



ABAQULUSI MUNICIPALITY

**REQUEST FOR PROPOSAL FOR PROFESSIONAL SERVICE
PROVIDERS/CONSULTANTS FOR PANEL OF MACHENICAL
ENGINEERING FOR A PERIOD OF THREE (3) YEARS**

TENDER NUMBER: 8/2/1/539

COMPANY NAME_____

ADDRESS: _____

CONTACT NO.: _____

FAX: _____

CLOSING DATE: 20 NOVEMBER 2024

ISSUED BY:
ABAQULUSI LOCAL MUNICIPALITY
PO Box 57
Vryheid
3100
TELEPHONE: 034 982 2215
FAX: 034 980 8822

PART T1

TENDERING PROCEDURES

T1.1
TENDER NOTICE AND INVITATION TO TENDER



**REQUEST FOR PROPOSAL FOR PROFESSIONAL SERVICE
PROVIDERS/CONSULTANTS FOR PANEL MECHANICAL
ENGINEERING FOR A PERIOD OF THREE (3) YEARS**

**INVITATION TO BID
BID NOTICE**

Bids are hereby invited in terms of Section 83 of the Municipal Systems Act, Act 32 of 2000 (as amended) and Sections 110 and 112 of the Municipal Finance Management Act, Act 56 of 2003.

Acceptable bids will be evaluated by using a system that awards points on the basis of 80/20 preferential point system of which 80 is for price and 20 is for BBBEE points.

- 1. CLOSING AND OPENING DATE, TIME AND VENUE: 20 November 2024 at 12h00 in Municipal Buildings, Corner of Mark Street and High Street, Vryheid.**
-

BID SUBMISSION

Sealed bids with the **Tender number 8/2/1/539 REQUEST FOR PROPOSAL FOR PROFESSIONAL SERVICE PROVIDERS/CONSULTANTS FOR PANEL OF MECHANICAL ENGINEERING FOR A PERIOD OF THREE (3) YEARS**, must be written on the envelope, with the bidders' details clearly indicated, must be deposited into the bid box located in the Municipal Buildings, Corner of Mark Street and High Street on or before the closing date **20 November 2024** at 12h00. Bids received after or emailed bids will not be accepted. Bid documents may only be submitted on the original bid documentation that is issued.

The following documents are mandatory:

1. Municipal Rates and Service Charges Statements where the company is located.
2. Valid Tax Clearance Certificate or Alternatively a SARS PIN for each company
3. BBBEE Certificate/JV BBBEE Certificate if the company is a joint venture.
4. Joint Venture Agreement if the company has entered into a joint venture and specifying the name of the signatory in the JV.
5. Entity's copy of Registration with the Registrar of Companies, Close Corporation
6. Company profile with all previous work experience and reliable references.

The successful Bidder will be required to enter into a Service Level Agreement with Abaqulusi Local Municipality.

BID ENQUIRIES

Bid enquiries are to be addressed to:
Ms S Thungo at telephone number 034 982 2133 (SCM)
Mr P Zwane at telephone number 034 982 2133 (Technical Services)

Abaqulusi Local Municipality is not bound to accept the lowest bid and it reserves the right to accept whole or part of any bid or not to consider any bid not suitably endorsed or to reject any or the entire bid without stating the reasons thereof.

Mrs S.P Dlamini
MUNICIPAL MANAGER

PART A – MBD 1 INVITATION TO BID

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE (ABAQULUSI LOCAL MUNICIPALITY)					
BID NUMBER:	8/2/1/539	CLOSING DATE:	20 NOVEMBER 2024	CLOSING TIME:	12:00
DESCRIPTION	REQUEST FOR PROPOSAL FOR PROFFESIONAL SERVICE PROVIDERS / CONSULTANTS FOR PANEL OF MECHANICAL ENGINEERING FOR A PERIOD OF THREE (3) YEARS				
THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (MBD7).					

BID RESPONSE DOCUMENTS MAY BE DEPOSITED IN THE OFFICIAL
BID BOX SITUATED AT MAIN OFFICE, CORNER OF MARK STREET AND
HIGH STREET, VRYHEID, 3100

SUPPLIER INFORMATION				
NAME OF BIDDER				
POSTAL ADDRESS				
STREET ADDRESS				
TELEPHONE NUMBER	CODE		NUMBER	
CELLPHONE NUMBER				
FACSIMILE NUMBER	CODE		NUMBER	

E-MAIL ADDRESS				
VAT REGISTRATION NUMBER				
TAX COMPLIANCE STATUS	TCS PIN:		OR	CSD No:
B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE [TICK APPLICABLE BOX]	☐ Yes ☐ No		B-BBEE STATUS LEVEL SWORN AFFIDAVIT ☐ Yes ☐ No	
[A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE/ SWORN AFFIDAVIT (FOR EMES & QSEs) MUST BE SUBMITTED IN ORDER TO QUALIFY FOR PREFERENCE POINTS FOR B-BBEE]				
ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES /WORKS OFFERED?	☐ Yes ☐ No [IF YES ENCLOSE PROOF]		ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES /WORKS OFFERED? ☐ Yes ☐ No [IF YES, ANSWER PART B:3]	
TOTAL NUMBER OF ITEMS OFFERED			TOTAL BID PRICE	R
SIGNATURE OF BIDDER			DATE	
CAPACITY UNDER WHICH THIS BID IS SIGNED				
BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO:			TECHNICAL INFORMATION MAY BE DIRECTED TO:	
DEPARTMENT	FINANCE		CONTACT PERSON	MR. P. Zwane
CONTACT PERSON	Ms. S Thungo		TELEPHONE NUMBER	034 982 2133
TELEPHONE NUMBER	034 982 2133		FACSIMILE NUMBER	034 980 8822
FACSIMILE NUMBER	034 980 9637		E-MAIL ADDRESS	engineering@abaqulusi.gov.za
E-MAIL ADDRESS	sthungo@abaqulusi.gov.za			

PART B TERMS AND CONDITIONS FOR BIDDING

1. BID SUBMISSION:

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

2. TAX COMPLIANCE REQUIREMENTS

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

3. QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS

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

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:

.....

TENDER DATA

Preamble

The conditions of tender are the Standard Conditions of Tender as contained in Annex F of SANS 294-2004, Edition 1.

The Standard Conditions of Tender makes several references to the Tender Data for details that apply specifically to this tender. The Tender Data shall have precedence in the interpretation of any ambiguity or inconsistency between it and the Standard Conditions of Tender. Each item of data given below is cross-referenced to the clause in the Standard Conditions of Tender to which it mainly applies.

F.1.1 THE EMPLOYER

Employer:	Abaqulusi Local Municipality
Contact Person:	Mr. Philani Zwane
Tel. No.:	034 982 2133
Fax No.:	034 980 8822
Email:	engineering@abaqulusi.gov.za

F.1.2 TENDER DOCUMENTS

The Tender Document issued by the employer comprises:

- (a) The Tender Document:

THE TENDER

Part T1:Tendering Procedures

T1.1:	Tender Notice and Invitation to Tender
T1.2:	Tender Data

Part T2:Returnable Documents

T2.1:	List of Returnable Documents
T2.2:	Returnable Schedules

THE CONTRACT

Part C1:Agreements and Contract Data

Not applicable.

Part C2:Pricing Data

Not Applicable.

Part C3:Scope of Work

Part C4:Site Information

Not applicable.

Part C5: Annexures

Not Applicable.

F.1.4 THE EMPLOYER'S AGENT

None.

F.2.1 ELIGIBILITY

Only those tenderers who practice in the field of mechanical engineering will be eligible to submit tenders.

F.2.7 CLARIFICATION MEETING AND SITE INSPECTION

Not applicable

F.2.8 ALTERNATIVE TENDERS

Not applicable.

F.2.9 SUBMITTING A TENDER OFFER

F.2.9.1 Tender offers shall be submitted as an original only.

F.2.9.2 Delivery of Tender

The Employer's address for delivery of tender offers and identification details to be shown on each tender offer packages are:

Location of tender box: **Abaqulusi Local Municipality**

Physical address: **Abaqulusi Municipal Offices, c/o Mark & High Street, Vryheid**

Identification details: **Panel Mechanical Engineering Consultants**

F.2.9.3 A two-envelope procedure will not be followed.

F.2.10 CLOSING TIME

The closing time for submission of tender offers is:

Time: 12h00

Date: 20 November 2024

Day: Wednesday

F.2.11 TENDER OFFER VALIDITY

The Tender Offer validity period is 12 weeks from the closing time for submission of tenders.

F.2.12 INSPECTIONS, TESTS AND ANALYSIS

Not applicable.

F.2.13 RETURN OF OTHER TENDER DOCUMENTS

Not applicable.

F.2.14 CERTIFICATES

The tenderer is required to submit all required certificates and registrations as per the Tender Data.

F.3.1 OPENING OF TENDER SUBMISSIONS

Tenders will be opened immediately after the closing time and date.

F.3.2 EVALUATION OF TENDER OFFER

The tender offers will be evaluated on compliance and functionality/quality

The procedure for the evaluation of responsive tenders will be as detailed in the following paragraphs.

1. Stage I: Quality

During Stage I, only functionality/quality will be evaluated based upon the table below and only those scoring 80% and above will be retained for further evaluation on second stage. Only top 15 highest scorers on functionality will be admitted on the 3 years data base.

1.1 Documentation

Valid documents submission	Points allocated	Verification method
Professional registration*		
Engineer (Pr. Eng)	10	Certified ECSA registration certificate
Technologist (Pr. Tech)	8	Certified ECSA registration certificate
Technician (Pr. Techni)	5	Certified ECSA registration certificate
No professional registration	0	Certified ECSA registration certificate
Professional Indemnity (PI)		
R2million and above	10	Copy of a certified PI insurance
R500 000.00 to R 2million	5	Copy of a certified PI insurance
Below R 500 000.00	3	Copy of a certified PI insurance
No PI insurance (R0.00)	0	Copy of a certified PI insurance
Registration with Consulting Engineers South Africa or similar		
Registration with Consulting Engineers South Africa (CESA)	10	Certified copy of registration certificate
No registration	0	Certified copy of registration certificate

Project Management		
Approach paper covered all requirement under item 1.2	5	Approach paper
Approach paper met some of the requirements under item 1.2	3	Approach paper
No approach paper submitted	0	Approach paper
Company Experience		
5 or more completed infrastructure projects on mechanical related.	10	Appointment letters and letters from references confirming completion of projects
3 or more completed infrastructure projects on mechanical related.	5	Appointment letters and letters from references confirming completion of projects
Less 3 or more completed infrastructure projects on mechanical related..	3	Appointment letters and letters from references confirming completion of projects
No experience	0	No letters

* Only refers to company owners/directors/members. No documents belonging to employees will be accepted for point's allocation.

1.1.1 Definitions

1.1.1.1 PI Insurance: The professional Indemnity Insurance carried by professional services provider (PSP) with an amount of R2 000 000 as a minimum. The insurance must remain valid for a period of three years or until the tenderer is removed from the database. In other words, the PSP must keep it active from the date of acceptance into the database until three years or till removed from the database. The tenderer shall provide proof by way of schedule or a letter from the insurers or brokers certifying that the tenderer is covered.

1.1.1.2 Tax Clearance Certificate: The Tax Clearance Certificate (TCC) as obtained from the South African Receiver of Revenue (SARS) must be kept valid for the period during which the tenderer remains in the database.

1.1.1.3 Professional Registration: A certified copy of proof of professional registration in the categories of engineer, technologist or technician.

1.1.1.4 Unregistered: A person who is not professionally registered will need to submit academic qualifications proving that he/she has an appropriate qualification in the categories reflected. Only certified copies will be acceptable.

1.1.1.5 Company Registration: A certified copy of the company registration showing the names of the directors/members/shareholders and the number of shares owned by directors. In the event of a CC, it will be the interest of a member.

1.1.1.6 Company Profile: A company profile listing, among others, projects which have been undertaken in the past which can also be traced by the employer.

1.1.2 Conditions associated with granting of points

The tenderer must submit, as a minimum, certified copies of certificates and registrations. Only the company profile and PI insurance proof will not need to be certified. However, the employer reserves the right to verify the validity of the PI insurance. Consequently, the contact details of the insurers (or brokers) in the case of PI, should be provided.

1.2 Approach Paper

The Approach Paper must respond to the proposed Scope of Work (for this purpose it will be assumed that pumps will be asses and fixed or new installation) and outline the proposed approach/methodology. Accordingly, this portion of the Approach Paper should clearly articulate:

- a) the Contract deliverables as understood by the Tenderer;
- b) the methodologies which are to be adopted, demonstrate the compatibility of those methodologies with the proposed approach (for instance, the methods of interpreting available data, carrying out investigation, analyses, and studies; and comparing alternative solutions);
- c) the objectives of the assignment and the Employer's stated and implied requirements, highlight the issues of importance, and explain the technical approach they would adopt to address them;
- d) the Tenderer's approach to Skills Transfer, with particular reference to what type of skills transfer will take place and who the particular recipients will be; and
- e) the paper must also discuss the quality control measures.

2. Stage II

In this stage, all Tenders shall have fresh scores based upon validity of documents submitted. The scoring shall be based firmly on the following criteria:

Price	=	90
B-BBEE	=	10
Total	=	100

2.1 Acceptance of Tender offer

The tender will only be accepted on condition that:

- (a) The tenderer or competent authorized representative of the service provider who submitted the tender has a full understanding of mechanical component.
- (b) A compulsory enterprise questionnaire, filled in and signed by the authorized person, is included with his tender submission.
- (c) The tenderer is not in arrears for more than 3 months with municipal rates.
- (d) A valid original Tax clearance Certificate is included with his tender.

-
- (e) The tenderer or any of its directors is not listed on the Register of Tender Defaulters in terms of the Prevention and Combating of Corrupt activities Act of 2004 as a person prohibited from doing business with the public sector.
 - (f) The tenderer has not:
 - (i) Abused the Employees Supply Chain Management System: or
 - (ii) failed to perform on any previous contract and has been given a written termination letter
 - (g) A tenderer has attached proof of purchasing the tender document
 - (h) Certified proof of professional indemnity is attached

ANNEXURE A (Forms)**ANNEXURE A (Forms)**

Form: 1	Certificate of Tax Clearance	13
Form: 2	Record Of Addenda to Bid Documents.....	14
Form: 3	Declaration Of Interest (MBD4)	15
Form: 4	Declaration of Bidder's Past Supply Chain Management	18
Form: 5	Company Registration Certificates	20
Form: 6	Certificate Of Independent Bid Determination	21
Form: 7	Preferential Procurement Declaration Affidavit	24
Form: 8	Declaration of Interest	25
Form: 9	Certificate Of Authority for Signatory	27
Form: 10	Municipal Clearance Certificate	28
Form: 11	Professional Indemnity Insurance.....	29
Form 12	Professional registration	30
Form 13	Registration with council of engineering.....	31
Form 14	Project Management.....	32
Form 15	Company experience.....	33
Form 16	B-BBEE.....	34

CERTIFICATE OF TAX CLEARANCE

The tenderer shall attach to this page the **Original Valid Tax Clearance Certificate**

In the event of a joint venture, each member shall comply with the above requirement.

SIGNED ON BEHALF OF THE TENDERER:

RECORD OF ADDENDA TO BID DOCUMENTS

I / We confirm that the following communications received from the Employer or his representative before the date of submission of this bid offer, amending the bid documents, have been taken into account in this bid offer and is attached hereto.

ADD. NO.	DATE	TITTLE OR DETAILS
1		
2		
3		
4		
5		

Please attach all Addenda hereto

SIGNATURE:

DATE:

(Of person authorized to sign on behalf of the bidder)

DECLARATION OF INTEREST (MBD 4)

1. No bid will be accepted from persons in the service of the state*.
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 and/or take an oath declaring his/her interest.

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

3.1 Full Name:

3.2 Identity Number:

3.3 Company Registration Number:

3.4 Tax Reference Number:

3.5 VAT Registration Number:

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

3.6.1 If so, furnish particulars.

.....

.....

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

3.7.1 If so, furnish particulars.

3.8 Do you, have any relationship (family, friend, other) with **YES / NO**

* 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

(f) an employee of Parliament or a provincial legislature.

persons in the service of the state and who may be involved with the evaluation and or adjudication of this bid?

3.8.1 If so, furnish particulars.

.....

.....

3.9 Are you, aware of any relationship (family, friend, other) between a bidder and any persons in the service of the state who may be involved with the evaluation and or adjudication of this bid?

YES / NO

3.9.1 If so, furnish particulars

.....

.....

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

YES / NO

3.10.1 If so, furnish particulars.

.....

.....

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

YES / NO

3.11.1 If so, furnish particulars.

.....

.....

CERTIFICATION

I, THE UNDERSIGNED (NAME)

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

.....
Position

.....
Name of Bidder

Form 4**DECLARATION OF BIDDER'S PAST SUPPLY CHAIN MANAGEMENT PRACTICES**

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

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

4.3	Was the bidder or any of its directors convicted by a court of law (including a court of law outside the Republic of South Africa) for fraud or corruption during the past five years?	Yes ☐	No ☐
4.3.1	If so, furnish particulars:		
Item	Question	Yes	No
4.4	Does the bidder or any of its directors owe any municipal rates and taxes or municipal charges to the municipality / municipal entity, or to any other municipality / municipal entity, that is in arrears for more than three months?	Yes ☐	No ☐
4.4.1	If so, furnish particulars:		
4.5	Was any contract between the bidder and the municipality / municipal entity or any other organ of state terminated during the past five years on account of failure to perform on or comply with the contract?	Yes ☐	No ☐
4.7.1	If so, furnish particulars:		

CERTIFICATION

I, THE UNDERSIGNED (FULL NAME)

CERTIFY THAT THE INFORMATION FURNISHED ON THIS DECLARATION FORM TRUE AND CORRECT.

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

.....
Signature

.....
Date

.....
Position

.....
Name of Bidder

COMPANY REGISTRATION CERTIFICATE

The bidder is to affix to this page a certified copy of Company Registration Certificate.

CERTIFICATE OF INDEPENDENT BID DETERMINATION**MBD 10**

- 1 This Municipal Bidding Document (MBD) must form part of all bids¹ invited.
- 2 Section 4 (1) (b) (iii) of the Competition Act No. 89 of 1998, as amended, prohibits an agreement between, or concerted practice by, firms, or a decision by an association of firms, if it is between parties in a horizontal relationship and if it involves collusive bidding (or bid rigging).² Collusive bidding is a *pe se* prohibition meaning that it cannot be justified under any grounds.
- 3 Municipal Supply Regulation 38 (1) prescribes that a supply chain management policy must provide measures for the combating of abuse of the supply chain management system, and must enable the accounting officer, among others, to:
 - a. take all reasonable steps to prevent such abuse;
 - b. reject the bid of any bidder if that bidder or any of its directors has abused the supply chain management system of the municipality or municipal entity or has committed any improper conduct in relation to such system; and
 - c. cancel a contract awarded to a person if the person committed any corrupt or fraudulent act during the bidding process or the execution of the contract.
- 4 This MBD serves as a certificate of declaration that would be used by institutions to ensure that, when bids are considered, reasonable steps are taken to prevent any form of bid-rigging.
- 5 In order to give effect to the above, the attached Certificate of Bid Determination (MBD 9) must be completed and submitted with the bid:

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

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

CERTIFICATE OF INDEPENDENT BID DETERMINATION

I, the undersigned, in submitting the accompanying bid:

(Bid Number and Description)

in response to the invitation for the bid made by:

(Name of Municipality / Municipal Entity)

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

I certify, on behalf of: _____ that:

(Name of Bidder)

1. I have read and I understand the contents of this Certificate;
2. I understand that the accompanying bid will be disqualified if this Certificate is found not to be true and complete in every respect;
3. I am authorized by the bidder to sign this Certificate, and to submit the accompanying bid, on behalf of the bidder;
4. Each person whose signature appears on the accompanying bid has been authorized by the bidder to determine the terms of, and to sign, the bid, on behalf of the bidder;
5. For the purposes of this Certificate and the accompanying bid, I understand that the word "competitor" shall include any individual or organization, other than the bidder, whether or not affiliated with the bidder, who:
 - (a) has been requested to submit a bid in response to this bid invitation;
 - (b) could potentially submit a bid in response to this bid invitation, based on their qualifications, abilities or experience; and
 - (c) provides the same goods and services as the bidder and/or is in the same line of business as the bidder
6. The bidder has arrived at the accompanying bid independently from, and without consultation, communication, agreement or arrangement with any competitor. However communication between partners in a joint venture or consortium³ will not be construed as collusive bidding.
7. In particular, without limiting the generality of paragraphs 6 above, there has been no consultation, communication, agreement or arrangement with any competitor regarding:
 - (a) prices;

- (b) geographical area where product or service will be rendered (market allocation)
 - (c) methods, factors or formulas used to calculate prices;
 - (d) the intention or decision to submit or not to submit, a bid;
 - (e) the submission of a bid which does not meet the specifications and conditions of the bid; or
 - (f) bidding with the intention not to win the bid.
8. In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications and conditions or delivery particulars of the products or services to which this bid invitation relates.
9. The terms of the accompanying bid have not been, and will not be, disclosed by the bidder, directly or indirectly, to any competitor, prior to the date and time of the official bid opening or of the awarding of the contract.
10. I am aware that, in addition and without prejudice to any other remedy provided to combat any restrictive practices related to bids and contracts, bids that are suspicious will be reported to the Competition Commission for investigation and possible imposition of administrative penalties in terms of section 59 of the Competition Act No 89 of 1998 and or may be reported to the National Prosecuting Authority (NPA) for criminal investigation and or may be restricted from conducting business with the public sector for a period not exceeding ten (10) years in terms of the Prevention and Combating of Corrupt Activities Act No 12 of 2004 or any other applicable legislation.

.....

Signature

.....

Date

.....

Position

.....

Name of Bidder

PREFERENTIAL PROCUREMENT SCHEDULES AND AFFIDAVIT THAT WILL BE INCORPORATED INTO THE CONTRACT

PREFERENTIAL PROCUREMENT DECLARATION AFFIDAVIT

IMPORTANT NOTES:

1. *Tenderers with annual total revenue of R5 Million or less qualify as Exempted Micro Enterprises (EMEs) in terms of the Broad-Based Black Economic Empowerment Act, and must submit a certificate issued by a registered auditor, accounting officer (as contemplated in section 60(4) of the Close Corporation Act, 1984 (Act No. 69 of 1984)) or an accredited verification agency.*
2. *Tenderers other than Exempted Micro Enterprises must submit an Original or certified copy of a Valid B-BBEE status level verification certificate substantiating their B-BBEE rating.*
3. *Submission of such certificates must comply with the requirements of instructions and guidelines issued by the National Treasury and be in accordance with notices published by the Department of Trade and Industry in the Government Gazette.*
4. *These certificates must be submitted by each Tenderer and, in the case of a Consortium or Joint Venture, by every member of the Consortium or Joint Venture. Any subcontractor(s) nominated for participation in the contract must also submit these certificates.*
5. *False documents and/or information will invalidate the tender.*
6. *The B-BBEE status level attained by the tenderer must be used to determine the number of points contemplated in the table below.*
7. *The said certificates are essential and vital for the evaluation of the tender, and failure to submit these certificates will prejudice the tender and may invalidate it at the discretion of the Employer.*
8. *The information for registration as in the possession of the ABAQULUSI LOCAL MUNICIPALITY will apply.*
9. *It is the Tenderer's responsibility to ensure that the details as submitted to the Municipality are correct.*

DECLARATION OF INTEREST

1. Any legal person, including persons employed by the principal, or persons having a kinship with persons employed by the principal, 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 employed by the principal, or to persons connected with or related to them, it is required that the bidder or his/her authorised representative declare his/her position in relation to the evaluating/adjudicating authority and/or take an oath declaring his/her interest, where-

- the bidder is employed by the principal; and/or
- the legal person on whose behalf the bidding document is signed, has a relationship with persons/a person who are/is involved in the evaluation and or adjudication of the bid(s), or where it is known that such a relationship exists between the person or persons for or on whose behalf the declaring acts and persons who are involved with the evaluation and or adjudication of the bid.

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

- 2.1 Are you or any person connected with the bidder, employed by the principal?..... **YES/NO**

- 2.1.2 If so, state particulars.

.....
.....

- 2.2 Do you, or any person connected with the bidder, have any relationship (family, friend, other) with a person employed by the principal and who may be involved with the evaluation and or adjudication of this bid?..... **YES/NO**

- 2.2.1 If so, state particulars.

.....
.....

- 2.1 Are you, or any person connected with the bidder, aware of any relationship (family, friend, other) between the bidder and any person employed by the principal who may be involved with the evaluation and or adjudication of this bid?.....**YES/NO**

- 2.3.1 If so, state particulars.

.....
.....

DECLARATION

I, THE UNDERSIGNED (NAME).....

CERTIFY THAT THE INFORMATION FURNISHED IN PARAGRAPHS 2.1 TO 2.3.1 ABOVE IS CORRECT. I ACCEPT THAT THE PRINCIPAL MAY ACT AGAINST ME IN TERMS OF PARAGRAPH 23 OF THE GENERAL CONDITIONS OF CONTRACT SHOULD THIS DECLARATION PROVE TO BE FALSE.

.....

Signature Date

.....

.....

Position Name of bidder

.....

CERTIFICATE OF AUTHORITY FOR SIGNATORY

Notes to Bidder:

- 1) The signatory for the bidder shall confirm his/her authority thereto by attaching a duly signed and dated copy of the relevant resolution of the board of directors/partners. Alternatively this form may be used directly. It is deemed that whoever authorizes the signatory has the capacity to commit the tenderer to enter into contracts.
- 2) In the event that the tenderer is a joint venture, a certificate of authority for signatory is required from all members of the joint venture and the designated lead member shall be clearly identified.

By resolution of the board of directors passed at a meeting held on.....

Mr/Ms, whose signature appears below, has been duly authorised to sign all documents in connection with the bid for Contract No. : **REQUEST FOR PROPOSAL FOR PROFESSIONAL SERVICES/CONSULTANTS OF THE PANEL OF MECHANICAL ENGINEERING FOR A PERIOD OF THREE (3) YEARS.**

and any contract which may arise there from on behalf of (block capitals)

.....

SIGNED ON BEHALF OF THE COMPANY:

IN HIS/HER CAPACITY AS:

DATE:

SIGNATURE OF SIGNATORY:

WITNESS:

SIGNATURE

SIGNATURE

.....

NAME (PRINT)

NAME (PRINT)

MUNICIPAL CLEARANCE CERTIFICATE

The bidder is to affix this page with municipal clearance certificate.

PROFESSIONAL INDEMNITY INSURANCE

The bidder is to affix this page with professional indemnity insurance.

PROFESSIONAL REGISTRATION

The bidder is to affix this page with professional registration.

Form 13**REGISTRATION WITH COUNCIL OF ENGINEERING**

The bidder is to affix this page with registration certificate.

PROJECT MANAGEMENT

The bidder is to affix this page with approach paper.

COMPANY EXPERIENCE

The bidder is to affix this page with appointment letters and reference letters.

B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE

{The tender shall attach hereto the contractors proof of B-BBEE status level verification}