



BA-PHALABORWA MUNICIPALITY

Provision of security guarding services and alarm system for a period of Three (3) years

TENDER NUMBER: 01/20/21

Closing Date: 12/08/2020

Time: 10h00

Venue: Tender Box (Main Office)

Tender Documents: R500. 00 at the municipality and Free on E-tender and municipal website

Ba-Phalaborwa Municipality Budget and Treasury Office: Contact: Mogano TJ Chief Financial Officer Tel: (015) 780 6303	Ba-Phalaborwa Municipality Office of the Municipal Manager Contact: TMT Sekwari Manager: Risk Management Tel: (015) 780 6460
Name of Tenderer:	
Year one amount:	
Year two amount:	
Year three amount:	
TOTAL AMOUNT TENDERED (All Inclusive):	

TENDER NO: 01/20/21

1. Tender Notice and Invitation to submit proposals

Ba-Phalaborwa Municipality invites interested service providers to submit proposals for Provision of Security Guarding Services and monitoring of alarm systems at the Municipality for a three year period.

TENDER NUMBER	DESCRIPTION	COMPULSORY BRIEFING SESSION			COST	EVALUATION CRITERIA	CLOSING DATE AND TIME	CONTACT PERSON
		DATE	TIME	VENUE				
01/20/21	Provision for security guarding services and alarm system for a period of Three (3) years	16/07/2020	10h00	Activity Hall	R500. 00 at the municipality and Free on E-tender and municipal website	80/20	12/08/2020 @ 10h00	Mr T Sekwari (015) 780 6300

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

The Proposal 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 mentioned above, where after they will 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 be considered.

NB: Covid-19 guidelines should always be adhered to: wearing of masks, Social Distancing, Sanitizing etc. (No bidder will be allowed access to municipal buildings if not wearing masks)

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 (Printed between the date of advert and closing date, 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 clearance or tax pin; Certified or original valid BBB-EE certificate or sworn affidavit, proof of work experience (attach relevant appointment letters). All the relevant returnable documents are attached in the tender document,
5. The minimum score for functionality will be 60 points and bidders who score below 60 points will not be evaluated further on price and BBB-EE preference point scoring system.

**MI MOAKAMELA
MUNICIPAL MANAGER**

2. Scope of work

2.1 Provision of guarding services at the following sites at a 12 hour shift.

No.	NAME OF SITE	DAY SHIFT	NIGHT SHIFT
1.	Phalaborwa Main Office	08	04
2.	Phalaborwa Workshop	02	02
3.	Potgieter 47 (White House Office)	01	01
4.	Traffic Department	02	02
5.	Phalaborwa Stores	02	02
6.	Phalaborwa Nursery	01	01
7.	Phalaborwa Lapa	01	01
8.	Impala Park Stadium	01	01
9.	Phalaborwa Dumping Site	01	01
10.	Lulekani Stadium	01	01
11.	Lulekani Town Hall	01	01
12.	Lulekani Stores	01	01
13.	Lulekani Offices	01	01
14.	Phalaborwa Revenue	01	-
15.	Namakgale Stadium	01	01
16.	Namakgale Memorial Precinct	01	01
17.	Namakgale Town Hall	01	01
18.	Selwane Library	01	01
19.	Mashishimale Lapa	01	01
20.	Bollanoto	01	01
21.	Phalaborwa Selati Substation	02	02
22.	Hawkers Rest Area (R71)	01	02
23.	Mashishimale Sports Complex (*)	01	01
24.	Gravelotte Offices	01	01

NB: (*) To be priced but posting of guards to occur after the facility has been handed over to the municipality by the contractor.

2.2 Installation of antennas for alarm systems for the below stations.

No.	Name of Site	Current Status (Alarm System)
1.	Electrical Substation 1 Selati (Selati, Namakgale Road)	System Installed
2.	Electrical Substation (Extension 8A)	System Installed
3.	Electrical Substation (Extension 8B)	System Installed
4.	Substation (4 Way Fourway Street)	System Installed
5.	Electrical Substation (Extension 1)	System Installed
6.	Electrical Substation (Extension 2)	System Installed
7.	Electrical Substation (Extension 3)	System Installed
8.	Electrical Substation (Extension 4)	System Installed
9.	Electrical Substation (Wildevy Park)	System Installed
10.	Electrical Substation (Lantana No. 1880)	System Installed
11.	Electrical Substation (Jakkelbessie)	System Installed
12.	Electrical Substation (Lantana)	System Installed
13.	Electrical Substation (Main)	System Installed
14.	Electrical Substation (Power Station)	System Installed
15.	Electrical Substation (6th Avenue/Ext 5 Reosvor)	System Installed
16.	Electrical Substation (School)	System Installed
17.	Office of the Mayor	System Installed
18.	Electrical Workshop	System Installed
19.	Mechanical Workshop	System Installed
20.	Nursery Office	System Installed
21.	Nursery Stores	System Installed
22.	Fitting Workshop	System Installed
23.	Phalaborwa Stores	System Installed
24.	Carpentry Workshop	System Installed
25.	Traffic Department	System Installed
26.	White House Offices (47 Potgieter)	System Installed
27.	Hawkers Rest	System Installed
28.	Revenue Offices	System Installed

29.	Cleveland	System Installed
30.	Extension7	System Installed

3. Expected Outputs to be delivered by the service provider

- 3.1 Signing a Service Level Agreement with the Municipality before the contract could commence.
- 3.2 The service provider must set up a dedicated control room in the Phalaborwa area within a month of inception of the contract. The control room must have an electronic two-way radio base set and an emergency back-up service. The control room will be inspected by a designated official from Ba-Phalaborwa Local Municipality regularly to ensure its effectiveness. The control room must also be used to monitor the alarms.
- 3.3 The guard tract system to be installed at all security locations to monitor the movement and effectiveness of the guards on duty.
- 3.4 Security guards to be deployed at specific security points as per the scope of work with the necessary apparatus (metal detectors, button sticks etc.)
- 3.5 Alarms with motion detectors to be installed at specific security point as per the scope of work and to be monitored 24hrs.
- 3.6 Provision of additional security services on an adhoc basis (at additional cost) in responses to the municipalities needs i.e. protests, specific municipal events etc.
- 3.7 Provision of Access control at specific areas and on a 12 hour shift basis.
- 3.8 Armed response/reaction unit for the alarms installed and panic buttons at designated areas.
- 3.9 Security Supervisor to visit each site daily.
- 3.10 Employees of bidders must always be registered with PSIRA for the duration of the contract.
- 3.11 The project will be evaluated on an 80/20 point score system.
- 3.12 Employees of the bidder must always be registered with PSIRA for the duration of the contract.
- 3.13 Appointment will be subjected to vetting.

4. Prerequisite /Service Provider Requirements

- 4.1 All bidders must attend compulsory briefing on the date set by the Municipality.
- 4.2 Bidders must complete MBD's forms in full (attached)
- 4.3 Company Registration Certificate and a minimum of three years traceable track record/ experience
- 4.4 Original Valid Tax Clearance Certificate/letter from SARS valid pin code

- 4.5 Power of attorney/Letter of authority for signatory if applicable.
- 4.6 Joint venture agreements where applicable.
- 4.7 Company PSIRA certificate (Attach)
- 4.8 Letter of good standing with PSIRA (Attach).
- 4.9 PSIRA Grade B certificate for Director and members of the company CC or Joint Venture "Individual" (Attach).
- 4.10 Certified copies of bidders' firearm licenses/competency certificate and competency certificates for employees (Attach)
- 4.11 At least minimum of (05) firearms registered in the name of the company (Attach proof)
- 4.12 Letter of Good Standing COIDA (Attach).
- 4.13 Proof of insurance to indemnify municipal from liability in terms of damages or loss "Minimum R10m" (Attach).
- 4.14 Certified ID copies of directors/ members/ proprietors (Attach).
- 4.15 Attached Contingency plans
- 4.15.1 Bidder VAT registration.
- 4.16 Attached proof of Patrol and Monitoring / response vehicles registered in the name of the company (Minimum 04 vehicles)
- 4.17 Bidders and directors of the companies must submit their current statement of water and lights account not owing for more than 3 months/or lease agreement for the company. (Attach).
- 4.18 Company structure and profile (Attach).
- 4.19 The service provider must have an ICASA license, authorizing the use of radio communication "leased/owned". (Attach).

5. Pricing

- 5.1 Bidders must indicate the overall contract price for year 1, year 2 and year 3 but must note that the actual increments will be based on the Sectoral Determination.
- 5.2 The proposed tender amount must be all inclusive and cover all the costs (Guarding, Alarm Response, Operational Costs, VAT etc.) must be included in the total tender price mentioned.
- 5.3 Annual price adjustments will be made in line with the Sectoral Determination.
- 5.4 Cost breakdown *(to be completed by all bidders and the summary highlighted on the cover page)*.

6. Tender Evaluation

- 6.1 Council is not bound to accept the lowest or any tender.
- 6.2 The tender will be evaluated in accordance to the council's procurement policy.

7. Evaluation Criteria

7.1 The evaluation of this bid will be conducted as follows:

The assessment of functionality will be done in terms of the evaluation criteria indicated below. A bid will be disqualified if it fails to meet the minimum threshold of (60 %) for functionality as per the bid invitation. Any false information provided by the bidder will lead to automatic disqualification

All supporting documents must be submitted at the time of tender submission to enable the bid to be evaluated in accordance with the procedure outlined, the evaluation team will score each tender on the information provided (*Please index file accordingly*).

Only those qualifying bids (*which scored 60% or more*) will be evaluated in terms of the 80/20 preference points systems, where the 80 will be used for price only and the 20 for points awarded for B-BBEE status level of contribution.

