



BA-PHALABORWA LOCAL MUNICIPALITY

TENDER FOR THE APPOINTMENT OF SERVICE PROVIDER IN BA-PHALABORWA LOCAL MUNICIPALITY FOR THE:

PHALABORWA EXTENTION 9 MIXED - USE RESIDENTIAL DEVELOPMENT

TENDER NUMBER: 21/23/24

CLOSING DATE: 29 APRIL 2024

CLOSING TIME: 11H00

BA-PHALABORWA LOCAL MUNICIPALITY

Private Bag x 01020

Phalaborwa
1390

Contact : Technical : Ms. Shikwambane NM

Procurement: Mr Selepe NW

Telephone: 015-780 6362

Fax: 015-780 6300

NAME OF BIDDER:.....

TOTAL BID AMOUNT (VAT INCLUSIVE):

TENDER NO: 21/23/24

1. Tender Notice and Invitation to bid



BA- PHALABORWA MUNICIPALITY

Ba-Phalaborwa Municipality hereby invites suitable professional services providers to render service), for the below listed project in the Ba-Phalaborwa Municipality of the Mopani District in Limpopo Province.

Tender documents are obtainable from the municipal website and E-tender portal. Below are the significant details per project:-

| TENDER NUMBER | CIDB GRADING | DESCRIPTION | COMPULSORY BRIEFING SESSION | | | FUNCTIONALITY | EVALUATION CRITERIA | CLOSING DATE AND TIME | Minimum Score for functionality | CONTACT PERSON |
|---------------|--------------|--|-----------------------------|-------------------------|---|--|---------------------|-----------------------|---------------------------------|-----------------------------------|
| | | | DATE | VENUE | COST | | | | | |
| 21/23/24 | N/A | Phalaborwa Extention 9 mixed – use residential development | 23/04/2024 @11H00 | Municipal Activity Hall | Free at the municipal website and E-tender portal | Capacity and Experience of the company (10) Capacity and Experience of the professional team (30) Development proposal (26) Methodology (10) Infrastructure plan (14) Maintenance and operational Plan (20) | 80/204 | 29/04/2024 @11H00 | 70% | Ms. Shikwambana NM (015) 780 6300 |

A compulsory briefing session will be held on the dates and times specified above at Activity Hall, Ba-Phalaborwa Municipality Main Office, CNR Mandela and Sealene Street.

The bids are to be deposited in the tender box of Ba-Phalaborwa Municipality Offices situated at CNR Mandela Drive & Sealene Street in Phalaborwa, by the closing date and time as above mentioned, where after they be opened in public. No late, telefaxed or Document found in any other place or proposal from service providers who have not attended the compulsory briefing session will not be considered.

Bidders should take note of the following bidding conditions:

1. Ba-Phalaborwa Municipality Supply Chain Management Policy shall apply in the evaluation and awarding of the Tender.
2. Ba-Phalaborwa Municipality does not bind itself to accept the lowest tender, reserves the right to accept the whole or part of the Tender and reserves the right not to appoint.
3. The Bid validity shall be 90 (Ninety) days from the date of closure.
4. Bidders must provide proof of the following to avoid disqualification: CSD report not older than 3 months, certified ID Copies of all directors, statement of municipal rates and taxes for both company and director (s) (not older than 3 months)/letter from traditional authority not older than 3 months/ lease agreement, key personnel/service team's experience (attach certified copies of qualifications and CV; CK/Company registration, Valid tax pin, proof of work experience (attach relevant appointment letter).**All the relevant returnable documents are attached to the tender document,**
5. The minimum score for functionality will be as stated above and bidders who score below will not be evaluated further on price and specific goals specified for the tender.

DR. PILUSA KKL
MUNICIPAL MANAGER
Notice No. 8 /24

1. INTRODUCTION AND BACKGROUND

Ba-Phalaborwa Local Municipality is inviting qualified and experienced developers or investors to submit proposals for the development of Phalaborwa Extension 9 into a mixed-use residential development as a visionary response to a multitude of pressing challenges and opportunities. As part of the broader and long-term vision of the Municipality, the Council of Ba-Phalaborwa has in its sitting on the 30th of August 2023 approved under Council Resolution Number: 508/23 a call for expression of interest (Eoi) and request for proposals (RFP) for the development of Phalaborwa Extension 9. The primary objective of this development is to create a well-rounded, sustainable, and vibrant living environment that caters to the diverse needs of residents and promote a more efficient use of land and resources. The successful developer shall be required to enter into a conditional Land Availability Agreement with the municipality. This agreement will outline the terms, conditions, and timeline under which the designated land will be made available for the proposed mixed-use residential development. Upon fulfilment of the special conditions of the expression of interest contained in Part A and Part B of the bidding process, such portion of land will be disposed to the preferred bidder(s) through Section 14 of the Municipal Finance Management Act 56 of 2003 read together with the Municipal Asset Transfer Regulations: Gazette No. 31346.

2. PROPERTY INFORMATION

Details of property earmarked for the proposed development is provided in the table below:

| Property Description | Land Use Rights | Extent | Ownership |
|--|----------------------|-----------|----------------------------|
| Portion 32 of the farm Laaste 24 LU (Now Phalaborwa Extension 9) | Residential Township | 2143489 H | Ba-Phalaborwa Municipality |

3. SCOPE OF WORK AND OBJECTIVE

3.1. Project Overview

The municipality is seeking proposals from private developers for the creation of a vibrant mixed-use residential development project. The project is intended to cater primarily to low, medium to high income residents, while also incorporating other essential uses within a mixed-use development framework.

3.2. Residential Areas:

The primary focus of this development is to provide affordable housing solutions for low, medium to high-income individuals and families. The residential component should encompass a range of housing options to meet varying needs, including apartments, townhouses, and affordable standalone houses for low to medium income residents and exclusive, upscale housing options for high-income residents. The residential component should preferably be designed as a gated community, providing enhanced security and exclusivity for residents.

3.3. Other Important Land Uses

In addition to residential spaces, the development should integrate other essential uses that enhance the quality of life for residents and promote economic and community development. These may include but are not limited to:

- 3.3.1. Commercial and Retail Spaces: Small businesses, shops, markets, and services that cater to the needs of residents.
- 3.3.2. Educational Facilities: Schools, childcare centers, or educational institutions.
- 3.3.3. Recreational Areas: Parks, playgrounds, sports facilities, and community centers.
- 3.3.4. Healthcare Facilities: Clinics, healthcare centers, or pharmacies.
- 3.3.5. Open Spaces and Parks: Designated green spaces and parks for residents to enjoy outdoor activities and nature.
- 3.3.6. Cemetery

3.4. Infrastructure Development:

Developers are expected to provide comprehensive infrastructure development, including roads, water supply, sewage, electricity, and other necessary services to support the development.

3.5. Alignment with Sustainable Development Goals (SDGs):

The project should align with the United Nations Sustainable Development Goals (SDGs) by promoting sustainable and inclusive urban development. Emphasis should be placed on:

- 3.5.1. Sustainable design and construction practices.
- 3.5.2. Energy-efficient and environmentally friendly infrastructure.
- 3.5.3. Social inclusivity and accessibility.

3.6. Bushveld Nature Theme:

Given the unique natural surroundings of the area, the architectural and landscape design of the development should respect and align with the bushveld nature. This includes using native plantings, sustainable landscaping practices, and designs that blend seamlessly with the natural environment.

3.7. Compliance and Approvals:

Developers must adhere to all relevant local, regional, and national regulations (NEMA, SPLUMA and Municipal by laws, SDF, Land Use Scheme, National Building Regulations and Standard etc.) and secure the necessary permits and approvals for the project.

4. BIDDERS EXPECTATION

- 4.1. Bidders are required to submit a concise development proposal for the site. The development proposal must include a concept Site Development Plan and an Architectural Concept of the proposed development.
- 4.2. Include development Methodology Write-up: The bidder must illustrate an understanding of delivering a development plan for the property, outline the various uses and how they will integrate with one another.
- 4.3. Infrastructure Plan
- 4.4. Maintenance and Operational Plan
- 4.5. Estimated Development Timeframes
 - 4.5.1. Estimated time, in months, from date of signature of development agreement to date of start of construction.

4.5.2. Estimated time, in months, from start of construction to completion of construction.

5. Acquisition of property and adjudication

The property will be offered to the successful bidder through a land availability agreement. The terms and conditions governing the agreement will be detailed in the final Land Availability Agreement, which must be adhered to by both parties.

6. EVALUATION CRITERIA

| FUNCTIONAL CRITERIA | POINTS | RETURNABLE DOCUMENTS TO BE USED IN EVALUATION |
|--|-----------|--|
| 1. CAPACITY AND EXPERIENCE BIDDER | 10 | |
| <p>Development Experience of the bidding entity in delivering projects of a similar nature 10 points.</p> <p>The bidder must demonstrate its experience in delivering property projects. The value of the projects must be clearly stated. Scoring will be based on the total value of development.</p> <p>Above 100 million = 10 points R 90 million – R 100 million= 8 Points R 80 million – R89 million = 6 Points R 70 million – R 79 million = 4 Points R 60 million – 69 million = 2 Points Less than 60M = 0 Points</p> | | <p>Bidder to provide documents to demonstrate its experience including contactable references for completed projects/appointment letter.</p> <ol style="list-style-type: none"> 1. Bidder must submit appointment letters and signed completion letters. 2. completion letters on the issuing company letterhead indicating the bidders name highlighting, <ul style="list-style-type: none"> ○ the value of the project at completion ○ start and end date of the said project. <p>NB Failure to submits completion letters in the required format will result in letters being disregarded & 0 points allocated</p> |
| 2. CAPACITY AND EXPERIENCE OF THE PROFESSIONAL TEAM | 30 | |
| Capacity and experience of the Bidder’s professional team in delivering projects of a similar nature: | | <p>The following documents is required to demonstrate the capacity and experience of the bidders’ professional team:</p> |

| | | |
|---|--|--|
| <p>A. Architect: 6 points:</p> <ul style="list-style-type: none"> ○ mixed-use projects (greater than R100m) = 3 points ○ large mixed-use projects (between R80 m–R100m) = 1 point ○ Larger mixed-use projects (amounting to R60 m) = 1 point ○ Projects less than (amounting to R60 M will be scored) = 0 point ○ Submission of proof of registration with the relevant council = 1 point <p>B. Project Manager: 4 points:</p> <ul style="list-style-type: none"> ○ Proof of registration with relevant council = 1points ○ Experience of 4 – 7 years = 1 points ○ Experience of 8 years and more = 2 points <p>C. Property Management: 3 points</p> <ul style="list-style-type: none"> ○ Less than 3years = 0 points ○ Experience in Urban Management, 3 years and above = 1 point ○ Experience in Property Management, 5 years, and above = 2 points | | <ol style="list-style-type: none"> 1. Detailed CVs of the professional team showing their qualifications and years of experience 2. The professional team must demonstrate its experience in projects of a similar nature by submitting testimonials/ signed reference letter. <ul style="list-style-type: none"> ○ dated and with traceable/contactable references. ○ Reflecting the value of the project 3. Proof of registration with professional bodies (Technologist engineer) |
|---|--|--|

| | | |
|---|--|--|
| <p>D. Civil, Structural and Electrical Engineers with green building design experience: 8 points</p> <ul style="list-style-type: none"> ○ Proof of registration with the relevant professional councils=1point ○ Civil (stormwater, Environmental, water and Transport engineer) = 4 points ○ Electrical = 2points ○ Demonstrate successful completion of 2 or more green projects = 1 point <p>E. Quantity Surveyor: 3 points</p> <ul style="list-style-type: none"> ○ Proof of registration with the relevant council = 1 point ○ Experience of 8 years and above = 2 point ○ Experience of less than 8 years = 0 points <p>F. Urban Designer: 2points</p> <ul style="list-style-type: none"> ○ Urban designer with experience of more than 8 years = 2 points ○ Experience of less than 8 years = 0 points <p>G. Stakeholder Consultant (Social Facilitation): 2 points</p> <ul style="list-style-type: none"> ○ Experience in Stakeholder Consulting 3 years and above =1 point <p>H. Landscape Architect: 2 points</p> <ul style="list-style-type: none"> ○ Experience of 3 projects over R20m=2points | | |
|---|--|--|

| | | |
|--------------------------------|-----------|--|
| 3. DEVELOPMENT PROPOSAL | 26 | |
|--------------------------------|-----------|--|

| | | |
|--|--|---|
| <p>A. Site Suitability (4points):</p> <ul style="list-style-type: none"> ○ Zoning compliance and land use compatibility = 2 points ○ Environmental considerations = 2 points <p>B. Architectural Design and Innovation (4 points):</p> <ul style="list-style-type: none"> ○ Aesthetic appeal (Bushveld Nature Theme) and integration with the surroundings = 2 points ○ Sustainable design features = 1 point ○ Innovative elements and technology integration = 1 points <p>C. Mixed-Use Integration (3 points):</p> <ul style="list-style-type: none"> ○ Efficient use of space for residential, commercial, recreational purposes & other important uses = 2 points ○ Synergy between different components (e.g., retail, residential) = 1 point <p>D. Affordability and Housing Diversity (4 points):</p> <ul style="list-style-type: none"> ○ Range of housing types and sizes = 2 points ○ Affordability measures and inclusionary housing = 2 points <p>E. Project Impact (3 points):</p> <ul style="list-style-type: none"> ○ Social and cultural considerations = 1 point ○ Potential for local economic development = 2 point <p>F. Compliance and Regulations (2 points):</p> <ul style="list-style-type: none"> ○ Adherence to building codes and regulations = 1 point ○ Compliance with safety standards = 1 point <p>G. Inclusion of Green Spaces and Amenities (2 points):</p> <ul style="list-style-type: none"> ○ Provision of parks, green areas, and open spaces = 1 point ○ Recreational amenities for residents = 1 point | | <p>Development Proposal which must include a concept Site Development Plan/Layout and an Architectural Concept of the proposed development.</p> |
|--|--|---|

| | | |
|--|-----------|--------------------|
| <p>H. Transportation and Parking (2 points):</p> <ul style="list-style-type: none"> ○ Adequate parking facilities = 1 point ○ Integration with public transportation = 1 point <p>I. Innovative Sustainability Practices (2 points):</p> <ul style="list-style-type: none"> ○ Energy efficiency measures = 1 point ○ Waste reduction and recycling initiatives = 1 point | | |
| 4. METHODOLOGY | 10 | |
| <p>A. Clarity and Coherence (3 points):</p> <ul style="list-style-type: none"> ○ Clearly articulated methodology with a well-defined structure = 1 point ○ Logical flow of the methodology, ensuring coherence between different components and Transparent communication of key steps and processes = 1 point <p>B. Feasibility and Practicality (2 points):</p> <ul style="list-style-type: none"> ○ Demonstration of the practicality and feasibility of the proposed methodology = 1 point ○ Realistic timeline for the implementation of the methodology = 1 point <p>C. Innovation and Creativity (2 points):</p> <ul style="list-style-type: none"> ○ Integration of innovative approaches or creative solutions = 1 point ○ Evidence of out-of-the-box thinking in addressing project requirements and Potential for setting new industry standards or benchmarks = 1 point <p>D. Stakeholder Engagement (1 point):</p> <ul style="list-style-type: none"> ○ Inclusion of a comprehensive plan for engaging key stakeholders throughout the project and Strategies for addressing stakeholder concerns and feedback = 1 point | | Methodology Report |

| | | |
|--|------------------|----------------------------|
| <p>E. Risk Management (2 points):</p> <ul style="list-style-type: none"> ○ Identification and assessment of potential risks and Clear and effective strategies for mitigating identified risks = 1 point ○ Construction phases, timeline, and potential delays = 1 point <p>F. Adaptability and Flexibility (1 point):</p> <ul style="list-style-type: none"> ○ Demonstrated adaptability of the methodology to changing circumstances or unforeseen challenges = 1 point | | |
| <p>5. INFRASTRUCTURE PLAN</p> <p>1. Site Infrastructure Adequacy (4 points):</p> <ul style="list-style-type: none"> ○ Consideration of existing infrastructure on the site = 1 point ○ Identification of necessary upgrades or improvements = 2 points ○ Strategies for integrating new infrastructure with the existing site = 1 point <p>2. Services Planning (3 points):</p> <ul style="list-style-type: none"> ○ Water supply and distribution systems planning = 1 point ○ Energy infrastructure planning, including electricity and gas = 1 point ○ Sewage and waste management strategies = 1 point <p>3. Transportation Integration (3 points):</p> <ul style="list-style-type: none"> ○ Accessibility and connectivity through road networks = 1 point ○ Integration with public transportation systems = 1 point ○ Provision for pedestrian and cyclist-friendly pathways = 1 point <p>4. Green Spaces and Amenities (2 points):</p> <ul style="list-style-type: none"> ○ Inclusion of parks, green areas, and recreational spaces = 1 point ○ Provision of community amenities, such as playgrounds or sports facilities = 1 point <p>5. Sustainability Measures (2 points):</p> <ul style="list-style-type: none"> ○ Integration of sustainable and eco-friendly infrastructure practices = 1 point ○ Consideration of renewable energy | <p>14</p> | <p>Infrastructure Plan</p> |

sources or energy-efficient technologies
= 1 point

6. Emergency Services Planning (1 point):

- Inclusion of plans for emergency services accessibility and response = 1 Point

| | | |
|---|------------|----------------------------------|
| <p>6. MAINTENANCE AND OPERATIONAL PLAN</p> <p>1. Maintenance Planning (3 points):</p> <ul style="list-style-type: none"> ○ Comprehensive schedule for routine maintenance activities = 1 point ○ Identification and prioritization of maintenance tasks = 1 point ○ Strategies for preventive maintenance to prolong the lifespan of infrastructure = 1 point <p>2. Operational Efficiency (3 points):</p> <ul style="list-style-type: none"> ○ Clearly defined operational procedures and protocols = 1 point ○ Optimization of operational processes for efficiency = 1 point ○ Strategies for minimizing downtime and disruptions = 1 point <p>3. Training and Personnel (2 points):</p> <ul style="list-style-type: none"> ○ Adequate training programs for maintenance and operational staff = 1 point ○ Staffing levels and roles defined for effective operations and maintenance = 1 point <p>4. Safety Measures (2 points):</p> <ul style="list-style-type: none"> ○ Inclusion of safety protocols for both maintenance and operational activities = 1 point ○ Emergency response plans for unforeseen situations = 1 point | 10 | Maintenance and Operational Plan |
| TOTAL | 100 | |

N.B: Full Compliance Points Principle

- a. Submissions meeting all specified requirements receive the full allocated points for each criterion.
- b. Submissions that fail to meet the specified requirements for a criterion will receive zero points for that criterion.
- c. In order to move to the next evaluation criteria the bidder has to score a minimum points of 70%
- d. Final proposal will be evaluated on the basis of the PPPFA 80/20 points system, where 80 points will be allocated for price only and 20 points will be allocated based on the specific goals points specified for the tender.

| SPECIFIC GOALS POINTS SYSTEM | NUMBER OF POINTS (80/20 SYSTEM) |
|--------------------------------------|--|
| 1 | 20 |
| 100% Black Owned =18 | |
| Disability/Youth/military veteran =2 | |

| | |
|--------------------------------------|-----------|
| | |
| 2 | 18 |
| At least 51% Black Owned =16 | |
| Disability/Youth/military veteran =2 | |
| | |
| 3 | |
| Less than 51% Black owned = 14 | 16 |
| Disability/Youth/military veteran =2 | |

8. LIST OF PREQUISITES/RETURNABLE DOCUMENTS

1. Bidders must attend the compulsory briefing session
2. Bidders must attach signed declaration forms attached to the tender document
3. Attach company registration certificate
4. Attach letter from SARS with a valid Pin code
5. Power of attorney if applicable
6. CSD Summary report
7. Each page of the tender document must be initialized
8. All copies must be certified by SAPS
9. Proof of municipal account not in arrears for more than 3 months/ letter from the tribal office/ lease agreement for all the directors and the business
10. Proof of medical certificate for directors with disability
11. Attach certified ID copies not older than 6 months

COMPULSORY MUNICIPAL BID DOCUMENTS

INVITATION TO BID

(a) YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE BA-PHALABORWA LOCAL MUNICIPALITY

BID NUMBER: CLOSING DATE: CLOSING TIME:

DESCRIPTION.....

The successful bidder will be required to fill in and sign a written Contract Form (MBD 7).

BID DOCUMENTS MAY BE DEPOSITED IN THE BID BOX SITUATED AT:

Cnr Nelson Mandela & Sealane Street
Phalaborwa
1390

Bidders should ensure that bids are delivered timeously to the correct address inside the relevant bid box. If the bid is late or not inside the correct bid box, it will not be accepted for consideration.

(b) The bid box is generally open 24 hours a day, 7 days a week.

(c) ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS – (NOT TO BE RE-TYPED)

THIS BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT AND THE PREFERENTIAL PROCUREMENT REGULATIONS, 2011, THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER SPECIAL CONDITIONS OF CONTRACT

(d) NB: NO BIDS WILL BE CONSIDERED FROM PERSONS IN THE SERVICE OF THE STATE (as defined in Regulation 1 of the Local Government: Municipal Supply Chain Management Regulations)

**THE FOLLOWING PARTICULARS MUST BE FURNISHED
(FAILURE TO DO SO MAY RESULT IN YOUR BID BEING DISQUALIFIED)**

NAME OF BIDDER

.....

POSTAL ADDRESS

.....

STREET ADDRESS

.....

TELEPHONE NUMBER

CODE.....NUMBER.....

CELLPHONE NUMBER

.....

FACSIMILE NUMBER CODE

.NUMBER.....

E-MAIL ADDRESS

.....

VAT REGISTRATION NUMBER

.....

HAS AN ORIGINAL AND VALID TAX CLEARANCE CERTIFICATE BEEN ATTACHED? (MBD 2)
YES/NO

HAS A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE BEEN SUBMITTED? (MBD 6.1)
YES/NO

IF YES, WHO WAS THE CERTIFICATE ISSUED BY? (Tick applicable box)

AN ACCOUNTING OFFICER AS CONTEMPLATED IN THE CLOSE CORPORATION ACT (CCA)

A VERIFICATION AGENCY ACCREDITED BY THE SOUTH AFRICAN NATIONAL ACCREDITATION
SYSTEM (SANAS)

A REGISTERED AUDITOR

ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE
GOODS/SERVICES/WORKS OFFERED?

YES/NO

(IF YES ENCLOSE PROOF)

SIGNATURE OF BIDDER

.....

DATE

CAPACITY UNDER WHICH THIS BID IS SIGNED

.....

| | | | |
|----------------------|-------|--------|----|
| TOTAL BID PRICE..... | TOTAL | NUMBER | OF |
| ITEMS OFFERED..... | | | |

TAX CLEARANCE CERTIFICATE

It is a condition of bid that the taxes of the successful bidder must be in order, or that satisfactory arrangements have been made with South African Revenue Service (SARS) to meet the bidder's tax obligations.

1. In order to meet this requirement bidders are required to complete in full form TCC001 "Application for a Tax Clearance Certificate" and submit it to any SARS branch office nationally. The Tax Clearance Certificate Requirements are also applicable to foreign bidders / individuals who wish to submit bids. Copies of form TCC 001 are available from any SARS branch office nationally or on the website www.sars.gov.za.
2. SARS will then furnish the bidder with a Tax Clearance Certificate that will be valid for a period of 1 (one) year from the date of approval.
3. The original Tax Clearance Certificate must be submitted together with the bid. Failure to submit the original and valid Tax Clearance Certificate will result in the invalidation of the bid. Certified copies of the Tax Clearance Certificate will not be acceptable.
4. In bids where Consortia / Joint Ventures / Sub-contractors are involved, each party must submit a separate Tax Clearance Certificate.
5. Applications for the Tax Clearance Certificates may also be made via eFiling. In order to use this provision, taxpayers will need to register with SARS as eFilers through the website www.sars.gov.za.
6. Exemption to the provision of a Tax Clearance Certificate will be granted provided that:
 - a) The bidder is registered on the vendor database of the municipality and a valid tax clearance certificate was submitted together with the application for registration
 - b) If the closing date of the price quotation or bid falls within the expiry date of the tax clearance certificate that is in the municipality's possession.

DECLARATION OF INTEREST

1. No bid will be accepted from persons in the service of the state¹.
2. Any person, having a kinship with persons in the service of the state, including a blood relationship, may make an offer or offers in terms of this invitation to bid. In view of possible allegations of favoritism, 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 authorized 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, hareholder²):.....

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:

.....

(a) 4. Full details of directors / trustees / members / shareholders.

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

.....
Signature

.....
Date

.....
Capacity

.....
Name of Bidder

MBD 6.1

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

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

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

1. GENERAL CONDITIONS

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

- the 80/20 system for requirements with a Rand value of up to R50 000 000 (all applicable taxes included); and
- the 90/10 system for requirements with a Rand value above R50 000 000 (all applicable taxes included).

1.2 To be completed by the organ of state

(delete whichever is not applicable for this tender).

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

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

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

1.4 To be completed by the organ of state:

The maximum points for this tender are allocated as follows:

| | POINTS |
|--|---------------|
| PRICE | |
| SPECIFIC GOALS | |
| Total points for Price and SPECIFIC GOALS | 100 |

1.5 Failure on the part of a tenderer to submit proof or documentation required in terms of this tender to claim points for specific goals with the tender, will be interpreted to mean

that preference points for specific goals are not claimed.

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

2. DEFINITIONS

- (a) “**tender**” means a written offer in the form determined by an organ of state in response to an invitation to provide goods or services through price quotations, competitive tendering process or any other method envisaged in legislation;
- (b) “**price**” means an amount of money tendered for goods or services, and includes all applicable taxes less all unconditional discounts;
- (c) “**rand value**” means the total estimated value of a contract in Rand, calculated at the time of bid invitation, and includes all applicable taxes;
- (d) “**tender for income-generating contracts**” means a written offer in the form determined by an organ of state in response to an invitation for the origination of income-generating contracts through any method envisaged in legislation that will result in a legal agreement between the organ of state and a third party that produces revenue for the organ of state, and includes, but is not limited to, leasing and disposal of assets and concession contracts, excluding direct sales and disposal of assets through public auctions; and
- (e) “**the Act**” means the Preferential Procurement Policy Framework Act, 2000 (Act No. 5 of 2000).

3. FORMULAE FOR PROCUREMENT OF GOODS AND SERVICES

3.1. POINTS AWARDED FOR PRICE

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

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

$$Ps = 80 \left(1 - \frac{Pt - Pmin}{Pmin} \right) \text{ or } Ps = 90 \left(1 - \frac{Pt - Pmin}{Pmin} \right)$$

Where

Ps = Points scored for price of tender under consideration

Pt = Price of tender under consideration

Pmin = Price of lowest acceptable tender

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

3.2.1. POINTS AWARDED FOR PRICE

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

$$Ps = 80 \left(1 + \frac{Pt - Pmax}{Pmax} \right) \text{ or } Ps = 90 \left(1 + \frac{Pt - Pmax}{Pmax} \right)$$

Where

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

4. POINTS AWARDED FOR SPECIFIC GOALS

4.1. In terms of Regulation 4(2); 5(2); 6(2) and 7(2) of the Preferential Procurement Regulations, preference points must be awarded for specific goals stated in the tender. For the purposes of this tender the tenderer will be allocated points based on the goals stated in table 1 below as may be supported by proof/ documentation stated in the conditions of this tender:

4.2. In cases where organs of state intend to use Regulation 3(2) of the Regulations, which states that, if it is unclear whether the 80/20 or 90/10 preference point system applies, an organ of state must, in the tender documents, stipulate in the case of—

- (a) an invitation for tender for income-generating contracts, that either the 80/20 or 90/10 preference point system will apply and that the highest acceptable tender will be used to determine the applicable preference point system; or
- (b) any other invitation for tender, that either the 80/20 or 90/10 preference point system will apply and that the lowest acceptable tender will be used to determine the applicable preference point system,

then the organ of state must indicate the points allocated for specific goals for both the 90/10 and 80/20 preference point system.

Table 1: Specific goals for the tender and points claimed are indicated per the table below.

(Note to organs of state: Where either the 90/10 or 80/20 preference point system is applicable, corresponding points must also be indicated as such.

Note to tenderers: The tenderer must indicate how they claim points for each preference point system.)

| The specific goals allocated points in terms of this tender | Number of points allocated (90/10 system) (To be completed by the organ of state) | Number of points allocated (80/20 system) (To be completed by the organ of state) | Number of points claimed (90/10 system) (To be completed by the tenderer) | Number of points claimed (80/20 system) (To be completed by the tenderer) |
|---|--|--|--|--|
| 100% black owned | 18 | | | |
| Directors/shareholders with Disability/Youth/Military Veteran | 2 | | | |
| | | | | |
| 51% black owned | 16 | | | |
| Directors/shareholders with Disability/Youth/Military Veteran | 2 | | | |
| | | | | |
| Less than 51% black owned | 14 | | | |
| Directors/shareholders with Disability/Youth/Military Veteran | 2 | | | |

DECLARATION WITH REGARD TO COMPANY/FIRM

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

4.4. Company registration number:

4.5. TYPE OF COMPANY/ FIRM

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

4.6. I, the undersigned, who is duly authorised to do so on behalf of the company/firm, certify that the points claimed, based on the specific goals as advised in the tender, qualifies the company/ firm for the preference(s) shown and I acknowledge that:

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

.....
SIGNATURE(S) OF TENDERER(S)

SURNAME AND NAME:

DATE:

ADDRESS:

.....

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

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

1. GENERAL CONDITIONS

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

- the 80/20 system for requirements with a Rand value of up to R50 000 000 (all applicable taxes included); and

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

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

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

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

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

The maximum points for this tender are allocated as follows:

| | POINTS |
|--|---------------|
| PRICE | 80 |
| SPECIFIC GOALS | 20 |
| Total points for Price and SPECIFIC GOALS | 100 |

1.5 Failure on the part of a tenderer to submit proof or documentation required in

terms of this tender to claim points for specific goals with the tender, will be interpreted to mean that preference points for specific goals are not claimed.

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

2. DEFINITIONS

- (a) **“tender”** means a written offer in the form determined by an organ of state in response to an invitation to provide goods or services through price quotations,

competitive tendering process or any other method envisaged in legislation;

- (b) **“price”** means an amount of money tendered for goods or services, and includes all applicable taxes less all unconditional discounts;
- (c) **“rand value”** means the total estimated value of a contract in Rand, calculated at the time of bid invitation, and includes all applicable taxes;
- (d) **“tender for income-generating contracts”** means a written offer in the form determined by an organ of state in response to an invitation for the origination of income-generating contracts through any method envisaged in legislation that will result in a legal agreement between the organ of state and a third party that produces revenue for the organ of state, and includes, but is not limited to, leasing and disposal of assets and concession contracts, excluding direct sales and disposal of assets through public auctions; and
- (e) **“the Act”** means the Preferential Procurement Policy Framework Act, 2000 (Act No. 5 of 2000).

3. FORMULAE FOR PROCUREMENT OF GOODS AND SERVICES

3.1. POINTS AWARDED FOR PRICE

3.1.1 THE 80/20 PREFERENCE POINT SYSTEMS

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

80/20

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

P_{\min}

P_s = Points scored for price of tender under consideration

P_t = Price of tender under consideration

P_{\min} = Price of lowest acceptable tender

4. POINTS AWARDED FOR SPECIFIC GOALS

- 4.1. In terms of Regulation 4(2); 5(2); 6(2) and 7(2) of the Preferential Procurement Regulations, preference points must be awarded for specific goals stated in the tender. For the purposes of this tender the tenderer will be allocated points based on the goals stated in table 1 below as may be supported by proof/ documentation stated in the conditions of this tender:
- 4.2. In cases where organs of state intend to use Regulation 3(2) of the Regulations, which states that, if it is unclear whether the 80/20 or 90/10 preference point system applies, an organ of state must, in the tender documents, stipulate in the case of—
 - (a) an invitation for tender for income-generating contracts, that either the 80/20 or 90/10 preference point system will apply and that the highest acceptable tender will be used to determine the applicable preference point system; or
 - (b) any other invitation for tender, that either the 80/20 or 90/10 preference point system will apply and that the lowest acceptable tender will be used to

determine the applicable preference point system,

then the organ of state must indicate the points allocated for specific goals for both the 90/10 and 80/20 preference point system.

Table 1: Specific goals for the tender and points claimed are indicated per the table below.

The 80/20 preference point system is applicable, corresponding points must also be indicated as such.

Note to tenderers: The tenderer must indicate how they claim points for each preference point system.)

| The specific goals allocated points in terms of this tender | Number of points allocated (80/20 system) (To be completed by the organ of state) | Number of points claimed (80/20 system) (To be completed by the tenderer) |
|--|---|---|
| <ul style="list-style-type: none"> • 100% company owned/director/s/shareholders by people who are Black= 18 points • Disability/youth/military veteran =2 points | 20 Points | |
| <ul style="list-style-type: none"> • ≥51% and <100% company owned/director/s/shareholders by people who are Black=16 points • Disability/ youth/military veteran = 2 points | 18 Points | |
| <ul style="list-style-type: none"> • >0% and <51% company owned/director/s/shareholders by people who are Black= 14 • Disability/youth/military veteran = 2 points | 16 Points | |

DECLARATION WITH REGARD TO COMPANY/FIRM

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

4.4. Company registration number:

4.5. TYPE OF COMPANY/ FIRM

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

4.6. I, the undersigned, who is duly authorised to do so on behalf of the company/firm, certify that the points claimed, based on the specific goals as advised in the tender, qualifies the company/ firm for the preference(s) shown and I acknowledge that:

- i) The information furnished is true and correct.
- ii) The preference points claimed are in accordance with the General Conditions as indicated in paragraph 1 of this form.
- iii) In the event of a contract being awarded as a result of points claimed as shown in paragraphs 1.4 and 4.2, the contractor may be required to furnish documentary proof to the satisfaction of the organ of state that the claims are correct.
- iv) If the specific goals have been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the organ of state may, in addition to any other remedy it may have –
 - (a) disqualify the person from the tendering process.
 - (b) recover costs, losses, or damages it has incurred or suffered as a result of that person's conduct.
 - (c) cancel the contract and claim any damages which it has suffered as a result of having to make less favorable arrangements due to such cancellation;

(d) recommend that the tenderer or contractor, its shareholders and

directors, or only the shareholders and directors who acted on a fraudulent basis, be restricted from obtaining business from any organ of state for a period not exceeding 10 years, after the *audi alteram partem* (hear the other side) rule has been applied; and

- (e) forward the matter for criminal prosecution, if deemed necessary.

.....

SIGNATURE(S) OF TENDERER(S)

| |
|--------------------------------|
| SURNAME AND NAME: |
| DATE: |
| ADDRESS: |
| |
| |

1. CONTRACT FORM - PURCHASE OF GOODS/SERVICES

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.

2. PART 1 (TO BE FILLED IN BY THE BIDDER)

1. I hereby undertake to supply all or any of the goods and/or services described in the attached bidding documents to (name of institution)..... in accordance with the requirements and specifications stipulated in bid number..... at the price/s quoted. My offer/s remain binding upon me and open for acceptance by the purchaser during the validity period indicated and calculated from the closing 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;
 - Proof of Tax Compliance Status;
 - Pricing schedule(s);
 - Technical Specification(s);
 - Preference claim form for Preferential Procurement in terms of the Preferential Procurement Regulations;
 - 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: | |

CONTRACT FORM - PURCHASE OF GOODS/SERVICES

3. PART 2 (TO BE FILLED IN BY THE PURCHASER)

1. I.....in my capacity as..... accept your bid under reference numberdated.....for the supply of goods/services indicated hereunder and/or further specified in the annexure(s).
2. An official order indicating delivery instructions is forthcoming.
3. I undertake to make payment for the goods/services delivered in accordance with the terms and conditions of the contract, within 30 (thirty) days after receipt of an invoice accompanied by the delivery note.

| ITEM NO. | PRICE (ALL APPLICABLE TAXES INCLUDED) | BRAND | DELIVERY PERIOD | TOTAL PREFERENCE POINTS CLAIMED | POINTS CLAIMED FOR EACH SPECIFIC GOAL |
|----------|---------------------------------------|-------|-----------------|---------------------------------|---------------------------------------|
| | | | | | |

4. I confirm that I am duly authorized to sign this contract.

SIGNED ATON.....

NAME (PRINT)

| WITNESSES | |
|------------|-------|
| 1. | |
| 2. | |
| DATE | |

SIGNATURE

OFFICIAL STAMP



4. CONTRACT FORM - RENDERING OF SERVICES

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

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

7. I hereby undertake to render services described in the attached bidding documents to (name of the institution)..... in accordance with the requirements and task directives / proposals specifications stipulated in Bid Number..... at the price/s quoted. My offer/s remain binding upon me and open for acceptance by the Purchaser during the validity period indicated and calculated from the closing date of the bid.

8. The following documents shall be deemed to form and be read and construed as part of this agreement:

- (iv) Bidding documents, viz
 - Invitation to bid;
 - Proof of tax compliance status;
 - Pricing schedule(s);
 - Filled in task directive/proposal;
 - Preference claim form for Preferential Procurement in terms of the Preferential Procurement Regulations;
 - Declaration of interest;
 - Declaration of Bidder’s past SCM practices;
 - Certificate of Independent Bid Determination;
 - Special Conditions of Contract;
- (v) General Conditions of Contract; and
- (vi) Other (specify)

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

10. 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.

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

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

NAME (PRINT)

CAPACITY

SIGNATURE

NAME OF FIRM

| | |
|-------------|-------|
| WITNESSES | |
| 1 | |
| 2 | |
| DATE: | |

DATE

MBD 7.2

CONTRACT FORM - RENDERING OF SERVICES

6. PART 2 (TO BE FILLED IN BY THE PURCHASER)

- 4. I.....in my capacity as..... accept your bid under reference numberdated.....for the rendering of services indicated hereunder and/or further specified in the annexure(s).
- 5. An official order indicating service delivery instructions is forthcoming.
- 6. I undertake to make payment for the services rendered in accordance with the terms and conditions of the contract, within 30 (thirty) days after receipt of an invoice.

| DESCRIPTION OF SERVICE | PRICE (ALL APPLICABLE TAXES INCLUDED) | COMPLETION DATE | TOTAL PREFERENCE POINTS CLAIMED | POINTS CLAIMED FOR EACH SPECIFIC GOAL |
|------------------------|---------------------------------------|-----------------|---------------------------------|---------------------------------------|
| | | | | |

4. I confirm that I am duly authorized to sign this contract.

SIGNED AT ON

NAME (PRINT)

SIGNATURE

OFFICIAL STAMP

WITNESSES

1

2

DATE:

7. CONTRACT FORM - TENDER FOR INCOME-GENERATING CONTRACTS¹

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

8. PART 1 (TO BE FILLED IN BY THE BIDDER)

- 13. I hereby undertake to lease property/ purchase all or any of the goods and/or services described in the attached bidding documents from (name of institution)..... in accordance with the requirements stipulated in (bid number)..... at the price/s quoted. My offer/s remain binding upon me and open for acceptance by the seller during the validity period indicated and calculated from the closing time of bid.
- 14. The following documents shall be deemed to form and be read and construed as part of this agreement:
 - (vii) Bidding documents, viz
 - Invitation to bid;
 - Proof of tax compliance status;
 - Pricing schedule(s);
 - Preference claim form for Preferential Procurement in terms of the Preferential Procurement Regulations;
 - Declaration of interest;
 - Declaration of Bidder’s past SCM practices;
 - Special Conditions of Contract;
 - (viii) General Conditions of Contract; and
 - (ix) Other (specify)
- 15. I confirm that I have satisfied myself as to the correctness and validity of my bid; that the price(s) quoted covers the leased property/ all the goods and/or services specified in the bidding documents; that the price(s) cover all my obligations and I accept that any mistakes regarding price(s) and calculations will be at my own risk.
- 16. I accept full responsibility for the proper execution and fulfilment of all obligations and conditions devolving on me under this agreement as the principal liable for the due fulfilment of this contract.
- 17. I undertake to make payment for the leased property/ goods/services as specified in the bidding documents.
- 18. I declare that I have no participation in any collusive practices with any bidder or any other person regarding this or any other bid.
- 19. I confirm that I am duly authorised to sign this contract.

NAME (PRINT)

CAPACITY

SIGNATURE

NAME OF FIRM

| | |
|------------------|-------|
| WITNESSES | |
| 1 | |
| 2 | |
| DATE: | |

¹ “Tender for income-generating contracts” has the same meaning as defined in the R 2022.

DATE

MBD 7.3

CONTRACT FORM - TENDER FOR INCOME-GENERATING CONTRACTS

9. PART 2 (TO BE FILLED IN BY THE LESSOR/ SELLER)

- 7. I..... in my capacity as.....accept your bid under reference numberdated.....for the leasing of property/ purchase of goods/services indicated hereunder and/or further specified in the annexure(s).
- 8. I undertake to make the leased property/ goods/services available in accordance with the terms and conditions of the contract.

| ITEM NO. | DESCRIPTION | PRICE (ALL APPLICABLE TAXES INCLUDED) | TOTAL PREFERENCE POINTS CLAIMED | POINTS CLAIMED FOR EACH SPECIFIC GOAL |
|----------|-------------|---------------------------------------|---------------------------------|---------------------------------------|
| | | | | |

4. I confirm that I am duly authorized to sign this contract.

SIGNED ATON.....

NAME (PRINT)

SIGNATURE

OFFICIAL STAMP

WITNESSES

3.

4.

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? (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

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 *per se* prohibition meaning that it cannot be justified under any grounds.
- 3 Municipal Supply Regulation 38 (1) prescribes that a supply chain management policy must provide measures for the combating of abuse of the supply chain management system, and must enable the accounting officer, among others, to:
 - 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.

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.

- 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



BA-PHALABORWA MUNICIPALITY

Fraud and Corruption Declaration Form

I (Name) _____ duly authorized to act on behalf of (Company name) _____ hereby declare to Ba-Phalaborwa Municipality that the company:

- a. it has declared to Ba-Phalaborwa Municipality any circumstances that could give rise to a conflict of interest or potential conflict of interest in relation to the current procurement action;
- b. None of the directors of the company is employed by the state;
- c. The company is not blacklisted by the national treasury;
- d. Has not negotiated or tried to negotiate with any municipal official to try to gain information or preference to win the bid, if found the bidder's details will be submitted to national treasury for blacklisting of the company;
- e. it has not granted and will not grant, has not sought and will not seek, has not attempted and will not attempt to obtain, and has not accepted and will not accept any direct or indirect benefit (financial or otherwise) arising from a procurement contract or the award thereof;
- f. all the information submitted in the bid is truthful and there is no misrepresentation;
- g. it adheres to the Prevention and Combating of Corrupt Activities Act 12 of 2004;
- h. it is solvent and in a position to continue doing business for the period stipulated in the contract after contract signature, if awarded a contract by Ba-Phalaborwa Municipality;
- i. it has zero tolerance to Fraud and Corruption and has appropriate procedures in place to prevent and respond to Fraud and Corruption in line with the legislation.

The Company understands that a false statement or failure to disclose any relevant information.

which may impact upon Ba-Phalaborwa Municipality's decision to award a contract may result in the disqualification of the company from the bidding exercise and/or the withdrawal of any offer of a contract with Ba-Phalaborwa Municipality. Furthermore, in case a contract has already been awarded, Ba-Phalaborwa Municipality shall be entitled to rescind the contract with immediate effect, in addition to any other remedies which the municipality may have by contract or by law.

Company Name:

.....

Name and Title of duly authorized representative.

Name:

Date: Title:

Signature:

Witness

Name: Signature Date:

