



BA-PHALABORWA MUNICIPALITY

DEVELOPMENT OF AN URBAN RENEWAL STRATEGY

TENDER NUMBER: 22/24/25 (TENDER)

Closing Date: 10/06/2025

Time: 11h00

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: Selepe NW Manager: Supply Chain Tel: (015) 780 6300	Ba-Phalaborwa Municipality Town Planning & Development Office: Contact: Mogano JM Manager: Town Planning & Development Tel: (015) 780 6300
Name of Tenderer:	
Type of service to be rendered:	
TOTAL AMOUNT TENDERED (ALL INCLUSIVE):	

TENDER NO: 22/24/25

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					
22/24/25	N/A	Development of Urban Renewal Strategy	30/05/2025 @11H00	Municipal Activity Hall	Free at municipal website and E-tender portal	Company Experience (16) Team members, Expertise and Experience (72) Methodology (12)	80/20	10/06/2025 @11H00	70%	Shikwambana N (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 are open 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, SAPS 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.

MS ME MPHACHOE

ACTING MUNICIPAL MANAGER

Notice No. 56 /25

INTRODUCTION

The Phalaborwa Central Business District (CBD) has historically been a vibrant commercial centre. However, in recent years, it has experienced economic decline and urban decay. This has affected the area's appeal and functionality as a key economic hub within the municipality. To address these challenges, Ba-Phalaborwa Local Municipality is embarking on a comprehensive urban renewal strategy aimed at revitalizing the CBD. This strategy will focus on integrating social, economic, environmental, and infrastructural improvements to foster sustainable growth and development. The goal is to transform the CBD into a dynamic, attractive, and economically viable urban area that serves the needs of its residents, businesses, and visitors.

Ba-Phalaborwa Local Municipality invites qualified and experienced service providers to submit proposals for the development of Phalaborwa CBD Precinct Plan as part of this Urban Renewal Strategy. The primary objective of this project is to rejuvenate and reimagine the CBD, creating a dynamic and attractive environment for businesses, residents, and visitors. This plan must meet the diverse needs of the area and foster long-term growth and development.

1.1. PROJECT BACKGROUND

- a. Part E of Chapter 4 of Spatial Planning and Land Use Management Act (SPLUMA) sets out the required content of a Municipal Spatial Development Framework (MSDF). It is stipulated in clause (l) that MSDFs must “identify the designation of areas in which - (i) more detailed local plans must be developed”. This refers to the identification and prioritization of more detailed local area plans of which precinct plans are such a tool.
- b. Precinct plans, within the framework of higher-level plans (such as Provincial Spatial Development Frameworks (PSDFs), Regional Spatial Development Framework (RSDFs), Municipal Spatial Development Framework (MSDFs)), therefore provide more detailed proposals for areas where significant development and change is anticipated, to avoid having to prepare very detailed local planning policies and objectives for many specific areas within SDFs.
- c. A Precinct Plan commonly refers in planning to a geographically smaller area with characteristics that requires detailed planning within the broader administrative boundaries of a municipality and the exact size of the precinct will thus vary. The Precinct Plan sets out a vision for future development trajectory of an area. It establishes planning and management framework that guide development and land use change and aims to accomplish social, economic and environmental objectives.
- d. The proposals of the Precinct Plan should inform the entire development of the precinct in terms of medium to long-term strategic interventions required to promote the development of spatially and economically integrated precincts that are attractive, efficient, convenient, safe and effectively managed.

- e. The Precinct Plan must give effect to the development principles contained in the Spatial Planning and Land Use Management Act, Act No 16 of 2013, thus:
-

- Spatial Justice.
- Spatial Sustainability.
- Efficiency
- Spatial Resilience; and
- Good Administration

2. OBJECTIVES

- 6.1. Enhance the economic vitality of the CBD
- 6.2. Improve the physical and aesthetic environment.
- 6.3. Foster social cohesion and community engagement.
- 6.4. Promote sustainable urban development.
- 6.5. Upgrade infrastructure and public amenities.
- 6.6. Ensure safety and security in the CBD area.

3. SCOPE OF WORK

Development of Phalaborwa CBD Precinct Plan must comply with principles set out in chapter two of Spatial Planning and Land Use Management Act 16 of 2013 as indicated above and should meet the requirements indicated in the scope below:

The following **11 (eleven) critical milestones/phases** shall be achieved in preparing the Precinct Plan:

- Phase 1: Inception
- Phase 2: Situational Analysis
- Phase 3: Stakeholder Engagement
- Phase 4: Urban Design and Planning
- Phase 5: Economic Development
- Phase 6: Infrastructure and Services
- Phase 7: Environmental Sustainability
- Phase 8: Safety and Security
- Phase 9: Initial Concept and Precinct Plan Proposal
- Phase 10: Finalization and Adoption of the Urban Renewal Strategy - Phalaborwa CBD Precinct Plan
- Phase 11: Implementation and Monitoring

The following is a breakdown of each phase of the project that must be adhered to (including the submission of reports):

4. INCEPTION

An Inception Plan laying the foundation for the formulation of the precinct plan must be submitted to within thirty (30) days from the date of signed Service Level Agreement, and must address the following:

- Confirmation of the names of the project team members who will be involved in the project;
- Detailed tasks/ activities to be carried out and allocation of time per task/ activity;
- Confirmation of the project timeframes;
- Cost Breakdown per milestone;
- Stakeholder participation/ consultation plan;
- A schedule of project meetings for feedback/progress reporting, Project Manager and identified steering committee; and
- Identification of key risks and proposed mitigation measures

4.1. SITUATIONAL ANALYSIS

This section must provide a detailed situational analysis plan of the entire study area. It must provide a detailed spatial analysis and synthesis including, but not limited to the following:

- 4.1.1. Conduct a thorough assessment of the current state of the Phalaborwa CBD.
- 4.1.2. Analyse socio-economic data, infrastructure condition, environmental factors, and urban design aspects.
- 4.1.3. Identify key challenges and opportunities.
- 4.1.4. Effect of existing policies, plans, legislation on or affecting precinct plan:
 - National Development Plan
 - Municipal Spatial Development Framework
 - Municipal Local Economic Development Strategy
 - Municipal Integrated Development Plan⁷
 - Limpopo Bioregional Plan
 - Key sector plans of three spheres of government
 - Provincial Growth and Development Strategy
 - New Growth Path
 - Area Based plans

4.2. STAKEHOLDER ENGAGEMENT

- 4.2.1. Develop and implement a stakeholder engagement plan.
- 4.2.2. Conduct consultations with residents, business owners, community groups, and other relevant stakeholders.

4.3. URBAN DESIGN AND PLANNING

- 4.3.1. Develop urban design concepts that enhance the aesthetic appeal and functionality of the CBD.
- 4.3.2. Propose zoning and land-use changes that support mixed-use development.
- 4.3.3. Create detailed plans for public spaces, pedestrian pathways, and green areas.

4.4. ECONOMIC DEVELOPMENT

- 4.4.1. Identify strategies to attract new businesses and support existing ones taking into consideration the Municipal approved Local Economic Development Strategy
- 4.4.2. Develop a marketing and branding strategy for the CBD.

4.5. INFRASTRUCTURE AND SERVICES

- 4.5.1. Assess current infrastructure and service delivery.
- 4.5.2. Propose upgrades to transport, utilities, waste management, and telecommunications.
- 4.5.3. Develop a phased implementation plan for infrastructure improvements.

4.6. ENVIRONMENTAL SUSTAINABILITY

- 4.6.1. Promote green building practices and energy efficiency.
- 4.6.2. Enhance green spaces and urban biodiversity.
- 4.6.3. Implement strategies for climate resilience and environmental protection.

4.7. SAFETY AND SECURITY

- 4.7.1. Develop a comprehensive safety and security plan.
- 4.7.2. Propose measures for crime prevention, including improved lighting, surveillance, and community policing.

4.8. INITIAL CONCEPT AND PRECINCT PLAN PROPOSALS

- 4.8.1. This phase focuses on the development of the **Draft Precinct Plan**, which will serve as a foundational blueprint for the revitalization of the Phalaborwa Central Business District. The plan should include, but is not limited to, the following key elements:
 - Land Uses and Densities: A comprehensive analysis of current land uses and proposed changes, including zoning recommendations and density allocations to optimize space utilization and promote mixed-use development.
 - Existing and Proposed Built Environment: Detailed mapping and visualization of the existing built environment, alongside proposals for new developments and architectural enhancements that align with the overall vision for the CBD.
 - Movement and Transportation: An assessment of current transportation networks, including pedestrian pathways, cycling routes, and public transit systems, with recommendations for improvements to enhance accessibility and connectivity within the CBD.
 - Public Spaces: Identification and planning of public spaces, such as parks, plazas, and recreational areas, to promote social interaction and community engagement.