7.2 Scoring of Functionality

Functionality Criteria

Criteria	Weight	Points scored
<p>Company experience in security services (<i>Appointment letters to be attached</i>)</p> <ul style="list-style-type: none"> • Proof of rendering security services at a government department or municipality (01 point per appointment letter) = 5 • Proof of provision of security services on a contract totaling; <ul style="list-style-type: none"> - 20 million rand or more = 10 - Above 10 million rand and below 20 million rand = 5 <p>Proof of experience at other institutions (01 point per appointment letter =5)</p>	25	
<p>Security Equipment and Resources</p> <ul style="list-style-type: none"> • Licensed company branded vehicles registered in the name of the company (not director/s) <ul style="list-style-type: none"> - 05 plus vehicles = 03 - 03 – 04 vehicles = 02 - 01- 02 vehicles = 01 <i>(Attach pictures of vehicles and license discs)</i> • Base radio = 02 <i>(attach pictures of control room with base radio)</i> • Company branded uniform with company logo = 02 <i>(Attach pictures of warm, wet and cold uniform)</i> • Two-way radios, metal detectors, handcuffs, Papers spray, button sticks = 03 <i>(Attach pictures)</i> • ICASA License , authorizing the use of radio communication = 05 <i>(Attach)</i> 	15	
<p>Locality</p> <ul style="list-style-type: none"> • Company offices located within Ba-Phalaborwa Municipality = 05 	05	
<p>Firearms registered in the name of the bidder (attach licenses)</p> <ul style="list-style-type: none"> • Proof of 10+ firearms licenses registered in the name of the bidder = 5 • Proof of 6 -9 firearms licenses registered in the name of the bidder = 5 <i>(attach firearm licenses)</i>	10	
<p>Riot Management</p> <ul style="list-style-type: none"> • Letter or certificate of riot management issued by Armscor = 5 • Availability of a riot unit/crowd management on standby = 5 	10	
<p>Proof of company trademark registered with register of companies (CIPC) = 05</p>	5	
Total	70	
Percentage= Total scored/ Total weight x 100		$= \frac{\quad}{70} \times 100$ $= \quad \%$

The minimum of functionality is **60%** for the bidder to move forward for the evaluation on price. The Evaluation criteria is 80/20 where 80 being price and 20 being B-BBEE

Evaluation in terms with Price

The 80/20 Preference Point Systems

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

80/20

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

Where

P_s = Points scored for comparative price of bid under consideration

P_t = Comparative price of bid under consideration

P_{min} = Comparative price of lowest acceptable bid

Evaluation in terms with B-BBEE

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

8. Costs breakdown

A. Monthly Guarding Costs

No.	NAME OF SITE	Description	QTY	Unit Price Per Guard	Total Cost Per Month
1.	Phalaborwa Main Office	<u>Security Officer: Grade D</u> Day Shift: (06h00 – 18h00) Night Shift: (18h00 – 06h00)	08 04		
2.	Phalaborwa Workshop	<u>Security Officer: Grade D</u> Day Shift: (06h00 – 18h00) Night Shift: (18h00 – 06h00)	02 02		
3.	Potgieter 47 (White House Office)	<u>Security Officer: Grade D</u> Day Shift: (06h00 – 18h00) Night Shift: (18h00 – 06h00)	01 01		
4.	Traffic Department	<u>Security Officer: Grade D</u> Day Shift: (06h00 – 18h00) Night Shift: (18h00 – 06h00)	02 02	-	-
5.	Phalaborwa Stores	<u>Security Officer: Grade D</u> <u>(01 Armed per shift)</u> Day Shift: (06h00 – 18h00) Night Shift: (18h00 – 06h00)	02 02		
6.	Phalaborwa Nursery	<u>Security Officer: Grade D</u> Day Shift: (06h00 – 18h00) Night Shift: (18h00 – 06h00)	01 01		
7.	Phalaborwa Lapa	<u>Security Officer: Grade D</u> Day Shift: (06h00 – 18h00) Night Shift: (18h00 – 06h00)	01 01		
8.	Impala Park Stadium	<u>Security Officer: Grade D</u> Day Shift: (06h00 – 18h00) Night Shift: (18h00 – 06h00)	01 01		
9.	Phalaborwa Dumping Site	<u>Security Officer: Grade D</u> Day Shift: (06h00 – 18h00) Night Shift: (18h00 – 06h00)	01 01		
10.	Lulekani Stadium	<u>Security Officer: Grade D</u> Day Shift: (06h00 – 18h00) Night Shift: (18h00 – 06h00)	01 01		
11.	Lulekani Town Hall	<u>Security Officer: Grade D</u> Day Shift: (06h00 – 18h00)	01		

		Night Shift: (18h00 – 06h00)	01		
12.	Lulekani Stores	<u>Security Officer: Grade D</u> Day Shift: (06h00 – 18h00) Night Shift: (18h00 – 06h00)	01 01		
13.	Lulekani Offices	<u>Security Officer: Grade D</u> Day Shift: (06h00 – 18h00) Night Shift: (18h00 – 06h00)	01 01		
14.	Phalaborwa Revenue	<u>Security Officer: Grade D</u> Day Shift: (06h00 – 18h00)	01	-	-
15.	Namakgale Stadium	<u>Security Officer: Grade D</u> Day Shift: (06h00 – 18h00) Night Shift: (18h00 – 06h00)	01 01		
16.	Namakgale Memorial Precinct	<u>Security Officer: Grade D</u> Day Shift: (06h00 – 18h00) Night Shift: (18h00 – 06h00)	01 01		
17.	Namakgale Town Hall	<u>Security Officer: Grade D</u> Day Shift: (06h00 – 18h00) Night Shift: (18h00 – 06h00)	01 01		
18.	Selwane Library	<u>Security Officer: Grade D</u> Day Shift: (06h00 – 18h00) Night Shift: (18h00 – 06h00)	01 01		
19.	Mashishimale Lapa	<u>Security Officer: Grade D</u> Day Shift: (06h00 – 18h00) Night Shift: (18h00 – 06h00)	01 01		
20.	Bollanoto	<u>Security Officer: Grade D</u> Day Shift: (06h00 – 18h00) Night Shift: (18h00 – 06h00)	01 01		
21.	Phalaborwa Selati Substation	<u>Security Officer: Grade D</u> Day Shift: (06h00 – 18h00) Night Shift: (18h00 – 06h00)	02 02		
22.	Hawkers Rest Area (R71)	<u>Security Officer: Grade D</u> Day Shift: (06h00 – 18h00) Night Shift: (18h00 – 06h00)	01 01		
23.	Mashishimale Sports Complex (*)	<u>Security Officer: Grade D</u> Day Shift: (06h00 – 18h00) Night Shift: (18h00 – 06h00)	01 01		
24.	Gravelotte Offices	<u>Security Officer: Grade D</u>			

	Day Shift: (06h00 – 18h00)	01		
	Night Shift: (18h00 – 06h00)	01		
Total Guarding cost per month (Excluding VAT)				
Vat				
Total				

NB: (*) To be priced but posting of guards to occur after the facility has been handed over to the municipality by the contractor.

B. Installation of Antenna for monitoring of alarm systems.

No.	Name of Site	Amount
1.	Electrical Substation 1 Selati (Selati, Namakgale Road)	
2.	Electrical Substation (Extension 8A)	
3.	Electrical Substation (Extension 8B)	
4.	Substation (4 Way Fourway Street)	
5.	Electrical Substation (Extension 1)	
6.	Electrical Substation (Extension 2)	
7.	Electrical Substation (Extension 3)	
8.	Electrical Substation (Extension 4)	
9.	Electrical Substation (Wildevy Park)	
10.	Electrical Substation (Lantana No. 1880)	
11.	Electrical Substation (Jakkalbessie)	
12.	Electrical Substation (Lantana)	
13.	Electrical Substation (Main)	
14.	Electrical Substation (Power Station)	
15.	Electrical Substation (6th Avenue/Ext 5 Reosvor)	
16.	Electrical Substation (School)	
17.	Office of the Mayor	
18.	Electrical Workshop	
19.	Mechanical Workshop	

20.	Nursery Office	
21.	Nursery Stores	
22.	Fitting Workshop	
23.	Phalaborwa Stores	
24.	Carpentry Workshop	
25.	Traffic Department	
26.	White House Offices (47 Potgieter)	
27.	Hawkers Rest	
28.	Revenue Offices	
29.	Cleveland	
30.	Extension7	
Total		

C. Yearly Costing

Description	Monthly Costs	Annual Total Costs
Year 1		
1. Guarding Services		
2. Installation of antennas for alarms systems (<i>once off</i>)		
3. Monitoring of alarms		
4. Other Costs (<i>Provide description</i>)		
Total (before Vat)		
Vat		
Year 1 Total Costs (VAT inclusive)		

Year 2		
1. Guarding Services		
2. Monitoring of alarms		
3. Other Costs (<i>Provide description</i>)		
Total (before Vat)		
Vat		
Year 2 Total Costs (VAT inclusive)		

Year 3		
1. Guarding Services		
2. Monitoring of alarms		
3. Other Costs (<i>Provide description</i>)		
Total (before Vat)		
Vat		
Year 3 Total Costs (VAT inclusive)		

Total Amount Tendered for

Year	Amount (All Inclusive)
Year one total costs	
Year two total costs	
Year three total costs	
TOTAL AMOUNT TENDERED (All Inclusive):	

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 favouritism, should the resulting bid, or part thereof, be awarded to persons connected with or related to persons in service of the state, it is required that the bidder or their authorised representative declare their position in relation to the evaluating/adjudicating authority.

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

3.1 Full Name of bidder or his or her representative:.....

3.2 Identity Number:

3.3 Position occupied in the Company (director, trustee, 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:

.....
.....

