



BA-PHALABORWA MUNICIPALITY

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

TENDER NUMBER: 27/23/24 (TENDER)

Closing Date: 12/06/2024

Time: 10h00

Venue: Tender Box (Main Office)

Tender Documents are available from the municipal website and the E-tender portal.

Ba-Phalaborwa Municipality Budget and Treasury Office: Contact: Ndzimande A Chief Financial Officer Tel: (015) 780 6303	Ba-Phalaborwa Municipality Office of the Municipal Manager Contact: TJ Mabitsela Manager: Risk Management Tel: (015) 780 6300
Name of Tenderer: Type of service to be rendered: Year one amount: Year two amount: Year three amount: TOTAL AMOUNT TENDERED (All Inclusive):	

TENDER NO: 27/23/24

1. Tender Notice and Invitation to bid



BA- PHALABORWA MUNICIPALITY

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

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

TENDER NUMBER	CIDB GRADING	DESCRIPTION	COMPULSORY BRIEFING SESSION			FUNCTIONALITY	EVALUATION CRITERIA	CLOSING DATE AND TIME	Minimum Score for functionality	CONTACT PERSON
			DATE	VENUE	COST					
27/23/24	N/A	Provision of security guarding and alarm system for a period of Three (3) years	03/06/2024 @10H00	Municipal Activity Hall	Free at municipal website and E-tender portal	Company Experience as a security service provider (10) Proof of provision of security on contract (15) Proof of analog 2-way radio communication with ICASA or Digital PTT certificate with ICASA (5) Proof of firearm ownership (attach valid licenses) (10) Attach proof of at least 6 company vehicles (registered in the company name, attach vehicle enatis certificate/ report and branded pictures) (10) Riot Management (10) Team capacity (15)	90/10	12/06/2024 @10H00	70%	Mr. Mabitsela TJ (015) 780 6300

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

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

Bidders should take note of the following bidding conditions:

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

DR. PILUSA KKL
MUNICIPAL MANAGER
Notice No. 13 /24

1. Scope of work

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

No.	NAME OF SITE	DAY SHIFT (Grade D)	NIGHT SHIFT (Grade D)
1.	Phalaborwa Main Office	06 Unarmed	04 Unarmed
2.	Phalaborwa Workshop	02 Unarmed	02 Unarmed
3.	Potgieter 47 (White House Office)	01 Unarmed	01 Unarmed
	Traffic Department	01 Armed 01 Unarmed	02 Unarmed
4.	Phalaborwa Stores	02 Unarmed	02 Unarmed
5.	Phalaborwa Nursery	01 Unarmed	01 Unarmed
6.	Phalaborwa Lapa	01 Unarmed	01 Unarmed
7.	Impala Park Stadium	01 Unarmed	01 Unarmed
8.	Phalaborwa Dumping Site	01 Unarmed	01 Unarmed
9.	Lulekani Stadium	01 Unarmed	01 Unarmed
10.	Namakgale Stadium (#)	01 Unarmed	01 Unarmed
11.	Lulekani Town Hall	01 Unarmed	01 Unarmed
12.	Lulekani Stores	01 Unarmed	01 Unarmed
13.	Lulekani Offices	01 Unarmed	01 Unarmed
14.	Phalaborwa Revenue	01 (Armed)	-
15.	Seloane Sports Complex	01 Unarmed	01 Unarmed
16.	Namakgale Memorial Precinct	01 Unarmed	01 Unarmed
17.	Namakgale Town Hall	01 Unarmed	01 Unarmed
18.	Selwane Library	01 Unarmed	01 Unarmed
19.	Mashishimale Lapa	01 Unarmed	01 Unarmed
20.	Bollanoto	01 Unarmed	01 Unarmed
21.	Phalaborwa Selati Substation	01 Unarmed 01 Armed	01 Unarmed 01 Armed
22.	Hawkers Rest Area (R71)	01 Unarmed	01 Unarmed
23.	Mashishimale Sports Complex	01 Unarmed	01 Unarmed
24.	Gravelotte Offices	01 Unarmed	01 Unarmed
<i>Adhoc (the below item should be priced but actual deployment will depend on the risk and communication will be made with the service provider when and where to deploy).</i>			
	Protections of critical infrastructure		03 Unarmed 02 Armed

(#) = Guards to be deployed when the site is handed over to the municipality by the contractor.

The municipality will communicate the date.

1.2 Provision of Alarm monitoring services and armed response at the below stations. Alarm system are available only aerials need to be installed.

No.	Name of Site	Current Status
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.	Nursery Office	System Installed
19.	Nursery Stores	System Installed
20.	Phalaborwa Stores	System Installed
21.	Traffic Department	System Installed
22.	Revenue Offices	System Installed
23.	Cleveland	System Installed
24.	Extension7	System Installed

1.3 New alarm installations

No.	Name of Site	Description
1.	Prieska Library	Alarm System
2.	Mashishimale Library (Next to Lebeko High School)	Alarm System
3.	Office of the Municipal Manager	Alarm System

2. Expected Outputs to be delivered by the service provider.

- 2.1 Signing a Service Level Agreement with the Municipality before the contract could commence.
- 2.2 The service provided must set up a dedicated control room in the Phalaborwa area within a month of inception of the contract a designated official from Ba-Phalaborwa local municipality regularly to ensure its effectiveness. The control room must also be used to monitor the alarms.
- 2.3 The guard track system to be installed at all security locations to monitor the movement and effectiveness of the guards on duty. Reports to be submitted to the clients monthly.
- 2.4 Security guards to be deployed at specific security points as per the scope of work with the necessary apparatus (metal detectors, button sticks etc.)
- 2.5 Alarm with motion detectors to be installed at specific security points as per the scope of work and to be monitored 24hrs.
- 2.6 Provision of additional security services on an adhoc basis (at additional cost) in response to the municipalities needs i.e. protests, specific municipal events etc.
- 2.7 Access control on specific areas and shifts are on a 12-hour basis.
- 2.8 Armed response /reaction unit for the alarms installed and panic buttons at designated areas and each alarm to have two remotes.
- 2.9 Security supervisor to visit each site at least two times every 72 hours.
- 2.10 The project will be evaluated on a 90/10-point score system.
- 2.11 Employees of the bidders must always be registered with PSIRA for the duration of the contract and the company must comply with PSIRA or any other security regulations.
- 2.12 Appointment will be subjected to vetting.

3. Prerequisite /Service Provider Requirements

- 3.1 All bidders must attend the compulsory briefing session.
- 3.2 Bidders must attach signed declaration of forms attached to the tender document.
- 3.3 Company registration certificate
- 3.4 Valid tax clearance certificate (letter from SARS with a valid pin code).
- 3.5 Power of attorney/ letter of authority for signatory if applicable
- 3.6 For Joint venture, the following are mandatory.
 - 3.6.1 Joint venture agreements.
 - 3.6.2 Letter of signatory.
- 3.7 Company PSIRA certificate
- 3.8 Letter of good standing with PSIRA
- 3.9 Letter of good standing with COIDA
- 3.10 Proof of insurance to indemnify municipal from liability in terms of damages (minimum 10m)

- 3.11 Municipal account of the company please attach the municipal account / lease agreement / proof of residence from tribal authority (whichever is applicable). The account must not be in arrears for more than 3 months.
- 3.12 Municipal account(s) of company directors (please attach the municipal account / lease agreement / proof of residence from tribal authority (whichever is applicable). Not in arrears for more than 3 months.
- 3.13 Certified ID copies of the directors/ members/ proprietors.
- 3.14 Signed commitment letter to establish a control room within Ba-Phalaborwa local municipality jurisdiction or proof of a control room within the municipality.
- 3.15 The service provider must have an ICASA license, authorizing the use of radio communication "leased/owned".
- 3.16 As the contract is above 10 million, bidders who are required by law must prepare and submit financial statements for auditing, their audited annual statements for the past three years or since the establishment if established within the past three years.
- 3.17 Pricing must be reasonably aligned to PSIRA.

Other information

- 90/10 evaluation criteria will be used to evaluate the tender.
- Employees of Bidders must always be registered with PSIRA for the duration of the contract.
- Bidders will be subjected to Security Clearance.
- The municipality reserves the right to conduct inspection on shortlisted bidders.

4. Pricing

- 4.1 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.
- 4.2 The proposed tender amount must cover all the costs (Guarding, Alarm Response, Discounts, Vat etc.) must be included in the total tender price mentioned.
- 4.3 Annual price adjustments will be made in line with the Sectoral Determination.

5. Tender Evaluation

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

6. Evaluation Criteria

6.1 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 (70 %) for functionality as per the bid invitation.

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 70% or more*) will be evaluated in terms of the 90/10 preference points systems, where the 90 will be used for price only and the 10 for points awarded for specific goals specified for the tender.

6.2 Scoring of Functionality

Functionality Criteria

Criteria	Weight	Points scored
Company experience as a Security Service Provider (<i>Provide appointment letter and reference letter for each project. Reference must be from a legally registered entities with the following, Value of contract, Period of Contract, Type of Service and must be on a letterhead</i>) <ul style="list-style-type: none"> Proof of rendering security services at any institutions (01 point per appointment) = 10 	10	
<ul style="list-style-type: none"> Proof of provision of security services on contract totaling <ul style="list-style-type: none"> any contract below 5 million = 2 5 million - below 10 million = 4 10 million - below 20 = million = 6 20 million - below 30 million = 8 30 million and above = 15 	15	
<ul style="list-style-type: none"> Provide copy of original certificate – analog 2-way radio communication certificate with ICASA or provide copy – Digital PTT Certificate with ICASA of the Service Provider providing communication. Including copy of the original contract between the security service provider and the company appearing on the ICASA Certificate if leased. 	5	
Proof of Firearms ownership (attach valid licenses) <ul style="list-style-type: none"> 10+ firearms = 10 Less than 10 firearms = 5 Proof not provided = 0 	10	
Attach proof of at least 6 company vehicles (registered in the company name, attach vehicle natis certificate/report and branded Pictures). <ul style="list-style-type: none"> Proof provided = 10 Proof not provided = 0 	10	
Riot Management <ul style="list-style-type: none"> Availability of a Crowd/Riot management strategy = 5 05 Testimonial letters from clients where the riot teams intervened in the event of emergency (<i>Letter to be on a letter head with contacts for reference, one point per letter</i>) = 05 	10	
Team Capacity: <ul style="list-style-type: none"> The bidder should demonstrate the capacity of his/her team to carry out the work required in this bid. <ul style="list-style-type: none"> Operational/Site manager (Grade A plus 8 years' experience, National Diploma Security Management, driver's license, PSIRA card and certificates and firearm competency) = 10 Supervisor (Grade B plus 5 years' experience, driver's license, PSIRA card and certificates and firearm competency) = 5 <i>(CV submitted should outline the educational, professional qualifications, firearm competency certificate, driver's license the relevant experience in the security industry)</i>	15	
Percentage= Total scored/ Total weight x 100		= ____ x 100 75 = %

The minimum of functionality is **70%** for the bidder to move forward for the evaluation on price. The Evaluation criteria is 90/10 where 90 being price and 10 being specific points specified for the tender.

6.3 SPECIFIC GOALS SPECIFIED FOR THE TENDER

SPECIFIC GOALS POINTS SYSTEM	NUMBER OF POINTS (80/20 SYSTEM)
1	10
100% Black Owned =8	
Disability/Youth/Military Veteran =2	
2	8
At least 51% Black Owned =6	
Disability/Youth/Military Veteran =2	
4	
Less than 51% Black owned = 4	6
Disability/Youth/military Veteran =2	

Evaluation in terms with Price

The 90/10 Preference Point Systems

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

90/10

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

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

7. 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: Unarmed Night Shift: Unarmed	06 04		
2.	Phalaborwa Workshop	<u>Security Officer: Grade D</u> Day Shift: Unarmed Night Shift: Unarmed	02 02		
3.	Potgieter 47 (White House Office)	<u>Security Officer: Grade D</u> Day Shift: Unarmed Night Shift: Unarmed	01 01		
4.	Traffic Department	<u>Security Officer: Grade D</u> Day Shift: Unarmed Day Shift: Armed Night Shift: Unarmed	01 01 02	-	-
5.	Phalaborwa Stores	<u>Security Officer: Grade D</u> Day Shift: Unarmed Night Shift: Unarmed	02 02		
6.	Phalaborwa Nursery	<u>Security Officer: Grade D</u> Day Shift: Unarmed Night Shift: Unarmed	01 01		
7.	Phalaborwa Lapa	<u>Security Officer: Grade D</u> Day Shift: Unarmed Night Shift: Unarmed	01 01		
8.	Impala Park Stadium	<u>Security Officer: Grade D</u> Day Shift: Unarmed Night Shift: Unarmed	01 01		
9.	Phalaborwa Dumping Site	<u>Security Officer: Grade D</u> Day Shift: Unarmed Night Shift: Unarmed	01 01		
10.	Lulekani Stadium	<u>Security Officer: Grade D</u> Day Shift: Unarmed Night Shift: Unarmed	01 01		
11.	Lulekani Town Hall	<u>Security Officer: Grade D</u> Day Shift: Unarmed	01		

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

24.	Gravelotte Offices	<u>Security Officer: Grade D</u> Day Shift: Unarmed Night Shift: Unarmed	01 01		
25.	Namakgale Stadium (#)	<u>Security Officer: Grade D</u> Day Shift: Unarmed Night Shift: Unarmed	01 01		
26.	Protections of critical infrastructure - Ad hoc <i>(the item should be priced but actual deployment will depend on the risk).</i>	Night Shift: Unarmed Night Shift: Armed	03 02		
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 (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 (Jakkelbessie)	
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.	Nursery Office	
19.	Nursery Stores	
20.	Phalaborwa Stores	
21.	Traffic Department	
22.	Revenue Offices	
23.	Cleveland	
24.	Extension 7	
Total cost per month (Excluding VAT)		
Vat		
Total		

C. New Alarm Installations

No.	Name of Site	Amount
1.	Prieska Library	
2.	Mashishimale Library (Next to Lebeko High School)	
3.	Office of the Municipal Manager	
Total cost per month (Excluding VAT)		
Vat		
Total		

D. 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 & Armed response (27 Alarms)		
Total (before Vat)		
Vat		
Year 1 Total Costs (VAT inclusive)		

Year 2		
1. Guarding Services		
2. Monitoring of Alarms & Armed response		
Total (before Vat)		
Vat		
Year 2 Total Costs (VAT inclusive)		

Year 3		
1. Guarding Services		
2. Monitoring of Alarms & Armed response		
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):	

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.

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, shareholder²):.....

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	8			
Directors/shareholders with Disability/Youth/Military Veteran	2			
51% black owned	6			
Directors/shareholders with Disability/Youth/Military Veteran	2			
Less than 51% black owned	4			
Directors/shareholders with Disability/Youth/Military Veteran	2			

DECLARATION WITH REGARD TO COMPANY/FIRM

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

4.4. Company registration number:

4.5. TYPE OF COMPANY/ FIRM

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

[TICK APPLICABLE BOX]

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

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

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

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

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

1. GENERAL CONDITIONS

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

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

1.2 To be completed by the organ of state

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

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

(a) Price; and

(b) Specific Goals.

1.4 To be completed by the organ of state:

The maximum points for this tender are allocated as follows:

	POINTS
PRICE	90
SPECIFIC GOALS	10
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 90 points is allocated for price on the following basis:

90/10

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

P_{\min}

- P_s = Points scored for price of tender under consideration
- P_t = Price of tender under consideration
- P_{\min} = Price of lowest acceptable tender

4. POINTS AWARDED FOR SPECIFIC GOALS

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

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

The 90/10 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 claimed (90/10 system) (To be completed by the tenderer)
<ul style="list-style-type: none"> • 100% company owned/director/s/shareholders by people who are Black= 8 points • Disability/youth/military veteran =2 points 	10 Points	
<ul style="list-style-type: none"> • ≥51% and <100% company owned/director/s/shareholders by people who are Black=6 points • Disability/ youth/military veteran = 2 points 	8 Points	
<ul style="list-style-type: none"> • >0% and <51% company owned/director/s/shareholders by people who are Black= 4 • Disability/youth/military veteran = 2 points 	6 Points	

DECLARATION WITH REGARD TO COMPANY/FIRM

- 4.3. Name of company/firm.....
- 4.4. Company registration number:
- 4.5. TYPE OF COMPANY/ FIRM

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

- 4.6. I, the undersigned, who is duly 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)

CAPACITY

SIGNATURE

NAME OF FIRM

DATE

WITNESSES

1

2.

DATE:

CONTRACT FORM - PURCHASE OF GOODS/SERVICES**3. PART 2 (TO BE FILLED IN BY THE PURCHASER)**

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

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

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

SIGNED ATON.....

