

BA-PHALABORWA LOCAL MUNICIPALITY



CONTRACT NO. 15/24/25

PROVISION OF CONSULTANCY AND CONSTRUCTION OF OVERHEAD LINE FROM EXT6 TO SPAR

T1.1 TENDER NOTICE AND INVITATION TO TENDER

VERY IMPORTANT NOTICE ON DISQUALIFICATIONS:

A bid that does not comply with the peremptory requirements stated hereunder will be regarded as not being an “Acceptable bid” and will, therefore, be rejected.

The municipality shall adjudicate and award tenders in accordance with the Preferential Procurement Policy Framework Act 5/2000 and revised Preferential Procurement Regulation June 2011 on 100 points functionality and on an 80/20 points system, where 80 points are for the price and 20 points for Specific points system according to the said legislation.

1. Latest Proof of registration on the National Treasury Supply Database (CSD) should be attached with a valid reference number.
2. If any pages have been removed from the bid document, and have therefore not been submitted, or a copy of the original bid document has been submitted.
3. Scratching out without initialing next to the amended rates or information, writing over, or painting out rates affecting the evaluation of the bid.
4. Not initialing all the pages including the cover page.
5. The use of correction fluid (i.e. tippex) or any erasable ink, e.g. pencil.
6. Non-attendance of mandatory/compulsory:
 - Site inspections or;
 - Information/Clarification meetings
7. The Bid has not been properly signed by a party having the authority to do so, according to the example of “Authority for Signatory”
8. No authority for signatory submitted – See example, where it is stated that a duly signed and dated original or certified copy of the company’s relevant resolution (for each specific bid) of their members or their board of directors, must be submitted.

9. Particulars required in respect of the specific points compliance of the bid have not been completed, the bidder will not be disqualified but no preference points will be awarded.
10. The bidder attempts to influence, or has in fact influenced the evaluation and/or awarding of the contract.
11. Very Important notice Bidders must note that only information filled in at the spaces provided therefore in the bid document will be considered for evaluation purposes unless additional spaces are required and then only if the location of the additional information in the attachments is properly referred to the page number and section heading. Information supplied anywhere else will be disregarded which may lead to the rejection of the bid. The attachment or inclusion of information not specifically asked for is not desirable and leads to delays in the awarding of bids.
12. The bid has been submitted either in the wrong bid box or after the relevant closing date and time and the envelope is not clearly marked indicating the project description and tender number.
13. Failure to provide a valid certificate of good standing issued by the Compensation Fund (COID) or the Department of Labour, or a declaration by a designated employer that it complies with the Employment Equity Act 55 of 1998.
14. If any municipal rates and taxes or municipal service charges owed by the bidder or any of its directors to the municipality, or to any other municipality or municipal entity, are in arrears for more than three months.
15. If any bidder who during the last five years has failed to perform satisfactorily on a previous contract with the municipality, municipal entity, or any other organ of state after written notice was given to that bidder that performance was unsatisfactory.
16. The accounting officer must ensure that irrespective of the procurement process followed, no award may be given to a person –
 - a) who is in the service of the state, or;
 - b) if that person is not a natural person, of which any director, manager, principal shareholder, or stakeholder, is a person in the service of the state; or;
 - c) who is an advisor or consultant contracted with the municipality in respect of a contract that would cause a conflict of interest.
17. A copy of valid registration with CIDB, in an appropriate contractor grading designation (Category), as required in the bid documentation (or in the case of JV, all partners in the JV must be attached.)
18. Bid offers will be rejected if the bidder or any of his directors is listed on the Register of Bid Defaulters in terms of the Prevention and Combating of Corrupt Activities Act of 2004 as a person prohibited from doing business with the public sector.
19. Bid offers will be rejected if the bidder has abused the BPLM's Supply Chain Management System and action was taken in terms of paragraph 38 of the BPLM SCM Policy.
20. Failure to attach an original or certified copy of a valid signed Joint Venture/Consortium agreement (if applicable) to the bid document.
21. Form of offer not completed and signed by the authorised signatory.
22. Failure to submit the latest Audited Financial Statement.

BA-PHALABORWA LOCAL MUNICIPALITY



CONTRACT NO: 15/24/25

PROVISION OF CONSULTANCY AND CONSTRUCTION OF OVERHEAD LINE FROM EXT6 TO SPAR

INVITATION TO TENDER

Ba-Phalaborwa Municipality hereby invites suitable professional service 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 Ba-Phalaborwa Municipality (Civic Centre) during the following times: 07:00 to 12:00 and from 13:00 to 15:30 (Monday to Friday).

Below are the significant details as per project: -

| TENDER NUMBER | DESCRIPTION | CIDB | COMPULSORY BRIEFING SESSION | | | COST | EVALUATION CRITERIA | CLOSING DATE AND TIME | CONTACT PERSON |
|------------------|---|---------------|--------------------------------|-------|-------------------------|---|------------------------|-----------------------------|------------------------------|
| | | GRADING | DATE | TIME | VENUE | | | | |
| 15/24/25 | Provision of consultancy and construction of overhead line from ext6 to spar (Turn-key Project) | 3EP OR higher | 17/02/2025 | 10H00 | Municipal Activity Hall | Free at the Municipal Website and E-Tender Portal | 80/20 | 04/03/2025 @ 09H00 | Mr. NMashele 015 780 6300 |

A compulsory briefing session will be held on the dates and times specified above.

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 mentioned above, where they are opened in public. No late, telefaxed, or Document found in any other place or bids 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 closing date.
4. CIDB grading certificate, Letter of Good Standing with COIDA, fully completed Terms of Reference (each page initialed), proof of work experience (appointment letters and completion certificates), key personnel experience (CVs, certified qualifications, and ID copies), proof of attendance at compulsory briefing session, signed declaration forms,

company registration certificate, letter from SARS with valid tax pin, power of attorney/letter of authority for signatory (if applicable), signed joint venture agreements (if applicable), certified ID copies of directors/members/proprietors (not older than six months), statement of municipality accounts as proof of residential address (not in arrears for more than 90 days, or lease agreement and owner's statement of municipality account), latest Central Supplier Database registration report with valid reference number, signed consent letter from all key personnel. **All relevant returnable documents are attached to the tender document.**

5. The minimum score for functionality will be 70% and bidders who score below 70% will not be evaluated further on price and specific points scoring system.

Ms. JB SELAPYANE
MUNICIPAL MANAGER
41/24

NoticeNo.

1. SPECIFICATION

3.1 Background

- Ba-Phalaborwa Local Municipality require to a service provider to Develop the approved concept to finalize the design, outline specifications, cost plan, financial viability and programme for the project.

3.2 Scope of work

TURNKEY PROJECT FOR CONSTRUCTION OF OVERHEAD LINE

DESCRIPTION OF THE WORKS FOR ELECTRICAL ¹ENGINEER: Design Development

- Develop the approved concept to finalize the design, outline specifications, cost plan, financial viability and programme for the project.

Including but not limited:

- Surveying & Mapping
- Preparation of Final Designs and Drawings
- Outline specifications
- Detailed estimates of construction costs

Construction Supervision and Monitoring

- Manage, administer and monitor the construction contracts and processes including preparation and coordination of procedures and documentation to facilitate practical completion of the works.

Including but not limited:

- Construction documentation
- Estimates for proposed variations
- Contract instructions
- Financial control reports
- Valuation for payment certificates
- Progressive and draft finale account (s)
- Practical completion and defects list
- Submit weekly progress reports to Project Manager

Commissioning and Close Out Report

- Verify, Update and S-Built drawing
- Arrange for outage
- Fulfil and complete the project close-out including necessary documentation to facilitate effective completion, handover and operation of the project.

Including but not limited:

- Municipal Hand Over Certificate
- Valuation for payment certificates
- Final accounts

DESCRIPTION OF THE WORKS FOR CONTRACTOR

Employer's objectives

The employer's objectives are to deliver public electrical infrastructure using labour intensive methods. Part of the installation works on site will require labour intensive methods e.g. excavations, trenching, pole planting and backfilling.

Overview of the works

This specification covers the Overhead line construction in accordance with CoM standards and specifications.

Labour-intensive works comprise the activities described in SANS 1921-5, *Earthworks activities which are to be performed by hand*, and its associated specification data.

Drawings and Schedules

MV Line drawings to be prepared by the consultant

Extent of the works

The Contractor shall provide all Plant and Materials Equipment and labour for the whole of the works, which includes:

Temporary work

Clear the right of way and campsites, in order to erect the necessary site offices, own accommodation facilities, sanitary units, bulk water containers, site store, etc.

The works also include the clean-up of site camp and site store, as well as transportation of excess material not used, back to the stores at the completion of the contract.

Outage Requests

A schedule for an outage when required will be done as directed by the Engineer.

Permanent work

1. Set out all poles and any stays associated with a particular structure, using the services of an approved registered surveyor.
2. Excavate pole, stay and strut holes, erect wooden poles, stays and struts and backfill and compact pole, stay and strut holes in layers of 300mm.
3. Assemble the bare overhead MV structures according to the Distribution Standards. Wooden poles of 11m for MV reticulation shall be used.

4. Assemble and install the MV Links according to Distribution Standards.
5. Run out and string bare overhead line conductor (ACSR), code name Mink.
6. Excavate trenches to a depth of at least 500mm for type 1 MV, install electrodes and backfill and compact on completion.
7. Test and commission infrastructure.
8. Produce as build drawings by a qualified (approved surveyor) complete with a comprehensive PCS data.
9. Signage and pole numbering specification to be requested from Engineer.

Definition of Completion

The works shall be completed in accordance with the specifications in all respect and taken-over by the Employer. The cleaning of the site and breaking of camp shall be done within 1 week after Completion

MV Overhead Line

The MV overhead feeder system shall comply with the requirements of Distribution Technology, Electrification Standards and Guidelines as and where applicable for an urban concrete pole reticulation system.

Conductor

| | | |
|---------------------------|---|---------------------------------------|
| Type | : | Aluminium conductor steel reinforced. |
| Code Name | : | Mink |
| Mass | : | 85kg/km |
| Ultimate tensile strength | : | 7 900 |
| Max working tension | @ | -5°C + wind 5 240 Newtons. |

The maximum working tension may be exceeded only during the construction stages when the conductors are to be “over-tensioned” to 1.05 x MWT for a period of not less than 8 hours nor longer than 24 hours after which the tension is to be reduced to a figure not to exceed the stated maximum working tension of the conductor concerned.

Poles

| | | |
|----------------|---|---|
| Pole type | - | Wood |
| Pole lengths | - | 11m for MV Line |
| Planting depth | - | 2m |
| Pole marker | - | 12mm letters punched on Aluminium plate |

Stays

| | | |
|----------------|---|--|
| Insulator Type | - | Fiber glass for MV and Porcelain of LV |
| Rods | - | M20 – 2000 long |
| Base plate | - | 380 x 380 x 6 galvanized |
| Staywire | - | 7/4mm, 1100 MPA – galvanized |
| Planting depth | - | 2m |

Flying Stays

Flying stays shall be installed in the positions indicated on the drawings by the structure codes. Anchor poles shall be as specified for the line structures and of sufficient length to ensure the required ground clearance. Overhead stay wire shall be 7/4.00mm as specified for stays.

Struts

Struts shall be installed in the positions indicated on the drawings by the structure codes. Strut poles shall be as specified for the line structures. Line structure poles shall be fitted with suitable ground anchors at all strut positions. Struts shall be fitted with barbed wire anti climbing devices.

Insulators, Line Clamps and Other Line Components, Pole Dressing Hardware etc. All in accordance with Eskom Distribution Reticulation Technology, Electrification Standards and Guidelines with particular reference to the detailed material take off sheets provided for the various line structures.

Sags and Tensions

The Developer shall provide suitable dynamometer, sighting rods or other approved apparatus necessary for proper checking of the work. Dynamometers shall be calibrated in kg or kN.

Surge Arrestors

Surge arrestors shall be of the metal oxide outdoor hermetically sealed, vertical base mounted type, rated at 22kV or 11kV, 10kA impulse current.

Sectionalisers

Dropout fuses shall be provided for each zone where the cable is dropping.

Clearances for Equipment mounted on Power Line Structures

Table 2, column 2 gives a minimum safety clearance for each system voltage. This is the minimum distance to an energized conductor that a person may approach with reasonable safety. There is a reasonable safety margin built into these distances to ensure that there will be a low probability of breakdown of the air between the conductor and a person at this distance.

The determination of clearances for specific cases is based on the determination of an “object” space, which is added to the electrical clearance. As an example the clearances given in Table 1 column 3, minimum clearance to a power line above ground outside townships, is based on an object space of 4.9m. The object in this case is the largest vehicle that will normally pass under the power line. This 4.9m object clearance is added to the electrical clearance of 0.3m at 22kV to give the 5.2m clearance for a 22kV power line.

Table 2: Minimum clearance for live terminals of equipment mounted on line structures

| Maximim rated phase to phase voltage | Minimum clearance in meters | |
|--------------------------------------|-----------------------------|-----|
| 1.1 or less | - | 3.6 |
| 7.2 | 0.15 | 3.7 |
| 12 | 0.20 | 3.9 |
| 24 | 0.32 | 4.0 |
| 36 | 0.43 | 4.2 |

While the height of the power line is specified in the regulations the case of electrical equipment

mounted on power line structures is not. The object space for this type of situation and the subsequent overall ground clearance was agreed to with the Inspector. The clearances are given in table 2. This is as per the Department of Manpower reference 34/2/4/1/2 of 5 May 1992. The clearances given in Table 2 are the clearance between the live terminals of the structure-mounted equipment and ground level.

The Contractor's obligations under the Contract comprise the construction and completion of the Works. The provision of all labour, materials, construction plant, temporary works and everything, whether of a temporary or permanent nature required in and for such construction and completion so far as the necessity for providing the same is specified in or reasonably to be inferred in the Contract.

3.3 Evaluation of Bid offers

Step 1

Bidders will firstly be evaluated on their responsiveness as follows:

A bid not complying with the peremptory requirements stated hereunder will be regarded as not being an "Acceptable bid", and as such will be rejected.

"Acceptable bid" means any bid which, in all respects, complies with the conditions of bid and specifications as set out in the bid documents, including conditions as specified in the Preferential Procurement Policy Framework Act (Act 5 of 2000) and related legislation as published in Government Gazette number 22549, dated 10 August 2001, in terms of which provision is made for this policy.

1. If a tax clearance certificate, tax pin or certified copy thereof not older than three months (or in the case of a joint venture, of all the partners in the joint venture) has not been submitted with the bid document on closing date of the bid.
2. If any pages have been removed from the bid document, and have therefore not been submitted, or a copy of the original bid document has been submitted.
3. Failure to complete the schedule of quantities as required, i.e only lump sums provided.
4. Scratching out, writing over or painting out rates, without initialing next to the amended rates or information, affecting the evaluation of the bid.
5. The use of correction fluid (i.e. tippex) or any erasable ink, e.g. pencil.
6. Non-attendance of mandatory/compulsory briefing session
7. The Bid has not been properly signed by a party having the authority to do so, according to the example of "Authority for Signatory"
8. No authority for signatory submitted – See example, where it is stated that a duly signed and dated original or certified copy of the company's relevant resolution (for each specific bid) of their members or their board of directors, must be submitted.
9. The bidder attempts to influence, or has in fact influenced the evaluation and/or awarding of the contract
10. The bid has been submitted either in the wrong bid box or after the relevant closing date and time

11. If any municipal rates and taxes or municipal service charges owed by the bidder or any of its directors to the municipality, or to any other municipality or municipal entity, are in arrears for more than three months.
12. The accounting officer must ensure that irrespective of the procurement process followed, no award may be given to a person –
 - a) who is in the service of the state, or;
 - b) if that person is not a natural person, of which any director, manager, principal shareholder or stakeholder, is a person in the service of the state; or;
 - c) who is an advisor or consultant contracted with the municipality in respect of contract that would cause a conflict of interest.
13. Failure to provide:
 - a) written proof of registration with the ECSA registration.
 - b) Proof of CIDB registration of grading 3EP or Higher/in case of joint venture consolidated CIDB grading certificate must be submitted
 - c) Proof of registration as Electrical Contractor
14. Bid offers will be rejected if the bidder or any of his directors is listed on the Register of Bid Defaulters in terms of the Prevention and Combating of Corrupt Activities Act of 2004 as a person prohibited from doing business with the public sector.
15. Bid offers will be rejected if the bidder has furnished the municipality with fraudulent documents.
16. Failure to attach a copy of a valid signed Joint Venture/Consortium agreement (if applicable) to the bid document.
17. Form of offer not completed and signed by the authorized signatory.
18. SAPS certified ID copies of the directors/ members/ proprietors not older than Three(3) months
19. Bank Grading of the company (contractor) /in case of joint venture Lead company(Contractor) must submit.
20. COIDA Letter of Good Standing
21. Latest registration report of Central Supply Database (CSD) with valid reference number.
22. Statement of Municipal Accounts as proof of residential address, if leasing, provide the lease agreement or the proof the proof of residential address by the traditional authority in case of a non-ratable area for the **business and all company directors** (Not older than three months).

Step 2

The following is the criteria that the Bidders will be evaluated for Functionality:

According to the MFMA Circular No. 53 of the Municipal Finance Act No. 56 of 2003, Bidders will also be evaluated on Functionality. The minimum Score for functionality is 70%, 70 points out of 100.

Table 1: Experience of Firm/s

Note: Proof of experience should be compiled in the form of the table indicated below of this document. Please attach proof of certified (not older than six months) appointments Letters and Completion Certificates i.e from your firm or contractors who completed the works under your supervision. Failure to provide both appointment letters/work order plus completion certificate, will results in zero points.

Similar projects refers to electrical construction projects that involves:

- i. Construction of overhead lines Project

| Evaluation Criteria | Minimum Required | Elimination n Factor | Points obtainable | Points Claimed |
|---|--|-------------------------|----------------------|-------------------|
| 1. Design & Project monitoring | | | | |
| Design & Project Monitoring- Appointment letters and completion certificates to be attached | Completed similar Project of value R 1.0 mil and above in the past 5 years. Project Description: | No | 60 | |
| Company director With BTech/Degree in Electrical Engineering, Professional Registered with ECSA as PR Technologist or Pr Engineer | 10 and more years of experience with company while registered with ECSA (10) 1-9 years of experience with company while registered with ECSA (5) | Yes | 10 | |
| Design Engineer With BTech/Degree in Electrical Engineering and Professional Registered ECSA as Pr Technologist or Pr Engineer, proof with design certificate of software | 6 and more years experience as Design Engineer registered with ECSA (10) 1-5 years experience as design Engineer registered with ECSA (5) | No | 10 | |

| | | | | |
|---|--|----|------------|--|
| Project Engineer With Btech/Degree in Electrical Engineering, Professional Registered with Ecsa as Pr Technologist or Pr Engineer | Over 5 years experience as Project Engineer (10) 3-5 years experience as project engineer (5) | No | 10 | |
| Residential Engineer With National Diploma in Electrical Engineering, Professional registered wit ECSA | Over 5 years experience as Residential Engineer (10) 3-5 years experience as project Engineer (5) | No | 10 | |
| Sub Total | | | 100 | |
| 2. Construction Work | | | | |
| Construction Appointment letters and completion certificates to be attached | Completed similar Project of value R 1.0 mil and above in the past 5 years. Project Description: | No | 60 | |
| Sub Total | | | 60 | |
| Sub-Total | | | 60 | |

Table 2: Plant and Equipment

(Maximum Points obtainable 10)

| Evaluation Criteria | Minimum Required | Eliminatio n Factor | Points obtainable | Points Claimed |
|---------------------|--|------------------------|----------------------|-------------------|
| Plant & equipment | Load & Transport Truck (max 08 Ton) with hi-up | No | 5 | |
| | Cherry Picker Truck | No | 2.5 | |
| | 1 Ton LDV | No | 2.5 | |
| Sub-Total | | | 10 | |

Note: Proof (E Natis, Registration or License Disc Papers) must be provided that equipment is owned by your company (full point) or Leased (half point). A special condition is that on appointment, it will be required that it must be proven that all the necessary technical equipment is available.

Table 3: Financial References & Method Statement

(Maximum Points obtainable 5)

| Evaluation Criteria | Evaluation Criteria | Elimination Factor | Points obtainable | Points Claimed |
|---------------------|---|-----------------------|----------------------|-------------------|
| | Bank rating of "C" or better with proof (stamped bank letter, not older than 3 Months). (Contractor) | No | 1.5 | |

| | | | | |
|------------------|--|----|-----|--|
| | Valid Professional indemnity (Min R 10,000,000). Main Service Provider (Consultant) | No | 3 | |
| | Letter of intent for Guarantee. Construction Works | No | 0.5 | |
| Sub-Total | | | | |

Table 1: Key Personnel

(Maximum Points obtainable 30)

| Evaluation Criteria | Minimum Required | Elimination Factor | Points obtainable | Points Claimed |
|---|--|--------------------|-------------------|----------------|
| 1. Project Engineer | | | | |
| Name: | | | | |
| Academic Qualifications (Note 1 & 2) | BSc (Hons), BEng (Hons), (Doctoral), DSc or PhD, MSc or MEng Degree in Electrical engineering or equivalent and above. All ECSA Registered Professional Engineer / Technologist (ECSA) OR BTech, BEng, BSc, in Electrical Engineering or equivalent. Professional Engineer / Technologist (ECSA) | Yes | 7 | |
| Years of experience after qualification (Note 1) | 1 – 4 5 – 8 9 upwards | No | 1 2 3 | |
| Sub Total | | | 10 | |
| 2. Construction Site Supervisor | | | | |
| Name: | | | | |
| Years of experience after qualification (Note 1) | A maximum two-page CV summarizing employment History and relevant work experience. (minimum of 3 years electrical work experience on 400V (3 Phase) networks) | No | 3 | |
| Certified Certificate | Electrician with Wireman's Licence (Registered as an installation electrician). | No | 5 | |
| Certified Certificate | ORHVS level 1-10 | No | 2 | |
| Sub Total | | | 10 | |
| 2. Methodology | | | 5 | |
| Full comprehensive methodology taking into account all | | | | |

| | | |
|--|-----------|--|
| relevant information tailored to this project | | |
| Sub-Total | 25 | |

Engineer / Team Leader

Note 1: Academic Qualifications

Proof of academic qualifications in the form of certified copies of the original must be attached to the Team Leader/Engineer's CV. Foreign qualifications must be accompanied by certificate from Qualifications Certification Body. The proposed Team Leader shall be in possession of at least a Bachelor's Degree in Electrical Engineering from any South African University or equivalent qualifications from a recognized Foreign University or Institution. Failure to provide this shall warrant an automatic elimination of tender from any further evaluation.

Note 2: Professional Registration

Proof of professional Registration with Engineering Council of South Africa (ECSA) in the form of certified copies must be attached to the Team Leader/Engineer's CV. The proposed Team Leader shall be registered as a Professional Engineer / Technologist. Failure to provide this shall warrant an automatic elimination of tender from any further evaluation.

SUMMARY: COMPETENCE ACHIEVEMENT SCHEDULE

NOTICE TO TENDERERS: Service providers are required to score a minimum total points of 70% (70 Points out of 100) on functionality only, in order to be considered for further evaluation. Failure to score the minimum specified percentage for functionality will render the bid to be non-responsive.

| DESCRIPTION | Table number | Maximum points to be allocated | Points claimed by Tenderer | Allocated points |
|---|---------------------|---------------------------------------|-----------------------------------|-------------------------|
| Experience of Firm/s Experience of Firm/s | 1 | 60 | | |
| Plant and Equipment | 2 | 10 | | |
| Financial References | 3 | 5 | | |
| Key Personnel | 4 | 20 | | |
| Methodology | 5 | 5 | | |
| TOTAL | | 100 | | |

Step 3

Pricing Structure

| Item | Description | Unit | Quantity | Rate | Total Price |
|-------------|--------------------|-------------|-----------------|-------------|--------------------|
|-------------|--------------------|-------------|-----------------|-------------|--------------------|

| | | | | | |
|----|--|--------|-----|--|--|
| 1. | Inception | Lot | 1 | | |
| | Concept and Viability | Lot | 1 | | |
| | Design Development & Documentation | Lot | 1 | | |
| | Contract Administration and Supervision | Lot | 1 | | |
| | Close-Out | Lot | 1 | | |
| 2. | Survey | Lot | 1 | | |
| | OHS File | Lot | 1 | | |
| 3. | Construction of overhead line from Ext06 to Spar | Per KM | 2.4 | | |

| | | | | | |
|----|----------------------------|-----|---|--|--|
| 4. | Project Steering Committee | Lot | 3 | | |
| | Site Establishment | Lot | 1 | | |

| | |
|----------------------------|--|
| Total Price Ex VAT: | |
| Contingency Fee at 5%: | |
| 15% VAT: | |
| Total Price Including VAT: | |

**SUPPLY CHAIN POLICY USING 80/20 PREFERENCE POINT
SYSTEM 20 points will be allocated based on the specific goals points
specified for the tender**

| Specific Goal | Number of points allocated | Verification documents |
|----------------------|-----------------------------------|-------------------------------|
| Black | 2.5 | CSD Report/ ID copies |
| Women | 2.5 | ID copies/CSD report |
| Youth | 10 | ID Copies/CSD report |
| Disability | 5 | Medical Certificate |
| | 20 | |

COMPULSORY MUNICIPAL BID DOCUMENTS

INVITATION TO BID

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

BID NUMBER:

CLOSING DATE:

CLOSING TIME:

DESCRIPTION.....

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

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

Cnr Nelson Mandela & Sealane Street
Phalaborwa
1390

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

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

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

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

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

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

NAME OF BIDDER

.....

POSTAL ADDRESS

.....

STREET ADDRESS

.....

TELEPHONE.NUMBER

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

CELLPHONE.NUMBER

.....

FACSIMILE NUMBER CODE

.NUMBER.....

E-MAIL ADDRESS

.....

VAT REGISTRATION NUMBER

.....

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

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.

MBD 4

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, shareholder):.....

3.4 Company Registration Number:

3.5 Tax Reference Number:.....

3.6 VAT Registration Number:

3.7 The names of all directors / trustees / shareholders members, their individual identity numbers and state employee numbers must be indicated in paragraph 4 below.

3.8 Are you presently in the service of the state? **YES / NO**

3.8.1 If yes, furnish particulars.
.....

¹MSCM Regulations: "in the service of the state" means to be –

(a) a member of –

- (i) any municipal council;
- (ii) any provincial legislature; or
- (iii) the national Assembly or the national Council of provinces;

(b) a member of the board of directors of any municipal entity;

(c) an official of any municipality or municipal entity;

(d) an employee of any national or provincial department, national or provincial public entity or constitutional institution within the meaning of the Public Finance Management Act, 1999 (Act No.1 of 1999); (e) a member of the accounting authority of any national or provincial public entity; or (f) an employee of Parliament or a provincial legislature.

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

3.9 Have you been in the service of the state for the past twelve months? **YES / NO**

3.9.1 If yes, furnish particulars.....

.....

3.10 Do you have any relationship (family, friend, other) with persons In the service of the state and

who may be involved with The evaluation and or adjudication of this bid? **YES / NO**

3.10.1 If yes, furnish particulars.

.....
.....

3.11 Are you, aware of any relationship (family, friend, other) between
Any other bidder and any persons in the service of the state who
May be involved with the evaluation and or adjudication of this bid? **YES / NO**

3.11.1 If yes, furnish particulars

.....
.....

3.12 Are any of the company's directors, trustees, managers,
Principle shareholders or stakeholders in service of the state? **YES / NO**

3.12.1 If yes, furnish particulars.

.....
.....

3.13 Are any spouse, child or parent of the company's directors?
Trustees, managers, principle shareholders or stakeholders
In service of the state? **YES / NO**

3.13.1 If yes, furnish particulars.

.....
.....

3.14 Do you or any of the directors, trustees, managers,
Principle shareholders, or stakeholders of
this company Have any interest in any
other related companies or
Business whether or not they are bidding for this contract. **YES / NO**

3.14.1 If yes, furnish particulars:

.....
.....

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

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

| | | |
|--|--|--|
| | | |
|--|--|--|

.....
Signature

.....
Date

.....
Capacity

.....
Name of Bidder

MBD 6.1

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

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

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

1. GENERAL CONDITIONS

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

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

1.2 To be completed by the organ of state

(delete whichever is not applicable for this tender).

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

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

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

1.4 To be completed by the organ of state:

The maximum points for this tender are allocated as follows:

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

- 1.5 Failure on the part of a tenderer to submit proof or documentation required in terms of this tender to claim points for specific goals with the tender, will be interpreted to mean that preference points for specific goals are not claimed.
- 1.6 The organ of state reserves the right to require of a tenderer, either before a tender is adjudicated or at any time subsequently, to substantiate any claim in regard to preferences, in any manner required by the organ of state.

2. DEFINITIONS

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

3. FORMULAE FOR PROCUREMENT OF GOODS AND SERVICES

3.1. POINTS AWARDED FOR PRICE

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

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

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

Where

Ps = Points scored for price of tender under consideration

Pt = Price of tender under consideration

Pmin = Price of lowest acceptable tender

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

3.2.1. POINTS AWARDED FOR PRICE

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

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

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 | | | | |
| | | | | |
| Woman | | | | |
| | | | | |
| Youth | | | | |
| | | | | |
| Directors with disability | | | | |
| | | | | |

DECLARATION WITH REGARD TO COMPANY/FIRM

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

4.4. Company registration number:
.....

4.5. TYPE OF COMPANY/ FIRM

- ☐ Partnership/Joint Venture / Consortium
- ☐ One-person business/sole propriety

- ☐ Close corporation
- ☐ Public Company
- ☐ Personal Liability Company
- ☐ (Pty) Limited
- ☐ Non-Profit Company
- ☐ State Owned Company

[TICK APPLICABLE BOX]

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

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

| | |
|---|-------|
| SIGNATURE(S) OF TENDERER(S) | |
| SURNAME AND NAME: | |
| DATE: | |
| ADDRESS: | |
| | |
| | |
| | |

SBD 6.1

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

4. POINTS AWARDED FOR SPECIFIC GOALS

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

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

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

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

| The specific goals allocated points in terms of this tender | Number of points allocated (80/20 system) | 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• Women• Youth• Directors with disability | | |

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

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

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

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

.....

SIGNATURE(S) OF TENDERER(S)

SURNAME AND NAME:

DATE:

ADDRESS:

.....

.....

1. CONTRACT FORM - PURCHASE OF GOODS/SERVICES

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

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

1. I hereby undertake to supply all or any of the goods and/or services described in the attached bidding documents to (name of institution)..... in accordance with the requirements and specifications stipulated in bid number..... at the price/s quoted. My offer/s remain binding upon me and open for acceptance by the purchaser during the validity period indicated and calculated from the closing time of bid.
2. The following documents shall be deemed to form and be read and construed as part of this agreement:
 - (i) Bidding documents, viz
 - Invitation to bid;
 - Proof of Tax Compliance Status;
 - Pricing schedule(s);
 - Technical Specification(s);
 - Preference claim form for Preferential Procurement in terms of the Preferential Procurement Regulations;
 - Declaration of interest;
 - Declaration of bidder's past SCM practices;
 - Certificate of Independent Bid Determination;
 - Special Conditions of Contract;
 - (ii) General Conditions of Contract; and
 - (iii) Other (specify)
3. I confirm that I have satisfied myself as to the correctness and validity of my bid; that the price(s) and rate(s) quoted cover all the goods and/or works specified in the bidding documents; that the price(s) and rate(s) cover all my obligations and I accept that any mistakes regarding price(s) and rate(s) and calculations will be at my own risk.
4. I accept full responsibility for the proper execution and fulfilment of all obligations and conditions devolving on me under this agreement as the principal liable for the due fulfillment of this contract.
5. I declare that I have no participation in any collusive practices with any bidder or any other person regarding this or any other bid.
6. I confirm that I am duly authorised to sign this contract.

NAME (PRINT)

WITNESSES

CAPACITY

SIGNATURE

NAME OF FIRM

DATE

MBD 7.1

CONTRACT FORM - PURCHASE OF GOODS/SERVICES

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

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

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

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

SIGNED ATON.....

NAME (PRINT)

SIGNATURE

OFFICIAL STAMP

WITNESSES

1.

.

2.

.

DATE

4. CONTRACT FORM - RENDERING OF SERVICES

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

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

7. I hereby undertake to render services described in the attached bidding documents to (name of the institution)..... in accordance with the requirements and task directives / proposals specifications stipulated in Bid Number..... at the price/s quoted. My offer/s remain binding upon me and open for acceptance by the Purchaser during the validity period indicated and calculated from the closing date of the bid.
8. The following documents shall be deemed to form and be read and construed as part of this agreement:
- (iv) Bidding documents, viz
 - Invitation to bid;
 - Proof of tax compliance status;
 - Pricing schedule(s);
 - Filled in task directive/proposal;
 - Preference claim form for Preferential Procurement in terms of the Preferential Procurement Regulations;
 - Declaration of interest;
 - Declaration of Bidder's past SCM practices;
 - Certificate of Independent Bid Determination;
 - Special Conditions of Contract;
 - (v) General Conditions of Contract; and
 - (vi) Other (specify)
9. I confirm that I have satisfied myself as to the correctness and validity of my bid; that the price(s) and rate(s) quoted cover all the services specified in the bidding documents; that the price(s) and rate(s) cover all my obligations and I accept that any mistakes regarding price(s) and rate(s) and calculations will be at my own risk.
10. I accept full responsibility for the proper execution and fulfilment of all obligations and conditions devolving on me under this agreement as the principal liable for the due fulfillment of this contract.
11. I declare that I have no participation in any collusive practices with any bidder or any other person regarding this or any other bid.
12. I confirm that I am duly authorised to sign this contract.

NAME (PRINT)

CAPACITY

SIGNATURE

NAME OF FIRM

DATE

WITNESSES

1

2

DATE:.....

CONTRACT FORM - RENDERING OF SERVICES

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

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

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

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

SIGNED AT ON
NAME (PRINT)

SIGNATURE

OFFICIAL STAMP

WITNESSES

1

....

2

....

DATE:

.....

7. CONTRACT FORM - TENDER FOR INCOME-GENERATING CONTRACTS²

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

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

13. I hereby undertake to lease property/ purchase all or any of the goods and/or services described in the attached bidding documents from (name of institution)..... in accordance with the requirements stipulated in (bid number)..... at the price/s quoted. My offer/s remain binding upon me and open for acceptance by the seller during the validity period indicated and calculated from the closing time of bid.

² “Tender for income-generating contracts” has the same meaning as defined in the Preferential Procurement Regulations, 2022.

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

NAME (PRINT)

CAPACITY

SIGNATURE

NAME OF FIRM

DATE

WITNESSES

1

2

DATE:

CONTRACT FORM - TENDER FOR INCOME-GENERATING CONTRACTS

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

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

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

4. I confirm that I am duly authorized to sign this contract.
 SIGNED ATON.....
 NAME (PRINT)

SIGNATURE

OFFICIAL STAMP

WITNESSES

3.

4.

DATE

DECLARATION OF BIDDER'S PAST SUPPLY CHAIN MANAGEMENT PRACTICES

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

| Item | Question | Yes | No |
|-------|--|---------------------------------|--------------------------------|
| 4.1 | 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). 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. | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| 4.1.1 | If so, furnish particulars: | | |
| 4.2 | Is the bidder or any of its directors listed on the Register for Tender Defaulters in terms of section 29 of the Prevention and Combating of Corrupt Activities Act (No 12 of 2004)? The Register for Tender Defaulters can be accessed on the National Treasury's website (www.treasury.gov.za) by clicking on its link at the bottom of the home page. | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| 4.2.1 | If so, furnish particulars: | | |

| | | | |
|-------------|--|---------------------------------|--------------------------------|
| | | | |
| 4.3 | Was the bidder or any of its directors convicted by a court of law (including a court of law outside the Republic of South Africa) for fraud or corruption during the past five years? | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| 4.3.1 | If so, furnish particulars: | | |
| Item | Question | Yes | No |
| 4.4 | Does the bidder or any of its directors owe any municipal rates and taxes or municipal charges to the municipality / municipal entity, or to any other municipality / municipal entity, that is in arrears for more than three months? | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| 4.4.1 | If so, furnish particulars: | | |
| 4.5 | Was any contract between the bidder and the municipality / municipal entity or any other organ of state terminated during the past five years on account of failure to perform on or comply with the contract? | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| 4.7.1 | If so, furnish particulars: | | |

CERTIFICATION

I, THE UNDERSIGNED (FULL NAME)..... CERTIFY THAT THE INFORMATION FURNISHED ON THIS DECLARATION FORM TRUE AND CORRECT.

I ACCEPT THAT, IN ADDITION TO CANCELLATION OF A CONTRACT, ACTION MAY BE TAKEN AGAINST ME SHOULD THIS DECLARATION PROVE TO BE FALSE.

.....
Signature

.....
Date

.....
Position

.....
Name of Bidder

CERTIFICATE OF INDEPENDENT BID DETERMINATION

- 1 This Municipal Bidding Document (MBD) must form part of all bids¹ invited.
- 2 Section 4 (1) (b) (iii) of the Competition Act No. 89 of 1998, as amended, prohibits an agreement between, or concerted practice by, firms, or a decision by an association of firms, if it is between parties in a horizontal relationship and if it involves collusive bidding (or bid rigging).² Collusive bidding is a *per se* prohibition meaning that it cannot be justified under any grounds.
- 3 Municipal Supply Regulation 38 (1) prescribes that a supply chain management policy must provide measures for the combating of abuse of the supply chain management system, and must enable the accounting officer, among others, to:
 - a. take all reasonable steps to prevent such abuse;
 - b. reject the bid of any bidder if that bidder or any of its directors has abused the supply chain management system of the municipality or municipal entity or has committed any improper conduct in relation to such system; and
 - c. cancel a contract awarded to a person if the person committed any corrupt or fraudulent act during the bidding process or the execution of the contract.
- 4 This MBD serves as a certificate of declaration that would be used by institutions to ensure that, when bids are considered, reasonable steps are taken to prevent any form of bid rigging.
- 5 In order to give effect to the above, the attached Certificate of Bid Determination (MBD 9) must be completed and submitted with the bid:

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

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

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:

- it has declared to Ba-Phalaborwa Municipality any circumstances that could give rise to a conflict of interest or potential conflict of interest in relation to the current procurement action;
- None of the directors of the company is employed by the state;
- The company is not blacklisted by the national treasury;
- Has not negotiated or tried to negotiate with any municipal official to try to gain information or preference to win the bid, if found the bidder's details will be submitted to national treasury for blacklisting of the company;
- it has not granted and will not grant, has not sought and will not seek, has not attempted and will not attempt to obtain, and has not accepted and will not accept any direct or indirect benefit (financial or otherwise) arising from a procurement contract or the award thereof;
- all the information submitted in the bid is truthful and there is no misrepresentation;
- it adheres to the Prevention and Combating of Corrupt Activities Act 12 of 2004;
- it 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 Dat
