



BA-PHALABORWA LOCAL MUNICIPALITY

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

**TOR FOR THE DEVELOPMENT OF HUMAN SETTLEMENTS SECTOR PLAN/ HOUSING
CHAPTER FOR BA-PHALABORWA LOCAL MUNICIPALITY**

TENDER NUMBER: 19/23/24

CLOSING DATE: 22 MARCH 2024

CLOSING TIME: 11H00

BA-PHALABORWA LOCAL MUNICIPALITY

Private Bag x 01020

Phalaborwa
1390

Contact : Technical : Ms. Shikwambane NM

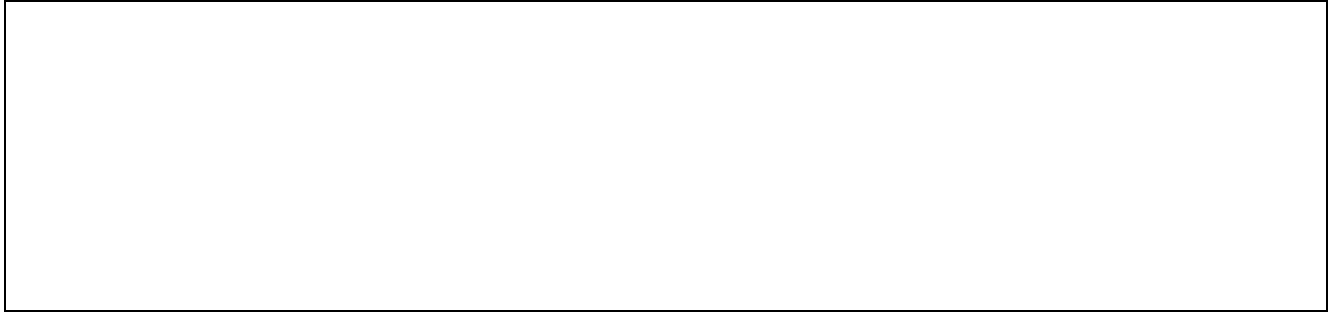
Procurement: Mr Selepe NW

Telephone: 015-780 6362

Fax: 015-780 6300

NAME OF BIDDER:.....

TOTAL BID AMOUNT (VAT INCLUSIVE):



TENDER NO: 19/23/24

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					
19/23/24	N/A	TOR for the development of human settlements sector plan/ housing chapter for Ba-Phalaborwa Local Municipality	15/03/2024 @11H00	Municipal Activity Hall	Free at the municipal website and E-tender portal	Qualification of key personnel (20) Experience of key personnel (20) Traceable record in local government (appointment letters) (30) Methodology (20) Bank rating (10)	80/20	22/03/2024 @11H00	70%	Ms. Shikwambane NM (015) 780 6300

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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. 6 /24

1.1. BACKGROUND

The Bill of Rights contained in the Constitution of the Republic of South Africa entrenches certain basic rights for all citizens of South Africa including: “The right to have access to adequate housing”. The Constitution also describes the objectives of local government. As:

- 1.1.1. The provision of services to communities in a sustainable manner;
- 1.1.2. The promotion of social and economic development;
- 1.1.3. The promotion of safe and healthy environments; and
- 1.1.4. The encouragement of community and community organization involvement in matters of local government.

This section goes on to state that a municipality must strive, within its financial and administrative capacity, to achieve the above objectives.

With regard to the development duties of local government, a municipality must structure and manage its administration and budgeting and planning processes to give priority to the basic needs of the community, and to promote the social and economic

development of the community; and Participate in national and provincial development programmes.

In terms of section 7(2)(g) of the Housing Act, 1997 (Act No 107 of 1997) “Every provincial government must prepare and maintain a multi-year plan in respect of the execution in the province of every national housing programme”.

Furthermore, in terms of Section 9(1) of the Housing Act, 1997 the function of Municipalities include that: *“every municipality must, as part of the municipality’s process of integrated development planning, take all reasonable and necessary steps within the framework of national and provincial housing legislation and policy to*

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1.1.5. *ensure that-*

1.1.5.1. *The inhabitants of its area of jurisdiction have access to adequate housing on a progressive basis;*

1.1.5.2. *Conditions not conducive to the health and safety of the inhabitants of its area of jurisdiction are prevented and removed;*

1.1.5.3. *Services in respect of water, sanitation, electricity, roads, storm water drainage and transport are provided in a manner which is economical”,*

(Housing Act 107 of 1997)

The Human Settlements Sector Plan/Housing Chapter is a five-year strategic plan that will guide transformation of the existing settlements and development of a new sustainable human settlements in accordance with the Constitution of the Republic of South Africa, national policy on human settlement and development agenda of the Municipality. The municipality will review the chapter annually considering changes in development trends, progress made in the implementation of the plan emerging (new) human settlement needs within its area of jurisdiction.

In order to give effect to the legislation, the Ba-Phalaborwa Municipality requires the services of a consultant to develop, compile its IDP Housing Chapter. The IDP Housing Chapter document must be compiled in line with the guidelines provided in the Resource Book on Housing Chapters published by the National Department of Housing in 2008, and which requires the Municipal IDP Housing Chapter to achieve the following:

- a) To define the scope of the housing planning component of the municipal IDP in relation to the requirements of the Housing Act and housing policies;
- b) To outline and unpack clear roles and responsibilities of relevant stakeholders critical to achieving integration of housing planning with integrated development planning in the municipality;
- c) To guide vertical and horizontal sector alignment within the municipal area;
- d) To provide an institutional structure to give effect to a demand-defined and supply negotiated approach to housing provision;
- e) To introduce systems and procedures to support and reward strategic and operational planning by enforcing Housing Plan-led budgeting and implementation;
- f) To ensure that the housing planning activities which occur as part of the IDP are able to draw on existing housing related documentation and data resources;
- g) To ensure that the housing planning activities which occur as part of the IDP reflect community level concerns about housing demand as determined during the municipal IDP process;

- h) To insure that the definition of the various types of housing demand as part of the IDP balances technical inputs with community-based inputs;
- i) To ensure the definition of housing demand is comprehensive and inform IDP objectives, strategies and project formulation and enable the specification of a municipal-wide picture of housing demand in the context of sustainable human settlements;
- j) To achieve agreement at municipal level about whether housing is a priority issue for IDP or not, and if so, to specify which aspects of the housing demand are to be prioritized for the IDP to also contribute towards overall strategic objectives of the Municipality.

2. OBJECTIVES OF THE PROJECT

The main objectives of the Human Settlements Sector Plan/Housing Chapter are as follows:

- 2.1.** To ensure effective allocation of limited resources, financial and human, to a wide variety of potential development initiatives
- 2.2.** To provide guidance in prioritizing housing projects in order to obtain consensus for the timing and order of their implementation;
- 2.3.** To ensure more integrated development through coordinating cross- sector role players to aligning their development interventions in one plan;
- 2.4.** To ensure budget allocations to local and district municipalities as well as provinces are most effectively applied for maximum impact;
- 2.5.** To provide effective linkages between the spatial development framework and the project locations of physical implementation of a range of social, economic, environmental and infrastructure investments;
- 2.6.** To ensure there is a definite housing focus in the IDP and SDF with clear direction for future housing delivery across all social and economic categories and locations in the municipality.
- 2.7.** The scope of Human Settlements / Housing Chapter is not just for those people and developments related to government's subsidized housing programmes;

- 2.8.** To provide the IDP process with adequate information about housing plan, its choices, priorities, benefits, parameters as well as strategic and operational requirements;
- 2.9.** Ensuring that the contents and process requirements of planning for housing are adequately catered for in the IDP process; and
- 2.10.** To ensure that there is indicative subsidy budgeting and cash flow planning at both the municipal and provincial levels.
- 2.11.** To ensure that the following aspects of a sustainable human settlements are addresses namely:
- a) Upgrading of informal settlements
 - b) Densification and integration
 - c) Location of new projects
 - d) Urban renewal and regeneration; and
 - e) Social and economic infrastructure provision

3. PURPOSE OF THE PROJECT

- 3.1 The overall outcome of the project is to:
- 3.1.1. develop Human Settlements/ Housing Chapter for Ba-Phalaborwa Municipality
 - 3.1.2. facilitate the necessary consultative forums with the province in aligning municipal and provincial projects as per Provincial Huma Settlements Master Plan and the Provincial Human Settlements Informal Settlements Upgrading and Management Strategy;
 - 3.1.3. develop a detailed Action/Operational Plan linked to the Provincial Budget and MTEF; MTSF; and
 - 3.1.4. To develop Integrated Human Settlements Project pipeline linked to the Provincial Priority Housing Development Areas (PHDA'S).

4. SCOPE OF WORK

- 4.1.** The successful Service Provider would be expected to undertake the following towards the development of the Human Settlements/ Housing Chapter in responding to the human settlement issues facing the municipality while also enabling the municipality to perform its human settlement duties and functions. These are prescribed in the Constitution and the National Housing Act, No. 107 of 1997. It covers the following:

- 4.1.1. Review of national and provincial human settlement policy and its implications for the development of sustainable human settlement in a Local Municipality.
- 4.1.2. Analysis of the current state of the current state/situation of the human settlement to ascertain the sustainability of the existing human settlement.
- 4.1.3. Establishing current housing backlog and demand (numeric extent and number of potential beneficiaries per subsidy instrument/priority issue);
- 4.1.4. Formulation of a human settlement strategy and alignment with the municipal development strategy in the IDP and other associated sector plans;
- 4.1.5. Land identification of strategically located land for the future development and implementation of sustainable human settlements projects;
- 4.1.6. Developing a pipeline of human settlement projects to inform allocation of funds and other resources at a provincial and national level; and
- 4.1.7. Developing an appropriate institutional framework for an effective management of human settlement development programme in the Municipality.

5. DELIVERABLES & OUTPUTS

In line with the overall objectives as stipulated above, it is required that the project be conducted according to seven distinct phases as listed below within a period of 10 months from date of appointment.

5.1. Phase 1: Inception and Orientation

- 5.1.1. During this phase the service provider will meet with officials of the Provincial Department of Human Settlements and the Municipality to finalize the Programme of Action, the methodology to be followed, and the final deliverables.
- 5.1.2. As part of Phase 1 it is also required that a Project Steering Committee with representatives from the Provincial Department of Human Settlements, Sector Departments and the local municipalities

be established in order to oversee the execution of the project.

5.2. Phase 2: Situational Analysis

The Situational Analysis will comprise of at least the following aspects:

- 5.2.1. An assessment of the institutional set-up and capacity within the municipality to deal with human settlement/housing.
- 5.2.2. Quantifying and mapping the spatial location of housing demand in different parts of the municipality focusing on RDP demand, Gap Market, Affordable Rental, Social Rental etc. in both the urban and rural parts of the municipality.
- 5.2.3. Identification of strategic land areas (or buildings for social/affordable rental) that can/should be considered to accommodate future sustainable human settlement projects in the municipal area.
- 5.2.4. Collect ancillary information for each of the identified strategic land areas/building identified in relation to the following:
 - 5.2.4.1. Alignment with the spatial directives contained in the municipal SDF;
 - 5.2.4.2. Land/building ownership and current development status of the land;
 - 5.2.4.3. Natural environmental features on the site to be considered;
 - 5.2.4.4. Availability and capacity of closest bulk engineering infrastructure and reticulation networks, and implications for the development of the site;
 - 5.2.4.5. Community facilities in surrounding neighborhoods that can be shared (if any)
 - 5.2.4.6. Preliminary assessment of development capacity (number units) of the site;
 - 5.2.4.7. Indication of the potential beneficiary communities to be accommodated on the site;
 - 5.2.4.8. Summary of critical issues related to the site/building which need to be considered.

A summary of existing human settlement/housing projects in process in the municipal area; location; implementing agent, capacity and housing typologies

catered for, beneficiary communities, status of project, estimated date of completion; and

5.2.5. Lastly, an outline of housing-related results from the IDP analysis phase, and especially the IDP analysis of priority issues. Should provide an overview of critical challenges of the Human Settlements / Housing Chapter in the municipal area and the definition of demand from the IDP prioritization activities. Summarised statements on the identification of housing demand and an analysis of this information to clarify the social, economic, environmental, infrastructural and spatial nature of the dynamics and causes of the demand.

5.3. Phase 3 (Synthesis)

5.3.1. Phase 3 should comprise a summary of the Priority Human Settlement Issues identified in the municipal area, as well as the Human Settlement Development Opportunities and Constraints identified.

5.4. Phase 4: Human Settlement Strategy

5.4.1. During Phase 4 the service provider should formulate a Human Settlement Strategy for the municipality. This will firstly comprise the formulation of a set of Human Settlement Objectives for the municipality followed by a Human Settlement Strategy. The Strategy will address the Priority Issues identified and seek to achieve the Objectives formulated. Furthermore, in the strategy section of the Human Settlements

/ Housing Chapter, requires an indication of the IDP objectives and strategies relate to housing spatially, economically, environmentally, infrastructurally and socially. How the housing objectives and strategies will address the IDP objectives and strategies and summarise the identified housing supply options chosen to meet the housing demand. This should include the negotiated supply strategies which should complement the IDP development strategies.

5.5. Phase 5: Projects

5.5.1. Following from the Human Settlement Strategy, the Priority Projects to be implemented in the municipality need to be defined, quantified, prioritized, and incorporated into a program/schedule for implementation in the short term (5 years), medium term (within 10years), and long term (beyond 10 years). It should also give a clear

indication of the top two or three projects (and associated number of units) for the municipality and the priority actions to be implemented toward activating these projects.

5.5.2. Moreover, the project section of the Human Settlements/Housing Chapter should further outline the basic information on the prioritized IDP housing projects or housing components of multi-sectoral projects. This information should include a summary of the project's objectives, description and indicators, national housing subsidy program or instrument if applicable. Target group/s, spatial location, major activities, estimated timeframes for implementation, implementation agencies, preliminary capital and operational budget implications and source finance.

5.6. Phase 6: Integration

5.6.1. This component of the IDP Housing Chapter will highlight the implications of the priority human settlement projects on other departments in the municipality in terms of, for example, land acquisition, township establishment, engineering services, community facilities, LED etc. It should further highlight their relationship to the IDP objectives and strategies, after having considered how integration with the other affected sectors is to occur.

5.6.2. Clarify the integration through a preliminary assessment of the social, economic, environmental, infrastructural as well as the spatial feasibility of the housing projects and how further issues for implementation are to be resolved. Also clarify the coordination of the housing projects funding with the 5-year financial plan and capital investment program for the IDP. A broad action plan for delivery including all the priority housing projects and the institutional arrangements for municipal management should be developed.

6. Phase 7: Approval

6.1. This will be the last phase in the study and will comprise the circulation of the Municipal Housing Chapter for the public comment, the final amendment of the document, and Approval by the municipality.

- 6.2. The final output, which includes the above components, is an adopted Human Settlements / Housing Chapter aligned to the Municipal IDP.
- 6.3. Submissions of reports should be in a form of both hard and electronic versions. Ownership of documentation collected from this project vest in Municipality. The Municipality will become the custodian of documentation submitted. The service provider will be responsible for the layout design and editing of the publication.
- 6.4. Mapping should be submitted in Arc View GIS capable file format (shapefiles, layer files, mxd files) for use in a GIS environment. All mapping notations should be in keeping with the standards already established in Ba-Phalaborwa Municipality and in accordance with the collaborative processes undertaken throughout the project.
- 6.5. The Service Provider should ensure that all GIS data and meta-data is fully compatible with that of the Municipal GIS Unit i.e. (ArcGIS 10.5.1).
- 6.6. All documents and communication media should be preparing well in advance of any stakeholder engagement process and should be to the satisfaction of the Municipality.
- 6.7. The Service Provider will be expected to submit all reports and associated communications media i.e., minutes, agendas, and attendance registers for each phase of the project.
- 6.8. Final consolidated report should consist of the following and be submitted to Ba-Phalaborwa Municipality:
- 6.9. Two (2) copies of the prepared hard copies of the report:
- 6.10. One (1) soft copy report copied on a CD/DVD with attached maps (in both PDF and Word format). Maps should be submitted in both Arch View and JPEG format.

7. MILESTONES AND TIMEFRAMES

- 7.1. This project will commence after a letter of appointment has been issued and a Service Level Agreement has been signed which will expire in six (6) months thereafter and is subject to addition, extension, or early termination, depending on the need and performance assessment of the appointed service provider.
- 7.2. Ba-Phalaborwa Municipality reserves full right to implement the above-mentioned clause.

7.3. Refer to Table1 below which sets out the project milestones and timeframes.

Table 1: Project Milestones and Timeframes

Milestone	Timeframe
Phase 1: Inception and Orientation	2 weeks
Phase 2: Situational Analysis	1 month
Phase 3: Draft Human Settlements/ Housing Chapter	1 month and 2 weeks
Phase 4: Stakeholder Engagements/ Workshops on Human Settlements Chapter.	1 month
Phase 5: Integration and Implementation Plan	3 weeks
Phase 6: Final Human Settlements/ Human Settlements Chapter	4 weeks
Phase 7: Close Out Report	1 weeks
Total Estimated Project Timeframe	6 Months

8. SKILLS AND EXPERTISE

- 8.1.1. The service provider must demonstrate the following characteristics as an indication of its capacity and readiness to implement the project:
- 8.1.2. At least 10 years' experience in the field of human settlements development with emphasis on the Human Settlements / Housing Chapter or sector plan and experience in the development of human settlements master plan would be added advantage;
- 8.1.3. Extensive and demonstrable experience in human settlements programme(s), in terms of the National Housing Code;
- 8.1.4. Extensive and demonstrable experience in research and analysis;
- 8.1.5. Knowledge of the South African legislative and regulatory environment relating to human settlements, informal settlement upgrading and planning processes;
- 8.1.6. Proven ability in effective written and oral communication;
- 8.1.7. Proficiency in the use of standard word processing, web browsers, and presentation software;

8.1.8. Institutional capacity to successfully carry out a project of this nature.

9. CAPACITY BUILDING AND SKILLS TRANSFER

9.1. Skills development is an integral part of the project. The process should ensure that skills development and skills transfer occur within the project and is to be achieved with municipal and Provincial officials.

9.2. The appointed Service Provider should allow for skills development and transfer which will be achieved, monitored, and evaluated within phases needed to be completed by them.

10. INFORMATION GATHERING

10.1. The selected service provider will be expected to contact all the relevant officials and units within all spheres of government and other stakeholder of government or any entity holding information relevant to the project to obtain relevant information that will be required for the project when a need arises.

10.2. Existing information, which is available within the Ba-Phalaborwa Municipality: Integrated Human Settlements and Planning unit will be made available to the appointed service provider during the execution of the project.

10.3. In the case where a letter to confirm and motivate for requesting information from the different spheres of government or parastatals is required, Ba-Phalaborwa Municipality will provide the requested letter.

10.4. Notwithstanding anything written in this term of reference, the responsibility for collecting information necessary for the successful execution of the project remains entirely with the service provider.

11. TERMS AND CONDITIONS OF APPOINTMENT

11.1. Appointment will be subject to the Service Provider's express acceptance of Ba-Phalaborwa Municipality Supply Chain Management general contract conditions.

11.2. Municipality and successful Service Provider will sign a Service Level Agreement upon appointment.

11.3. The service provider should submit an acceptance letter and be available to commence with the project within five (5) days after receiving official order and the service level agreement signed.

11.4. During the execution of the project, the service provider is required to give reports on the progress of the project. It is the responsibility of the service

provider to organize the progress report meetings and have one of them representatives assigned to taking minutes and circulating them to the steering committee members.

11.5. Project team members must be available for the duration of the project, the service provider is not allowed to change the composition without prior consent of the Municipality.

11.6. Any deviation from the project plan should be put in writing and signed by the project manager of Ba-Phalaborwa Municipality.

11.7. Any suggestions during the progress meetings, once accepted by both parties, shall form part of the contract.

11.8. Payments will be on work completed basis i.e. on set milestones as per project plan.

11.9. Financial penalties will be imposed for agreed upon milestones, targets, and deadline not met without providing:

- a) Timely notification of such delays
- b) Reasons for the delays.
- c) Supporting evidence that the delays were outside of the influence of the service provider.

11.10. Payment will ONLY be made as per deliverables and upon SATISFACTION of good and quality product. Therefore, original invoices submitted for payments must be submitted for payment with relevant supporting documents. No copies or e-mailed invoices will be processed.

11.11. Financial penalties will be imposed if the outputs produced do not meet the agreed upon deliverables criteria as stipulated in the General Conditions of Contract.

11.12. When Ba-Phalaborwa Municipality accepts the final product, the appointed service provider will be liable to correct errors and fill gaps that may be discovered in the data/project, at no charge to the Municipality. **This condition will apply for a period of one (2) month from the day the project was completed and submitted to Ba-Phalaborwa Municipality.**

11.13. The Municipality reserves the right not to appoint anyone.

11.14. No material or information derived from the provision of the services under the contract may be used for any other purpose except for those of Ba-Phalaborwa Municipality, except where duly authorized to do so in writing

by the Municipality.

11.15. Copyright in respect of all documents and data prepared or developed for the purpose of the project by the Service Provider shall be vested in Ba-Phalaborwa Municipality.

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

12. MANDATORY REQUIREMENTS

NB: Failure to submit/attach proof of the following requirements with the proposal will disqualify the bidder's proposal.

12.1. Original and Valid Tax Clearance Certificate issued by the South African Revenue Services (SARS), where **consortium/joint ventures/sub-contractor** are involved each party to the association must submit a separate valid original Tax Clearance Certificate.

12.2. A resolution authorizing a particular person to sign the bid documents.

12.3. The Project leader must be registered with SACPLAN as a Professional Town and Regional Planner (attach a copy of certificate).

12.4. Proposal for technical ability to execute the project is compulsory.

13. FUNCTIONALITY

Minimum threshold on functionality is 70% to qualify for the next evaluation phase of price and specific goals specified for the tender.

ITEM	WEIGHT
STAGE 2 EVALUATION	100
QUALIFICATION OF KEY PERSONNEL <ul style="list-style-type: none"> - Honours or more in developmental studies/ town planning/equivalent =20 - Degree in developmental studies/town planning/equivalent =15 - Diploma in developmental =10 	20
EXPERIENCE OF KEY PERSONNEL <p>Personnel in research analysis and report writing</p> <ul style="list-style-type: none"> - 10 years or > = 20 - 5-9 years = 15 - 1-4 years = 10 	20
COMPANY EXPERIENCE <p>Traceable record in local government (appointment letters)</p> <p>4 and more appointment letters = 30</p> <p>1-3 appointment letters = 15</p>	30
METHODOLOGY <ul style="list-style-type: none"> - Project Plan 10 - Innovation in approach 10 	20
BANK RATING <ul style="list-style-type: none"> - A-B = 10 - C-D =5 	10

