

	REQUEST FOR QUOTATION	
	RFQ Number: Q24/546/NS (A)	Form No: UW-RFQ-2 Version No: 3/2023 Effective Date: Jul 2023

Description	Provision of a transaction advisor – Optimal Funding Structure
Advert Date	28 June 2024
Closing Date and Time	15 July 2024 @15h00 pm
Compulsory Briefing Session	None
SCM Enquiries	<i>Nozipho Sibiya</i> Tel: 033 341 1324 Email: Nozipho.sibiya@umgeni.co.za
Technical Enquiries	<i>Kajal Singh</i> Tel: 033 341 1505 Email: kajal.singh@umgeni.co.za
Contents of RFQ	1. Invitation to quote 2. Bidders information 3. Terms and Conditions 4. Undertaking by Bidder 5. Terms of Reference/RFQ specifications 6. Price Schedule 7. Authority to Sign 8. Bidders disclosure [SBD 4] 9. Preference points claim form (SBD 6.1) 10. Contract Form [SBD 7.2]

Quotation Submission:	Tip-Offs Anonymous Hotline:
by email to : scmquotes@umgeni.co.za using Q24/546/NS (A) as the email subject	Report unethical conduct at uMngeni-Uthukela Water on: Toll Free Number: 0800 864 463 Email: umgeniwater@whistleblowing.co.za Toll Free Fax: 0800 212 689 Postal: Freepost KZN665, Musgrave, 4062 SMS: 33490 Online: www.whistleblowing.co.za <i>Stop theft / fraud / dishonesty / bribery /blackmail / intimidation, and remain anonymous.</i>

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BIDDERS INFORMATION

Name of Bidder	
Company Registration number	
VAT registration number	
Contact Person	
Telephone number	
Cell number	
E-mail address	
Postal address	
Physical address	
uMngeni-Uthukela Vendor Number	
CSD Supplier number	

I certify that the information furnished on this form is true and correct. I further accept that, in addition to cancellation of a contract, action may be taken against me should this declaration prove to be false.

 Name of Representative
 (Duly Authorised)

 Signature

 Date

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TERMS AND CONDITIONS OF REQUEST FOR QUOTATION (RFQ)

1. Any alteration made by the bidder must be initialled.
2. Use of correcting fluid is prohibited
3. Bidders must be registered on the National Treasury's Central Suppliers Database.
4. Tenderers are required to submit a valid Tax clearance verification PIN or CSD MAAA number
5. This quotation is subject to the Preferential Procurement Policy Framework Act and the Preferential Procurement Regulations, 2022; the General Conditions of Contract (GCC) and if applicable any other Special Conditions of Contract.
6. The applicable preference point system for this tender is the 80/20 preference point system, Failure on the part of a tenderer to submit proof or documentation required in terms of this RFQ to claim points for specific goals, will be interpreted to mean that preference points for specific goals are not claimed by the bidder. Kindly refer to SBD 6.1 form for additional information.
7. Suppliers must complete the attached SBD 4 – Bidders disclosure, failure to complete these documents may result in the quotation being invalidated.
8. Quotations must be in accordance and comply with the terms of reference/specifications provided, unless otherwise stipulated.
9. The official uMngeni-Uthukela Water quotation form must be used to quote the offered price. Should the allocated price page be insufficient, the tenderer may supplement the price page with an additional pricing breakdown.
10. Price Declaration must be completed, and should the total RFQ prices differ, the one indicated on the price declaration shall be considered the correct price.
11. The successful supplier may be required to fill in and sign a written Contract Form. (If applicable)
12. This document may contain confidential information that is the property of uMngeni-Uthukela Water.
13. No part of the contents may be used, copied, disclosed or conveyed in whole or in part to any party in any manner whatsoever other than for preparing a proposal in response to this RFQ, without prior written permission from uMngeni-Uthukela Water and the Bidder.
14. All Copyright and Intellectual Property herein vests with uMngeni-Uthukela Water and its Bidder.
15. Responses to this RFQ must be submitted by email scmquotes@umgeni.co.za or be deposited in tender box situated as indicated on the quotation request form marked appropriated as directed. (*The applicable submission method is reflected on the cover page*).
16. It is the responsibility of the bidder to ensure that its response reaches uMngeni-Uthukela Water on or before the closing date and time of the RFQ. Late and incomplete submissions will not be accepted.
17. No services must be rendered or goods delivered before an official uMngeni-Uthukela Water Purchase Order form has been received.
18. **uMngeni-Uthukela Water reserves the right to appoint more than one supplier/service provider and or to award the quote as whole or in part.**
19. A full copy of General Conditions of Contract (GCC) are available on the National Treasury website (<https://www.treasury.gov.za/divisions/ocpo/sc/generalconditions/general%20conditions%20of%20contract.pdf>)

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UNDERTAKING BY BIDDER

1. I/We hereby quote to supply all or any of the supplies and/or to render all or any of the services described in the attached documents to uMngeni-Uthukela Water on the terms and conditions. In accordance with the specifications stipulated in the quotation documents (and which shall be taken as part of and be incorporated into this quote) at the prices and on the terms regarding time for delivery and/or execution inserted therein.
2. I/we agree that:
 - (a) the offer herein shall remain binding upon me and open for acceptance by uMngeni-Uthukela Water during the validity period indicated and calculated from the closing time of the quote;
 - (b) this quote and its acceptance shall be subject to the Public Finance Management Act, 1999, uMngeni-Uthukela Water's Supply Chain Management Policy and Procedures, the General and Special Conditions of Contract as may be applicable, with which I/we am fully acquainted;
 - (c) if I/we withdraw my quote within the period for which I/we have agreed that the quote shall remain open for acceptance, or fail to fulfil the contract when called upon to do so. uMngeni-Uthukela Water may, without prejudice to its other rights, agree to the withdrawal of my quote or cancel the contract that may have been entered into between uMngeni-Uthukela Water and I/us. I/we will then pay to uMngeni-Uthukela Water any additional expenses incurred for having either to accept any less favourable quote or, if fresh quote have to be invited, the additional expenditure incurred by the invitation of fresh quotes and by the subsequent acceptance of any less favourable quotes. uMngeni-Uthukela Water shall reserve the right to recover such additional expenditure by set-off against monies which may be due to me under this, or any other tender or contract or against any guarantee or deposit that may have been furnished by me or on my behalf for the due fulfilment of this or any other tender or contract. Pending the ascertainment of the amount of such additional expenditure to retain such monies, guarantee or deposit as security for any loss uMngeni-Uthukela Water may sustain by reason of my default;
 - (d) if my quote is accepted, the acceptance may be communicated to me by electronic mail, to the email address supplied in my quotation document;
 - (e) the law of the Republic of South Africa shall govern the contract created by the acceptance of my quote and I choose *domicilium citandi et executandi* in the Republic at (full physical address) :

3. I/we furthermore confirm that I/we have satisfied myself as to the correctness and validity of my quote: that the price(s), rate(s) and preference quoted cover all of the work/item(s) and my obligations under a resulting contract, and I accept that any mistakes regarding the price(s) and calculations will be at my risk.
4. I/we hereby accept full responsibility for the proper execution and fulfilment of all obligations and conditions devolving on me under this agreement, as the Principal(s) liable for the due fulfilment of this contract.
5. I/we agree that any action arising from this contract may in all respects be instituted against me and I/we hereby undertake to satisfy fully any sentence or judgement which may be pronounced against me as a result of such action.
6. I/we confirm that I/we have declared all and any interest that I or any persons related to my business has with regard to this quote or any related quotations by completion of the Declaration of Interest Section.
7. **I/WE, THE UNDERSIGNED, WHO WARRANT THAT I AM DULY AUTHORISED TO DO SO ON BEHALF OF THE TENDERER, CERTIFY THAT THE INFORMATION SUPPLIED IN TERMS OF THIS DOCUMENT IS CORRECT**

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AND TRUE, THAT THE SIGNATORY TO THIS DOCUMENT IS DULY AUTHORISED AND ACKNOWLEDGE THAT:

- (1) The tenderer will furnish documentary proof regarding any tendering issue to the satisfaction of the uMngeni-Uthukela Water, if requested to do so.
- (2) If the information supplied is found to be incorrect and/or false then uMngeni-Uthukela Water, in addition to any remedies it may have, may: -
 - a) Recover from the contractor all costs, losses or damages incurred or sustained by UMngeni-Uthukela Water as a result of the award of the contract, and/or
 - b) Cancel the contract and claim any damages which uMngeni-Uthukela Water may suffer by having to make less favourable arrangements after such cancellation.

 Name of Representative
 (Duly Authorised)

 Signature

 Date

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SCOPE OF WORK

Reference: SANS 10403

1. Client's / employer's objectives

To obtain an optimal funding solution to meet uMngeni-uThukela Water's short, medium and long term funding requirements.

Competent professional service providers are thus invited to submit complete proposals detailing ***funding options available to uMngeni-uThukela Water in terms of its short, medium and long term funding requirements***

2. Description of the services

The service provider will assist and advise uMngeni-uThukela Water through a process of finding and investigating various funding solutions in terms of its short, medium and long term funding requirements and which incorporates the following debt management strategies (if applicable)

- Asset and liability matching
- Match the maturity dates and quantum of debt outstanding in any one year with the free cash generated by operations after servicing operational expenditure and costs.
- Maintaining an optimal debt level
 - Target an overall fixed/floating ratio of 70% fixed/30% floating
- Redemption portfolio management
- Minimise both the refinancing and interest rate risk associated with large debt redemptions by creating redemption portfolios.
- The uMngeni-uThukela Water's Redemption Strategy Framework allows for a build-up in the redemption portfolio over a 3-year period is as follows:
 - 10% of the capital redemption value is provided for 3 years before maturity;
 - 40 % is provided for 2 years before maturity;
 - 75 % is provided for 1 year before maturity; and
 - The balance of 25 % is funded during the year of maturity.
- Regulatory compliance – Borrowing limits approved by National Treasury
- Funding of directives from the Department of Water Services for implementation of Government Works - uMngeni-uThukela Water builds and funds the implementation of the project.
- Funding of the Mkomazi project where UW has already started collecting a portion of the tariff toward funding the construction and operation of the Mkomazi Water Treatment works and associated infrastructure.

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- Maximise grant funding opportunities to lower the cost of funding.

2.1. Regulatory Compliance

The interested party is required to advise on the regulatory approvals which UMngeni-uThukela Water would require in order to implement the proposed instrument. The following legislative regulations will need to be analysed for compliance:

2.1.1. Public Finance Management Act:

UMngeni-uThukela Water is a schedule 3B public entity under the Public Finance Management Act (PFMA) it is imperative that the abovementioned transaction complies with all legislation;

2.1.2. Water Services Act;

2.1.3. Companies Act No 61 of 1973, as amended.

2.2. Credit Rating Implications

- The ratings of uMngeni-uThukela Water are as follows:

Rating Agency		Date of rating re-affirmation or change	Long-term Rating	Short-term rating
Standard & Poor's (National Scale)	Poor's	18 May 2023	zaAAA	zaA-1+
Fitch Ratings		01 September 2023	AA+(zaf)	F1+(zaf)

2.3. Market Appetite

Local and International appetite for the instrument in terms of structure, tenor and quantum.

2.4. Cost Implications

The costs of securing the recommended funding solution and the indicative pricing of the recommended option need to be outlined.

2.5. Maturity

The interested party is required to investigate and recommend the optimal maturities for the instrument.

2.6. Quantum

The interested party is expected to recommend a quantum amount to be issued which will be sufficient to assist uMngeni-uThukela Water on maintaining its targeted gearing ratio and national credit ratings.

2.7. Timing

The interested party is expected to advise on the optimal timing to issue an instrument based on the market conditions and appetite for such instruments, and UUW's funding requirements.

2.8. Structure / Complexity of the funding option

2.8.1. Legal maturity and permutations

2.8.2. Covenants and complexities

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2.8.3. Structured deals should not aim to seek tax benefits to any parties concerned

2.9. Subordination

Investigate the implications on balance sheet and other classes of creditors (i.e. senior unsecured creditors, shareholders). As well as the debt covenants currently contained in existing loan agreement

2.10. Financial Risk Management

The interested party should detail the impact of the proposal in terms of the financial risks applicable.

2.11. Time table of Issuance

The interested party is expected to outline a detailed time table of the key deliverables, application process, and approvals.

2.12. REQUIRED EXPERIENCE

The service provider must provide evidence of similar advisory services. The Service provider must provide proof of conclusion of the following funding facilities and issuances:

1. Issuance through the DMTN programme
2. Facilities involving developmental financial institutions
3. Grant funding

Evidence provided must be in terms of work performed by the entity submitting the bid.

3. Extent of the services

The independent service provider must provide a comprehensive proposal encompassing the following debt management strategies encompassing the following:

3.1. Asset and liability matching

Match the maturity dates and quantum of debt outstanding in any one year with the free cash generated by operations after servicing operational expenditure and costs.

3.2. Maintaining an optimal debt level

Target a fixed/floating ratio of 70% fixed/30% floating

3.3. Redemption portfolio management

3.3.1. Minimise both the refinancing and interest rate risk associated with large debt redemptions by creating redemption portfolios.

