



QUOTATION NO: SMQ09/23/24

SUPPLY AND DELIVERY OF CONCRETE MIXER

PROCUREMENT DOCUMENT

NAME OF BIDDER:	
TOTAL PRICE (VAT INCL.)	
DELIVERY PERIOD	
B-BBEE LEVEL	

PREPARED AND ISSUED BY:

Directorate: Finance: Supply
Chain Management
Swellendam Municipality
PO Box 20 / 11 Lind Street
Swellendam
6740

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SWELLENDAM MUNICIPALITY



QUOTATION NOTICE

QUOTATION NO: SMQ09/23/24

SUPPLY AND DELIVERY OF CONCRETE MIXER

Official quotation documents and specifications are obtainable from Mr. J. Scholtz (Supply Chain Management Unit, 11 Lind Street, Swellendam) on tel: [028-5148500](tel:028-5148500) or email scm@swellendam.gov.za from **17 August 2023**.

Any technical enquiries can be made to Mr B. Burger at tel. no. 028-5148500 or e-mail: bburger@swellendam.gov.za

Quotations must be submitted in a sealed envelope and must be clearly marked with the respective number and description. Quotations must be placed in the Municipal Quotation Box before **11h00 on 25 August 2023**, situated at the **Supply Chain Management Offices**, 11 Lind Street, Swellendam. Quotations may only be submitted on the prescribed documents and must include a valid Tax Compliance Status **PIN** as issued by **SARS**.

Late quotations and quotations received by E-Mail or Facsimile will not be considered. Quotations will be evaluated and adjudicated in accordance with the Swellendam Municipality's Preferential Procurement Policy and its Supply Chain Management Policy. The **80/20**-point system will be applicable. The Council does not bind itself to accept the lowest or any quotation and reserves the right to accept a quotation in full or a part thereof.

Special Conditions of Tender:

- Bidders are required to provide brochure of the product which the offer was sent to.

Please Note:

- Quotation / Quotation box is open 24/7. Standard size of opening is: 10cm high and 33cm wide;
- All Technical inquiries **MUST** be in writing to the responsible official on this advert;
- No inquiries will be handled on the last **Two** (2) days before closing.

Bids shall remain valid for a sixty (60) day period calculated from the bid closing date.

A VORSTER
MUNICIPAL MANAGER
P.O. BOX 20
SWELLENDAM, 6740
Notice No.T72 /2023

1. MBD 1: INVITATION TO BID

YOU ARE HEREBY INVITED TO BID FOR THE SUPPLY AND DELIVERY OF CONCRETE MIXER

QUOTE NUMBER:	SMQ09/23/24	CLOSING DATE:	25 AUGUST 2023	CLOSING TIME:	11:00	CIDB GRADING REQUIRED:	N/A
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COMPULSORY SESSION DETAILS	DATE:	N/A
	TIME:	N/A
	ADDRESS:	N/A
BID RESPONSE DOCUMENT MAY BE DEPOSITED IN BID BOX @:	ADDRESS:	SUPPLY CHAIN MANAGEMENT OFFICE 11 LIND STREET SWELLENDAM 6740
	VALIDATION PERIOD:	60 DAYS

THE SUCCESSFUL BIDDER WILL BE REQUIRED TO SIGN A WRITTEN CONTRACT FORM (MBD7).

SUPPLIER INFORMATION:		
LEGAL NAME OF ORGANISATION		
TRADE NAME (if different from legal name)		
POSTAL ADDRESS		
STREET ADDRESS		
NAME OF CONTACT PERSON		
TELEPHONE NUMBER	CELL NUMBER	
E-MAIL ADDRESS		
COMPANY REGISTRATION NUMBER		
SWELLENDAM MUNICIPALITY SUPPLIER DATABASE REGISTRATION NUMBER		
TAX CLEARANCE STATUS PIN		
TAX CLEARANCE EXPIRY DATE		
INCOME TAX NUMBER		
VAT REGISTRATION NUMBER		
ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES /WORKS OFFERED? If YES, enclose proof	Y	N
ARE YOU A FOREIGN-BASED SUPPLIER FOR THE GOODS /SERVICES /WORKS OFFERED? If YES, answer part B.3	Y	N

BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO THE SUPPLY CHAIN MANAGEMENT UNIT			
CONTACT PERSON:	Mr. J Scholtz	TELEPHONE NUMBER	028-514 8500
		E-MAIL ADDRESS	scm@swellendam.gov.za
TECHNICAL INFORMATION REGARDING THIS QUOTATION MAY BE OBTAINED FROM:			
CONTACT PERSON:	Mr. B. Burger	TELEPHONE NUMBER	028-514 8500
		E-MAIL ADDRESS	bburger@swellendam.gov.za

2. MBD 1: 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)		
1.3. This bid is subject to the Preferential Procurement Policy Framework Act and the Preferential Procurement Regulations, 2022, the National Treasury General Conditions of Contract (GCC) (2010) 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)?	Y	N
3.2. Does the entity have a branch in the RSA?	Y	N
3.3. Does the entity have a permanent establishment in the RSA?	Y	N
3.4. Does the entity have any source of income in the RSA?	Y	N
3.5. Is the entity liable in the RSA for any form of taxation?	Y	N
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.		
4. SUPPLIER DATABASE OF THE SWELLENDAM MUNICIPALITY:		
4.1. Are you registered as a supplier/services provider on the Supplier Database of the Swellendam Municipality?	Y	N
4.2. If so, please provide your Supplier Database Registration number with the Swellendam Municipality		
4.3. If not, please note that you will be required to be registered on the Supplier Database of the Swellendam Municipality and the Central Supplier Database before any award can be made to you. Please request registration form from theodore@swellendam.gov.za or scm@swellendam.gov.za to register on municipality's database. Register online on Central Supplier Database @ www.csd.gov.za		

CAPACITY UNDER WHICH THIS BID IS SIGNED:	
NAME OF PERSON DULY AUTHORISED TO SIGN THIS OFFER	
SIGNATURE	
DATE	

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.

3. MBD 4: DECLARATION OF INTEREST

1. No bid will be accepted from persons in the service of the state¹.
2. Any person, having a kinship with persons in the service of the state, including a blood relationship, may make an offer or offers in terms of this invitation to bid. In view of possible allegations of favouritism, should the resulting bid, or part thereof, be awarded to persons connected with or related to persons in service of the state, it is required that the bidder or their authorised representative declare their position concerning the evaluating/adjudicating authority and/or take an oath declaring his/her interest.
3. To give effect to the above, the following questionnaire must be completed and submitted with the bid:

3.1.	FULL NAME OF BIDDER OR HIS OR HER REPRESENTATIVE												
3.2.	IDENTITY NUMBER												
3.3.	POSITION OCCUPIED IN THE COMPANY (DIRECTOR, SHAREHOLDER ² ETC.)												
3.4.	COMPANY REGISTRATION NUMBER												
3.5.	TAX REFERENCE NUMBER												
3.6.	VAT REGISTRATION NUMBER												
3.7.	Are you presently in the service of the state?											Y	N
3.7.1.	If so, furnish particulars:												
3.8.	Have you been in the service of the state for the past twelve months?											Y	N
3.8.1.	If so, furnish particulars:												
3.9.	Do you have any relationship (family, friend, other) with persons in the service of the state and who may be involved with the evaluation and or adjudication of this bid?											Y	N
3.9.1.	If so, furnish particulars:												
3.10.	Are you aware of any relationship (family, friend, other) between a bidder and any persons in the service of the state who may be involved with the evaluation and or adjudication of this bid?											Y	N
3.10.1.	If so, furnish particulars:												
3.11.	Are any of the company's directors, managers, principle shareholders or stakeholders in the service of the state?											Y	N
3.11.1.	If so, furnish particulars:												

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

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

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

3.12.	Is any spouse, child or parent of the company's directors, managers, principal shareholders or stakeholders in the service of the state?		Y	N
3.12.1.	If so, furnish particulars:			
3.13.	Do you or any of the directors, trustees, managers, principal shareholders, or stakeholders of this company have any interest in any other related companies or business whether or not they are bidding for this contract?		Y	N
3.13.1.	If so, furnish particulars:			
3.14.	Please provide the following information on ALL directors / shareholders / trustees /members below:			
	FULL NAME AND SURNAME	IDENTITY NUMBER	PERSONAL INCOME TAX NUMBER	Provide employee State³ number (Only to be completed if in the service of the State)
NB: - PLEASE ATTACH CERTIFIED COPY(IES) OF ID DOCUMENT(S) - PLEASE PROVIDE PERSONAL INCOME TAX NUMBERS FOR ALL DIRECTORS / SHAREHOLDERS /TRUSTEES / MEMBERS, ETC.				

4. **DECLARATION**

I, the undersigned _____ (insert name),
certify that the information furnished in paragraph 3 above is correct.

I accept that the state may act against me should this declaration prove to be false.

SIGNATURE		DATE	
NAME OF SIGNATORY			
POSITION			
NAME OF COMPANY			

4. MBD 6.1: PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL PROCUREMENT REGULATIONS

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).

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

1.2 **Points for this tender shall be awarded for:**

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

1.3 **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

1.4 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.

1.5 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.

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

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)	Number of points claimed (80/20 system) (To be completed by the tenderer)
BBBEE Level 1	10	
BBBEE Level 2	9	
BBBEE Level 3	7	
BBBEE Level 4	6	
BBBEE Level 5	4	
BBBEE Level 6	3	
BBBEE Level 7	2	
BBBEE Level 8	1	
Non-compliant contributor	0	

Local area of supplier	Number of Points for Preference	Number of points claimed (80/20 system) (To be completed by the tenderer)
	80/20	
Within the boundaries of the Swellendam municipality	10	
Within the boundaries of the Overberg District	4	
Within the boundaries of the Western Cape	2	
Outside of the boundaries of the Western Cape	0	

5. DECLARATION WITH REGARD TO COMPANY/FIRM

5.1. Name of company/firm.....

5.2. Company registration number:

5.3. TYPE OF COMPANY/ FIRM

- ☐ Partnership/Joint Venture / Consortium
 - ☐ One-person business/sole propriety
 - ☐ Close corporation
 - ☐ Public Company
 - ☐ Personal Liability Company
 - ☐ (Pty) Limited
 - ☐ Non-Profit Company
 - ☐ State Owned Company
- [TICK APPLICABLE BOX]

5.4. 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:		NAME (PRINT):	
CAPACITY:		DATE:	
NAME OF FIRM:			

5. MBD 8: 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:
 - 3.1. abused the municipality's / municipal entity's supply chain management system or committed any improper conduct in relation to such system;
 - 3.2. been convicted for fraud or corruption during the past five years;
 - 3.3. wilfully neglected, reneged on or failed to comply with any government, municipal or other public sector contracts during the past five years; or
 - 3.4. been listed in the Register for Quotation 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.

4.1	Is the bidder or any of its directors listed on the National Treasury's database as a company or person prohibited from doing business with the public sector? <i>(Companies or persons who are listed on this database were informed in writing of this restriction by the National Treasury after the audi alteram partem rule was applied).</i>	Y	N
4.1.1	If so, furnish particulars:		
4.2	Is the bidder or any of its directors listed on the Register for Quotation Defaulters in terms of section 29 of the Prevention and Combating of Corrupt Activities Act (No 12 of 2004)? <i>(To access this Register enter the National Treasury's website, www.treasury.gov.za, click on the icon "Register for Quotation Defaulters" or submit your written request for a hard copy of the Register to facsimile number (012) 3265445).</i>	Y	N
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?	Y	N
4.3.1	If so, furnish particulars:		
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?	Y	N
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?	Y	N
4.5.1	If so, furnish particulars:		

CERTIFICATION

I, the undersigned (full name), _____, certify that the information furnished on this declaration form true and correct.

I accept that, in addition to the cancellation of a contract, action may be taken against me should this declaration prove to be false.

SIGNATURE:		NAME (PRINT):	
CAPACITY:		DATE:	
NAME OF FIRM:			

6. MBD 9 - CERTIFICATE OF INDEPENDENT BID DETERMINATION

1. This Municipal Bidding Document (MBD) must form part of all bids⁵ 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). ⁶ Collusive bidding is a *per 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:
 - 3.1. take all reasonable steps to prevent such abuse;
 - 3.2. 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
 - 3.3. 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:

CERTIFICATE OF INDEPENDENT BID DETERMINATION:

In response to the invitation for the bid made by:

SWELLENDAM MUNICIPALITY

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

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:
 - 5.1. has been requested to submit a bid in response to this bid invitation;
 - 5.2. could potentially submit a bid in response to this bid invitation, based on their qualifications, abilities or experience; and
 - 5.3. 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 consortium ⁷ 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:
 - 7.1. prices;
 - 7.2. the geographical area where product or service will be rendered (market allocation)
 - 7.3. methods, factors or formulas used to calculate prices;
 - 7.4. the intention or decision to submit or not to submit, a bid;
 - 7.5. the submission of a bid that does not meet the specifications and conditions of the bid; or
 - 7.6. bidding with the intention not to win the bid.
8. In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications and conditions or delivery particulars of the products or services to which this bid invitation relates.
9. The terms of the accompanying bid have not been, and will not be, disclosed by the bidder, directly or indirectly, to any competitor, before 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		NAME (PRINT)	
CAPACITY		DATE	
NAME OF FIRM			

⁵ Includes price quotations, advertised competitive bids, limited bids and proposals.

⁶ Bid rigging (or collusive bidding) occurs when businesses, that would otherwise be expected to compete, secretly conspire to raise prices or lower the quality of goods and/or services for purchasers who wish to acquire goods and/or services through a bidding process. Bid rigging is, therefore, an agreement between competitors not to compete.

⁷ 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.

7. SECTION 37(2) OF THE OCCUPATIONAL HEALTH AND SAFETY ACT, NO 85 OF 1993

1. INTRODUCTION

In terms of section 16(1) of the Occupational Health and Safety Act, 1993 (Act 85 of 1993) the Chief Executive Officer is responsible as far as is reasonably practicable to ensure that the duties of his employer as contemplated in the Act are properly discharged. This responsibility is also, in terms of section 37(2) of the Act, extended to include a mandatary that performs work on behalf of the employer on his/her premises.

A "mandatary" is defined in the said Act as - *"Including an agent, contractor or subcontractor for work, but without derogating from his status in his own right as an employer or user"*

In terms of Section 37(2), read with section 41, of the said Act, it is legally possible for an employer to indemnify himself from this responsibility or liability regarding the actions of the mandatary. Section 37(2) stipulates that there should be a written agreement in place between the employer and the mandatary regarding the arrangements and procedures between them to ensure compliance by the mandatary with the provisions of the Occupational Health and Safety Act, 1993.

By ensuring that there is a written agreement in place, the management of Swellendam Municipality is acting responsibly, so as to ensure that this requirement is indeed being met.

In order to ensure that this written agreement is honoured at all times, regular inspections of work that is in the process of being executed will be conducted and if found not to comply with the said agreement, a notice of non-compliance will be issued. All work will be stopped, reasons for non-compliance must be given including the corrective action that will be taken to rectify the situation must be stipulated.

COMPENSATION FOR OCCUPATIONAL INJURIES AND DISEASES ACT, 1993 (ACT 130 OF 1993)

Swellendam Municipality has a legal duty in terms of Section 89 of the said Act to ensure that all contractors with whom agreements are entered into for the execution of work are registered as employers in accordance with the provisions of this Act and that all the necessary assessments have been paid by the contractor.

In order to enter into this agreement, the following information is needed regarding the above-mentioned:

Contractor's registration number with the office of the Compensation Commissioner:

NOTE: A copy of the latest receipt together with a copy of the relevant assessment OR a copy of a valid Letter of Good Standing to be handed in, in this regard.

WRITTEN AGREEMENT

This is a written agreement between

SWELLENDAM MUNICIPALITY

And

(Name of the MANDATARY)

In terms of Section 37(2) of the Occupational Health and Safety Act, 1993 (Act 85 of 1993) as amended.