- 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

SPECIFIC GOALS POINTS SYSTEM	NUMBER OF POINTS (80/20 SYSTEM)
1	20
100% Black =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	

14. LIST OF PREREQUISITES/RETURNABLE DOCUMENTS

- Bidders must attend the compulsory briefing session
- Bidders must attach signed declaration forms attached to the tender document
- Attach company registration certificate
- Attach letter from SARS with a valid Pin code
- Power of attorney if applicable
- CSD Summary report
- Each page of the tender document must be initialized
- All copies must be certified by SAPS
- 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
- Proof of medical certificate for directors with disability
- Attach certified ID copies not older than 6 month

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 CODENUMBER.....

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

3.2.1. POINTS AWARDED FOR PRICE

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

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

Where

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

4. POINTS AWARDED FOR SPECIFIC GOALS

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

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

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

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

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

The specific goals allocated points in terms of this tender	Number of points allocated (90/10 system) (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.

<p>.....</p> <p>SIGNATURE(S) OF TENDERER(S)</p>
<p>SURNAME AND NAME:</p>
<p>DATE:</p>
<p>ADDRESS:</p> <p>.....</p>

**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	completed by the organ of state) Number of points allocated (90/10 system) (To be completed by the	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 • ≥51% and <100% company owned/director/s/shareholders by people who are Black=16 points • Disability/ youth/military veteran = 2 points • >0% and <51% company owned/director/s/shareholders by people who are Black= 14 • Disability/youth/military veteran = 2 points 	<p style="text-align: center;">20 Points</p> <p style="text-align: center;">18 Points</p> <p style="text-align: center;">16 Points</p>	<p style="text-align: right;">34</p>

DECLARATION WITH REGARD TO COMPANY/FIRM

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

4.4. Company registration number:
.....

4.5. TYPE OF COMPANY/ FIRM

- D Partnership/Joint Venture / Consortium
 - D One-person business/sole propriety
 - D Close corporation
 - D Public Company
 - D Personal Liability Company
 - D (Pty) Limited
 - D Non-Profit Company
 - D 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:
.....
.....

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.

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

WITNESSES	
1
2.
DATE:	

DATE

MBD 7.1

CONTRACT FORM - PURCHASE OF GOODS/SERVICES

PART 2 (TO BE FILLED IN BY THE PURCHASER)

- 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).
- An official order indicating delivery instructions is forthcoming.
- 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

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

SIGNED ATON.....

NAME (PRINT)

SIGNATURE

WITNESSES

1.

2.

DATE

OFFICIAL STAMP

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.
- 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 fulfilment 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

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:

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)

WITNESSES	
1
2
DATE:	

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

CAPACITY

SIGNATURE

NAME OF FIRM

DATE

MBD 7.3

CONTRACT FORM - TENDER FOR INCOME-GENERATING CONTRACTS

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

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

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

CERTIFICATE OF INDEPENDENT BID DETERMINATION

I, the undersigned, in submitting the accompanying bid:

(Bid Number and Description)

in response to the invitation for the bid made by:

(Name of Municipality / Municipal Entity)

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

I certify, on behalf of: _____ that:
(Name of Bidder)

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

- (a) prices;
- (b) geographical area where product or service will be rendered (market allocation);
- (c) methods, factors or formulas used to calculate prices;
- (d) the intention or decision to submit or not to submit a bid;
- (e) the submission of a bid which does not meet the specifications and conditions of the bid; or (f) bidding with the intention not to win the bid.

- 8. In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications and conditions or delivery particulars of the products or services to which this bid invitation relates.
- 9. The terms of the accompanying bid have not been, and will not be, disclosed by the bidder, directly or indirectly, to any competitor, prior to the date and time of the official bid opening or of the awarding of the contract.

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:
