



MSUKALIGWA LOCAL MUNICIPALITY

**APPOINTMENT OF QUALIFIED AND ACCREDITED TRAINING SERVICE PROVIDERS
TO SERVE ON MSUKALIGWA LOCAL MUNICIPALITY'S PANEL OF TRAINING SERVICE
PROVIDERS FOR 36 MONTHS PERIOD.
8/3-84/2022**

TENDER DOCUMENT

Issued by:
MSUKALIGWA LOCAL MUNICIPALITY
Cnr Taute and Kerk street
Civic Centre, Ermelo
2350

NAME OF TENDERER:

TOTAL BID PRICE (EXCL. VAT):

TOTAL BID PRICE (INCL. VAT):

PREFERENCE / BBBEE GRADING:

CENTRAL SUPPLIER DATABASE NO:

TAX COMPLIANT STATUS PIN

TENDER NO.	8/3/-84/2022	8/3/-84/2022	8/3/-84/2022	8/3/-84/2022	8/3/-84/2022
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8/3-84/2022**

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TENDER

This part of the Bid Specification Document consists of the following two sections:

- **Part T1: Tendering Procedures**

This section details the:

- tender notice and invitation to tender; and
- tender data pertaining to the rules of the tender and the evaluation method

- **Part T2: Returnable Documents**

This section details the:

- list of returnable documents for evaluation and contract purposes; and
- returnable document requirements listed in Forms A to N

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Part A: Tendering Procedures

A1. Tender Notice and Invitation to Tender

Tenders are hereby invited from experienced vendors for the
APPOINTMENT OF QUALIFIED AND ACCREDITED TRAINING SERVICE PROVIDERS TO SERVE ON MSUKALIGWA LOCAL MUNICIPALITY'S PANEL OF TRAINING SERVICE PROVIDERS FOR 36 MONTHS PERIOD.
8/3-84/2022

Tender documents will be obtainable as from 29 May 2023 from the MSUKALIGWA LOCAL MUNICIPAL OFFICES at a price of R596.22.

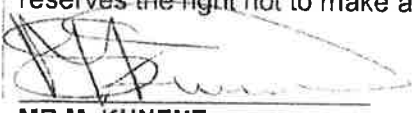
Duly completed tenders enclosed in a sealed envelope marked "TENDER NO: 8/3-84/2022
APPOINTMENT OF QUALIFIED AND ACCREDITED TRAINING SERVICE PROVIDERS TO SERVE ON MSUKALIGWA LOCAL MUNICIPALITY'S PANEL OF TRAINING SERVICE PROVIDERS FOR THE PERIOD OF 36 MONTHS - 8/3-84/2022.
CLOSINGDATE: 06 June 2023 at no later than 12h00" with the name of the Tenderer, shall be deposited in the tender box provided at the MSUKALIGWA LOCAL MUNICIPALITY in Ermelo before **12h00** on the closing date. The tenders will be opened in public.

Technical queries may be directed to **M.B.G Maluleke** on **017 801 3586** or email: bgmaluleke@msukaliqwa.gov.za.
Tender documents enquiries may be directed to **Mr S.M. Phiri** on **017 801 3501/08** or email smphiri@msukaliqwa.gov.za.

All tenders will be subjected to functionality evaluation and only the tenders meeting the minimum requirements in terms of functionality will be considered for the 80/20-point system. The 80/20-point system shall apply whereby a contract will be allocated to a tenderer in accordance with the amended Preferential Procurement Policy Framework Act, Act No 5 of 2000 and as defined in the Conditions of Tender in the tender document, read in conjunction with the Preferential Procurement Policy of **Msukaligwa Local Municipality** where 80 points will be allocated in respect of price and 20 points in respect of **Msukaligwa Local Municipality Specific goals**. All bidders **must be registered** on the Central Supplier Database (CSD).

Tenderers must have the necessary skills, experience, and capacity to perform the required work.

The **Msukaligwa Local Municipality** is not obliged to appoint the bidder with the lowest price but will consider the bidder scoring the highest number of points in line with the set criteria. The **Msukaligwa Local Municipality** reserves the right not to make any appointment for this tender.


MR M. KUNENE
MUNICIPAL MANAGER

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[MBD1] PART A

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE (MSUKALIGWA LOCAL MUNICIPALITY)			
BID NUMBER:	8/3-84/2022	CLOSING DATE:	06 June 2023
		CLOSING TIME:	12H00
DESCRIPTION	APPOINTMENT OF QUALIFIED AND ACCREDITED TRAINING SERVICE PROVIDERS TO SERVE ON MSUKALIGWA LOCAL MUNICIPALITY'S PANEL OF TRAINING SERVICE PROVIDERS FOR 36 MONTHS PERIOD. 8/3-84/2022		
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 THE CORNER OF CHURCH AND TAUTE STREET, CIVIC CENTRE, ERMELO 2350 AT 12H00

Cnr Taute and Church Street

Civic centre,

Ermelo,

Tender Box Situated at Main Entrance- Reception of Msukaligwa Local Municipality

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:

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
SIGNATURE OF BIDDER	DATE

CAPACITY UNDER WHICH THIS BID IS SIGNED:

BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO:		TECHNICAL INFORMATION MAY BE DIRECTED TO:	
DEPARTMENT	Finance Department - SCM Unit	CONTACT PERSON	M B.G Maluleke
CONTACT PERSON	Mr SM Phiri	TELEPHONE NUMBER	017 801 3586
TELEPHONE NUMBER	017 801 3501/08	FACSIMILE NUMBER	N/A
E-MAIL ADDRESS	smphiri@msukaligwa.gov.za	E-MAIL ADDRESS	bgmaluleke@msukaligwa.gov.za

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**PART B
TERMS AND CONDITIONS FOR BIDDING**

1. BID SUBMISSION:

- 1.1. BIDS MUST BE DELIVERED BY THE STIPULATED TIME TO THE CORRECT ADDRESS. LATE BIDS WILL NOT BE ACCEPTED FOR CONSIDERATION.
- 1.2. **ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS PROVIDED--(NOT TO BE RE-TYPED) OR ONLINE**
- 1.3. THIS BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT AND THE PREFERENTIAL PROCUREMENT REGULATIONS, 2017, THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER SPECIAL CONDITIONS OF CONTRACT.

2. TAX COMPLIANCE REQUIREMENTS

- 2.1 BIDDERS MUST ENSURE COMPLIANCE WITH THEIR TAX OBLIGATIONS.
- 2.2 BIDDERS ARE REQUIRED TO SUBMIT THEIR UNIQUE PERSONAL IDENTIFICATION NUMBER (PIN) ISSUED BY SARS TO ENABLE THE ORGAN OF STATE TO VIEW THE TAXPAYER'S PROFILE AND TAX STATUS.
- 2.3 APPLICATION FOR THE TAX COMPLIANCE STATUS (TCS) CERTIFICATE OR PIN MAY ALSO BE MADE VIA E-FILING. IN ORDER TO USE THIS PROVISION, TAXPAYERS WILL NEED TO REGISTER WITH SARS AS E-FILERS THROUGH THE WEBSITE WWW.SARS.GOV.ZA.
- 2.4 FOREIGN SUPPLIERS MUST COMPLETE THE PRE-AWARD QUESTIONNAIRE IN PART B.3.
- 2.5 BIDDERS MAY ALSO SUBMIT A PRINTED TCS CERTIFICATE TOGETHER WITH THE BID.
- 2.6 IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED; EACH PARTY MUST SUBMIT A SEPARATE TCS CERTIFICATE / PIN / CSD NUMBER.
- 2.7 WHERE NO TCS IS AVAILABLE BUT THE BIDDER IS REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD), A CSD NUMBER MUST BE PROVIDED.

3. QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS

- 3.1. IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)? ☐ YES ☐ NO
- 3.2. DOES THE ENTITY HAVE A BRANCH IN THE RSA? ☐ YES ☐ NO
- 3.3. DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA? ☐ YES ☐ NO
- 3.4. DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA? ☐ YES ☐ NO
- 3.5. IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION? ☐ YES ☐ NO

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

**NB: FAILURE TO PROVIDE ANY OF THE ABOVE PARTICULARS MAY RENDER THE BID INVALID.
NO BIDS WILL BE CONSIDERED FROM PERSONS IN THE SERVICE OF THE STATE.**

SIGNATURE OF BIDDER: _____

CAPACITY UNDER WHICH THIS BID IS SIGNED: _____

DATE: _____

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A.2 Tender Data

GENERAL CONDITIONS OF THE BID PROPOSAL

2.1 Definitions

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

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

2.2 INTERPRETATION

2.2.1 APPLICATION

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

2.2.2 LANGUAGE

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

2.2.3 GOVERNING LAW

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

2.2.4 SINGULAR, PLURAL AND GENDER

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

2.2.5 HEADINGS AND SUB-TITLES

The clause headings and sub-titles in these Conditions of Bid shall not be deemed to be part thereof nor be taken into consideration in the interpretation or construction thereof or of the Conditions of Bid.

2.2.6 SCHEDULE AND FORMS TO BE COMPLETED BY THE BIDDER

2.2.6.1 Bidders must complete the proposal Documents where entries by the Bidder are required, in indelible black ink, and notice must be taken that tip-ex or any other corrective measures may not be used in the document.

2.2.6.2 All alterations must be initialled by the authorised submitter.

2.3 AMENDMENTS TO THE BID DOCUMENTS

2.3.1 AMENDMENTS BY THE BIDDER

2.3.1.1 Bidders shall not make any unauthorised amendment or addition to any part of the text or content of the proposal Documents. If any such unauthorised amendments, alterations or additions are made by the Bidder, these will be deemed to be of no force or significance in the Bid and will be ignored in the evaluation and adjudication of the Bid.

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

2.3.2 AMENDMENTS BY THE EMPLOYER

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

2.3.2.2 Any Addendum so issued shall be deemed to form part of the Bid Documents and shall be communicated in writing to all parties who have acquired the Bid Documents from the Council. Prospective Bidders shall comply in all respects with the content of any such Addendum and failure to do so will render any Bid subsequently submitted, as invalid.

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

2.4 SIGNING OF BID

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

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2.5 CONFIDENTIAL NATURE OF DOCUMENTS

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

2.6 COSTS INCURRED BY BIDDERS

The Council will neither be responsible for nor pay for any costs whatever, incurred by any Bidder or any recipient of the Bid Documents in preparing a Bid, nor in providing any such further information pertaining to the Bid as may be required by the Council or in terms of these Conditions of Bid.

2.7 ACCEPTANCE OF BID

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

2.8 PERIOD OF VALIDITY OF BIDS

2.8.1 Proposals shall remain valid and open for acceptance by the Council for a period of three (3) months after Closing of Bids.

2.8.2 Prices must be firm during this period and not linked to any exchange rate whatsoever.

2.9 REPUDIATION OF BID OR INVALIDATION OF CONTRACT

2.9.1 If the Council is satisfied that the Bidder or any person, whether an employee, partner, director, member or shareholder of the Bidder, or a person acting on behalf of or with the knowledge of the Bidder:

2.9.1.1 Has offered, promised or given a bribe or other gift or remuneration or reward to any person in connection with obtaining a contract; or has acted in a fraudulent or corrupt manner in obtaining a contract; or

2.9.1.2 Has approached an officer or employee of the Council in order to influence the award of a contract in the Bidder's favour; or

2.9.1.3 Has entered into an agreement or has made an arrangement, whether legally binding or not, with another person, firm or company to:

2.9.1.3.1 Refrain from bidding for this Contract; or

2.9.1.3.2 as to the amount of the Bid to be submitted by either party;

2.9.1.3.3 Except only where such other person or firm is named in the Bid as a prospective member of an intended Joint Venture to be formed if the Bid is accepted by the Council; or

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- 2.9.1.4 Has disclosed to another person, firm or company other than the Council, the exact or approximate amount of its proposed Bid, except only when:
- 2.9.1.4.1 the disclosure, in confidence, had been necessary in order to obtain insurance premium quotations required for the preparation of the Bid; or
- 2.9.1.4.2 such other person, firm or company is named in the Bid as a prospective member of an intended Joint Venture to be formed if the Bid is accepted by the Council;
- 2.9.2 The Council may, in addition to other legal remedies, repudiate the Bid or declare the Contract invalid if the Contract has been awarded.

2.10 BIDDER'S ADDRESS FOR THE DELIVERY OF NOTICES

Each Bidder shall, indicate a place in the Republic of South Africa and specify it in the "Bidders Particulars" form, where legal process and all notices pertaining to the Bid may be delivered to him. Such address shall not be a postal box, private bag or electronic address, but shall be the address of a physical location within South Africa (e.g., street address, property/stand number or farm name etc.).

2.11 ADDITIONAL INFORMATION REQUIRED

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

2.12 TAXES AND LEVIES

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

2.13 CLEARANCE FROM MUNICIPALITIES

The Bidder must provide clearance from the municipality where they are based indicating that they are not in arrears with regard to their respective municipal services accounts.

NB: 2.14 NO ACCEPTANCE OF BIDS FROM PERSONS IN THE SERVICE OF THE STATE AND SHOULD THE BIDDER FALSELY DECLARE THE WILL BE CONSEQUENCE MANAGEMENT

- 2.14.1 No bids will be considered from persons in the service of the state.
- 2.14.1.1 MSCM Regulations: "in the service of the state" means to be –
- 2.14.1.1.1 a member of any municipal council;
- 2.14.1.1.2 a member of any provincial legislature; or
- 2.14.1.1.3 a member of the national Assembly or the national Council of provinces;
- 2.14.1.1.4 a member of the board of directors of any municipal entity;

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- 2.14.1.1.5 an official of any municipality or municipal entity;
- 2.14.1.1.6 an employee of any national or provincial department, national or provincial public entity or constitutional institution within the meaning of the Public Finance Management Act, 1999 (Act No. 1 of 1999);
- 2.14.1.1.7 a member of the accounting authority of any national or provincial public entity; or
- 2.14.1.1.8 an employee of Parliament or a provincial legislature.

4. SPECIAL CONDITIONS OF THE BID PROPOSAL

- 3.1 The transaction shall be subject to any stipulations in any Act, Ordinance or By-law pertaining thereto.
- 3.2 No proposals by any person that is not competent to enter into an agreement will be considered and if it is established that it is the case, the contract agreement in this regard will be considered null and void by Council.
- 3.3 Disputes must be settled by means of mutual consultation, mediation (with or without legal representation) or when unsuccessful, in a South African court of law on an attorney and client scale.
- 3.4 Should any legal action be deemed necessary to determine any aspect arising out of these conditions or to enforce any rights in terms of these conditions, then and in that event the parties hereto agree categorically to the jurisdiction of the Magistrate's Court to hear such action and to pass judgment notwithstanding the fact that the cause of action is beyond the jurisdiction of the Court: Provided always that Council shall have the right in its sole discretion to take action in any competent higher court in any matter exceeding the ordinary jurisdiction of the Magistrate's Court.
- 3.5 Council reserves the right to accept any cost proposal in a bid submitted or part thereof and will not be obliged to accept the lowest bid price submitted in a bid OR any cost proposal submitted.
- 3.6 Council reserves the right to alter quantities based on the supplied rates.
- 3.7 All Bids will be adjudicated in terms of the MSUKALIGWA LOCAL Municipality's Procurement Policy and in compliance with the criteria as set out in the Preferential Procurement Framework Act, Act No. 5 of 2000.
- 3.8 The successful bidder(s) must accept to make good or reimburse the Council on all damages or repairs that arise from the actions in executing this bid award.
- 3.9 The successful bidder(s) must accept to remove all equipment, restore the system(s) to the original state(s) at their own costs and and/or reimburse the Council in full in the event of failing to deliver as proposed in this bid.
- 3.10 The successful bidder(s) will at all times report to and obey the instructions of the Council's representative in relation to this bid.
- 3.11 Any variation to the execution in terms of this bid must be by mutual agreement by all parties concerned and served with official notices in writing.
- 3.12 Bidders must be prepared to demonstrate their products or solution proposals at established sites at their own costs.
- 3.13 Special Material must comply with (SANS 4001 BT - 4)

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APPOINTMENT OF QUALIFIED AND ACCREDITED TRAINING SERVICE PROVIDERS TO SERVE ON MSUKALIGWA LOCAL MUNICIPALITY'S PANEL OF TRAINING SERVICE PROVIDERS FOR 36 MONTHS PERIOD.
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4.2.1 The project objectives are to provide the municipality with efficient, Accredited Training.

4.3 SPECIFICATIONS/DELIVERABLES

The specifications shall entail the following:

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APPOINTMENT OF QUALIFIED AND ACCREDITED TRAINING SERVICE PROVIDERS TO SERVE ON MSUKALIGWA LOCAL MUNICIPALITY'S PANEL OF TRAINING SERVICE PROVIDERS FOR 36 MONTHS PERIOD.

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SPECIFICATION:

Potential Service Provider should provide their respective capacity to provide Training on the following areas:

Programme Name	Type of Intervention	NQF Level	Accreditation Status Y/N	Tick program you bidding for
Municipal Financial Management Programme Full Course (48965)	Learner-ship	6		
Horticulture	Learner-ship			
Environmental Practice	Learner-ship	4		
Water Reticulation	Learnership	4		
Operating Regulations on High Voltage Systems (ORHVS)	Skills Programme	5		
Microsoft Office	Skills Programme	4		
Library Practice	Skills Programme	4		
Fire Prevention and investigation	Skills Programme	5		
Local Government Councilors Practice	Skills Programme	3		
Conflict Management				
Safety Management	Skills Programme	4		
Peace Officer Training Course	Skills Programme	4		
GRAP Assets Accounting	Skills Programme	6		
Property Valuation and management	Skills Programme	7		
Customer Care	Skills Programme	4		

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Supply Chain Management				
Cable Jointing and Termination	Skills Programme	4		
Records management	Skills Programme	5		
Traffic Management	Skills Programme	4		
Risk Management 101	Skills Programme	5		
Practical Labour Law	Skills Programme	6		
Website Development	Skills Programme	4		
ICT	Skills Programme			
Contract Management	Skills Programme			
Road maintenance	Skills Programme			
Road Marking	Skills Programme			
SHE Reps Training	Skills Programme	4		
Apprenticeship Occupational Certificate Diesel Mechanic, Welder, Electrical	ARPL			
First Aid Level I, II, III	Skills Programme	Level 1 to 3		
Safe Handling of Chlorine	Skills programme			
National Certificate: N2 Welder/ Diesel Mechanic	National Certificate	2		

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The following are the special conditions applicable to this request for proposals:

- The appointment of panel for training service provider(s) will be for a period of **36 months (03 years)** reckoned from the date of signing a service agreement with MLM.
- The successful Training Company (s) may be assigned work as and when required.
- For every assignment, an assignment letter will be issued to the assigned Training Service Provider after the sourcing of quotations as needed.
- MLM may, in respect of any assignment, negotiate fees with any successful Training Service Provider.
- The successful Training Service Providers will be required to provide MLM with a breakdown of the fees to be charged by provider in advance.
- The successful Training Service Provider will be expected to disclose to MLM any conflict of interest that may have an impact on them providing any of the training services referred to above, irrespective of when it may arise.
- A Training service provider assigned any work may not cede, assign or sub-contract any part thereof to any person unless with the written consent of MLM or as may be required by the applicable laws, for instance where correspondent training provider may be necessary.
- The inclusion to MLM's panel of Training Service Provider does not guarantee assignment of work to any of successful Training Service Provider.
- The successful Training Service Provider shall report directly to the: Human Resources Manager or any person delegated by MLM in respect of any engagement (instructions, training management etc.) and for the receipt and handling of all forms of reports and all administration pertaining to any particular assignment

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FINANCIAL AND CONTRACTUAL ARRANGEMENTS

- ☐ The following conditions are set by the Msukaligwa Local Municipality:
- ☐ The Council accepts the original bid price will be valid for 90 days (3 months).
- ☐ Payment will be made within 30 days after receipt of invoices.

FUNCTIONALITY EVALUATION

The requirements of the proposed team by the service provider must possess the following expertise, skills and formal qualifications to obtain the maximum allowable functionality points:

It is a condition of tender that tenderers must complete and submit all schedules to acquire functionality points. **The minimum threshold shall be 70 percent. Tenders that do not meet the minimum threshold shall be eliminated.**

Bidders that fail to submit the compulsory returnable documents shall not be considered in the functionality evaluation stage.

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Criterion	Assessment	Points Awarded	Max Score
Company Past Experience	• Provide Minimum of ten (10) years training experience in relevant sector. • Evidence: Attach 10 recent reference letters of appointments not older than 5 years from contactable municipalities where training was rendered.	30	30
	• Provide 5-9 years training experience. • Evidence: Attach 10 recent reference letters of appointments not older than 5 years from contactable municipalities where training was rendered.	15	
	• Provide less than 5 years training experience. • Evidence: Attach 10 recent reference letters of appointments not older than 5 years from contactable municipalities where training was rendered.	5	
Qualifications and experience of Facilitators	✓ Provide 8 or more Facilitators CVs with a minimum of NQF level 06 qualification, and 5 years' experience in teaching or facilitation. ✓ Attach proof of working for the bidder.	25	25
	✓ Provide 3 to 7 Facilitators CVs with a minimum of NQF level 06 qualification, and 03 years' experience. ✓ Attach proof of working for the bidder for at least 3 years.	10	
	✓ Provide less than 3 Facilitators CVs with the relevant qualifications minimum of NQF level 06 and experience of at least 03 years.	5	
Company Accreditation	❖ Provide a valid accreditation letter from the relevant SETAs, QCTO or Authority Body, for the training interventions relevant to local government.	20	20
	❖ Failed to provide a valid accreditation letters that meets the requirements.	0	
Bank Rating	○ Provide bank rating confirmation letter with Grade A	5	5
	○ Provide bank rating confirmation letter with Grade B	4	
	○ Provide bank rating confirmation letter with Grade C	3	
	○ Provide bank rating confirmation letter with Grade D	2	
	○ Provide bank rating confirmation letter with Grade E	1	
	No bank rating confirmation letter provided	0	
Maximum Score:			80

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4.2 SUBMISSION OF PROPOSALS (BIDS)

- 4.2.1 Each bidder is required to return the complete set of bid documents (including drawings if applicable) with all the required information and complete in all respects.
- 4.2.2 The original Bid document must be submitted together with your detailed proposal (Annexure B).
- 4.2.3 Bidders must initial all the pages of the proposal document and sign the Bidder particulars page in full (Page 2).
- 4.2.4 The cost proposal on your official quote(s) submitted in your Annexure B may not contain unbalanced rates.
- 4.2.5 Your official quote must reflect your Trade Name, Legal Name, Vat Registration Number, Postal Address, Physical Address, Banking Details and sufficient technical description as applicable.
- 4.2.6 Any items that do not appear on your official quote as required in 2.2.5, may be submitted on your official letter head.
- 4.2.7 Bidders shall not tamper with the Bid Documents which must be submitted as issued. Where Bid Documents have been issued in a bound condition and found to have been unbound and rebound may be deemed unacceptable.
- 4.2.8 The proposal document and all Addenda as may have been issued by the Council, duly signed, by an authorised agent, together with the Bidder's covering correspondence (if any) and detailed proposal must be enclosed in a sealed envelope, clearly endorsed on the outside.
- 4.2.9 The Bid proposal must be placed and sealed in an envelope clearly marked "**MSUKALIGWA LOCAL MUNICIPALITY, APPOINTMENT OF QUALIFIED AND ACCREDITED TRAINING SERVICE PROVIDERS TO SERVE ON MSUKALIGWA LOCAL MUNICIPALITY'S PANEL OF TRAINING SERVICE** and must be deposited in the tender box of **MSUKALIGWA LOCAL MUNICIPALITY** situated in the reception at **Cnr Church and Taute Street, Civic Centre, ERMELO, 2350** on or before the closing date of 06 June 2023 at 12H00.
- 4.2.11 The bids will be opened in public.
- 4.2.12 Telegraphic or facsimile transmission of bids, save only for amendments to or withdrawal of bids already submitted, in accordance with Conditions of Bid, will not be permitted.
- 4.2.13 Bids received after the Closing of Bids and time will not be considered.
- 4.2.14 Bidders will not be permitted to alter their Bid Sum after Bids have been opened.
- 4.2.15 A Bidder may not submit more than one Conforming Bid.
- 4.2.16 The Bid must include the company profile with the completion of all the forms as provided in this bid.
- 4.2.17 The bid must be signed by an authorised agent.

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PRE-EVALUATION CRITERIA

A Tender not complying with the peremptory requirements stated hereunder will be regarded as not being an "Acceptable Tender", and as such will be rejected.

"Acceptable Tender" means any Tender which, in all respects, complies with the conditions of Msukaligwa Local Municipality and specifications as set out in the Tender documents, including conditions as specified in the Preferential Procurement Policy Framework Act (Act 5 of 2000) and related legislation as published in Government Gazette number 22549, dated 10 August 2001, in terms of which provision is made for this policy.

A Tender will be rejected in the following cases:

1. If each page of this Tender document was not initialled by the authorized person, prior to submission.
2. If Certified ID of the shareholders or members of the company
3. If Tender Document is not completed in full and not with a black ink.
4. If Certified Copy of the Company Registration.
5. If The director of the company is in the service of the state as per CSD.
6. Declaration Forms (MBD 4 & MBD 9)
7. If Authority of signature is not signed by the duly authorized person
8. Compulsory Registration with relevant authority (SITA)
9. Failure to attach a copy of a valid signed Joint Venture agreement (if applicable) to the Tender document. And if it's a joint venture please attach both the Tax Status Compliant pin
10. If Municipal account is not attached and it must not be in arrears for 90Days and more ,And if the Company is leasing the lease agreement must be attached together with the Municipal Accounts in the same address of the lease whether of the Director of the Company or the Company
11. Tenderers must be registered with the Central Supplier Database at www.csd.gov.za and also submit the latest compliant Summary Report of not more than 10 days before the closing date.
12. If Tax Status Complaint Pin Certificate is not attached (Compulsory).
13. If Valid BBBEE or Sworn Affidavit is not attached, and it should not be more than a year from the date of issue as per CSD.

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EVALUATION CRITERIA

RELEVANCE

There will be a pre-evaluation phase to determine whether a bid is responsive or not. Should any of the tender-returnable documents not be submitted, the bid will be deemed non-responsive and will not be evaluated further.

As this bid calls for the provision of services, bids will be evaluated firstly for the ability of the bidder to provide the required services. Bidders must demonstrate the ability to provide the service as required. Proposals will be evaluated in terms of the prevailing Supply Chain Management policy, and it should be noted that proposals will be assessed using the 80/20 formula (Preference Point System) for Price and Municipal specific goals as indicated in the PPPFA Regulations.