3.3.2. Managed through a Redemption Strategy Framework

3.3.3. The proposed Build-up in the redemption portfolio over a 3-year period is given below:

- 10% of the capital redemption value is provided for 3 years before maturity;
- 40 % is provided for 2 years before maturity;
- 75 % is provided for 1 year before maturity; and
- The balance of 25 % is funded during the year of maturity.

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3.4. Regulatory compliance – Borrowing limits approved by National Treasury
National treasury (refer to annexure 2)

UMGENI WATER: BORROWING AUTHORISATION AND RELATED LIMIT	
FINANCIAL YEAR	INTEREST-BEARING DEBT/ BORROWINGS AMOUNT
Ending 30 June 2023	R2.017 billion
Ending 30 June 2024	R3.325 billion
Ending 30 June 2025	R4.534 billion

4. Use of reasonable skill and care

The service provider is required to exercise reasonable skill and care in all aspects of information submitted in the proposal. Once appointed, the service provider is expected to keep UMngeni-uThukela Water up to date in terms of any developments (regulatory or otherwise) that may impact on the funding solution whilst any resultant debt is in issuance.

5. Co-operation with other services providers

Interested parties will liaise from time to time with the service provider appointed by UMngeni-uThukela Water to assist in evaluation of the proposals received.

6. Brief

State, as necessary

- a) terms of reference including the following:
 - i. The work components to be undertaken
 - ii. The major activities to be carried out within each work component
 - iii. The deliverables to be provided within each work component
- b) time frames for deliverables / milestone dates,
- c) place(s) for the performance of specific tasks, and d) reporting requirements.

7. Reference data

Refer to the annexes as listed at the end of the scope of works.

8. Applicable national and international standards

Proposals to take into account:

1. The Water Services Act, No 108 of 1997 (“WSA”)
2. The Public Finance Management Act No.1 of 1999 (as amended) (“PFMA”),and
3. The Companies Act No.61 of 1973

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9. Particular/Generic specifications

N/a

10. Approvals

Approvals to be obtained from UMngeni-uThukela Water's:

- o Audit committee
- o Board

Prior to the transaction being finalised.

11. Procurement

The service provider must provide evidence of similar advisory services provided at other organisations

The Service provider must provide proof of conclusion of the following funding facilities and issuances:

4. Issuance through the DMTN programme
5. Facilities involving developmental financial institutions
6. Grant funding

Advisory services may not be sub-contracted to another firm - evidence must be in terms of work performed by the entity submitting the bid.

12. Access to land / buildings / sites

N/a

13. Planning and programming

Refer to the funding requirements as per Annexure 1. Funding to be available for draw down from 01 July 2025

14. Software application for programming

All financial models to be made available if necessary in Microsoft Excel.

15. Quality management

Briefly describe

- what quality management systems the service provider will be required to operate, and
- the intention of the employer / client in terms of the monitoring of quality management, who will carry out such monitoring (employer / client or agent) and if the monitoring forms part of a quality management system or will require only an occasional verification.

16. Format of communications

State formats of different types of communications and attach pro formas of such documents to the end of the scope of work.

Also state requirements for the format of documents which are to be retained, eg microfilm, computer tapes / CDs or original form.

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17. Key personnel

Full details of the client services team must include the following details: -

- 1.1. Management Structure and Curriculum Vitae's of key Management Members;
- 1.2. Curriculum Vitae of the key Team Members to work on the proposed transaction including details of experience;

Furthermore the service provider must indicate how changes in the client services team is handled with the client.

18. Management meetings

As and when required.

19. Forms for contract administration

Not applicable.

20. Electronic payments

Not applicable.

21. Daily records

State requirements for daily records of time spent.

22. Professional indemnity insurances

The service provider is expected to have professional indemnity insurance.

23. Payment certificates

Not applicable

24. Use of documents by the employer

The proposals issued by the service provider must be used to inform the funding solution.

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1. Evaluation Process

The RFQ will be evaluated using a three (03) stage evaluation approach:

1.1 First stage:

2.1 .1 Administrative Requirements

1. Bidder completed all RFQ Forms
2. Bidder registered on National Treasury CSD

2.1.2 Mandatory Requirements:

3. SBD 4 – Bidders disclosure
4. The Service provider must be registered in terms of the FAIS Act

2.2 Stage 2: – Evaluation of Functionality

The purpose of application of qualification criteria is to determine the functionality of each proposal by assessing the quality thereof. Below is a detailed breakdown of the scoring criteria

Bidders from the second stage who have achieved 70 points or more will be eligible to submit to be evaluated on Price and Specific Goals

Returnable Schedule Weighting %

1. Company Experience in raising funding above R500m	30
2. Qualifications, skill and experience of Advisory team	30
3. Method Statement	40

Failure to score a single point in any of the criteria listed above will deem the bid to be non-responsive and the bidder will be disqualified.

Tenderer's Experience

Tenderer's Experience in providing funding advisory services for raising of debt greater than R500 million. **The tenderer must include comprehensive details (additional to the table below) of the listed projects in support of the points claim.** The advisory services listed may include sourcing funding for projects in entities listed in schedule 3 of the PFMA. Fund raising including developmental funding and grant funding. Clients provided in the table below must be contactable.

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Debt Financing advisory services greater than R500m

Client name	Sector	Period/Year	Value of Funding raised (Rand)	Fees charged inclusive of VAT (Rand)	Description of service performed and extent of bidders responsibilities	Company (where the project was done)	Contact Details of client

Scoring of the Tenderer's Company experience will be as follows: **30**

DESCRIPTION	MAX POSSIBLE SCORE
Tenderer's experience in Debt Financing advisory services. (weighting - 30) 1 project – 10 points 2 projects – 30 points 3 projects – 50 points 4 projects – 70 points 5 projects – 100 points	100

Qualifications, skill and experience of Advisory team

Team Leader

The Team Leader is to have the following key qualifications and experience:

Minimum ten (10) years proven track record and experience relative to the scope of this project

Bidders must submit, as part of its proposal, the following:

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- The structure and composition of the proposed team and team leader, public sector specialist and Senior Debt Advisor; and
- CVs of all key personnel, the CVs must clearly highlight qualifications, areas of experience/competence relevant to the tasks and objectives of this project

Provide relevant information (CV's) as prescribed below

A CV (**not more than 3 pages**), shall be provided.

Team member	Years of experience in financial advisory	Sectors	Clients	Position within the team
1.				Team leader
2.				Public Sector Specialist
3.				Senior Debt Advisor
4.				
5.				

Experience of Team Leader in providing Debt Financing advisory services (weighting: 10): • 1 project – 10 points • 2 projects – 30 points • 3 projects – 50 points • 4 projects – 70 points • 5 projects – 100 points	100
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Experience of Public Sector Specialist in providing Debt Financing advisory services (weighting: 10): • 1 project – 10 points • 2 projects – 30 points • 3 projects – 50 points • 4 projects – 70 points • 5 projects – 100 points	100
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Experience of Senior Debt Advisor in providing Debt Financing advisory services (weighting: 10): • 1 project – 10 points • 2 projects – 30 points • 3 projects – 50 points • 4 projects – 70 points • 5 projects – 100 points	100
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Method Statement

The method statement must respond to the Scope of Work and outline the proposed approach / methodology. The method statement should articulate what value the Tenderer will add by in achieving the stated objectives for the project.

The Tenderer must as such explain his / her understanding of the objectives of the assignment and the Employer's stated and implied requirements, highlight the issues of importance, and explain the technical approach they would adopt to address them. The approach paper should explain the methodologies which are to be adopted, demonstrate the compatibility of those methodologies with the proposed approach. The approach should also include a quality plan which outlines processes, procedures and associated resources, applied by whom and when, to meet the requirements and indicate how risks will be managed and what contribution can be made regarding value management.

The Tenderer must attach his / her approach paper to this page. The approach paper should not be longer than 10 pages.

The methodology should at the very minimum include the following:

1. Description of the inception Phase: Assessment of the uMngeni-uThukela Water (UW) Corporate Plan and funding requirements
2. Identification of funding solutions that meet the requirements of the PFMA and Water services Act.
3. Recommend funding solutions that lower the eventual cost of funding on the tariff levied on UW's customers
4. Final report covering the scope of work and any ancillary yet necessary work critical for effective implementation.

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Scoring of the Method Statement will be as follows: **40**

Technical approach and methodology	
No submission (score 0)	No Method Statement submitted
Poor (score 40)	The technical approach and / or methodology is poor / is unlikely to satisfy project objectives or requirements. The Tenderer has misunderstood certain aspects of the scope of work and does not deal with the critical aspects of the project.
Satisfactory (score 70)	The approach is generic but tailored to address the general project objectives and methodology.
Good (score 90)	The approach is specifically tailored to address the specific project objectives and methodology and is sufficiently flexible to accommodate changes that may occur during execution. The quality plan and approach to managing risk is specifically tailored to the critical characteristics of the project.
Very good (score 100)	Besides meeting the “good” rating, the important issues are approached in an innovative and efficient way, indicating that the Tenderer has outstanding knowledge of state-of-the- art approaches. The approach paper details ways to improve the project outcomes and the quality of the outputs.

1.2 Third Stage: Price and Preference goals

- Subsequent to the evaluation of mandatory/ administrative requirements, the second stage of evaluation of the bids will be in respect of price and preferential procurement only.
- Tenderer is tax compliant
- In compliance with the Preferential Procurement Regulations 2022, the 80/20 preference point system is applicable: points for this bid shall be awarded for:
 - Price; and (80) and Preference as defined in SBD 6.1 (20)
- The Preference Goals that have been identified for this bid is stipulated in SBD 6.1
- Preferential goals and applicable points for this tender in terms of Preferential Procurement Regulations 2022, are indicated in the table below:

	Description	80/20	Evidence to be provided
HDI	An entity which is at least 51% owned by black people	20	Valid BBBEE certificate or sworn affidavit
Total points for preferential goals		20	

- Failure on the part of a bidder to submit proof or documentation required in terms of this RFQ to claim points for specific goals, will be interpreted to mean that preference points for specific goals are not claimed by the bidder.
- UW 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 UW.
- UW reserves the right to conduct negotiations with the qualifying bidder/s regarding any terms and conditions, including price(s), of a proposed contract where applicable UW reserves the right not to accept the lowest financial offer or any offer.

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PRICING SCHEDULE – FIRM PRICES

NOTE:

- a) Only firm prices will be accepted. Non-Firm prices (including prices subject to rates of exchange variations) will not be considered
- b) In cases where different delivery points influence the pricing, a separate pricing schedule must be submitted for each delivery point

Name of bidder _____	RFQ number Q24/546/NS (A)
Closing Time 15h00 p.m.	Closing date 15 July 2024

OFFER TO BE VALID FOR _____ CALENDER DAYS FROM THE CLOSING DATE OF QUOTE.

Item no.	QUANTIY	DESCRIPTION	UNIT PRICE	TOTAL
1	1	Transaction advisory fee (detail cost of service to be provided) as outlined on the scope of work above		
2				
VAT @15%				
GRAND TOTAL (price SA Rands with all applicable taxes included)				
I (full name) _____, in my capacity as _____, the duly authorized representative of _____ (business name) hereby declares that the offer is in accordance with the attached specification, notes to suppliers & accepts all conditions/clauses contained in the said documents.				
Signature of duly authorized representative			_____	DATE: _____

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AUTHORITY TO SIGN

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Description: _____

Close Corporation / Company / Partnership / Trust /Sole proprietor or Sole trader

Company Name: _____

Registration Number: _____

Resolution Of The Directors Of The Company etc. resolved that _____, in his/her capacity as _____, is authorized to make applications on behalf of the Close Corporation / Company / Partnership / Trust /Sole proprietor or sole trader for:

Any documentation relating to the business (which is not necessarily a change of ownership). The nominated person will also have access to webpage for the business. Signature(s) for Close Corporation / Company / Partnership / Trust/ Sole proprietor or sole trader.

(Sole member still must sign this resolution)

Signature of members:

Name	Signature	Date
1. _____	_____	_____
2. _____	_____	_____
3. _____	_____	_____
4. _____	_____	_____
5. _____	_____	_____
6. _____	_____	_____

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SBD 4 - BIDDER'S DISCLOSURE

1. PURPOSE OF THE FORM

Any person (natural or juristic) may make an offer or offers in terms of this invitation to bid. In line with the principles of transparency, accountability, impartiality, and ethics as enshrined in the Constitution of the Republic of South Africa and further expressed in various pieces of legislation, it is required for the bidder to make this declaration in respect of the details required hereunder.

Where a person/s are listed in the Register for Tender Defaulters and / or the List of Restricted Suppliers, that person will automatically be disqualified from the bid process.

2. Bidder's declaration

2.1 Is the bidder, or any of its directors / trustees / shareholders / members / partners or any person having a controlling interest¹ in the enterprise, employed by the state **YES/NO**

2.1.1 If so, furnish particulars of the names, individual identity numbers, and, if applicable, state employee numbers of sole proprietor/ directors / trustees / shareholders / members/ partners or any person having a controlling interest in the enterprise, in table below.

Full Name	Identity Number	Name of State institution

2.2 Do you, or any person connected with the bidder, have a relationship with any person who is employed by the procuring institution? **YES/NO**

2.2.1 If so, furnish particulars:

2.3 Does the bidder or any of its directors / trustees / shareholders / members / partners or any

¹ the power, by one person or a group of persons holding the majority of the equity of an enterprise, alternatively, the person/s having the deciding vote or power to influence or to direct the course and decisions of the enterprise.

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person having a controlling interest in the enterprise have any interest in any other related enterprise whether or not they are bidding for this contract? **YES/NO**

2.3.1 If so, furnish particulars:

3 DECLARATION

I, the undersigned, (name)_____ in submitting the accompanying bid, do hereby make the following statements that I certify to be true and complete in every respect:

- 3.1 I have read and I understand the contents of this disclosure;
- 3.2 I understand that the accompanying bid will be disqualified if this disclosure is found not to be true and complete in every respect;
- 3.3 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 consortium² will not be construed as collusive bidding.
- 3.4 In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications, prices, including methods, factors or formulas used to calculate prices, market allocation, the intention or decision to submit or not to submit the bid, bidding with the intention not to win the bid and conditions or delivery particulars of the products or services to which this bid invitation relates.
- 3.5 The terms of the accompanying bid have not been, and will not be, disclosed by the bidder, directly or indirectly, to any competitor, prior to the date and time of the official bid opening or of the awarding of the contract.
- 3.6 There have been no consultations, communications, agreements or arrangements made by the bidder with any official of the procuring institution in relation to this procurement process prior to and during the bidding process except to provide clarification on the bid submitted where so required by the institution; and the bidder was not involved in the drafting of the specifications or terms of reference for this bid.
- 3.7 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

² 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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terms of the Prevention and Combating of Corrupt Activities Act No 12 of 2004 or any other applicable legislation.

I CERTIFY THAT THE INFORMATION FURNISHED IN PARAGRAPHS 1, 2 and 3 ABOVE IS CORRECT.

I ACCEPT THAT THE STATE MAY REJECT THE BID OR ACT AGAINST ME IN TERMS OF PARAGRAPH 6 OF PFMA SCM INSTRUCTION 03 OF 2021/22 ON PREVENTING AND COMBATING ABUSE IN THE SUPPLY CHAIN MANAGEMENT SYSTEM SHOULD THIS DECLARATION PROVE TO BE FALSE.

Signature

Date

Position

Name of bidder

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PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL PROCUREMENT REGULATIONS 2022 (SBD 6.1)

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

NB: BEFORE COMPLETING THIS FORM, TENDERERS MUST STUDY THE GENERAL CONDITIONS, DEFINITIONS AND DIRECTIVES APPLICABLE IN RESPECT OF THE TENDER AND PREFERENTIAL PROCUREMENT REGULATIONS, 2022

1. GENERAL CONDITIONS

1.1 The following preference point systems are applicable to invitations to tender:

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 **To be completed by the organ of state**

The applicable preference point system for this tender is the **80/20** preference point system.

1.3 Points for this tender (even in the case of a tender for income-generating contracts) shall be awarded for:

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

1.4 **To be completed by the organ of state:**

The maximum points for this tender are allocated as follows:

	POINTS
PRICE	80
SPECIFIC GOALS	20
TOTAL POINTS FOR PRICE AND SPECIFIC GOALS	100

1.5 Failure on the part of a tenderer to submit proof or documentation required in terms of this tender to claim points for specific goals with the tender, will be interpreted to mean that preference points for specific goals are not claimed.

1.6 The organ of state reserves the right to require of a tenderer, either before a tender is adjudicated or at any time subsequently, to substantiate any claim in regard to preferences, in any manner required by the organ of state

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2. DEFINITIONS

- (a) **“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;
- (b) **“price”** means an amount of money tendered for goods or services, and includes all applicable taxes less all unconditional discounts;
- (c) **“rand value”** means the total estimated value of a contract in Rand, calculated at the time of bid invitation, and includes all applicable taxes;
- (d) **“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
- (e) **“the Act”** means the Preferential Procurement Policy Framework Act, 2000 (Act No. 5 of 2000).

3. FORMULAE FOR PROCUREMENT OF GOODS AND SERVICES

3.1. POINTS AWARDED FOR PRICE

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

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

80/20	or	90/10
$Ps = 80 \left(1 - \frac{Pt - P_{min}}{P_{min}} \right)$	or	$Ps = 90 \left(1 - \frac{Pt - P_{min}}{P_{min}} \right)$

Where

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

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

3.2.1. POINTS AWARDED FOR PRICE

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

80/20	or	90/10
$Ps = 80 \left(1 + \frac{Pt - P_{max}}{P_{max}} \right)$	or	$Ps = 90 \left(1 + \frac{Pt - P_{max}}{P_{max}} \right)$

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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4. 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.)

