	The authorized and designated representative of the Service Provider is: Name: …….
•	The address for receipt of communication is: Telephone: …….. Fax simile: …….. Address: …….

6. Pricing Instructions

- The Service Provider is required to provide the services in accordance with the Scope of Work. This embraces all things necessary and incidental to complete the work.
- The only basis for a change to the prices is as a result of the Employer giving an instruction to change the Scope of Work.

7. TERMS OF REFERENCE AND THE BILL OF QUANTITY.

- To assist municipality in instituting laour claim against any breach of contract
- To defend municipality against any lawsuit in both magistrate court and high court
- To assist municipality, if necessary to settle lawsuit before trail.
- To issue summons on behalf of municipality

ITEM	INSTRUCTION	RATES
1.	Instruction to defend including Opening and administrative costs	R
2.	Necessary Consultation with client per quarter of an hour or part thereof	R
3.	Drawing of Notice of Intention to Defend	R
4.	Perusal per folio	R
5.	Drafting of Plea	R
6.	Noting Exceptions	R
7.	Drafting of Letters	R
8.	Attending Pre Trial Meetings per quarter of an hour or part thereof	R
9.	Perusal of Documents (Pleadings)	R
10.	Travelling costs per / km	R
11.	Travelling time per quarter of an hour or part thereof	R
12.	Preparation including trial, research and preparation of all document necessary to vitiate the finalization of the matter per hour	R
13.	Hearing/Court/Arbitration	R
14.	Photocopy per page	R
15.	Faxing per page	R
16.	Telephone call to the municipality per minute	R
17.	Representative as chairperson in a disciplinary hearing per hour	R
18.	Representation as initiator in disciplinary hearing per hour	R
19.	Drafting of contract (per contract)	R
20.	Review of contracts(per contract)	R
21.	General advices-(please specify)	R
Total rates		

CSD Vendor no ----------

8. DURATION OF CONTRACT

It is a 3 years contract.

9. Payments

Payments will be made within thirty days of submission of (Tax) invoice.

4.SBD

10.DECLARATION OF INTEREST

1. Any legal person, including persons employed by the state[1], or persons having a kinship with persons employed by the state, including a blood relationship, may make an offer or offers in terms of this invitation to bid (includes a price quotation, advertised competitive bid, limited bid or proposal). In view of possible allegations of favouritism, should the resulting bid, or part thereof, be awarded to persons employed by the state, or to persons connected with or related to them, it is required that the bidder or his/her authorized representative declare his/her position in relation to the evaluating/adjudicating authority where-

    - The bidder is employed by the state; and/or

    - The legal person on whose behalf the bidding document is signed, has a relationship with persons/ a person who are/is involved in the evaluation and or adjudication of the bid(s), or where it is known that such a relationship exists between the person or persons for or on whose behalf the declarant acts and persons who are involved with the evaluation and or adjudication of the bid.

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

    2.1. Full Name of bidder or his or her representative:……..

    2.2. Identity Number:……..

    2.3. Position occupied in the Company (director,trustee.shareholder[2]):…….

    2.4. Company registration number:……

    2.5. Tax Reference Number:…….

    2.6. VAT Registration Number:……..

    2.6.1 The names of all directors/ trustees/ shareholders/ members, their individual identity numbers, tax reference numbers and, if applicable, employee/ persal numbers must be indicated in paragraph 3 below.

1"State" means –

a. Any national or provincial department, national or provincial public entity or constitution within the meaning of Public Finance Management Act, 1999 (Act No. 1 of 1999);
b. Any municipality or municipal entity;
c. Provincial legislature;

d. National Assembly or the national Council of provinces; or
e. Parliament.

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

2.7. Are you or any person connected with them bidder presently employed by the state? YES ☐ NO ☐

2.7.1. If so, furnish the following particulars:
Name of person / director / trustee/ shareholder/ member:
……
Name of state institution at which you or person connected to the bidder is employed:
……..
Position occupied in the public institution:
……..

Any other particulars:

……

……

……

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

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

(Note: Failure to submit proof of such authority, where applicable, may result in the disqualification of the bid.

2.7.2.2. If no, furnish reasons for non-submission of such proof:

……

……

……

2.8. Did you or your spouse, or any of the company's directors/ trustees/ shareholders/ members or their spouses conduct business with the state in the previous twelve months? YES ☐ NO ☐

2.8.1. If so, furnish particulars:

……

……

……

2.9. Do you, or any person connected with the bidder, have any relationship (family, friend, other) with a person employed by the state and who may be involved with the evaluation and or adjudication of this bid? YES ☐ NO ☐

2.9.1. If so, furnish particulars:

……

……

……

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

2.10.1. If so, furnish particulars:

……

……

……

2.11. Do you or any of the directors/ trustees/ shareholders/ members of the company have any interest in any other related companies whether or not they are bidding for this contract?

2.11.1. If so, furnish particulars:

……
……

……

Full details of directors/ trustees/ members/ shareholders.

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

DECLARATION

I, THE UNDERSIGNED
(NAME)……

CERTIFY THAT THE INFORMATION FURNISHED IN PARAGRAPH 2 and 3 ABOVE IS CORRECT. I ACCEPT THAT THE STATE MAY REJECT THE BID OR ACT AGAINST ME IN TERMS OF PARAGRAPH 23 OF THE GENERAL CONDITIONS OF CONTRACT SHOULD THIS DECLARATION PROVE TO BE FALSE.

…… ……
Signature Date

…… ……
Position Name Of Bidder

MBD9

CERTIFICATE OF INDEPENDENT BID DETERMINATION

I, the undersigned, in submitting the accompanying bid:

_____

(Bid Number and Description)

in response to the invitation for the bid made by:

_____

(Name of Municipality / Municipal Entity)

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

I certify, on behalf of:_____that:

(Name of Bidder)

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

MBD 9

6. The bidder has arrived at the accompanying bid independently from, and without consultation, communication, agreement or arrangement with any competitor. However communication between partners in a joint venture or consortium[3] will not be construed as collusive bidding.
7. In particular, without limiting the generality of paragraphs 6 above, there has been no consultation, communication, agreement or arrangement with any competitor regarding:
    (a) prices;
    (b) geographical area where product or service will be rendered (market allocation)
    (c) methods, factors or formulas used to calculate prices;
    (d) the intention or decision to submit or not to submit, a bid;
    (e) the submission of a bid which does not meet the specifications and conditions of the bid; or
    (f) bidding with the intention not to win the bid.
8. In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications and conditions or delivery particulars of the products or services to which this bid invitation relates.
9. The terms of the accompanying bid have not been, and will not be, disclosed by the bidder, directly or indirectly, to any competitor, prior to the date and time of the official bid opening or of the awarding of the contract.

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

MBD 9

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

……	…….
Signature	Date
……	. ……
Position	Name of Bidder

MBD 1

PART A
INVITATION TO BID

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE (*NAME OF MUNICIPALITY/ MUNICIPAL ENTITY*)					
BID NUMBER:		CLOSING DATE:		CLOSING TIME:	
DESCRIPTION					
THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (MBD7).					

BID RESPONSE DOCUMENTS MAY BE DEPOSITED IN THE BID BOX SITUATED AT *(STREET ADDRESS*

SUPPLIER INFORMATION				
NAME OF BIDDER				
POSTAL ADDRESS				
STREET ADDRESS				
TELEPHONE NUMBER	CODE		NUMBER	
CELLPHONE NUMBER				
FACSIMILE NUMBER	CODE		NUMBER	
E-MAIL ADDRESS				
VAT REGISTRATION NUMBER				
TAX COMPLIANCE STATUS	TCS PIN:		**OR** CSD No:	
B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE [TICK APPLICABLE BOX]	☐ Yes ☐ No		B-BBEE STATUS LEVEL SWORN AFFIDAVIT	☐ Yes ☐ No

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

ARE YOU THE ACCREDITED REPRESENTATIVE **IN SOUTH AFRICA FOR THE GOODS /SERVICES /WORKS OFFERED?**	☐Yes ☐No [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**	**R**
SIGNATURE OF BIDDER	……	**DATE**	
CAPACITY UNDER WHICH THIS BID IS SIGNED			

BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO:		**TECHNICAL INFORMATION MAY BE DIRECTED TO:**	
DEPARTMENT		CONTACT PERSON	
CONTACT PERSON		TELEPHONE NUMBER	

TELEPHONE NUMBER		FACSIMILE NUMBER	
FACSIMILE NUMBER		E-MAIL ADDRESS	
E-MAIL ADDRESS			

Where the recommended bidder is not tax compliant, the bidder should be notified of their non-compliant status and the bidder must be requested to submit to the municipality or municipal entity, within 7 working days, written proof from SARS of their tax compliance status or proof from SARS that they have made an arrangement to meet their outstanding tax obligations. The proof of tax compliance status submitted by the bidder to the municipality or municipal entity must be verified via the CSD or e-Filing.

The accounting officer should reject a bid submitted by the bidder if such a bidder fails to provide proof of tax compliance status within the timeframe stated above.

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 MU02ST 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 E 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: ……...

END