Phase 1 – Technical Evaluation

- Proposals will be evaluated and ranked using a weighted average scoring system for functionality to all those bidders who were successful from Phase 1.
- The assignment of points by MLM is final and will under no circumstances be open to appeal or protest by the bidder.
- It is the responsibility of the bidder to understand the scoring system and factor that system into the organization and content of its tender documents.
- The top and final shortlisted bidders will be evaluated and ranked using a weighted average scoring system for functionality to all those bidders who were successful and recommended for adjudication and award.
- All proposals deemed administratively and technically responsive will be reviewed and evaluated for consideration of an award in response to this tender/RFP as described above.

Phase 2 – Price and Municipal specific goals Evaluation

In terms of regulations 4 and 8 of the Preferential Procurement Regulations, pertaining to the Preferential Procurement Policy Framework Act 2000 (Act 5) responsive bids will be adjudicated on the 80/20 preference points system, with 80 points being for price and a maximum of 20 points allocated for Municipal Specific goals.

TECHNICAL EVALUATION/ FUNCTIONAL

The technical evaluation of bidders will be carried out in Phase 1. Bidders will be evaluated in terms of the prevailing Supply Chain Policy of Msukaligwa Local Municipality, and it should be noted that:

- A minimum of 70 % out of allocated points on technical capability will be the cut-off to qualify for further evaluation of Price and MUNICIPAL SPECIFIC GOALS.
- MLM will analyze and assess technical capability and therefore the bidder should demonstrate the following:

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The following are the special conditions applicable to this request for proposals:

- ☐ The appointment of panel for training service provider(s) will be for a period of **36 months. (03 years)** reckoned from the date of signing a service agreement with MLM.
- ☐ The successful Training Company (s) may be assigned work as and when required.
- ☐ For every assignment, an assignment letter will be issued to the assigned Training Service Provider after the sourcing of quotations as needed.
- ☐ MLM may, in respect of any assignment, negotiate fees with any successful Training Service Provider.
- ☐ The successful Training Service Providers will be required to provide MLM with a breakdown of the fees to be charged by provider in advance.
- ☐ The successful Training Service Provider will be expected to disclose to MLM any conflict of interest that may have an impact on them providing any of the training services referred to above, irrespective of when it may arise.
- ☐ A Training service provider assigned any work may not cede, assign or sub-contract any part thereof to any person unless with the written consent of MLM or as may be required by the applicable laws, for instance where correspondent training provider may be necessary.
- ☐ The inclusion to MLM's panel of Training Service Provider does not guarantee assignment of work to any of successful Training Service Provider.
- ☐ The successful Training Service Provider shall report directly to the: Human Resources Manager or any person delegated by MLM in respect of any engagement (instructions, training management etc.) and for the receipt and handling of all forms of reports and all administration pertaining to any particular assignment.

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Proposals by The Bidder

[illegible]

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PREFERENCE POINTS

For the appointment of the Panel, the preference points is not applicable. Only functionality criteria shall be considered.

Part B: Returnable Documents

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

RETURNABLE DOCUMENTS REQUIRED FOR TENDER EVALUATION PURPOSES

<u>Form A: Compulsory Enterprise Questionnaire</u>	<u>21</u>
<u>Form B: Declaration of Bidder's Past Supply Chain Management Practices</u>	<u>24</u>
<u>Form C: Declaration of Interest(Compulsory)</u>	<u>26</u>
<u>Form D: Authority of Signatory(Compulsory).....</u>	<u>30</u>
<u>Form E: SARS Declaration of Good standing (CSD Registered)(Compulsory).....</u>	<u>33</u>
<u>Form F: Financial References / Bank Details</u>	<u>35</u>
<u>Form G: Municipal Utility Account (Compulsory).....</u>	<u>37</u>
<u>Form H: Preferential Points System.....</u>	<u>39</u>
<u>Form: I Declaration Certificate for Local Production and Content.....</u>	<u>47</u>
<u>Form J: Contract Form</u>	<u>51</u>
<u>Form K: Certificate of Independent Bidder Dertemination</u>	<u>52</u>
<u>Form L: Declaration of Procurement above 10 Million</u>	<u>62</u>
<u>Form M: Pricing Schedule / Bill of Quantities(Compulsory)</u>	<u>67</u>
<u>Form N: Form of Offer (Compulsory).....</u>	<u>70</u>
<u>Accreditation Certificate</u>	
<u>Accreditation Schedule</u>	

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FORM A: COMPULSORY ENTERPRISE QUESTIONNAIRE

In the case of a Joint Venture this page is to be completed and submitted in respect of each partner.

1. NAME OF ENTERPRISE AND CONTACT PERSON _____
2. CONTACT NUMBER _____
3. FAX NUMBER _____
4. E-MAIL ADDRESS _____
5. POSTAL ADDRESS _____

6. PHYSICAL ADDRESS _____

7. VAT REGISTRATION _____
8. TAX REFERENCE NUMBER _____
9. CIDB REGISTRATION NUMBER _____
10. CIDB GRADING _____
11. HAS A MUNICIPAL SPECIFIC GOALS STATUS LEVEL VERIFICATION CERTIFICATE BEEN SUBMITTED? **YES / NO**

IF YES, WHO WAS THE CERTIFICATE ISSUED BY? (delete which not applicable)
(A MUNICIPAL SPECIFIC GOALS STATUS LEVEL VERIFICATION CERTIFICATE MUST BE SUBMITTED IN ORDER TO QUALIFY FOR PREFERENCE POINTS FOR MUNICIPAL SPECIFIC GOALS)
12. ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS / SERVICES / WORKS OFFERED? **YES / NO**

Signature

Date

Capacity under which the Bid is signed

Name of bidder

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**ATTACH THE FOLLOWING DOCUMENTS AS AN ANNEXURE TO THE TENDER DOCUMENT
WITH REFERENCE TO THE APPLICABLE RETURNABLE SCHEDULE – FORM A:**

1. For Closed Corporations

- CK1 or CK2 as applicable (Founding Statement)

2. For Companies

- A copy of the Certificate of Incorporation
- Certified Copies of the ID's of the Directors and
- the shareholders register

3. For Joint Venture Agreements

- Copy of the Joint Venture Agreement between all the parties,
- as well as the documents in (1) or (2) of each Joint Venture member.

4. For Partnership

- Certified Copies of the ID's of the partners

5. One-person Business / Sole trader

- Certified Copy of ID

6. MUNICIPAL SPECIFIC GOALS STATUS LEVEL VERIFICATION CERTIFICATE

- Original and valid MUNICIPAL SPECIFIC GOALS Status Level Verification Certificates or Certified Copy thereof.

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FORM B: DECLARATION OF BIDDER'S PAST SUPPLY CHAIN MANAGEMENT PRACTICES

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

Item	Question	Yes	No
4.1	Is the bidder or any of its directors listed on the National Treasury's Database of Restricted Suppliers as companies or persons prohibited from doing business with the public sector? (Companies or persons who are listed on this Database were informed in writing of this restriction by the Accounting Officer/Authority of the institution that imposed the restriction after the <i>audialterampartem</i> rule was applied). The Database of Restricted Suppliers now resides on the National Treasury's website (www.treasury.gov.za) and can be accessed by clicking on its link at the bottom of the home page.	Yes ☐	No ☐
4.1.1	If so, furnish particulars:		
4.2	Is the bidder or any of its directors listed on the Register for Tender Defaulters in terms of section 29 of the Prevention and Combating of Corrupt Activities Act (No 12 of 2004)? The Register for Tender Defaulters can be accessed on the National Treasury's website (www.treasury.gov.za) by clicking on its link at the bottom of the home page.	Yes ☐	No ☐
4.2.1	If so, furnish particulars:		
4.3	Was the bidder or any of its directors convicted by a court of law (including a court of law outside the Republic of South Africa) for fraud or corruption during the past five years?	Yes ☐	No ☐
4.3.1	If so, furnish particulars:		

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

CERTIFICATION

I, the undersigned (name) _____

certify that the information furnished on this declaration form is true and 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

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FORM C: DECLARATION OF INTEREST

1 Any legal person, including persons employed by the State¹, 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 authorised 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, shareholder²):

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 constitutional institution within the meaning of the 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.

3 "Shareholder" means a person who owns shares in the company and is actively involved in the management of

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the enterprise or business and exercises control over the enterprise.

2.7 Are you or any person connected with the 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 the person connected to the bidder is employed:

Position occupied in the state 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 attach 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**

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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 adjudication 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? **YES / NO**

2.11.1 If so, furnish particulars:

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

Full Name	Identity Number	Personal Tax Reference Number	State Employee Number / Personal Number

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3. DECLARATION

I, the undersigned (name) _____

certify that the information furnished in paragraphs 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

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FORM D: AUTHORITY OF SIGNATORY

Details of person responsible for tender process:

Name: _____

Contact number: _____

Office address: _____

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

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

PRO-FORMA FOR COMPANIES AND CLOSE CORPORATIONS:

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

Mr _____
has been duly authorized to sign all documents in connection with the Tender for:

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MANAGEMENT SYSTEM**

and any Contract which may arise there from on behalf of:

(BLOCK CAPITALS)

SIGNED ON BEHALF OF THE COMPANY IN HIS CAPACITY AS:

DATE: _____

FULL NAMES OF SIGNATORY: _____

AS WITNESSES: 1. _____

2. _____

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PRO-FORMA FOR JOINT VENTURES:

We, the undersigned, are submitting this tender offer in Joint Venture and hereby authorise.

Mr/Ms _____,

authorised signatory of the company _____,
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.

NAME OF FIRM	ADDRESS	DULY AUTHORISED SIGNATORY
		Signature: _____ Name: _____ Designation: _____
		Signature: _____ Name: _____ Designation: _____
		Signature: _____ Name: _____ Designation: _____
		Signature: _____ Name: _____ Designation: _____

A Joint Venture Agreement and a (duly signed and dated original or certified copy of the letter of the authorised signatory on the Company Letterhead) or a certified authorisation by the participating members of the undersigned to submit tenders and conclude contracts on behalf of the joint venture.

ATTACH THE FOLLOWING DOCUMENTS AS AN ANNEXURE TO THE TENDER DOCUMENT WITH REFERENCE TO THE APPLICABLE RETURNABLE SCHEDULE – FORM D:

- Duly signed and dated original or certified copy of Authority of Signatory on company letterhead. (Private Companies, Close corporations & Joint ventures)
- A **one- man business (Sole trader/owner)** shall confirm by attaching hereto a certified proof that he/she is the sole owner of the business e.g. (attaching a CK or company registration documents)

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FORM E: DECLARATION OF GOOD STANDING REGARDING TAX

The original Tax Pin must be submitted together with the bid. Failure to submit the Tax Pin will result in the invalidation of the bid. In bids where Consortia / Joint Ventures / Sub-contractors are involved; each party must submit a separate Tax Pin.

MBD 2 Tax Pin Requirements

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

1. In order to meet this requirement bidder is required to complete in full the attached form TCC 001 "Application for a Tax Clearance Certificate" and submit it to any SARS branch office nationally. The Tax Pin Requirements are also applicable to foreign bidders / individuals who wish to submit bids.
2. SARS will then furnish the bidder with a Tax Pin that will be valid for a period of 1 (one) year from the date of approval.
3. The original Tax Pin must be submitted together with the bid. Failure to submit the original and valid Tax Pin will result in the invalidation of the bid. Certified copies of the Tax Pin will not be acceptable.
4. In bids where Consortia / Joint Ventures / Sub-contractors are involved; each party must submit a separate Tax Pin.

**ATTACH THE FOLLOWING DOCUMENTS AS AN ANNEXURE TO THE TENDER DOCUMENT
WITH REFERENCE TO THE APPLICABLE RETURNABLE SCHEDULE – FORM E:**

- Proof of Registration with Central Supplier Database (CSD)
- SARS e-filing PIN

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FORM F: FINANCIAL / BANK DETAILS

Notes to tenderer:

1. The tenderer shall attach to this form a letter from the bank confirming the bank account and details
2. The tenderer's banking details as they appear below shall be completed.
3. In the event that the tenderer is a joint venture enterprise, details of all the members of the joint venture shall be similarly provided and attached to this form.

BANK NAME:			
ACCOUNT NAME: (e.g. ABC Civil Construction cc)			
ACCOUNT TYPE: (e.g. Savings, Cheque etc.)			
ACCOUNT NO:			
ADDRESS OF BANK:			
CONTACT PERSON:			
TELEPHONE NUMBER OF BANK OR CONTACT PERSON:			
How long has this account been in existence (tick which is appropriate):	0-6 months		
	7-12 months		
	13-24 months		
	More than 24 months		

Name of Tenderer: _____

Date: _____

Signature: _____

Full name of signatory: _____

ATTACH THE FOLLOWING DOCUMENTS AS AN ANNEXURE TO THE TENDER DOCUMENT WITH REFERENCE TO THE APPLICABLE RETURNABLE SCHEDULE – FORM F:

- Original or certified copy of a letter from tenderer's bank (not older than three months from tender closure and must have a bank stamp)

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FORM G: MUNICIPAL UTILITY ACCOUNT

DECLARATION BY THE TENDERER

I the undersigned _____

_____ has been duly authorized to sign all documents with the Tender for:

on behalf of

(referred to herein as "the Bidder")

hereby make a declaration as follows:

1. I declare that the bidder and /or any of its director(s) / member(s) does not owe the municipality, or any other municipality and/or municipal entity any amount which is in arrears in respect of any municipal rates and taxes or municipal service charges.
2. I understand and accept that in the event that this declaration is proved to be false, the bid shall be rejected forthwith. All other rights of the municipality (including but not limited to the right to claim damages where applicable) shall remain reserved in full.

SIGNED ON BEHALF OF
THE COMPANY

IN HIS CAPACITY AS

DATE

FULL NAMES OF SIGNATORY

**ATTACH THE FOLLOWING DOCUMENTS AS AN ANNEXURE TO THE TENDER DOCUMENT
WITH REFERENCE TO THE APPLICABLE RETURNABLE SCHEDULE – FORM G:**

- Municipal utility account invoice must be in line with the address on the CSD (not older than three months)
- If the company is operating on leased premises, both the lease agreement and the Municipal Utility account invoice must be attached, the same address as in both documents. (Failure to do so will lead to disqualification)

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FORM H: PREFERENCE SCHEDULE

**PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL PROCUREMENT
REGULATIONS 2017 (MBD 6.1)**

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 (MUNICIPAL SPECIFIC GOALS) Status Level of Contribution

NB: BEFORE COMPLETING THIS FORM, TENDERES MUST STUDY THE GENERAL CONDITIONS, DEFINITIONS AND DIRECTIVES APPLICABLE IN RESPECT OF MUNICIPAL SPECIFIC GOALS, AS PRESCRIBED IN THE PREFERENTIAL PROCUREMENT REGULATIONS, 2017.

1. GENERAL CONDITIONS

- 1.1 The following preference point systems are applicable to all bids:
the 80/20 system for requirements with a Rand value of up to R50 000 000 (all applicable taxes included); and the 90/10 system for requirements with a Rand value above R50 000 000 (all applicable taxes included).
- 1.2 The value of this bid is estimated to **not exceed R50 000 000** (all applicable taxes included) and therefore the **80/20** system shall be applicable.
- 1.3 Preference points for this bid shall be awarded for:
- Price; and
 - MUNICIPAL SPECIFIC GOALS Status Level of Contribution.
- 1.3.1 The maximum points for this bid are allocated as follows:

DESCRIPTION	POINTS
PRICE	80
MUNICIPAL SPECIFIC GOALS STATUS LEVEL OF CONTRIBUTION	20
Total points for Price and MUNICIPAL SPECIFIC GOALS 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 MUNICIPAL SPECIFIC GOALS 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 MUNICIPAL SPECIFIC GOALS 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.

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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 **"MUNICIPAL SPECIFIC GOALS"** means broad-based black economic empowerment as defined in section 1 of the Broad -Based Black Economic Empowerment Act;
- 2.3 **"MUNICIPAL SPECIFIC GOALS status level of contributor"** means the **Municipal Specific Goals** 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 offers;
- 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 exempted micro enterprise that is any enterprise with an 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.

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- 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 **"tender"** means a written offer in the form determined by an organ of state in response to an invitation to provide goods or services through price quotations, competitive tendering process or any other method envisaged in legislation.
"price" means an amount of money tendered for goods or services and includes all applicable taxes less all unconditional discounts.
- 2.19 **"Rand value"** means the total estimated value of a contract in Rand, calculated at the time of bid invitation, and includes all applicable taxes.
- 2.20 **"Tender for income-generating contracts"** means a written offer in the form determined by an organ of state in response to an invitation for the origination of income-generating contracts through any method envisaged in legislation that will result in a legal agreement between the organ of state and a third party that produces revenue for the organ of state, and includes, but is not limited to, leasing and disposal of assets and concession contracts, excluding direct sales and disposal of assets through public auctions; and
- 2.21 **"the Act"** means the Preferential Procurement Policy Framework Act, 2000 (Act No. 5 of 2000).

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 MUNICIPAL SPECIFIC GOALS.
- 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 MUNICIPAL SPECIFIC GOALS, 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.

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4. FORMULAE FOR PROCUREMENT OF GOODS AND SERVICES

4.1 POINTS AWARDED FOR PRICE

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

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

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

Where

Ps = Points scored for price of tender under consideration

Pt = Price of tender under consideration

Pmin = Price of lowest acceptable tender

4.2 FORMULAE FOR DISPOSAL OR LEASING OF STATE ASSETS AND INCOME GENERATING PROCUREMENT

4.2.1 POINTS AWARDED FOR PRICE

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

$$\begin{array}{ccc} \mathbf{80/20} & \mathbf{or} & \mathbf{90/10} \\ \text{or} & & \\ \mathbf{Ps} = \mathbf{80} \left(\mathbf{1} + \frac{\mathbf{Pt - P_{max}}}{\mathbf{P_{max}}} \right) & & \mathbf{Ps} = \mathbf{90} \left(\mathbf{1} + \frac{\mathbf{Pt - P_{max}}}{\mathbf{P_{max}}} \right) \end{array}$$

Where

Ps = Points scored for price of tender under consideration

Pt = Price of tender under consideration

Pmax = Price of highest acceptable tender

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POINTS AWARDED FOR SPECIFIC GOALS

- 4.1 In terms of Regulation 4(2); 5(2); 6(2) and 7(2) of the Preferential Procurement Regulations, preference points must be awarded for specific goals stated in the tender. For the purposes of this tender the tenderer will be allocated points based on the goals stated in table 1 below as may be supported by proof/ documentation stated in the conditions of this tender:
- 4.2. In cases where organs of state intend to use Regulation 3(2) of the Regulations, which states that, if it is unclear whether the 80/20 or 90/10 preference point system applies, an organ of state must, in the tender documents, stipulate in the case of—
- (a) an invitation for tender for income-generating contracts, that either the 80/20 or 90/10 preference point system will apply and that the highest acceptable tender will be used to determine the applicable preference point system: or
 - (b) any other invitation for tender, that either the 80/20 or 90/10 preference point system will apply and that the lowest acceptable tender will be used to determine the applicable preference point system, then the organ of state must indicate the points allocated for specific goals for both the 90/10 and 80/20 preference point system.

Table 1: Specific goals for the tender and points claimed are indicated per the table below.

(Note to organs of state: Where either the 90/10 or 80/20 preference point system is applicable, corresponding points must also be indicated as such.

Note to tenderers: The tenderer must indicate how they claim points for each preference point system.)

Item no.	The specific goals allocated points in terms of this tender	Number of points allocated (80/20 system)	Number of points claimed (90/10 system) (To be completed by the tenderer)
1.	100% Black owned enterprises within the definition of the HDI	2	
2.	At least 50% women owned enterprises	2	
3.	At least 50% youth owned enterprises	2	
4.	At least 50% enterprises people living with disabilities	2	
5.	Enterprises regarded as EMEs located within the Msukaligwa Local Municipality	10	
6.	B-BBEE level 1 contribution (SANAS verified B-BBEE certificate for generic enterprise, and for EME and SME a sworn affidavit or CIPC issued certificate confirming annual turnover and level of Black Ownership	2	

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- 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:
- 5.2 Tenderers who qualify as EMEs in terms of the MUNICIPAL SPECIFIC GOALS 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 MUNICIPAL SPECIFIC GOALS Status Level Certificates.
- 5.3 Tenderers other than EMEs must submit their original and valid MUNICIPAL SPECIFIC GOALS status level verification certificate or a certified copy thereof, substantiating their MUNICIPAL SPECIFIC GOALS 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 MUNICIPAL SPECIFIC GOALS status level as a legal entity, provided that the entity submits their MUNICIPAL SPECIFIC GOALS status level certificate.
- 5.5 A trust, consortium or joint venture will qualify for points for their MUNICIPAL SPECIFIC GOALS status level as an unincorporated entity, provided that the entity submits their consolidated MUNICIPAL SPECIFIC GOALS scorecard as if they were a group structure and that such a consolidated MUNICIPAL SPECIFIC GOALS scorecard is prepared for every separate bid.
- 5.6 Tertiary institutions and public entities will be required to submit their MUNICIPAL SPECIFIC GOALS status level certificates in terms of the specialized scorecard contained in the MUNICIPAL SPECIFIC GOALS Codes of Good Practice.
- 5.7 A person will not be awarded points for MUNICIPAL SPECIFIC GOALS 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 MUNICIPAL SPECIFIC GOALS 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 Tenderers who claim points in respect of MUNICIPAL SPECIFIC GOALS Status Level of Contribution must complete the following:

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7. MUNICIPAL SPECIFIC GOALS STATUS LEVEL OF CONTRIBUTION CLAIMED IN TERMS OF PARAGRAPHS 1.3.1.2 AND 5.1

7.1 MUNICIPAL SPECIFIC GOALS Status Level of Contribution: _____ = _____ maximum of 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 MUNICIPAL SPECIFIC GOALS 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 MUNICIPAL SPECIFIC GOALS status level of the sub-contractor?

iv) _____
whether the sub-contractor is an EME?

9. DECLARATION WITH REGARD TO COMPANY/FIRM

9.1 Name of firm:

9.2 VAT registration number

9.3 Company registration number

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9.4 Type of Firm (Tick Applicable Box):

☐	Partnership/ Joint Venture/ Consortium
☐	One Person business/ sole propriety
☐	Close Corporation
☐	Company
☐	(Pty) Ltd
☐	Other (Specify): _____

9.5 Describe Principal Business Activities _____

9.6 Company Classification (Tick Applicable Box):

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

9.7 Municipal Information:

Municipality where business is situated _____

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.

TENDER NO.	8/3/-84/2022	INITIALS	INITIALS	INITIALS	INITIALS
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**APPOINTMENT OF QUALIFIED AND ACCREDITED TRAINING SERVICE PROVIDERS TO SERVE ON
MSUKALIGWA LOCAL MUNICIPALITY'S PANEL OF TRAINING SERVICE PROVIDERS FOR 36 MONTHS PERIOD.
8/3-84/2022**

- iv. If the MUNICIPAL SPECIFIC GOALS 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 forward the matter for criminal prosecution.

WITNESSES:

SIGNATURE(S) OF BIDDER(S)

DATE:

ADDRESS:

TENDER NO.	8/3-84/2022	INITIALS	INITIALS	INITIALS	INITIALS
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**APPOINTMENT OF QUALIFIED AND ACCREDITED TRAINING SERVICE PROVIDERS TO SERVE ON
MSUKALIGWA LOCAL MUNICIPALITY'S PANEL OF TRAINING SERVICE PROVIDERS FOR 36 MONTHS PERIOD.
8/3-84/2022**

FORM I: CONTRACT FORM – (i) PURCHASE OF GOODS/WORKS

THIS FORM MUST BE FILLED IN DUPLICATE BY BOTH THE SUCCESSFUL BIDDER (PART 1) AND THE PURCHASER (PART 2). BOTH FORMS MUST BE SIGNED IN THE ORIGINAL SO THAT THE SUCCESSFUL BIDDER AND THE PURCHASER 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 the **MSUKALIGWA LOCAL MUNICIPALITY** in accordance with the requirements and specifications stipulated in bid number **8/3-84/2022** 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;
 - Central Supply Database registration;
 - 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 2011;
 - 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 fulfilment of this contract.
5. I declare that I have no participation in any collusive practices with any bidder or any other person regarding this or any other bid.
6. I confirm that I am duly authorised to sign this contract.

NAME (PRINT)

CAPACITY

SIGNATURE

NAME OF FIRM

DATE

Witnesses

1.....

2.....

DATE:

TENDER NO.	8/3-84/2022	INITIALS	INITIALS	INITIALS	INITIALS
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**APPOINTMENT OF QUALIFIED AND ACCREDITED TRAINING SERVICE PROVIDERS TO SERVE ON
MSUKALIGWA LOCAL MUNICIPALITY'S PANEL OF TRAINING SERVICE PROVIDERS FOR 36 MONTHS PERIOD.
8/3-84/2022**

(ii) CONTRACT FORM - RENDERING OF SERVICES

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

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

7. I hereby undertake to render services described in the attached bidding documents to the **MSUKALIGWA LOCAL MUNICIPALITY** in accordance with the requirements and task directives / proposals specifications stipulated in Bid Number **8/3-84/2022** at the price/s quoted. My offer/s remains binding upon me and open for acceptance by the Purchaser during the validity period indicated and calculated from the closing date of the bid.
8. The following documents shall be deemed to form and be read and construed as part of this agreement:
 - (iv) Bidding documents, viz
 - Invitation to bid;
 - Central Supply Database registration;
 - Pricing schedule(s);
 - Filled in task directive/proposal;
 - Preference claims for Broad Based Black Economic Empowerment Status Level of Contribution in terms of the Preferential Procurement Regulations 2011;
 - Declaration of interest;
 - Declaration of Bidder's past SCM practices;
 - Certificate of Independent Bid Determination;
 - Special Conditions of Contract;
 - (v) General Conditions of Contract; and
 - (vi) Other (specify)
9. I confirm that I have satisfied myself as to the correctness and validity of my bid; that the price(s) and rate(s) quoted cover all the services specified in the bidding documents; that the price(s) and rate(s) cover all my obligations and I accept that any mistakes regarding price(s) and rate(s) and calculations will be at my own risk.
10. I accept full responsibility for the proper execution and fulfilment of all obligations and conditions devolving on me under this agreement as the principal liable for the due fulfilment of this contract.
11. I declare that I have no participation in any collusive practices with any bidder or any other person regarding this or any other bid.
12. I confirm that I am duly authorised to sign this contract.

NAME (PRINT)

CAPACITY

SIGNATURE

NAME OF FIRM

DATE

Witnesses	
1.....	
2.....	
DATE:	

TENDER NO.	8/3-84/2022	INITIALS	INITIALS	INITIALS	INITIALS
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**APPOINTMENT OF QUALIFIED AND ACCREDITED TRAINING SERVICE PROVIDERS TO SERVE ON
MSUKALIGWA LOCAL MUNICIPALITY'S PANEL OF TRAINING SERVICE PROVIDERS FOR 36 MONTHS PERIOD.
8/3-84/2022**

PART 2 (TO BE FILLED IN BY THE PURCHASER)

1. I in my capacity asaccept your bid under reference number **8/3-84/2022** dated **06 June 2023**, for the rendering of services indicated hereunder and/or further specified in the annexure(s).
2. An official order indicating service delivery instructions is forthcoming.
3. I undertake to make payment for the services rendered in accordance with the terms and conditions of the contract, within 30 (thirty) days after receipt of an invoice.

DESCRIPTION OF SERVICE	PRICE (ALL APPLICABLE TAXES INCLUDED)	COMPLETION DATE	MUNICIPAL SPECIFIC GOALS STATUS LEVEL OF CONTRIBUTION	MINIMUM THRESHOLD FOR LOCAL PRODUCTION AND CONTENT (if applicable)
APPOINTMENT OF QUALIFIED AND ACCREDITED TRAINING SERVICE PROVIDERS TO SERVE ON MSUKALIGWA LOCAL MUNICIPALITY'S PANEL OF TRAINING SERVICE PROVIDERS FOR 36 MONTHS PERIOD. 8/3-84/2022				

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

SIGNED ATON THISDAY..... OF 2023

NAME (PRINT)

SIGNATURE

OFFICIAL STAMP

WITNESSES

1

2

DATE:

TENDER NO.	8/3/-84/2022	INITIALS	INITIALS	INITIALS	INITIALS
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**APPOINTMENT OF QUALIFIED AND ACCREDITED TRAINING SERVICE PROVIDERS TO SERVE ON
MSUKALIGWA LOCAL MUNICIPALITY'S PANEL OF TRAINING SERVICE PROVIDERS FOR 36 MONTHS PERIOD.
8/3-84/2022**

(i) CONTRACT FORM - SALE OF GOODS/WORKS

THIS FORM MUST BE FILLED IN DUPLICATE BY BOTH THE SUCCESSFUL BIDDER (PART 1) AND THE SELLER (PART 2). BOTH FORMS MUST BE SIGNED IN THE ORIGINAL SO THAT THE SUCCESSFUL BIDDER AND THE SELLER 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 purchase all or any of the goods and/or works described in the attached bidding documents from **MSUKALIGWA LOCAL MUNICIPALITY** in accordance with the requirements stipulated in (bid number) **8/3-84/2022** at the price/s quoted. My offer/s remain binding upon me and open for acceptance by the seller 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;
 - Pricing schedule(s);
 - Declaration of interest;
 - Declaration of Bidder's past SCM practices;
 - 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) quoted cover all the goods and/or works specified in the bidding documents; that the price(s) cover all my obligations and I accept that any mistakes regarding price(s) and calculations will be at my own risk.
4. I accept full responsibility for the proper execution and fulfilment of all obligations and conditions devolving on me under this agreement as the principal liable for the due fulfilment of this contract.
5. I undertake to make payment for the goods/works as specified in the bidding documents.
6. I declare that I have no participation in any collusive practices with any bidder or any other person regarding this or any other bid.
7. I confirm that I am duly authorised to sign this contract.

NAME (PRINT)

CAPACITY

SIGNATURE

NAME OF FIRM

DATE

Witnesses

1.....

2.....

DATE:

TENDER NO.	8/3-84/2022	INITIALS	INITIALS	INITIALS	INITIALS
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**APPOINTMENT OF QUALIFIED AND ACCREDITED TRAINING SERVICE PROVIDERS TO SERVE ON
MSUKALIGWA LOCAL MUNICIPALITY'S PANEL OF TRAINING SERVICE PROVIDERS FOR 36 MONTHS PERIOD.
8/3-84/2022**

(i) CONTRACT FORM - SALE OF GOODS/WORKS

PART 2 (TO BE FILLED IN BY THE SELLER)

1. Iin my capacity asaccept your bid under reference number **8/3-84/2022** dated **06 June 2023** for the purchase of goods/works indicated hereunder and/or further specified in the annexure(s).
2. I undertake to make the goods/works available in accordance with the terms and conditions of the contract.

ITEM NO.	DESCRIPTION	PRICE (ALL APPLICABLE TAXES INCLUDED)

3. I confirm that I am duly authorised to sign this contract.

SIGNED ATON.....

NAME (PRINT)

SIGNATURE

OFFICIAL STAMP

WITNESSES

1.

2.

DATE.....

TENDER NO.	8/3/-84/2022	INITIALS	INITIALS	INITIALS	INITIALS
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**APPOINTMENT OF QUALIFIED AND ACCREDITED TRAINING SERVICE PROVIDERS TO SERVE ON
MSUKALIGWA LOCAL MUNICIPALITY'S PANEL OF TRAINING SERVICE PROVIDERS FOR 36 MONTHS PERIOD.
8/3-84/2022**

FORM J: 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:

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

²Bid 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.

TENDER NO.	8/3/-84/2022	INITIALS	INITIALS	INITIALS	INITIALS
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**APPOINTMENT OF QUALIFIED AND ACCREDITED TRAINING SERVICE PROVIDERS TO SERVE ON
MSUKALIGWA LOCAL MUNICIPALITY'S PANEL OF TRAINING SERVICE PROVIDERS FOR 36 MONTHS PERIOD.
8/3-84/2022**

CERTIFICATE OF INDEPENDENT BID DETERMINATION

I, the undersigned, in submitting the accompanying bid:

**APPOINTMENT OF QUALIFIED AND ACCREDITED TRAINING SERVICE PROVIDERS TO
SERVE ON MSUKALIGWA LOCAL MUNICIPALITY'S PANEL OF TRAINING SERVICE
PROVIDERS**

(Bid Number and Description)

in response to the invitation for the bid made by:

MSUKALIGWA LOCAL MUNICIPALITY

(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.

TENDER NO.	8/3/-84/2022	INITIALS	INITIALS	INITIALS	INITIALS
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**APPOINTMENT OF QUALIFIED AND ACCREDITED TRAINING SERVICE PROVIDERS TO SERVE ON
MSUKALIGWA LOCAL MUNICIPALITY'S PANEL OF TRAINING SERVICE PROVIDERS FOR 36 MONTHS PERIOD.
8/3-84/2022**

- 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.

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**APPOINTMENT OF QUALIFIED AND ACCREDITED TRAINING SERVICE PROVIDERS TO SERVE ON
MSUKALIGWA LOCAL MUNICIPALITY'S PANEL OF TRAINING SERVICE PROVIDERS FOR 36 MONTHS PERIOD.
8/3-84/2022**

FORM K: 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?
YES / NO
 - 1.1. If yes, submit audited annual financial statements for the past three years or since the date of establishment if established during the past three years.
2. Do you have any outstanding undisputed commitments for municipal services towards any municipality for more than three months or any other service provider in respect of which payment is overdue for more than 30 days? YES / NO
 - 1.2. 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.
 - 1.3. If yes, provide particulars.
.....
.....
3. Has any contract been awarded to you by an organ of state during the past five years, including particulars of any material non-compliance or dispute concerning the execution of such contract? YES / NO
 - 1.4. 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
 - 1.5. If yes, furnish particulars
.....
.....

TENDER NO.	8/3-84/2022	INITIALS	INITIALS	INITIALS	INITIALS
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**APPOINTMENT OF QUALIFIED AND ACCREDITED TRAINING SERVICE PROVIDERS TO SERVE ON
MSUKALIGWA LOCAL MUNICIPALITY'S PANEL OF TRAINING SERVICE PROVIDERS FOR 36 MONTHS PERIOD.
8/3-84/2022**

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

**ATTACH THE FOLLOWING DOCUMENTS AS AN ANNEXURE TO THE TENDER DOCUMENT
WITH REFERENCE TO THE APPLICABLE RETURNABLE SCHEDULE – FORM J:**

- 3 Year audited financial statements.

NOT APPLICABLE

TENDER NO.	8/3/-84/2022	POSITION	DETAILS	INITIALS	DATE
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**APPOINTMENT OF QUALIFIED AND ACCREDITED TRAINING SERVICE PROVIDERS TO SERVE ON MSUKALIGWA
LOCAL MUNICIPALITY'S PANEL OF TRAINING SERVICE PROVIDERS FOR 36 MONTHS PERIOD.
8/3-84/2022**

**FORM L: PRICING SCHEDULE – NON-FIRM PRICES
(PURCHASES)**

**NOTE: PRICE ADJUSTMENTS WILL BE ALLOWED AT THE PERIODS AND TIMES SPECIFIED IN THE
BIDDING DOCUMENTS.
IN CASES WHERE DIFFERENT DELIVERY POINTS INFLUENCE THE PRICING, A SEPARATE
PRICING SCHEDULE MUST BE SUBMITTED FOR EACH DELIVERY POINT**

Name of Bidder:		
Bid #: 8/3-84/2022	Closing Time: 12h00	Closing Date: 06 June 2023

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

BILL OF QUANTITIES

DESCRIPTION OF SERVICE	PRICE (ALL APPLICABLE TAXES INCLUDED) Year 1	PRICE (ALL APPLICABLE TAXES INCLUDED) Year 2	PRICE (ALL APPLICABLE TAXES INCLUDED) Year 2	TOTAL (Year 1 to 3) PRICE (ALL APPLICABLE TAXES INCLUDED)
APPOINTMENT OF QUALIFIED AND ACCREDITED TRAINING SERVICE PROVIDERS TO SERVE ON MSUKALIGWA LOCAL MUNICIPALITY'S PANEL OF TRAINING SERVICE PROVIDERS FOR THE 36 MONTHS PERIOD. 8/3-84/2022				

TENDER NO.	8/3/-83/2022	INITIALS	INITIALS	INITIALS	INITIALS
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**APPOINTMENT OF QUALIFIED AND ACCREDITED TRAINING SERVICE PROVIDERS TO SERVE ON MSUKALIGWA
LOCAL MUNICIPALITY'S PANEL OF TRAINING SERVICE PROVIDERS FOR 36 MONTHS PERIOD.
8/3-84/2022**

Required by:

At:

Brand and model

Country of origin

Does the offer
comply with the
specification(s)? *YES/NO

If not,
indicate
deviation(s)

Period required
for delivery

*Firm/Not firm

Delivery Basis:

** "all applicable taxes" includes value- added tax, pay as you earn, income tax, unemployment insurance
fund contributions and skills development levies.

*Delete if not applicable

TENDER NO.	8/3/-83/2022	INITIALS	INITIALS	INITIALS	INITIALS
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**APPOINTMENT OF QUALIFIED AND ACCREDITED TRAINING SERVICE PROVIDERS TO SERVE ON MSUKALIGWA
LOCAL MUNICIPALITY'S PANEL OF TRAINING SERVICE PROVIDERS FOR 36 MONTHS PERIOD.
8/3-84/2022**

(I): PRICE ADJUSTMENTS

Name of Bidder:	
Bid #: 8/3-84/2022	Closing Time: 12h00
	Closing Date: 06 June 2023

A: NON-FIRM PRICES SUBJECT TO ESCALATION:

- In cases of period contracts, non-firm prices will be adjusted (loaded) with the assessed contract price adjustments implicit in non-firm prices when calculating the comparative prices.
- In this category price escalations will only be considered in terms of the following formula:

$$Pa = (1 - V)Pt \left[D1 \frac{R1t}{R1o} + D2 \frac{R2t}{R2o} + D3 \frac{R3t}{R3o} + D4 \frac{R4t}{R4o} \right] + VPt$$

Where:

- Pa = The new escalated price to be calculated.
 (1-V) Pt = 85% of the original bid price. **Note that Pt must always be the original bid price and not an escalated price**
 D1, D2 = Each factor of the bid price e.g. labour, transport, clothing, footwear, etc. The total of the various factors D1,D2...etc. must add up to 100%.
 R1t, R2t = Index figure obtained from new index (depends on the number of factors used).
 R1o, R2o = Index figure at time of bidding.
 VPt = 15% of the original bid price. This portion of the bid price remains firm i.e. it is not subject to any price escalations

- The following index/indices must be used to calculate your bid price.

Index		Dated		Index		Dated	
Index		Dated		Index		Dated	
Index		Dated		Index		Dated	

- Furnish a breakdown of your price in terms of above-mentioned formula. The total of the various factors must add up to 100%.

FACTOR (D1, D2 etc. e.g. Labour, transport etc.)	PERCENTAGE OF BID PRICE

B PRICES SUBJECT TO RATE OF EXCHANGE VARIATIONS:

TENDER NO.	8/3-83/2022	INITIALS	INITIALS	INITIALS	INITIALS
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**APPOINTMENT OF QUALIFIED AND ACCREDITED TRAINING SERVICE PROVIDERS TO SERVE ON MSUKALIGWA
LOCAL MUNICIPALITY'S PANEL OF TRAINING SERVICE PROVIDERS FOR 36 MONTHS PERIOD.**

8/3-84/2022

5. Please furnish full particulars of your financial institution, state the currencies used in the conversion of the prices of the items to South African currency, which portion of the price is subject to rate of exchange variations and the amounts remitted abroad.

PARTICULARS OF FINANCIAL INSTITUTION	ITEM NO	PRICE	CURRENCY	RATE	PORTION OF PRICE SUBJECT TO ROE	AMOUNT IN FOREIGN CURRENCY REMITTED ABROAD

6. Adjustments for rate of exchange variations during the contract period will be calculated by using the average monthly exchange rates as issued by your commercial bank for the periods indicated hereunder: (Proof from bank required)

AVERAGE MONTHLY EXCHANGE RATES FOR THE PERIOD:	DATE DOCUMENTATION MUST BE SUBMITTED TO THIS OFFICE	DATE FROM WHICH NEW CALCULATED PRICES WILL BECOME EFFECTIVE	DATE UNTIL WHICH NEW CALCULATED PRICE WILL BE EFFECTIVE

TENDER NO.	8/3/-83/2022	INITIALS	INITIALS	INITIALS	INITIALS
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**APPOINTMENT OF QUALIFIED AND ACCREDITED TRAINING SERVICE PROVIDERS TO SERVE ON MSUKALIGWA
LOCAL MUNICIPALITY'S PANEL OF TRAINING SERVICE PROVIDERS FOR 36 MONTHS PERIOD.
8/3-84/2022**

FORM M: AGREEMENT AND CONTRACT DATA

Form of Offer and Acceptance

OFFER

The employer, identified in the acceptance signature block, has solicited offers to enter into a contract for the procurement of:

**APPOINTMENT OF QUALIFIED AND ACCREDITED TRAINING SERVICE PROVIDERS TO SERVE ON
MSUKALIGWA LOCAL MUNICIPALITY'S PANEL OF TRAINING SERVICE PROVIDERS FOR 36
MONTHS PERIOD.
8/3-84/2022**

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

By the representative of the tenderer, deemed to be duly authorized, signing this part of this form of offer and acceptance, the tenderer offers to perform all of the obligations and liabilities of the contractor 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:

Rand _____ (in _____ words);and
R _____

(in figures).

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 tenderer before the end of the period of validity stated in the tender data, whereupon the tenderer becomes the party named as the contractor in the conditions of contract identified in the contract data.

Signature(s)

Name(s)

Capacity

for the tenderer

(name and address of the organization)

Witness signature

Witness name

Date

TENDER NO.	8/3/-83/2022	INITIALS	INITIALS	INITIALS	INITIALS
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**APPOINTMENT OF QUALIFIED AND ACCREDITED TRAINING SERVICE PROVIDERS TO SERVE ON MSUKALIGWA
LOCAL MUNICIPALITY'S PANEL OF TRAINING SERVICE PROVIDERS FOR 36 MONTHS PERIOD.
8/3-84/2022**

ACCEPTANCE

By signing this part of this Form of Offer and Acceptance, the Purchaser identified below accepts the Tenderer's Offer. In consideration thereof, the Purchaser shall pay the Supplier the amount due in accordance with the Conditions of Contract identified in the Contract Data. Acceptance of the Tenderer's Offer shall form an agreement, between the Purchaser and the Tenderer upon the terms and conditions contained in this Agreement and in the Contract that is the subject of this Agreement.

Deviations from and amendments to the documents listed in the Tender Data and any addenda thereto listed in the Tender Schedules as well as any changes to the terms of the Offer agreed by the Tenderer and the Purchaser during this process of offer and acceptance, are contained in the Schedule of Deviations attached (if any) to and forming part of this Agreement. No amendments to or deviations from said documents are valid unless contained in this schedule, which must be signed by the authorised representative(s) of both parties.

The Tenderer shall within two weeks after receiving a letter of acceptance, contact the Purchaser's representative (whose details are given in the Contract Data) to arrange the delivery of guarantees, proof of insurance and any other documentation to be provided in terms of the Conditions of Contract identified in the Contract Data, at or just after, the date this agreement comes into effect. Failure to fulfil any of these obligations in accordance with those terms shall constitute a repudiation of this Agreement.

Notwithstanding anything contained herein, this Agreement comes into effect on the date when the Tenderer receives one fully completed original copy of this document, including the Schedule of Deviations (if any). Unless the Tenderer (now Supplier) within five days of the date of such receipt notifies the Purchaser in writing of any reason why he cannot accept the contents of this Agreement, this Agreement shall constitute a binding contract between the parties.

MSUKALIGWA LOCAL MUNICIPALITY

NAME(s): (BLOCK LETTERS)

CAPACITY of authorized agents:

SIGNATURE(s) of authorized agents:

SIGNED aton this.....day of

WITNESSES: (Full name – BLOCK LETTERS – and signature)

1. Name Signature

2. Name Signature

TENDER NO.	8/3-83/2022	INITIALS	INITIALS	INITIALS	INITIALS
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