4. Full details of directors / trustees / members / shareholders.

Full Name	Identity Number	State Employee Number

.....
Signature

.....
Date

.....
Capacity

.....
Name of Bidder

MBD 5

DECLARATION FOR PROCUREMENT ABOVE R10 MILLION (ALL APPLICABLE TAXES INCLUDED)

For all procurement expected to exceed R10 million (all applicable taxes included), bidders must complete the following questionnaire

1 Are you by law required to prepare annual financial statements for auditing?

1.1 If yes, submit audited annual financial statements for the past three years or since the date of establishment if established during the past three years.

.....
.....

2 Do you have any outstanding undisputed commitments for municipal services towards any municipality for more than three months or any other service provider in respect of which payment is overdue for more than 30 days? **YES / NO**

2.1 If no, this serves to certify that the bidder has no undisputed commitments for municipal services towards any municipality for more than three months or other service provider in respect of which payment is overdue for more than 30 days.

2.2 If yes, provide particulars.

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

* Delete if not applicable

3 Has any contract been awarded to you by an organ of state during the past five years, including particulars of any material non-compliance or dispute concerning the execution of such contract?
YES / NO

3.1 If yes, furnish particulars **YES / NO**

.....
.....

4. Will any portion of goods or services be sourced from outside the Republic, and, if so, what portion and whether any portion of payment from the municipality / municipal entity is expected to be transferred out of the Republic?

***YES / NO**

4.1 If yes, furnish particulars

.....
.....

CERTIFICATION

I, THE UNDERSIGNED (NAME)

CERTIFY THAT THE INFORMATION FURNISHED ON THIS DECLARATION FORM IS CORRECT.

I ACCEPT THAT THE STATE MAY ACT AGAINST ME SHOULD THIS DECLARATION PROVE TO BE FALSE.

.....
Signature

.....
Date

.....
Position

.....
Name of Bidder

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

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

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

1. GENERAL CONDITIONS

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

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

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

1.3 Preference points for this bid shall be awarded for:

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

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

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

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

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

2. DEFINITIONS

2.1 “**all applicable taxes**” includes value-added tax, pay as you earn, income tax, unemployment insurance fund contributions and skills development levies;

2.2 “**B-BBEE**” means broad-based black economic empowerment as defined in section 1 of the Broad-Based Black Economic Empowerment Act;

- 2.3 **“B-BBEE status level of contributor”** means the B-BBEE status received by a measured entity based on its overall performance using the relevant scorecard contained in the Codes of Good Practice on Economic Empowerment, issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act; Black
- 2.4 **“bid”** means a written offer in a prescribed or stipulated form in response to an invitation by an organ of state for the provision of services, works or goods, through price quotations, advertised competitive bidding processes or proposals;
- 2.5 **“Broad-Based Black Economic Empowerment Act”** means the Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003);
- 2.6 **“comparative price”** means the price after the factors of a non-firm price and all unconditional discounts that can be utilized have been taken into consideration;
- 2.7 **“consortium or joint venture”** means an association of persons for the purpose of combining their expertise, property, capital, efforts, skill and knowledge in an activity for the execution of a contract;
- 2.8 **“contract”** means the agreement that results from the acceptance of a bid by an organ of state;
- 2.9 **“EME”** means any enterprise with an annual total revenue of R5 million or less .
- 2.10 **“Firm price”** means the price that is only subject to adjustments in accordance with the actual increase or decrease resulting from the change, imposition, or abolition of customs or excise duty and any other duty, levy, or tax, which, in terms of the law or regulation, is binding on the contractor and demonstrably has an influence on the price of any supplies, or the rendering costs of any service, for the execution of the contract;
- 2.11 **“functionality”** means the measurement according to predetermined norms, as set out in the bid documents, of a service or commodity that is designed to be practical and useful, working or operating, taking into account, among other factors, the quality, reliability, viability and durability of a service and the technical capacity and ability of a bidder;
- 2.12 **“non-firm prices”** means all prices other than “firm” prices;
- 2.13 **“person”** includes a juristic person;
- 2.14 **“rand value”** means the total estimated value of a contract in South African currency, calculated at the time of bid invitations, and includes all applicable taxes and excise duties;
- 2.15 **“sub-contract”** means the primary contractor’s assigning, leasing, making out work to, or employing, another person to support such primary contractor in the execution of part of a project in terms of the contract;
- 2.16 **“total revenue”** bears the same meaning assigned to this expression in the Codes of Good Practice on Black Economic Empowerment, issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act and promulgated in the *Government Gazette* on 9 February 2007;
- 2.17 **“trust”** means the arrangement through which the property of one person is made over or bequeathed to a trustee to administer such property for the benefit of another person; and
- 2.18 **“trustee”** means any person, including the founder of a trust, to whom property is bequeathed in order for such property to be administered for the benefit of another person.

