



CHIEF ALBERT LUTHULI MUNICIPALITY

TENDER FOR THE APPOINTMENT OF A PANEL OF CONSULTING ENGINEERING FIRMS TO RENDER PROFESSIONAL SERVICES AND ACT AS PRINCIPAL AGENT FOR VARIOUS PROJECTS IN CHIEF ALBERT LUTHULI MUNICIPALITY AS AND WHEN REQUIRED FOR A PERIOD OF THREE YEARS

BID NUMBER: ALMT10/2022

<p>EMPLOYER:</p> <p>CHIEF ALBERT LUTHULI MUNICIPALITY Private Bag X 719 Carolina 1185</p> <p>Enquires: Ngidi MC (PMU) E-mail: ngidimc@albertluthului.gov.za Tel: +27 (0) 17 843 4000 Fax: +27 (0) 17 843 4001</p>	<p>ISSUED BY:</p> <p>ALBERT LUTHULI MUNICIPALITY Private Bag X 719 Carolina 1185</p> <p>Enquires: James Nkosi (Supply Chain Manager) E-mail: nkosija@albertluthului.gov.za Tel: +27 (0) 17 843 4000 Fax: +27 (0) 17 843 4001</p>
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Tenderer

Professional Service Bidding for

BEE Rating.....

Telephone Number.....

Fax Number.....

Email:.....

CHIEF ALBERT LUTHULI MUNICIPALITY

**APPOINTMENT OF APPOINTMENT OF PANEL OF CONSULTING ENGINEERS
FOR A PERIOD OF THREE YEARS ON AN AS AND WHEN REQUIRED BASIS**

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CHIEF ALBERT LUTHULI MUNICIPALITY



TENDER No. ALMT10/2022

APPOINTMENT OF PANEL OF CONSULTING ENGINEERS FOR A PERIOD OF THREE YEARS ON AN AS AND WHEN REQUIRED BASIS

T1.1 Tender Notice

Closing Date and Time: 19 August 2022 at 12:00 PM

Tenders are invited for the appointment of a panel of consulting engineering firms to render professional services and act as principal agent in terms of construction regulations, 2003 of occupational health and safety act, 1993 (ACT 85 of 1993) for various projects within the Chief Albert Luthuli Municipality for a period of three years.

Reputable and well experienced service providers to submit tenders for the above-mentioned project. The services providers must comply with the VAT Act. Tender documents will be available at Carolina Municipal Offices from **26 July 2022** at cashiers point during office hours upon payment of a non-refundable printing fee of **R 759.47**

Sealed envelopes must be addressed to: The Municipal Manager,
Chief Albert Luthuli Municipality
PO Box 24, CAROLINA, 1185

marked with the correct bid number or deposit it in the 'TENDER BOX' situated at Chief Albert Luthuli Municipality Offices, 28 Church Street, CAROLINA, **no later than 12H00 on the specified closing date per tender.**

The following **compulsory documents** must be accompanied with the tender, and failure to provide such documentations shall constitute automatic disqualification: Original Valid Tax Clearance Certificate or SARS Pin, Company Certificate, Municipal Account not older than three months and not in arrears more than three months and Company Profile and proof of CSD.

All Tenders will be evaluated in accordance with the Supply Chain Policy of the Chief Albert Luthuli Municipality, PFMA and other related legislations. All submitted proposals shall remain valid for 90 days. Furthermore, Quality-Based Selection (QBS) as prescribed and described by Treasury will be the method of selection for this particular Tender.

The Municipality shall appoint prospective service providers to be on the Municipality's consultant panel based on their field of expertise, qualifications, capacity and work experience. Only bidders who are registered with the relevant professional body (companies not individuals) will be considered. This requirement will remain in force as long as it is a requirement of the Professional.

Chief Albert Luthuli Municipality reserves the right to accept and/or not to accept the tender. **No late, telephonic, facsimile or e-mail tenders will be accepted.**

According to the Municipality Supply Chain Regulations issued by the Minister of Finance in terms of Section 168 of the Municipal Finance Management Act, Act 56 of 2003, persons within the organs of the state, like Councilors, and other elected representatives, full time employees and other directors of the public and municipal entities are prohibited from being eligible to bid or be awarded a contract to provide any services to the municipality.

If you do not hear from the Municipality within 90 working days, please consider your tender unsuccessful.

All administrative matters may be addressed to the Supply Chain Manager Mr. J Nkosi Tel no: 017 843 4025

INVITATION TO BID

YOU ARE HEREBY INVITED TO BID FOR THE REQUIREMENT OF THE CHIEF ALBERT LUTHULI MUNICIPALITY

BID REFERENCE: ALMT10/2022 CLOSING DATE: 19 August 2022

CLOSING TIME: 12H00

APPOINTMENT OF A PANEL OF CONSULTING ENGINEERING FIRMS TO RENDER PROFESSIONAL SERVICES AND ACT AS PRINCIPAL AGENT FOR VARIOUS PROJECTS IN CHIEF ALBERT LUTHULI MUNICIPALITY AS AND WHEN REQUIRED FOR A PERIOD OF THREE YEARS

The successful bidder will be required to fill in and sign a written Contract

1. Bid documents may be posted to:

**The Municipal Manager
Chief Albert Luthuli Municipality
P O Box 24
CAROLINA
1185**

OR

Deposited in the "TENDER BOX" situated at:

**Chief Albert Luthuli Municipal Offices
Reception Area, Ground Floor, Head Office
28 Kerk Street, CAROLINA**

2. Bidders should ensure that bids are delivered timeously to the correct address. If the bid is late, it will not be accepted for consideration.
3. The "Tender Box" is generally open during office hours, 5 days a week. This due to the safety and security conditions in the head office.
4. All bids must be submitted on the official forms - (not to be retyped, rebound or altered in any way. Any additional information and/or catalogues may be attached to the original document, as specified)
5. This bid is subject to the general condition of contract (GCC) and if applicable, any other special conditions of contract.

NB: No bids will be considered from the persons in the service of state (see definition of MBD 4 attached)

CHIEF ALBERT LUTHULI MUNICIPALITY
APPOINTMENT OF PANEL OF CONSULTING ENGINEERS ON AN AS-AND-WHEN
BASIS FOR A PERIOD OF THREE YEARS

T.1.2 RESPONSIVENESS AND EVALUATION CRITERIA

Chief Albert Luthuli Municipality will consider no bid unless it meets the following criteria:

- The bid must be properly received in a sealed envelope clearly indicating the **Tender number and Specialisation** for which the bid is submitted.
- For bidders bidding for multiple specialisations, **a separate Tender document for each specialisation must be submitted**, failure to do so shall constitute **automatic disqualification**.
- The bid must be deposited in the relevant bid box as indicated on the notice of the bid on or before the closing date and time of the bid.
- Attached Central Supply Database (CSD) Summary registration report.
- Bid forms must be completed in full and each page of the bid initialized.
- Copy of the company registration certificate must be submitted with the bid on or before the closing date and time of the bid.
- Submission of a Joint Venture Agreement, where applicable, which has been properly signed by all parties.
- Proof of payment of municipal rates and taxes not more than 3 months older.
- Comply with the requirements of the bid and technical specifications.
- Registered with the relevant professional body (Active) in line with the nature of the works to be carried out
- Adheres to Pricing Instructions
- All submitted certificates are to be certified

a) Policy, the Preferential Procurement Policy Framework Act, and other applicable legislations.

b) The Council reserves the right to accept all, some, or none of the bids submitted – either wholly or in part – and it is not obliged to accept the lowest bid.

By submitting this bid, bidder authorizes the Council or its delegate(s) to carry out any investigation deemed necessary to verify the correctness of the statements and documents submitted and that such documents reasonably reflect the ability of the Bidder to provide the services required by the Council.

PLEASE NOTE:

The person committed a corrupt or fraudulent act during the procurement process or in the execution of the contract.

OR

An official or other role player committed any corrupt or fraudulent act during the procurement process or in the execution of the contract that benefited that person. The Municipal Manager may reject that specific bid or quote of that particular person if that person or any of its directors has:

- a) Failed to pay municipal rates and taxes or municipal service charges and such rates, taxes and charges are in arrears for more than three months;
- b) Failed, during the last five years, to perform satisfactorily on a previous contract with the Polokwane Local Municipality or any other organization of the State after written notice was given to that bidder that performance was unsatisfactory;
- c) Abused the supply chain management system of the Municipality or have committed any improper conduct in relation to this system;
- d) Been convicted of fraud or corruption during the past five years;
- e) 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) or has been listed on National Treasury's database as a person prohibited from doing business with public sector.

CHIEF ALBERT LUTHULI MUNICIPALITY
APPOINTMENT OF PANEL OF CONSULTING ENGINEERS ON AN AS-AND-WHEN
BASIS FOR A PERIOD OF THREE YEARS

T.1.3 TERMS OF REFERENCE

T.1.3.1 General Information

Purpose

Chief Albert Luthuli municipality intends to appoint a panel of consulting engineering firms to render professional services and act as agent for various projects on an As and When basis for a three year period. Consulting firms will be invited by means of the tendering process to submit a detailed project tender and engineering proposal; with reference to the professional service to be rendered during a three year period and information of their firms, for evaluation purposes.

Submission of proposals

A single Envelope System will be used. Bidders must submit proposals in one envelope marked clearly **MUNICIPAL MANAGER, CHIEF ALBERT LUTHULI MUNICIPALITY, BID ALMT10/2022, "SPECIALISATION BIDDING FOR "**

The sealed tenders must be deposited in the Tender Box of the Municipality on or before the closing date of 19 August 2022 at 12:00 where after they will be opened in public.

Late proposals will not be accepted\considered as well as those submitted via facsimile or email.

Proposals must be accompanied by:

- completed tender documents
- a company profiles,
- curriculum vitae of proposed members of the team,
- Original valid tax clearance certificate and SARS Pin.

- Municipal rates and taxes account (Not Older than three months & Not in arrears more than three months).
- B-BBEE status level Verification Certificates
- Certified Company registration Certificate
- Proof of CSD Registration
- ISO 9001 membership Certificate
- CESA/SABTACO membership Certificate

Failure to submit all required documents will lead to disqualification of the tender.

Proposals must be signed by an authorized agent to bind the service provider to its provisions.

Project Objectives

Chief Albert Luthuli Municipality (CALM) requires services of consulting engineering firms to render professional services and act as agent for various projects on an As and When basis for a three year period

Company Experience

Previous experience of the company in the relevant stream of specialization. Relevant experience in similar projects for Company (Attach certified appointment letters as proof of company experience.

- Minimum of eight (8) years' experience in the field.
- Companies are required to provide proof that they have facilitated/performed similar projects, accompanied by correspondence from references providing that such project was executed as well as their contactable references
- Failure to submit correspondence from references will invalidate the points allocated in this category.

Project Duration

The duration of the project is three (03) years.

Briefing session

No Tender Briefing for this bid. Questions and Clarifications can be directed to:

Procurement Enquiries: **Mr J.A Nkosi**
Tel: 017 843 4025 / 4000
Email : NkosiJA@albertluthuli.gov.za

Technical Enquiries: **Mr. MC Ngidi**
Tel: 017 843 4084 / 4000
Email : ngidimc@albertluthuli.gov.za

Terms & Conditions of a Service Provider

The service provider will be expected to sign a Service Level Agreement (SLA) with the Municipality prior to commencement of the service.

Format & Submission of the Proposal

- All the forms (MBD) that are included in the bid document must be completed in all respects by bidders. Failure to comply will invalidate a bid.
- All Bids Must Be Submitted On The Official Forms Provided–(Not To Be Re-Typed).

Evaluation of bids

The following are criteria against which all bids responses will be evaluated:

Compliance with bid conditions;

- Bid submitted on time,
- Bid forms signed and each page initialled;
- All essential information provided
- Submission of Central Supply Database (CSD) summary of registration report
- Tax certificate and pin
- Company Registration document
- BEE Certificate
- CESA/SABTACO Certificate where relevant
- Submission of a Joint Venture Agreement, which has been properly signed by all parties
- Municipal rates account not older than 3 months and not in arrears for more than 90 days

Meeting technical specifications and comply with bid conditions;

- Only bidders who are registered in the relevant professional body will be considered (at least one director must be registered with ECSA/SACPCMP/SACNASP as applicable). This requirement will remain in force as long as it is a requirement of that specific professional body.
- The Joint Ventures, all companies, which are part of the joint venture, must be registered with the professional body (at least one director must be registered with ECSA/SACPCMP/SACNASP as applicable for each JV member). The company that meets the requirement of professional body will be considered.

The conditions of bid may stipulate that a bidder must score a specified minimum number of points for functionality to qualify for further evaluation.

- Only bids who attained the minimum score will be considered.

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T.1.3.2 Scope of Works\Deliverables

Only professionals listed in the streams below are required to submit their bids.

A relevant registered professional means a person specializing in the categories listed below. Bidders are required to submit a separate document for each discipline.

The following disciplines will be required as part of a panel:

- 1. Electrical & Energy Management**
- 2. Roads and Storm water**
- 3. Civil**
- 4. Water and Sanitation**
- 5. Mechanical**
- 6. Project Management**
- 7. Geotechnical Engineering/Services**
- 8. Land Surveyor**

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T.1.3.3 Minimum Key Staff requirements

The team proposed by the service provider must possess the following expertise, skills and formal qualifications: it is also a requirement that the proposed Project Director and Design Engineer be in the tender's permanent employment:

	CATEGORY	KEY STAFF	MINIMUM	
			QUALIFICATION	EXPERIENCE
1	Civil	Project Director	BSc Civil/BTech Civil Pr Eng / Pr Tech Eng in Civil Engineering	15 years
		Design Engineer	BSc Civil/BTech Civil Pr Eng/ Pr Tech Eng in Civil Engineering	10 years
		Project manager	BSc Civil/BTech Civil Pr Eng/ Pr Tech Eng in Civil Engineering	10 years
2	Roads and Storm water	Project Director	BSc Civil/BTech Civil Pr Eng / Pr Tech Eng in Civil Engineering	15 years
		Design Engineer	BSc Civil/BTech Civil Pr Eng/ Pr Tech Eng in Civil Engineering	10 years
		Project manager	BSc Civil/BTech Civil Pr Eng/ Pr Tech Eng in Civil Engineering	10 years
3	Water and Sanitation	Project Director	BSc Civil/BTech Civil Pr Eng / Pr Tech Eng in Civil Engineering	15 years
		Design Engineer	BSc Civil/BTech Civil Pr Eng/ Pr Tech Eng in Civil Engineering	10 years
		Project manager	BSc Civil/BTech Civil Pr Eng/ Pr Tech Eng in Civil Engineering	10 years
4	Project Management	Project Director	BSc Civil/BTech Pr CPMP/PrCM	10 years
		Design Engineer	BSc Civil/BTech/ Pr CPMP/PrCM Project Management Degree NQF level 5	8 years
		Project manager	BSc/ BTech Project Management Cand. PrCPM	5 years
5	Electrical and Energy Management	Project Director	PR Eng / PR Tech Electrical Engineering Degree	10 years
		Design Engineer	PR Eng / PR Tech Electrical Engineering Engineering Degree NQF level 5	5 years

		Project manager	ND Electrical Power Engineering	5 years
6	Mechanical	Project Director	PR Eng / PR Tech Mechanical Engineering Degree	10 years
		Design Engineer	PR Eng / PR Tech Mechanical Engineering Degree NQF level 5	5 years
		Project manager	ND Mechanical engineering	5 years
7	Geotechnical Engineering/Services	Project Director	Degree in Geotechnical Engineering/BSc Civil Eng specializing in Geotechnical Engineering	10 years
		Design Engineer	Degree in Geotechnical Engineering/BSc Civil Eng specializing in Geotechnical Engineering	5 years
		Project manager	Degree in Geotechnical Engineering/BSc Civil Eng specializing in Geotechnical Engineering	5 Years
8	Land Surveyor	Project Director	Degree in Land Surveying/ BSc Land surveying Registered with the SAGC	10 years
		Project manager	Degree in Land Surveying/ BSc Land surveying Re	5 years

T.1.3.4 EVALUATION CRITERIA

This bid will be evaluated in two (2) phases.

Phase 1

The following evaluation process and criteria will be used to evaluate all bids submitted:

- E. Administrative Compliance – Phase One

1.1 All bids duly lodged will be examined to determine compliance with bidding requirements and conditions. Bids with obvious deviations from the requirements/conditions, will be eliminated from further evaluation.

1.2 Critical Criteria:

The following critical criteria have been identified for this bid and any non-compliance thereto will lead to the bid being regarded as non-responsive and disqualified from further evaluation:

- Provide Central Supplier Database(CSD) number (attach summary CSD registration report).
- Completed tender documents initialed and signed where required.
- Compulsory briefing session (depending on the advert) must be attended and signing of the register thereof.
- Proof of company registration with professional body
- Signed J/V agreement submitted (Where applicable).
- completed tender documents
- Original valid tax clearance certificate/SARS Pin(Tax Status).
- Municipal rates and taxes account (Not Older than three months & Not in arrears more than three months).
- B-BBEE status level Verification Certificates
- Copy of Company Certificate
- ISO 9001 membership certificate

Phase 2A

EVALUATION ON QUALITY/FUNCTIONALITY AND B-BBEE = 100

The bidder must obtain a minimum score of 80 from points. Bidders will be ranked according to the points scored for their placement on the panel of consultants according to the Municipality's allocation per stream.

(ELECTRICAL ENGINEERING AND ENERGY MANAGEMENT, ROADS AND STORM WATER ENGINEERING, CIVIL ENGINEERING, WATER AND SANITATION ENGINEERING AND MECHANICAL ENGINEERING SERVICES)

Bidder evaluation criteria for functionality Scores	Weight	Scores	Points allocations
Profile of key staff <ul style="list-style-type: none"> Attach Qualification and PR registration of own staff (Projects Director and Design Engineer must be permanent Employees) 	55	Project Director BSc (PrEng): 20 Points BTech (Pr Tech Eng): 10 Points Design Engineer BSc/ PrEng: 20 Points BTech (Pr Tech Eng): 10 Points Project manager BSc/ BTech (PrEng/PrTechEng/PrCPM): 15 Points National Diploma engineering (PrCPM): 10	Max 20 Points Max 20 Points Max 15 Points
Previous experience of the company in the relevant stream of specialization <ul style="list-style-type: none"> Relevant experience in similar projects for Company (Attach certified appointment letters and signed reference letters from previous clients on the clients letterhead)	35	R2-R5M (3 Points per project) (max 5 projects) (15 points) R6-R15M (4 Points per project) (max 5 projects) (20 points) R16-R30M (4 Points per project) (max of 5 projects) (25 points) R31 M and above (7 Points per project) (max 5 projects) Max 35 points	Max 15 Points Max 20 Points Max 25 Points Max 35 Points
B-BBEE	10	BBBEE Level of contribution	
		1	10
		2	9
		3	6
		4	5
		5	4
		6	3
		7	2
		8	1
		Non-compliant contributor	0
Quality Management System	10	ISO 9001:2015 certified QMS	10

(PROJECT MANAGEMENT STREAM)

Bidder evaluation criteria for functionality Scores	Weight	Scores	Points allocations
Profile of key staff <ul style="list-style-type: none"> Attach Qualification and PR registration of own staff 	55	Project Director BSc Civil (Pr CPM/PrCM): 20 Points BTech Civil (Pr CPM/PrCM): 10 Points Design Engineer BSc Civil (Pr CPM): 20 Points BTech Civil (Pr CPM): 10 Points Project manager BSc/BTech Project Management Cand. PrCPM: 15 Points	Max 20 Points Max 20 Points Max 15 Points
Previous experience of the company in the relevant stream of specialization <ul style="list-style-type: none"> Relevant experience in similar projects for Company (Attach signed reference letters from previous clients on the company letterhead)	35	R2-R5M (5 Points per project) (max 3 projects) (15 points) R6-R15M (10 Points per project) (max 2 projects) (20 points) R16-R30M (15 Points per project) (max of 2 projects) (30 points) R31 M and above (35 Points per project) (max 35 points)	Max 15 Points Max 20 Points Max 30 Points Max 35 Points
B-BBEE	10	BBEE Level of contribution	Max 10 points
		1	10
		2	9
		3	6
		4	5
		5	4
		6	3
		7	2
		8	1
		Non-compliant contributor	0

(GEOTECHNICAL ENGINEERING/SERVICES)

Bidder evaluation criteria for functionality Scores	Weight	Scores	Points allocations
Profile of key staff <ul style="list-style-type: none"> Attach Qualification and PR registration of own staff 	55	Project Director Degree in Geotechnical engineering / BSc Civil majoring in Geotechnical: 20 points Design Engineer Degree in Geotechnical engineering / BSc Civil majoring in Geotechnical: 20 points Project manager Degree in Geotechnical engineering / BSc Civil majoring in Geotechnical: 15 points	Max 20 Points Max 20 Points Max 15 Points
Previous experience of the company in the relevant stream of specialization	35	R1-R2M (5 Points per project) (max 3 projects) (15 points) R3-R4M (10 Points per project) (max 2 projects) (20 points)	Max 15 Points Max 20 Points Max 25 Points

<ul style="list-style-type: none"> Relevant experience in similar projects for Company <p>(Attach signed reference letters from previous clients on the company letterhead)</p>		R5-R6M (12.5 Points per project) (max of 2 projects) (25 points) R7 M and above (35 Points per project) (max 35 points)	Max 35 Points
B-BBEE	10	BBBEE Level of contribution	Max 10 points
		1	10
		2	9
		3	6
		4	5
		5	4
		6	3
		7	2
		8	1
		Non-compliant contributor	0

(LAND SURVEYOR))

Bidder evaluation criteria for functionality Scores	Weight	Scores	Points allocations
Profile of key staff <ul style="list-style-type: none"> Attach Qualification and PR registration of own staff 	55	Project Director Degree in Land Surveying/ BSc Land surveying Registered with the SAGC: 30 points Project manager Degree in Land Surveying/ BSc Land surveying Registered with the SAGC: 25 points	Max30 Points Max 25 Points
Previous experience of the company in the relevant stream of specialization <ul style="list-style-type: none"> Relevant experience in similar projects for Company <p>(Attach signed reference letters from previous clients on the company letterhead)</p>	35	R1-R2M (5 Points per project) (max 3 projects) (15 points) R3-R4M (10 Points per project) (max 2 projects) (20 points) R5-R6M (12.5 Points per project) (max of 2 projects) (25 points) R7 M and above (35 Points per project) (max 35 points)	Max 15 Points Max 20 Points Max 25 Points Max 35 Points
B-BBEE	10	BBBEE Level of contribution	Max 10 points
		1	10
		2	9
		3	6
		4	5
		5	4
		6	3
		7	2
		8	1
		Non-compliant contributor	0

CHIEF ALBERT LUTHULI MUNICIPALITY

APPOINTMENT OF PANEL OF CONSULTING ENGINEERS ON AN AS-AND-WHEN BASIS FOR A PERIOD OF THREE YEARS

T.1.3.5 SPECIAL CONDITIONS OF CONTRACT

1. Tenders are hereby invited to submit proposals for appointment of panel of consulting engineers on an as-and-when basis for a period of three years
2. Price(s) of the bid, which must be firm and VAT inclusive, must be valid for at least ninety (90) days from date of your offer.
3. The successful service provider, who must be registered as a service provider with the applicable professional body, will be the one scoring the highest points.
4. The successful service providers must provide clearance from the where municipality they are based indicating that they are not in arrears with regard to their respective municipal services accounts.
5. Bidders must initial all the pages of the Bid document and sign the Bidder particulars page in full.
6. Bidders must complete the original Bid document in black ink, and notice must be taken that tip-ex may not be used in the document.
7. The original Bid document must be submitted together with the Technical Proposal.
8. The transaction shall be subject to any stipulations in any Act, Ordinance or By-law pertaining thereto.
9. No proposals by any person that is not competent to enter into an agreement will be considered and if it is established that it is the case, the contract agreement in this regard will be considered null and void by Council.
10. Disputes must be settled by means of mutual consultation, mediation (with or without legal representation) or when unsuccessful, in a South African court of law on an attorney and client scale.
11. Should any legal action be deemed necessary to determine any aspect arising out of these conditions or to enforce any rights in terms of these conditions, then and in that event the parties hereto agree categorically to the jurisdiction of the Magistrate's Court to hear such action and to pass judgment notwithstanding the fact that the cause of action is beyond the jurisdiction of the Court: Provided always that Council shall have the right in its sole discretion to take action in any competent higher court in any matter exceeding the ordinary jurisdiction of the Magistrate's Court.

Council reserves the right to accept any cost proposal in a tender submitted or part thereof and will not be obliged to accept the lowest tender price submitted in a tender OR any cost proposal submitted.

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APPOINTMENT OF PANEL OF CONSULTING ENGINEERS ON AN AS-AND-WHEN BASIS FOR A PERIOD OF THREE YEARS

PART B: BID FORMS

1. Failure to fully complete and sign the relevant form shall render such a tender offer unresponsive.
2. Tenderers shall note that their signatures appended to each form represents a declaration that they vouch for the accuracy and correctness of the information provided, including the information provided by candidates proposed for the specified key positions.
3. Notwithstanding any check or audit conducted by or on behalf of the Employer, the information provided in the returnable documents is accepted in good faith and as justification for entering into a contract with a tenderer. If subsequently any information is found to be incorrect such discovery shall be taken as willful misrepresentation by that tenderer to induce the contract. In such event the Employer has the discretionary right to terminate the contract.

The Tenderer must complete the following forms:

Form A	Tender form
Form B	Certificate of Attendance at Clarification Meeting
Form C	Certificate of Authority for Signatory
Form D	Certificate Of Independent Bid Determination
Form E	Certified Company Registration Certificate
Form F	Tax Clearance Certificate/ Sars pin
Form G	Municipal Utility Account
Form H	BEE Certificate
Form I	Proof of CSD Registration
Form J	Proof of registration with the relevant Professional Body
Form K	Declaration Of Interest MBD 4
Form L	Preference Points Claim Form In Terms Of The Preferential Procurement Regulations 2011 MDB 6.1
Form M	Contract Form - Purchase Of Goods/Works MBD 7.2
Form N	Declaration Of Bidder's Past Supply Chain Management Practices MBD 8
Form O	Certificate Of Independent Bid Determination MBD 9
Form P	Schedule of the Tenderer's Experience
Form Q	Schedule of Key Personnel

FORM A TENDER FORM

**Chief Albert Luthuli Municipality
P.O Box 24
CAROLINA
1185**

1 After having carefully considered the tender and being fully satisfied as to the character, quality and appropriate quantity of work to be performed
.....
(Bidder or fully authorized representative)

Of.....
Agree to provide all labour, transport and everything which is, or may be necessary in completion of the works and services in connections with the TENDER NO: ALMT10/2022 as directed by Chief Albert Luthuli Municipality

2. All the data required to be furnished at the tender stage in terms of the contract documents are enclosed with my/our tender

3. The Tenderer further agree:

5.1 that the laws of the Republic of South Africa shall govern the contract created by the acceptance of the tender

5.2 that this tender shall be subject to the jurisdiction of the Court of Law of the Republic of South Africa

4. Domicillium citandi et executandi is chosen as:

.....
.....
.....in the Republic of South Africa

5. It is declared that, notwithstanding anything contained in a covering letter to this tender, this tender is submitted entirely without further reservations.

Dated at.....on this.....day of
.....2022

.....
SIGNED ON BEHALF OF TENDERER

FORM B: CERTIFICATE OF ATTENDANCE AT SITE MEETING

This is to certify that (*tenderer*).....
of (*address*).....
.....was represented by the person(s) named below at
the compulsory meeting held for all tenderers at (*location*)
.....on (*date*).....starting at (*time*)

I / We acknowledge that the purpose of the meeting was to acquaint myself / ourselves with the site of the works and / or matters incidental to doing the work specified in the tender documents in order for me / us to take account of everything necessary when compiling our rates and prices included in the tender.

Particulars of person(s) attending the meeting:

Name:.....Signature:
Capacity:

Name:.....Signature:
Capacity:

Attendance of the above person(s) at the meeting is confirmed by the Employer’s representative, namely:

Name:Signature:
Capacity:Date and Time:

FORM C: CERTIFICATE OF AUTHORITY FOR SIGNATORY

Indicate the status of the tenderer by ticking the appropriate box hereunder. The tenderer must complete the certificate set out below for the relevant category, **and attach their Registration Certificates for Companies, Close Corporations and Partnerships, or Agreements and Powers of Attorney for Joint Ventures, or ID documents.**

(I) COMPANY	(II) CLOSE CORPORATION	(III) PARTNERSHIP	(IV) JOINT VENTURE	(V) SOLE PROPRIETOR

(I) CERTIFICATE FOR COMPANY

I,chairperson of the Board of
Directors of

.....hereby confirm that by resolution of the Board (copy attached)
taken

on.....20.....Mr/Msacting in the
capacity of

..... was authorized to sign all documents in connection with
the

tender for Contract Noand any contract resulting from it, on behalf of the company.

Chairman :

As Witnesses : 1.

2.

Date :

(ii) CERTIFICATE FOR CLOSE CORPORATION

We, the undersigned, being the key members in the business trading as

.....

.....hereby authorise Mr/Ms..... acting in the capacity of

.....to sign all documents in connection with the tender for

Contract Noand any contract resulting from it, on our behalf.

NAME	ADDRESS	SIGNATURE	DATE

Note: *This certificate is to be completed and signed by all of the key members upon whom rests the direction of the affairs of the Close Corporation as a whole.*

(III). CERTIFICATE FOR PARTNERSHIP

We, the undersigned, being the key partners in the business trading as,.....

.....hereby authorize Mr/Ms

.acting in the capacity of.....to sign all documents in connection with the

tender for Contract Noand any contract resulting from it, on our behalf.

NAME	ADDRESS	SIGNATURE	DATE

Note: *This certificate is to be completed and signed by all of the key partners upon whom rests the direction of the affairs of the Partnership as a whole.*

(IV) CERTIFICATE FOR JOINT VENTURE

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

Mr/Ms.....authorized signatory of the company,.....

acting in the capacity of lead partner, to sign all documents in connection with the tender offer for Contract No

.....and any contract resulting from it, on our behalf.

This authorization is evidenced by the attached power of attorney signed by legally authorized signatories of all the partners to the Joint Venture.

NAME OF FIRM	ADDRESS	AUTHORIZING SIGNATURE NAME AND CAPACITY
Lead Partner		

Note: *This certificate is to be completed and signed by all of the key partners upon whom rests the direction of the affairs of the Partnership as a whole.*

(V) CERTIFICATE FOR SOLE PROPRIETOR

I,hereby confirm that I am the sole owner of the business trading as

.....

Signature of Sole owner

As Witnesses:

1.

2. Date

FORM D: CERTIFICATE OF INDEPENDENT BID DETERMINATION

1. This Standard Bidding Document (SBD) 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. Treasury Regulation 16A9 prescribes that accounting officers and accounting authorities must take all reasonable steps to prevent abuse of the supply chain management system and authorizes accounting officers and accounting authorities to:
 - a. disregard the bid of any bidder if that bidder, or any of its directors have abused the institution's supply chain management system and or committed fraud or any other improper conduct in relation to such system.
 - b. cancel a contract awarded to a supplier of goods and services if the supplier committed any corrupt or fraudulent act during the bidding process or the execution of that contract.
4. This SBD 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 (SBD 9) must be completed and submitted with the bid:

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

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 Institution)

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.

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.

Signed _____ Date

Name _____ Position

Bidder

FORM E COPY OF THE COMPANY REGISTRATION

ATTACH HERE!

**FORM F ORIGINAL TAX CLEARANCE CERTIFICATE OR SARS PIN
ATTACH HERE!**

**FORM G MUNICIPAL RATES AND TAXES ACCOUNT
(not older than 3 months)
ATTACH HERE!**

NB: Bidders must attach proof of payment of municipal rates and taxes by the municipality and the municipal entity where the bidder is located.

FORM H B-BBEE CERTIFICATE

ATTACHED HERE

**FORM I PROOF OF CSD RERISTRATION
ATTACH CSD HERE**

**FORM J PROOF OF REGISTRATION WITH THE RELEVANT PROFESSIONAL BODY
ATTACH HERE**

FORM K: MBD FORMS

DECLARATION OF INTEREST

MBD 4

1. No bid will be accepted from persons in the service of the state¹.
2. Any person, having a kinship with persons in the service of the state, including a blood relationship, may make an offer or offers in terms of this invitation to bid. In view of possible allegations of favouritism, should the resulting bid, or part thereof, be awarded to persons connected with or related to persons in service of the state, it is required that the bidder or their authorised representative declare their position 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, shareholder²):.....

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.

.....
.....
.....

¹MSCM 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.

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

.....
Signature

.....
Date

.....
Capacity

.....
Name of Bidder

PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL PROCUREMENT REGULATIONS 2011

This preference form must form part of all bids invited. It contains general information and serves as a claim form for preference points for Broad-Based Black Economic Empowerment (B-BBEE) Status Level of Contribution

NB: BEFORE COMPLETING THIS FORM, BIDDERS MUST STUDY THE GENERAL CONDITIONS, DEFINITIONS AND DIRECTIVES APPLICABLE IN RESPECT OF B-BBEE, AS PRESCRIBED IN THE PREFERENTIAL PROCUREMENT REGULATIONS, 2011.

1. GENERAL CONDITIONS

1.1 The following preference point systems are applicable to all bids:

- the 80/20 system for requirements with a Rand value of up to R1 000 000 (all applicable taxes included); and
- the 90/10 system for requirements with a Rand value above R1 000 000 (all applicable taxes included).

1.2 The value of this bid is estimated to not exceed R1 000 000 (all applicable taxes included) and therefore the 80/20 system shall be applicable.

1.3 Preference points for this bid shall be awarded for:

- (a) Price; and
- (b) B-BBEE Status Level of Contribution.

1.3.1 The maximum points for this bid are allocated as follows:

	POINTS
1.3.1.1 PRICE
1.3.1.2 B-BBEE STATUS LEVEL OF CONTRIBUTION
Total points for Price and B-BBEE must not exceed	100

1.4 Failure on the part of a bidder to fill in and/or to sign this form and submit a B-BBEE Verification Certificate from a Verification Agency accredited by the South African Accreditation System (SANAS) or a Registered Auditor approved by the Independent Regulatory Board of Auditors (IRBA) or an Accounting Officer as contemplated in the Close Corporation Act (CCA) together with the bid, will be interpreted to mean that preference points for B-BBEE status level of contribution are not claimed.

- 1.5. The purchaser reserves the right to require of a bidder, either before a bid is adjudicated or at any time subsequently, to substantiate any claim in regard to preferences, in any manner required by the purchaser.

2. DEFINITIONS

- 2.1 **“all applicable taxes”** includes value-added tax, pay as you earn, income tax, unemployment insurance fund contributions and skills development levies;
- 2.2 **“B-BBEE”** means broad-based black economic empowerment as defined in section 1 of the Broad-Based Black Economic Empowerment Act;
- 2.3 **“B-BBEE status level of contributor”** means the B-BBEE status received by a measured entity based on its overall performance using the relevant scorecard contained in the Codes of Good Practice on Black Economic Empowerment, issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act;
- 2.4 **“bid”** means a written offer in a prescribed or stipulated form in response to an invitation by an organ of state for the provision of services, works or goods, through price quotations, advertised competitive bidding processes or proposals;
- 2.5 **“Broad-Based Black Economic Empowerment Act”** means the Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003);
- 2.6 **“comparative price”** means the price after the factors of a non-firm price and all unconditional discounts that can be utilized have been taken into consideration;
- 2.7 **“consortium or joint venture”** means an association of persons for the purpose of combining their expertise, property, capital, efforts, skill and knowledge in an activity for the execution of a contract;
- 2.8 **“contract”** means the agreement that results from the acceptance of a bid by an organ of state;
- 2.9 **“EME”** means any enterprise with an annual total revenue of R5 million or less .
- 2.10 **“Firm price”** means the price that is only subject to adjustments in accordance with the actual increase or decrease resulting from the change, imposition, or abolition of customs or excise duty and any other duty, levy, or tax, which, in terms of the law or regulation, is binding on the contractor and demonstrably has an influence on the price of any supplies, or the rendering costs of any service, for the execution of the contract;
- 2.11 **“functionality”** means the measurement according to predetermined norms, as set out in the bid documents, of a service or commodity that is designed to be practical and useful, working or operating, taking into account, among other factors, the quality, reliability, viability and durability of a service and the technical capacity and ability of a bidder;
- 2.12 **“non-firm prices”** means all prices other than “firm” prices;
- 2.13 **“person”** includes a juristic person;
- 2.14 **“rand value”** means the total estimated value of a contract in South African currency, calculated at

the time of bid invitations, and includes all applicable taxes and excise duties;

- 2.15 “**sub-contract**” means the primary contractor’s assigning, leasing, making out work to, or employing, another person to support such primary contractor in the execution of part of a project in terms of the contract;
- 2.16 “**total revenue**” bears the same meaning assigned to this expression in the Codes of Good Practice on Black Economic Empowerment, issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act and promulgated in the *Government Gazette* on 9 February 2007;
- 2.17 “**trust**” means the arrangement through which the property of one person is made over or bequeathed to a trustee to administer such property for the benefit of another person; and
- 2.18 “**trustee**” means any person, including the founder of a trust, to whom property is bequeathed in order for such property to be administered for the benefit of another person.

3. ADJUDICATION USING A POINT SYSTEM

- 3.1 The bidder obtaining the highest number of total points will be awarded the contract.
- 3.2 Preference points shall be calculated after prices have been brought to a comparative basis taking into account all factors of non-firm prices and all unconditional discounts;
- 3.3 Points scored must be rounded off to the nearest 2 decimal places.
- 3.4 In the event that two or more bids have scored equal total points, the successful bid must be the one scoring the highest number of preference points for B-BBEE.
- 3.5 However, when functionality is part of the evaluation process and two or more bids have scored equal points including equal preference points for B-BBEE, the successful bid must be the one scoring the highest score for functionality.
- 3.6 Should two or more bids be equal in all respects, the award shall be decided by the drawing of lots.

4. POINTS AWARDED FOR PRICE

4.1 THE 80/20 PREFERENCE POINT SYSTEMS

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

80/20

$$P_s = 80 \left(1 - \frac{P_t - P_{\min}}{P_{\min}} \right)$$

Where

P_s = Points scored for comparative price of bid under consideration

P_t = Comparative price of bid under consideration

P_{\min} = Comparative price of lowest acceptable bid

5. POINTS AWARDED FOR B-BBEE STATUS LEVEL OF CONTRIBUTION

- 5.1 In terms of Regulation 5 (2) and 6 (2) of the Preferential Procurement Regulations, preference points must be awarded to a bidder for attaining the B-BBEE status level of contribution in accordance with the table below:

B-BBEE Status Level of Contributor	Number of points (80/20 system)
1	20
2	18
3	14
4	12
5	8
6	6
7	4
8	2
Non-compliant contributor	0

- 5.2 Bidders who qualify as EMEs in terms of the B-BBEE Act must submit a certificate issued by an Accounting Officer as contemplated in the CCA or a Verification Agency accredited by SANAS or a Registered Auditor. Registered auditors do not need to meet the prerequisite for IRBA's approval for the purpose of conducting verification and issuing EMEs with B-BBEE Status Level Certificates.
- 5.3 Bidders other than EMEs must submit their original and valid B-BBEE status level verification certificate or a certified copy thereof, substantiating their B-BBEE rating issued by a Registered Auditor approved by IRBA or a Verification Agency accredited by SANAS.
- 5.4 A trust, consortium or joint venture, will qualify for points for their B-BBEE status level as a legal entity, provided that the entity submits their B-BBEE status level certificate.
- 5.5 A trust, consortium or joint venture will qualify for points for their B-BBEE status level as an unincorporated entity, provided that the entity submits their consolidated B-BBEE scorecard as if they were a group structure and that such a consolidated B-BBEE scorecard is prepared for every separate bid.
- 5.6 Tertiary institutions and public entities will be required to submit their B-BBEE status level certificates in terms of the specialized scorecard contained in the B-BBEE Codes of Good Practice.

- 5.7 A person will not be awarded points for B-BBEE status level if it is indicated in the bid documents that such a bidder intends sub-contracting more than 25% of the value of the contract to any other enterprise that does not qualify for at least the points that such a bidder qualifies for, unless the intended sub-contractor is an EME that has the capability and ability to execute the sub-contract.
- 5.8 A person awarded a contract may not sub-contract more than 25% of the value of the contract to any other enterprise that does not have an equal or higher B-BBEE status level than the person concerned, unless the contract is sub-contracted to an EME that has the capability and ability to execute the sub-contract.

6. BID DECLARATION

6.1 Bidders who claim points in respect of B-BBEE Status Level of Contribution must complete the following:

7. B-BBEE STATUS LEVEL OF CONTRIBUTION CLAIMED IN TERMS OF PARAGRAPHS 1.3.1.2 AND 5.1

7.1 B-BBEE Status Level of Contribution: =(maximum of 10 or 20 points)

(Points claimed in respect of paragraph 7.1 must be in accordance with the table reflected in paragraph 5.1 and must be substantiated by means of a B-BBEE certificate issued by a Verification Agency accredited by SANAS or a Registered Auditor approved by IRBA or an Accounting Officer as contemplated in the CCA).

8. SUB-CONTRACTING

8.1 Will any portion of the contract be sub-contracted? YES / NO (delete which is not applicable)

8.1.1 If yes, indicate:

(i) what percentage of the contract will be subcontracted?
.....%

(ii) the name of the sub-contractor?
.....

(iii) the B-BBEE status level of the sub-contractor?
.....

(iv) whether the sub-contractor is an EME? YES / NO (delete which is not applicable)

9 DECLARATION WITH REGARD TO COMPANY/FIRM

9.1 Name of firm :.....

9.2 VAT registration number :.....

9.3 Company registration number
.....

9.4 TYPE OF COMPANY/ FIRM

- Partnership/Joint Venture / Consortium
- One person business/sole propriety
- Close corporation
- Company
- (Pty) Limited

[TICK APPLICABLE BOX]

9.5 DESCRIBE PRINCIPAL BUSINESS ACTIVITIES

.....

.....

.....

.....

.....

9.6 COMPANY CLASSIFICATION

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

[TICK APPLICABLE BOX]

9.7 MUNICIPAL INFORMATION

Municipality where business is situated

.....

Registered Account Number

Stand Number

9.8 TOTAL NUMBER OF YEARS THE COMPANY/FIRM HAS BEEN IN BUSINESS?

.....

9.9 I/we, the undersigned, who is / are duly authorised to do so on behalf of the company/firm, certify that the points claimed, based on the B-BBE status level of contribution indicated in paragraph 7 of the foregoing certificate, qualifies the company/ firm for the preference(s) shown and I / we acknowledge that:

- (i) The information furnished is true and correct;
- (ii) The preference points claimed are in accordance with the General Conditions as indicated in paragraph 1 of this form.
- (iii) In the event of a contract being awarded as a result of points claimed as shown in paragraph 7, the contractor may be required to furnish documentary proof to the satisfaction of the purchaser that the claims are correct;
- (iv) If the B-BBEE status level of contribution has been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the purchaser may, in addition to any other remedy it may have –
 - (a) disqualify the person from the bidding process;

- (b) recover costs, losses or damages it has incurred or suffered as a result of that person's conduct;
- (c) cancel the contract and claim any damages which it has suffered as a result of having to make less favourable arrangements due to such cancellation;
- (d) restrict the bidder or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, from obtaining business from any organ of state for a period not exceeding 10 years, after the audi alteram partem (hear the other side) rule has been applied; and
- (e) forward the matter for criminal prosecution

WITNESSES:

1.

.....
SIGNATURE(S) OF BIDDER(S)

2.

DATE:

CONTRACT FORM - PURCHASE OF GOODS/WORKS

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

PART 1 (TO BE FILLED IN BY THE BIDDER)

1. I hereby undertake to supply all or any of the goods and/or works described in the attached bidding documents to (name of institution)..... in accordance with the requirements and specifications stipulated in bid number ALMT10/2022 at the price/s quoted. My offer/s remain binding upon me and open for acceptance by the purchaser during the validity period indicated and calculated from the closing time of bid.

2. The following documents shall be deemed to form and be read and construed as part of this agreement:
 - (i) Bidding documents, viz
 - Invitation to bid;
 - Tax clearance certificate;
 - Pricing schedule(s);
 - Technical Specification(s);
 - Preference claims for Broad Based Black Economic Empowerment Status Level of Contribution in terms of the Preferential Procurement Regulations 2011;
 - Declaration of interest;
 - Declaration of bidder's past SCM practices;
 - Certificate of Independent Bid Determination;
 - Special Conditions of Contract;
 - (ii) General Conditions of Contract; and
 - (iii) Other (specify)

3. I confirm that I have satisfied myself as to the correctness and validity of my bid; that the price(s) and rate(s) quoted cover all the goods and/or works specified in the bidding documents; that the price(s) and rate(s) cover all my obligations and I accept that any mistakes regarding price(s) and rate(s) and calculations will be at my own risk.

4. I accept full responsibility for the proper execution and fulfilment of all obligations and conditions devolving on me under this agreement as the principal liable for the due fulfillment of this contract.

5. I declare that I have no participation in any collusive practices with any bidder or any other person regarding this or any other bid.

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

NAME (PRINT)

CAPACITY

SIGNATURE

NAME OF FIRM

DATE

WITNESSES	
1.
2.
DATE:

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>The Database of Restricted Suppliers now resides on the National Treasury's website(www.treasury.gov.za) and can be accessed by clicking on its link at the bottom of the home page.</p>	Yes <input type="checkbox"/>	No <input type="checkbox"/>

4.1.1	If so, furnish particulars:		
4.2	Is the bidder or any of its directors listed on the Register for Tender Defaulters in terms of section 29 of the Prevention and Combating of Corrupt Activities Act (No 12 of 2004)? The Register for Tender Defaulters can be accessed on the National Treasury's website (www.treasury.gov.za) by clicking on its link at the bottom of the home page.	Yes <input type="checkbox"/>	No <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 <input type="checkbox"/>	No <input type="checkbox"/>
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 <input type="checkbox"/>	No <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 <input type="checkbox"/>	No <input type="checkbox"/>
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

FORM O MBD 9
CERTIFICATE OF INDEPENDENT BID DETERMINATION

1. This Municipal Bidding Document (MBD) must form part of all bids¹ invited.

2. Section 4 (1) (b) (iii) of the Competition Act No. 89 of 1998, as amended, prohibits an agreement between, or concerted practice by, firms, or a decision by an association of firms, if it is between parties in a horizontal relationship and if it involves collusive bidding (or bid rigging).² Collusive bidding is a *pe se* prohibition meaning that it cannot be justified under any grounds.

3. Municipal Supply Regulation 38 (1) prescribes that a supply chain management policy must provide measures for the combating of abuse of the supply chain management system, and must enable the accounting officer, among others, to:
 - a. take all reasonable steps to prevent such abuse;
 - b. reject the bid of any bidder if that bidder or any of its directors has abused the supply chain management system of the municipality or municipal entity or has committed any improper conduct in relation to such system; and
 - c. cancel a contract awarded to a person if the person committed any corrupt or fraudulent act during the bidding process or the execution of the contract.

4. This MBD serves as a certificate of declaration that would be used by institutions to ensure that, when bids are considered, reasonable steps are taken to prevent any form of bid-rigging.

5. In order to give effect to the above, the attached Certificate of Bid Determination (MBD9) 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

³ Joint venture or Consortium means an association of persons for the purpose of combining their expertise, property, capital, efforts, skill and knowledge in an activity for the execution of a contract.

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

.....
Signature

.....
Date

.....
Position

.....
Name of

FORM P: SCHEDULE OF THE TENDERER'S EXPERIENCE

The following is a statement of similar work successfully executed by myself/ourselves:
Attach proof of Experience

FORM Q: SCHEDULE OF KEY PERSONNEL

The Tenderer shall attach hereto the curricula vitae. The information is necessary for evaluation of the tender