- **Services and Infrastructure:** Evaluation of existing infrastructure and services, including utilities, waste management, and digital connectivity, with proposals for upgrades to support the anticipated growth and development of the CBD.
- **Public Amenities:** Planning for essential public amenities, such as healthcare facilities, educational institutions, and cultural centres, to meet the needs of residents and visitors.
- **Key Interventions and Projects:** A list of strategic interventions and projects, including design innovations, that address the specific challenges and opportunities within the CBD, aimed at driving economic and social revitalization.

4.8.2. Once the Draft Precinct Plan is complete, it is crucial to engage in participation and consultation with relevant stakeholders. This process should involve gathering input and feedback from community members, local businesses, government agencies, and other interested parties to ensure that the plan reflects a collaborative vision for the future of the Phalaborwa CBD.

4.9. FINALIZATION AND ADOPTION OF THE URBAN RENEWAL STRATEGY - PHALABORWA CBD PRECINCT PLAN

7.10.1 In this phase, the focus is on finalizing the Urban Renewal Strategy and ensuring the adoption of the Phalaborwa CBD Precinct Plan. The process involves several key steps:

- **Adjudication and Integration of Feedback:** Carefully review and adjudicate all comments and feedback received during the stakeholder consultation phase. This includes analysing suggestions, identifying areas for improvement, and incorporating necessary amendments to refine the Draft Precinct Plan.
- **Documentation of Amendments:** Prepare a report outlining the amendments made to the Draft Precinct Plan. This report should highlight the rationale behind each change and demonstrate how stakeholder input has been addressed and integrated into the final plan.
- **Presentation to the Executive Committee:** Present the revised Draft Precinct Plan to the Executive Committee of the Ba-Phalaborwa Local Municipality. This presentation should clearly articulate the vision, objectives, and key components of the plan, emphasizing how it will contribute to the revitalization and sustainable development of the Phalaborwa CBD.
- **Council Approval:** Obtain formal approval from the Council for the adoption of the Phalaborwa CBD Precinct Plan as the official Urban Renewal Strategy. This step is crucial for ensuring that the plan is recognized as a guiding document for future development efforts in the CBD.

4.10. IMPLEMENTATION AND MONITORING

Following the approval of the Phalaborwa CBD Precinct Plan, the focus shifts to the implementation phase, which involves executing the strategy with clear timelines, milestones, and assigned responsibilities. This phase ensures that key projects and interventions are prioritized and effectively managed to achieve the desired outcomes.

- 4.10.1. Implementation Plan: Develop a detailed implementation plan that outlines specific actions, timelines, and milestones for each project and intervention within the Urban Renewal Strategy. Assign clear roles and responsibilities to relevant departments, agencies, and stakeholders to ensure accountability and coordinated efforts.
- 4.10.2. Prioritization of Projects: Identify and prioritize key projects and interventions based on their potential impact, feasibility, and alignment with the overall goals of the CBD revitalization. Focus on initiatives that will drive economic growth, enhance social well-being, and improve infrastructure and environmental sustainability.
- 4.10.3. Monitoring and Evaluation Framework: Establish a comprehensive monitoring and evaluation (M&E) framework to track progress and assess the impact of the implemented projects. This framework should include specific performance indicators, data collection methods, and reporting mechanisms to ensure transparency and accountability.

5. METHODOLOGY

The precinct study must be strategic and forward looking in nature ensuring the optimal and integration of land uses between the CBD and surrounding areas. A proposal document with the portfolios of the specific individual Principals to be employed in the project must be submitted, which will be evaluated by the panel for relevance and scope of work delivered in portfolio.

Quality of presentation of the proposal:

- Methodology or approach.
- Understanding of project purpose and objectives.
- Quality Management steps indicated.
- Indicators and means of verifying progress.
- Clearly defined reporting and communication programme.
- Feasibility of the project

6. DELIVERABLES

- 6.1. Inception report and project plan.
- 6.2. Situational analysis report.
- 6.3. Stakeholder engagement report.
- 6.4. Urban design and planning documents.
- 6.5. Economic development strategy.
- 6.6. Infrastructure and services improvement plan.

- 6.7. Environmental sustainability strategy.
- 6.8. Safety and security plan.
- 6.9. Final urban renewal strategy – Precinct Plan
- 6.10. Implementation and monitoring plan.

