# BA-PHALABORWA LOCAL MUNICIPALITY



**CONTRACT NO. 14/24/25**

**REFURBISHMENT OF NAMAKGALE STADIUM**

T2.2 RETURNABLE DOCUMENTS

**RETURNABLE DOCUMENTS REQUIRED FOR TENDER EVALUATION PURPOSES**

**FORM A: COMPULSORY ENTERPRISE QUESTIONNAIRE**

In the case of a Joint Venture – This questionnaire is to be completed and submitted in respect of each partner.

**1. Name of Enterprise**: ………………………………………………………………………………………..

**2. VAT Registration number, if any**: ………………………………………………………………………….

**3. CIDB Registration number**: ………………………………………………………………………………….

1. **Particulars of sole proprietors and partners in partnership:**

|  |  |  |
| --- | --- | --- |
| **Name** | **Identity Number** | **Personal Income Tax Number** |
|  |  |  |
|  |  |  |
|  |  |  |
|  |  |  |

\* Complete only if sole proprietor or partnership and attach separate page if more than 4 partners.

1. **Particulars of companies and close corporations:**

Company Registration Number: …………………………………………………………………………………..

Close Corporation Number: ………………………………………………………………………………………..

Tax reference Number: ……………………………………………………………………………………………..

1. **Record in the service of the state:**

Indicate by marking the relevant boxes with a cross, if any sole proprietor, partner in a partnership of director, manager, principal stakeholder or stakeholder in a company or close corporation is currently of has been within the last 12 months in the service of any of the following:

* + a member of any municipal council
  + a member of any provincial legislature
  + a member of the National Assembly or the National Council of Province
  + a member of the board of Directors of any Municipal entity
  + an official of any municipality or municipal entity
  + an employee of any provincial department, national or provincial public entity or constitutional institution within the meaning of the Public Finance Management Act, 1999 (Act 1 of 1999)
  + a member of an accounting authority of any national or provincial public entity
  + an employee of Parliament or a provincial legislature

If any of the above boxes are marked, disclose the following information:

|  |  |  |  |
| --- | --- | --- | --- |
| **Name of sole proprietor, partner, director, manager or principal stakeholder or**  **stakeholder** | **Name of Institution, public office, board or organ of state and position held** | **Status of service (tick appropriate column)** | |
| **Current** | **Within the last 12 months** |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |

Signed…………………………………………. Date……………………………………….

Name…………………………………………….. Position……………………………………

Tenderer……………………………………………………………………………………………….

**FORM B: INVITATION TO BID**

**MBD 1**

**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.**

1. The bid box is generally open 24 hours a day, 7 days a week.
2. 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

1. **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 HAS A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE BEEN SUBMITTED? (MBD 6.1) YES/NO IF YES, WHO WAS THE CERTIFICATE ISSUED BY?

AN ACCOUNTING OFFICER AS CONTEMPLATED IN THE CLOSE CORPORATION ACT (CCA) □ A VERIFICATION AGENCY ACCREDITED BY THE SOUITH AFRICAN NATIONAL ACCREDITATION SYSTEM (SANAS) □ A REGISTERED AUDITOR □

(Tick applicable box)

(**A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE MUST BE SUBMITTED IN ORDER TO QUALIFY FOR PREFERENCE POINTS FOR B-BBEE**)

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…………………………………

**FORM C: TAX CLEARANCE CERTIFICATE**

**MBD 2**

**T AX 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.](http://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.](http://www.sars.gov.za/)
6. Exemption to the provision of a Tax Clearance Certificate will be granted provided that:
   1. 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
   2. 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.

**FORM D: RECORD OF ADDENDA TO TENDER DOCUMENTS**

* Was the Addendum issued? **YES NO**

|  |  |  |
| --- | --- | --- |
| We confirm that the following communication received from the Employer before the submission of this tender offer, amending the tender documents, have been taken into account in this tender offer: | | |
|  | **Date** | **Title of Details** |
|  |  |  |
|  |  |  |
|  |  |  |
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|  |  |  |

Signed…………………………………………. Date……………………………………….

Name…………………………………………….. Position……………………………………

### Tenderer……………………………………………………………………………………………….

**FORM E: MBD 4**

**DECLARATION OF INTEREST MBD4**

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 authorised representative declare their position in relation to the evaluating/adjudicating authority and/or take an oath declaring his/her interest.
3. **In order to give effect to the above, the following questionnaire must be completed and submitted with the bid. Also select the applicable answers** 
   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: ………………………………..……………………………..……

* 1. The names of all directors / trustees / shareholders members, their individual identity numbers and state employee numbers must be indicated in paragraph 4 below.
  2. Are you presently in the service of the state\*
     1. If yes, furnish particulars.

……………..…………………………………….…………..……………………………………...

………………………………………………………..…………………..…………………………

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

#### a member of –

1. any municipal council;
2. any provincial legislature; or
3. the national Assembly or the national Council of provinces;
4. a member of the board of directors of any municipal entity;
5. an official of any municipality or municipal entity;
6. 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);
7. a member of the accounting authority of any national or provincial public entity; or
8. an employee of Parliament or a provincial legislature.

**MBD4**

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

* 1. Have you been in the service of the state for the past twelve months? **YES**  **/ NO** 
     1. If yes, furnish particulars

………………….…………….......……………………………………………….………………

……………..………………………………………………………………………………………

* 1. Do you, have any relationship (family, friend, other) with person in the service of the state and who may be involved with the evaluation and or adjudication of

this bid? **YES**  **/ NO** 

* + 1. If yes, furnish particulars

…………………………….……………………..…………..…………………..…………………

………………………………………………………………………………………………………

* 1. Are you, aware of any relationship (family, friend, other) between bidder and any persons in the service of the state who may be involved with the evaluation and adjudication of this bid? **YES**  **/ NO** 
     1. If yes, furnish particulars

…………………………………………………………………………..………………………….

………………………………………………………………………………………………………

* 1. Are any of the company’s directors, managers, principle shareholders or stakeholders in service of the state? **YES**  **/ NO** 
     1. If yes, furnish particulars

…………………………………………………………………………………..…..………………

……………………………………….…………………..…………………………………………

* 1. Are any spouse, child or parent of the company’s directors, trustees, managers, principle shareholders or stakeholders in service of the state? **YES**  **/ NO** 
     1. If yes, furnish particulars

………………………………………….………...…………………………………………………

……………………………………………..……………………………………………………….

* 1. Do you or any of the directors, trustees, managers, principle shareholders, or stakeholders of this company have any interest in any other companies or business whether or not they are bidding for this contract? **YES**  **/ NO** 
     1. If yes furnish particulars:

…………………………………………………………………………….………………………..

…………………………………………………………………………….………………………..

**MBD4**

Full details of directors / trustees / members / shareholders.

|  |  |  |
| --- | --- | --- |
| **Full Name** | **Identity Number** | **Employee Number** |
|  |  |  |
|  |  |  |
|  |  |  |
|  |  |  |
|  |  |  |
|  |  |  |
|  |  |  |
|  |  |  |

**CERTIFICATION**

**I, THE UNDERSIGNED**

**(NAME) …………………………………………………………………………………….…………**

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

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

…………………………………….……….… …………………………….

Signature Date

……………………………………………..… …………………………………………… Capacity Name of Bidder

**FORM F: MBD 5**

**MBD 5**

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

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

1. Are you by law required to prepare annual financial statements for auditing? **\*YES / NO**
   1. If yes, submit audited annual financial statements for the past three years or since the date of establishment if established during the past three years. **\*YES / NO**

………………………………………………………………

………………………………………………………………

1. Do you have any outstanding undisputed commitments for municipal services towards any municipality for more than three months or any other service provider in respect of which payment is overdue for more than 30 days? **\*YES / NO**
   1. If no, this serves to certify that the bidder has no undisputed commitments for municipal services towards any municipality for more than three months or other service provider in respect of which payment is overdue for more than 30 days. **\*YES / NO**
   2. If yes, provide particulars.

………………………………………………………………

……………………………………………………………….

……………………………………………………………….

……………………………………………………………..

1. Has any contract been awarded to you by an organ of state during the past five years, including particulars of any material non-compliance or dispute concerning the execution of such contract?

**\*YES / NO**

* 1. If yes, furnish particulars

*……………………………………………………………….*

……………………………………………………

\* Delete if not applicable

### Will any portion of goods or services be sourced from outside the Republic, and, if so, what portion and whether any portion of payment from the municipality / municipal entity is expected to be transferred out of the Republic? **\*YES / NO**

* 1. If yes, furnish particulars

……………………………………………………..

……………………………………………………..

**CERTIFICATION**

**I, THE UNDERSIGNED (NAME) CERTIFY**

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

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

**………………………………….. ……………………………………..**

**Signature Date**

**………………………................. …………………………………….**

**Position Name of Bidder**

**FORM G: MBD 6.1**

**MBD 6.1**

**PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIALPROCUREMENT REGULATIONS 2011**

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

**NB: BEFORE COMPLETING THIS FORM, BIDDERS MUST STUDY THE GENERAL CONDITIONS, DEFINITIONS AND DIRECTIVES APPLICABLE IN RESPECT OF B-BBEE, AS PRESCRIBED IN THE PREFERENTIAL PROCUREMENT REGULATIONS, 2017.**

1. **GENERAL CONDITIONS**
   1. The following preference point systems are applicable to all bids:
      * 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).
   2. The value of this bid is estimated to not exceed R50 000 000 (all applicable taxes included) and therefore the 80/20 specific point system shall be applicable; or
   3. Points for this bid shall be awarded for:
2. Price; and
3. Specific Points System.
   1. The maximum points for this bid are allocated as follows:

|  |  |
| --- | --- |
|  | **POINTS** |
| **PRICE** | 80 |
| **SPECIFIC POINTS SYSTEM** | 20 |
| **Total points for Price and specific points must not exceed** | **100** |

T2.2.12

|  |  |  |
| --- | --- | --- |
| 2. |  | **POINTS AWARDED FOR PRICE** |

* 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**

**** or ****

Where

Ps = Points scored for price of bid under consideration

Pt = Price of bid under consideration

Pmin = Price of lowest acceptable bid

1. **POINTS AWARDED FOR SPECIFIC POINTS SYSTEM**

|  |  |  |
| --- | --- | --- |
| **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** |  |

T2.2.13

**MBD 6.1**

1. **BID DECLARATION**
   1. Bidders who claim points in respect of B-BBEE Status Level of Contribution must complete the following:
2. **SPECIFIC POINTS CLAIMED IN TERMS OF PARAGRAPHS 1.4 AND 4.1**
   1. SPECIFIC POINTS = ………(maximum of 10 or 20 points)

(Points claimed in respect of paragraph 7.1 must be in accordance with the table reflected in paragraph 4.1 and must be substantiated by relevant proof of specific points.

1. **SUB-CONTRACTING**
   1. Will any portion of the contract be sub-contracted? (***Tick applicable box***)

|  |  |  |  |
| --- | --- | --- | --- |
| YES |  | NO |  |

* + 1. If yes, indicate:
       1. What percentage of the contract will be subcontracted %
       2. The name of the sub-contractor…………………………………………………………..

iii) The B-BBEE status level of the sub-contractor......................................……………..

1. Whether the sub-contractor is an EME or QSE

***(Tick applicable box***)

|  |  |  |  |
| --- | --- | --- | --- |
| YES |  | NO |  |

1. **Specify, by ticking the appropriate box, if subcontracting with an enterprise in terms of Preferential Procurement Regulations,2017:**

|  |  |  |
| --- | --- | --- |
| **Designated Group: An EME or QSE which is at last 51% owned by:** | **EME**  **√** | **QSE**  **√** |
| Black people |  |  |
| Black people who are youth |  |  |
| Black people who are women |  |  |
| Black people with disabilities |  |  |
| Black people living in rural or underdeveloped areas or townships |  |  |
| Cooperative owned by black people |  |  |
| Black people who are military veterans |  |  |
| **OR** | | |
| Any EME |  |  |
| Any QSE |  |  |

1. **DECLARATION WITH REGARD TO COMPANY/FIRM**

8.1 Name of company/firm :…………………………………………………………………….

8.2 VAT registration number :…………………………………………………………………….

8.3 Company registration number :…………………………………………………………………….

**MBD 6.1**

* 1. **TYPE OF COMPANY/ FIRM**
* Partnership/Joint Venture / Consortium
* One person business/sole propriety
* Close corporation
* Company
* (Pty) Limited

[TICK APPLICABLE BOX]

* 1. **DESCRIBE PRINCIPAL BUSINESS ACTIVITIES**

………….....................................................................................................................................................

……………… .............................................................................................................................................

…………….. ...............................................................................................................................................

* 1. **COMPANY CLASSIFICATION**
* Manufacturer
* Supplier
* Professional service provider
* Other service providers, e.g. transporter, etc.

[TICK APPLICABLE BOX]

* 1. **MUNICIPAL INFORMATION**

Municipality where business is situated……………………………………………………

Registered Account Number …………………………….

Stand Number ……………………………………………….

* 1. Total number of years the company/firm has been in business? …………
  2. I/we, the undersigned, who is / are duly authorised to do so on behalf of the company/firm, certify that the points claimed, based on the B-BBE status level of contributor indicated in paragraphs 1.4 and 6.1 of the foregoing certificate, qualifies the company/ firm for the preference(s) shown and I / we acknowledge that:

1. The information furnished is true and correct;
2. The preference points claimed are in accordance with the General Conditions as indicated in paragraph 1 of this form;
3. In the event of a contract being awarded as a result of points claimed as shown in

paragraphs 1.4 and 6.1, the contractor may be required to furnish documentary proof to the satisfaction of the purchaser that the claims are correct;

1. If the B-BBEE status level of contributor has been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the purchaser may, in addition to any other remedy it may have –
   1. disqualify the person from the bidding process;
   2. recover costs, losses or damages it has incurred or suffered as a result of that person’s conduct;
   3. 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;
   4. recommend that the bidder or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, be restricted by the National Treasury 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
   5. forward the matter for criminal prosecution.

WITNESSES

1. ……………………………………..

2. …………………………………….

…………………………………..

…………………………………..

…………………………………..

…………………………………..

DATE:

ADDRESS

………………………………………. SIGNATURE(S) OF BIDDERS(S)

**FORM H: MBD 6.2**

**MBD 6.2**

**DECLARATION CERTIFICATE FOR LOCAL PRODUCTION AND CONTENT**

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

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

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

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





LC = 1 x 100

Where

* + 1. imported content
    2. bid price excluding value added tax (VAT)

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

* 1. A bid will be disqualified if:
* the bidder fails to achieve the stipulated minimum threshold for local production and content indicated in paragraph 3 below; and.
* this declaration certificate is not submitted as part of the bid documentation.

**MBD 6.2**

1. **Definitions**
   1. **“bid”** includes advertised competitive bids, written price quotations or proposals;
   2. **“bid price”** price offered by the bidder, excluding value added tax (VAT);
   3. **“contract”** means the agreement that results from the acceptance of a bid by an organ of state;
   4. **“designated sector”** means a sector, sub-sector or industry that has been designated by the Department of Trade and Industry in line with national development and industrial policies for local production, where only locally produced services, works or goods or locally manufactured goods meet the stipulated minimum threshold for local production and content;
   5. **“duly sign”**means a Declaration Certificate for Local Content that has been signed by the Chief Financial Officer or other legally responsible person nominated in writing by the Chief Executive, or senior member / person with management responsibility(close corporation, partnership or individual).
   6. **“imported content”** means that portion of the bid price represented by the cost of components, parts or materials which have been or are still to be imported (whether by the supplier or its subcontractors) and which costs are inclusive of the costs abroad, plus freight and other direct importation costs, such as landing costs, dock duties, import duty, sales duty or other similar tax or duty at the South African port of entry;
   7. **“local content”** means that portion of the bid price which is not included in the imported content, provided that local manufacture does take place;
   8. **“stipulated minimum threshold”** means that portion of local production and content as determined by the Department of Trade and Industry; and
   9. **“sub-contract”** means the primary contractor’s assigning, leasing, making out work to, or employing another person to support such primary contractor in the execution of part of a project in terms of the contract.
2. **The stipulated minimum threshold(s) for local production and content for this bid is/are as follows:**

**(a) Description of services, works or goods Stipulated minimum threshold**

%

%

%

1. Does any portion of the services, works or goods offered

have any imported content? YES / NO

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

The relevant rates of exchange information is accessible on [www.reservebank.co.za.](http://www.reservebank.co.za/)

**MBD 6.2**

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

|  |  |
| --- | --- |
| **Currency** | **Rates of exchange** |
| US Dollar |  |
| Pound Sterling |  |
| Euro |  |
| Yen |  |
| Other |  |

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

**LOCAL CONTENT DECLARATION BY CHIEF FINANCIAL OFFICER OR OTHER LEGALLY RESPONSIBLE PERSON NOMINATED IN WRITING BY THE CHIEF**

**EXECUTIVE OR SENIOR MEMBER/PERSON WITH MANAGEMENT RESPONSIBILITY**

**(CLOSE CORPORATION, PARTNERSHIP OR INDIVIDUAL)**

**IN RESPECT OF BID No.** .................................................................................

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

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

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

I, the undersigned, (full names), do hereby

declare, in my capacity as ……………………………………… ………..

of (name of bidder

entity), the following:

The facts contained herein are within my own personal knowledge.

I have satisfied myself that the goods/services/works to be delivered in terms of the above- specified bid comply with the minimum local content requirements as specified in the bid, and as measured in terms of SATS 1286.

The local content has been calculated using the formula given in clause 3 of SATS 1286, the rates of exchange indicated in paragraph 4.1 above and the following figures:

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

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

|  |
| --- |
| (d) I accept that the Procurement Authority / Municipality /Municipal Entity has the right to request that the local content be verified in terms of the requirements of SATS 1286. |
|  |
| (e) I understand that the awarding of the bid is dependent on the accuracy of the information furnished in this application. I also understand that the submission of incorrect data, or data that are not verifiable as described in SATS 1286, may result in the Procurement Authority / Municipal / Municipal Entity imposing any or all of the remedies as provided for in Regulation 13 of the Preferential Procurement Regulations, 2011 promulgated under the Policy Framework Act (PPPFA), 2000 (Act No. 5 of 2000). |
| **SIGNATURE: DATE:**  **WITNESS No. 1 DATE:**  **WITNESS No. 2 DATE:** |

**FORM I: MBD 8**

**MBD 8**

**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:
   1. abused the municipality’s / municipal entity’s supply chain management system or committed any improper conduct in relation to such system;
   2. been convicted for fraud or corruption during the past five years;
   3. willfully neglected, reneged on or failed to comply with any government, municipal or other public sector contract during the past five years; or
   4. been listed in the Register for Tender Defaulters in terms of section 29 of the Prevention and Combating of Corrupt Activities Act (No 12 of 2004).
4. **In order to give effect to the above, the following questionnaire must be completed and submitted with the bid.**

|  |  |  |  |
| --- | --- | --- | --- |
| **Item** | **Question** | **Yes** | **No** |
| 4.1 | Is the bidder or any of its directors listed on the National Treasury’s Database of Restricted Suppliers as companies or persons prohibited from doing business with the public sector?  (Companies or persons who are listed on this Database were informed in writing of this restriction by the Accounting Officer/Authority of the institution that imposed the restriction after the *audi alteram partem* rule was applied).  **The Database of Restricted Suppliers now resides on the National Treasury’s website(**www.treasury.gov.za**) and can be accessed by clicking on its link at the bottom of the home page.** | Yes | No |
| 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 (w** **ww.treasury.gov.za) by clicking on its link at the bottom of the home page.** | Yes | No |
| 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 | No |
| 4.3.1 | If so, furnish particulars: | | |
| 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 | No |
| 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 | No |
| 4.7.1 | If so, furnish particulars: | | |

**CERTIFICATION**

**I, THE UNDERSIGNED (FULL NAME) …………..……………………………..……**

**CERTIFY THAT THE INFORMATION FURNISHED ON THISDECLARATION 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**

**FORM J: MBD 9**

**MBD 9**

**CERTIFICATE OF INDEPENDENT BID DETERMINATION**

1. This Standard 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. Treasury Regulation 16A9 prescribes that accounting officers and accounting authorities must take all reasonable steps to prevent abuse of the supply chain management system and authorizes accounting officers and accounting authorities to:
   1. disregard the bid of any bidder if that bidder, or any of its directors have abused the institution’s supply chain management system and or committed fraud or any other improper conduct in relation to such system.
   2. cancel a contract awarded to a supplier of goods and services if the supplier committed any corrupt or fraudulent act during the bidding process or the execution of that contract.
4. This SBD 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 (SBD 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: **CONTRACT NO. 14/24/25. – REFURBISHMENT OF NAMAKGALE STADIUM.**

(Bid Number and Description)

in response to the invitation for the bid made by:

**B A-PHALABORWA LOCAL MUNICIPALITY**

(Name of Institution)

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)

### I have read and I understand the contents of this Certificate;

1. I understand that the accompanying bid will be disqualified if this Certificate is found not to be true and complete in every respect;
2. I am authorized by the bidder to sign this Certificate, and to submit the accompanying bid, on behalf of the bidder;
3. 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;
4. 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:
   1. has been requested to submit a bid in response to this bid invitation;
   2. could potentially submit a bid in response to this bid invitation, based on their qualifications, abilities or experience; and
   3. provides the same goods and services as the bidder and/or is in the same line of business as the bidder
5. 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.

1. In particular, without limiting the generality of paragraphs 6 above, there has been no consultation, communication, agreement or arrangement with any competitor regarding:
   1. prices;
   2. geographical area where product or service will be rendered (market allocation)
   3. methods, factors or formulas used to calculate prices;
   4. the intention or decision to submit or not to submit, a bid;
   5. the submission of a bid which does not meet the specifications and conditions of the bid; or
   6. bidding with the intention not to win the bid.
2. 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.
3. 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.**

## MBD 9

### 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

T2.2.26

**FORM K: AUTHORITY OF SIGNATORY**

**Notes to tenderer:**

1. **The signatory for the tenderer shall confirm his/her authority thereto by attaching on the tendering company’s letterhead a duly signed and dated copy of the relevant resolution of the board of directors/partners.**
2. **In the event that the tenderer is a joint venture, a certificate is required from each member of the joint venture clearly setting out:**
   * **authority for signatory,**
   * **undertaking to formally enter into a joint venture contract should an award be made to the joint venture,**
   * **name of designated lead member of the intended joint venture, as required by tender condition F.2.13.4.**
3. **The resolution below is given as an example of an acceptable format for authorisation, but submission of this page with the example completed shall not be accepted as authorisation of the tenderer’s signatory.**

Details of person responsible for tender process:

Name :

Contact number :

Office address :

Signatories for close corporations and companies shall confirm their authority by attaching to this form a **d uly signed and dated original or certified copy on the Company Letterhead** of the relevant resolution of their members or their board of directors, as the case may be.

## FOR COMPANIES AND CLOSE CORPORATIONS:

"By resolution of the board of directors passed on *(date) ....................................................*

### Mr .......................................................................................................................................

has been duly authorized to sign all documents in connection with the Tender for Contract Number

………………………………………………………and any Contract which may arise there from on behalf of ………………………………………………………………



(BLOCK CAPTIALS)

SIGNED ON BEHALF OF THE COMPANY ........................................................................

IN HIS CAPACITY AS ........................................................................

DATE ........................................................................

T2.2.27

### FULL NAMES OF SIGNATORY ........................................................................

AS WITNESSES: 1. …………………………………..

2. ……………………………………

## FOR JOINT VENTURES:

**Certificate of Authority for Joint Ventures**

### We, the undersigned, are submitting this tender offer in Joint Venture and hereby authorise Mr/Ms ………………………………….., authorised signatory of the company ,

acting in the capacity of lead partner, to sign all documents in connection with the tender offer an any contract resulting from it on our behalf.

**NAME OF FIRM**

Lead Partner:

CIDB Reg No: …………………

**ADDRESS**

**DULY AUTHORISED SIGNATORY**

Signature: ……………………..



Name: ………………………….

Designation: …………………..

CIDB Reg No: …………………

Signature: ……………………..

Name: ………………………….

Designation: …………………..

CIDB Reg No: …………………

Signature: ……………………..

Name: ………………………….

Designation: …………………..

CIDB Reg No: …………………

Signature: ……………………..

Name: ………………………….

Designation: …………………..

CIDB Reg No: …………………

Signature: ……………………..

Name: ………………………….

Designation: …………………..

**FORM L: SCHEDULE OF PREVIOUS EXPERIENCE**

Provide the following information on relevant previous experience (indicate specifically projects of similar or larger size and/or which is similar with regard to type of work. **T his information is material to the award of the C ontract.**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Description** | **Value (R) VAT excluded** | **Year(s) work executed** | **Reference** | | |
| **Name** | **Organisation** | **Tel no** |
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### Signed…………………………………………. Date……………………………………….

Name…………………………………………….. Position……………………………………

### Tenderer……………………………………………………………………………………………….

**FORM M: SCHEDULE OF CURRENT PROJECTS**

Provide the following information on current projects.

**C ontract**

**T his information is material to the award of the**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Description** | **Value (R)**  **VAT excluded** | **Date Appointed** | **Reference** | | |
| **Name** | **Organisation** | **Tel no** |
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Signed…………………………………………. Date……………………………………….

Name…………………………………………….. Position……………………………………

### Tenderer……………………………………………………………………………………………….

**FORM N: MUNICIPAL RATES AND TAXES**

**FORM H. DECLARATION WITH REGARDS TO MUNICIPAL SERVICES, RATES AND TAXES**

I the undersigned, declare on

behalf of (Name of Bidder) that; the bidder and (or) any of its director(s) does not owe any municipal services, rates and taxes to the municipality or any other municipality or municipal entity any amount which could be in arrears for an period for a period more than three months.

In the event that this declaration is found to be false, the bid will be rejected and found to be nonresponsive.

### Signed…………………………………………. Date……………………………………….

Name…………………………………………….. Position……………………………………

### Tenderer……………………………………………………………………………………………….

**N.B: TENDERER TO SUBMIT A COPY OF A MUNICIPAL ACCOUNT OF THE COMPANY AND/OR THAT OF ITS DIRECTOR NOT IN ARREARS AND NOT OLDER THAN THREE**

**(03) MONTHS; OR**

**IN THE EVENT THAT THE BIDDER IS LEASING, A LEASE AGREEMENT ALONG WITH THE SERVICES ACCOUNT OF THE LEASED PROPERTY SHOULD BE ATTACHED; OR A CONFIRMATION LETTER OR CLEARANCE FROM THE LOCAL MUNICIPALITY THAT MUNICIPAL SERVICES ARE NOT CHARGED/LEVIED.**

**(FAILURE TO DO SO WILL LEAD TO DISQUALIFICATION OF THE BID)**

**FORM O: PROPOSED KEY PERSONNEL**

|  |  |  |  |
| --- | --- | --- | --- |
| Please list the personnel that you intend to appoint on this contract. | | | |
| DESCRIPTION | **N ame** of Full time member | Staff to be appointed on this contract | |
| No of **Full Time**  employment | No of **Part Time**  employment |
| Contract Manager |  |  |  |
| Site Agent |  |  |  |
| Clerk |  |  |  |
| Foreman |  |  |  |
| Material Technician |  |  |  |
| Surveyor |  |  |  |
| Operators |  |  |  |
| Supervisor |  |  |  |
| Labourers |  |  |  |
| Other |  |  |  |
| 2. |  |  |  |
| 3. |  |  |  |
| 4. |  |  |  |
| 5. |  |  |  |

* Organogram must be attached as per evaluation criteria.

### Signed…………………………………………. Date……………………………………….

Name…………………………………………….. Position……………………………………

### Tenderer……………………………………………………………………………………………….

**FORM P: SCHEDULE OF PLANT AND EQUIPMENT**

|  |  |  |  |
| --- | --- | --- | --- |
| **TYPES OF PLANT** | **NUMBER OF UNITS OWNED BY**  **CONTRACTOR** | **NUMBER OF UNITS ALLOCATED**  **TO THIS CONTRACT** | |
| **OWNED** | **HIRED** |
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* Proof of ownership must be attached (certified).
* If letter of intent is used proof of ownership must also be attached (certified).

### Signed…………………………………………. Date……………………………………….

Name…………………………………………….. Position……………………………………

### Tenderer……………………………………………………………………………………………….

**FORM Q: SCHEDULE OF PROPOSED SUB-CONTRACTORS**

|  |  |
| --- | --- |
| **NAME OF SUB-CONTRACTOR** | **FULL DESCRIPTION OF WORK TO BE PERFORMED BY**  **SUB-CONTRACTOR** |
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Signed…………………………………………. Date……………………………………….

Name…………………………………………….. Position……………………………………

### Tenderer…………………………………………………………………………………

**FORM S: FINANCIAL REFERENCES**

**D ETAILS OF TENDERERS BANKING INFORMATION**

I/We hereby authorise the Client/Engineer to approach all or any of the following banks for the purposes of obtaining a financial reference:

|  |  |
| --- | --- |
| **BANK NAME:** |  |
| **ACCOUNT NAME:** *(e.g. ABC Civil Construction cc)* |  |
| **ACCOUNT TYPE:** *(e.g. Savings, Cheque etc)* |  |
| **ACCOUNT NO:** |  |
| **ADDRESS OF BANK:** |  |
| **CONTACT PERSON:** |  |
| **TEL. NO. OF BANK / CONTACT:** |  |
| **BANK RATING** |  |
| How long has this account been in existence: | (Tick which is appropriate) |

### Signed…………………………………………. Date……………………………………….

|  |  |
| --- | --- |
| 0-6 months |  |
| 7-12 months |  |
| 13-24 months |  |
| More than 24 months |  |

Name…………………………………………….. Position……………………………………

### Tenderer……………………………………………………………………………………………