

# Abaqulusi Local Municipality



## Returnable Bid Document

**Tender No: 8/2/1/622**

**Tender Description: Worship Site sale  
for Erf 4735 Bhekuzulu within  
Abaqulusi Municipality**



**ABAQULUSI LOCAL MUNICIPALITY**

**INVITATION TO BID**  
**TENDER NUMBER: 8/2/1/622**  
**LAND SALES WITHIN ABAQULUSI LOCAL MUNICIPALITY**

Notice is hereby given in terms of Section 21 of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000), Section 14 (2) (a) (b) of the Local Government: Municipal Financial Management Act, 2003 (Act 56 of 2003), read with Sections 5 and 7 of the Municipal Assets Transfer Regulations of 2008, and Abaqulusi Municipality's Supply Chain Policy, Section 37 (1) – (9), that the following vacant sites are offered for sale subject to a bidding process:

**Worship Site**

<b>PROPERTY DESCRIPTION</b>	<b>EXTENT (M<sup>2</sup>)</b>
Erf 4735 Bhekuzulu	3620

The bid document may be downloaded free of charge from: [www.etenders.gov.za](http://www.etenders.gov.za). Bids may only be submitted on the bid documentation issued by Abaqulusi Municipality. Late submitted, unmarked, faxed, falsified or e-mailed offers will not be considered and will be disqualified. Bids must be placed in envelopes, clearly marked **"Land Sales within Abaqulusi Local Municipality"** and deposited in the tender box at Corner of Mark and High Street, Vryheid 3100, not later than 12h00 on Day **06** July 2025.

The Abaqulusi Local Municipality does not bind itself to accepting any bid, either wholly or in part or give any reason for such action.

\_\_\_\_\_  
**S.P DLAMINI**  
**MUNICIPAL MANAGER**  
**ABAQULUSI LOCAL MUNICIPALITY**

**Notice Number: 32/2026**

## PART A INVITATION TO BID

<b>YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE (NAME OF MUNICIPALITY/ MUNICIPAL ENTITY)</b>					
BID NUMBER:	8/2/1/622	CLOSING DATE:	06/07/2026	CLOSING TIME:	12H00
DESCRIPTION	Worship Site sale for Erf 4735 Bhekuzulu within Abaqulusi Municipality				
<b>THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (MBD7).</b>					

BID RESPONSE DOCUMENTS MAY BE DEPOSITED IN THE BID BOX  
SITUATED AT (STREET ADDRESS


<b>SUPPLIER INFORMATION</b>					
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:	
ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES OFFERED?	<input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES ENCLOSE PROOF]		ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES OFFERED?	<input type="checkbox"/> Yes <input type="checkbox"/> 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					
<b>BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO:</b>			<b>TECHNICAL INFORMATION MAY BE DIRECTED TO:</b>		
DEPARTMENT	SCM		CONTACT PERSON	S Landman	
CONTACT PERSON	S THUNGO		TELEPHONE NUMBER	034 9822133	
TELEPHONE NUMBER	034 9822133		FACSIMILE NUMBER		
FACSIMILE NUMBER			E-MAIL ADDRESS	<a href="mailto:slandman@abagulusi.gov.za">slandman@abagulusi.gov.za</a>	
E-MAIL ADDRESS	<a href="mailto:sthungo@abagulusi.gov.za">sthungo@abagulusi.gov.za</a>				

## PART B TERMS AND CONDITIONS FOR BIDDING

<b>1. BID SUBMISSION:</b>										
<p>1.1. BIDS MUST BE DELIVERED BY THE STIPULATED TIME TO THE CORRECT ADDRESS. LATE BIDS WILL NOT BE ACCEPTED FOR CONSIDERATION.</p> <p>1.2. <b>ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS PROVIDED (NOT TO BE RE-TYPED) OR ONLINE</b></p> <p>1.3. THIS BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT AND THE PREFERENTIAL PROCUREMENT REGULATIONS THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER SPECIAL CONDITIONS OF CONTRACT.</p>										
<b>2. TAX COMPLIANCE REQUIREMENTS</b>										
<p>2.1 BIDDERS MUST ENSURE COMPLIANCE WITH THEIR TAX OBLIGATIONS.</p> <p>2.2 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.</p> <p>2.3 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.</p> <p>2.4 FOREIGN SUPPLIERS MUST COMPLETE THE PRE-AWARD QUESTIONNAIRE IN PART B:3.</p> <p>2.5 BIDDERS MAY ALSO SUBMIT A PRINTED TCS CERTIFICATE TOGETHER WITH THE BID.</p> <p>2.6 IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED, EACH PARTY MUST SUBMIT A SEPARATE TCS CERTIFICATE / PIN / CSD NUMBER.</p> <p>2.7 WHERE NO TCS IS AVAILABLE BUT THE BIDDER IS REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD), A CSD NUMBER MUST BE PROVIDED.</p>										
<b>3. QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS</b>										
<table style="width: 100%; border: none;"> <tr> <td style="width: 70%;">3.1. IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)?</td> <td style="text-align: right;"><input type="checkbox"/> YES <input type="checkbox"/> NO</td> </tr> <tr> <td>3.2. DOES THE ENTITY HAVE A BRANCH IN THE RSA?</td> <td style="text-align: right;"><input type="checkbox"/> YES <input type="checkbox"/> NO</td> </tr> <tr> <td>3.3. DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA?</td> <td style="text-align: right;"><input type="checkbox"/> YES <input type="checkbox"/> NO</td> </tr> <tr> <td>3.4. DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA?</td> <td style="text-align: right;"><input type="checkbox"/> YES <input type="checkbox"/> NO</td> </tr> <tr> <td>3.5. IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION?</td> <td style="text-align: right;"><input type="checkbox"/> YES <input type="checkbox"/> NO</td> </tr> </table> <p><b>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.</b></p>	3.1. IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)?	<input type="checkbox"/> YES <input type="checkbox"/> NO	3.2. DOES THE ENTITY HAVE A BRANCH IN THE RSA?	<input type="checkbox"/> YES <input type="checkbox"/> NO	3.3. DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA?	<input type="checkbox"/> YES <input type="checkbox"/> NO	3.4. DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA?	<input type="checkbox"/> YES <input type="checkbox"/> NO	3.5. IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION?	<input type="checkbox"/> YES <input type="checkbox"/> NO
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3.3. DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA?	<input type="checkbox"/> YES <input type="checkbox"/> NO									
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3.5. IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION?	<input type="checkbox"/> YES <input type="checkbox"/> NO									

**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: .....

# Abaqulusi Local Municipality



## Formal Bid Offer

<b>Name of Bidder</b>	
<b>Address of Bidder</b>	
<b>I.D Number of Bidder</b>	
<b>Contact Number</b>	
<b>E-mail Address</b>	
<b>Bid for (Property Description)</b>	<b>ERF</b>
<b>Bid Offer (South African Rands Incl. VAT)</b>	<b>R</b>

\_\_\_\_\_  
**Signature of Bidder**

\_\_\_\_\_  
**Date**

# Abaqulusi Local Municipality



## **Terms of Reference:**

### **Worship Site Sales within Abaqulusi Municipality**

## 1. Preamble

The Abaqulusi Local Municipality hereby invites bids from all stakeholders interested in purchasing Worship Site within the Abaqulusi Municipality, located in the suburb of Bhekuzulu. The intention of the municipality is to award a site to the successful bidder who has lodged the highest price offer above the set reserved price on that specific site, and has complied with all requirements set out in this Terms of Reference and Bid Document.

## 2. Background and Context

The Abaqulusi Local Municipality's Council, resolved to dispose of all serviced Worship zoned sites within its jurisdiction to ensure that the municipality is answering the call to its religious leaders who have over the years made numerous attempts to purchase municipal owned worship sites.

Based on this, the municipality is now moving forward in a phased approach in order to deal with the process of land sales in an effective manner and one that can be fast-tracked for both the seller and purchaser.

In this Terms of Reference document, the focus of land sales will deal with worship sites only, within the areas as outlined above.

## 3. Need for Worship sites Land Sale

Abaqulusi Local Municipality is no different to other municipalities in the province or country as it also faces huge amounts of pressure in ensuring that access to worship land is readily available to its religious leaders for the primary purpose of fulfilling their spiritual mandate to Abaqulusi communities. Over the years, the Abaqulusi Municipality has received large volumes of applications from religious institutions for municipal owned land for religious purposes. Additional pressure has also been placed on the municipality as a result the limited zoned sites available for religious purposes, and the huge demand for such sites. The municipality has now decided to dispose of a number of appropriately zoned religious sites in an attempt to address the above-mentioned issues.

## 4. Project Scope

For this phase of Land Sales, the Abaqulusi Municipality has identified a total of 4 religious sites that will be available for disposal. These sites are located in Vryheid extension 10, Hlobane and Bhekuzulu.

### 4.1 Property Analysis

As indicated above, the following site have been identified for disposal by Abaqulusi Municipality. The details of the property are as follows:

## Worship site

PROPERTY DESCRIPTION	EXTENT (M <sup>2</sup> )
Erf 4735 Bhekuzulu	3620

## 4.2 Locality Maps


Sites are highlighted in Yellow.



**Worship site**

## 4.3 Permitted Zoning Rights

### 4.3.1 Worship

<b>ZONE: WORSHIP</b>						
<b>STATEMENT OF INTENT:</b> This zone is intended to make provision for, and development of, adequate worship facilities which are located in convenient core, suburban and residential locations which are accessible to all people.					<b>MAP COLOUR REFERENCE:</b> 	
<b>PRIMARY USES</b>		<b>CONSENT USES</b>	<b>PROHIBITED USES</b>			
Dwelling House Nature and Resource Conservation Place of Public Assembly		Day Care Centre Hospitality Facility (Restricted to Guest House and Conference Centre) Place of Instruction Recycling Centre Telecommunication Base Station	Any other use not stipulated under primary use or consent use			
<b>ADDITIONAL CONTROLS</b>						
<ol style="list-style-type: none"> <li>1. Minimum Erf Size may be reduced where special circumstances are demonstrated.</li> <li>2. Height may be exceeded where special circumstances are demonstrated.</li> <li>3. Where an erf is zoned for Worship purposes religious practices including those relating to rights administered prior to burial shall be regarded as permitted uses.</li> <li>4. Parking shall be provided in accordance with requirements set out in <b>Clause 6.12</b>.</li> <li>5. Day Care Centre shall comply with the standards of the Department of Health and Social Services.</li> </ol>						
<b>DEVELOPMENT PARAMETERS</b>						
<b>BUILDING LINES</b>		<b>DWELLING UNITS PER HECTARE</b>	<b>MINIMUM ERF AREA</b>	<b>HEIGHT IN STOREYS</b>	<b>COVERAGE</b>	<b>FLOOR AREA RATIO</b>
<b>STREET FRONT SPACE</b>	<b>SIDE AND REAR SPACE</b>					
7m	3m	N/A	1000m <sup>2</sup>	2	50%	0.5

## 5. Conditions of Sale

1. **All properties will be sold to the highest bidder.**
2. **No bids will be accepted below the reserved price of a property.**
3. Only bids from religious institutions will be accepted.
4. The successful bidder will have to enter into a sale agreement/deed of sale with the Abaqulusi Local Municipality for the purchase of the property of which he/she lodged a bid for within 14 days after receiving notice that he/she has been awarded the bid.
5. The successful bidder will have to pay 10% of the bid price that he/she has lodged within 7 days after signing the sale agreement.
6. The successful bidder will have to pay the outstanding 90% of the bid price within 21 days after making the 10% payment as indicated in point 5 above.
7. All conveyancing costs will be the responsibility of the successful bidder.
8. The property is to be utilised as per the zoning rights only.
9. The successful bidder will ***not be allowed*** to conduct the following:
  - a) *Rezoning of the Property*
  - b) *Subdivision of the Property*
  - c) *Consolidating the Property (within first 10 years of ownership)*
10. Only one site will be awarded to a congregation
11. Proof of historical presence of congregation in the geographical area applied for must be submitted by the prospective bidder.
12. Proof of registration as an NPO must be submitted with your tender documents.
13. Within 3 months upon finalisation of transfer and registration of the property, the successful bidder must submit building plans to the Abaqulusi Local Municipality in order to begin the process of developing the property.
14. Within 6 months after receiving approval of the building plans, the successful bidder must ensure that construction on site begins.
15. Within 18 months after approval of the building plans, the successful bidder must ensure that all construction on site is complete.
16. Construction on site must be fully compliant to the permitted zoning of the property and to the satisfaction of the Building Inspectorate Unit of the municipality.

17. Failure to complete construction as per the prescribed time frames stipulated above will result in administration penalties imposed on the site owner as per the Abaqulusi Local Municipality's Spatial Planning and Land Use Management Act, Act No. 13 of 2016 (SPLUMA) By-laws.

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**Name of Bidder**

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**Signed and Accepted Conditions of Sale**

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**Date**

## 6. Compulsory Returnable Documents

All proposed bids for a specific property must be accompanied by the following compulsory returnable document:

1. Signed and Completed Formal Bid Offer.
2. Signed and Completed Acceptance of the Conditions of Sale.
3. Certified Copy of ID.
4. Certified Copy of Proof of Residence.
5. Signed and Completed Certificate of Independent Bid Determination (MBD9).

## 7. Submission Format

- All Bid documents must be placed into the Tender Box outside the Municipality, located at the corner of Mark and High Street, Vryheid, KZN, 3100.
- All Bid documents must be submitted timeously.
- No late submissions will be accepted.
- All Bid documents must be completed in full and all supporting documents must be attached as required.
- No email or faxed submissions will be accepted.
- All costs related to the submission of this tender shall be carried out by the bidder.

## 8. Legalities and Rules

- The AbaQulusi municipality reserves the right not to award a Bid as per the bids received.
- If successful upon a bid to purchase a property, the purchaser will have to enter into a sale agreement with the seller, the AbaQulusi Local Municipality.
- All returnable documents must be signed where applicable.
- All conditions of sale must be strictly adhered to, read and understood by the bidder.
- The AbaQulusi Local Municipality will not be held responsible for any submission delays whatsoever.

## 9. Validity Period

- All Bids are valid for a period of 90 days after submission closing date.

## 10. Briefing Session

- There will be **no briefing session**.

## 11. Evaluation Criteria

All bids received must comply with the following criteria:

1. All properties will be sold to the highest bid offer.
2. All bid documents must be signed and completed in full where applicable.
3. All bidders must submit a certified copy of their ID.
4. All bidders must submit a certified copy of their Proof of Residence.
5. All bidders must submit a Signed and Completed Certificate of Independent Bid Determination (MBD9)

## 12. Reasons for Disqualification

A bid document will be rejected or disqualified based on the following reasons:

1. Late submission of a bid will not be accepted.
2. A bid document received that is not signed and completed in full.
3. Non-Submission of Certified copy of ID.
4. Non-Submission of Certified copy of Proof of Address.
5. A Bid below the Reserved Price of a property
6. A proposed Bidder whose information is found out to be fraudulent, factually untrue or inaccurate.

## 13. Abaqulusi Municipality's Rights

- The Abaqulusi municipality is entitled to amend any Bid conditions, validity period, specifications, or extend the closing date of Bids before the closing date. All bidders, to whom the bid documents have been issued, will be advised in writing of such amendments in good time.
- The Abaqulusi municipality reserves the right not to award a Bid as per the bids received.

## 14. Enquiries

Enquiries may be directed to the following persons:

### **Technical Queries Mr.**

V Sithole

Telephone No. : 034 982 2133

Working Hours: Monday – Thursday 7:30 – 16:30 :

Friday – 7:30 – 13:30

Email: [vsithole@abaqulusi.gov.za](mailto:vsithole@abaqulusi.gov.za)

### **Supply Chain Queries Ms**

P Nxumalo

Telephone No. : 034 982 2133

Working Hours: Monday – Thursday 7:30 – 16:30 :

Friday – 7:30 – 13:30

Email: [sthungo@abaqulusi.gov.za](mailto:sthungo@abaqulusi.gov.za)

## **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](http://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](http://www.sars.gov.za).

**MBD4**

**DECLARATION OF INTEREST**

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

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

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

3.2 Identity Number:.....

3.3 Position occupied in the Company (director, trustee, shareholder<sup>2</sup>):.....

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.....

.....

<sup>1</sup> 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.

<sup>2</sup> 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 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 the service of the state?

**YES / NO**

3.12.1 If yes, furnish particulars.

.....

.....

3.13 Are any spouse, child or parent of the company's directors trustees, managers, principle shareholders or stakeholders in service of the state?

**YES / NO**

3.13.1 If yes, furnish particulars

.....

.....

3.14 Do you or any of the directors, trustee, 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 2022

This preference form must form part of all tenders invited. It contains general information and serves as a claim form for preference points for specific goals.

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

#### 1. GENERAL CONDITIONS

- 1.1 The following preference point systems are applicable to invitations to tender:
- the 80/20 system for requirements with a Rand value of up to R50 000 000 (all applicable taxes included); and
  - the 90/10 system for requirements with a Rand value above R50 000 000 (all applicable taxes included).
- 1.2 **To be completed by the organ of state**  
*(delete whichever is not applicable for this tender).*
- a) The applicable preference point system for this tender is the 90/10 preference point system.
- b) The applicable preference point system for this tender is the 80/20 preference point system.
- c) Either the 90/10 or 80/20 preference point system will be applicable in this tender. The lowest/ highest acceptable tender will be used to determine the accurate system once tenders are received.
- 1.3 Points for this tender (even in the case of a tender for income-generating contracts) shall be awarded for:
- (a) Price; and
- (b) Specific Goals.
- 1.4 **To be completed by the organ of state:**

The maximum points for this tender are allocated as follows:

	POINTS
PRICE	80
SPECIFIC GOALS	20
<b>Total points for Price and SPECIFIC GOALS</b>	<b>100</b>

- 1.5 Failure on the part of a tenderer to submit proof or documentation required in terms of this tender to claim points for specific goals with the tender, will be interpreted to mean that preference points for specific goals are not claimed.
- 1.6 The organ of state reserves the right to require of a tenderer, either before a tender is adjudicated or at any time subsequently, to substantiate any claim in regard to preferences, in any manner required by the organ of state.

## 2. DEFINITIONS

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

## 3. FORMULAE FOR PROCUREMENT OF GOODS AND SERVICES

### 3.1. POINTS AWARDED FOR PRICE

#### 3.1.1 THE 80/20 OR 90/10 PREFERENCE POINT SYSTEMS

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

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

Where

Ps = Points scored for price of tender under consideration

Pt = Price of tender under consideration

Pmin = Price of lowest acceptable tender

### 3.2. FORMULAE FOR DISPOSAL OR LEASING OF STATE ASSETS AND INCOME

## GENERATING PROCUREMENT

### 3.2.1. POINTS AWARDED FOR PRICE

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

$$\begin{array}{ccc} \mathbf{80/20} & \mathbf{or} & \mathbf{90/10} \\ \\ \mathbf{Ps = 80 \left( 1 + \frac{Pt - P_{max}}{P_{max}} \right)} & \mathbf{or} & \mathbf{Ps = 90 \left( 1 + \frac{Pt - P_{max}}{P_{max}} \right)} \end{array}$$

Where

- Ps = Points scored for price of tender under consideration  
Pt = Price of tender under consideration  
Pmax = Price of highest acceptable tender

## 4. POINTS AWARDED FOR SPECIFIC GOALS

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

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

*(Note to organs of state: Where either the 90/10 or 80/20 preference point system is applicable, corresponding points must also be indicated as such.*

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

The specific goals allocated points in terms of this tender	Number of points allocated (80/20 system) (To be completed by the organ of state)	Number of points claimed (80/20 system) (To be completed by the tenderer)
<b>Previously disadvantaged individuals</b>	<b>20</b>	
100% HDI Equity	20	
Between 75% & 99% HDI	13	
50% and 74% HDI	5	
Less than 50%	2	

**DECLARATION WITH REGARD TO COMPANY/FIRM**

4.3. Name of company/firm.....

4.4. Company registration number: .....

4.5. TYPE OF COMPANY/ FIRM

- Partnership/Joint Venture / Consortium
- One-person business/sole propriety
- Close corporation
- Public Company
- Personal Liability Company
- (Pty) Limited
- Non-Profit Company
- State Owned Company

[TICK APPLICABLE BOX]

4.6. I, the undersigned, who is duly authorised to do so on behalf of the company/firm, certify that the points claimed, based on the specific goals as advised in the tender, qualifies the company/ firm for the preference(s) shown and I acknowledge that:

- i) The information furnished is true and correct;
- ii) The preference points claimed are in accordance with the General Conditions as indicated in paragraph 1 of this form;

- iii) In the event of a contract being awarded as a result of points claimed as shown in paragraphs 1.4 and 4.2, the contractor may be required to furnish documentary proof to the satisfaction of the organ of state that the claims are correct;
- iv) If the specific goals have been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the organ of state may, in addition to any other remedy it may have –
  - (a) disqualify the person from the tendering process;
  - (b) recover costs, losses or damages it has incurred or suffered as a result of that person's conduct;
  - (c) cancel the contract and claim any damages which it has suffered as a result of having to make less favourable arrangements due to such cancellation;
  - (d) recommend that the tenderer or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, be restricted from obtaining business from any organ of state for a period not exceeding 10 years, after the *audi alteram partem* (hear the other side) rule has been applied; and
  - (e) forward the matter for criminal prosecution, if deemed necessary.

.....  
**SIGNATURE(S) OF TENDERER(S)**

**SURNAME AND NAME:** .....

**DATE:** .....

**ADDRESS:** .....

.....

.....

.....

## CONTRACT FORM - SALE OF GOODS/WORKS

**THIS FORM MUST BE FILLED IN DUPLICATE BY BOTH THE SUCCESSFUL BIDDER (PART 1) AND THE SELLER (PART 2). BOTH FORMS MUST BE SIGNED IN THE ORIGINAL SO THAT THE SUCCESSFUL BIDDER AND THE SELLER 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 purchase all or any of the goods and/or works described in the attached bidding documents from (name of institution)..... in accordance with the requirements stipulated in (bid number)..... at the price/s quoted. My offer/s remain binding upon me and open for acceptance by the seller during the validity period indicated and calculated from the closing time of bid.
  
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)
    - Preference claims in terms of the Preferential Procurement Regulations 2022
    - Declaration of interest
    - 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) quoted cover all the goods and/or works specified in the bidding documents; that the price(s) cover all my obligations and I accept that any mistakes regarding price(s) and calculations will be at my own risk.
  
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 undertake to make payment for the goods/works as specified in the bidding documents.
  
6. I declare that I have no participation in any collusive practices with any bidder or any other person regarding this or any other bid.
  
7. I confirm that I am duly authorised to sign this contract.

NAME (PRINT) .....

CAPACITY .....

SIGNATURE .....

NAME OF FIRM .....

<b>WITNESSES</b>	
1	.....
....	.....

DATE .....

MBD 7.3

**CONTRACT FORM - SALE OF GOODS/WORKS**  
**PART 2 (TO BE FILLED IN BY THE SELLER)**

1. I..... in my capacity as..... accept your bid under reference number .....dated.....for the purchase of goods/works indicated hereunder and/or further specified in the annexure(s).
2. I undertake to make the goods/works available in accordance with the terms and conditions of the contract.

ITEM NO.	DESCRIPTION	PRICE (VAT INCL)	POINTS CLAIMED FOR HDI'S	POINTS CLAIMED FOR RDP GOALS

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

SIGNED AT .....ON.....

NAME (PRINT) .....

SIGNATURE .....

OFFICIAL STAMP

WITNESSES

1. ....

**CERTIFICATE OF INDEPENDENT BID DETERMINATION**

- 1 This Municipal Bidding Document (MBD) must form part of all bids<sup>1</sup> 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).<sup>2</sup> 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.
- 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:

<sup>1</sup> Includes price quotations, advertised competitive bids, limited bids and proposals.<sup>2</sup> Bid rigging (or collusive bidding) occurs when businesses, that would otherwise be expected to compete, secretly conspire to raise prices or lower the quality of goods and / or services for purchasers who wish to acquire goods and / or services through a bidding process. Bid rigging is, therefore, an agreement between competitors not to compete.

**CERTIFICATE OF INDEPENDENT BID DETERMINATION**

I, the undersigned, in submitting the accompanying bid:

\_\_\_\_\_

(Bid Number and Description)

in response to the invitation for the bid made by:

\_\_\_\_\_

(Name of Municipality / Municipal Entity)

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

I certify, on behalf of: \_\_\_\_\_ that:

(Name of Bidder)

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

(a) has been requested to submit a bid in response to this bid invitation;

- (b) could potentially submit a bid in response to this bid invitation, based on their qualifications, abilities or experience; and
  - (c) provides the same goods and services as the bidder and/or is in the same line of business as the bidder
- 6. The bidder has arrived at the accompanying bid independently from, and without consultation, communication, agreement or arrangement with any competitor. However communication between partners in a joint venture or consortium<sup>3</sup> 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.

<sup>3</sup> 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