All deliverables to be submitted in electronic format, shall be in a format that is compatible with the electronic software used by the Ba-Phalaborwa Local Municipality (i.e. Microsoft Windows, Microsoft office and Arc GIS (shape files) and it shall be submitted in an editable format. Bidders are required to confirm the software format in which electronic deliverables will be submitted to the Municipality, as confirmation that this requirement can be complied with. Should it be found during execution of the project that any electronic deliverables are not compatible with the above- mentioned electronic software being used by the Municipality, any expenditure required to ensure compatibility will be for the account of the service provider.

Over and above, the GIS data must further meet the following requirements:

- All maps should be in A4 size in the document
- Maps must be numbered and listed in the page of contents
- All the text in the maps and the legends must be legible
- The same map template / layout must be used throughout the document
- All maps should have the basic map elements, namely, a title, north arrow, legend, scale bar
- All the features on the map must be explained in the legend:
- Symbolology and colours must adhere to basic cartographic principles, colour coding, as well as symbolology set as defined in the Comprehensive SDF Guidelines
- All mapping must be developed at an appropriate and readable scale and
- Maps in Microsoft Word must have the corresponding Map Document (MXD) ready to be accessed in ArcGIS.

The Service Provider would be expected to submit a final consolidated report which consists of:

- Precinct Plan textual document including all maps, tables and figures in both hardcopy (full colour printed) and softcopy (electronic as MS word document) image files as (e.g.JPEG);

NB: All GIS data to be submitted, must meet the requirements as stipulated at each stage/milestone of the project. The Municipality reserves the right not to approve any stage of the project if requirements relating to GIS data are not met.

7. PROFESSIONAL TEAM

7.1. Mandatory requirement

- The Project team leader must be registered with the South African Council for Planners (SACPLAN) as a Professional Planner (Attach a copy of valid certificate).
- The bidder must provide proof of Precinct Plan development experience or related work. The submission of certified appointment letters is required.
- A Project team member must be a Professional GIS Practitioner registered with South African Geomatics Council (SAGC).
- A Project team member must be a Professional Transport Engineer registered with the Engineering Council of South Africa (ECSA).
- A project team member must be a Professional Civil Engineer registered with the Engineering Council of South Africa (ECSA).
- All team members must submit certified proof of qualification, experience and professional registration with respective Councils.
- A project team member must be a Socio-Economist with a qualification in Social Sciences or related fields. Not an eliminating factor.

7.2. Among the skills and abilities required in the team to execute the project include the following:

- Town and Regional / Urban Designer
- Professional Engineers
- Socio-economic profiling to link spatial planning proposals with areas of economic potential and to distinguish the hierarchy of settlements based on their current and future economic potential,
- Thorough understanding of Precinct Planning, strategic planning process, and urban design.
- Proven Precinct / Nodal Plan compilation experience.
- Understanding of the interrelationship amongst the following: social, economic, land use, transport and environmental issues.
- GIS Practitioner.
- Project Management.
- Facilitation, research, analytical, writing and communication skills and
- Ability to think strategically.

It is therefore recommended that the Service Provider ensures that people with relevant skills are part of the project. A company/team profile containing, among other things, names, qualifications and experience who will be directly involved in the Project must be included and submitted. This should clearly indicate what roles each team member will play. The bidding company must prove sufficient capacity to complete the Project

8. PROJECT TIMEFRAME

- ### **8.1.**
- The appointed service provide will commence work from the date of signed Service Level Agreement and will be required to complete the precinct plan during the contract period of Eight (08) months.

- 8.2. Due to the urgency of the project, it is critical that timeframes are strictly adhered to. Financial penalties will be imposed for any delay or non-compliance with time and quality requirements.

9. SUBMISSION OF INVOICES AND PAYMENTS

- 9.1. All Invoices to be submitted to the Municipality through the Project Manager and signed off by Head of the Department
- 9.2. Payments are to be done in line with project's deliverables as per the satisfaction of the project Manager.

10. PROJECT CLOSURE

- 10.1. Project will be closed once the service provider has met all deliverables and as per the project plan.

11. COMPLIANCE/RETURNABLE DOCUMENTS

- All bidders must attend the compulsory briefing sessions
- Bidder must attach signed declaration (MBD4) forms attached to the tender document
- Company registration certificate
- Original valid tax clearance certificate/ letter from SARS with valid pin code
- Power of attorneys/letter of authority for signatory if applicable
- Signed Joint venture agreement if applicable
- Certified ID copies of the directors/members/proprietors certified by SAPS not older than three (3) months
- Full registration report of Central Supplier Database (CSD) with valid reference between opening and closing date of tender advert
- Signed consent form/letter
- Proof of company registration with relevant professional council e.g. SACPLAN
- All qualification must be SAQA approved
- Statement of Municipality Accounts as proof of residential address, if leasing, provide the lease agreement and copy of the owner's statement of municipality account or the proof of residential address by a traditional authority in case of a non-ratable area for the **business and all company directors** (Not older than three months) Terms of reference fully completed and each page to be initialled

12. EVALUATION CRITERIA

The functional/technical evaluation will be based on a threshold, where bidders which fail to achieve a minimum of 70% points out of a total of 100 points on the functional/technical stage will not be considered further in the evaluation. It should be further noted that a minimum qualifying score per criteria must be met as set out in the table below:

Items	Required Expertise	Allocated points
1	<p>Company Experience <i>The bidder is required to provide proven experience in the development of Precinct Plans or similar scope of work.</i> <i>The submission of certified appointment letters is required. One appointment letter per similar project required.</i></p>	
	<p>1-2 similar projects (3 points) 3-4 similar projects (10 points) 5 or more similar projects (16 points)</p>	16
2	<p>Team Members, Expertise and Experience <i>The bidder is required to submit a resource plan which details the CV's (Qualifications and experience) of the team members. The highest ranking actively participating resource per discipline will be adjudicated according to their level of expertise and related experience.</i> <i>Participation projections per resource to be demonstrated in the proposal. Proof of Qualifications and experience must be certified.</i></p>	
2.1	CV & Qualification of the project management team	5
	leader: Qualification in Town Planning (attach certified Copy, certified by SAPS)	
	<ul style="list-style-type: none"> ▪ Undergraduate Degree: 2 points 	
	<ul style="list-style-type: none"> ▪ Honors Degree: 3 points 	
	<ul style="list-style-type: none"> ▪ Master's degree and above: 5 points 	
	Name of Team Leader: _____. <u>signed consent letter</u>	
	Registration as a Professional with SACPLAN	3
	Proven experience on Precinct Plan or with similar scope of work: (Reference letters to be submitted)	7
	1-2 similar projects (3 points)	
	3-4 similar projects (5 points)	
	5 or more similar projects (7 points)	

2.2	<p>CV and qualification of the project management team member: A Qualification in Transport Engineering (attach certified copy, certified by SAPS)</p> <ul style="list-style-type: none"> ▪ Undergraduate Degree: 2 points ▪ Honors Degree: 3 points ▪ Master's Degree and above: 5 points <p>Name of Team Member: _____.</p> <p><u>signed consent letter)</u></p>	5
	Registration as a Professional with ECSA	3
	<p>Proven experience on Transport Engineering with similar scope of work: Reference letters to be submitted)</p> <p>1-2 similar projects (3 points) 3-4 similar projects (5 points) 5 or more similar projects (7 points)</p>	5
2.3	<p>CV & Qualifications of the project management team member: A Qualification in Economics management (certified copy to be attached, certified by SAPS)</p> <ul style="list-style-type: none"> ▪ Undergraduate Degree: 2 ▪ Honours Degree: 3 ▪ Master's Degree and above: 5 <p>Name of Team Member: _____.</p> <p><u>(signed consent letter)</u></p>	5
	<p>Proven experience on Economics management profiling with similar scope of work: (Reference letters to be submitted)</p> <p>1-2 similar projects (3 points) 3-4 similar projects (5 points) 5 or more similar projects (7 points)</p>	7
2.4	<p>CV & Qualifications of the project management team member: A Qualification in Civil Engineering (certified copy to be attached, certified by SAPS)</p> <ul style="list-style-type: none"> ▪ Undergraduate Degree: 2 points ▪ Honors Degree: 3 points ▪ Master's Degree and above: 5 points <p>Name of Team Member: _____.</p>	5

	<u>signed consent letter)</u>	
	Registration as a Professional with ECSA	3
	<p>Proven experience in civil engineering with similar scope of work: (Reference letters to be submitted)</p> <p>1-2 similar projects (3 points)</p> <p>3-4 similar projects (5 points)</p> <p>5 or more similar projects (7 points)</p>	7
2.5	<p>CV & Qualification of the project management team member:</p> <p>A Qualification as a Professional GIS Practitioner (certified copy to be attached, certified by SAPS)</p> <ul style="list-style-type: none"> ▪ Undergraduate Degree: 2 points ▪ Post Graduate Degree: 3 points ▪ Master's Degree and above: 5 points <p>Name of Team Member_____</p> <p><u>signed consent letter)</u></p>	5
	Registration as a Professional with GISc	3
	<p>Proven experience with Precinct Plans or similar scope of work: (Reference letters to be submitted)</p> <p>1-2 similar projects (3 points)</p> <p>3-4 similar projects (5 points)</p> <p>5 or more similar projects (7 points)</p>	7
3	Methodology	12

	<i>Demonstrates the quality and presentation of the proposal</i>	
3.1	Proposed methodology and the implementation plan- 2 points	
3.2	Understanding of project purpose and objectives- 2 points	
3.3	Feasibility of the project- 2 points	
3.4	Indicators and means of verifying progress – 2 points	
3.5	Clear communication and reporting mechanism- 2 points	
3.6	Quality management steps indicated – 2 points	
	Total	100

NOTICE TO TENDERS: Service providers are required to score a minimum total point of 70% (70 points out of 100) on functionality only, 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
Company Experience	1	16		
Team members, Expertise and Experience	2	72		
Methodology	3	12		
TOTAL		100		

SUPPLY CHAIN POLICY USING 80/20 PREFERENCE POINT SYSTEM NOTE:
Combined specified goals (JV) will be used. 20 points will be allocated based on the specified goals points specified for the tender.

Description		Maximum points to be allocated	Points claimed by tenderer	Allocated points
Price (80 points)	Price	80		
	Sub-total	80		
Specified goals (20 points)	Specified goals status level of contributor	20		
	Sub-total	20		
TOTAL		100		

Specified goals Notes: For disability points medical certificate must be submitted

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

COMPULSORY MUNICIPAL BID DOCUMENTS

INVITATION TO BID

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

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)

<p>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</p>

(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)

<p>THE FOLLOWING PARTICULARS MUST BE FURNISHED</p> <p>(FAILURE TO DO SO MAY RESULT IN YOUR BID BEING DISQUALIFIED)</p>
--

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.....

MBD 2

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, 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

**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	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 OR 90/10 PREFERENCE POINT SYSTEMS

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

80/20

or

90/10

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

Where

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

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

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

1. GENERAL CONDITIONS

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

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

1.2 To be completed by the organ of state

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

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

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

1.4 To be completed by the organ of state:

The maximum points for this tender are allocated as follows:

	POINTS
PRICE	80
SPECIFIC GOALS	20
Total points for Price and SPECIFIC GOALS	100

1.5 Failure on the part of a tenderer to submit proof or documentation required in terms of this tender to claim points for specific goals with the tender, will be interpreted to mean that preference points for specific goals are not claimed.

1.6 The organ of state reserves the right to require of a tenderer, either before a tender is adjudicated or at any time subsequently, to substantiate any claim in regard to preferences, in any manner required by the organ of state

2. DEFINITIONS

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

3. FORMULAE FOR PROCUREMENT OF GOODS AND SERVICES

3.1. POINTS AWARDED FOR PRICE

3.1.1 THE 80/20 PREFERENCE POINT SYSTEMS

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

80/20

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

P_{\min}

P_s = Points scored for price of tender under consideration

P_t = Price of tender under consideration

P_{\min} = Price of lowest acceptable tender

4. POINTS AWARDED FOR SPECIFIC GOALS

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

- (a) an invitation for tender for income-generating contracts, that either the 80/20 or 90/10 preference point system will apply and that the highest acceptable tender will be used to determine the applicable preference point system: or
- (b) any other invitation for tender, that either the 80/20 or 90/10 preference point system will apply and that the lowest acceptable tender will be used to determine the applicable preference point system, then the organ of state must indicate the points allocated for specific goals for both the 90/10 and 80/20 preference point system.

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

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

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

The specific goals allocated points in terms of this tender	Number of points allocated (80/20 system) (To be completed by the organ of state	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 • 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 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

DATE

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

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

SIGNED ATON.....

NAME (PRINT)

SIGNATURE

OFFICIAL STAMP

WITNESSES

3.

4.

DATE

DECLARATION OF BIDDER'S PAST SUPPLY CHAIN MANAGEMENT PRACTICES

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

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

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

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: