***MATATIELE LOCAL MUNICIPALITY***

***PROVINCE OF THE EASTERN CAPE***

****

***INFRASTRUCTURE SERVICES DEPARTMENT***

**COMPLETION OF SILO FACILITY**

**CONTRACT No.: MATAT/2021/2022-19**

**Matatiele**

|  |
| --- |
| **Bidder**  **. . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . .**  **Total of the prices inclusive of value added tax: R . . . . . . . . . . . . . . . . . . . . . . . .** |
| ***BIDDER’S CLOSES*** *AT THE OFFICES OF:* ***MATATIELE LOCAL MUNICIPALITY******AT 10H00 AM ON FRIDAY THE 19th November 2021***  Documents are to be delivered by hand in the tender box as no faxed copies will be acceptable; the box is situated at **‘Reception’** of **MATATIELE Municipality, New Budget and Treasury Offices, Mountain View, MATATIELE.**  ***NO LATE SUBMISSION WILL BE CONSIDERED*** |
| Issued and by:  MATATIELE LOCAL MUNICIPALITY  102 MAIN STREET  MATATIELE  4730    Municipal Manager: Mr L. Matiwane  Contact person : Ms N. Sogiba  Telephone : 039 – 737 8100 |

**MATATIELE LOCAL MUNICIPALITY**

**CONTRACT NO. MATAT/2021/2022-19**

**FOR**

**COMPLETION OF SILO FACILITY**

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**DOCUMENT CHECKLIST**

This document checklist is provided to assist the tenderer.

**ITEMS CHECKED**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| 1 |  | Returnable Schedules in Section T2.2 |  |  |
|  |  |  |  |  |
| 2 |  | Correct Tender Offer carried forward to **Form of Offer and Acceptance** and  the Form of Offer duly completed and signed…………………………………..……. |  |  |
|  |  |  |
| 3 |  | Schedule of Quantities: |  | |
|  |  |  |  | |
|  | i) | Completed in **BLACK INK** only………….....………………….………….....…......... |  |  |
|  |  |  |  |  |
|  | ii) | Corrections crossed out and initialled ………………………….…….…….....…......... |  |  |
|  |  |  |  |  |
| 4 |  | Contract specific data provided by the Contractor …………….…...….....…...….. |  |  |
|  |  |  |  |  |

**T1: TENDERING PROCEDURES**

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**T1.1 TENDER NOTICE AND INVITATION TO TENDER**



**RE-ADVERTISEMENT**

**TENDER NOTICES**

Bids are hereby invited from suitably experienced Service Providers for the projects **stated below:**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **BID NO** | **DESCRIPTION** | **ADVERTISING DATE** | **CIDB GRADING** | **CLOSING DATE** |
| **MATAT/2021/2022-19** | **COMPLETION OF SILO FACILITY** | **29 OCTOBER 2021** | **4 CE OR HIGHER** | **19 NOVEMBER 2021 @ 10H00** |

Bid Documents will be available at the **Municipal Website and BTO Offices** for **a non – refundable tender fee of R300.00** payables in the Municipal bank account (Ned Bank 1011292106 brank code 198765, name of company and bid no as reference) (**Failure to attached proof of purchase will lead disqualification**) are also available from Municipal website as from **04 NOVEMBER 2021. Each Bid must be submitted separately. Briefing session and Opening of the bids will be under minimum requirements of the Covid-19 restrictions also no bidder with no face mask will be allowed.**

**Please note that there will be no compulsory briefing will be occurred due to Covid-19, the Bidders must send their questions and Comments via email within 5 days after the advert date to Project Manager Ms. N Sogiba** [**NSongiba@matatiele.gov.za**](mailto:NSongiba@matatiele.gov.za) **and Mr. S Fokazi** [**SFokazi@matatiele.gov.za**](mailto:SFokazi@matatiele.gov.za) **Acting SCM Manger.**

All bids submitted should remain valid for a period of 90 days after the bid closing date.

**1. Notes to Prospective Bidders: Compulsory submissions (Failure to submit any of the following will result in disqualification**)

* 1. Municipal clearance certificate certifying that no municipal rates and service charges owed by the bidder and any of its directors to Matatiele Municipality or to any other municipality where the bidder's business operations are located are in arrears for more than three months. If you don't pay rates you must submit both affidavit and Proof of residence from Ward Councillor, if you submit one of the two required (bidder and its directors) you will be disqualified.
  2. Certified copies of BBBEE certificate issued by a Verification Agency accredited by SANAS or a Registered Auditor or a Sworn Affidavit, Failure to submit will result in zero points score for BBBEE status level.
  3. Authority to sign section must be signed and completed in full.
  4. Copies of ID Documents and all submitted certificates must be certified
  5. The bid will be evaluated according to the preferential procurement model in the Preferential Procurement the bidders' attention is drawn to Form MBD6.1. Must complete in full
  6. Company profile with traceable references
  7. Bidders are required to submit Proposed Project Team, their CV's and qualifications.
  8. All bidders should complete MBD 1, MBD 2, MBD4, MBD 5, MBD 7, MBD 8, and MBD 9, Ethics Commitment for Suppliers of Matatiele Local Municipality.
  9. Letter of Good Standing with Compensation Fund (COID).
  10. Please note that if the Bid Document is electronically completed will be disqualified.

1. All prospective service providers of goods and services and infrastructure procurement are to be registered on Central Database in order to business with all organs of state in the Republic of South Africa.
2. Bids received after the published closing date will not be considered and will not be opened
3. Service providers are encouraged to Joint-Venture with Matatiele Local Contractors
4. **The Bids will be evaluated on the basis of the Preferential Procurement Policy Framework Act (Act No.5, 2000), and the regulations pertaining thereto (2017), as well as the Matatiele Local Municipality’s Supply Chain Management policy. 80/20 preference point system will be used. The bids will be evaluated in two stages, namely:**

• Stage 1-Price and Functionality

* Stage 2- Price and BBBEE Points

Price (80)

BBBEE Points (20)

Functionality will be evaluated as shown in the table below:

**Evaluation for Functionality**

**A MINIMUM OF 70 POINTS OUT OF 100 MUST BE SCORED FOR FUNCTIONALITY IN ORDER TO QUALIFY FOR THE SECOND STAGE OF THE EVALUATION PROCESS. ANY BID THAT FAILS TO MEET THE MINIMUM THRESHOLD FOR FUNCTIONALITY WILL BE DISQUALIFIED.**

The functionality evaluation criterion is further explained below.

|  |  |
| --- | --- |
| **Description** | **Points** |
| **Experience in the construction of silo projects** |  |
| Silo construction projects successfully completed project **(Appointment Letter, Completion Certificate and Assessment Bidder forms must be attached )** | **40** |
| 4 projects and More | 40 |
| 3 Projects | 30 |
| 2 Projects | 20 |
| 1 Project | 10 |
| **Expertise of proposed project team (attach CV and certified copies of qualifications)** Contracts Manager with a diploma in civil engineering must have experience in silo construction | **20** |
| 3 years and more | 20 |
| 2 Years | 15 |
| 1 Years | 10 |
| Site Agent must have NQF level 6 certificate in construction related qualification and must have experience in construction of silo attach CV certified certificates | **10** |
| 3 years and more | 10 |
| 2- Years | 8 |
| 1 – Year | 5 |
| Health and Safety Officer with a health and safety certificate attach CV certified certificates | 5 |
| **Plant/ equipment (proof of ownership or Signed intent to lease signed by both parties letter must be attached together with a proof of ownership from the lessor):** | **30** |
| TLB | 10 |
| CRANE TRUCK | 10 |
| 1 x 10m3 Tipper truck | 10 |
| **Total** | **100** |

5. Bid must be submitted in a sealed envelope clearly marked **“COMPLETION OF SILO FACILITY; “BID NO: MATAT/2021/2022-19** must be deposited in the Bid Box located at the New Budget and Treasury Offices, Mountain View, Matatiele 4730.

***6. Matatiele Local Municipality does not bind itself to accept the lowest or any bid and reserves the right to accept the Bid in whole or part, at the rates quoted.***

7.Technical enquiries should be directed to **Ms N Sogiba: Manager Projects, Operation and Maintenance)** at [**NSogiba@matatiele.gov.za**](mailto:NSogiba@matatiele.gov.za)and SCM enquiries to **Mr S Fokazi: SCM Manager** at **SFokazi@matatiele.gov.za** during office hours.

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**MR. L. MATIWANE**

**MUNICIPAL MANAGER**

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## T1.2 TENDER DATA

## T1.2 TENDER DATA

The Tender Data shall be read with the Standard Conditions of Tender in order to expand on the Tenderer’s obligations and the Employer’s undertakings in administering the tender process in respect of the project under consideration.

The Tender Data hereafter shall have precedence in the interpretation of any ambiguity or inconsistency between it and the Standard Conditions of Tender.

Each item of Tender Data given below is cross-referenced to the relevant clause in the Standard Conditions of Tender. The Conditions of Tender are the Standard Conditions of Tender as contained in Annex F of the CIDB Standard for Uniformity in Construction Procurement, as printed in Board Notice 94 of 2006 in the Government Gazette No. 29138 of 2006 dated 18 August 2006.

The Standard Conditions of Tender make several references to the Tender Data which specifically applies to this tender. The Tender Data shall have precedence in the interpretation of any ambiguity or inconsistency between it and the Standard Conditions of Tender. Each item of Tender Data given below is cross-referenced to the relevant clause in the Standard Conditions of Tender.

**Tender Data Applicable to this Tender**

| **Clause Number** | **Data / Wording** |
| --- | --- |
| **F.1.2** | The **Tender Documents** consist of the following:  (a) This **Project Document**, which contains the following:  **PART T1: TENDERING PROCEDURES**  T1.1 Tender Notice and Invitation to Tender  T1.2 Tender Data  **PART T2: RETURNABLE DOCUMENTS**  T2.1 List of Returnable Documents  T2.2 Returnable Schedules  **PART C1: AGREEMENTS AND CONTRACT DATA**  C1.1 Form of Offer and Acceptance  C1.2 Contract Data  C1.3 Form of Guarantee  C1.4 Agreement in terms of Section 37(2) of the Occupational Health and Safety Act No. 85 of 1993  C1.5 Transfer of rights  **PART C2: PRICING DATA**  C2.1 Pricing Instructions  C2.2 Schedule of Quantities    **PART C3: SCOPE OF WORKS**  C3.1 Standard Specifications  C3.2 Project Specifications  C3.3 Particular Specifications  **PART C4: SITE INFORMATION**  C4.1 Locality Plan  C4.2 Example of Contract Signboard Details  C4.3 Drawings  (b) **Drawings** (Attached under Page C 4.3)  (c) **`General Conditions of Contract for Construction Works – New Edition 2010’** issued by the South African Institution of Civil Engineering (abbreviated title ‘General Conditions of Contract 2010’- GCC 2010). This document is obtainable separately and Tenderers shall obtain their own copy.  (d) **‘The COLTO Standard Specifications for Road and Bridge Works for State Road Authorities 1998 edition’.** This document is obtainable separately and Tenderers shall obtain their own copy.  (e) **‘The Occupational Health and Safety Act No 85 and Amendment Act No 181 of 1993, and the Construction Regulations 2003’ (Government Gazette No 25207 of 18 July 2003, Notice No R1010).** This document is obtainable separately and Tenderers shall obtain their own copy.  In addition, Tenderers are advised, in their own interest, to obtain their own copies of the following Acts, Regulations and Standards referred to in this document as they are essential for the Tenderer to become acquainted with the basics of construction management, the implementation of preferential construction procurement policies, and participation of targeted enterprises and labour:  (i) The Construction Industry Development Board Act No. 38 of 2000 as amended and the Regulations in terms of the CIDB Act 38 of 2000, Government Notice No 692 of 9 June 2004. |
| **F.1.4** | The Accounting Officer is:  Name: Mr L Matiwane  Tel: (039) 737 8100  Fax : (039) 737 3611  E-mail: lmatiwane@matatiele.gov.za |
| **F.2.1** | A Tenderer will not be eligible to submit a tender if:  (a) the Contractor submitting the tender is under restrictions or has principals who are under restriction to participate in the Employer’s procurement due to corrupt or fraudulent practices;  (b) the Tenderer does not have the legal capacity to enter into the contract;  (c) the Contractor submitting the tender is insolvent, in receivership, bankrupt or being wound up, has his affairs administered by a court or a judicial officer, has suspended his business activities, or is subject to legal proceedings in respect of the foregoing;  (d) The Tenderer does not comply with the legal requirements stated in the Employer’s procurement policy;  e) The Tenderer cannot demonstrate that he possesses the necessary professional and technical qualifications and competence, financial resources, equipment and other physical facilities, managerial capability, personnel, experience and reputation to perform the contract;  (f) The Tenderer cannot provide proof that he is in good standing with respect to duties, taxes, levies and contributions required in terms of legislation applicable to the work in the contract.  (g) The Tenderer cannot demonstrate that he will have in his employ during the contract period the necessary personnel satisfying the requirements of the Scope of Work for labour-intensive competencies for management and supervisory personnel.  Only Tenderers meeting the Construction Industry Development Board (CIDB) contractor grading designation of **3GB,** as defined in the Regulations (01 June 2004 as amended) in terms of the CIDB Act 38 of 2000, are eligible to submit tenders for this contract:  In terms of the MATATIELE Municipality Supply Chain Management Policy Guideline, all suppliers of goods and services to the MATATIELE Municipality are required to register on the Database.   1. Application forms may be obtained by phoning **039 737 8100** |
| **F.2.7** | The arrangements and venue for the compulsory Clarification Meeting are:  Venue:    Date:  Contact person: Ms N.Sogiba  Tel: (039) 737 8100  Fax : (039) 737 3611  Email : nsogiba@matatiele.gov.za |
| **F.2.8** | Change ‘five working days’ to ‘seven working days’. Working days shall be from Monday to Friday and shall exclude all gazetted public holidays. |
| **F.2.10** | All tenderers must be registered for Value Added Tax (VAT) with the South African Revenue Services (SARS). |
| **F.2.12** | The requirements are as described in **Clause 1212 ‘ALTERNATIVE DESIGNS AND OFFERS’** of ‘The COLTO Standard Specification for Road and Bridge Works for State Road Authorities 1998 edition’. |
| **F.2.13** | **F.2.13.3** Tender offers shall be submitted as an original only. Under no circumstances whatsoever may the tender forms be retyped or redrafted. Photocopies of the original tender documentation may be used, but an original signature must appear on such photocopies.  **F.2.13.5** The Employer’s address for delivery of tender offers and identification details to be shown on each tender offer package are:  **Location of Tender Box:** In the Foyer, Matatiele Local Municipality  **Physical Address:** Mountain View Offices, (BTO), Matatiele  **Identification Details: COMPLETION OF SILO FACILITY** Contract No. MATAT/2021/2022-19  **F.2.13.6** A two-envelope system will **not be followed**. |
| **F.2.15** | The closing time for submission of Tender Offers is:  **10H00 AM on 19TH November 2021**  Telegraphic, telephonic, telex, facsimile, electronic, e-mailed and late tenders will not be accepted. |
| **F.2.16** | The tender offer validity period is **90 days** from the closing time for submission of tenders. |
| **F.2.18** | The tenderer must submit to the Employer the names of all management and supervisory staff that will be employed to supervise the labour-intensive portion of the works together with satisfactory evidence that such staff members satisfy the eligibility requirement. |
| **F.2.19** | Access shall be provided for inspections and testing by personnel acting on behalf of the Employer. |
| **F.2.22** | This is not applicable. |
| **F.2.23** | The certificates as required in the Returnable Schedules and Forms must be provided with the tender for each party to a consortium / joint venture. |
| **F.3.1** | Change ‘five working days’ to ‘seven working days’. Working days shall be from Monday to Friday and shall exclude all gazetted public holidays. |
| **F.3.2** | Change ‘seven days’ to ‘five working days’. Working days shall be from Monday to Friday and shall exclude all gazetted public holidays. |
| **F.3.4** | The time and location for opening of the tender offers are:  Time: **10H00 AM** Date: **19TH November 2021.**  Location / Venue: Matatiele Local Municipality, Mountain View Offices, (BTO) Reception. |
| **F.3.5** | A two-envelope system will **not be followed**. |
| **F.3.8** | **Test for responsiveness**  **F.3.8.1** Determine, after opening and before detailed evaluation, whether each tender offer properly received:   1. complies with the requirements of these Conditions of Tender, 2. has been properly and fully completed and signed, and 3. is responsive to the other requirements of the tender documents.   **F.3.8.2** A responsive tender is one that conforms to all the terms, conditions, and specifications of the tender documents without material deviation or qualification. A material deviation or qualification is one which, in the Employer's opinion, would:   1. a) detrimentally affect the scope, quality, or performance of the works, services or supply identified in the Scope of Work, 2. b) significantly change the Employer's or the tenderer's risks and responsibilities under the contract, or 3. c) affect the competitive position of other tenderers presenting responsive tenders, if it were to be rectified.   Reject a non-responsive tender offer, and not allow it to be subsequently made responsive by correction or withdrawal of the non-conforming deviation or reservation. |
| **F.3.11**  **F.3.11.1**  **F.3.11.2** | **Evaluation of tender offers**  The procedure for evaluation of responsive Tender Offers will be Method 2:  Financial offer and preferences.  The procedure for the evaluation of responsive tenders is Method 2 (Price and Preferences). The weighting of tender price and preferences of the tenderer will be done by way of a point system:  For contracts not exceeding a potential value of R50 000 000-00   * 80 points are assigned to price; and * 20 points are assigned to BBBEE status.     The total points for Price and BBBEE points must add up to 100 points. The financial offer will be scored using Formula:  **Formula for scoring the Tender Price**  **Pp = A x (1 – Pt – Pmin)**  **Pmin**    Where  **Pp** = Preference points for price of tender under consideration;  **A**= Points allocated to price (maximum 90 or 80);  **Pt** = Rand value of tender under consideration; and  **Pmin** = Rand value of the lowest acceptable tender.  **B-BBEE Level Points (20 points)**  **B-BBEE Points Status Level Contributor (Max =20 points)**   |  |  |  | | --- | --- | --- | | **B-BBEE Status Level of Contributor** | **Number of points**  **(90/10 system)** | **Number of points**  **(80/20 system)** | | 1 | 10 | 20 | | 2 | 9 | 18 | | 3 | 6 | 14 | | 4 | 5 | 12 | | 5 | 4 | 8 | | 6 | 3 | 6 | | 7 | 2 | 4 | | 8 | 1 | 2 | | Non-compliant contributor | 0 | 0 |   **Determination of Scores**  Entities that meet the set target for a particular element will get a full score. For entities whose tendered and verified targets are less than the set ones, the score shall be on a pro-rata basis. The typical formula that could be used in calculating the scores is as per the SCM Policy of the MATATIELE Local Municipality.  **Total Scores for Price and B-BBEE Status**  The points scored for a tenderer in respect of Price must be added to the points scored for B-BBEE Status. Only the tender with the highest number of points may be selected, except in those instances identified in the SCM Policy  Framework of the MATATIELE Municipality. |
| **F.3.13** | **F.3.13.1** The legal requirements for acceptance of the tender offer are:   1. **Tender Defaulters Register** - the Tenderer or any of its principals is not listed on the register of Tender Defaulters in terms of the Prevention and Combating of Corrupt Activities Act of 2004 as a person prohibited from doing business with the public sector. 2. **Abuse of the SCM System** - the Tenderer has not abused the Employer’s Supply Chain Management System and has not been given a written notice to the effect that he has failed to perform on any previous contract. 3. **Declaration** - the Tenderer has indicated and declared whether or not a spouse, child or parent of the Tenderer is in the service of the State. 4. **Fraud and Corruption** - the Employer is satisfied that the Tenderer or any of his principals have not influenced the tender offer and acceptance by the following criteria:   (i) having offered, promised or given a bribe or other gift or remuneration to any person in connection with the obtaining of this Contract;  (ii) having acted in a fraudulent or corrupt manner in obtaining this Contract;  (iii) having approached an officer or employee of the Employer or the Employer’s Agent with the object of influencing the award of a Contract in the Tenderer’s favour;  (iv) having entered into any agreement or arrangement, whether legally binding or not, with any other person, firm or company to refrain from Tendering for this Contract or as to the amount of the Tender to be submitted by either party;  (v) having disclosed to any other person, firm or company other than the Employer, the exact or approximate amount of his proposed Tender.  The Employer may, in addition to using any other legal remedies, repudiate the Tender offer and acceptance and declare the Contract invalid should it have been concluded already. |
| **F.3.18** | The number of paper copies of the signed contract to be provided by the Employer is **one (1)**. |

## T2. RETURNABLE DOCUMENTS

**T2: RETURNABLE DOCUMENTS**

## T2.1 LIST OF RETURNABLE DOCUMENTS

1. This Project Document must be submitted as a whole and shall not be taken apart or altered in any way whatsoever. The following schedules and forms are contained in this document and are to be properly completed as required:
   1. Returnable Schedules in T2.2.
   2. C1.1 Form of Offer and Acceptance, A. Offer, on page C3.
   3. Contract Specific Data Provided by the Contractor in C1.2.2 Part B.
   4. Pricing Data in C2.2: Schedule of Quantities.

## T2.2 RETURNABLE SCHEDULES

1. CERTIFICATE OF ATTENDANCE (Not Compulsory) T26
2. RECORD OF ADDENDA TO TENDER DOCUMENTS T27
3. COMPULSORY ENTERPRISE QUESTIONNAIRE T28
4. CERTIFICATE OF AUTHORITY T30
5. PLANT AND EQUIPMENT T35
6. EXPERIENCE OF TENDERER T36
7. PROPOSED SUB CONTRACTORS T37
8. KEY PERSONNEL T38
9. DEVIATIONS AND QUALIFICATIONS T41
10. CONTRACTOR'S HEALTH AND SAFETY DECLARATION T42
11. TAX CLEARANCE CERTIFICATE T44
12. PREFERENCING SCHEDULE (FOR CONTRACT PARTICIPATION GOALS) T45

MBD…………………………… 1

MBD…………………………… 2

MBD………………………….... 4

MBD………………………….... 7.1

MBD………………………….... 8

MBD………………………….... 9

1. TENDERER’S PARTICIPATION IN JOB CREATION USING LOCAL LABOUR T19
2. ETHICS COMMITMENT FOR SUPPLIERS OF THE MATATIELE LM………………. T22

NOTE: The Tenderer is required to complete each and every schedule and form listed above to the best of his ability as the evaluation of tenders and the eventual contract will be based on the information provided by the Tenderer. Failure of a Tenderer to complete the schedules and forms to the satisfaction of the Employer may lead to rejection on the grounds that the tender is not responsive.

**B.** RECORD OF ADDENDA TO TENDER DOCUMENTS

I / We confirm that the following communications received from the Employer or his representative before the date of submission of this tender offer, amending the tender documents, have been taken into account in this tender offer and are attached hereto.

|  |  |
| --- | --- |
| **ADDENDUM No.** | **DATE** |
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***Please attach all Addenda to this page***

SIGNATURE: ...............................................……... DATE: ….............................

(Of person authorised to sign on behalf of the Tenderer)

**C.** COMPULSORY ENTERPRISE QUESTIONNAIRE

|  |
| --- |
| The following particulars must be furnished. In the case of a joint venture, **separate** enterprise questionnaires in respect of each partner must be completed and submitted. |
| **Section 1: Name of enterprise:** . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . |
| **Section 2: VAT registration number, if any:** . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . |
| **Section 3: CIDB registration number, if any:** . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . |
| **Section 4: Particulars of sole proprietors and partners in partnerships**   |  |  |  | | --- | --- | --- | | **Name\*** | **Identity number\*** | **Personal income tax number\*** | |  |  |  | |  |  |  | |  |  |  |   **\*** Complete only if sole proprietor or partnership and attach separate page if more than 3 partners |
| **Section 5: Particulars of companies and close corporations**  Company registration number . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . .  Close corporation number . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . .  Tax reference number . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . |
| **Section 6: Record of service of the state**  Indicate by marking the relevant boxes with a cross, if any sole proprietor, partner in a partnership or director, manager, principal shareholder or stakeholder in a company or close corporation is currently serving or has served within the last 12 months as 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:**   |  |  |  |  | | --- | --- | --- | --- | | **Name of sole proprietor, partner, director, manager, principal shareholder or stakeholder** | **Name of institution, public office, board or organ of state and position held** | **Status of service**  **(tick appropriate column)** | | | **current** | **Within last 12 months** | |  |  |  |  | |  |  |  |  | |  |  |  |  |   \*insert separate page if necessary |

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| **Section 7: Record of spouses, children and parents in the service of the state**  Indicate by marking the relevant boxes with a cross, if any spouse, child or parent of a sole proprietor, partner in a partnership or director, manager, principal shareholder or stakeholder in a company or close corporation is currently serving or has served within the last 12 months as 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 | | | | **Name of spouse, child or parent** | **Name of institution, public office, board or organ of state and position held** | | **Status of service**  **(tick appropriate column)** | | | | **current** | **Within last 12 months** | | |  |  | |  |  | | |  |  | |  |  | | |  |  | |  |  | |   \*insert separate page if necessary | | | |
| The undersigned, who warrants that he/she is duly authorised to do so on behalf of the enterprise:  i) authorizes the Employer to obtain a tax clearance certificate from the South African Revenue Services that my / our tax matters are in order;  ii) confirms that neither the name of the enterprise or the name of any partner, manager, director or other person, who wholly or partly exercises, or may exercise, control over the enterprise, appears on the Register of Tender Defaulters established in terms of the Prevention and Combating of Corrupt Activities Act of 2004;  iii) confirms that no partner, member, director or other person, who wholly or partly exercises, or may exercise, control over the enterprise, has within the last five years been convicted of fraud or corruption;  iv) confirms that I / we are not associated, linked or involved with any other tendering entities submitting tender offers and have no other relationship with any of the tenderers or those responsible for compiling the scope of work that could cause or be interpreted as a conflict of interest;  v) confirms that the contents of this questionnaire are within my personal knowledge and are to the best of my belief both true and correct. | | | |
| Signed |  | Date |  |
| Name |  | Position |  |
| *Enterprise name* |  | | |

**D.** CERTIFICATE OF AUTHORITY

The tenderer must indicate the enterprise status by ticking the appropriate box hereunder.

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **(I)**  **SOLE PROPRIETOR** | **(II)**  **CLOSE CORPORATION** | **(III)**  **PARTNERSHIP** | **(IV)**  **COMPANY** | **(V)**  **JOINT**  **VENTURE** |
|  |  |  |  |  |

The tenderer must complete the relevant certificate/s set out hereafter or must provide a certificate authorising the signatory on behalf of the enterprise(s).

**(I) CERTIFICATE FOR SOLE PROPRIETOR**

I................................................................................., hereby confirm that I am the sole owner of the

business trading as:…………………………………………..………………………………………………...

**Specimen Signature** **of Sole Owner**: ........................................................................

**Date:** ..................................

**In the case of a Joint Venture, this certificate must be completed by all Joint Venture partners that are Sole Proprietorships.**

**(II) CERTIFICATE FOR CLOSE CORPORATION**

I / We, the undersigned, being the key members in the business trading as............................................... ......................................... hereby authorise Mr/Ms .........................................................................., acting in the capacity of ......................................................................................., to sign all documents in connection with the tender for Contract No. ............................…….................. and any contract resulting from it on our behalf.

**Signatures of Members:**

|  |  |  |  |
| --- | --- | --- | --- |
| **NAME** | **ADDRESS** | **SIGNATURE** | **DATE** |
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***Note: This certificate is to be completed and signed by all of the key members upon whom rests the direction of the affairs of the Close Corporation as a whole.***

**Specimen Signature of Signatory**: .......................................................................................

**Date:** ..................................

**In the case of a Joint Venture, this certificate must be completed by all Joint Venture partners that are Close Corporations.**

**(III) CERTIFICATE FOR PARTNERSHIP**

We, the undersigned, being the key partners in the business trading as …………………………………….

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

hereby authorise Mr/Ms …........................................... …………………………………………………………

acting in the capacity of ...................................................... , to sign all documents in connection with the

tender for Contract No. .................................................................... and any contract resulting from it on

our behalf.

|  |  |  |  |
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| **NAME** | **ADDRESS** | **SIGNATURE** | **DATE** |
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***Note: This certificate is to be completed and signed by all of the key partners upon whom rests the direction of the affairs of the Partnership as a whole.***

**Specimen Signature of Signatory**: ........................................................................................................

**Date:** ..................................

**In the case of a Joint Venture, this certificate must be completed by all Joint Venture partners that are Partnerships.**

**(IV) CERTIFICATE FOR COMPANY**

I ......................................................................................................, chairperson of the Board of Directors

of ....................................................................................., hereby confirm that by resolution of the Board

(copy attached) taken on ...........……………………………………………………………………........ 20......,

Mr/Ms ...............................……...………………...................................................., acting in the capacity of

....................................................................................................., was authorised to sign all documents in connection with this tender and any contract resulting from it on behalf of the company.

**Signature of Chairman**:........................................................................................................

**Specimen Signature of Signatory**: .......................................................................................

**Date:** ..................................

**In the case of a Joint Venture, this certificate must be completed by all Joint Venture partners that are companies.**

**(V) CERTIFICATE FOR JOINT VENTURE**

We, the undersigned, are submitting this tender offer in Joint Venture and hereby authorize

Mr/Ms .........................................................................................................................................................,

authorized signatory of the company ………..………….……......................................................................

acting in the capacity of Lead Partner, to sign all documents in connection with the tender offer for,

Contract No. ............................................................ and any contract resulting from it on our behalf. This

authorisation is evidenced by the attached power of attorney signed by legally authorised signatories of

all the partners to the Joint Venture.

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| --- | --- | --- |
| **NAME OF FIRM** | **ADDRESS** | **AUTHORISING SIGNATURE, NAME AND CAPACITY** |
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***Note: This certificate is to be completed and signed by all of the key partners upon whom rests the direction of the affairs of the Joint Venture as a whole.***

**Specimen Signature of Signatory**: ........................................................................................................

**Date:** ..................................

**E.** PLANT AND EQUIPMENT

Note: Each partner to a Joint Venture is to provide the information required below with respect to his company’s contribution to the plant and equipment resourcing of the Joint Venture.

The following are lists of major items of relevant equipment that I / we presently own or lease and will be available for this contract if my / our tender is accepted.

1. **Details of major Plant and Equipment that is owned by me / us and is immediately available for this contract:**

|  |  |  |
| --- | --- | --- |
| **DESCRIPTION *(type, size, capacity, etc.)*** | **QUANTITY** | **YEAR OF MANUFACTURE** |
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***Attach additional pages if more space is required***

(b) **Details of major Plant and Equipment that will be hired or acquired for this contract if my/ our tender is accepted:**

|  |  |  |  |
| --- | --- | --- | --- |
| **DESCRIPTION *(type, size, capacity, etc.)*** | QUANTITY | **HOW ACQUIRED** | |
| **HIRE/**  **BUY** | **SOURCE** |
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***Attach additional pages if more space is required***

The Tenderer undertakes to bring onto site without additional cost to the Employer any additional plant not listed but which may be necessary to complete the contract within the specified contract period.

SIGNATURE: ..............................................…………..... DATE: .............................

(of person authorised to sign on behalf of the Tenderer)

F. EXPERIENCE OF TENDERER

Note: Each partner to a Joint Venture is to provide the information required below with respect to his

company’s contribution to the experience of the Joint Venture.

The following is a statement of work of similar nature recently successfully executed by myself / ourselves:

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **EMPLOYER: CONTACT PERSON AND TELEPHONE NUMBER** | **CONSULTING ENGINEER: CONTACT PERSON AND TELEPHONE NUMBER** | **NATURE OF WORK** | **VALUE OF WORK (inclusive of VAT)** | **DATE COMPLETED OR EXPECTED TO BE COMPLETED** |
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***Attach additional pages if more space is required***

SIGNATURE: ...............................................……... DATE: .................................

(of person authorised to sign on behalf of the Tenderer)

G. PROPOSED SUBCONTRACTORS

I/We hereby notify you that it is my/our intention to employ the following subcontractors for work under this contract. If I/we am/are awarded a contract I/we agree that this notification does not change the requirement for me/us to submit the names of proposed subcontractors in accordance with the requirements of the contract for such appointments.

Acceptance of this tender shall not be construed as approval of all or any of the listed subcontractors. Should any of or all of the subcontractors not be approved subsequent to the acceptance of the tender, it shall in no way invalidate this tender, and the tendered unit rates for the various items of work shall remain final and binding, even in the event of a subcontractor not listed below being approved by the Employer.

|  |  |  |
| --- | --- | --- |
| **NAMES AND ADDRESSES OF PROPOSED SUBCONTRACTORS** | **NATURE AND EXTENT OF WORK TO BE SUBCONTRACTED** | **PREVIOUS EXPERIENCE WITH SUBCONTRACTOR** |
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***Attach additional pages if more space is required***

SIGNATURE: ......................................……... DATE: …...........................

(of person authorised to sign on behalf of the Tenderer)

H. KEY PERSONNEL

**1.** KEY PERSONNEL - MANAGEMENT

The Tenderer must insert in the spaces provided below a list of the key personnel in the Joint Venture to be employed in the construction of the Works together with a resume of their experience with particular reference to the construction of similar Works.

The Tenderer shall attach the curriculum vitae of the listed key management personnel to the next page.

***(The compiler to indicate the designations that will be required for the project)***

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **DESIGNATION** | **NAMES** | **PROJECT TYPE** | **VALUE OF WORK** | **YEAR COMPLETED** |
|  |  |  |  |  |

***Attach additional pages if more space is required***

SIGNATURE: ......................................……... DATE: …...........................

*(of person authorised to sign on behalf of the Tenderer)*

**2. KEY PERSONNEL – LABOUR INTENSIVE ACTIVITIES**

Contractors shall employ in labour-intensive works only those supervisory and management staff that have completed the required Skills Programme in terms of Appendix C of the “Guidelines for the implementation of labour‑intensive infrastructure projects under the Expanded Public Works Programme (EPWP) Third Edition 2015”:

Tenderers’ attention is drawn to the required minimum supervisor to worker ratio for this project stated in the Particular Specifications.

The Tenderer must insert in the spaces provided below the relevant details of the personnel to be employed in the construction of the Works possessing the required qualifications in the supervision or management of LIC projects. A copy of the relevant qualification certificate for each such person shall be attached to the next page.

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **DESIGNATION** | **NAME** | **NAME OF TRAINING INSTITUTION** | **QUALIFICATION OBTAINED IN THE SUPERVISION OR MANAGEMENT OF LIC PROJECTS** | **YEAR QUALIFICATION OBTAINED** |
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***Attach additional pages if more space is required***

SIGNATURE: ......................................……... DATE: …...........................

*(of person authorised to sign on behalf of the Tenderer)*

**I. DEVIATIONS AND QUALIFICATIONS**

Should the Tenderer wish to make any deviation from or any qualification to the Special Conditions of Contract, Specifications, Schedule of Quantities, or Drawings, or should he wish to qualify the tender in any way, he shall indicate the proposals clearly hereunder or alternatively on photocopies of the original tender documentation which shall be attached to this page.

|  |  |  |
| --- | --- | --- |
| **SECTION** | **PAGE** | **DEVIATION OR QUALIFICATION,**  **INCLUDING REFERENCE CLAUSE OR ITEM NUMBER** |
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***Attach additional pages if more space is required***

SIGNATURE: ......................................……... DATE: …...........................

*(of person authorised to sign on behalf of the Tenderer)*

**J. CONTRACTOR'S HEALTH AND SAFETY DECLARATION**

In terms of Clause 4(4) of the OHSA 1993 Construction Regulations 2003 (referred to as "the Regulations" hereafter), a Contractor may only be appointed to perform construction work if the Employer is satisfied that the Contractor has the necessary competencies and resources to carry out the work safely in accordance with the Occupational Health and Safety Act No 85 of 1993 and the OHSA 1993 Construction Regulations 2003.

To that effect a person duly authorised by the tenderer must complete and sign the declaration hereafter in detail.

**Declaration by Tenderer**

1. I the undersigned hereby declare and confirm that I am fully conversant with the Occupational Health and Safety Act No 85 of 1993 (as amended by the Occupational Health and Safety Amendment Act No 181 of 1993), and the OHSA 1993 Construction Regulations 2003.

2. I hereby declare that my company has the competence and the necessary resources to safely carry out the construction work under this contract in compliance with the Construction Regulations and the Employer's Health and Safety Specifications.

3. I propose to achieve compliance with the Regulations by one of the following:

(a) From my own competent resources as detailed in 4(a) hereafter: ........... **\*Yes / No**

(b) From my own resources still to be appointed or trained until competency is

achieved, as detailed in 4(b) hereafter: ............................................ **\*Yes / No**

(c) From outside sources by appointment of competent specialist subcontractors

as detailed in 4(c) hereafter: ..................................................................... **\*Yes / No**

(**\*** = *delete whatever is not applicable*)

4. Details of resources I propose:

*(Note: Competent resources shall include safety personnel such as a construction supervisor and construction safety officer as defined in Regulation 6, and competent persons as defined in the OHSA 1993 Construction Regulations 2003, as applicable to this contract)*

(a) Details of the competent and qualified key persons from my company's own resources, who will form part of the contract team:

|  |  |
| --- | --- |
| **NAMES OF COMPETENT PERSONS** | **POSITIONS TO BE FILLED BY COMPETENT PERSONS** |
|  |  |
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1. Details of training of persons from my company's own resources (or to be hired) who still have to be trained to achieve the necessary competency:

(i) By whom will training be provided?

(ii) When will training be undertaken?

1. List the positions to be filled by persons to be trained or hired:

(c) Details of competent resources to be appointed as subcontractors if competent persons cannot be supplied from own company:

Name of proposed subcontractor:

Qualifications or details of competency of the subcontractor:

5. I hereby undertake, if my tender is accepted, to provide, before commencement of the works under the contract, a suitable and sufficiently documented Health and Safety Plan in accordance with Regulation 5(1) of the Construction Regulations, which plan shall be subject to approval by the Employer.

6. I confirm that copies of my company's approved Health and Safety Plan, the Employer's Safety Specifications as well as the OHSA 1993 Construction Regulations 2003 will be provided on site and will at all times be available for inspection by the Contractor's personnel, the Employer's personnel, the Engineer, visitors, and officials and inspectors of the Department of Labour.

7. I hereby confirm that adequate provision has been made in my tendered rates and prices in the schedule of quantities to cover the cost of all resources, actions, training and all health and safety measures envisaged in the OHSA 1993 Construction Regulations 2003, and that I will be liable for any penalties that may be applied in terms of the said Regulations (Regulation 30) for failure on the Contractor's part to comply with the provisions of the Act and the Regulations.

8. I agree that my failure to complete and execute this declaration to the satisfaction of the Employer will mean that I am unable to comply with the requirements of the OHSA 1993 Construction Regulations 2003, and accept that my tender will be prejudiced and may be rejected at the discretion of the Employer.

SIGNATURE: .................................................................. DATE: .....…….....................

*(of person authorised to sign on behalf of the Tenderer)*

K. TAX CLEARANCE CERTIFICATE

The tenderer is to attach an original Tax Clearance Certificate issued by the South African Revenue Services (SARS) to this page.

Failure to submit original and valid Tax Clearance Certificates may invalidate the tender.

**MBD 2**

**TAX CLEARANCE REQUIREMENTS**

IT IS A CONDITION OF BIDDING THAT -

1. The taxes of the successful bidder must be in order, or that satisfactory arrangements have been made with the Receiver of Revenue to meet his / her tax obligations.

2. The attached form “Application for Tax Clearance Certificate (in respect of bidders)”, must be completed in all respects and submitted to the Receiver of Revenue where the bidder is registered for tax purposes. The Receiver of Revenue will then furnish the bidder with a Tax Clearance Certificate that will be valid for a period of twelve (12) months from date of issue.

3. In bids where Consortia / Joint Ventures / Sub-contractors are involved each party must submit a separate Tax Clearance Certificate. Copies of the Application for Tax Clearance Certificates are available at any Receiver’s Office.

|  |
| --- |
| **APPLICATION FOR TAX CLEARANCE CERTIFICATE**  **(in respect of BIDDERS)** |

1. Name of taxpayer / bidder:

2. Trade name:

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| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| 3. | Identification number: | | |  |  |  |  |  |  |  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| 4. | Company / Close Corporation registration number: | | | | | | |  |  |  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| 5. | Income tax reference number: | | | | | |  |  |  |  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| 6. | VAT registration number (if applicable): | | | | | |  |  |  |  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| 7. | PAYE employer’s registration number (if applicable): | | | | | |  |  |  |  |  |  |  |  |  |  |

Signature of contact person requiring Tax Clearance Certificate:

Name:

Telephone number: Code:………………… Number:

Address:

DATE: 20\_\_\_\_\_ / \_\_\_\_\_\_ / \_\_\_\_\_\_

|  |
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| Please note that the Commissioner for the South African Revenue Service (SARS) will not exercise his discretionary powers in favour of any person with regard to any interest, penalties and / or additional tax leviable due to the late- or underpayment of taxes, duties or levies or the rendition returns by any person as a result of any system not being year 2000 compliant. |

[MBD 2

### L. PREFERENCING SCHEDULE (DIRECT PREFERENCES)

Preference points claim form in terms of the preferential procurement regulations 2001 & the contract form – rendering of services.

MBD 1

MBD 2

MBD 4

MBD 6.1

MBD 7.1

MBD 8

MBD 9

**MBD 1 – MATATIELE LOCAL MUNICIPALITY**

**PART A**

**INVITATION TO BID**

|  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE (***NAME OF MUNICIPALITY/ MUNICIPAL ENTITY***)** | | | | | | | | | | | | | | | | |
| BID NUMBER: | MATAT/2021/2022-19 | | CLOSING DATE: | | 19 NOVEMBER 2021 | | | | | | CLOSING TIME: | | | | | 10HOO |
| DESCRIPTION | **COMPLETION OF SILO FACILITY IN WARD 17** | | | | | | | | | | | | | | | |
| **THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (MBD7).** | | | | | | | | | | | | | | | | |
| BID RESPONSE DOCUMENTS MAY BE DEPOSITED IN THE BID BOX SITUATED AT *(STREET ADDRESS* | | | | | |  | |  | | | | | | | | |
| **MATATIELE LOCAL MUNICIPALITY** | | | | | | | | | | | | | | | | |
| **MOUNTAIN VIEW OFFICES (BTO)** | | | | | | | | | | | | | | | | |
| **MATATIELE** | | | | | | | | | | | | | | | | |
| **4730** | | | | | | | | | | | | | | | | |
|  | | | | | | | | | | | | | | | | |
| **SUPPLIER INFORMATION** | | | | | | | | | | | | | | | | |
| NAME OF BIDDER | |  | | | | | | | | | | | | | | |
| POSTAL ADDRESS | |  | | | | | | | | | | | | | | |
| STREET ADDRESS | |  | | | | | | | | | | | | | | |
| TELEPHONE NUMBER | | CODE | |  | | | | | NUMBER | | | |  | | | |
| CELLPHONE NUMBER | |  | | | | | | | | | | | | | | |
| FACSIMILE NUMBER | | CODE | |  | | | | | NUMBER | | | |  | | | |
| E-MAIL ADDRESS | |  | | | | | | | | | | | | | | |
| VAT REGISTRATION NUMBER | |  | | | | | | | | | | | | | | |
| TAX COMPLIANCE STATUS | | TCS PIN: | |  | | | **OR** | | | CSD No: | |  | | | | |
| B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE  [TICK APPLICABLE BOX] | | Yes    No | | | | | B-BBEE STATUS LEVEL SWORN AFFIDAVIT | | | | | Yes  No | | | | |
| ***[A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE/ SWORN AFFIDAVIT (FOR EMES & QSEs) 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] | | | | | | **ARE YOU A FOREIGN BASED SUPPLIER FOR** THE GOODS /SERVICES /WORKS OFFERED? | | | | | | | Yes No  [IF YES, ANSWER PART B:3 ] | |
| TOTAL NUMBER OF ITEMS OFFERED | |  | | | | | | TOTAL BID PRICE | | | | | | | **R** | |
| SIGNATURE OF BIDDER | | ……………………………… | | | | | | DATE | | | | | | |  | |
| CAPACITY UNDER WHICH THIS BID IS SIGNED | | …………………………………………………………. | | | | | | | | | | | | | | |
| **BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO:** | | | | | | **TECHNICAL INFORMATION MAY BE DIRECTED TO:** | | | | | | | | | | |
| DEPARTMENT | | SCM UNIT | | | | CONTACT PERSON | | | | | | | | Ms. N. Sogiba | | |
| CONTACT PERSON | | MR. S FOKAZI | | | | TELEPHONE NUMBER | | | | | | | | 039 737 8100 | | |
| TELEPHONE NUMBER | | 039 737 8100 | | | | FACSIMILE NUMBER | | | | | | | | 039 737 3611 | | |
| FACSIMILE NUMBER | | 039 737 3611 | | | | E-MAIL ADDRESS | | | | | | | | nsogiba@matatiele.gov.za | | |
| E-MAIL ADDRESS | | sfokazi@matatiel.gov.za | | | |  | | | | | | | | | | |

**PART B**

**TERMS AND CONDITIONS FOR BIDDING**

|  |
| --- |
| 1. **BID SUBMISSION:** |
| * 1. BIDS MUST BE DELIVERED BY THE STIPULATED TIME TO THE CORRECT ADDRESS. LATE BIDS WILL NOT BE ACCEPTED FOR CONSIDERATION.   2. **ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS PROVIDED–(NOT TO BE RE-TYPED) OR ONLINE**   3. THIS BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT AND THE PREFERENTIAL PROCUREMENT REGULATIONS, 2017, THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER SPECIAL CONDITIONS OF CONTRACT. |
| 1. **TAX COMPLIANCE REQUIREMENTS** |
| 1. BIDDERS MUST ENSURE COMPLIANCE WITH THEIR TAX OBLIGATIONS. 2. BIDDERS ARE REQUIRED TO SUBMIT THEIR UNIQUE PERSONAL IDENTIFICATION NUMBER (PIN) ISSUED BY SARS TO ENABLE THE ORGAN OF STATE TO VIEW THE TAXPAYER’S PROFILE AND TAX STATUS. 3. APPLICATION FOR THE TAX COMPLIANCE STATUS (TCS) CERTIFICATE OR PIN MAY ALSO BE MADE VIA E-FILING. IN ORDER TO USE THIS PROVISION, TAXPAYERS WILL NEED TO REGISTER WITH SARS AS E-FILERS THROUGH THE WEBSITE [WWW.SARS.GOV.ZA](http://www.sars.gov.za). 4. FOREIGN SUPPLIERS MUST COMPLETE THE PRE-AWARD QUESTIONNAIRE IN PART B:3. 5. BIDDERS MAY ALSO SUBMIT A PRINTED TCS CERTIFICATE TOGETHER WITH THE BID. 6. IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED, EACH PARTY MUST SUBMIT A SEPARATE TCS CERTIFICATE / PIN / CSD NUMBER. 7. WHERE NO TCS IS AVAILABLE BUT THE BIDDER IS REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD), A CSD NUMBER MUST BE PROVIDED. |
| 1. **QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS** |
| * 1. IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)?  YES  NO   2. DOES THE ENTITY HAVE A BRANCH IN THE RSA?  YES  NO   3. DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA?  YES  NO   4. DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA?  YES  NO   5. IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION?  YES  NO   **IF THE ANSWER IS “NO” TO ALL OF THE ABOVE, THEN IT IS NOT A REQUIREMENT TO REGISTER FOR A TAX COMPLIANCE STATUS SYSTEM PIN CODE FROM THE SOUTH AFRICAN REVENUE SERVICE (SARS) AND IF NOT REGISTER AS PER 2.3 ABOVE.** |

**NB: FAILURE TO PROVIDE ANY OF THE ABOVE PARTICULARS MAY RENDER THE BID INVALID**.

**NO BIDS WILL BE CONSIDERED FROM PERSONS IN THE SERVICE OF THE STATE**.

SIGNATURE OF BIDDER: ……………………………………………

CAPACITY UNDER WHICH THIS BID IS SIGNED: ……………………………………………

DATE:………………………………………………………………………………………………………………….

**MBD 4 – MATATIELE LOCAL MUNICIPALITY**

**DECLARATION OF INTEREST**

1. No bid will be accepted from persons in the service of the state\* .
2. Any person, having a kinship with persons in the service of the state, including a blood relationship, may make an offer or offers in terms of this invitation to bid. In view of possible allegations of favouritism, should the resulting bid, or part thereof, be awarded to persons connected with or related to persons in service of the state, it is required that the bidder or their authorised representative declare their position in relation to the evaluating/adjudicating authority 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.

3.1 Full Name: …………………………………………………………………………

3.2 Identity Number: …………………………………………………………………

3.3 Company Registration Number: …………………………………………………

3.4 Tax Reference Number: …………………………………………………………

3.5 VAT Registration Number: ………………………………………………………

3.6 Are you presently in the service of the state\* **YES / NO**

3.6.1 If so, furnish particulars.

………………………………………………………………

………………………………………………………………

3.7 Have you been in the service of the state for the past **YES / NO**

twelve months?

3.7.1 If so, furnish particulars.

………………………………………………………………

………………………………………………………………

3.8 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**

3.8.1 If so, furnish particulars.

………………………………………………………………

………………………………………………………………

* 1. Are you, aware of any relationship (family, friend, other) between a 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**

3.9.1 If so, furnish particulars

…………………………………………………………….

…………………………………………………………….

3.10 Are any of the company’s directors, managers, principal **YES / NO**

shareholders or stakeholders in service of the state?

3.10.1 If so, furnish particulars.

………………………………………………………………

………………………………………………………………

3.11 Are any spouse, child or parent of the company’s directors, **YES / NO**

managers, principal shareholders or stakeholders in service

of the state?

3.11.1 If so, 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

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

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

**MBD 6.1 – MATATIELE LOCAL MUNICIPALITY**

**MBD 6.1**

**PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL**

**PROCUREMENT REGULATIONS 2017**

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

**NB: BEFORE COMPLETING THIS FORM, BIDDERS MUST STUDY THE GENERAL CONDITIONS, DEFINITIONS AND DIRECTIVES APPLICABLE IN RESPECT OF BBBEE, AS PRESCRIBED IN THE PREFERENTIAL PROCUREMENT**

**REGULATIONS, 2017.**

* **GENERAL CONDITIONS**

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

* the 80/20 system for requirements with a Rand value of up to 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

a) The value of this bid is estimated to not exceed R50 000 000 (all applicable taxes included) and therefore the 80/20 preference point system shall be applicable; or

1.3 Points for this bid shall be awarded for:

1. Price; and
2. B-BBEE Status Level of Contributor.
   1. The maximum points for this bid are allocated as follows:

|  |  |
| --- | --- |
|  | **POINTS** |
| **PRICE** | **80** |
| **B-BBEE STATUS LEVEL OF CONTRIBUTOR** | **20** |
| **Total points for Price and B-BBEE must not exceed** | **100** |

* 1. Failure on the part of a bidder to submit proof of B-BBEE Status level of contributor together with the bid, will be interpreted to mean that preference points for B-BBEE status level of contribution are not claimed.
  2. The purchaser reserves the right to require of a bidder, either before a bid is adjudicated or at any time subsequently, to substantiate any claim in regard to preferences, in any manner required by the purchaser.