The specific goals allocated points in terms of this tender	Number of points allocated (80/20 system) (To be completed by the organ of state)	Number of points claimed (80/20 system) (To be completed by the tenderer)
An entity which is at least 51% owned by black people	20	

DECLARATION WITH REGARD TO COMPANY/FIRM

4.3. Name of company/firm _____

4.4. Company registration number:

TYPE OF COMPANY/ FIRM [TICK APPLICABLE BOX]

- ☐ Partnership/Joint Venture / Consortium
- ☐ One-person business/sole propriety
- ☐ Close corporation

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- ☐ Public Company
- ☐ Personal Liability Company
- ☐ (Pty) Limited
- ☐ Non-Profit Company
- ☐ State Owned Company

- 4.5. I, the undersigned, who is duly authorised to do so on behalf of the company/firm, certify that the points claimed, based on the specific goals as advised in the tender, qualifies the company/firm for the preference(s) shown and I acknowledge that:
- i) The information furnished is true and correct;
 - ii) The preference points claimed are in accordance with the General Conditions as indicated in paragraph 1 of this form;
 - iii) In the event of a contract being awarded as a result of points claimed as shown in paragraphs 1.4 and 4.2, the contractor may be required to furnish documentary proof to the satisfaction of the organ of state that the claims are correct;
 - iv) If the specific goals have been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the organ of state may, in addition to any other remedy it may have –
 - (a) disqualify the person from the tendering process;
 - (b) recover costs, losses or damages it has incurred or suffered as a result of that person's conduct;
 - (c) cancel the contract and claim any damages which it has suffered as a result of having to make less favourable arrangements due to such cancellation;
 - (d) recommend that the tenderer or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, be restricted from obtaining business from any organ of state for a period not exceeding 10 years, after the *audi alteram partem* (hear the other side) rule has been applied; and
 - (e) forward the matter for criminal prosecution, if deemed necessary.

SIGNATURE(S) OF TENDERER(S)	_____
SURNAME AND NAME:	_____
DATE:	_____
ADDRESS:	_____

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SBD 7.2 CONTRACT FORM - RENDERING OF SERVICES

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

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

1. I hereby undertake to render services described in the attached bidding documents to uMngeni-Uthukela Water in accordance with the requirements and task directives / proposals specifications stipulated in above mentioned RFQ Number at the price/s quoted. My offer/s remain binding upon me and open for acceptance by the Purchaser during the validity period indicated and calculated from the closing date of the bid.
2. The following documents shall be deemed to form and be read and construed as part of this agreement:
 - (i) Bidding documents, viz
 - Invitation to bid;
 - Proof of tax compliance status;
 - Pricing schedule(s);
 - Filled in task directive/proposal;
 - Preference claim form for Preferential Procurement in terms of the Preferential Procurement Regulations;
 - Bidder's Disclosure form;
 - Special Conditions of Contract;
 - (ii) General Conditions of Contract; and
 - (iii) Other (specify)
3. I confirm that I have satisfied myself as to the correctness and validity of my bid; that the price(s) and rate(s) quoted cover all the services specified in the bidding documents; that the price(s) and rate(s) cover all my obligations and I accept that any mistakes regarding price(s) and rate(s) and calculations will be at my own risk.
4. I accept full responsibility for the proper execution and fulfilment of all obligations and conditions devolving on me under this agreement as the principal liable for the due fulfillment of this contract.
5. I declare that I have no participation in any collusive practices with any bidder or any other person regarding this or any other bid.
6. I confirm that I am duly authorised to sign this contract.

NAME (PRINT) _____

CAPACITY _____

SIGNATURE _____

NAME OF TENDERER _____

DATE _____

WITNESSES

1. _____

2. _____

DATE: _____

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CONTRACT FORM - RENDERING OF SERVICES (SBD 7.2)

PART 2 (TO BE FILLED IN BY THE PURCHASER)

- I _____ in my capacity as _____ accept your quotation under reference number _____ dated _____ for the rendering of services indicated hereunder and/or further specified in the annexure(s).
- An official order indicating service delivery instructions is forthcoming.
- 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)	
CONTRACT TERM / COMPLETION DATE	
TOTAL PREFERENCE POINTS CLAIMED	
POINTS CLAIMED FOR SPECIFIC GOAL 1- AN ENTITY WHICH IS AT LEAST 51% OWNED BY BLACK PEOPLE	

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

SIGNED AT _____

ON: _____

NAME (PRINT): _____

SIGNATURE: _____

OFFICIAL STAMP

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WITNESSES

1. _____

2. _____

DATE: _____