3. ADJUDICATION USING A POINT SYSTEM

- 3.1 The bidder obtaining the highest number of total points will be awarded the contract.
- 3.2 Preference points shall be calculated after prices have been brought to a comparative basis taking into account

all factors of non-firm prices and all unconditional discounts;

- 3.3 Points scored must be rounded off to the nearest 2 decimal places.
- 3.4 In the event that two or more bids have scored equal total points, the successful bid must be the one scoring the highest number of preference points for B-BBEE.
- 3.5 However, when functionality is part of the evaluation process and two or more bids have scored equal points including equal preference points for B-BBEE, the successful bid must be the one scoring the highest score for functionality.
- 3.6 Should two or more bids be equal in all respects, the award shall be decided by the drawing of lots.

4. POINTS AWARDED FOR PRICE

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

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

$$P_s = 80 \left(1 - \frac{P_t - P_{\min}}{P_{\min}} \right) \quad \text{or} \quad P_s = 90 \left(1 - \frac{P_t - P_{\min}}{P_{\min}} \right)$$

Where

P_s = Points scored for comparative price of bid under consideration

P_t = Comparative price of bid under consideration

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

5. Points awarded for B-BBEE Status Level of Contribution

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

B-BBEE Status Level of Contributor	Number of points (90/10 system)	Number of points (80/20 system)
1	10	20
2	9	18
3	8	16
4	5	12
5	4	8
6	3	6
7	2	4

8	1	2
Non-compliant contributor	0	0

- 5.2 Bidders who qualify as EMEs in terms of the B-BBEE Act must submit a certificate issued by an Accounting Officer as contemplated in the CCA or a Verification Agency accredited by SANAS or a Registered Auditor. Registered auditors do not need to meet the prerequisite for IRBA’s approval for the purpose of conducting verification and issuing EMEs with B-BBEE Status Level Certificates.
- 5.3 Bidders other than EMEs must submit their original and valid B-BBEE status level verification certificate or a certified copy thereof, substantiating their B-BBEE rating issued by a Registered Auditor approved by IRBA or a Verification Agency accredited by SANAS.
- 5.4 A trust, consortium or joint venture, will qualify for points for their B-BBEE status level as a legal entity, provided that the entity submits their B-BBEE status level certificate.
- 5.5 A trust, consortium or joint venture will qualify for points for their B-BBEE status level as an unincorporated entity, provided that the entity submits their consolidated B-BBEE scorecard as if they were a group structure and that such a consolidated B-BBEE scorecard is prepared for every separate bid.
- 5.6 Tertiary institutions and public entities will be required to submit their B-BBEE status level certificates in terms of the specialized scorecard contained in the B-BBEE Codes of Good Practice.
- 5.7 A person will not be awarded points for B-BBEE status level if it is indicated in the bid documents that such a bidder intends sub-contracting more than 25% of the value of the contract to any other enterprise that does not qualify for at least the points that such a bidder qualifies for, unless the intended sub-contractor is an EME that has the capability and ability to execute the sub-contract.
- 5.8 A person awarded a contract may not sub-contract more than 25% of the value of the contract to any other enterprise that does not have an equal or higher B-BBEE status level than the person concerned, unless the contract is sub-contracted to an EME that has the capability and ability to execute the sub-contract.

6. BID DECLARATION

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

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

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

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

8 SUB-CONTRACTING

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

8.1.1 If yes, indicate:

- (i) what percentage of the contract will be subcontracted?
- (ii) the name of the sub-contractor?

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

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

9 DECLARATION WITH REGARD TO COMPANY/FIRM

9.1 Name of firm :.....

9.2 VAT registration number :.....

9.3 Company registration number :.....

:

9.4 TYPE OF COMPANY/ FIRM

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

[TICK APPLICABLE BOX]

9.5 DESCRIBE PRINCIPAL BUSINESS ACTIVITIES

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

9.6 COMPANY CLASSIFICATION

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

[TICK APPLICABLE BOX]

9.7 MUNICIPAL INFORMATION

Municipality where business is situated

Registered Account Number

Stand Number

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

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

- (i) The information furnished is true and correct;
- (ii) The preference points claimed are in accordance with the General Conditions as indicated in paragraph 1 of this form.

- (iii) In the event of a contract being awarded as a result of points claimed as shown in paragraph 7, the contractor may be required to furnish documentary proof to the satisfaction of the purchaser that the claims are correct;
- (iv) If the B-BBEE status level of contribution has been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the purchaser may, in addition to any other remedy it may have –
 - (a) disqualify the person from the bidding process;
 - (b) recover costs, losses or damages it has incurred or suffered as a result of that person's conduct;
 - (c) cancel the contract and claim any damages which it has suffered as a result of having to make less favourable arrangements due to such cancellation;
 - (d) restrict the bidder or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, from obtaining business from any organ of state for a period not exceeding 10 years, after the audi alteram partem (hear the other side) rule has been applied; and
 - (e) forward the matter for criminal prosecution

WITNESSES:

1.

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

2.

DATE:.....

ADDRESS:.....

.....

.....

.....

DECLARATION CERTIFICATE FOR LOCAL PRODUCTION AND CONTENT

This Municipal Bidding Document (MBD) must form part of all bids invited. It contains general information and serves as a declaration form for local content (local production and local content are used interchangeably).

Before completing this declaration, bidders must study the General Conditions,

Definitions, Directives applicable in respect of Local Content as prescribed in the Preferential Procurement Regulations, 2011 and the South African Bureau of Standards (SABS) approved technical specification number SATS 1286:201x.

1. General Conditions

- 1.1. Preferential Procurement Regulations, 2011 (Regulation 9.(1) and 9.(3) make provision for the promotion of local production and content.
- 1.2. Regulation 9.(1) prescribes that in the case of designated sectors, where in the award of bids local production and content is of critical importance, such bids must be advertised with the specific bidding condition that only locally produced goods, services or works or locally manufactured goods, with a stipulated minimum threshold for local production and content will be considered.
- 1.3. Regulation 9.(3) prescribes that where there is no designated sector, a specific bidding condition may be included, that only locally produced services, works or goods or locally manufactured goods with a stipulated minimum threshold for local production and content, will be considered.
- 1.4. Where necessary, for bids referred to in paragraphs 1.2 and 1.3 above, a two stage bidding process may be followed, where the first stage involves a minimum threshold for local production and content and the second stage price and B-BBEE.
- 1.5. A person awarded a contract in relation to a designated sector, may not subcontract in such a manner that the local production and content of the overall value of the contract is reduced to below the stipulated minimum threshold.
- 1.6. The local content (LC) as a percentage of the bid price must be calculated in accordance with the SABS approved technical specification number SATS 1286: 201x as follows:

$$LC = 1 - \left(\frac{x}{y} \right) \times 100$$

Where

- x imported content
- y bid price excluding value added tax (VAT)

Prices referred to in the determination of x must be converted to Rand (ZAR) by using the exchange rate published by the South African Reserve Bank (SARB) at 12:00 on the date, one week (7 calendar days) prior to the closing date of the bid as required in paragraph 4.1 below.

1.7. A bid will be disqualified if:

- the bidder fails to achieve the stipulated minimum threshold for local production and content indicated in paragraph 3 below; and.
- this declaration certificate is not submitted as part of the bid documentation.

2. Definitions

2.1. **“bid”** includes advertised competitive bids, written price quotations or proposals;

2.2. **“bid price”** price offered by the bidder, excluding value added tax (VAT);

2.3. **“contract”** means the agreement that results from the acceptance of a bid by an organ of state;

2.4. **“designated sector”** means a sector, sub-sector or industry that has been designated by the Department of Trade and Industry in line with national development and industrial policies for local production, where only locally produced services, works or goods or locally manufactured goods meet the stipulated minimum threshold for local production and content;

2.5. **“duly sign”** means a Declaration Certificate for Local Content that has been signed by the Chief Financial Officer or other legally responsible person nominated in writing by the Chief Executive, or senior member / person with management responsibility (close corporation, partnership or individual).

2.6. **“imported content”** means that portion of the bid price represented by the cost of components, parts or materials which have been or are still to be imported (whether by the supplier or its subcontractors) and which costs are inclusive of the costs abroad, plus freight and other direct importation costs, such as landing costs, dock duties, import duty, sales duty or other similar tax or duty at the South African port of entry;

2.7. **“local content”** means that portion of the bid price which is not included in the imported content, provided that local manufacture does take place;

2.8. **“stipulated minimum threshold”** means that portion of local production and content as determined by the Department of Trade and Industry; and

2.9. **“sub-contract”** means the primary contractor’s assigning, leasing, making out work to, or employing another person to support such primary contractor in the execution of part of a project in terms of the contract.

3. **The stipulated minimum threshold(s) for local production and content for this bid is/are as follows:**

Description of services, works or goods**Stipulated minimum threshold**

_____	_____ %
_____	_____ %
_____	_____ %

4. Does any portion of the services, works or goods offered have any imported content? YES / NO

4.1 If yes, the rate(s) of exchange to be used in this bid to calculate the local content as prescribed in paragraph 1.6 of the general conditions must be the rate(s) published by the SARB for the specific currency at 12:00 on the date, one week (7 calendar days) prior to the closing date of the bid.

The relevant rates of exchange information is accessible on www.reservebank.co.za.

Indicate the rate(s) of exchange against the appropriate currency in the table below:

Currency	Rates of exchange
US Dollar	
Pound Sterling	
Euro	
Yen	
Other	

NB: Bidders must submit proof of the SARB rate (s) of exchange used.

**LOCAL CONTENT DECLARATION BY CHIEF FINANCIAL OFFICER OR OTHER
LEGALLY RESPONSIBLE PERSON NOMINATED IN WRITING BY THE CHIEF
EXECUTIVE OR SENIOR MEMBER/PERSON WITH MANAGEMENT RESPONSIBILITY
(CLOSE CORPORATION, PARTNERSHIP OR INDIVIDUAL)**

IN RESPECT OF BID No.

ISSUED BY: (Procurement Authority / Name of Municipality / Municipal Entity):

NB The obligation to complete, duly sign and submit this declaration cannot be transferred to an external authorized representative, auditor or any other third party acting on behalf of the bidder.

I, the undersigned, (full names), do hereby declare, in my capacity as
of(name of bidder entity), the following:

- (a) The facts contained herein are within my own personal knowledge.
- (b) I have satisfied myself that the goods/services/works to be delivered in terms of the above-specified bid comply with the minimum local content requirements as specified in the bid, and as measured in terms of SATS 1286.
- (c) The local content has been calculated using the formula given in clause 3 of SATS 1286, the rates of exchange indicated in paragraph 4.1 above and the following figures:

Bid price, excluding VAT (y)	R
Imported content (x)	R
Stipulated minimum threshold for Local content (paragraph 3 above)	
Local content % as calculated in terms of SATS 1286	

If the bid is for more than one product, a schedule of the local content by product shall be attached.

(d) I accept that the Procurement Authority / Municipality /Municipal Entity has the right to request that the local content be verified in terms of the requirements of SATS 1286.

(e) I understand that the awarding of the bid is dependent on the accuracy of the information furnished in this application. I also understand that the submission of incorrect data, or data that are not verifiable as described in SATS 1286, may result in the Procurement Authority / Municipal / Municipal Entity imposing any or all of the remedies as provided for in Regulation 13 of the Preferential Procurement Regulations, 2011 promulgated under the Policy Framework Act (PPPFA), 2000 (Act No. 5 of 2000).

SIGNATURE: _____

DATE: _____

WITNESS No. 1 _____

DATE: _____

WITNESS No. 2 _____

DATE: _____

DECLARATION OF BIDDER'S PAST SUPPLY CHAIN MANAGEMENT PRACTICES

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

Item	Question	Yes	No
4.1	<p>Is the bidder or any of its directors listed on the National Treasury's Database of Restricted Suppliers as companies or persons prohibited from doing business with the public sector?</p> <p>(Companies or persons who are listed on this Database were informed in writing of this restriction by the Accounting Officer/Authority of the institution that imposed the restriction after the <i>audi alteram partem</i> rule was applied).</p> <p>The Database of Restricted Suppliers now resides on the National Treasury's website(www.treasury.gov.za) and can be accessed by clicking on its link at the bottom of the home page.</p>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.1.1	If so, furnish particulars:		
4.2	<p>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)?</p> <p>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.</p>	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

I, the undersigned, in submitting the accompanying bid:

(Bid Number and Description)

in response to the invitation for the bid made by:

(Name of Municipality / Municipal Entity)

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

I certify, on behalf of: _____ that:

(Name of Bidder)

1. I have read and I understand the contents of this Certificate;
2. I understand that the accompanying bid will be disqualified if this Certificate is found not to be true and complete in every respect;
3. I am authorized by the bidder to sign this Certificate, and to submit the accompanying bid, on behalf of the bidder;
4. Each person whose signature appears on the accompanying bid has been authorized by the bidder to determine the terms of, and to sign, the bid, on behalf of the bidder;
5. For the purposes of this Certificate and the accompanying bid, I understand that the word "competitor" shall include any individual or organization, other than the bidder, whether or not affiliated with the bidder, who:
 - (a) has been requested to submit a bid in response to this bid invitation;
 - (b) could potentially submit a bid in response to this bid invitation, based on their qualifications, abilities or experience; and
 - (c) provides the same goods and services as the bidder and/or is in the same line of business as the bidder

6. The bidder has arrived at the accompanying bid independently from, and without consultation, communication, agreement or arrangement with any competitor. However communication between partners in a joint venture or consortium³ will not be construed as collusive bidding.
7. In particular, without limiting the generality of paragraphs 6 above, there has been no consultation, communication, agreement or arrangement with any competitor regarding:
 - (a) prices;
 - (b) geographical area where product or service will be rendered (market allocation)
 - (c) methods, factors or formulas used to calculate prices;
 - (d) the intention or decision to submit or not to submit, a bid;
 - (e) the submission of a bid which does not meet the specifications and conditions of the bid; or
 - (f) bidding with the intention not to win the bid.
8. In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications and conditions or delivery particulars of the products or services to which this bid invitation relates.
9. The terms of the accompanying bid have not been, and will not be, disclosed by the bidder, directly or indirectly, to any competitor, prior to the date and time of the official bid opening or of the awarding of the contract.
10. I am aware that, in addition and without prejudice to any other remedy provided to combat any restrictive practices related to bids and contracts, bids that are suspicious will be reported to the Competition Commission for investigation and possible imposition of administrative penalties in terms of section 59 of the Competition Act No 89 of 1998 and or may be reported to the National Prosecuting Authority (NPA) for criminal investigation and or may be restricted from conducting business with the public sector for a period not exceeding ten (10) years in terms of the Prevention and Combating of Corrupt Activities Act No 12 of 2004 or any other applicable legislation.

.....
Signature

.....
Date

.....
Position

.....
Name of Bidder