* **DEFINITIONS**

1. **“B-BBEE”** means broad-based black economic empowerment as defined in section

1 of the Broad-Based Black Economic Empowerment Act;

1. “**B-BBEE status level of contributor”** means the B-BBEE status of an entity in terms of a code of good practice on black economic empowerment, issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act;
2. **“bid”** means a written offer in a prescribed or stipulated form in response to an invitation by an organ of state for the provision of goods or services, through price quotations, advertised competitive bidding processes or proposals;
3. **“Broad-Based Black Economic Empowerment Act”** means the Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003);
4. **“EME”** means an Exempted Micro Enterprise in terms of a code of good practice on black economic empowerment issued in terms of section 9 (1) of the BroadBased Black Economic Empowerment Act;
5. **“functionality”** means the ability of a tenderer to provide goods or services in accordance with specifications as set out in the tender documents. (g)  **“prices”** includes all applicable taxes less all unconditional discounts; (h) **“proof of B-BBEE status level of contributor”** means:
   1. B-BBEE Status level certificate issued by an authorized body or person;
   2. A sworn affidavit as prescribed by the B-BBEE Codes of Good Practice;
   3. Any other requirement prescribed in terms of the B-BBEE Act;
6. **“QSE”** means a qualifying small business enterprise in terms of a code of good practice on black economic empowerment issued in terms of section 9 (1) of the Broad-Based Black Economic Empowerment Act;

1. **“rand value”** means the total estimated value of a contract in Rand, calculated at the time of bid invitation, and includes all applicable taxes;

* **POINTS AWARDED FOR PRICE**

3.1 **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

* **POINTS AWARDED FOR B-BBEE STATUS LEVEL OF CONTRIBUTOR**

4.1 In terms of Regulation 6 (2) and 7 (2) of the Preferential Procurement Regulations, preference points must be awarded to a bidder for attaining the B-BBEE status level of contribution in accordance with the table below:

|  |  |  |
| --- | --- | --- |
| **B-BBEE Status Level of Contributor** | **Number of points**  **(90/10 system)** | **Number of points**  **(80/20 system)** |
| 1 | 10 | 20 |
| 2 | 9 | 18 |
| 3 | 6 | 14 |
| 4 | 5 | 12 |
| 5 | 4 | 8 |
| 6 | 3 | 6 |
| 7 | 2 | 4 |
| 8 | 1 | 2 |
| Non-compliant contributor | 0 | 0 |

* **BID DECLARATION**

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

* **B-BBEE STATUS LEVEL OF CONTRIBUTOR CLAIMED IN TERMS OF**
* **PARAGRAPHS 1.4 AND 4.1**

6.1 B-BBEE Status Level of Contributor: . = ………(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 B-BBEE status level of contributor.

* **SUB-CONTRACTING**

7.1 Will any portion of the contract be sub-contracted?

(***Tick applicable box***)

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

7.1.1 If yes, indicate:

1. What percentage of the contract will be subcontracted............…………….…………%
2. The name of the subcontractor………………………………………………………….. iii) The B-BBEE status level of the subcontractor......................................……………..
3. 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 |  |  |

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

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

8.2 VAT registration

number:……………………………………….…………………………………

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

8.4 TYPE OF COMPANY/ FIRM

 Partnership/Joint Venture / Consortium

 One person business/sole propriety

 Close corporation

 Company

 (Pty) Limited

[TICK APPLICABLE BOX]

8.5 DESCRIBE PRINCIPAL BUSINESS ACTIVITIES

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

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

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

8.6 COMPANY CLASSIFICATION

 Manufacturer

 Supplier

 Professional service provider

 Other service providers, e.g. transporter, etc.

[*TICK APPLICABLE BOX*]

8.7 **MUNICIPAL INFORMATION**

**Municipality where business is situated:**

**….……………………………………………….**

**Registered Account Number: ………………………….**

**Stand Number**:……………………………………………….

8.8 Total number of years the company/firm has been in business:……………………………

8.9 I/we, the undersigned, who is / are duly authorised to do so on behalf of the company/firm, certify that the points claimed, based on the B-BBE status level of 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:

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;

1. 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;
2. 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. ……………………………………. |  | ……………………………………….  SIGNATURE(S) OF BIDDERS(S)    DATE: …………………………………..  ADDRESS …………………………………..  …………………………………..  ………………………………….. |

**MBD 7.1 – MATATIELE LOCAL MUNICIPALITY**

# CONTRACT FORM - PURCHASE OF GOODS/WORKS

**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.**

# PART 1 (TO BE FILLED IN BY THE BIDDER)

1. I hereby undertake to supply all or any of the goods and/or works 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:
3. Bidding documents, *viz*

* Invitation to bid;
* Tax clearance certificate;
* Pricing schedule(s);
* Technical Specification(s);
* Preference claims for Broad Based Black Economic Empowerment Status Level of Contribution in terms of the Preferential Procurement Regulations 2011;
* Declaration of interest;
* Declaration of bidder’s past SCM practices;
* Certificate of Independent Bid Determination;
* Special Conditions of Contract;

1. General Conditions of Contract; and
2. Other (specify)
3. I confirm that I have satisfied myself as to the correctness and validity of my bid; that the price(s) and rate(s) quoted cover all the goods and/or works specified in the bidding documents; that the price(s) and rate(s) cover all my obligations and I accept that any mistakes regarding price(s) and rate(s) and calculations will be at my own risk.
4. I accept full responsibility for the proper execution and fulfilment of all obligations and conditions devolving on me under this agreement as the principal liable for the due fulfillment of this contract.
5. I declare that I have no participation in any collusive practices with any bidder or any other person regarding this or any other bid.
6. I confirm that I am duly authorised to sign this contract.

NAME (PRINT) ………………………………………….

WITNESSES

1 …….……………

1. ……………………

: …………………….

CAPACITY ………………………………………….

SIGNATURE ………………………………………….

NAME OF FIRM ………………………………………….

DATE ………………………………………….

**MBD 8 – MATATIELE LOCAL MUNICIPALITY**

# 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 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 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 as a company or person 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 National Treasury after the *audi alteram partem* rule was applied).** | 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)?  **(To access this Register enter the National Treasury’s website,** [**www.treasury.gov.za**](http://www.treasury.gov.za)**, click on the icon “Register for Tender Defaulters” or submit your written request for a hard copy of the Register to facsimile number (012) 3265445).** | 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: | | |
| **Item** | **Question** | **Yes** | **No** |
| 4.4 | Does the bidder or any of its directors owe any municipal rates and taxes or municipal charges to the municipality, 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 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 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**

**MBD 9 – MATATIELE LOCAL MUNICIPALITY**

**CERTIFICATE OF INDEPENDENT BID DETERMINATION**

1 This Municipal Bidding Document (MBD) must form part of all bids¹ invited.

2 Section 4 (1) (b) (iii) of the Competition Act No. 89 of 1998, as amended, prohibits an agreement between, or concerted practice by, firms, or a decision by an association of firms, if it is between parties in a horizontal relationship and if it involves collusive bidding (or bid rigging).² Collusive bidding is a *pe se* prohibition meaning that it cannot be justified under any grounds.

3 Municipal Supply Regulation 38 (1) prescribes that a supply chain management policy must provide measures for the combating of abuse of the supply chain management system, and must enable the accounting officer, among others, to:

a. take all reasonable steps to prevent such abuse;

b. reject the bid of any bidder if that bidder or any of its directors has abused the supply chain management system of the municipality or municipal entity or has committed any improper conduct in relation to such system; and

c. cancel a contract awarded to a person if the person committed any corrupt or fraudulent act during the bidding process or the execution of the contract.

1. 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.
2. 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.

1. 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.
2. In particular, without limiting the generality of paragraphs 6 above, there has been no consultation, communication, agreement or arrangement with any competitor regarding:
3. prices;
4. 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.

1. 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.
2. 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.**

1. 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

**CERTIFICATE FOR PAYMENT OF MUNICIPAL SERVICES**

**DECLARATION IN TERMS OF CLAUSE 112(1) OF THE MUNICIPAL FINANCE MANAGEMENT ACT (NO.56 OF 2003) -** (To be signed in the presence of a Commissioner of Oaths)

I, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (full name and ID no.), hereby acknowledge that according to SCM Regulation 38(1)(d)(i), the Municipality may reject the tender of the tenderer if any municipal rates and taxes or municipal service charges owed by the Tenderer or any of its directors/members/partners to the Matatliele Local Municipality, or to any other municipality or municipal entity, are in arrears for more than 3 (three) months.

I declare that I am duly authorised to act on behalf of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (name of the firm) and hereby declare, that to the best of my personal knowledge, neither the firm nor any director/member/partner of said firm is in arrears on any of its municipal accounts with any municipality in the Republic of South Africa, for a period longer than 3 (three) months.

I further hereby certify that the information set out in this schedule and/or attachment(s) hereto is true and correct. The Tenderer acknowledges that failure to properly and truthfully complete this schedule may result in the tender being disqualified, and/or in the event that the tenderer is successful, the cancellation of the contract.

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
|  | **PHYSICAL BUSINESS ADDRESS(ES) OF THE TENDERER** |  |  | **MUNICIPAL ACCOUNT NUMBER** |  |
|  |  |  |  |
|  |  |  |  |  |  |
|  |  |  |  |  |  |
|  |  |  |  |  |  |

**FURTHER DETAILS OF THE BIDDER’S Director / Shareholder / Partners, etc.:**

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|  |  |  |  | **Physical address of the** |  |  | **Municipal Account** |  |  | **Physical residential** |  |  | **Municipal Account** |  |
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|  | **Director / Shareholder / partner** |  |  |  |  |  |  | **address of the Director /** |  |  |  |
|  |  |  | **Business** |  |  | **number(s)** |  |  |  |  | **number(s)** |  |
|  |  |  |  |  |  |  |  | **shareholder / partner** |  |  |  |
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**NB:** **Please attach certified copy(ies) of ID document(s)**

**If the entity or any of its Directors/Shareholders/Partners, etc. rents/leases premises, a copy of the rental/lease agreement must be submitted with this tender.**

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|  | **Signature** | |  |  | **Position** | | | |  |  | **Date** |  |
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|  |  | | | |  |  |  |  |  |  |  |  |
|  | **COMMISSIONER OF OATHS** | | | |  |  |  |  | **Apply official stamp of authority on this page:** | | | |
| Signed and sworn to before me at | |  | | |  | ,on | | |
|  |  |  |  |  |
| this |  | day of |  | |  | 20 | |  |  |  |  |  |
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by the Deponent, who has acknowledged that he/she knows and understands the contents of this Affidavit, it is true and correct to the best of his/her knowledge and that he/she has no objection to taking the prescribed oath, and that the prescribed oath will be binding on his/her conscience.

**COMMISSIONER OF OATHS:-**

Position:



Address:

**SCHEDULE A –**

**CONFIRMATION OF REGISTRATION OF TENDERER ON NATIONAL TREASURY DATABASE**

|  |  |
| --- | --- |
| **TENDERER NAME** | **NATIONAL TREASURY DATABASE REGISTRATION NUMBER** |
|  |  |

A tenderer who is not registered on the National Treasury Database (CSD) is not precluded from submitting a tender; however such tenderer must be registered on the database prior to the finalisation of the evaluation of the tender in order for its bid to be considered responsive.

It is the responsibility of a tenderer to ensure that this requirement is complied with. In the case of Joint Ventures and Consortia, this requirement will apply to each party to the Joint Venture or Consortium.

Note:

**TENDERER’S SIGNATURE:** ………………………………………………………………………

### M. TENDERER’S PARTICIPATION IN JOB CREATION USING LOCAL LABOUR

The Contractor shall be required to participate in job creation (employment of local labour) by executing various portions of the Works using local labour (unskilled or semi-skilled), recruited from the local community, who are South African Citizens or foreigners in possession of a work visa issued by the Department of Home Affairs (only one such foreigner may be employed on any project). Proof of citizenship or work visa may be audited during the contract period.

The creation of one job shall mean the temporary employment, for any period of time, of one such unskilled or semi‑skilled labourer from the local community.

The Tenderer shall note the requirements for Job Creation Reporting for EPWP as set out in the Requirements of the Expanded Public Works Programme (EPWP) of the project specifications.

The number of jobs to be created using such local labour is inclusive of the local labour employed to execute various portions of the Works by both the main Contractor and any subcontractors, including the small development subcontractors.

The number of jobs to be created using such local labour shall include for a minimum percentage allocation to the following individual targeted groups:

* 55% Women;
* 55% Youth; and
* 2% Persons with disabilities.

The minimum required content of such local labour for this project shall be calculated as follows:

Minimum required content of such local labour (%)

= (100 x amount spent on wages for such local labour (excluding VAT))

(total value of the project (excluding VAT))

The minimum required content of such local labour for this project shall be 75 %.

For purposes of completing the table on the next page containing the Tenderer’s declaration with respect to participation in job creation using local labour, the total value of the project shall be the amount of the Tender Offer.

### TENDERER’S DECLARATION WITH RESPECT TO PARTICIPATION IN JOB CREATION USING LOCAL LABOUR:

The Tenderer shall complete the table below reflecting the anticipated local labour force to be employed on this contract, including such local labour employed by subcontractors.

I/We hereby tender to participate in job creation through the employment of local labour by creating the following number of jobs using unskilled or semi-skilled labourers, recruited from the local community, who are South African Citizens or foreigners in possession of a work visa issued by the Department of Home Affairs (only one such foreigner may be employed on any project), including for a minimum allocation of 55% Women, 55% Youth and 2% Disabled:

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Local labour comprising unskilled or semi‑skilled labourers recruited from the local community** | **Anticipated number of jobs to be created** | **Total number of person‑days anticipated** | **Wage rate per person‑day (excluding VAT)**  **(Rand)** | **Total wage cost (excluding VAT)**  **(Rand)** | |
| Contractor’s local labour content |  |  |  |  | |
| Subcontractors’ local labour content |  |  |  |  | |
| Total anticipated wage cost of local labour content (excluding VAT) | | | | R | |
| Tender Offer (excluding VAT) | | | | R | |
| Hence anticipated local labour content  expressed as a percentage of the Tender Offer (excluding VAT)  ***Note: Should this percentage not equal or exceed the specified minimum percentage, the tender will be considered non-responsive*** ***in terms of subclause F.3.8 of the Conditions of Tender and such a tender shall be rejected.*** | | | | | % |
| Specified minimum local labour content | | | | | **75 %** |

***A penalty shall be applied to any shortfall in the local labour content achieved, as set out in the Requirements of the Expanded Public Works Programme (EPWP) of the project specifications. The penalty shall not apply to shortfalls in the allocations to the individual target groups (i.e., Women/Youth/Disabled), only to shortfalls in the total local labour content achieved.***

The undersigned, who warrants that he/she is duly authorized to do so on behalf of the Tenderer, confirms that he/she understands the conditions for such participation and confirms that the tender satisfies the conditions for participation in job creation through the employment of local labour.

Name:

Duly authorized to sign on behalf of:

SIGNATURE: DATE:

(Of person authorised to sign on behalf of the Tenderer)

**Failure to complete, sign and date this form shall result in the tender being considered non-responsive in terms of subclause F.3.8 of the Conditions of Tender and such a tender shall be rejected.**

**COMPULSORY ENTERPRISE QUESTIONNAIRE**

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| The following particulars must be furnished. In the case of a joint venture, **separate** enterprise questionnaires in respect of each partner must be completed and submitted. |
| **Section 1: Name of enterprise:** . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . |
| **Section 2: VAT registration number, if any:** . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . |
| **Section 3: CIDB registration number, if any:** . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . |
| **Section 4: Particulars of sole proprietors and partners in partnerships**   |  |  |  | | --- | --- | --- | | **Name\*** | **Identity number\*** | **Personal income tax number\*** | |  |  |  | |  |  |  | |  |  |  |   **\*** Complete only if sole proprietor or partnership and attach separate page if more than 3 partners |
| **Section 5: Particulars of companies and close corporations**  Company registration number . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . .  Close corporation number . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . .  Tax reference number . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . |
| **Section 6: Record of service of the state**  Indicate by marking the relevant boxes with a cross, if any sole proprietor, partner in a partnership or director, manager, principal shareholder or stakeholder in a company or close corporation is currently serving or has served within the last 12 months as 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:**   |  |  |  |  | | --- | --- | --- | --- | | **Name of sole proprietor, partner, director, manager, principal shareholder or stakeholder** | **Name of institution, public office, board or organ of state and position held** | **Status of service**  **(tick appropriate column)** | | | **current** | **Within last 12 months** | |  |  |  |  | |  |  |  |  | |  |  |  |  |   \*insert separate page if necessary |

**O. Ethics Commitment for Suppliers of the Matatiele Local Municipality **

**In our dealings with the Matatiele Local Municipality we commit to uphold high standards of ethics. Among other things this means:**

* We will be honest and deal in good faith;
* We will not try to improperly influence any municipal official or decision;
* We will avoid all conflicts of interest;
* We will not engage in any form of corruption (e.g. paying bribes, giving kickbacks);
* We will not give gifts to municipal officials or councillors;
* We will not be involved in collusion with other service providers (i.e. price-fixing);
* We will ensure that all information we submit to the municipality is accurate and truthful (e.g. we will not engage in BBBEE fronting).
* We will inform the Municipality of any unethical behaviour which we become aware of in the procurement process, either related to other suppliers or to municipal officials.\*
* We will, through all our dealings, contribute to building a positive ethical culture in the Matatiele Local Municipality.

This is our commitment to help build an ethical community.

Name of Company:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Name of authorised person:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Signature:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Date:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\* If you wish to report unethical conduct you can contact or \*If you are aware of any fraud/ corruption within the municipality. These may be reported anonymously, to

The Municipal manager: [lMatiwane@matatiele.gov.za](mailto:lMatiwane@matatiele.gov.za)