I, _____
representing the MANDATARY do hereby acknowledge that _____

(*mandatary*) is an employer in its own right with duties as prescribed in the Occupational Health and Safety Act, 1993 (Act 85 of 1993) as amended and agree to ensure that all work that will be performed, any article or substance that will be produced, processed, used, handled, stored or transported and plant and machinery that will be used, will be done in accordance with the provisions of the said Act.

I furthermore agree to comply with the Health and Safety requirements and to liaise with the Municipality should I, for whatever reason, be unable to perform in terms of this Agreement.

SIGNED ON BEHALF OF MANDATORY:			
DATE:		PLACE:	
PRINT NAME:			
CAPACITY:			
SIGNATURE:			

8. INDEMNITY

Given by (name of company) _____

of (registered address of company) _____

a company with limited liability registration number _____

registered in terms of Laws of the Republic of South Africa (hereinafter the contractor), represented by
(name of representative) _____

in his capacity as (designation) _____

of the contractor, and duly authorised by a resolution dated _____/20____.

WHEREAS the contractor entered into a contract with the municipality dated _____/20____.

AND WHEREAS the Municipality requires an indemnity from the contractor.

NOW THEREFORE the contractor hereby indemnifies and holds harmless the Municipality in respect of all loss and/or damage that may be incurred or sustained by the contractor by reason of or in any way arising out of or caused by operations that may be carried out by the contractor in connection with the aforementioned contract; and also in respect of all claims that may be instituted against the Municipality in consequence of such operations, by reason of or in any way arising out of any accidents or damage to life or property or any other cause whatsoever including all legal fees and costs that may be incurred by the Municipality in examining, resisting or settling any such claims.

SIGNATURE OF CONTRACTOR:	
DATE:	

SIGNATURE OF WITNESS 1:	
DATE:	

9. RESPONSIVENESS AND EVALUATION CRITERIA

1. GENERAL

- 1.1 All bids must be submitted in **handwriting and in non-erasable (black or blue) ink** on the official forms supplied by the municipality.
 - 1.1.1 Under no circumstances, whatsoever may the bid forms be retyped or redrafted.
- 1.2 Subject to the provisions of clause 1.3 of this document, no alterations/corrections to the information in the document (including pricing) may be performed by erasing or using masking fluid/tape (Tipp-Ex or similar) on any submitted page or by pasting another page over it with glue.
- 1.3 Notwithstanding the provisions of clause 1.2 of this document, alterations and/or corrections may only be affected as follows:
 - 1.3.1 By striking a straight line in black ink through the incorrect information in such a manner that the information that has been struck through remains legible; writing, the altered or corrected information as appropriate (under, above or next to the information to be corrected), and initialling in the margin next to each and every alteration or correction.
- 1.4 Bids submitted must be complete in all respects.
 - 1.4.1 The bidder is advised to check the number of pages and to satisfy himself that none are missing or duplicated.
- 1.5 All bid prices will be final and binding.
- 1.6 A bid will not be invalidated if the amount in words and the amount in figures do not correspond, in which case the amount in words shall be read out at the bid opening and shall be deemed to be the bid amount; therefore, where there is a discrepancy between the amount in figures and the amount in words, the amount in words shall apply
- 1.7 Sealed bids, with the "Bid Number and Title" clearly endorsed on the envelope, must be deposited in the relevant bid box as indicated in the notice of the bid, on or before the closing date and time of the bid.
 - 1.7.1 Any bid received without the "Bid Number and/or Title" clearly endorsed on the envelope will not be opened and read out during the bid opening session and will not be considered
- 1.8 The bid box is at the Supply Chain Management Unit, 11 Lind Street, Swellendam.
- 1.9 A specific bid box is provided for each bid to be deposited into and no bid will be considered which, after the closing date and time for that specific bid, is found in another box.
- 1.10 The bid box deposit slot is 50cm x 10cm.
- 1.11 Mailed, telegraphic or faxed bids will not be accepted.
- 1.12 Any bid received after the appointed time for the closing of bids shall not be considered but shall be filed unopened with the other bids received, which bid(s) can be returned to the bidder at his request and cost.

2. EVALUATION AND ADJUDICATION CRITERIA:

- 2.1 Stage 1: Responsiveness: Compliance with conditions and special conditions, legislative and legal requirements, and minimum specifications (including local content if relevant)
- 2.2 Stage 2: Price and Preference scoring, as per PPPFA regulation:
 - 2.2.1. In terms the Preferential Procurement Policy pertaining to the Preferential Procurement Policy Framework Act, 2000 (Act 5 of 2000), responsive bids will be adjudicated by the State on the 80/20 preference point for Broad-Based Black Economic Empowerment in terms of which points are awarded to bidders on the basis of:
 - Price; and (maximum 80 points)
 - Specific Goals. (maximum 20 points)
- 2.3 Stage 3: Objective criteria:

The objective criteria for this tender are the following:

 - a) Delivery period/lead time;
 - b) Practicality;
 - c) Abnormally low tender;
 - d) Risk considerations specifically related to the preferred bidder;
 - e) Previous performance on other contracts (organ of states) will be taken into consideration.
 - f) Reasonability of minimum order quantity.

3. REQUIREMENTS OF A VALID BID:

- 3.1 The following duly completed documents and/or information must be submitted with the submission of the bid. Failure to comply with this requirement will invalidate the bid. The bid will not be considered, and no further

correspondence will be entered into with regard to the following matters:

- 3.1.1 The quotation has not been completed in non-erasable handwritten ink,
- 3.1.2 Non-submission of a valid Tax Clearance Certificate and/or PIN,
- 3.1.3 Incomplete Pricing Schedule or Bill of Quantities,
- 3.1.4 A Form of Offer not signed in non-erasable ink,
- 3.2 Bid submissions with material alterations/corrections not in compliance with Clause 1.2 and 1.3 above will be rejected.
- 3.3 The Municipality may, after the closing date, request additional information or clarification of quotations in writing, which may include the following:
 - 3.3.1 To complete additional documents and to obtain copies of the most recent municipal account(s) from the recommended bidder(s)/owner(s)/director(s)/member(s)/shareholder(s);
 - 3.3.2 To clarify or verify pricing where the prices are unclear or an obvious mistake has been detected, e.g. a total price was given instead of a unit price or vice versa;
 - 3.3.3 To obtain the personal income tax number(s) from the recommended bidder;
 - 3.3.4 To obtain a valid Tax Clearance Certificate and/or PIN if the certificate has expired or become inactive after the closing date of the quotation;
 - 3.3.5 To obtain a valid letter of good standing from the Workmen's Compensation Commissioner, the latest assessment and proof of payment thereof;
 - 3.3.6 To obtain a valid and original B-BBEE certificate or sworn affidavit to verify preference points claimed by a bidder where the bidder submitted only a copy of the B-BBEE certificate or sworn affidavit with the bid submission.
 - 3.3.6.1 If a bidder fails to submit a B-BBEE certificate or a sworn affidavit with the bid submission, the Municipality will not request or allow the bidder to submit it afterwards. -

4. TEST FOR RESPONSIVENESS:

- 4.1 A Bid will be considered non-responsive if:
 - 4.1.1 the bid is not in compliance with the specifications;
 - 4.1.2 the bidder has not fully completed and signed where required, all the returnable documents as listed in the bid document; and/or
 - 4.1.3 the bidder has failed to clarify or submit any supporting documentation within 3 business days of being requested to do so in writing.
- 4.2 The Municipality reserves the right to accept or reject:
 - 4.2.1 any variation, deviation, bid-offer, or alternative bid-offer; may cancel the bidding process and reject all bid offers at any time before the formation of a contract. The MUNICIPALITY shall not accept or incur any liability to a bidder for such cancellation and/or rejection, and may only provide written reasons for such action upon receipt of a written request to do so;
 - 4.2.2 a bid-offer that does not, in the Municipality's opinion, materially and/or substantially deviate from the terms, conditions and specifications of the bid document.
 - 4.2.3 the whole bid or part of a bid or any item or part of any item, or to accept more than one bid (in the event of a number of items being offered), and the Municipality is not obliged to accept the lowest or any bid.
- 4.3 The Municipality has the right to summarily disqualify any bidder who, either at the date of submission of a bid or at the date of its award, is indebted to the Municipality in respect of any municipal rates and taxes or municipal service charges for more than three months. However, an agreement signed by the bidder whereby the bidder agrees that a percentage or fixed amount at the discretion of the municipality, be deducted from payments due to him/her for this bid, until the debt is paid in full, will also be accepted by the Municipality.

5. INCORRECT INFORMATION

- 5.1 Where a contract has been awarded on the strength of the information furnished by the bidder which after the conclusion of the relevant agreement, is proven to have been incorrect, the municipality may, in addition to any other legal remedy it has or may

have, recover from the contractor all costs, losses or damages incurred or sustained by the municipality as a result of the award of the contract.

6. WITHDRAWAL OF BID DURING AND AFTER THE SCM PROCESS:

- 6.1 When a bidder withdraws his/her bid during the SCM bidding process, it must be in writing, before the award of the bid, of which Swellendam holds the right to accept or reject with or without a claim for any damages.
- 6.2 When a bidder withdraws or cancels the contract after award of the bid to the particular winner of the bid, the awarded bidder will be held responsible for any damages or administrative expenses incurred before the award of the bid.

7. PRECEDENCE OF TERMS AND CONDITIONS

- 7.1 Precedence of terms and conditions in documentation during the bidding process and after award, resulting in a formal agreement:
 - 7.1.1 The following legislative and legal precedence will apply to

documentation during the bidding process subsequent to the award of a bid to a bidder:

- (a) Municipal Financial Management Act 56 of 2003
- (b) Municipal Supply Chain Management Regulations
- (c) Supply Chain Management policy
- (d) Specifications of the bid document
- (e) Special Conditions of Contract – if any
- (f) General Conditions of Contract
- (g) Service Level Agreements/ Service Delivery Agreements –if any
- (h) Memorandum of Understanding/ Memorandum of Agreements – if any

- 7.2 The documents mentioned in paragraphs (b), (c) and (f) can be found on the following website:

<https://www.Swellendam.gov.za/en/documents/supply-chain-management/contract-documents>

10. TERMS OF REFERENCE

1. SCOPE

The Supply and Delivery of a Concrete Mixer to Swellendam Municipality

2. SPECIAL CONDITIONS OF BID

Bidders are required to provide the brochure of the product for which the financial offer was submitted

3. SPECIFICATIONS OF CONCRETE MIXER:

Drum capacity:	≥ 355 l
Dry mix:	≥ 280 l
Drum speed:	≥ 27 rpm
Output:	≥ 3,5 m³/h
Mix cycle:	≤ 3 min.
Length:	≥ 2,000 mm
Width:	≥ 1,000 mm
Height:	≥ 1,500 mm
Weight:	≤ 275 kg
Transmission:	V – belt
Chassis:	Channel iron and folded metal (painted)
Wheels:	Pneumatic (155 x 13)
Engine:	≥ 5,5 hp
Fuel:	Petrol
Welded engine canopy	
Retractable drawbar	
Grease points (min 4)	
Foot pedal control	

4. SPECIAL CONDITIONS OF CONTRACT:

- Licensing and Number plate registration for Swellendam

SIGNATURE		NAME(PRINT)	
CAPACITY		DATE	
NAME OF ITEM			

11. PRICING SCHEDULE

NOTE:

1. Only firm prices will be accepted. Non-firm prices will not be
2. The Bidder **MUST** indicate whether he/she/the entity is a registered VAT Vendor or not.
 - a) In the case of the Bidder not being a registered VAT Vendor, both columns (amount/rate excluding AND including VAT) must reflect the same amount.

	INDICATE WITH AN 'X'									
Are you/is the firm a registered VAT Vendor	Y					N				
If "YES", please provide VAT number										

I / We _____

(full name of Bidder) the undersigned in my capacity as _____

of the firm _____

hereby offer to Swellendam Municipality to render the services as described, in accordance with the specification and conditions of contract to the entire satisfaction of the Swellendam Municipality and subject to the conditions of quotation, for the amounts indicated hereunder:

NO	DESCRIPTION	UNIT	QTY	TOTAL PRICE (INCL. VAT)
1	Concrete mixer tilting backwards	sum	1	
2	Licence and Number plate registration	sum	1	
3	Delivery	sum	1	
	Sub-Total			
	VAT @ 15			
	Total (Incl. VAT)			
	Brand Name			
	Delivery Period in days			

12 MBD 7.1: CONTRACT FORM – PURCHASE OF GOODS/WORKS

NOTE:

1. THIS FORM MUST BE FILLED IN DUPLICATE BY BOTH THE SUCCESSFUL BIDDER (PART 1) AND THE PURCHASER (PART 2).
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 COMPLETED BY THE TENDERER)

1. I hereby undertake to supply all or any of the goods and/or works described in the attached bidding documents to **Swellendam Municipality**, in accordance with the requirements and specifications stipulated in Bid Number **SMQ09/23/24** at the prices quoted. My offer(s) remain(s) 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;
 - Tax clearance certificate;
 - Pricing schedule(s);
 - Technical Specification(s);
 - Preference points claims for Broad Based Black Economic Empowerment Status Level of Contribution in terms of the Preferential Procurement Policy;
 - 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.

SIGNATURE		NAME (PRINT)	
CAPACITY		DATE	
NAME OF FIRM			
WITNESS 1:		WITNESS 2:	
DATE:			

1. I,
in my capacity as
accept your bid under reference number **SMQ09-23/24** dated,
for the supply of goods/works indicated hereunder and/or further specified in the
annexure(s).
2. An official order indicating delivery instructions is forthcoming..
3. I undertake to make payment for the services rendered in accordance with the terms
and conditions of the contract, within 30 (thirty) days after receipt of an invoice.
4. I confirm that I am duly authorised to sign this contract.

SIGNED AT _____ ON THIS _____ DAY OF _____ 20_____.

TO BE COMPLETED BY THE SWELLENDAM MUNICIPALITY	
NAME (PRINT):	
SIGNATURE:	
WITNESS 1:	

12. SCHEDULE OF WORK EXPERIENCE OF THE BIDDER

	Employer (Name, Tel, Fax, Email)		Nature of work	Value of work (Incl. VAT)
1.	Name of entity			
	Contact Person			
	Tel			
	Fax			
	Email			
2.	Name of entity			
	Contact Person			
	Tel			
	Fax			
	Email			
3.	Name of entity			
	Contact Person			
	Tel			
	Fax			
	Email			
4.	Name of entity			
	Contact Person			
	Tel			
	Fax			
	Email			

Attach more pages if necessary.

SIGNATURE		NAME (PRINT)	
CAPACITY		NAME OF FIRM	

13. DECLARATION

1	I / We acknowledge that I / we am / are fully acquainted with the contents of the conditions of quotation of this quotation document.
2	I / We declare that I / we have read, understand and accept the following documents as published on the Swellendam Municipality's Website, to form part of this agreement if and when concluded and that I / we accept the conditions in all respects:
2.1	Invitation to bid (advertisement)
2.2	Standard Conditions of Quotation – CIDB – only applicable to construction related bids
2.3	National Treasury General Conditions of Contract (2010)
3	I / We agree that the laws of the Republic of South Africa shall be applicable to the contract resulting from the acceptance of my / our quotation and that I / we elect <i>domicillium citandi et executandi</i> (physical address at which legal proceedings may be instituted) in the Republic at:
4	I / We accept full responsibility for the proper execution and fulfilment of all obligations and conditions devolving in me / us under this agreement as the principal liable for the due fulfilment of this contract.
5	I / We furthermore confirm I / we satisfied myself / ourselves as to the corrections and validity of my / our quotation; that the price quoted cover all the work / items specified in the quotation documents and that the price(s) cover all my / our obligations under a resulting contract and that I / we accept that any mistake(s) regarding price and calculations will be at my / our risk.
6	I / We furthermore confirm that my / our offer remains binding upon me / us and open for acceptance by the Purchases / Employer during the validity period indicated and calculated from the closing date of the bid.

SIGNATURE		NAME (PRINT)	
CAPACITY		DATE	
NAME OF FIRM			
WITNESS 1			