NAME (PRINT)

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 CONTRACTS¹

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

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

13. I hereby undertake to lease property/ purchase all or any of the goods and/or services described in the attached bidding documents from (name of institution)..... in accordance with the requirements stipulated in (bid number)..... at the price/s quoted. My offer/s remain binding upon me and open for acceptance by the seller during the validity period indicated and calculated from the closing time of bid.
14. The following documents shall be deemed to form and be read and construed as part of this agreement:
- (vii) Bidding documents, viz
 - Invitation to bid;
 - Proof of tax compliance status;
 - Pricing schedule(s);
 - Preference claim form for Preferential Procurement in terms of the Preferential Procurement Regulations;
 - Declaration of interest;
 - Declaration of Bidder's past SCM practices;
 - Special Conditions of Contract;
 - (viii) General Conditions of Contract; and
 - (ix) Other (specify)
15. I confirm that I have satisfied myself as to the correctness and validity of my bid; that the price(s) quoted covers the leased property/ all the goods and/or services specified in the bidding documents; that the price(s) cover all my obligations and I accept that any mistakes regarding price(s) and calculations will be at my own risk.
16. I accept full responsibility for the proper execution and fulfilment of all obligations and conditions devolving on me under this agreement as the principal liable for the due 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

WITNESSES

1

2

DATE:

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

CONTRACT FORM - TENDER FOR INCOME-GENERATING CONTRACTS

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

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

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

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

SIGNED ATON.....

NAME (PRINT)

SIGNATURE

OFFICIAL STAMP

WITNESSES

3.

4.

DATE

DECLARATION OF BIDDER'S PAST SUPPLY CHAIN MANAGEMENT PRACTICES

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

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

4.2	Is the bidder or any of its directors listed on the Register for Tender Defaulters in terms of section 29 of the Prevention and Combating of Corrupt Activities Act (No 12 of 2004)? The Register for Tender Defaulters can be accessed on the National Treasury's website (www.treasury.gov.za) by clicking on its link at the bottom of the home page.	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.2.1	If so, furnish particulars:		
4.3	Was the bidder or any of its directors convicted by a court of law (including a court of law outside the Republic of South Africa) for fraud or corruption during the past five years?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.3.1	If so, furnish particulars:		
Item	Question	Yes	No
4.4	Does the bidder or any of its directors owe any municipal rates and taxes or municipal charges to the municipality / municipal entity, or to any other municipality / municipal entity, that is in arrears for more than three months?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.4.1	If so, furnish particulars:		
4.5	Was any contract between the bidder and the municipality / municipal entity or any other organ of state terminated during the past five years on account of failure to perform on or comply with the contract?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.7.1	If so, furnish particulars:		

CERTIFICATION

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

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

.....
Signature

.....
Date

.....
Position

.....
Name of Bidder

CERTIFICATE OF INDEPENDENT BID DETERMINATION

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

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

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

CERTIFICATE OF INDEPENDENT BID DETERMINATION

I, the undersigned, in submitting the accompanying bid:

(Bid Number and Description)

in response to the invitation for the bid made by:

(Name of Municipality / Municipal Entity)

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

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

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

- (d) the intention or decision to submit or not to submit a bid;
- (e) the submission of a bid which does not meet the specifications and conditions of the bid; or (f) bidding with the intention not to win the bid.

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

³ Joint venture or Consortium means an association of persons for the purpose of combining their expertise, property, capital, efforts, skill and knowledge in an activity for the execution of a contract.

10. I am aware that, in addition and without prejudice to any other remedy provided to combat any restrictive practices related to bids and contracts, bids that are suspicious will be reported to the Competition Commission for investigation and possible imposition of administrative penalties in terms of section 59 of the Competition Act No 89 of 1998 and or may be reported to the National Prosecuting Authority (NPA) for criminal investigation and or may be restricted from conducting business with the public sector for a period not exceeding ten (10) years in terms of the Prevention and Combating of Corrupt Activities Act No 12 of 2004 or any other applicable legislation.

.....
Signature

.....
Date

.....
Position

.....
Name of Bidder



BA-PHALABORWA MUNICIPALITY

Fraud and Corruption Declaration Form

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

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

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

Company Name:

.....

Name and Title of duly authorized representative.

Name:

Date: Title:

Signature:

Witness

Name: Signature Date:

