



**WINNIE MADIKIZELA- MANDELA LOCAL MUNICIPALITY**

**TENDER DOCUMENT**

**FOR**

**APPOINTMENT OF SERVICES PROVIDER FOR THE DEVELOPMENT OF  
KUBHA/MAGUSHENI LOCAL SPATIAL DEVELOPMENT FRAMEWORK (LSDF)**

**CONTRACT NO: WMM LM 24/08/22 K/M LSDF**

**14 April 2023**

ISSUED BY:

Issued and Prepared by:

Winnie Madikizela-Madikizela Local Municipality

Development Planning Department

51 Main Street

Bizana

4800

Municipal Manager: Mr. L. Mahlaka

Contact Person: Mrs. Ndzelu

Tel: 039 251 0230

**NAME OF TENDERER:** \_\_\_\_\_

**AMOUNT:** \_\_\_\_\_

## Letter of Consent

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The Municipal Manager

Winnie Madikizela-Mandela Local Municipality

P.O. Box 12

Bizana

4800

Sir/Madam

### **Granting of authority to request information from any legal entity relevant to this Bid**

I/we acknowledge that the information herein contained shall constitute the basis on which my/our Bid is to be considered. I/we grant approval that any source regarding this Bid may be fully investigated and that all such information shall be of material value to Winnie Madikizela-Mandela Local Municipality and directly relevant to the consideration of my/our Bid.

I/we \_\_\_\_\_ grant my/our consent to such source to provide confidential information.

I/we warrant that all the information herein contained is to the best of my/our knowledge and belief true and correct in all material respects and I/we am /are not aware of any information which, should it become known to the Winnie Madikizela-Mandela Local Municipality, would affect the consideration of my/our Bid in any way.

The Winnie Madikizela-Mandela Local Municipality wishes to inform you that all information regarding your personal matters is treated as strictly confidential.

Please tick the appropriate box.

|  |                                                                                                                                                                                                                        |
|--|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|  | I/We hereby consent to the above                                                                                                                                                                                       |
|  | I/We hereby withhold consent and fully understand the implications and ramifications of my/our decision and will not hold the Winnie Madikizela-Mandela Local Municipality responsible for not considering my/our Bid. |

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

| Name of the Witness | Signature: | Date  |
|---------------------|------------|-------|
| _____               | _____      | _____ |



## WINNIE MADIKIZELA MANDELA LOCAL MUNICIPALITY RE-ADVERT

### Development of Kubha/Magusheni LSDF WMM-LM 24/08/22 K/M LSDF

Bid proposals are hereby invited from suitably qualified and accredited service providers who are interested to submit their proposals to tender for the above-mentioned projects for Winnie Madikizela-Mandela Local Municipality.

Bid documents can be downloaded from e-tender portal website. ([www.etenders.gov.za](http://www.etenders.gov.za))

Bids should score a minimum point of 70% in order to be considered for further evaluation.

The bids will be evaluated on the **80/20 or 90/10** preferential points system

Failure to submit the following fully completed document(s) will render the bid null and void:

- A copy of Entity Registration Documents, Certified ID Copy(ies) of Director(s) (not older than 3 months), proof of CSD Registration
- SARS Valid PIN Printout
- Bid documents MBD1, MBD4, MBD6.1, MBD6.2, MBD6.4, MBD 8 and MBD 9 MBD 6.2 and 6.4 are all compulsory submissions
- Billing Clearance Certificate or Statement of Municipal Accounts confirming that no undisputed municipal accounts are overdue by more than 30 days and letter signed by the bidder declaring that all accounts have been disclosed and no account is more than 30 Days in areas
- Evaluation Criteria: 80 or 90= Price, 20 or 10= Specific Goals as per the attached MBD 6.1 respectively
- In case of a joint venture, an original valid Tax Compliance Document of both partners should be submitted as well as a signed agreement by both parties clearly indicating the lead partner

**Advert Date: 14 April 2023**

**Closing Date: All tenders must be emailed to [tenders.scm@mbizana.gov.za](mailto:tenders.scm@mbizana.gov.za) by no later than 12<sup>th</sup> May 2023 at 12h00.**

**All tenders must be clearly marked the Name of the project and Reference number indicated above.. All tenders must be clearly marked the name of the projects and Reference: Failure to do so your tender may not be considered.**

No late, incomplete or facsimile bids will be accepted for consideration. The only or lowest bid received shall not necessarily be accepted. Winnie Madikizela-Mandela Local Municipality reserves the right to accept part or full bid. For technical enquiries, please contact Mr. Z. Ndzelu, email: [ndzeluz@mbizana.gov.za](mailto:ndzeluz@mbizana.gov.za) during working hours. For Supply Chain Management related enquiries, please contact Mr. Z. Khala at (079) 886 0942, email: [khalaz@mbizana.gov.za](mailto:khalaz@mbizana.gov.za) during working hours

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**Mr. L. Mahlaka**  
**Municipal Manager**

## MBD-1

|                                                                                                                                                                  |                                                                                    |               |                                                                              |                                                                                       |       |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------|---------------|------------------------------------------------------------------------------|---------------------------------------------------------------------------------------|-------|
| <b>YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE (NAME OF MUNICIPALITY/ MUNICIPAL ENTITY)</b>                                                            |                                                                                    |               |                                                                              |                                                                                       |       |
| BID NUMBER:                                                                                                                                                      |                                                                                    | CLOSING DATE: | 12 May 2023                                                                  | CLOSING TIME:                                                                         | 12H00 |
| DESCRIPTION                                                                                                                                                      |                                                                                    |               |                                                                              |                                                                                       |       |
| <b>THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (MBD7).</b>                                                                |                                                                                    |               |                                                                              |                                                                                       |       |
| BID RESPONSE DOCUMENTS MAY BE SENT VIA EMAIL TO THE<br>EMAIL ADDRESS PROVIDED BELOW OR AS PER TENDER<br>REQUIREMENTS                                             |                                                                                    |               |                                                                              |                                                                                       |       |
| <a href="mailto:TENDERS.SCM@MBIZANA.GOV.ZA">TENDERS.SCM@MBIZANA.GOV.ZA</a> for tenders above R200 000 inclusive of VAT                                           |                                                                                    |               |                                                                              |                                                                                       |       |
| OR                                                                                                                                                               |                                                                                    |               |                                                                              |                                                                                       |       |
| <a href="mailto:QUOTES.SCM@MBIZANA.GOV.ZA">QUOTES.SCM@MBIZANA.GOV.ZA</a> for quotations below R200 000 but above R30 000 inclusive of VAT                        |                                                                                    |               |                                                                              |                                                                                       |       |
|                                                                                                                                                                  |                                                                                    |               |                                                                              |                                                                                       |       |
| <b>SUPPLIER INFORMATION</b>                                                                                                                                      |                                                                                    |               |                                                                              |                                                                                       |       |
| NAME OF BIDDER                                                                                                                                                   |                                                                                    |               |                                                                              |                                                                                       |       |
| POSTAL ADDRESS                                                                                                                                                   |                                                                                    |               |                                                                              |                                                                                       |       |
| STREET ADDRESS                                                                                                                                                   |                                                                                    |               |                                                                              |                                                                                       |       |
| TELEPHONE NUMBER                                                                                                                                                 | CODE                                                                               |               | NUMBER                                                                       |                                                                                       |       |
| CELLPHONE NUMBER                                                                                                                                                 |                                                                                    |               |                                                                              |                                                                                       |       |
| FACSIMILE NUMBER                                                                                                                                                 | CODE                                                                               |               | NUMBER                                                                       |                                                                                       |       |
| E-MAIL ADDRESS                                                                                                                                                   |                                                                                    |               |                                                                              |                                                                                       |       |
| VAT REGISTRATION NUMBER                                                                                                                                          |                                                                                    |               |                                                                              |                                                                                       |       |
| TAX COMPLIANCE STATUS                                                                                                                                            | TCS PIN:                                                                           |               | OR                                                                           | CSD No:                                                                               |       |
| PEOPLE LIVING WITH DISABILITY<br>[TICK APPLICABLE BOX]                                                                                                           | <input type="checkbox"/> Yes<br><br><input type="checkbox"/> No                    |               | MILITARY<br>VETERAN                                                          | <input type="checkbox"/> Yes<br><br><input type="checkbox"/> No                       |       |
| <b>[DOCUMENTARY PROOF/ SWORN AFFIDAVIT (FOR PEOPLE LIVING WITH DISABILITIES) MUST BE SUBMITTED IN ORDER TO QUALIFY FOR PREFERENCE POINTS FOR TARGETED GOALS]</b> |                                                                                    |               |                                                                              |                                                                                       |       |
| 2.1 ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES /WORKS OFFERED?                                                                | <input type="checkbox"/> Yes <input type="checkbox"/> No<br>[IF YES ENCLOSE PROOF] |               | 2.2 ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES /WORKS OFFERED? | <input type="checkbox"/> Yes <input type="checkbox"/> No<br>[IF YES, ANSWER PART B:3] |       |
| 2.3 TOTAL NUMBER OF ITEMS OFFERED                                                                                                                                |                                                                                    |               | 2.4 TOTAL BID PRICE                                                          | R                                                                                     |       |
| 2.5 SIGNATURE OF BIDDER                                                                                                                                          |                                                                                    |               | 2.6 DATE                                                                     |                                                                                       |       |
| 2.7 CAPACITY UNDER WHICH THIS BID IS SIGNED                                                                                                                      |                                                                                    |               |                                                                              |                                                                                       |       |
| <b>BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO:</b>                                                                                                           |                                                                                    |               | <b>TECHNICAL INFORMATION MAY BE DIRECTED TO:</b>                             |                                                                                       |       |
| DEPARTMENT                                                                                                                                                       |                                                                                    |               | CONTACT PERSON                                                               |                                                                                       |       |

|                  |  |                  |  |
|------------------|--|------------------|--|
| CONTACT PERSON   |  | TELEPHONE NUMBER |  |
| TELEPHONE NUMBER |  | FACSIMILE NUMBER |  |
| FACSIMILE NUMBER |  | E-MAIL ADDRESS   |  |
| E-MAIL ADDRESS   |  |                  |  |

### 1. BID SUBMISSION:

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

### 2. TAX COMPLIANCE REQUIREMENTS

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

### 3. QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS

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

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

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

SIGNATURE OF BIDDER: .....

CAPACITY UNDER WHICH THIS BID IS SIGNED: .....

DATE: .....

## MBD 4

### DECLARATION OF INTEREST

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

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

3.2 Identity Number: .....

3.3 Position occupied in the Company (director, trustee, hareholder<sup>2</sup>):.....

3.4 Company Registration Number: .....

3.5 Tax Reference Number:.....

3.6 VAT Registration Number: .....

3.7 The names of all directors / trustees / shareholders members, their individual identity numbers and state employee numbers must be indicated in paragraph 4 below.

3.8 Are you presently in the service of the state? **YES / NO**

3.8.1 If yes, furnish particulars. ....

.....

<sup>1</sup>MSCM Regulations: "in the service of the state" means to be –  
(a) a member of –

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

<sup>2</sup> Shareholder” means a person who owns shares in the company and is actively involved in the management of the company or business and exercises control over the company.

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

3.9.1 If yes, furnish particulars.....

.....

3.10 Do you have any relationship (family, friend, other) with persons  
in the service of the state and who may be involved with  
the evaluation and or adjudication of this bid? ..... **YES / NO**

3.10.1 If yes, furnish particulars.

.....

.....

3.11 Are you, aware of any relationship (family, friend, other) between  
any other bidder and any persons in the service of the state who

may be involved with the evaluation and or adjudication of this bid?

**YES / NO**

3.11.1 If yes, furnish particulars

.....  
.....

3.12 Are any of the company's directors, trustees, managers,  
principle shareholders or stakeholders in service of the state

**YES / NO**

3.12.1 If yes, furnish particulars.

.....  
.....

3.13 Are any spouse, child or parent of the company's directors  
trustees, managers, principle shareholders or stakeholders  
in service of the state?

**YES / NO**

3.13.1 If yes, furnish particulars.

.....  
.....

3.14 Do you or any of the directors, trustees, managers,  
principle shareholders, or stakeholders of this company  
have any interest in any other related companies or  
business whether or not they are bidding for this contract.

**YES / NO**

3.14.1 If yes, furnish particulars:

.....  
.....

4. [Full details of directors / trustees / members / shareholders.](#)

| Full Name | Identity Number | State Employee Number |
|-----------|-----------------|-----------------------|
|           |                 |                       |
|           |                 |                       |
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|           |                 |                       |

### CERTIFICATION

I, THE UNDERSIGNED (FULL NAMES).....

CERTIFY THAT THE INFORMATION FURNISHED ON THIS DECLARATION FORM IS CORRECT.

I ACCEPT THAT THE MUNICIPALITY MAY ACT AGAINST ME SHOULD THIS DECLARATION PROVE TO BE FALSE.

.....

**Signature**

.....

**Date**

.....

**Capacity**

.....

**Name of Bidder**

## 1. INTRODUCTION

The Winnie Madikizela-Mandela Local Municipality requires the services of one (1) firm or a consortium of suitable qualified firms to develop a Kubha/Magusheni Local Spatial Development Framework (LSDF) for a period of 10 months.

## 2. BACKGROUND & PROBLEM STATEMENT.

Section 26 (e) of the Local Government: Municipal Systems Act, No. 32 of 2000 (the “MSA”) requires all municipalities to compile Spatial Development Frameworks (the “SDF”) as a core component of Integrated Development Plans (the “IDP”). *The Spatial Planning and Land Use Management Act of 2013 Chapter 4 also requires that L/SDFs be formulated, which read with the Winnie Madikizela-Mandela Local Municipal Spatial Planning and Land Use Management Bylaw of 2015 chapter 2 further requires the Local and Spatial Development Frameworks be developed.* Therefore, the municipality seeks for the experienced and reputable professional planners to be appointed by the municipality to develop the local spatial development framework for Kubha/Magusheni.

The Local Spatial Development Framework to adhere to the guidelines developed by the Department of Rural Development and Reform in 2010 and to the current draft guidelines that are currently under review. The LSDF must also form part of the guidelines of the Spatial Planning and Land Use Management Act Regulations and ***national SDF guidelines recently completed by the department developed in terms of SPLUMA*** in as far as the development of municipal LSDFs is concerned. However, these guidelines have not yet been implemented or tested to ascertain their effectiveness in addressing the current challenges and shortcomings with regards to the development processes and the content of the LSDF thereof.

## 3. SCOPE OF WORK.

The scope of work entails developing the Kubha/Magusheni Local Spatial Development Framework (LSDF) within the Winnie Madikizela Mandela Local Municipality.

## 4. PROBLEM STATEMENT.

The municipality has notice, the fast growing spatial pattern of the Kubha/ Magusheni area, that is developing haphazardly and uncoordinated.

Currently the Municipality does not have detailed local spatial development framework to guide the development within the Kubha/ Magusheni areas for future development and the areas is fast growing in terms of the current uncoordinated developmental pattern.

This is obviously an undesirable situation, as the Municipality has virtually no control to guide the development in the area that is environmental sensitive and have a potential of developing as a secondary/ tertiary node for the municipal economic growth.

This is further complicated by the complex traditional leadership arrangement in the predominantly peri urban, rural area of the Municipality, where development guideline, development management is required to be addressed in a more collective and localized decision making process, in conjunction with the traditional leaders of the areas to guide the development to cater for future needs and to preserve agricultural and environmental sensitive areas.

The Municipality needs to priorities a clear framework for the implementation of an all-inclusive development guideline for the area to address the current envisaged corridor development that is influenced by the N2 Route, R61 route and the potential economic development of the areas, in order to be in a position to effectively implement the N2 proposals contained in the SDF, and subsequent existing regional SDFs, a local SDF detailed is need to respond to the current dynamic and addresses developmental goals of the area.

Consequently, the central and strategic role of an LSDF as spatial integrator and coordinator of various government activities and programmes have been slightly compromised. The interrelationship of an SDF, the LUMS and IDP (including sector plans and national strategic directives) is not reflected emphatically, and it is interpreted differently. Implementation and monitoring strategies still need improvement in most of the documents.

The current situation un-strategic in nature; do show a clear direction for growth but not in a proper manner and not responding to the need for integrated and sustainable development. Consequently, pre-1994 development traits such as inefficient, impoverished and scattered settlements are still evident across the municipality like most rural areas in the province. The poor rural communities are still located far away from places of economic, recreational and educational opportunities.

The problem is compounded by the fact that capacity, both to plan and implement plans in the rural municipalities remains a challenge. As a result spatial and economic fragmentation continues to pose major challenges despite the progress made by the government in formulating relevant spatial planning legislations and policies since 1994.

## 5. THE OBJECTIVES OF THE PROJECT

The main objective of the project is develop a credible LSDFs that will respond to the current dynamic of the area and respond to the current envisaged spatial proposal of the envisaged corridor development, N2 Route proposal in line with the objective s of the spatial planning and lands use management act that redress the past spatial imbalances. The LSD meet the required standards set by the Eastern Cape Provincial Government through the implementation of the Comprehensive SDF Guidelines developed by DRDLR in 2010, the national guideline developed by the department in terms of the Spatial Planning and Land Use Management Act of 2013. This objective shall be achieved by the development of a rural-specific LSDF for the municipality in compliance with the provisions of these guidelines. These Comprehensive SDF Guidelines are therefore a component of these Terms of Reference and provide the necessary details thereof. The LSDF shall be amended accordingly and made credible.

Compliance with the following provisions of the MSA and the Municipal Planning and Performance Management Regulations, 2001 as provided for in the Draft SDF National Guidelines in terms of SPLUMA is Mandatory:

- Development of a Spatial vision and objective of the IDP and the whole municipality;
- Development of a conceptual scenario for envisaged spatial form;
- Development of a Micro-spatial Plan for the core areas;
- Detting out of objectives that reflect the desired spatial form of the rural municipality;
- Dontain strategies, policies and plans which must-
  - (i) Analyse the opportunities and constraints within the municipality concerning the heritage, economy, agriculture, environment, infrastructure, tourism and social development;
  - (ii) Delineate the agricultural land that has high potential;
  - (iii) Indicate desired patterns of land use within the municipality;
  - (iv) Identify existing and future land reform projects;
  - (v) Address the spatial reconstruction of the location and nature of development within the municipality including desired settlement patterns; and
  - (vi) Provide strategic guidance in respect of the location and nature of development within the municipality;
- Set out a basic framework for the development of a land use management system in the municipality;

- Set out a capital investment framework for the municipality's development programs within a prioritisation matrix(Prioritised list of development interventions and spatial locations)
- Address sustainable bioregional planning
- Analysis and clarification of how sector departments will implement the LSDF;
- Contain a strategic assessment of the environmental impact of the LSDF;
- Identify programs, interventions and projects for the development of land within the municipality;
- Be aligned with the SDFs of neighbouring municipalities and the Draft Provincial Spatial Development Plan;
- Provide a visual representation of the desired spatial form of the municipality, which
  - (i) must indicate where public and private land development and infrastructure investment should take place;
  - (ii) must indicate all cross boarder issues, challenges and alignment of programmes shared with neighbouring municipalities, provinces and countries
  - (iii) must indicate desired or undesired utilisation of space in a particular area;
  - (iv) must delineate the Peri urban edge for the (in terms of NEMA);
  - (v) must identify areas where strategic intervention is required; and
  - (vi) must indicate areas where priority spending is required.
  - (vii) Identify existing and proposed nodal areas for the development of infrastructure and social services.

The proposed LSDF must give effect to the development principles contained in the Spatial Planning & Land Use Management Act of 2013 including:-

- (i) Spatial Justice;
- (ii) Spatial Sustainability;
- (iii) Efficiency;
- (iv) Spatial Resilience; and
- (v) Good Administration

This must also read and give effect to the Municipal Spatial Planning and Land Use Management Act and the Mbizana Integrated Land Use Scheme, Land Use Management System of 2016. Proposals are requested from suitably qualified and experienced service providers to develop a rural LSDF for the Municipality in line with the National SPLUMA SDF Guidelines, Bylaw, Mbizana Land Use Management System and Integrated Land Use Scheme.

One service provider or a consortium may tender for the LSDF according to capacity, skills and competence.

## **6. CRITICAL MILESTONES.**

The following seven critical milestones/phases as stipulated in the Department of Rural Development and Land Reform Spatial Development Framework Guidelines, Mbizana Spatial Planning and Land Use Management Act, SPLUMA and National SDF Guidelines developed in terms of SPLUMA shall be achieved by each LSDF:

- Phase 1: Start Up,
- Phase 2: Issues and Vision,
- Phase 3: Spatial Analysis and Synthesis,
- Phase 4: The Draft SDF Document,
- Phase 5: Achieving Support for the Draft SDF,
- Phase 6: Finalization and Approval,
- Phase 7: Implementation.

Details pertaining to the relevant deliverables for each milestone are contained in the National SDF SPLUMA guidelines document. Each service provider is expected to consult the guideline document while preparing the proposals and when executing the project and in line with the ILUS, LUMS.

## **6. OUTCOMES AND DELIVERABLES.**

The LSDF should respond to the government strategic priorities (NSDP, EC PGDS, and PSEDS). It shall demonstrate how job creation in the municipality facilitated through spatial planning.

The end product must contribute positively towards local economic development, sustainable livelihoods in rural areas and poverty alleviation.

The LSDF must be both a vertical and a horizontal alignment tool for government-wide activities, plans, policies and legislation. It must be a tool to facilitate structured implementation of programmes, and be an effective decision-making instrument.

*Improved Comprehensive National SDF guidelines are expected out of the process of formulating each of the LSDF:*

All objectives of the project as stipulated in this Terms of Reference should be met. A document with clear deliverables is expected, and should be moulded around what is stipulated under. The LSDF documents should indicate all cross-broader issues, challenges and alignment of programmes shared with neighbouring municipalities and provinces.

Submissions should be in the form of both hard and electronic versions of the LSDF. All spatial information collected should be submitted in GIS capable file format (shape-files, layer files, mxd files) for use in a GIS environment. The shape-files must have clear attribute information that differentiates each LSDF construct and its purpose, for example a service node shape-file should have an attribute called “description” with the value “service node”. The project steering committee (including municipality and DRDLR, COGTA, DISTRICT officials) will comment on the LSDF and send them to the service provider for amendment purposes.

It is recommended that more visual representation (maps, graphics and photographs) form the bulk part of the spatial analysis/current reality and the conceptual framework section of the LSDF. A text box or other mechanisms may be used to provide an explanation, relevant information or analysis.

Required copies of the LSDF document for consultation purposes shall be prepared by the service provider. The copies shall be distributed a week prior to the meeting taking place.

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

- LSDF textual document including all maps, tables and figures in both hardcopy (printed) and softcopy (electronic as MS word document); A0 Draft SDF Plan, a separate Executive Summary Document and a public participation report.
- All maps contained in LSDF textual document as electronic image files (eg. JPEG, windows Bitmap, GIF, etc.);
- All spatial information used to generate the LSDF maps in shapefile (GIS Metadata) format together with correct and descriptive attribute information as to what each LSDF construct represents.

## **7. PROJECT DURATION AND COST**

It is expected that the project be completed in a period of ten (10) months effective from the date of appointment.

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

| <b>PHASES</b>                                                                          | <b>% PAYABLE</b> | <b>TIME FRAMES</b> | <b>SUBMISSION/ OUTPUT</b> |
|----------------------------------------------------------------------------------------|------------------|--------------------|---------------------------|
| <b>Phase 1: Start Up</b>                                                               | 5%               | 1 month            | FINAL REPORT              |
| <b>Phase 2: Issues and Vision</b>                                                      | 5%               | 1 month            | FINAL REPORT              |
| <b>Phase 3: Spatial Analysis and Synthesis</b>                                         | 20%              | 2 months           | DRAFT & FINAL REPORT      |
| <b>Phase 4: The Draft SDF: Desired Conceptual Spatial Goal and Development Pattern</b> | 30%              | 2 months           | DRAFT & FINAL REPORT      |
| <b>Phase 5: Achieving Support For The Draft SDF: Public Participation</b>              | 10%              | 2 months           | FINAL REPORT              |
| <b>Phase 6: Finalization and Approval</b>                                              | 5%               | 1 month            | FINAL REPORT              |
| <b>Phase 7: Implementation</b>                                                         | 10%              | 1 month            | DRAFT & FINAL REPORT      |
| <b>RETENTION</b>                                                                       | <b>15%</b>       |                    | APPROVED SDF              |
| <b>Total</b>                                                                           | <b>100%</b>      |                    |                           |

An amount for the final draft is payable upon ratification by the municipality as well as by the Standing Committee for Development Planning/ mayoral committee /EXCO/ of the municipality.

15% retention will be paid once proof of approval of the LSDF as part of the IDP by the Municipal Council is provide and service provider will be required to report via a written and electronic report.

## **8. RELEVANT SKILLS AND EXPERIENCE.**

Below is a summary of Mandatory requirements:

- Project leader must hold a ***tertiary qualification in planning*** which is recognised for registration in the category of Professional Planner by the South African Council for Planners (SACPLAN) in terms of the Planning Profession Act, 2002 and must be registered with SACPLAN) as a Professional Planner (a Copy of valid certificate and proof of payment of fees up to date is to be attached).

Skills and abilities required in the team to execute the project include the following:

- Town and Regional / Development Planning;
- Thorough understanding of SDF, strategic planning process, and urban design;
- Proven SDF, Precinct / Nodal Plan compilation experience;
- Understanding of the interrelationship amongst the following: social, economic, land use, transport and environmental issues;
- Geography and hands on GIS (at least at Technician Level);
- Project Management;
- Facilitation;
- Research, analytical, writing and communication skills;
- Strategic planning.

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

All team members that will be directly involved in the project will be expected to attend all progress report meetings as scheduled and agreed upon by both parties. The selected team members shall stay the same for the duration of the project and cannot be changed without prior discussions with and approval from the municipality. (It should be the spatial planner and GIS person led by the project team leader who will be attending the steering committee meetings)

## 9. CAPACITY BUILDING AND SKILLS TRANSFER.

The municipality consider skills development as an integral part of the out-sourcing process. The process should ensure that skills development and transfer is achieved within the

municipality. Proposals should indicate how skills development and transfer would be achieved in the municipality.

## **10. INFORMATION GATHERING**

The successful Service Provider is expected to make contact with all the relevant GIS, Planning and required officials and units within the local and provincial spheres of government to obtain relevant information that is required for the project. Existing information on SDFs which are available within the municipality/plans will be made available to the successful service provider.

In the light of the event that the service provider needs a letter to confirm the motive for requesting information from the different spheres of government or parastatals, the municipality will provide the requested letter.

***However, the responsibility for collecting information necessary for the successful execution of the project remains entirely with the service provider.***

## **11. TERMS AND CONDITIONS OF THE BID**

### **11.1 General**

Awarding of the bid will be subject to the Service Provider's express acceptance of the municipal Supply Chain Management general contract conditions.

The municipality and Service Provider will sign a Services Level Agreement upon appointment.

Staffing requirements will be identified on the onset of the project and shall remain unchanged for the duration of the project, unless prior written consent has been granted by the Department municipality (Same as 8.4)

No material or information derived from the provision of the services under the contract may be used for any other purposes except for those of the municipality, except where duly authorized to do so in writing by the municipality.

Copyright in respect of all documents and data prepared or developed for the purpose of the project by the Service Provider shall be vested in municipality.

The successful Service Provider agrees to keep all records and information of, or related to the project confidential and not disclose such records or information to any third party without the prior written consent of municipality.

The municipality reserves the right to terminate the contract in the event that there is clear evidence of non-performance and non-compliance with the contract.

The short-listed service providers may be required to do a presentation in person to the municipality; at their own cost should it be deemed necessary to do so.

#### **11.2 Format of Proposal**

10.2.1 All proposals are to respond to requirements as per the Terms of Reference

10.2.2 All proposals should be clearly indexed and easy to read

### **12. EVALUATION PROCEDURE**

The 80/20 preference points system as prescribed in the Preferential Procurement Policy Framework Act (PPPFA) will be applied to evaluate this bid. The lowest acceptable bid will score 80 points for price and maximum of 20 points will be awarded for attaining the Broad-Based Black Economic Empowerment (B-BBEE) status level of contribution.

This bid shall be evaluation in two stages. On first stage bids will be evaluated on functionality, second stage in accordance with 80/20 preference points system as stipulated above.

#### **First Stage - Evaluation of Functionality**

The evaluation of the functionality will be evaluated individually by Members of Bid Evaluation Committee in accordance with the below functionality criteria and values.

The applicable values that will be utilized when scoring each criteria ranges from **1 being poor, 2 being average, 3 being good, 4 being very good and 5 being excellent.**

| No. | CRITERIA                                                                                                                                                                                                                        | REQUIREMENT                                                                                                                                                                                                                                                                                                                                                                                                                                                | Max Possible Points | Total Points Obtained | Value of Assessment | Weight | MAX VALUE 1-5 |
|-----|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------|-----------------------|---------------------|--------|---------------|
| 1.  | CAPACITY AND EXPERTISE                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                     |                       |                     |        |               |
|     | <p>Attach Qualification, Experience, Track Record, Competency and CV of the Project Leader showing experience in leading similar projects</p> <p>NB: 0 points will be claimed where the above is not attached and submitted</p> | <p>Team leader qualification and registration as a paid up Professional Town Planner (SACPLAN), Urban Planner with at least three years experience, Team leader's proven expertise in managing and coordinating a multi-disciplinary project (Project management skills within the spatial planning environment); Proof of registration with relevant Organisations, Councils and Institutes such as SACPLAN, ECSA, PLATO and other applicable bodies.</p> | 5                   |                       |                     |        |               |
|     |                                                                                                                                                                                                                                 | <p>Qualifications and expertise of the other team members with clear roles and responsibilities for the execution of the project.</p>                                                                                                                                                                                                                                                                                                                      | 5                   |                       |                     |        |               |
|     |                                                                                                                                                                                                                                 | <p>Required experience and understanding is a</p>                                                                                                                                                                                                                                                                                                                                                                                                          | 15                  |                       |                     |        |               |

|  |  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |    |  |  |  |  |
|--|--|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----|--|--|--|--|
|  |  | <p>prerequisite. One references of similar work undertaken. List names, addresses, telephone numbers, fax numbers and e-mail addresses of the three, and briefly describing the type of service provided for them. Thorough knowledge and expertise of Integrated Development Planning and Spatial Planning (verification, proof of work completed, examples of contact numbers of previous projects);</p> <p>Experience in developing Spatial Development Frameworks and the application of GIS.</p> |    |  |  |  |  |
|  |  | <p>Clear deliverables pertaining to Spatial Planning Policy and Implementation; Understanding of legal aspects in line with Land development.</p>                                                                                                                                                                                                                                                                                                                                                     | 10 |  |  |  |  |
|  |  | <p>Excellent analytical, report writing, presentation, research and communication.</p>                                                                                                                                                                                                                                                                                                                                                                                                                | 10 |  |  |  |  |

|    |                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                               |    |  |  |  |  |
|----|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----|--|--|--|--|
|    | TOTAL                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                               | 45 |  |  |  |  |
| 2. | EXPERIENCE                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                               |    |  |  |  |  |
|    | <p>Reference letters from satisfied previous clients that have been serviced in the past should be provided, the submission must be on the relevant client's letterhead and signed.</p> <p>Landline telephone details of clients should be also provided Signed</p> <p>NB: 0 points will be claimed where submitted clients/ references cannot be contacted</p> | 3 reference letters and above                                                                                                                                                                                                                                                 | 10 |  |  |  |  |
|    |                                                                                                                                                                                                                                                                                                                                                                 | 2 reference letters                                                                                                                                                                                                                                                           | 5  |  |  |  |  |
|    |                                                                                                                                                                                                                                                                                                                                                                 | 1 reference letters                                                                                                                                                                                                                                                           | 5  |  |  |  |  |
|    | TOTAL                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                               | 20 |  |  |  |  |
| 3  | METHODOLOGY & PROJECT MANAGEMENT                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                               |    |  |  |  |  |
|    | <p>Attached- Proof of registration with South African Geomatics Council (SAGC).</p>                                                                                                                                                                                                                                                                             | <p>A step-by-step methodology to undertake project and appropriateness of the approach.</p> <p>The degree to which the methodology proposed is sound, professional, realistic and logical. Method and clarity regarding presentation of the final outputs of the project.</p> | 15 |  |  |  |  |

|  |             |                                                                                                                                                                                                                                                                                                                                  |     |  |  |  |  |
|--|-------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|--|--|--|--|
|  |             | Proposed project management linked to milestones and timeframes. List of all other projects currently involved in (project location, duration and project work load) and detail how these will be managed not to affect timelines and quality of deliverables for this project;<br><br>Programme with clear timelines and output | 10  |  |  |  |  |
|  |             | Indicators and means of verifying progress; Quality assurance steps indicated; Clear reporting mechanism.                                                                                                                                                                                                                        | 10  |  |  |  |  |
|  | TOTAL       |                                                                                                                                                                                                                                                                                                                                  | 35  |  |  |  |  |
|  | GRAND TOTAL |                                                                                                                                                                                                                                                                                                                                  | 100 |  |  |  |  |

12.3 The Bids that fail to achieve a minimum of **60** points for functionality will be disqualified.

#### **Second Stage - Evaluation in terms of 80/20 Preference Points System**

Only bids that achieve the minimum qualifying score for functionality will be evaluated further in accordance with the 80/20 preference points system.

#### **13. OUT-CLAUSE**

The Municipality reserves the right not to appoint if suitable candidates are not found, at the complete discretion of the municipality.

The municipality reserves the right to terminate the contract in the event that there is clear evidence of non-performance.

## 1. GENERAL CONDITIONS OF OFFER

### 3.1 BIDDERS MUST SATISFY THEMSELVES REGARDING THE CONDITIONS OF OFFER AND

#### PARTICULARS

- 3.1.1 The bidder must, on submission of an offer, be regarded to have satisfied himself as to all the conditions and particulars of the offer.

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

.....

..... RAND (in words);

R .....(in figures)

This offer may be accepted by the Employer by signing the Acceptance part of this Form of Offer and Acceptance and returning one copy of this document to the Bidder before the end of the period of validity stated in the Bid Data, whereupon the Bidder becomes the party named as the Contractor in the Conditions of Contract identified in the Contract Data.

1. 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 PIN;
  - Pricing schedule(s);
  - Technical Specification(s);
  - Preference claims for Broad Based Black Economic Empowerment Status Level of Contribution in terms of the Preferential Procurement Regulations 2011;
  - Declaration of interest;
  - Declaration of bidder's past SCM practices;
  - Certificate of Independent Bid Determination;
  - Special Conditions of Contract;
- (ii) General Conditions of Contract; and
- (iii) Other (specify)

2. 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.

3. 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.
4. I declare that I have no participation in any collusive practices with any bidder or any other person regarding this or any other bid.
5. I confirm that I am duly authorised to sign this contract.

**SIGNED ON BEHALF OF/BY THE BIDDER:**

**NAME**

**SIGNATURE**

**CAPACITY**

**DATE**

**Name and address of Organisation:**

**SIGNED BY WITNESS:**

**NAME**

**SIGNATURE**

**DATE**

## PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL PROCUREMENT REGULATIONS 2022

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**

*(delete whichever is not applicable for this tender).*

- a) The applicable preference point system for this tender is the **90/10** preference point system.
- b) The applicable preference point system for this tender is the **80/20** preference point system.
- c) Either the **90/10 or 80/20 preference point system** will be applicable in this tender. The lowest/ highest acceptable tender will be used to determine the accurate system once tenders are received.

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          |        |
| SPECIFIC GOALS |        |

|                                                  |            |
|--------------------------------------------------|------------|
| <b>Total points for Price and SPECIFIC GOALS</b> | <b>100</b> |
|--------------------------------------------------|------------|

- 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.

## 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:

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

Where

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

### 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:

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

Where

- Ps = Points scored for price of tender under consideration
- Pt = Price of tender under consideration
- Pmax = Price of highest acceptable tender

### 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 (90/10 system)<br>(To be completed by the organ of state) | Number of points allocated (80/20 system)<br>(To be completed by the organ of state) | Number of points claimed (90/10 system)<br>(To be completed by the tenderer) | Number of points claimed (80/20 system)<br>(To be completed by the tenderer) |
|-------------------------------------------------------------|--------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------|------------------------------------------------------------------------------|------------------------------------------------------------------------------|
| South African                                               | 1.5                                                                                  | 3                                                                                    |                                                                              |                                                                              |
| Black                                                       | 1.5                                                                                  | 3                                                                                    |                                                                              |                                                                              |
| Women                                                       | 1.75                                                                                 | 3.5                                                                                  |                                                                              |                                                                              |
| Youth                                                       | 1.75                                                                                 | 3.5                                                                                  |                                                                              |                                                                              |
| Leaving with disability                                     | 1.75                                                                                 | 3.5                                                                                  |                                                                              |                                                                              |
| Military Veterans                                           | 1.75                                                                                 | 3.5                                                                                  |                                                                              |                                                                              |
| <b>Total Points Allocated</b>                               | <b>10</b>                                                                            | <b>20</b>                                                                            |                                                                              |                                                                              |

#### **DECLARATION WITH REGARD TO COMPANY/FIRM**

4.3. Name of company/firm.....

4.4. Company registration number: .....

4.5. 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]

4.6. 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:** .....

.....

.....

.....

## DECLARATION OF BIDDER'S PAST SUPPLY CHAIN MANAGEMENT PRACTICES

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

| Item  | Question                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Yes                                        | No                                        |
|-------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------|-------------------------------------------|
| 4.1   | <p>Is the bidder or any of its directors listed on the National Treasury's Database of Restricted Suppliers as companies or persons prohibited from doing business with the public sector?</p> <p>(Companies or persons who are listed on this Database were informed in writing of this restriction by the Accounting Officer/Authority of the institution that imposed the restriction after the <i>audi alteram partem</i> rule was applied).</p> <p><b>The Database of Restricted Suppliers now resides on the National Treasury's website(<a href="http://www.treasury.gov.za">www.treasury.gov.za</a>) and can be accessed by clicking on its link at the bottom of the home page.</b></p> | <p>Yes</p> <p><input type="checkbox"/></p> | <p>No</p> <p><input type="checkbox"/></p> |
| 4.1.1 | If so, furnish particulars:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                            |                                           |

|             |                                                                                                                                                                                                                                                                                                                                                                                                                 |                                 |                                |
|-------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------|--------------------------------|
| 4.2         | Is the bidder or any of its directors listed on the Register for Tender Defaulters in terms of section 29 of the Prevention and Combating of Corrupt Activities Act (No 12 of 2004)?<br><br><b>The Register for Tender Defaulters can be accessed on the National Treasury's website (<a href="http://www.treasury.gov.za">www.treasury.gov.za</a>) by clicking on its link at the bottom of the home page.</b> | Yes<br><input type="checkbox"/> | No<br><input type="checkbox"/> |
| 4.2.1       | If so, furnish particulars:                                                                                                                                                                                                                                                                                                                                                                                     |                                 |                                |
| 4.3         | Was the bidder or any of its directors convicted by a court of law (including a court of law outside the Republic of South Africa) for fraud or corruption during the past five years?                                                                                                                                                                                                                          | Yes<br><input type="checkbox"/> | No<br><input type="checkbox"/> |
| 4.3.1       | If so, furnish particulars:                                                                                                                                                                                                                                                                                                                                                                                     |                                 |                                |
| <b>Item</b> | <b>Question</b>                                                                                                                                                                                                                                                                                                                                                                                                 | <b>Yes</b>                      | <b>No</b>                      |
| 4.4         | Does the bidder or any of its directors owe any municipal rates and taxes or municipal charges to the municipality / municipal entity, or to any other municipality / municipal entity, that is in arrears for more than three months?                                                                                                                                                                          | Yes<br><input type="checkbox"/> | No<br><input type="checkbox"/> |
| 4.4.1       | If so, furnish particulars:                                                                                                                                                                                                                                                                                                                                                                                     |                                 |                                |
| 4.5         | Was any contract between the bidder and the municipality / municipal entity or any other organ of state terminated during the past five years on account of failure to perform on or comply with the contract?                                                                                                                                                                                                  | Yes<br><input type="checkbox"/> | No<br><input type="checkbox"/> |
| 4.7.1       | If so, furnish particulars:                                                                                                                                                                                                                                                                                                                                                                                     |                                 |                                |

### CERTIFICATION

**I, THE UNDERSIGNED (FULL NAMES) .....**

**CERTIFY THAT THE INFORMATION FURNISHED ON THIS**

**DECLARATION FORM TRUE AND CORRECT.**

**I ACCEPT THAT, IN ADDITION TO CANCELLATION OF A CONTRACT, ACTION MAY BE TAKEN AGAINST ME SHOULD THIS DECLARATION PROVE TO BE FALSE.**

.....

Signature

.....

Position

.....

Date

.....

Name of Bidder

## **CERTIFICATE OF INDEPENDENT BID DETERMINATION**

- 1 This Municipal Bidding Document (MBD) must form part of all bids<sup>1</sup> 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).<sup>2</sup> Collusive bidding is a *pe se* prohibition meaning that it cannot be justified under any grounds.
  
- 3 Municipal Supply Regulation 38 (1) prescribes that a supply chain management policy must provide measures for the combating of abuse of the supply chain management system, and must enable the accounting officer, among others, to:
  - a. take all reasonable steps to prevent such abuse;
  - b. reject the bid of any bidder if that bidder or any of its directors has abused the supply chain management system of the municipality or municipal entity or has committed any improper conduct in relation to such system; and
  - c. cancel a contract awarded to a person if the person committed any corrupt or fraudulent act during the bidding process or the execution of the contract.
  
- 4 This MBD serves as a certificate of declaration that would be used by institutions to ensure that, when bids are considered, reasonable steps are taken to prevent any form of bid-rigging.
  
- 5 In order to give effect to the above, the attached Certificate of Bid Determination (MBD 9) must be completed and submitted with the bid:

<sup>1</sup> Includes price quotations, advertised competitive bids, limited bids and proposals.

<sup>2</sup> Bid rigging (or collusive bidding) occurs when businesses, that would otherwise be expected to compete, secretly conspire to raise prices or lower the quality of goods and / or services for purchasers who wish to acquire goods and / or services through a bidding process. Bid rigging is, therefore, an agreement between competitors not to compete.

**CERTIFICATE OF INDEPENDENT BID DETERMINATION**

I, the undersigned, in submitting the accompanying bid:

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(Bid Number and Description)

in response to the invitation for the bid made by:

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(Name of Municipality / Municipal Entity)

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

I certify, on behalf of: \_\_\_\_\_ that:

(Name of Bidder)

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

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

<sup>3</sup> 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.

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

.....  
Signature

.....  
Date

.....  
Position

.....  
Name of Bidder