Sedibeng District Municipality

BID DOCUMENT

RFQ No.	**8/2/2/4-2014(Re-Advert)**
Closing Date and Time	**Thursday, 21 May 2015 @ 12h00**
Description	
Proposal for repair of Chiller at the Civic Theatre.	
Contractor / Bidder	
Bid amount	**(VAT inclusive/Exclusive)**
Physical address	
Contact person	
Telephone no.	
Fax no.	
Cell no.	
Email address	

CONDITIONS OF TENDER

1. The prospective bidder's attention is drawn to the following list of forms, attached to this document and other documents that **shall** be completed and submitted with his/her bid documents:
   a) Tender Form
   b) Form of Offer
   c) Declaration of interest
   d) Certificate of independent Bid Determination
   e) **An original Tax Clearance Certificate issued by the South African Revenue Services**
   f) **A current account or proof that utilities account (municipal rates and taxes, water and lights account) of the bidder is up to date. (Not in arrears for more than 3 months).**
   g) Proof of registration for VAT (if applicable)
   h) Valid B-BBEE Certificate
2. In terms of Section 112 (1) I of the Local Government Municipal Finance Management Act, (Act 56 of 2003), persons who were convicted of fraud or corruption or who willfully neglected, reneged on or failed to comply with a government tender during the past 5 years, or whose tax matters are not cleared by the South African Revenue Services may not participate in the tendering process and the Tenderer shall submit a sworn statement to this effect.
3. **The official tender form shall be completed in BLACK ink and any corrections to the official tender form must also be made in BLACK ink and signed by the bidder. Any tender documents received with correction fluid (Tippex) corrections shall be disqualified.**
4. Bids shall be sealed and endorsed (with bid number and bid description), and must be deposited at Sedibeng District Municipality's tender box (Ground Floor, outside the main building).
5. Sedibeng District Municipality's Supply Chain Management Policy shall apply.
6. Late, Telexed, faxed or emailed tenders will not be accepted.
7. The Council does not bind itself to accept the lowest or any tender, and reserves the right to accept any tender in whole or in part.
8. Tenders must indicate **VAT** conditions and if not stated, it will be assumed pricing includes **VAT**
9. Persons in the service of the state are not allowed to bid.
10. **In the case where all MBD Documents are not completely filled and returned, your quotation will be disqualified.**
11. **The 80/20 Preferential Procurement System will be used to evaluate all the Formal Written Quotations.**
12. Bidders must ensure that, the company status is "**in business"** with the **Company and Intellectual Property Commission (CIPC).**
13. Multiple Tenders from the same supplier is not allowed;
14. **Bidders who are not registered on the supplier database of Sedibeng District Municipality are requested to obtain a database form at the cashier office or it can be downloaded at**http://www.sedibeng.gov.za/a_tender_docs/20100106_sdm_supp_reg_form.pdf

15. The **Database Form must not be attached** to the tender document but must be submitted to Sedibeng District Municipality Main Building 3rd Floor. (**Contact Person**: Ms Christa Mare at 016 450 3140 for Database Enquiries)
16. Bidders that are not registered on the Database will result to the tender being "**Non Responsive"**
17. Bidders are required to submit original or certified copies of B-BBEE Status Level Verification Certificate together with their bids to substantiate their B-BBEE rating claims;
18. Exempted Micro Enterprises can submit a letter from the accounting officer; and
19. A trust, consortium or joint venture must submit a consolidated B-BBEE Status Level Verification.

Sedibeng District Municipality
RFQ Number: 8/2/2/4–2014(Re-Advert)

DOCUMENT		**PAGE NUMBER**
INVITATION TO BID	**MBD 1**	**4**
TAX CLEARANCE CERTIFICATE REQUIREMENTS	**MBD 2**	**6**
CLEARANCE CERTIFICATE FOR WATER & LIGHTS		**8**
TERMS OF REFERENCE/SPECIFICATIONS		**9**
PRICING SCHEDULE –FIRM PRICES (PURCHASES)	**MBD 3.1**	**12**
DECLARATION OF INTEREST	**MBD 4**	**13**
PREFERENCE POINTS CLAIM FORM	**MBD 6.1**	**16**
CONTRACT FORM – PURCHASE OF GOODS/WORKS	**MBD 7.1**	**23**
DECLARATION OF BIDDER'S PAST SUPPLY CHAIN MANAGEMENT PRACTICES	**MBD 8**	**25**
CERTIFICATE OF INDEPENDENT BID DETERMINATION	**MBD 9**	**29**
OFFICIAL TENDER FORM		**33**
FORM OF OFFER AND ACCEPTANCE		**34**
CREDIT ORDER INSTRUCTION		**36**

MBD1

INVITATION TO BID

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF SEDIBENG DISTRICT MUNICIPALITY

BID NUMBER: ***8/2/2/4-2014(Re-Advert)*** CLOSING DATE: ***Thursday, 21 May 2015*** CLOSING TIME: ***12h00***

DESCRIPTION*:* ***Proposal for repair of Chiller at the Civic Theatre.***

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

DEPOSITED IN THE BID BOX SITUATED AT:
CNR LESLIE AND BEACONSFIELD AVENUES, VEREENIGING, GROUND FLOOR.
SEDIBENG DISTRICT MUNICIPALITY, CIVIC CENTRE,

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

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

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

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

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

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

NAME OF BIDDER
……

POSTAL ADDRESS
…….

STREET ADDRESS
……

TELEPHONE NUMBER
CODE……NUMBER……..

CELL PHONE NUMBER
……

FACSIMILE NUMBER
CODE ……NUMBER……

E-MAIL ADDRESS
……..

VAT REGISTRATION NUMBER
……

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

HAS A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE BEEN SUBMITTED? (MBD 6.1)
YES/NO

IF YES, WHO WAS THE CERTIFICATE ISSUED BY?

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

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

ARE YOU THE ACCREDITED REPRESENTATIVE
IN SOUTH AFRICA FOR THE GOODS/SERVICES/WORKS OFFERED?
YES/NO (IF YES ENCLOSE PROOF)

SIGNATURE OF BIDDER
……..

DATE ……..

CAPACITY UNDER WHICH THIS BID IS SIGNED
……

TOTAL BID PRICE…… TOTAL NUMBER OF ITEMS OFFERED
……

ANY ENQUIRIES REGARDING THE BIDDING PROCEDURE MAY BE DIRECTED TO:

Municipality:	**Sedibeng District Municipality**
Department:	**Supply Chain Management**
Contact Person:	**Ms. Sibulele Zwedala**
Tel:	**016 450 3195/3036**
Fax:	**086 686 6085**

ANY ENQUIRIES REGARDING TECHNICAL INFORMATION MAY BE DIRECTED TO:

Contact Person:	**Mr David Mewelela**
Tel.:	**016 450 3000**
Cell:	**083 629 6007**

MBD 2

TAX CLEARANCE CERTIFICATE REQUIREMENTS

It is a condition of bid that the taxes of the successful bidder must be in order, or that satisfactory arrangements have been made with South African Revenue Service (SARS) to meet the bidder's tax obligations.

1. In order to meet this requirement bidders are required to complete in full the attached form TCC 001"Application for a Tax Clearance Certificate" and submit it to any SARS branch office nationally. The Tax Clearance Certificate Requirements are also applicable to foreign bidders / individuals who wish to submit bids.

2. SARS will then furnish the bidder with a Tax Clearance Certificate that will be valid for a period of 1 (one) year from the date of approval.

3. The original Tax Clearance Certificate must be submitted together with the bid. Failure to submit the original and valid Tax Clearance Certificate will result in the invalidation of the bid. Certified copies of the Tax Clearance Certificate will not be acceptable.

4. In bids where Consortia / Joint Ventures / Sub-contractors are involved, each party must submit a separate Tax Clearance Certificate.

5. Copies of the TCC 001 "Application for a Tax Clearance Certificate" form are available from any SARS branch office nationally or on the website www.sars.gov.za.

6. Applications for the Tax Clearance Certificates may also be made via eFiling. In order to use this provision, taxpayers will need to register with SARS as eFilers through the website www.sars.gov.za.

AUTHORIZATION TO VERIFY WITH SOUTH AFRICAN RECEIVER OF REVENUE (SARS), THAT, THE SERVICE PROVIDER'S TAX MATTERS ARE IN ORDER.

I (FULL NAMES), _____ OF (PHYSICAL ADDRESS) _____ being a Director / principal shareholder, owner of company1 (COMPANY NAME):

_____

1. Hereby authorizes Sedibeng District Municipality to check/verify if the bidding company's tax matters are in order:

YES ☐ **NO** ☐

2. Company's Registration Number: ☐☐☐☐☐☐☐☐☐☐☐☐☐

THE FOLLOWING DOCUMENTS HAVE BEEN ATTACHED WITH THE BID DOCUMENT:

VALID ORIGINAL TAX CLEARANCE CERTIFICATE

☐

COMPANY REGISTRATION DOCUMENTS

☐

SIGNATURE:

_____

DATE:

_____

_____

DEPARTMENT: SUPPLY CHAIN MANAGEMENT

Sedibeng District Municipality
P.O. Box 471
Vereeniging, 1930
Republic of South Africa
Tel: +27 16 450 3110
Fax: +27 86 743 0692

CLEARANCE CERTIFICATE FOR WATER & LIGHTS

Section 38 (d) (i) of Municipal Supply Chain Regulations requires that the municipality must reject a bidder whose municipal rates and taxes are in arrears for more than three months.

The purpose of this form is to obtain prove that municipal services, rates and taxes of the service provider are not more than three months in arrears with the relevant municipality / landlord in the municipal area where the service provider conduct his / her business. **This form is to be completed only if the service provider's rates and taxes are not in arrears for more than three months.**

EACH BIDDER MUST COMPLETE THE BELOW CHECKLIST (*Please tick with X where appropriate)*:

QUESTIONS		YES	NO
1. Is your municipal rates and taxes account up to date/current (not in arrears for more than three months)?			
2. If yes, please submit proof in the form of the **original or certified copy** of the bidder's municipal rates and taxes account.			
3. Does the bidder lease/rent the property where the business is situated?			
4. If yes provide the contact name and contact number of the lessor/landlord:			
Contact Name:	**Contact Number:**		
5. Please attach the copy of the lease agreement signed by the Landlord/ lessor and the tenant/lessee as proof.			

I (FULL NAMES), _____ OF (PHYSICAL ADDRESS) _____ being a Director / principal shareholder, owner of company[2] (COMPANY NAME):

Hereby confirms that, the information submitted in this form is accurate, to the best of my knowledge.

_____

Signature

NB: IF YOU FAIL TO COMPLETE THIS FORM, PLEASE REGARD YOUR BID AS NON RESPONSIVE!

Tender Description: Proposal for repair of Chiller at the Civic Theatre.

Bid: no. 8/2/2/4 – 2014(Re-Advert)

1. BACKGROUND

An inspection was conducted at the Civic Theatre Chiller, Plant Rooms, Cooling Tower, Electrical Board regarding complaints in respect of the functionality of the air conditioner of the Civic Theatre Balcony and foyer area as well as the Gallery site etc. experienced by the Recipients/Clients that hires the Theatre.

Subsequent visits by Council Officials i.e.Mayor's Office, members of public who experienced the condition that prevailed at this facility when it was experienced from the different stakeholders that tremendous heat in their functions in the Theatre.

In order to address this situation, we hereby requested to fix the problem.

2. SCOPE OF WORK

The service provider must have the necessary equipment and knowledge which will be required during the project.

Item	Description	Quantity	Rate
A			
Major Service of civic Theater (Cooling Tower)	1. Service cooling Tower water recommended chlorine treatment tank. 2. Service 1 fan belt Motors. 3. Replace fan belts x 4. 4. Replace 1x25 L containers with chlorines treatment. 5. Service make up tank x 2		
Major Service of Civic Theatre (Chiller)	1. Program to read the Temperature to able to adjust the cooling and heating system in the Theatre automatically. 2. Cleaning Chiller in the pipe mud from the cooling Tower made by birds. **3.** Replace pumps x 2. **4. Program the Chiller x 1 to able to start with key properly.**		

	5. Re-gas the Chiller		
Major Service of Civic Theatre Heating System (Heater)	1. Replace Motor x 1 2. Replace pump x 1 3. Repair hot geezer system board x 1 4. Provide Certificate of geezer compliance of **OHS** in case of fire due to heater operational.		
Major Service of Civic Theater (Plant rooms)	1. Cleaning of Theatre Plant rooms that provide fresh air to Foyers, and Balcony area etc. 2. Replace all **AHU** air Fan belts. 3. Service all **AHU** air Fan bearings machines system and greasing. 4. Replace 60 filters to provide fresh air to the Theatre.		
Major Service of Civic Theatre Chiller	1. Provide certificate of guarantee for twelve (12) monthguarantee of functionality.		
SUB - TOTAL AMOUNT			
VAT ((only if a registered VAT vendor and valid VAT number provided)			
TOTAL AMOUNT			

3. MINIMUM REQUIREMENTS

3.1. Up to date utilities account e.g. Municipal Rates

3.2. Valid tax clearance certificate

3.3. Provide the Municipality with a 12 month guarantee of functionality

3.4. Contractors should have CIDB grading of 1-EP and higher on electrical

4. EVALUATION CRITERIA

Values: 1 = Poor, 2 = Average, 3 = Good, 4 = Very Good and 5 = Excellent

No	Category	Points (100)	Value (Max of 5 points per criteria)	Score = (Weight x Value) (Max score of 500)
1.	Knowledge and expertise	20		
2.	Attach 3 Certificates of Similar Work done (of Chillers knowledge)	40		
3.	Understanding the scope of the project # Proposed project plan;	30		

4.	Safety plan	10		

Point System 80:20

BID EVALUATION:

1ST STAGE	FUNCTIONALITY TOTAL SCORE : 100%
	THRESHOLD (MINIMUM SCORE REQUIRED = 70%)
2ND STAGE	PRICE = 80
	B-BBEE = 20

Companies scoring less than 70% will not be taken for further evaluation.

NB:

Bidders are required to submit original or certified copies of B-BBEE Status Level Verification Certificate together with their bids to substantiate their B-BBEE rating claims; and a trust, consortium or joint venture must submit a consolidated B-BBEE Status Level Verification Certificate together with their bids.

Exempted micro enterprises are required to submit a letter from their accountants.

Failure to provide one of the above will lead to the bidder forfeiting B-BBEE rating points.

5. FINANCIAL IMPLICATIONS

Vote Number: **4404031101200**

Estimated Costs of the goods/services: _____

MBD 3.1

PRICING SCHEDULE – FIRM PRICES*(PURCHASES)*

NOTE: ONLY FIRM PRICES WILL BE ACCEPTED. NON-FIRM PRICES (INCLUDING PRICES SUBJECT TO RATES OF EXCHANGE VARIATIONS) WILL NOT BE CONSIDERED

IN CASES WHERE DIFFERENT DELIVERY POINTS INFLUENCE THE PRICING, A SEPARATE PRICING SCHEDULE MUST BE SUBMITTED FOR EACH DELIVERY POINT

Name of Bidder……	Bid Number: **8/2/2/4-2014(Re-Advert)**
Closing Time: **12H00**	Closing Date: **21 May 2015**

OFFER TO BE VALID FOR90 DAYS FROM THE CLOSING DATE OF BID.

ITEM NO. QUANTITY DESCRIPTION BID PRICE IN RSA CURRENCY **(ALL APPLICABLE TAXES INCLUDED)

- Required by: …….
- At: …….

  …….
- Brand and Model …….
- Country of Origin …….
- Does the offer comply with the specification(s)? *YES/NO
- If not to specification, indicate deviation(s) …….
- Period required for delivery …….

  *Delivery: Firm/Not firm
- Delivery basis …….

Note: All delivery costs must be included in the bid price, for delivery at the prescribed destination.

** "all applicable taxes" includes value- added tax, pay as you earn, income tax, unemployment insurance fund contributions and skills development levies.

*Delete if not applicable

MBD 4

DECLARATION OF INTEREST

1. No bid will be accepted from persons in the service of the state[1].

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 positioning relation to the evaluating/adjudicating authority.

3 In order to give effect to the above, the following questionnaire must be completed and submitted with the bid.

3.1 Full Name of bidder or his or her representative:……..

3.2 Identity Number: …….

3.3 Position occupied in the Company (director, trustee, hareholder[2]):……..

3.4 Company Registration Number: …….

3.5 Tax Reference Number:……

3.6 VAT Registration Number: ……

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

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

3.8.1 If yes, furnish particulars. ….……

……..

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

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

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

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

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

3.9.1 If yes, furnish particulars.……...……..

…….

3.10 Do you have any relationship (family, friend, other) with persons in the service of the state and who may be involved with the evaluation and or adjudication of this bid? ……..**YES / NO**

3.10.1 If yes, furnish particulars.

……

……

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

3.11.1 If yes, furnish particulars

……

……

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

3.12.1 If yes, furnish particulars.

……

……

3.13 Are any spouse, child or parent of the company's director'strustees, managers, principle shareholders or stakeholdersin service of the state? **YES / NO**

3.13.1 If yes, furnish particulars.

……

……

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

3.14.1 If yes, furnish particulars:

……..

……..

4. Full details of directors / trustees / members / shareholders.

Full Name	**Identity Number**	**State Employee Number**

…….. ……..

Signature **Date**

……. ……

Capacity **Name of Bidder**

MBD 6.1

PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL PROCUREMENT REGULATIONS 2011

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 B-BBEE, AS PRESCRIBED IN THE PREFERENTIAL PROCUREMENT REGULATIONS, 2011.

1. 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 R1 000 000 (all applicable taxes included); and

1.2 The value of this bid is estimated not to exceed R1 000 000 (all applicable taxes included) and therefore the 80/20system shall be applicable.

1.3 Preference points for this bid shall be awarded for:

(a) Price; and
(b) B-BBEE Status Level of Contribution.

1.3.1 The maximum points for this bid are allocated as follows:

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

1.4 Failure on the part of a bidder to fill in and/or to sign this form and submit a B-BBEE Verification Certificate from a Verification Agency accredited by the South African Accreditation System (SANAS) or a Registered Auditor approved by the Independent Regulatory Board of Auditors (IRBA) or an Accounting Officer as contemplated in the Close Corporation Act (CCA) together with the bid, will be interpreted to mean that preference points for B-BBEE status level of contribution are not claimed.

1.5. 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.

2. DEFINITIONS

2.1 **"all applicable taxes"** includes value-added tax, pay as you earn, income tax, unemployment insurance fund contributions and skills development levies;

2.2 **"B-BBEE"** means broad-based black economic empowerment as defined in section 1 of the Broad -Based Black Economic Empowerment Act;

2.3 "**B-BBEE status level of contributor"** means the B-BBEE status received by a measured entity based on its overall performance using the relevant scorecard contained in the Codes of Good Practice on Black Economic Empowerment, issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act;

2.4 **"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 services, works or goods, through price quotations, advertised competitive bidding processes or proposals;

2.5 **"Broad-Based Black Economic Empowerment Act"** means the Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003);

2.6 **"comparative price"** means the price after the factors of a non-firm price and all unconditional discounts that can be utilized have been taken into consideration;

2.7 **"consortium or joint venture"** 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;

2.8 **"contract"** means the agreement that results from the acceptance of a bid by an organ of state;

2.9 **"EME"** means any enterprise with an annual total revenue of R5 million or less .

2.10 **"Firm price"** means the price that is only subject to adjustments in accordance with the actual increase or decrease resulting from the change, imposition, or abolition of customs or excise duty and any other duty, levy, or tax, which, in terms of the law or regulation, is binding on the contractor and demonstrably has an influence on the price of any supplies, or the rendering costs of any service, for the execution of the contract;

2.11 **"functionality"** means the measurement according to predetermined norms, as set out in the bid documents, of a service or commodity that is designed to be practical and useful, working or operating, taking into account, among other factors, the quality, reliability, viability and durability of a service and the technical capacity and ability of a bidder;

2.12 **"non-firm prices"** means all prices other than "firm" prices;

2.13 **"person"** includes a juristic person;

2.14 **"rand value"** means the total estimated value of a contract in South African currency, calculated at the time of bid invitations, and includes all applicable taxes and excise duties;

2.15 **"sub-contract"** means the primary contractor's assigning, leasing, making out work to, or employing, another person to support such primary contractor in the execution of part of a project in terms of the contract;

2.16 **"total revenue"** bears the same meaning assigned to this expression in the Codes of Good Practice on Black Economic Empowerment, issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act and promulgated in the *Government Gazette* on 9 February 2007;

2.17 **"trust"** means the arrangement through which the property of one person is made over or bequeathed to a trustee to administer such property for the benefit of another person; and

2.18 **"trustee"** means any person, including the founder of a trust, to whom property is bequeathed in order for such property to be administered for the benefit of another person.

3. ADJUDICATION USING A POINT SYSTEM

3.1 The bidder obtaining the highest number of total points will be awarded the contract.

3.2 Preference points shall be calculated after prices have been brought to a comparative basis taking into account all factors of non-firm prices and all unconditional discounts;.

3.3 Points scored must be rounded off to the nearest 2 decimal places.

3.4 In the event that two or more bids have scored equal total points, the successful bid must be the one scoring the highest number of preference points for B-BBEE.

3.5 However, when functionality is part of the evaluation process and two or more bids havescored equal points including equal preference points for B-BBEE, the successful bid mustbe the one scoring the highest score for functionality.

3.6 Should two or more bids be equal in all respects, the award shall be decided by thedrawing of lots.

4. POINTS AWARDED FOR PRICE

4.1 THE 80/20 PREFERENCE POINT SYSTEMS

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

80/20

$$Ps = 80\left(1 - \frac{Pt - P\min}{P\min}\right)$$

Where

Ps = Points scored for comparative price of bid under consideration

Pt = Comparative price of bid under consideration

Pmin = Comparative price of lowest acceptable bid

5. Points awarded for B-BBEE Status Level of Contribution

5.1 In terms of Regulation 5 (2) and 6 (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 (80/20 system)
1	20
2	18
3	16
4	12
5	08

6	06
7	04
8	02
Non-compliant contributor	0

5.2 Bidders who qualify as EMEs in terms of the B-BBEE Act must submit a certificate issued by an Accounting Officer as contemplated in the CCA or a Verification Agency accredited by SANAS or a Registered Auditor. Registered auditors do not need to meet the prerequisite for IRBA's approval for the purpose of conducting verification and issuing EMEs with B-BBEE Status Level Certificates.

5.3 Bidders other than EMEs must submit their original and valid B-BBEE status level verification certificate or a certified copy thereof, substantiating their B-BBEE rating issued by a Registered Auditor approved by IRBA or a Verification Agency accredited by SANAS.

5.4 A trust, consortium or joint venture, will qualify for points for their B-BBEE status level as a legal entity, provided that the entity submits their B-BBEE status level certificate.

5.5 A trust, consortium or joint venture will qualify for points for their B-BBEE status level as an unincorporated entity, provided that the entity submits their consolidated B-BBEE scorecard as if they were a group structure and that such a consolidated B-BBEE scorecard is prepared for every separate bid.

5.6 Tertiary institutions and public entities will be required to submit their B-BBEE status level certificates in terms of the specialized scorecard contained in the B-BBEE Codes of Good Practice.

5.7 A person will not be awarded points for B-BBEE status level if it is indicated in the bid documents that such a bidder intends sub-contracting more than 25% of the value of the contract to any other enterprise that does not qualify for at least the points that such a bidder qualifies for, unless the intended sub-contractor is an EME that has the capability and ability to execute the sub-contract.

5.8 A person awarded a contract may not sub-contract more than 25% of the value of the contract to any other enterprise that does not have an equal or higher B-BBEE status level than the person concerned, unless the contract is sub-contracted to an EME that has the capability and ability to execute the sub-contract.

6. BID DECLARATION

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

7. B-BBEE STATUS LEVEL OF CONTRIBUTION CLAIMED IN TERMS OF PARAGRAPHS 1.3.1.2 AND 5.1

7.1 B-BBEE Status Level of Contribution: ……. = ……(maximum of 10 points)

(Points claimed in respect of paragraph 7.1 must be in accordance with the table reflected in paragraph 5.1 and must be substantiated by means of a B-BBEE certificate issued by a Verification Agency accredited by SANAS or a Registered Auditor approved by IRBA or an Accounting Officer as contemplated in the CCA).

8 SUB-CONTRACTING

8.1 Will any portion of the contract be sub-contracted? YES / NO (delete which is not applicable)
8.1.1 If yes, indicate:
(i) what percentage of the contract will be subcontracted? .....……..…%
(ii) the name of the sub-contractor? ……..
(iii) the B-BBEE status level of the sub-contractor? ……..
(iv) whether the sub-contractor is an EME? YES / NO (delete which is not applicable)

9 DECLARATION WITH REGARD TO COMPANY/FIRM

9.1 Name of firm : .....

9.2 VAT registration number : .....
9.3 Company registration number ……
:
9.4 TYPE OF COMPANY/ FIRM

□ Partnership/Joint Venture / Consortium
□ One person business/sole propriety
□ Close corporation
□ Company
□ (Pty) Limited
[TICK APPLICABLE BOX]

9.5 DESCRIBE PRINCIPAL BUSINESS ACTIVITIES

…….. .....
…… .....
…….. .....

9.6 COMPANY CLASSIFICATION

□ Manufacturer
□ Supplier
□ Professional service provider
□ Other service providers, e.g. transporter, etc.
[TICK APPLICABLE BOX]

9.7 MUNICIPAL INFORMATION

Municipality where business is situated ……..
Registered Account Number …….
Stand Number …….

9.8 TOTAL NUMBER OF YEARS THE COMPANY/FIRM HAS BEEN IN BUSINESS?
……

9.9 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-BBEE status level of contribution indicated in paragraph 7 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.

(iii) In the event of a contract being awarded as a result of points claimed as shown in paragraph 7, the contractor may be required to furnish documentary proof to the satisfaction of the purchaser that the claims are correct;

(iv) If the B-BBEE status level of contribution 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 –

(a) Disqualify the person from the bidding process;

(b) Recover costs, losses or damages it has incurred or suffered as a result of that person's conduct;

(c) Cancel the contract and claim any damages which it has suffered as a result of having to make less favourable arrangements due to such cancellation;

(d) restrict the bidder or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, from obtaining business from any organ of state for a period not exceeding 10 years, after the audialterampartem (hear the other side) rule has been applied; and

(e) forward the matter for criminal prosecution

WITNESSES:

1. ……

2. ……

……
SIGNATURE(S) OF BIDDER(S)

DATE:……..

ADDRESS:……..

……

……

……

MBD 7.1

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:

   (i) 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;

   (ii) General Conditions of Contract; and

   (iii) Other (specify)

3. I confirm that I have satisfied myself as to the correctness and validity of my bid; that the price(s) and rate(s) quoted cover all the goods and/or works specified in the bidding documents; that the price(s) and rate(s) cover all my obligations and I accept that any mistakes regarding price(s) and rate(s) and calculations will be at my own risk.

4. I accept full responsibility for the proper execution and fulfilment of all obligations and conditions devolving on me under this agreement as the principal liable for the due fulfillment of this contract.

5. I declare that I have no participation in any collusive practices with any bidder or any other person regarding this or any other bid.

6. I confirm that I am duly authorised to sign this contract.

NAME (PRINT) ……

CAPACITY ……

SIGNATURE ……

NAME OF FIRM ……

DATE ……

WITNESSES

1 ……

2. ……

DATE: ……..

MBD 7.1

CONTRACT FORM - PURCHASE OF GOODS/WORKS

PART 2 (TO BE FILLED IN BY THE PURCHASER)

1. I…… in my capacity as……..….. accept your bid under reference number ……dated……for the supply of goods/works indicated hereunder and/or further specified in the annexure(s).

2. An official order indicating delivery instructions is forthcoming.

3. I undertake to make payment for the goods/works delivered in accordance with the terms and conditions of the contract, within 30 (thirty) days after receipt of an invoice accompanied by the delivery note.

ITEM NO.	PRICE (ALL APPLICABLE TAXES INCLUDED)	BRAND	DELIVERY PERIOD	B-BBEE STATUS LEVEL OF CONTRIBUTION	MINIMUM THRESHOLD FOR LOCAL PRODUCTION AND CONTENT (if applicable)

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

SIGNED AT ……ON……..

NAME (PRINT) …….

SIGNATURE …….

OFFICIAL STAMP

WITNESSES

1. …….

2. …….

DATE …….

MBD 8

DECLARATION OF BIDDER'S PAST SUPPLY CHAIN MANAGEMENT PRACTICES

1 This Municipal Bidding Document must form part of all bids invited.

2 It serves as a declaration to be used by municipalities and municipal entities in ensuring that when goods and services are being procured, all reasonable steps are taken to combat the abuse of the supply chain management system.

3 The bid of any bidder may be rejected if that bidder, or any of its directors have:

a. abused the municipality's / municipal entity's supply chain management system or committed any improper conduct in relation to such system;
b. been convicted for fraud or corruption during the past five years;
c. willfully neglected, reneged on or failed to comply with any government, municipal or other public sector contract during the past five years; or
d. been listed in the Register for Tender Defaulters in terms of section 29 of the Prevention and Combating of Corrupt Activities Act (No 12 of 2004).

4 In order to give effect to the above, the following questionnaire must be completed and submitted with the bid.

Item	Question	Yes	No
4.1	Is the bidder or any of its directors listed on the National Treasury's Database of Restricted Suppliers as companies or persons prohibited from doing business with the public sector? (Companies or persons who are listed on this Database were informed in writing of this restriction by the Accounting Officer/Authority of the institution that imposed the restriction after the *audialterampartem* rule was applied). **The Database of Restricted Suppliers now resides on the National Treasury's website(**www.treasury.gov.za**) and can be accessed by clicking on its link at the bottom of the home page.**	Yes ☐	No ☐
4.1.1	If so, furnish particulars:		
4.2	Is the bidder or any of its directors listed on the Register for Tender Defaulters in terms of section 29 of the Prevention and Combating of Corrupt Activities Act (No 12 of 2004)? **TheRegister for Tender Defaulters can be accessed on the National Treasury's website (www.treasury.gov.za) by clicking on its link at the bottom of the home page.**	Yes ☐	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 / municipal entity, or to any other municipality / municipal entity, that is in arrears for more than three months?	Yes ☐	No ☐
4.4.1	If so, furnish particulars:		
4.5	Was any contract between the bidder and the municipality / municipal entity or any other organ of state terminated during the past five years on account of failure to perform on or comply with the contract?	Yes ☐	No ☐
4.7.1	If so, furnish particulars:		

CERTIFICATION

I, THE UNDERSIGNED (FULL NAME) ……..……..…… CERTIFY THAT THE INFORMATION FURNISHED ON 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**

Js367bW

DEPARTMENT: SUPPLY CHAIN MANAGEMENT

Sedibeng District Municipality
P.O. Box 471
Vereeniging, 1930
Republic of South Africa
Tel: +27 16 450 3126
Fax: +27 86 682 9892

Please provide at least 3 references

1. **Name:……..**
   Company:…….
   Position Held:……..
   Contact Number (s) work.……
   Mobile…….
2. **Name:……..**
   Company:…….
   Position Held:……..
   Contact Number (s) work.……
   Mobile……
3. **Name:……..**
   Company:…….
   Position Held:……..
   Contact Number (s) work.……
   Mobile…….
4. **Name:……..**
   Company:…….
   Position Held:……..
   Contact Number (s) work.……
   Mobile…….
5. **Name:……..**
   Company:…….
   Position Held:……..
   Contact Number (s) work.……
   Mobile…….

PLEASE NOTE THAT THIS IS COMPULSORY***

DESCRIPTION	YES (√)	NO (X)
1. **All pages are completely filled and signed by the authorized person:**		
2. **Original valid Tax Clearance Certificate obtainable from any South African Revenue Services branch has been attached:**		
3. **Original BBBEE Certificate**		
4. **Original current account of water and lights/Rates and Taxes obtainable from any Local or Metropolitan Municipality has been attached**		
5. **In a case of Joint Ventures (JV)/Consortium, the JV agreement has been attached**		
6. **The bidder has provided at least three contactable references**		
7. **Company registration documents e.g. CK document has been attached, in a case of a Private/Public company, shareholding information e.g. share certificate, has been attached**		

MBD 9

CERTIFICATE OF INDEPENDENT BID DETERMINATION

1 This Municipal Bidding Document (MBD) must form part of all bids[1] 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.

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

a. take all reasonable steps to prevent such abuse;

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

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

4 This MBD serves as a certificate of declaration that would be used by institutions to ensure that, when bids are considered, reasonable steps are taken to prevent any form of bid-rigging.

5 In order to give effect to the above, the attached Certificate of Bid Determination (MBD 9) must be completed and submitted with the bid:

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

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

CERTIFICATE OF INDEPENDENT BID DETERMINATION

I, the undersigned, in submitting the accompanying bid:

_____

(Bid Number and Description)

in response to the invitation for the bid made by:

_____

(Name of Municipality / Municipal Entity)

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

I certify, on behalf of:_____that:

(Name of Bidder)

1. I have read and I understand the contents of this Certificate;
2. I understand that the accompanying bid will be disqualified if this Certificate is found not to be true and complete in every respect;
3. I am authorized by the bidder to sign this Certificate, and to submit the accompanying bid, on behalf of the bidder;
4. Each person whose signature appears on the accompanying bid has been authorized by the bidder to determine the terms of, and to sign, the bid, on behalf of the bidder;
5. For the purposes of this Certificate and the accompanying bid, I understand that the word “competitor” shall include any individual or organization, other than the bidder, whether or not affiliated with the bidder, who:

    (a) has been requested to submit a bid in response to this bid invitation;
    (b) could potentially submit a bid in response to this bid invitation, based on their qualifications, abilities or experience; and
    (c) provides the same goods and services as the bidder and/or is in the same line of business as the bidder

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 consortium[3] 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:
    (a) prices;
    (b) geographical area where product or service will be rendered (market allocation)
    (c) methods, factors or formulas used to calculate prices;
    (d) the intention or decision to submit or not to submit, a bid;
    (e) the submission of a bid which does not meet the specifications and conditions of the bid; or
    (f) bidding with the intention not to win the bid.
3. 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.
4. The terms of the accompanying bid have not been, and will not be, disclosed by the bidder, directly or indirectly, to any competitor, prior to the date and time of the official bid opening or of the awarding of the contract.

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

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

……	……
Signature	Date
…….	……
Position	Name of Bidder

Js9141w 4

OFFICIAL TENDER FORM

TENDER No: 8/2/2/4-2014(Re-Advert)

The total tendered amount is:

R…… (Inclusive of VAT).

Signature of
Tenderer:

……

Name of
Company: ……

Address:

……

……

……..

……..

Tel No.

……

Fax No.

……

FORM OF OFFER AND ACCEPTANCE

OFFER

The Employer, identified in the acceptance signature block, has solicited offer to enter into a Contract in respect of the following service:

TENDER No: 8/2/2/4-2014(Re-Advert)

The tenderer, identified in the offer signature block has examined the documents listed in the tender data and addenda thereto as listed in the tender schedules, and by submitting this offer has accepted the Conditions of Tender.

By the representative of the tenderer, deemed to be duly authorized, signing this part of this form of offer and acceptance, the tenderer offer to perform all of the obligations and liabilities of the Service Provider under the contract including compliance with all its terms and conditions according to their true intent and meaning for an amount of R…… be determined in accordance with the conditions of contract identified in the Conditions of Contract.

THE OFFERED PRICE IS R…… (INCLUSIVE OF VAT)

This offer may be accepted by the Employer by signing the Acceptance part of this form of offer and acceptance and returning one copy of this document to the Tenderer before the end of the period of validity stated in the Conditions of Tender, whereupon the Tenderer becomes the party named as the Service Provider in the Condition of Contract.

Signature(s):……

Name(s):……

Capacity for the Tenderer:

……

Name and address of organization)……

Name and
Signature of
Witness: …… Date:……

ACCEPTANCE

By signing this part of this form of offer and acceptance, the Employer identified below accepts the Tenderer's offer. In consideration thereof, the Employer shall pay the Service Provider the amount due in accordance with the Conditions of Contract identified in the contract that is the subject of this agreement.

Deviations from and amendments to the documents listed in the tender data and any addenda thereto as listed in the tender scheduled as well as any changes to the terms of the offer agreed by the tenderer and the Employer during this process of offer and acceptance, are contained in the schedule of deviations attached to, and forming part of this agreement. No amendments to or deviations from said documents are valid unless contained in this schedule, which must be signed by the authorized representative(s) of both parties.

The tenderer shall within two weeks after receiving a completed copy of this agreement, including the schedule of deviations (if any), contact the Employer's agent (whose details are given in the contract data) to arrange the delivery of any bonds, guarantees, proof of insurance and any other documentation to be provided in terms of the conditions of contract identified in the Contract Data at, or just after, the date this agreement comes into effect. Failure to fulfil any of these obligations in accordance with those terms shall constitute a repudiation of this agreement.

Notwithstanding anything contained herein, this agreement comes into effect on the date when the tenderer receives one fully completed original copy of this document, including the schedule of deviations (if any). Unless the tenderer (now Service Provider) within five days of the date of such receipt notifies the Employer in writing of any reason why he cannot accept the contents of this agreement shall constitute a binding between the parties.

Signature(s):
…….

Name(s):
…….

Capacity for the Employer:

……

(Name and address of organization)……...

……
……

Name and Signature of

Witness: …… Date:……..

CREDIT ORDER INSTRUCTION

It is the policy of the Sedibeng District Municipality to pay all creditors by means of direct bank transfers. Please complete this information and acquire your banker's confirmation.

Name of Firm Account Holder: ……

Address: ……...

……
……

……
……

Name of Bank: ……...

Name of Branch: ……..

Branch Code: ……

Account Number: ……...

Type of Account: ……

I/we hereby requested and authorize the Sedibeng District Municipality to pay any amounts that may accrue to me/us to the credit of my/our bank account.

I/we understand that a payment advice will be supplied by the Sedibeng District Municipality in the normal way that will indicate the date on which funds will be available in my/our bank account and details of payment.

I/we further undertake the inform the Sedibeng District Municipality in advance of any change in my/our bank details and accept that this authority may only be cancelled by me/us by giving thirty days notice by prepaid registered post.

……..
Initials and Surname

…….
Authorized Signature

Date:…….

FOR BANK USE ONLY

I/We hereby certify that the details of our clients bank account as indicated on the credit order instruction is correct: …….. **AUTHORISED SIGNATURES(S)**	**OFFICIAL DATE STAMP**