

CHIEF ALBERT LUTHULI LOCAL MUNICIPALITY



CAPITAL PROJECT

PROFESSIONAL SERVICES FOR UPGRADE OF MPULUZI WWTW (PHASE 2)

Contract No. ALMP08/2023

Chief Albert Luthuli Local Municipality

PO Box 24
CAROLINA
1185
Contact for Administration:
Name: Mr James Nkosi
Telephone. (017) 843 4025

Chief Albert Luthuli Local Municipality

PO Box 24
CAROLINA
1185
Contact for Technical:
Name: Mr Bongani Thela
Telephone. (017) 843 4084/5

Tenderer:.....

Registration Number:.....

Total of the prices inclusive of Value Added Tax: R.....

Amount in Words:.....

CLOSING DATE & TIME: 06 MAY 2024

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1. INVITATION TO BID

PROFESSIONAL SERVICES FOR UPGRADE OF MPULUZI WWTW (PHASE 2)

You are hereby invited to submit financial proposals for the PROFESSIONAL SERVICES FOR UPGRADING OF MANZANA WASTEWATER TREATMENT WORKS

BID NUMBER: ALMP08/2023

CLOSING DATE: 06 MAY 2024

CLOSING TIME: 12h00

DESCRIPTION: PROFESSIONAL SERVICES FOR UPGRADE OF MPULUZI WWTW (PHASE 2)

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

BID DOCUMENTS MAY BE DEPOSITED IN THE BID BOX SITUATED AT:

- the ground floor in the Chief Albert Luthuli Municipality Head Office in CAROLINA

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 during normal office hours from 07h30 to 16h30.

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

The following conditions will apply:

- Price(s) of the bid must be valid for at least ninety (90) days from date of your offer.
- Price(s) of the bid must be firm and must be inclusive of VAT.
- This bid will be evaluated in terms of the 80/20 or 90/10 preference point system as prescribed in the Preferential Procurement Policy Framework Act (No 5 of 2000).
- The onus lies with applicant to supply proof for any of the criteria in the abovementioned forms. Please note that if no information is supplied, the bidder will score “0” for the applicable section.
- No telegraphic or facsimile proposals will be considered.
- No financial proposals from bidders who are non-tax compliant.
- Tender document must be completed in full and signed.

Failure to comply with these conditions will invalidate your offer.

NB: No bids will be considered from persons in the service of the state¹

- 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 an employee of Parliament or a provincial legislature.

THE FOLLOWING PARTICULARS MUST BE FURNISHED

(FAILURE TO DO SO WILL RESULT IN YOUR BID BEING DISQUALIFIED)

NAME OF BIDDER.....

POSTAL ADDRESS.....

STREET ADDRESS.....

TELEPHONE NUMBER CODE.....NUMBER.....

CELLPHONE NUMBER.....

FACSIMILE NUMBER CODE.....NUMBER.....

VAT REGISTRATION NUMBER.....

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

ARE YOU THE ACCREDITED REPRESENTATIVE
IN SOUTH AFRICA FOR THE GOODS/SERVICES OFFERED BY YOU?

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 / Municipal Entity: Chief Albert Luthuli Local Municipality
Department: Supply Chain Management Unit
Contact Person: Mr JA Nkosi
Tel: 017 843 4025
Fax: 017 843 4001

ANY ENQUIRIES REGARDING TECHNICAL INFORMATION MAY BE DIRECTED TO:

Contact Person: Mr Bongani Thela
Tel: 017 843 4084/5
Fax: 017 843 4001

2. TERMS OF REFERENCE (TOR)

BIDDERS WITHIN THE PANEL ARE HEREBY INVITED TO SUBMIT FINANCIAL PROPOSALS FOR THE PROFESSIONAL SERVICES FOR UPGRADE OF MPULUZI WWTW (PHASE 2)

1. General Information:

Purpose

The Municipality is soliciting financial proposals within the panel of appointed service providers (ALMT10/2022 Panel of water and sanitation)

Type of contract

The contract will be a multiyear project linked to the duration of ALMT10/2022.

A. Submission of proposals

A single Envelope System will be used. Bidders must submit financial proposals in a sealed envelope marked clearly **MUNICIPAL MANAGER, CHIEF ALBERT LUTHULI MUNICIPALITY, BID ALMP08/2023, “.PROFESSIONAL SERVICES FOR UPGRADE OF MPULUZI WWTW (PHASE 2)”**

The sealed tenders must be deposited in the Tender Box of the Municipality on or before the closing date of 06 May 2024 at 12:00 where after they will be opened in public. Late proposals will not be accepted/considered as well as those submitted via facsimile or email.

Proposals must be accompanied by:

- completed tender documents
- Sars pin (to verify tax status)

One original hard copy must be submitted. Failure to submit all required documents will lead to disqualification of the tender.

Proposals must be signed by an authorized agent to bind the service provider to its provisions.

Background:

The works upgrade has been designed in modular form to allow for construction over two separate phases in order to provide a total treatment capacity of 4 Ml/day ADWF i.e. two (2 No.) modules, each with a capacity of 2 Ml/day. Construction of the second module (Phase 2) is required to provide sufficient treatment capacity at the Mpuluzi WWTW to handle the projected sewage design flows of the project area. This project will serve the Mpuluzi community.

The proposed new infrastructure will consist of the following:

- A summary of the proposed project scope of works for Contract 1 is as follows:
- The existing inlet works is to be retained as is.
- Construction of one (1 No.) additional 22.5 m long x 22.5 m wide x 3.5 m deep activated sludge reactor.
- Construction of one (1 No.) additional 15 m diameter clarifier.
- Construction of a set of three (3 No.) sludge drying beds.
- Construction of one (1 No.) additional chlorine contact chamber.
- Installation of additional RAS and WAS pump sets within the existing sludge sump.
- Installation of additional return pumps within the final oxidation pond to allow for the return of effluent to the head of the works from the oxidation ponds.
- Construction of new offices, control rooms and staff accommodation.

- Sizing of a backup generator.
- Construction of new internal roads to enable access to and within the works.

1. **Project Objectives**

2. The specific objective is to carry out feasibility studies, project proposals, preliminary designs, designs, bid documentation, bid process facilitation and construction supervision of the construction of the upgrade and compiling a proposal that should address:
3. (i) technical issues in relation to the required service,
4. (ii) financial matters (capital costs estimate),
5. (iii) institutional matters (capacity to own, operate and maintain infrastructure), and
6. (iv) Environmental considerations regarding the infrastructure development proposals.

- Normal Services as per latest addition of the ECSA Guidelines during the construction stage only:
- Note that bidders must only include the price for specified additional services indicated below:
 - Bidders may suggest other additional services and indicate cost implications thereto, but these must not be included in the price proposal except for the following:
 - Level 3 Construction Monitoring
 - Preparing detailed operation and maintenance plans
 - Performing operational Health and Safety Act, 1995 duties on behalf of the municipality.

Proposals are invited from a single service provider or consortia. In the event that no single service provider or consortium meets the capacity requirements, the **MUNICIPALITY** reserves the right to request service providers who meet other evaluation criteria to form a consortium for the purpose of this project.

2. **Project Management**

The service provider will be expected to provide progress reports monthly to the MUNICIPALITY and attend a monthly Project Steering Committee meeting, where progress as well as challenges will be discussed. The service provider will designate one member of its team as a Project Manager who will be the single point of contact for the MUNICIPALITY on a regular basis.

3. **Evaluation criteria**

A. Adjudication during the bidding process will be subject to:-

- Price
- Municipal Objectives

B. Point Systems:

- The 80/20 point system will apply for projects with a fee value up to R50,000,000.
- The 90/10 point system will apply for projects with a fee value above R50 000 000.

C. Price Formula:

Price formula

The formula to be used to calculate the points for price is as follows:

$$Ps = 80 \text{ or } 90 \left\{ 1 - \frac{(Pt - Pmin)}{Pmin} \right\}$$

where

Ps = Points score for price

Pt = Comparative price of bid under consideration

Pmin = Comparative price of the lowest acceptable bid

D. Direct Preferencing

Chief Albert Luthuli Municipality Preferential Procurement policy whereby 80 points will be awarded for price and 20 points will be awarded in terms of the following objectives:

- Enterprises that are at least 50% women-owned (maximum 5 points):
- Enterprises that are at least 50% owned by disabled persons (maximum 5 points):
- Enterprises with at least a 50% ownership by Youth (maximum 5 points):
- Locality (maximum 5 points):

Total points for Price and Municipal goals must not exceed 100.

4. Projects estimated Amount

R 58 000 000,00

5. Project Duration

It is anticipated that work will begin in 2023/24 financial year, and it will be a multiyear project but will not exceed the duration of ALMT10/2022.

6. Briefing session

There will be no briefing for this tender.

For more information contact:

Person: Bongani Thela
Contact no: 017 843 4084/5
Fax no: 017 843 4001
E-mail: thelab@albertluthuli.gov.za

C1.1 Form of Offer and Acceptance

Offer

The employer, identified in the acceptance signature block, has solicited offers to enter into a contract in respect of the following works:

ALMP08/2023

PROFESSIONAL SERVICES FOR UPGRADE OF MPULUZI WWTW (PHASE 2)

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 offers to perform all of the obligations and liabilities of the contractor under the contract including compliance with all its terms and conditions according to their true intent and meaning for an amount to be determined in accordance with the conditions of contract identified in the contract data.

THE OFFERED TOTAL OF THE PRICES INCLUSIVE OF VALUE ADDED TAX IS:

.....Rand (in words);

R (in figures)

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 tender data, whereupon the tenderer becomes the party named as the contractor in the conditions of contract identified in the contract data.

Signature..... Date.....

Name.....

Capacity
for the tenderer
(Name and
address of
organization)

Name and
signature
of witness

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 contractor the amount due in accordance with the conditions of contract identified in the contract data. Acceptance of the tenderer's offer shall form an agreement between the employer and the tenderer upon the terms and conditions contained in this agreement and in the contract that is the subject of this agreement.

The terms of the contract, are contained in:

- Part C1: Agreements and contract data, (which includes this agreement)
- Part C2: Pricing data
- Part C3: Scope of work.

and drawings and documents or parts thereof, which may be incorporated by reference into Parts 1 to 4 above.

Deviations from and amendments to the documents listed in the tender data and any addenda thereto as listed in the tender schedules 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 duly signed by the authorized representatives of both parties.

The tenderer shall within 28 days 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. 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 contractor) within five working days of the date of such receipt notifies the employer in writing of any reason why he cannot accept the contents of this agreement, this agreement shall constitute a binding contract between the parties.

Signature Date

Name

Capacity
for the

Employer CHIEF ALBERT LUTHULI LOCAL MUNICIPALITY
PO BOX 24
CAROLINA'
1185

Name and
Signature

of witness

Date

Schedule of Deviations

Notes:

1. The extent of deviations from the tender documents issued by the Employer prior to the tender closing date is limited to those permitted in terms of the Conditions of Tender.
2. A tenderer's covering letter shall not be included in the final contract document. Should any matter in such, letter, which constitutes a deviation as aforesaid become the subject of agreements reached during the process of, offer and acceptance, the outcome of such agreement shall be recorded here.
3. Any other matter arising from the process of offer and acceptance either as a confirmation, clarification or change to the tender documents and which it is agreed by the parties becomes an obligation of the contract shall also be recorded here.
4. Any change or addition to the tender documents arising from the above agreements and recorded here shall also be incorporated into the final draft of the Contract.

1 Subject
Details.....
.....
.....

2 Subject
Details.....
.....
.....

3 Subject
Details.....
.....
.....

4 Subject
Details.....
.....
.....

5 Subject
Details.....
.....
.....

By the duly authorized representatives signing this agreement, the employer and the tenderer agree to and accept the foregoing schedule of deviations as the only deviations from and amendments to the documents listed in the tender data and addenda thereto as listed in the tender schedules, as well as any confirmation, clarification or changes to the terms of the offer agreed by the tenderer and the employer during this process of offer and acceptance.

It is expressly agreed that no other matter whether in writing, oral communication or implied during the period between the issue of the tender documents and the receipt by the tenderer of a completed signed copy of this Agreement shall have any meaning or effect in the contract between the parties arising from this agreement.

For the Tenderer:

For the Employer:

.....	Signature
.....	Name
.....	Capacity

Name and address of organisation:

Name and address of organisation:

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

Witness Signature

Witness Name

Date

C2. PRICING SCHEDULE

(Professional Services)

Name of Bidder:	Bid Number:.....
.....	
.....	
.....	
Closing Time:	
Closing Date:.....	

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

Fill in the tables below:

Item	Project Phase	Normal Claimable Fees	Rate	Amount
1	Inception	5 %		
2	Concept and Viability	25 %		
3	Design Development	25 %		
4	Documentation and Procurement	15 %		
5	Contract administration and Inspection	25 %		
6	Close – Out	5 %		
	Total	100 %		

ADDITIONAL SERVICES

Item	Project Phase	Normal Claimable Fees	Rate	Amount
7	Time-basis Construction Monitoring	24 Months		
8	Construction Monitoring Travel costs	24 Months		
9	Geotechnical investigations	1 Sum		
11	Surveying and Mapping	1 Sum		
12	Documentation and Printing	1 Sum		
13	OHS,EIA, ECO and WULA	1 Sum		
	Total Professional Fees			
	10% Contingencies			
	Subtotal A			
	15 VAT			
	Total Project Professional Fees			

C3. SCOPE OF WORK

C3.1 Client's Objective

The appointment for provision of consulting engineer services are requested for the planning, preliminary design report (PDR), detailed design, drafting, construction specification, tender documentation and tender evaluation, construction supervision, monitoring and successful completion of the project for the Chief Albert Luthuli Municipality.

C3.1.2 Overview of the Works

In order to ensure service delivery and ensure that the projects are finished before the end of relevant years, the municipality has decided to call for proposals to complete the above-mentioned project.

C3.1.3 Extent of the Works

The work to be carried out by the consultant under this contract comprises mainly of the following:

- a) The preliminary and detailed design for the above-mentioned project
- b) Compiling of Tender Documentation & Procurement specification
- c) Liaison with the Chief Albert Luthuli Municipality for the Tender advertisement of the project
- d) Manage the appointment of an Environmental consultant
- e) Manage the appointment of an OH&S consultant
- f) Provide Contract administration and supervision
- g) Successful completion and finalisation of project
- h) Submission of Close-Out report (Closure and final Report) and AS-Built drawings

Note: Following the completion of the designs, the Service provider will be called on by the project manager to come and present to the Project Management Unit for approval of the designs before tender documentation is finalized.

TAX CLEARANCE

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. This Tax Clearance Certificate must be submitted in the original together with the bid. Failure to submit the original and valid Tax Clearance Certificate may invalidate the bid.
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:.....
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____ / ____ / ____

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.

DECLARATION OF INTEREST

- 1. No bid will be accepted from persons in the service of the state¹.
- 2. Any legal person, including persons employed by the state¹, or persons having a kinship with persons employed by the state, including a blood relationship, may make an offer or offers in terms of this invitation to bid (includes a price quotation, advertised competitive bid, limited bid or proposal). In view of possible allegations of favouritism, should the resulting bid, or part thereof, be awarded to persons employed by the state, or to persons connected with or related to them, it is required that the bidder or his/her authorised representative declare his/her positioning relation to the evaluating/adjudicating authority where-

- the bidder is employed by the state; and/or
- the legal person on whose behalf the bidding document is signed, has a relationship with persons/a person who are/is involved in the evaluation and or adjudication of the bid(s), or where it is known that such a relationship exists between the person or persons for or on whose behalf the declaring acts and persons who are involved with the evaluation and or adjudication of the bid.

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

3.1 Full Name of bidder or his or her representative:

3.2 Identity Number:

3.3 Position occupied in the Company (director, trustee, shareholder²):

3.4 Company Registration Number:

3.5 Tax Reference Number:

3.6 VAT Registration Number:

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

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

3.8.1 If yes, furnish particulars.

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

- (g) a member of –
 - (i) any municipal council;
 - (ii) any provincial legislature; or
 - (iii) the national Assembly or the national Council of provinces;
- (h) a member of the board of directors of any municipal entity;
- (i) an official of any municipality or municipal entity;
- (j) 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);
- (k) a member of the accounting authority of any national or provincial public entity; or
- (l) an employee of Parliament or a provincial legislature.

²Shareholder” 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 the 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 the particulars:

.....
.....

3.11 Do 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 the 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 the particulars:

.....
.....

3.13 Are any spouse, child or parent of the company’s directors trustees, managers, principle shareholders or stakeholders in service of the state? **YES / NO**

3.13.1 If yes, furnish the 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 the particulars:

.....
.....

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

Full Name	Identity Number	Personal Tax Reference Number	State Employee Number / Persal Number

DECLARATION

I, THE UNDERSIGNED (NAME).....
CERTIFY THAT THE INFORMATION FURNISHED IN PARAGRAPHS 2 AND 3 ABOVE IS CORRECT. I ACCEPT THAT THE STATE MAY REJECT THE BID OR ACT AGAINST ME IN TERMS OF PARAGRAPH 23 OF THE GENERAL CONDITIONS OF CONTRACT SHOULD THIS DECLARATION PROVE TO BE FALSE.

.....
Signature

.....
Date

.....
Position

.....
Name of bidder

- Ps = Points scored for price of bid under consideration
- Pt = Price of bid under consideration
- Pmin = Price of lowest acceptable bid

4. POINTS AWARDED FOR B-BBEE STATUS LEVEL OF CONTRIBUTOR

Chief Albert Luthuli Municipality Preferential Procurement policy whereby 80/90 points will be awarded for price and 20/10 points will be awarded in terms of the following objectives:

- Enterprises that are at least 50% women-owned (maximum 5/2 points):
- Enterprises that are at least 50% owned by disabled persons (maximum 5/2 points):
- Enterprises with at least a 50% ownership by Youth (maximum 5/2 points):
- Locality (maximum 5/2 points):

5. SUB-CONTRACTING

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

(Tick applicable box)

YES		NO	
-----	--	----	--

5.1.1 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 or QSE

(Tick applicable box)

YES		NO	
-----	--	----	--

v) Specify, by ticking the appropriate box, if subcontracting with an enterprise in terms of Preferential Procurement Regulations,2022:

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		

6. DECLARATION WITH REGARD TO COMPANY/FIRM

6.1 Name of company/firm:.....

6.2 VAT registration number:.....

6.3 Company registration number:.....

6.4 TYPE OF COMPANY/ FIRM

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

6.5 DESCRIBE PRINCIPAL BUSINESS ACTIVITIES

.....

.....

6.6 COMPANY CLASSIFICATION

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

6.7 MUNICIPAL INFORMATION

Municipality where business is situated:

Registered Account Number:

Stand Number:.....

6.8 Total number of years the company/firm has been in business:.....

6.9 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 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;
- iii) 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;
- iv) 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 –
 - (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) 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
 - (e) forward the matter for criminal prosecution.

WITNESSES

1:.....

2:.....

.....
SIGNATURE (S) OF BIDDER (S)

DATE:

ADDRESS:

.....

DECLARATION OF BIDDER’S PAST SUPPLY CHAIN MANAGEMENT PRACTICES

- 1 This Standard Bidding Document must form part of all bids invited.
- 2 It serves as a declaration to be used by institutions 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 disregarded if that bidder, or any of its directors have-
 - a. abused the institution’s supply chain management system;
 - b. committed fraud or any other improper conduct in relation to such system; or
 - c. failed to perform on any previous contract.
- 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 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 National Treasury after the <i>audi alteram partem</i> rule was applied).	Yes <input type="checkbox"/>	No <input type="checkbox"/>
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, 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 <input type="checkbox"/>	No <input type="checkbox"/>
4.2.1	If so, furnish particulars:		
4.3	Was the bidder or any of its directors convicted by a court of law (including a court outside of the Republic of South Africa) for fraud or corruption during the past five years?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.3.1	If so, furnish particulars:		
4.4	Was any contract between the bidder and any organ of state terminated during the past five years on account of failure to perform on or comply with the contract?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.4.1	If so, furnish particulars:		

CERTIFICATION

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

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

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

.....

Signature

.....

Date

.....

Position

.....

Name of Bidder

CERTIFICATE OF INDEPENDENT BID DETERMINATION

1. This Municipal Bidding Document (MBD) must form part of all bids¹ invited.
2. Section 4 (1) (b) (iii) of the Competition Act No. 89 of 1998, as amended, prohibits an agreement between, or concerted practice by, firms, or a decision by an association of firms, if it is between parties in a horizontal relationship and if it involves collusive bidding (or bid rigging).² Collusive bidding is a *per se* prohibition meaning that it cannot be justified under any grounds.
3. Treasury Regulation 16A9 prescribes that accounting officers and accounting authorities must take all reasonable steps to prevent abuse of the supply chain management system and authorizes accounting officers and accounting authorities to:
 - a. disregard the bid of any bidder if that bidder, or any of its directors have abused the institution's supply chain management system and or committed fraud or any other improper conduct in relation to such system.
 - b. cancel a contract awarded to a supplier of goods and services if the supplier committed any corrupt or fraudulent act during the bidding process or the execution of that contract.
4. This 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 Institution)

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

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

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

competitor regarding the quality, quantity, specifications and conditions or delivery particulars of the products or services to which this bid invitation relates.

9. The terms of the accompanying bid have not been, and will not be, disclosed by the bidder, directly or indirectly, to any competitor, prior to the date and time of the official bid opening or of the awarding of the contract.
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