



BID NO: 341/2021

**APPOINTMENT OF A SERVICE PROVIDER FOR
THE DEVELOPMENT OF A PRECINCT PLAN FOR
THE ROCKY DRIFT AND SURROUNDING AREA**

CLOSING DATE: 27 OCTOBER 2021

NAME OF BIDDER: _____

CSD REG NO: MAAA_____



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**PART A
INVITATION TO BID**

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE CITY OF MBOMBELA					
BID NUMBER:	341/2021	CLOSING DATE:	27 OCTOBER 2021	CLOSING TIME:	11:00
DESCRIPTION	APPOINTMENT OF SERVICE PROVIDER FOR THE DEVELOPMENT OF A PRECINCT PLAN FOR THE ROCKY DRIFT AND SURROUNDING AREA				
THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (MBD7).					
BID RESPONSE DOCUMENTS MUST BE SUBMITTED IN THE BID BOX LOCATED AT 1 NEL STREET, MBOMBELA, 1200, MBOMBELA CIVIC CENTRE, NEXT TO THE MAIN ENTRANCE.					
SUPPLIER INFORMATION					
NAME OF BIDDER					
POSTAL ADDRESS					
STREET ADDRESS					
TELEPHONE NUMBER	CODE		NUMBER		
CELLPHONE NUMBER					
FACSIMILE NUMBER	CODE		NUMBER		
E-MAIL ADDRESS					
VAT REGISTRATION NUMBER					
TAX COMPLIANCE STATUS	TCS PIN:		OR	CSD No:	
B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE [TICK APPLICABLE BOX]	☐ 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:		
FINANCIAL MANAGEMENT SERVICES CHRISTOPHER NKAMBULE TEL NO: 013 759 2358 EMAIL: christopher.nkambule@mbombela.gov.za			CITY PLANNING AND DEVELOPMENT ZWOTEA MAMALI TEL NO: 013 759 9379 EMAIL: zwotea.mamali@mbombela.gov.za		

PART B
TERMS AND CONDITIONS FOR BIDDING

1. BID SUBMISSION:

- 1.1. BIDS MUST BE SUBMITTED ELECTRONICALLY BY THE STIPULATED TIME ON THE TENDER MANAGEMENT PLATFORM. 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

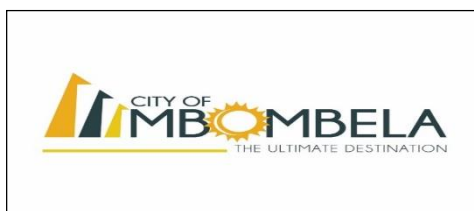
IF THE ANSWER IS "NO" TO ALL OF THE ABOVE, THEN IT IS NOT A REQUIREMENT TO REGISTER FOR A TAX COMPLIANCE STATUS SYSTEM PIN CODE FROM THE SOUTH AFRICAN REVENUE SERVICE (SARS) AND IF NOT REGISTER AS PER 2.3 ABOVE.

**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:



BID NO: 341/2021
CLOSING DATE: 27 OCTOBER 2021

APPOINTMENT OF A SERVICE PROVIDER FOR THE DEVELOPMENT OF A PRECINCT PLAN FOR THE ROCKY DRIFT AND SURROUNDING AREA

Bids are hereby invited from competent and experienced service providers to develop the Precinct Plan for Rocky Drift and Surrounding Area.

It is compulsory that service providers download a copy of the bid document that will ONLY be available as from 12 October 2021 on the municipal website: www.mbombela.gov.za on the tenders and notices' folder and on e-Tenders: www.etenders.gov.za, free of charge.

Duly completed bid documents and supporting documents which are, CERTIFIED ID COPIES OF BUSINESS OWNERS, COPY OF TAX COMPLIANCE STATUS, CERTIFIED COPY OF B-BBEE CERTIFICATE OR SWORN AFFIDAVIT FOR B-BBEE TO CLAIM B-BBEE POINTS, RATES AND TAXES CLEARANCE FOR BOTH THE COMPANY AND ITS DIRECTORS FROM RELEVANT LOCAL AUTHORITY OR PROOF OF RESIDENCE FROM A RECOGNISED AUTHORITY OR LEASE AGREEMENT, CSD REGISTRATION FULL REPORT (Summary Report will not be considered) and a copy of the COMPANY REGISTRATION CERTIFICATE, together with the bid document must be sealed in an envelope clearly marked: "BID NO.: 341/2021 APPOINTMENT OF A SERVICE PROVIDER FOR THE DEVELOPMENT OF A PRECINCT PLAN FOR THE ROCKY DRIFT AND SURROUNDING AREA, CLOSING DATE: 27 OCTOBER 2021" with the name of the bidder shall be placed in the bid box at MBOMBELA CIVIC CENTRE at 1 NEL STREET, MBOMBELA, before 11:00 on the closing date.

Bids received by telegram, fax or e-mail will not be considered. Late bids shall not be accepted or considered. No briefing session shall be conducted for this tender. Technical enquiries may be directed to the project manager on the below contact details.

A preferential point system shall apply whereby this contract will be allocated to a bidder in accordance with the Preferential Procurement Policy Framework Act, No 5 of 2000 and as defined in the conditions of bid in the bid document, read in conjunction with the Preferential Procurement Regulations, 2017, where 80 points will be allocated in respect of price and 20 points in respect of B-BBEE status level of contribution.

Supply Chain Management	:	Christopher Nkambule	(013) 759 2358
Project Manager	:	Zwotea Mamali	(013) 759 9379
Employer	:	Municipal Manager: Mr W. Khumalo	
		City of Mbombela	
		Po Box 45; Nelspruit; 1200	

NB: The results of this bid will be published on council website as prescribed on the MFMA sec 75 (1) (g) and SCM regulations, sec. 23 (c).

