

BA-PHALABORWA LOCAL MUNICIPALITY

DIRECTORATE: CORPORATE SERVICES

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

MFMP TRAINING FOR 30 LEARNERS FOR A PERIOD OF 12 MONTHS

TENDER NUMBER: 15/22/23

CLOSING DATE: 26/05/2023

CLOSING TIME: 11H00

BA-PHALABORWA LOCAL MUNICIPALITY

Private Bag x 01020

Phalaborwa

1390

Contact: Technical: Ms Mangaba MP

Procurement: Mr Selepe NW

Telephone: 015-780 6362 Fax: 015-780 6408

NAME OF BIDDER:

TOTAL BID AMOUNT:....

(Amount in words).....

PRICE:

ALL INCLUSIVE



TENDER NUMBER: 15/22/23

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

MFMP TRAINING FOR 30 LEARNERS FOR A PERIOD OF 12 MONTHS

1. INTRODUCTION

The Ba-Phalaborwa local municipality (hereinafter referred to as the Municipality) wishes to appoint Service provider with the necessary skills and experience in facilitating the MFMP program

2. ROLE OF THE MUNICIPALITY

In a nutshell the Municipality's role could be described as to provide services to and ensure the socio economic development of the Ba-Phalaborwa area to the benefit of all the residents by providing good, effective and efficient governance.

3. OBJECTIVE

To provide MFMP training for 30 learners for twelve (12) months

SCOPE OF WORK

The plan should include but not limited to the following:

	• MITMLE IT	aining for 3	30 learners for	a period of iv	weive (12) mon	TNS
Contractor Witness 1 Witness	s 2 Employer Witness 1 Wi	itness 2				•

- The service provider must be accredited with SAQA
- The service provider must be able to provide support in submission of Portfolio of Evidence (POE)
- The recommended service provider must be able to register learners on the national learners records database
- Provide full qualification, consisting of 28 modules
- Provide learners with certificates after the completion of the program
- The project will be for a period of (12) twelve months

5. COMPETENCIES OF THE SERVICE PROVIDER(S) TEAM

The appointed service provider must;

- Have company SAQA Qualification ID no 48965 and registered with national Treasury
- Have the equipment and means to provide required services.
- Have the ability to complete projects on time.
- Have work related experience.
- Has not failed to perform on any previous contract.

Kindly include a detailed resume with contactable references for the subjects mentioned above.

6. MANAGEMENT OF THE PROJECTS

The Municipality (through the Corporate Services) shall be entitled to audit any aspect of the work. The Service provider shall ensure that all work is executed in accordance with procedures, which comply to accepted safety practices with the Act and the Regulations.

7. DURATION OF PROJECT

Delivery must be within twelve (12) months of appointment.

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	Contractor Witness 1	Witness	2 Employer Witness 1 W	itness 2	•	-	-	-	

8. EVALUATION OF TENDER OFFERS

The procedure for the evaluation of responsive tender offer will be dealt at the Supply Chain Offices together with the relevant Directorate: **Corporate Services**. A successful service provider will be the one that most closely matches the goals and objectives for the proposed of the works; the procedure for the evaluation of responsive tender offer is the **80/20** preference. **Pricing Low does not guarantee appointment**.

Desc	ription		Maximum points to be allocated	Scoring	BLM SCORE	Reference
Bid A	Amount (Vat Incl.)	(From pricing Data)				
Price	Points {80*(1-(Pt	-Pm)/Pm}	80			
Specific project applicable expertise	Infrastructure of Firm	Company Relevant experience	30			Page 11
project ap expertise		Methodology	25			
pro		Qualifications of the director	25			
cific		Experience of Key Personnel	20			
Spe	Total (Specific p	project applicable expertise)	100			
	Minimum quali	ty point to be achieved in order to be of further evaluation is 60 points	considere	ed fo	r	
	PRICE		80			
	BBBEE LEVEL C	20				
	Total Points	100				

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Contractor witness i	witness	2 Employer Witness 1 W	itness 2				
		1 -					

NB: Bidders must score a minimum score of 65% on functionality to qualify for further evaluation on price and preference points. Bidders that score less than the minimum of 65% or 65 points will be disqualified.

11. ALTERATIONS TO DOCUMENTS

Not make any alterations or additions to the Term of Reference, except to comply with instructions issued by the employer, or necessary to correct errors made by the Service Provider. All signatories to the Bid offer shall initial all such alterations. Erasures and the use of masking fluid are prohibited.

No alternative Bid officer will be considered

12. FORMAL AGREEMENT AND CONDITIONS OF CONTRACT

The award of the contract is subject to the successful bidder entering into an agreement with Ba-Phalaborwa Municipality.

13. DECLARATION OF CONFIDENTIALITY

The Service Provider(s) shall regard all information in, or in support of the project as confidential and may not use any information for personal or 3rd party gain

14. CONTACTABLE OFFICIALS FOR CLARIFICATION

Compulsory site briefing will be held as per the advert. Prospective bidders are required to meet with the representative of the Employer at Ba-Phalaborwa Municipality, Head Office. Only a single representative per company will be required as signatory on the date of compulsory briefing.

Enquiries regarding clarification of aspects mentioned in this TOR can be addressed to Ms. Mangaba MP during office hours at Tel. no: **(015) 780 6373** or Supply Chain Office 015 780 6362.

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Contractor Witness 1	Witness	2 Employer Witness 1 W	itness 2	,	,		

BA-PHALABORWA LOCAL MUNICIPALITY

TENDER NUMBER: 15/22/23

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

MFMP TRAINING FOR 30 LEARNERS FOR A PERIOD OF TWELVE (12) MONTHS

(All Documents and Schedules MUST BE SUBMITTED for the Tender to Qualify)

The bidder must submit the following documents:

	T2.1 Returnable Schedules required for Bid evaluation purposes											
	1	Form 1.1	General Information									
		, _[
Contra	ctor Witness	1 Witness 2 Employer Witness 1 Witness 2										

2	Form 1.2	Certificate of attendance at briefing Session
	Form 1.3	Authority for Signatory/ power of attorney
3	Form 1.4	Schedule of Work Carried Out by Bidder
4	Compulsory municipal bid	Full Completion of MBD Forms
	documents	
		Company SAQA registration ID No 48965
		Joint venture agreement if Applicable
		CSD registration report
		BBB-EE Certificate or a sworn affidavit or consolidated BBB-EE
		certificate in case of Joint Venture agreement
		Valid TAX Clearance or Pin
		Proof of Company Registration (CK)
		Certified copies of municipal accounts / lease agreement / tribal
		authority confirmation letter of the company and owners not older than 3
		months
		Certified ID copies of company directors not older than 3 months
		Company Profile

FORM 1.1 GENERAL INFORMATION

Details of person responsible for the tender p	rocess:	
Name:		
Contact number		
Address of office submitting the tender:		

Add	ress:						
Tele	phone no:						
	no:						
	ail address:						
	an addi 000. <u></u>						
GNED O	N BEHALF OF 1	ΓENDERE	R:		D	ATE:	
0.1.2.5							
ORM1.2	CERTIFICATE O	F ATTENI	DANCE AT	SITE VISI	<u>T</u>		
-:- :- 4	antiferable at /Tamada						
nis is to d f (<i>addre</i> s	ertify that <i>(Tendes)</i>	erer) 					
] [

	t Head Office, for tender No: 15/22/23 on
I / We acknowledge that the purpose of the meeting was	to acquaint myself / ourselves with the site of the works and a tender documents in order for me / us to take account of es 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 1.3 CERTIFICATE FOR AUTHORITY OF SIGNATORY

Signatories for Companies must establish their authority by attaching a copy of the relevant Resolution of the Board of Directors, duly signed and dated, to this form.

AN EXAMPLE IS SHOWN BELOW:
"By Resolution of the Board of Directors at a meeting on
Mr/Mrs/Ms.
Has been duly authorised to sign all documents in connection with the Tender on behalf of (Block capitals)
SIGNED ON BEHALF OF COMPANY
IN HIS CAPACITY AS
SIGNATURE OF SIGNATORY

SCHEDULE 1: EVALUATION SCHEDULE: TENDERER'S EXPERIENCE

- 1.1 The bid will be evaluated according to the Preferential Procurement Regulations of 2011 and 2017 which prescribe the application of the 80/20 points system.
- 1.2 Where BBBEE points are claimed, a certified copy of BBBEE certificate or sworn affidavit must be attached.
- 1.3 The points for this bid are allocated as follows:

	COMPONENT	POINTS
1.	Price:	80
1.3.1	Preferential points: BBBEE	20

i e							
Contractor Witness 1	Witness	2 Employer Witness 1 W	itness 2				

1.3.2	TOTAL:	100

The functionality evaluation points for this bid are allocated as follows: Functionality will be evaluated separately from price and preference points.

	weight	Points scored
0=No similar experience	30	
5=1 similar work experience		
10-2 similar work experience		
15-3 similar work experience		
20-4 similar work experience		
30-5+similar work experience		
Attach appointment letters		
Methodology	25	
Detailed Plan (Submission of POE'S ,Assessments		
and action plan, schedule of attendance) $=25$		
Not Detailed Methodology= 5		
Qualifications of the director –level 7 and	25	
above degree any commerce degree =15		
Assessor –Accreditation with LGseta =5 points		
Moderator –Accreditation with LG Seta = 5		
points		
(attach CV and qualifications as proof)		
Experience of key personnel	20	
Facilitator —any degree related to finance and		
conducted MFMP program trainings		
Facilitator – accredited with LGSETA = 10		
5+ years of experience = 10		
4 years of experience = 8		
3 years of experience = 6		
2 years of experience = 4		
1 year of experience = 2		
(attach CV and qualifications as proof)		
Total Points	100	

	1				1		
Contractor Witness 1	Witness	2 Employer Witness 1 W	itness 2		-		

NB: Bidders must score a minimum score of 65% on functionality to qualify for further evaluation on price and preference points. Bidders that score less than minimum of 65% points will be disqualified.

 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 tender

B-BBEE STATUS LEVEL CONTRIBUTOR	OF	NUMBER SYSTEM)	OF	POINTS	(80/20
1		20			
100% Black =18					
Disability/Youth/military Veteran	=2				
2		18			
At least 51% Black Owned					
4					
Less than 51% Black owned		12			

Contractor Witness 1	Witness	2 Employer Witness 1 W	itness 2	•	•		

COMPULSORY MUNICIPAL BID DOCUMENTS

MBD1

PART A INVITATION TO BID

YOU ARE HEREBY INVITED TO BID	FOR REQUIREMENTS C	F THE (NAME OF MUNICIPALITY/ MUNICIPAL ENTITY)
	CLOSING	
BID NUMBER:	DATE:	CLOSING TIME:
DESCRIPTION		
THE SUCCESSFUL BIDDER WILL B	E REQUIRED TO FILL IN	AND SIGN A WRITTEN CONTRACT FORM (MBD7).
BID RESPONSE DOCUMENTS MAY	BE DEPOSITED IN THE	
BID BOX SITUATED AT (STREET AL	DDRESS	
Contractor Witness 1 Witness 2 Employer Witness 1 Witness 2		

POSTAL ADDRESS					
STREET ADDRESS					
TELEPHONE NUMBER	CODE			NUMBER	
CELLPHONE NUMBER					
FACSIMILE NUMBER	CODE			NUMBER	
E-MAIL ADDRESS					
VAT REGISTRATION NUMBER					
TAX COMPLIANCE STATUS	TCS PIN:		OR	CSD No:	
ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES OFFERED?	□Yes [IF YES ENC	□No CLOSE PROOF]	BA FO /S	RE YOU A FOREIGN ASED SUPPLIER DR THE GOODS ERVICES FFERED?	☐ Yes ☐ No [IF YES, ANSWER PART B:3]
TOTAL NUMBER OF ITEMS OFFERED			то	OTAL BID PRICE	R
SIGNATURE OF BIDDER			D/	ATE	
CAPACITY UNDER WHICH THIS BID IS SIGNED					
BIDDING PROCEDURE ENQUIRIES	MAY BE DIRECTE			INFORMATION MAY	BE DIRECTED TO:
DEPARTMENT CONTACT DEPOCAL			NTACT P		
CONTACT PERSON TELEPHONE NUMBER			CSIMILE N	NUMBER	
FACSIMILE NUMBER			MAIL ADDI	-	
E-MAIL ADDRESS			VI/ (IL / (DD)	(LOO	

PART B TERMS AND CONDITIONS FOR BIDDING

1.	BID SUBMISSION:
	BIDS MUST BE DELIVERED BY THE STIPULATED TIME TO THE CORRECT ADDRESS. LATE BIDS WILL NOT BE ACCEPTED FOR CONSIDERATION.
1.2.	ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS PROVIDED (NOT TO BE RE-TYPED) OR ONLINE
1.3.	THIS BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT AND THE PREFERENTIAL PROCUREMENT REGULATIONS THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER SPECIAL CONDITIONS OF CONTRACT.
2	TAX COMPLIANCE REQUIREMENTS
2.1	BIDDERS MUST ENSURE COMPLIANCE WITH THEIR TAX OBLIGATIONS.
2.2	BIDDERS ARE REQUIRED TO SUBMIT THEIR UNIQUE PERSONAL IDENTIFICATION NUMBER (PIN) ISSUED BY SARS TO ENABLE THE ORGAN OF STATE TO VIEW THE TAXPAYER'S PROFILE AND TAX STATUS.
2.3	APPLICATION FOR THE TAX COMPLIANCE STATUS (TCS) CERTIFICATE OR PIN MAY ALSO BE MADE VIA E-FILING. IN ORDER TO USE THIS PROVISION, TAXPAYERS WILL NEED TO REGISTER WITH SARS AS E-FILERS THROUGH THE WEBSITE WWW.SARS.GOV.ZA.
2.4	FOREIGN SUPPLIERS MUST COMPLETE THE PRE-AWARD QUESTIONNAIRE IN PART B:3.
2.5	BIDDERS MAY ALSO SUBMIT A PRINTED TCS CERTIFICATE TOGETHER WITH THE BID.
2.6	IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED, EACH PARTY MUST SUBMIT A SEPARATE TCS CERTIFICATE / PIN / CSD NUMBER.
2.7	WHERE NO TCS IS AVAILABLE BUT THE BIDDER IS REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD), A CSD NUMBER MUST BE PROVIDED.
3.	QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS
3 1	IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)?
	DOES THE ENTITY HAVE A BRANCH IN THE RSA?
	DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA?
3.5.	IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION?
 	F THE ANSWER IS "NO" TO ALL OF THE ABOVE, THEN IT IS NOT A REQUIREMENT TO REGISTER FOR A TAX COMPLIANCE STATUS SYSTEM PIN CODE FROM THE SOUTH AFRICAN REVENUE SERVICE (SARS) AND IF NOT REGISTER AS PER 2.3 ABOVE
	AILURE TO PROVIDE ANY OF THE ABOVE PARTICULARS MAY RENDER THE BID INVALID. DS WILL BE CONSIDERED FROM PERSONS IN THE SERVICE OF THE STATE.
SIGNA	ATURE OF BIDDER:
CAPA	CITY UNDER WHICH THIS BID IS SIGNED:
DATE	•

MBD 4
1. No bid will be accepted from persons in the service of the state ¹ .
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.
Contractor Witness 1 Witness 2 Employer Witness 2 Witness 2

iay be ilivoi	ved with	the evalua	ation and	or adjudi	cation of	this bid	?	YES /	NO				
	3.11.1	If yes, furi	-										
3.12		y of the co ple shareh						e?	YE	ES/N	10		
3.12.1 If ye	s, furnis	sh particula	ırs.										
3.13 3.13.1 If ye	Truste In serv	y spouse, o ees, manag rice of the s sh particula	gers, princ state? ars.	iple shar	eholders	or stak	eholders	YES	/ NO				
									•••••				
						МВС	0 6.1						
PREFERE	NCE PC	DINTS CLA	AIM FORM	/I IN TER				NTIAL PR	ROCUF	REME	ENT RE	EGULA	TIONS
PREFERE	ce form	must form	part of all		2	THE PR 022	EFERE						

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);
 - 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 o	offer in	the form de	etermined by	an organ	of state in	respo	nse to	an invitat	ion to prov	/ide
	goods or	services	through	price	quotations,	competitive	tendering	process	or any	other	method	envisaged	ni b
	legislation	1;											

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						1	
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						1	
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						1	
						1	
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Contractor Witness 1	Witness	2 Employer Witness 1 W	itness 2				
Contractor withess r	** Itiless	2 Employer withess r	Itticoo 2				

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

3. FORMULAE FOR PROCUREMENT OF GOODS AND SERVICES

3.1. POINTS AWARDED FOR PRICE

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

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

80/20 or 90/10

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

80/20 or 90/10 $Ps = 80 \left(1 + \frac{Pt - P max}{P max}\right) \text{ or } \qquad Ps = 90 \left(1 + \frac{Pt - P max}{P max}\right)$ Contractor Witness 1 Witness 2 Employer Witness 1 Witness 2

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)	Number of points allocated (80/20 system)	Number of points claimed (90/10 system) (To be completed	Number of points claimed (80/20 system) (To be completed	
Contracts Winner I Winner 2 Families Winner					

(To be completed by the organ of state)	(To be completed by the organ of state)	by the tenderer)	by the tenderer)

DE	CLARATION 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;
	 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;
Contrac	tor Witness 1 Witness 2 Employer Witness 1 Witness 2

- 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;

1.

2.

Contractor Witness 1 Witness 2 Employer Witness 1 Witness 2

- (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.

	SI	GNATURE(S)	OF TENDERE	ER(S)					
SURNAM DATE:	IE AND NAME:								
ADDRES	S :								
							(0.75)		MBD 7.1
							SERVIC	ES	
	D THE PURCHA ECTIVE RECOR		D BE IN PO	OSSESSI	ION OF O	RIGINAL	LY SIGNED	CONTR	RACTS FOR
		PART 1 (TO BE FIL	LED IN	BY THE	BIDDE	ER)		
to (name stipulated	undertake to supe of institution)d in bid number.nce by the purcha		at the pric	in a ce/s quote	ccordance ed. My off	with the	e requiremen ain binding u	its and s pon me a	pecifications and open for
The follo	wing documents	shall be deen	ned to form a	and be rea	ad and cor	nstrued a	s part of this	agreeme	nt:
(i) E	Bidding documer Invitation		oo Status:						
-		r ax Complian chedule(s);	ce Status,						
-		I Specification	n(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)	
,	WITNESSES
CAPACITY	
SIGNATURE	 1
NAME OF FIRM	 2
DATE	DATE:
DATE	

MBD 7	.1
-------	----

-								
							1	
							1	
							1	
							1	
							1	
							1	
							1	
							1	
L							1	
	Contractor Witness 1	Witness	2 Employer Witness 1 W	itness 2				
	Contractor withess r	** ItilCoo	2 Employer withess r v	Itiless 2				

CONTRACT FORM - PURCHASE OF GOODS/SERVICES

PART 2 (TO BE FILLED IN BY THE PURCHASER)

1.	acc	ept your bid under	in my reference number nd/or further specif	·	d	atedure(s).	for the supply	 of goods/services
2.	An official order indicating delivery instructions is forthcoming.							
3.						ivered in accordance accompanied by the		I conditions of the
	ITEM NO.	PRICE (ALL APPLICAB LE TAXES INCLUDED)	BRAND		ELIVE RY RIOD	TOTAL PREFERENCE POINTS CLAIMED	POINTS CLAIMED FOR EACH SPECIFIC GOAL	
			y authorized to sigr					
	NAME (I	PRINT)			W	ITNESSES		
	SIGNAT	,			1.			
		AL STAMP			2.	ATE		

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.

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.

Cont	monton Witmann 1 Witmann 2	Employer Witness 1 Witnes	no 2			

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)	
NAME (FIXINT)	 WITNESSES
CAPACITY	
SIGNATURE	 2
NAME OF FIRM	 DATE:
DATE	

CONTRACT FORM - RENDERING OF SERVICES

PART 2 (TO BE FILLED IN BY THE PURCHASER)

4.		ted		accept rendering of serv	your	in bid dicated he	my under ereunder ar	capacity reference nd/or further s	number
5.	An official order	indicating serv	ice delivery inst	ructions is forthc	oming.				
6.	I undertake to m within 30 (thirty)				dance v	vith the te	rms and co	onditions of the	e contract,
		IPTION OF RVICE	PRICE (ALL APPLICABL E TAXES INCLUDED)	COMPLETIO N DATE	PR CE	TOTAL EFEREN POINTS LAIMED	POIN CLAII FOR E SPEO GO	MED EACH CIFIC	
4.	I confirm that I a	-	_						
N/	GNED AT AME (PRINT) GNATURE		C						
OI	FFICIAL STAMP				,	WITNES	SES		
					1				
					2				
						DATE: 			
Cont	ractor Witness 1 Witness 2 Emple	oyer Witness 1 Witness 2]

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.

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 fulfillment 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	WITNESSES
SIGNATURE	1
GIGIVATORE	3
¹ "Tender for income-generating contracts" has the same meaning as defined in the	DATE:
Contractor Witness 1 Witness 2 Employer Witness 1 Witness 2	

NAME OF FIRM	
DATE	

CONTRACT FORM - TENDER FOR INCOME-GENERATING CONTRACTS PART 2 (TO BE FILLED IN BY THE LESSOR/ SELLER)

M NO.	DESCRIPTI ON	PRICE (ALL APPLICABLE TAXES INCLUDED)	TOTAL PREFERENCE POINTS CLAIMED	POINTS CLAIMED FOR EACH SPECIFIC GOAL
E (PRINT)				
CIAL STAM	P		3	
			4	

MBD 8

DECLARATION OF BIDDER'S PAST SUPPLY CHAIN MANAGEMENT PRACTICES

1. 1	This Municip	oal Bidding	Document	t must form	part of	all bids	invited.
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- 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.

The Database of Restricted Suppliers now resides on the Na Treasury's website(www.treasury.gov.za) and can be access clicking on its link at the bottom of the home page.	
4.1.1 If so, furnish particulars:	
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.
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?
4.3.1	If so, furnish particulars:
4.4	Does the bidder or any of its directors owe any municipal rates and taxes or municipal charges to the municipality / municipal entity, or to any other municipality / municipal entity, that is in arrears for more than three months?
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?
4.7.1	If so, furnish particulars:
I ACCEP	CATION NDERSIGNED (FULL NAME)
	nature Date
 Po	sition Name of Bidder
Control With	ss 1 Witness 2 Employer Witness 1 Witness 2

MBD 9 CERTIFICATE OF INDEPENDENT BID DETERMINATION

- 1 This Municipal Bidding Document (MBD) must form part of all bids¹ invited.
- 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). Collusive bidding is a *pe se* prohibition meaning that it cannot be justified under any grounds.
- 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.
- 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.
- 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.

Contractor Witness 1 Witness	ss 2 Employer Witness 1 Witness 2		
Contractor witness r witness	ss 2 Employer Withess 1 Withess 2		

MBD 9 CERTIFICATE OF INDEPENDENT BID DETERMINATION

I, the undersigned, in submitting the accompanying bid:

	Description	(Bid	Number	and
	Description)			
in re	esponse to the invitation for the bid made by:			
	(Name of Municipality / Municipal Entity)			
do h	nereby make the following statements that I certify to be true and complete in every resp	ect:		
l cer	rtify, on behalf of:			
	that: (Name	of Biddei	·)	
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 no in every respect.	ot to be t	rue and com	nplete
3.	I am authorized by the bidder to sign this Certificate, and to submit the accompanional bidder.	ying bid,	on behalf	of the
4.	Each person whose signature appears on the accompanying bid has been authorized the terms of, and to sign, the bid, on behalf of the bidder.	by the bid	dder to dete	rmine
5.	For the purposes of this Certificate and the accompanying bid, I understand that the include any individual or organization, other than the bidder, whether or not affiliated			
	(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 experience; and	qualifica	ations, abilit	ies or
	(c) provides the same goods and services as the bidder and/or is in the same line	of busine	ess as the b	idder.
6.	The bidder has arrived at the accompanying bid independently from, and without con agreement or arrangement with any competitor. However, communication between or consortium ³ will not be construed as collusive bidding.			
7.	In particular, without limiting the generality of paragraphs 6 above, there has communication, agreement or arrangement with any competitor regarding:	s been	no consult	ation,
	(a) prices; Witness 1 Witness 2 Employer Witness 1 Witness 2			

- (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

Contractor Witness 1	Witness	2 Employer Witness 1 W	7itness 2				



I (Name) _

b. c. d.

e.

f. g.

i.

BA-PHALABORWA MUNICIPALITY

hereby declare to Ba-Phalaborwa Municipality that the company:

duly authorized to act on behalf of (Company name)

Fraud and Corruption Declaration Form

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; None of the directors of the company is employed by the state; The company is not blacklisted by the national treasury; 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; 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; all the information submitted in the bid is truthful and there is no misrepresentation; it adheres to the Prevention and Combating of Corrupt Activities Act 12 of 2004; 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; 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.
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: Date:

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

MFMP TRAINING FOR 30 LERANRES FOR A PERIOD OF 12 MONTHS

SPECIFICATION FOR MFMP TRAINING FOR LEARNERS FOR A PERIOD OF 12 MONTHS

BILL OF QUANTITIES

ITEM	DESCRIPTION	QTY	PER RATE	AMOUNT		
1	Total training cost per delegate	30	R	R		
2	Total traveling cost for training period	1				
3	Total disbursements cost for training period	1				
TOTAL	<u></u>			R		
ADD V	/AT @ 15%			R		
GRAN	ID TOTAL			R		
Si	gnature	Date	Date			
 Pr	osition	••••	 Name of Bi	dder		
	5511011		Name of Di	adoi		

				L		
Contractor Witness 1 Witn	ness 2 Employer Witness 1 W	itness 2				