SPECIAL CONDITIONS OF THE BID

1. SUBMISSION OF TENDERS

The tender is to be made out on the tender form attached hereto, which must not be detached from this document, and the completed document, fully priced, extended and totalled, completed in all respects, signed and is to be sealed in an envelope which is to be enclosed and delivered in accordance with the instructions contained on the Invitation to Tender.

Proof of posting of a tender will not be accepted as proof of delivery to the appropriate place for the receipt of tender.

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

The information to be submitted by prospective bidders will only be used for tender purposes taking into consideration the Protection of Personal Information Act (POPI Act).

2. TENDER DEPOSIT

Tender documents can be downloaded from the following links: www.mbombela.gov.za, in the tenders and notices folder and on e-Tenders: www.etenders.gov.za, free of charge.

3. ADJUDICATION OF TENDER

The City of Mbombela will not be bound to accept the lowest or any tender and also reserves the right to cancel the tender when deemed necessary.

The tender will be adjudicated by City of Mbombela in terms of the Preferential Procurement Policy Framework Act, no. 5 of 2000 and as defined in the conditions of bid in the bid document, read in conjunction with the preferential procurement regulations, 2017, where 80 points will be allocated in respect of price and 20 points in respect of B-BBEE status level of contribution.

Prospective service providers may not make any alterations or additions to the Bid document, except to comply with instructions issued by the employer. The tender document must be furnished with non-erasable black ink and all corrections made by the service provider should be dated and signed by the authorised signatory. Erasures and the use of masking fluid, tippex, pencil or erasable ink are prohibited and failure to adhere to this condition will render your submission non responsive.

Certified copy of B-BBEE Certificate OR Original Sworn Affidavit for B-BBEE / certified copy of a Sworn Affidavit for B-BBEE. Failure to adhere will lead in non-claiming on preferential points.

A bid not complying with the mandatory requirements stated in the bid document will be regarded as non-responsive and as such will be rejected. If a Bid has not been properly signed by a party having the authority to do so, according to the example of "Authority for Signatory" will be rejected. This condition will not apply to companies owned by one director / member / sole proprietorship.

A bid will be rejected if any municipal rates and taxes or municipal service charges owed by the bidder or any of its directors to the municipality, or to any other municipality or municipal entity, are in arrears for more than three months. Similarly, none submission of proof of valid and up-to-date rates and taxes statement will render the submission non-responsive.

Bids will be rejected if the bidders or any of the directors are 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. Bids will be rejected if the bidder has abused the CoM's Supply Chain Management System or SCM Processes of any state institutions.

MBD 1 will be regarded as a FORM OF OFFER and if the form is not completed in full and signed by the authorised signatory, the submission will be regarded as non-responsive.

4. COMPLETION OF TENDER DOCUMENTS

Tenders will only be considered on receipt of this tender document correctly completed with all insertions in black ink and signed.

The following compulsory documentation **MUST** be attached in order for the bid to be considered:

- Copy of a valid Tax Compliance Status (TCS)
- Proof of company registration
- Certified ID copies of all company directors
- CSD full registration report (CSD full registration report must **NOT** be older than **10 days** from closing date and summary report will NOT be considered)
- Current Municipal Account for both the company and business directors (rates and taxes certificate) / Proof of residence from a relevant recognized authority / Valid lease Agreement for the business and all directors of the company. All members / directors of business must attach their individual documents in this regard, failure to adhere will lead to immediate disqualification.
- NB: Certified copies of documentation must not be older than three months to be regarded as valid. Copies of "**certified copies**" will not be acceptable as true copies of original documents. Failure to adhere will lead to immediate disqualification.

5. COMPULSORY BRIEFING SESSION

NONE

6. WITHDRAWAL OF TENDER

In the event of the awarded bidder fails to execute the services in terms of this tender, the Municipality shall be entitled to cancel the contract summarily, in which event the Bidder shall be liable for any additional expense incurred by reason of the Municipality having to call for fresh tenders or having to accept any less favourable tender. The Municipality will without prejudice consider listing the service provider in the National Treasury restricted bidders register.

7. NOTICE OF BIDDERS

Should any additions or alterations to the document as issued to Bidders be deemed necessary prior to the date for submission of tenders, these will be issued to Bidders in the form of Notices to Bidders and will form part of the tender document.

The Notices to Bidders shall be completed where applicable by Bidders, signed, dated and returned with the tender documents.

8. PERIOD OF VALIDITY OF TENDERS

The validity period of tenders shall be **90** days as stated in the tender form and be calculated from the closing date for submission of tenders. In extreme cases, the Municipality may request the bidders to extend the validity period beyond the 90 days. The extension may not be more than 30 days.

9. TAXES AND DUTIES PAYABLE

Bidders shall allow in their tender for the payment and recovery of all taxes and other duties. No claims for additional payment in this respect will be considered. Prices and rates quoted shall be inclusive of Value Added Tax (VAT). VAT shall be recorded as a lump sum in the tender summary and the total inclusive of VAT carried to the Form of Tender.

10. BID PRICE

All prices must include disbursements and VAT where applicable.
All prices must be stated in South African currency (ZAR)
Bid prices will be regarded firm and no additional cost will be added.

TERMS OF REFERENCE AND PRICING SCHEDULE

1 INTRODUCTION

The City of Mbombela Municipality intends to appoint a professional service provider to develop the Precinct Plan for the Rocky Drift and surrounding area. The main purpose of the precinct plan is to set a vision for the future development of the Rocky Drift and Surrounding area. Based on Nodal and Corridor development strategies, the City of Mbombela has identified Rocky Drift as a strategically located precinct that require more detailed local plans. These 'Terms of Reference' are thus compiled to invite potential service providers that possess the necessary experience and capabilities, to submit their proposals to assist in the development of the precinct plan for the identified area.

2. PROJECT

- 2.1 Part E of Chapter 4 of Spatial Planning and Land Use Management Act (SPLUMA) sets out the required content of a Municipal Spatial Development Framework (MSDF). It is stipulated in clause (l) that MSDFs must "identify the designation of areas in which - (i) more detailed local plans must be developed". This refers to the identification and prioritization of more detailed local area plans of which precinct plans are such a tool.
- 2.2 Precinct plans, within the framework of higher-level plans (such as Provincial Spatial Development Frameworks (PSDFs), Regional Spatial Development Framework (RSDFs), Municipal Spatial Development Framework (MSDFs)), therefore provide more detailed proposals for areas where significant development and change is anticipated, so as to avoid having to prepare very detailed local planning policies and objectives for many specific areas within SDFs.
- 2.3 A Precinct Plan commonly refers in planning to a geographically smaller area with characteristics that requires detailed planning within the broader administrative boundaries of a municipality and the exact size of the precinct will thus vary. The Precinct Plan sets out a vision for future development trajectory of an area. It establishes planning and management framework that guide development and land use change and aims to accomplish social, economic and environmental objectives.
- 2.4 The proposals of the Precinct Plan should inform the entire development of the precinct in terms of medium to long-term strategic interventions required to promote the development of spatially and economically integrated precincts that are attractive, efficient, convenient, safe and effectively managed.
- 2.5 The Precinct Plan must give effect to the development principles contained in the Spatial Planning and Land Use Management Act, Act No 16 of 2013, thus:-
- Spatial Justice;

- Spatial Sustainability;
- Efficiency
- Spatial Resilience; and
- Good Administration

3. STUDY AREAS

A key strategy identified by the City of Mbombela in meeting its objectives is to “Consolidate and Intensify Development in Economic Opportunity Zones”. Rocky Drift is strategically located to be economic opportunity zone/node, especially as it falls within key development corridors; namely the Nelspruit-White River Activity Corridor (R40)

Rocky Drift

Rocky Drift currently performs the function of a regional industrial centre. It is situated 13 km north of Mbombela town, 7km south of White River and 10km west of KMIA. Rocky Drift is accessible via the R40, D812 (KMIA road) and Heidelberg roads. Rocky Drift accommodates a variety of industrial and commercial developments, bisected by the R40.

4. THE PURPOSE OF THE PROJECT:

Develop the concept proposals contained in the spatial development framework into a more detailed precinct plan that will enable implementation and investment. The plan must be supported by a thorough understanding of the precinct from an economic, social and functional perspective.

Provide a vision and framework for co-ordinating both public and private investment and directing the physical development and management.

Guide on project to inform on decision making on planning, urban design. Architectural and financial levels. To identify funding model for each capital project which could be accessed for implementation.

Provide a list of key intervention and projects which must be formulated based on a clear understanding of the economic activities in the precincts that will identify demand driven sector programmes that aim to achieve economic growth.

4.1 THE KEY OBJECTIVE OF THE STUDY AREA IS TO:

- To provide a strategic development vision for the area
- To identify specific interventions to realise the development vision
- To address specific development issues and challenge within the area
- To provide a basis for guiding the land – use management decision making process
- To ensure environmentally sustainable development
- To guide the development of Municipal Infrastructure Development
- To develop urban regeneration strategy
- To create vibrant public and economic spaces;
- To build institutional and development capacity that will contribute to social and economic cohesion;
- To leverage private and community/public investment;
- To ensure alignment of the projects with the City of Mbombela Spatial Development Framework.
- To come up with strategies and/or proposals that can inform the process of urban regeneration.

5. SCOPE OF WORK

5.1 Development of the Rocky Drift Precinct Plan should meet the requirements indicated in the scope below. It must also comply with principles set out in chapter two of Spatial Planning and Land Use Management Act 16 of 2013 as indicated above:

5.2 The following **five (5)** critical milestones/phases (in consultation with the relevant stakeholders and Department of Rural Development and Land Reform Precinct Plan guidelines) shall be achieved in preparing each Precinct Plan:

- Phase 1: Inception
- Phase 2: Situational Analysis
- Phase 3: Initial Concept and Precinct Plan Proposals
- Phase 4: Implementation plan
- Phase 5: Finalization and Adoption of Rocky Drift Precinct Plan

5.3 The following is a breakdown of each phase of the project that must be adhered to (including the submission of reports) :

Phase 1: Inception

An Inception Plan laying the foundation for the formulation of the precinct plan must be submitted to COM within thirty (30) days from the date of signed Service Level Agreement, and must address the following:

- Confirmation of the names of the project team members who will be involved in the project;
- Detailed tasks/ activities to be carried out and allocation of time per task/ activity;
- Confirmation of the project timeframes;
- Stakeholder participation/ consultation plan;
- A schedule of project meetings for feedback/progress reporting to COM, Project Manager and identified committee and/ or council structure;
- Identification of key risks and proposed mitigation measures

Phase 2: Situational Analysis

This section must provide a **detailed situational analysis plan** of the entire study area. It must provide a detailed spatial analysis and synthesis including, but not limited to the following:

- Effect of existing policies, plans, legislation on or affecting precinct plan:
 - National Development Plan
 - Municipal Spatial Development Framework
 - Municipal Integrated Development Plan
 - Mpumalanga Biodiversity Sector Plan
 - Key sector plans of three spheres of government
 - Provincial Growth and Development Strategy
 - New Growth Path
 - Area Based plans

- Existing projects, programmes and initiatives on or affecting the study area.
- Socio-economic analysis
- Bio-physical analysis
- Built environment analysis
- The effect and linkages between existing departmental projects, programmes and plans
- The identification of existing economic linkages
- Detailed GIS analytical analyses, including network analysis.

Phase 3: Initial Concept and Precinct Plan Proposals

This phase translate the findings of Phase Two into a **draft Precinct Plan**. This should include but not limited to a detailed indication of land uses and densities, existing and proposed built environment, movement, public space, services, public amenities and infrastructure. A list of key interventions and projects including design interventions should also be a part of this stage.

Once the Draft Inception Plan is complete, participation and consultation of relevant stakeholders must be undertaken on the Draft Inception Plan.

Phase 4: Implementation plan

The **implementation plan** must detail the action plan, process plan, timeframes, implementation model or agent and sectoral priority projects. Including criteria based priority matrix for future ad hoc projects as and when identified. The action plan should indicate the relevant stakeholders for each process of implementation and must include timeframes. The action plan should also indicate the linkages with other departmental and municipal processes.

The Implementation Plan must also indicates area where proposed infrastructure upgrade will take place with the budget and the Developmental phases.

Phase 5: Finalization and Adoption of Rocky Drift Precinct Plan

Adjudicate and effect comments and amendments. Report on the amendments that were effected. Obtain approval from the Council.

Information that may be relevant for the development of the Precinct Plan and to establish and manage the precinct includes amongst others, the identification and/or analysis of:

- Existing precinct character
- Land attributes and constraints
- Geology and geotechnical characteristics
- Tourism
- Environmental hazards
- Public utility network
- Transport network
- Other critical infrastructure
- Relationship/proximity to town and villages
- Population and demographics
- Good quality of agriculture land
- Proximity of water way, dams, and other water resource infrastructure and suppliers
- Land use
- Publicly accessible open space and recreation areas, networks/linkages
- Nature conservation areas
- Topography
- Hydrology
- Mining and extractive resources

6. METHODOLOGY

The precinct study must be strategic and forward looking in nature ensuring the optimal and integration of land uses between the CBD and surrounding areas. A proposal document with the portfolios of the specific individual Principals to be employed in the project must be submitted, which will be evaluated by the panel for relevance and scope of work delivered in portfolio.

Quality of presentation of the proposal:

- ✓ Methodology or approach;
- ✓ Understanding of project purpose and objectives;
- ✓ Quality Management steps indicated;
- ✓ Indicators and means of verifying progress.
- ✓ Clearly defined reporting and communication programme.
- ✓ Feasibility of the project

7. PROJECT DELIVERABILITY

7.1A comprehensive Project plan or Inception Report should be submitted to City of Mbombela within 30 days from date of signed Service Level Agreement. The project plan must at least address the following:

- Confirmation of the names of the project team members who will be involved in the project;
- Detailed tasks/ activities to be carried out and allocation of time per task/ activity;
- Confirmation of the project timeframes;
- Stakeholder participation/ consultation plan;
- A schedule of project meeting for feedback/progress reporting to the City of Mbombela project Manager and identified committee and/ or council structure;
- Clarification of any possible uncertainties (if any) resulting from the TOR
- Identification of key risks and proposed mitigation measures

7.2 Editable (MS Word- format) detailed report for precinct plan(with maps, graphs and tables at clearly legible scale),

7.3 Urban Design Framework (3D Graphic presentation) of the study area and proposed intervention.

7.4 An interim report must be submitted upon completion of each task/ milestone, followed by a comprehensive final report upon completion the precinct plan

7.5 Specialist report from the relevant project team specialist, reflecting the findings from the following required assessments ;

- Assessment of Natural Environmental constraints and consideration
- Assessment of Socio- economic profiling of the study area
- assessment of the performance of the property market in the study area (attraction and retention of investment in the area and uptake of land use rights)

- Assessment of transport network (traffic flows and desire lines and capacity of roads and other transportation infrastructure in relation to traffic flows and desire lines) and available public infrastructure
- Assessment of all service infrastructure future needs and requirements according to spatial proposals.

GIS Data and Shape – files of all work completed, which must be at a standard acceptable to the City of Mbombela Local Municipality.

7.6 Ms PowerPoint presentation(s) for each task/ milestone completed.

7.7 Stakeholder engagement report in respect of both internal and external stakeholder engagements

The plans and document developed in terms of this precinct plan will become the property of the City of Mbombela Municipality.

All deliverables to be submitted in electronic format, shall be in a format that is compatible with the electronic software used by the City of Mbombela Municipality (i.e. Microsoft Windows, Microsoft office and Arc GIS (shape files) and it shall be submitted in an editable format. Bidder are required to confirm the software format in which electronic deliverables will be submitted to the Municipality, as confirmation that this requirement can be complied with. Should it be found during execution of the project that any electronic deliverables are not compatible with the above- mentioned electronic software being used by the Municipality, any expenditure required to ensure compatibility will be for the account of the service provider.

Over and above, the GIS data must further meet the following requirements:

- All maps should be in A4 size in the document:
- Maps must be numbered and listed in the page of contents:
- All the text in the maps and the legends must be legible:
- The same map template / layout must be used throughout the document:
- All maps should have the basic map elements, namely; a title, north arrow, legend, scale bar:
- All the features on the map must be explained in the legend:
- Symbology and colours must adhere to basic cartographic principles, colour coding, as well as symbology set as defined in the Comprehensive SDF Guidelines:
- All mapping must be developed at an appropriate and readable scale and

- Maps in Microsoft Word must have the corresponding Map Document (MXD) ready to be accessed in ArcGIS.

The Service Provider would be expected to submit a final consolidated report which consists of:

- Precinct Plan textual document including all maps, tables and figures in both hardcopy (full colour printed) and softcopy (electronic as MS word document) image files as (e.g.JPEG);
- **NB: All GIS data to be submitted, must meet the requirements as stipulated at each stage/milestone of the project. The Municipality reserves the right not to approve any stage of the project if requirements relating to GIS data are not met.**

8. PROJECT TIME FRAME

The appointed service provide will commence work from the date of signed Service Level Agreement and will be required to complete the precinct plan during the course of the contract period of **ten (10) months**.

8.1.1 The Project is for a period of 10 months and the amount of financial compensation for the work done is scheduled under Table 2.

8.1.2 Due to the urgency of the project it is critical that timeframes are strictly adhered to. Financial penalties will be imposed for any delay or non-compliance with time and quality requirements.

TABLE 1: PRICING SCHEDULE

PHASES	% PAYABLE	TIME FRAMES	SUBMISSION/ OUTPUT	COST EXCL. VAT
Phase 1: Inception	10%	1 month	INCEPTION REPORT	
Phase 2: Situational Analysis	20%	2 months	SITUATIONAL ANALYSIS REPORT	
Phase 3: Draft Precinct Plan	50%	6 months	DRAFT PRECINCT PLAN	
Phase 4: Implementation Plan				
Phase 5: Final Precinct Plan	20%	1 month	FINAL PRECINCT PLAN	
Total	100%	10 months	TOTAL BID PRICE EXCL VAT	R
			15% OF VAT	R
			TOTAL BID PRICE INCL. VAT	R

*Insert proportionate cost price.

9. PROFESSIONAL TEAM

9.1 Mandatory requirement

- The Project team leader must be registered with the South African Council for Planners (SACPLAN) as a Professional Planner (Attach a copy of valid certificate).
- The bidder must provide proof of Precinct Plan development experience or related work. The submission of certified appointment letters is required.
- A Project team member must be a Professional GIS Practitioner registered with South African Geomatics Council (SAGC).
- A Project team member must be a Professional Transport Engineer registered with the Engineering Council of South Africa (ECSA).

- A project team member must be a Professional Civil Engineer registered with the Engineering Council of South Africa (ECSA).
- All team members must submit certified proof of qualification, experience and professional registration with respective Councils.
- A project team member must be a Socio-Economist with a qualification in Social Sciences or related fields. Not an eliminating factor.

9.2 Among the skills and abilities required in the team to execute the project include the following:

- Town and Regional / Urban Designer
- Professional Engineers
- Socio-economic profiling in order to link spatial planning proposals with areas of economic potential and to distinguish the hierarchy of settlements based on their current and future economic potential,
- Thorough understanding of Precinct Planning, strategic planning process, and urban design
- Proven Precinct / Nodal Plan compilation experience;
- Understanding of the interrelationship amongst the following: social, economic, land use, transport and environmental issues;
- GIS Practitioner;
- Project Management;
- Facilitation, research, analytical, writing and communication skills and
- Ability to think strategically.

It is therefore recommended that the Service Provider ensures that people with relevant skills are part of the project. A company/team profile containing, among other things, names, qualifications and experience who will be directly involved in the Project must be included and submitted. This should clearly indicate what roles each

team member will play. The bidding company must prove sufficient capacity to complete the project should team members be involved in other similar projects running concurrently, under the City of Mbombela Local Municipality.

10. Evaluation Criteria

The functional/technical evaluation will be based on a threshold, where bidders which fail to achieve a minimum of 70 points out of a total of 100 points on the functional/technical stage will not be considered further in the evaluation. It should be further noted that a minimum qualifying score per criteria must be met as set out in the table below.

TABLE 2		
Items	Required Expertise	Allocated points
1	<i>Company Experience</i> <i>The bidder is required to provide proven experience in the development of Precinct Plans or similar scope of work. The submission of certified appointment letters is required. One appointment letter per similar project required.</i>	
	1-2 similar projects (2 points)	6
	3-4 similar projects (4 points)	
	5 or more similar projects (6 points)	
2	<i>Team Members, Expertise and Experience</i> <i>The bidder is required to submit a resource plan which details the CV's (Qualifications and experience) of the team members. The highest ranking actively participating resource per discipline will be adjudicated according to their level of expertise and related experience. Participation projections per resource to be demonstrated in the proposal. Proof of Qualifications and experience must be certified.</i>	

2.1	CV & Qualification of the project management team leader: Qualification in Town Planning (attach certified copy) ▪ Diploma: 2 ▪ Undergraduate Degree : 3 ▪ Post Graduate Degree: 5 ▪ Master Degree and above: 7 Name of Team Leader:_____.	7
	Registration as a Professional with SACPLAN	3
	Proven experience on Precinct Plan or with similar scope of work: (Reference letters to be submitted) 1-2 similar projects (3 points) 3-4 similar projects (5 points) 5 or more similar projects (7 points)	7
2.2	CV and qualification of the project management team member: A Qualification in Transport Engineering (attach certified copy) ▪ Diploma: 2 ▪ Undergraduate Degree : 3 ▪ Post Graduate Degree: 5 ▪ Master's Degree and above: 7 Name of Team Member:_____.	7
	Registration as a Professional with ECSA	3

	Proven experience on Transport Engineering with similar scope of work: Reference letters to be submitted) 1-2 similar projects (3 points) 3-4 similar projects (5 points) 5 or more similar projects (7 points)	7
2.3	CV & Qualifications of the project management team member: A Qualification in Social Sciences or related fields (certified copy to be attached) ▪ Diploma: 2 ▪ Undergraduate Degree : 3 ▪ Honours Degree: 5 ▪ Master's Degree and above: 7 Name of Team Member:_____.	7
	Proven experience on socio economic profiling with similar scope of work: (Reference letters to be submitted) 1-2 similar projects (3 points) 3-4 similar projects (5 points) 5 or more similar projects (7 points)	7

2.4	CV & Qualifications of the project management team member: A Qualification in Civil Engineering (certified copy to be attached) ▪ Diploma: 2 ▪ Undergraduate Degree: 3 ▪ Honours Degree: 5 ▪ Master's Degree and above: 7 Name of Team Member:_____.	7
	Registration as a Professional with ECSA	3
	Proven experience in civil engineering with similar scope of work: (Reference letters to be submitted) 1-2 similar projects (3 points) 3-4 similar projects (5 points) 5 or more similar projects (7 points)	7
2.5	CV & Qualification of the project management team member: A Qualification as a Professional GIS Practitioner (certified copy to be attached) ▪ Diploma: 2 ▪ Undergraduate Degree: 3 ▪ Post Graduate Degree: 5 ▪ Master's Degree and above: 7 Name of Team Member:_____.	7
	Registration as a Professional with GISc	3

	Proven experience with Precinct Plans or similar scope of work: (Reference letters to be submitted) 1-2 similar projects (3 points) 3-4 similar projects (5 points) 5 or more similar projects (7 points)	7
3	Methodology <i>Demonstrates the quality and presentation of the proposal</i>	
3.1	Proposed methodology and the implementation plan	2
3.2	Understanding of project purpose and objectives	2
3.3	Feasibility of the project	2
3.4	Indicators and means of verifying progress	2
3.5	Clear communication and reporting mechanism	2
3.6	Quality management steps indicated	2
	Total	100

PRICING SCHEDULE – FIRM PRICES (PURCHASES)

NOTE: ONLY FIRM PRICES WILL BE ACCEPTED, NON-FIRM PRICES (INCLUDING PRICES SUBJECT TO RATES OF EXCHANGE VARIATIONS) WILL NOT BE CONSIDERED

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

Name of bidder..... Bid number: 341/2021

Closing Time 11:00 on 27 October 2021

OFFER TO BE VALID FOR **90** DAYS FROM THE CLOSING DATE OF BID.

ITEM NO.	QTY	DESCRIPTION	BID PRICE IN RSA CURRENTLY (INCLUDING VAT)
-	Required by	.....	
-	At:	.....	
-	Brand and model	.....	
-	Country of origin	.....	
-	Does the offer comply with specification?		*YES/NO
-	If not to specification, indicate deviation(s)	.....	
-	Period required for delivery	.....	*Delivery: Firm/not firm
-	Delivery basis (all delivery costs must be included in the bid price)	.....	

Note: All delivery costs must be included in the bid price, for delivery at the prescribed destination.

Procurement Enquiries:
Christopher Nkambule
Tel No: 013 759 2358
Email: christopher.nkambule@mbombela.gov.za

Technical Enquiries:
Zwotea Mamali
013 759 9379
zwotea.mamali@mbombela.gov.za

DECLARATION OF INTEREST

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

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

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

3.2 Identity Number:

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

3.4 Company Registration Number:

3.5Tax Reference Number:.....

3.6VAT 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**

3.8.1Ifyes, furnish particulars.....

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

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

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

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

3.9.1Ifyes, furnish particulars.....

3.10 Do you have any relationship (family, friend, other) with persons in the service of the state and who may be involved with

the evaluation and or adjudication of this bid?.....YES / NO

3.10.1 If yes, furnish particulars.

.....
.....

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

3.11.1 If yes, furnish particulars

.....
.....

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

3.12.1 If yes, furnish particulars.

.....
.....

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

3.13.1 If yes, furnish particulars.

.....
.....

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

3.14.1 If yes, furnish particulars:

.....
.....

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

Full Name	Identity Number	State Employee Number

.....
Signature

.....
Date

.....
Capacity

.....
Name of Bidder

PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL PROCUREMENT REGULATIONS 2017

This preference form must form part of all bids invited. It contains general information and serves as a claim form for preference points for Broad-Based Black Economic Empowerment (B-BBEE) Status Level of Contribution

NB: BEFORE COMPLETING THIS FORM, BIDDERS MUST STUDY THE GENERAL CONDITIONS, DEFINITIONS AND DIRECTIVES APPLICABLE IN RESPECT OF B-BBEE, AS PRESCRIBED IN THE PREFERENTIAL PROCUREMENT REGULATIONS, 2017.

1. GENERAL CONDITIONS

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

- 1.2
- 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).

1.3 The value of this bid is estimated not to exceed R50 000 000 (all applicable taxes included) and therefore the 80/20 system shall be applicable.

1.4 Preference points for this bid shall be awarded for:

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

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

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

Total points for Price and B-BBEE must not exceed 100

1.4 Failure on the part of a bidder to fill in and/or to sign this form and submit a B-BBEE Verification Certificate from a Verification Agency accredited by the South African Accreditation System (SANAS) or a Registered Auditor approved by the Independent Regulatory Board of Auditors (IRBA) or an Accounting Officer as contemplated in the Close Corporation Act (CCA) together with the bid, will be interpreted to mean that preference points for B-BBEE status level of contribution are not claimed.

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

2. DEFINITIONS

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

- 2.2 **“B-BBEE”** means broad-based black economic empowerment as defined in section 1 of the Broad - Based Black Economic Empowerment Act
- 2.3 **“B-BBEE status level of contributor”** means the B-BBEE status received by a measured entity based on its overall performance using the relevant scorecard contained in the Codes of Good Practice on Black Economic Empowerment, issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act;
- 2.4 **“bid”** means a written offer in a prescribed or stipulated form in response to an invitation by an organ of state for the provision of services, works or goods, through price quotations, advertised competitive bidding processes or proposals;
- 2.5 **“Broad-Based Black Economic Empowerment Act”** means the Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003);
- 2.6 **“comparative price”** means the price after the factors of a non-firm price and all unconditional discounts that can be utilized have been taken into consideration;
- 2.7 **“consortium or joint venture”** means an association of persons for the purpose of combining their expertise, property, capital, efforts, skill and knowledge in an activity for the execution of a contract;
- 2.8 **“contract”** means the agreement that results from the acceptance of a bid by an organ of state;
- 2.9 **“EME”** means any enterprise with annual total revenue of R5 million or less.
- 2.10 **“Firm price”** means the price that is only subject to adjustments in accordance with the actual increase or decrease resulting from the change, imposition, or abolition of customs or excise duty and any other duty, levy, or tax, which, in terms of the law or regulation, is binding on the contractor and demonstrably has an influence on the price of any supplies, or the rendering costs of any service, for the execution of the contract;
- 2.11 **“functionality”** means the measurement according to predetermined norms, as set out in the bid documents, of a service or commodity that is designed to be practical and useful, working or operating, taking into account, among other factors, the quality, reliability, viability and durability of a service and the technical capacity and ability of a bidder;
- 2.12 **“non-firm prices”** means all prices other than “firm” prices;
- 2.13 **“person”** includes a juristic person;
- 2.14 **“rand value”** means the total estimated value of a contract in South African currency, calculated at the time of bid invitations, and includes all applicable taxes and excise duties;
- 2.15 **“sub-contract”** means the primary contractor’s assigning, leasing, making out work to, or employing, another person to support such primary contractor in the execution of part of a project in terms of the contract;
- 2.16 **“total revenue”** bears the same meaning assigned to this expression in the Codes of Good Practice on Black Economic Empowerment, issued in terms of section 9(1) of the Broad Based Black Economic Empowerment Act and promulgated in the *Government Gazette* on 9 February 2007;
- 2.17 **“trust”** means the arrangement through which the property of one person is made over or bequeathed to a trustee to administer such property for the benefit of another person; and
 - 2.18 **“trustee”** means any person, including the founder of a trust, to whom property is bequeathed in order for such property to be administered for the benefit of another person.
 - 2.19

3. ADJUDICATION USING A POINT SYSTEM

- 3.1 The bidder obtaining the highest number of total points will be awarded the contract.
- 3.2 Preference points shall be calculated after prices have been brought to a comparative basis taking into account all factors of non-firm prices and all unconditional discounts;.
- 3.3 Points scored must be rounded off to the nearest 2 decimal places.
- 3.4 In the event that two or more bids have scored equal total points, the successful bid must be the one scoring the highest number of preference points for B-BBEE.
- 3.5 However, when functionality is part of the evaluation process and two or more bids have scored equal points including equal preference points for B-BBEE, the successful bid must be the one scoring the highest score for functionality.
- 3.6 Should two or more bids be equal in all respects, the award shall be decided by the drawing of lots.

4. POINTS AWARDED FOR PRICE

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

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

$$\begin{array}{ccc} \mathbf{80/20} & \mathbf{or} & \mathbf{90/10} \\ P_s = 80 \left(1 - \frac{P_t - P_{\min}}{P_{\min}} \right) & \text{or} & P_s = 90 \left(1 - \frac{P_t - P_{\min}}{P_{\min}} \right) \end{array}$$

Where

P_s = Points scored for comparative price of bid under consideration

P_t = Comparative price of bid under consideration

$P_{\min}$ = Comparative price of lowest acceptable bid

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

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

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

- 5.2** Bidders who qualify as EMEs in terms of the B-BBEE Act must submit a certificate issued by an Accounting Officer as contemplated in the CCA or a Verification Agency accredited by SANAS or a Registered Auditor. Registered auditors do not need to meet the prerequisite for IRBA's approval for the purpose of conducting verification and issuing EMEs with B-BBEE Status Level Certificates.
- 5.3** Bidders other than EMEs must submit their original and valid B-BBEE status level verification certificate or a certified copy thereof, substantiating their B-BBEE rating issued by a Registered Auditor approved by IRBA or a Verification Agency accredited by SANAS.
- 5.4** A trust, consortium or joint venture, will qualify for points for their B-BBEE status level as a legal entity, provided that the entity submits their B-BBEE status level certificate.
- 5.5** A trust, consortium or joint venture will qualify for points for their B-BBEE status level as an unincorporated entity, provided that the entity submits their consolidated B-BBEE scorecard as if they were a group structure and that such a consolidated B-BBEE scorecard is prepared for every separate bid.
- 5.6** Tertiary institutions and public entities will be required to submit their B-BBEE status level certificates in terms of the specialized scorecard contained in the B-BBEE Codes of Good Practice.
- 5.7** A person will not be awarded points for B-BBEE status level if it is indicated in the bid documents that such a bidder intends sub-contracting more than 25% of the value of the contract to any other enterprise that does not qualify for at least the points that such a bidder qualifies for, unless the intended sub-contractor is an EME that has the capability and ability to execute the sub-contract.
- 5.8** A person awarded a contract may not sub-contract more than 25% of the value of the contract to any other enterprise that does not have an equal or higher B-BBEE status level than the person concerned, unless the contract is sub-contracted to an EME that has the capability and ability to execute the sub-contract.

6. BID DECLARATION

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

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

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

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

8 SUB-CONTRACTING

- 8.1** Will any portion of the contract be sub-contracted? YES / NO
- 8.1.1** If yes, indicate:
- (i) what percentage of the contract will be subcontracted?%
 - (ii) the name of the sub-contractor?
 - (iii) the B-BBEE status level of the sub-contractor?.....
 - (iv) whether the sub-contractor is an EME? YES / NO

9 DECLARATION WITH REGARD TO COMPANY/FIRM

- 9.1** Name of firm :

9.2 VAT registration number :

9.3 Company registration number :

9.4 TYPE OF COMPANY/ FIRM

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

[TICK APPLICABLE BOX]

9.5 DESCRIBE PRINCIPAL BUSINESS ACTIVITIES

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

9.6 COMPANY CLASSIFICATION

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

[TICK APPLICABLE BOX]

9.7 MUNICIPAL INFORMATION

Municipality where business is situate.....

Registered Account Number.....

Stand Number

9.8 TOTAL NUMBER OF YEARS THE COMPANY/FIRM HAS BEEN IN BUSINESS?

9.9 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 B-BBE status level of contribution indicated in paragraph 7 of the foregoing certificate, qualifies the company/ firm for the preference(s) shown and I / we acknowledge that:

- (i) The information furnished is true and correct;
- (ii) The preference points claimed are in accordance with the General Conditions as indicated in paragraph 1 of this form.
- (iii) In the event of a contract being awarded as a result of points claimed as shown in paragraph 7, the contractor may be required to furnish documentary proof to the satisfaction of the purchaser that the claims are correct;
- (iv) If the B-BBEE status level of contribution has been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the purchaser may, in addition to any other remedy it may have –
 - (a) disqualify the person from the bidding process;
 - (b) recover costs, losses or damages it has incurred or suffered as a result of that person's conduct;

- (c) cancel the contract and claim any damages which it has suffered as a result of having to make less favourable arrangements due to such cancellation;
- (d) restrict the bidder or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, from obtaining business from any organ of state for a period not exceeding 10 years, after the *audialterampartem* (hear the other side) rule has been applied; and
- (e) forward the matter for criminal prosecution

WITNESSES:

1.

2.

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

DATE:.....

ADDRESS:.....

.....

.....

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:

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

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.

.....

***YES / NO**

.....

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.

***YES / NO**

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?

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

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

CONTRACT FORM - PURCHASE OF GOODS/WORKS

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

PART 1 (TO BE FILLED IN BY THE BIDDER)

1. I hereby undertake to supply all or any of the goods and/or works described in the attached bidding documents to (name of institution)..... in accordance with the requirements and specifications stipulated in bid number..... at the price/s quoted. My offer/s remain binding upon me and open for acceptance by the purchaser during the validity period indicated and calculated from the closing time of bid.
2. The following documents shall be deemed to form and be read and construed as part of this agreement:
 - (i) Bidding documents, viz
 - Invitation to bid;
 - Tax clearance certificate;
 - Pricing schedule(s);
 - Technical Specification(s);
 - Preference claims for Broad Based Black Economic Empowerment Status Level of Contribution in terms of the Preferential Procurement Regulations 2017;
 - Declaration of interest;
 - Declaration of bidder's past SCM practices;
 - Certificate of Independent Bid Determination;
 - Special Conditions of Contract;
 - (ii) General Conditions of Contract; and
 - (iii) Other (specify)
3. I confirm that I have satisfied myself as to the correctness and validity of my bid; that the price(s) and rate(s) quoted cover all the goods and/or works specified in the bidding documents; that the price(s) and rate(s) cover all my obligations and I accept that any mistakes regarding price(s) and rate(s) and calculations will be at my own risk.
4. I accept full responsibility for the proper execution and fulfilment of all obligations and conditions devolving on me under this agreement as the principal liable for the due fulfillment of this contract.
5. I declare that I have no participation in any collusive practices with any bidder or any other person regarding this or any other bid.
6. I confirm that I am duly authorised to sign this contract.

NAME (PRINT)

CAPACITY

SIGNATURE

NAME OF FIRM

DATE

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

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

CONTRACT FORM - PURCHASE OF GOODS/WORKS

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

1. I..... in my capacity as.....
accept your bid under reference numberdated.....for the supply of goods/works indicated hereunder and/or further specified in the annexure(s).
2. An official order indicating delivery instructions is forthcoming.
3. I undertake to make payment for the goods/works delivered in accordance with the terms and conditions of the contract, within 30 (thirty) days after receipt of an invoice accompanied by the delivery note.

ITEM NO.	PRICE (ALL APPLICABLE TAXES INCLUDED)	BRAND	DELIVERY PERIOD	B-BBEE STATUS LEVEL OF CONTRIBUTION	MINIMUM THRESHOLD FOR LOCAL PRODUCTION AND CONTENT (if applicable)

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

SIGNED ATON.....

NAME (PRINT)

SIGNATURE

OFFICIAL STAMP

WITNESSES

1.

2.

DATE

2.2 DECLARATION OF BIDDER'S PAST SUPPLY CHAIN MANAGEMENT PRACTICES

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

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

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.
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 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.

AUTHORITY TO SIGN A BID

1. COMPANIES AND CLOSE CORPORATIONS

- a. If a Bidder is a **COMPANY**, a certified copy of the resolution by the board of directors, duly signed, authorising the person who signs this bid to do so, as well as to sign any contract resulting from this bid and any other documents and correspondence in connection with this bid and/or contract on behalf of the company **must be submitted with this bid**, that is, before the closing time and date of the bid
- b. In the case of a **CLOSE CORPORATION (CC)** submitting a bid, a resolution by its **members**, authorizing a member or other official of the corporation to sign the documents on their behalf, **shall be included with the bid**.

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

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

2. SOLE PROPRIETOR (SINGLE OWNER BUSINESS)

I, _____, the undersigned, hereby confirm

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

3. PARTNERSHIP

We, the undersigned partners in the business trading as _____

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

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

Full name of partner	Signature

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

CERTIFICATE OF AUTHORITY FOR JOINT VENTURES
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This returnable schedule is to be completed by JOINT VENTURES

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

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

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

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

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

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

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

SUPPLY CHAIN POLICY USING 80/20 PREFERENCE POINT SYSTEM

		MAXIMUM POINTS TO BE ALLOCATED	POINTS CLAIMED BY BIDDER	ALLOCATED POINTS
PRICE AND COMPETENCE GOALS (80 POINTS)	PRICE	80		
	SUB TOTAL	80		
EQUITY PROMOTION GOALS (20 POINTS)				
	B-BBEE STATUS LEVEL OF CONTRIBUTION	20		
	SUB TOTAL	20		
	TOTAL	100		