



**ELIAS MOTSOALEDI LOCAL MUNICIPALITY**

**EMLM 08/2021**

**PROPOSED TOWNSHIP ESTABLISHMENT: PORTION 10 OF FARM KLIPBANK 26 JS (RE-ADVERT).**

<b>CLOSING DATE:</b>	<b>24 MARCH 2021</b>	<b>TIME</b>	<b>11:00</b>
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<b>NAME OF TENDERER / BIDDER</b>	
<b>TOTAL BID PRICE (INCLUDING VAT)</b>	<b>R</b>
<b>CENTRAL SUPPLIER DATABASE NUMBER</b>	<b>MAAA</b>
<b>B-BBEE LEVEL (e.g Level 1)</b>	<b>LEVEL</b>
<b>CONTACT PERSON</b>	
<b>TELEPHONE NUMBER</b>	
<b>FAX NUMBER</b>	

<b>ENQUIRIES REGARDING BID PROCEDURES</b>		<b>TECHNICAL ENQUIRIES</b>	
<b>MANAGER: SUPPLY CHAIN MANAGEMENT</b>		<b>ACTING SENIOR MANAGER: PLANNING</b>	
<b>M MTHIMUNYE</b>		<b>B. SETHOJOA</b>	
<b>TEL. NUMBER</b>	<b>TEL.013 262 3056</b>	<b>TEL. NUMBER</b>	<b>013 262 3056</b>
<b>TENDER ISSUED BY</b>			
<b>SUPPLY CHAIN MANAGEMENT UNIT</b>			
<b>ELIAS MOTSOALEDI LOCAL MUNICIPALITY</b>		<b>P.O. BOX 48, GROBLERSDAL, 0470</b>	

**ELIAS MOTSOLEDI LOCAL MUNICIPALITY**

<b>TENDER DETAILS</b>						
TENDER NUMBER	<b>EMLM 08/2021</b>					
TENDER TITLE	<b>PROPOSED TOWNSHIP ESTABLISHMENT: PORTION 10 OF FARM KLIPBANK 26 JS RE-ADVERT</b>					
CLOSING DATE	<b>24 MARCH 2021</b>		CLOSING TIME		<b>11H00</b>	
SITE MEETING	DATE	N/A	TIME	N/A	N/A	N/A
SITE MEETING ADDRESS	N/A					
CIDB GRADING REQUIRED	<b>NO</b>		LEVEL AND CATEGORY		<b>N/A</b>	
TENDER DOCUMENT FEE	<b>R1000_(if collecting from the Municipality) Free when downloading from e-tender portal</b>		PREFERENCE POINT SYSTEM		<b>80/20</b>	
BID BOX SITUATED AT	<b>MAIN OFFICES, 2<sup>ND</sup> GROBLER AVENUE, Elias Motsoaledi Local Municipality,.</b>					
OPERATING HOURS	The bid box is open during office hours, Monday to Friday from 07h30 to 16h15.					
OFFER TO BE VALID FOR	90	DAYS FROM THE CLOSING DATE OF TENDER.				
<p><b>PLEASE NOTE:</b></p> <ol style="list-style-type: none"> <li>1. Prospective suppliers must be registered on CSD prior to submitting bid (open tender)</li> <li>2. Tenders that are deposited in the incorrect box will not be considered.</li> <li>3. Mailed, telegraphic, telex, or faxed tenders will not be accepted.</li> <li>4. No late bids after closing date and time will be accepted.</li> <li>5. Bids not clearly marked and unamend will not be accepted.</li> <li>6. Bids may only be submitted on the bid documentation provided by the municipality.</li> <li>7. No awards will be made to a person: <ol style="list-style-type: none"> <li>i. Who is in the service of the state,</li> <li>ii. If that person is not a natural person , of which any director, manager, principal shareholder or stakeholder is a person in the service of the state</li> <li>iii. Who is an advisor or consultant contracted with the municipality or municipal entity</li> </ol> </li> </ol>						

**BIDDER'S TENDER DOCUMENTATION DECLARATION CERTIFICATION**

I, the undersigned certify that the information furnished on this declaration form is correct, completed and submitted.

NAME OF REPRESENTATIVE	
POSITION / DESIGNATION	
SIGNATURE	
DATE	

**T1.1 TENDER NOTICE & INVITATION**  
**ELIAS MOTSOLEDI LOCAL MUNICIPALITY**  
**TENDER NO: EMLM 08/2021**  
**CLOSING DATE: 24 MARCH 2021 @ 11:00**



In terms of Section 110 of the Municipal Finance Management Act, 2003 (No. 56 of 2003), tenders are hereby invited for **PROPOSED TOWNSHIP ESTABLISHMENT: PORTION 10 OF FARM KLIPBANK 26 JS RE-ADVERT.**

Tender documents and specifications are available and can be obtained from CASHIERS OFFICE IN THE MAIN OFFICES, 2<sup>ND</sup> Grobler Avenue Groblersdal, P.O. Box 48, Groblersdal, 0470 (Tel: [013] 262 3056, at a non-refundable deposit of **R1000.00** when the bidder request/need a document from the municipality and it is free of charge when downloaded from the e-Tender Portal. Payments can be made through bank guaranteed cheque payable to the Elias Motsoaledi Local Municipality or cash.

The closing time for receipt of tenders is **24 MARCH 2021 at 11h00** Telegraphic, telephonic, telex, facsimile, e-mail, unmarked and **late tenders** will under no circumstances be considered and accepted. The tender box will be emptied just after closing time on the closing date. Hereafter all bids will be open in public.

Any technical enquiries relating to the tender document may be directed to the **Development Planning (Mr. Boredi Sethojoa) at 013 262 3056 or at bsethojoa@emlm.gov.za** for technical assistance.

Fully completed tender documents, clearly marked **PROPOSED TOWNSHIP ESTABLISHMENT: PORTION 10 OF FARM KLIPBANK 26 JS RE-ADVERT** "with **"NAME of TENDERER"** must be placed in a sealed envelope and placed in the **tender box 1** on the **2<sup>nd</sup> Grobler Avenue**, Elias Motsoaledi Local Municipality, Main Offices, Groblersdal, **by no later than 24 March 2021 at 11h00** The envelope must be endorsed with number, title and closing date as indicated above..

Bidders will be evaluated on functionality whereby **49 points** has to be attained before financial proposals can be looked at. A preferential point system shall apply whereby a contract will be allocated to a tenderer in accordance with the Preferential Procurement Policy Framework Act, Act No. 5 of 2000 and as defined in the Conditions of Tender in the tender document, read in conjunction with the Supply Chain Management Policy of Elias Motsoaledi Local Municipality where 80 points will be allocated in respect of price and 20 points in respect of B-BBEE Status Level of Contribution.

No awards will be made to a person:

- Who is not registered on the Central Supplier Database;
- Who is in the service of the state;
- If that person is not a natural person, of which any director, manager, principal shareholder or stakeholder is a person in the service of the state; and/or
- Who is an advisor or consultant contracted with the municipality or municipal entity.

The municipality reserves the right to withdraw any invitation to tender and/or to re-advertise or to reject any tender or to accept a part of it. The municipality does not bind itself to accepting the lowest tender or award a contract to the bidder scoring the highest number of points



**TERMS OF REFERENCE  
FOR**

**PROPOSED TOWNSHIP ESTABLISHMENT: PORTION 10 OF FARM KLIPBANK 26 JS RE-ADVERT**

**1. Introduction**

Elias Motsoaledi local Municipality intends appointing a service provider for the proposed township establishment on portion 10 of farm Klipbank 26 JS.

**2. Background**

The Development Planning and Local economic Development Directorate of Elias Motsoaledi Local Municipality has prioritized the township establishment on portion 10 of farm Klipbank 26 JS Groblersdal; in order to promote alignment in terms of what is happening on the ground and allocated land uses as per the Groblersdal Town Planning Scheme (2006). The latter undertaking is prioritized for 2020/2021 year of finances.

**3. Purpose**

The purpose of this document is to set out terms of reference on which professional teams should base their tender for delivering a professional service for the Elias Motsoaledi Local Municipality. The tender should clearly adopt the approach to be adopted, proposed methodology, relevant experience, time frame, program and associated budget and the proposed team members.

**4. Objectives**

The main objective is to comply with the current legislative frameworks within the Elias Motsoaledi Local Municipality such as the EMLM Spatial Development Framework (2018), the Groblersdal Precinct Plan (2010) and EMLM SPLUM By-Law (2016), which controls land use management.

**5. SCOPE OF WORK.**

The scope of the assignment consists of the following:

- Survey of the existing structures on portion 10 of farm Klipbank 26 JS that is currently being used for burial, administration and office space.
  - Lodge a township establishment application to the relevant authority in terms of applicable legislation.
  - Secure approval of the township establishment application from relevant authority.
  - Pegging of erven.
  - Secure approval of the subdivision diagram with the surveyor general's office.
  - Secure registration of erven with the deeds office.
-

## 5.1. List of Activities.

1.	Legislation, Land Use Policy Guidelines:
1.1.	Assess relevance and implications of existing legislations, policies, and guidelines.
1.2.	Prepare full land development application in terms of applicable legislation and policies.
1.3.	Prepare diagram for approval by the Surveyor general.
2.	Advertisement of the township establishment application.
3.	Prepare required relevant support studies.
2.1	Give Notice to adjacent owners.
4.	Prepare an engineering services report.
5.	Distribute application to relevant external parties for comments.
6.	Prepare Site Development Plan.
7.	Solicit a conveyancer certificate (if applicable).
8.	Obtain approval from the Sekhukhune Joint District Planning Tribunal.

## 6. Deliverables

In accordance with the relevant standards and procedures for professional and contracted scope of work, the professional practice, and contracted scope of work, the professional service provider will submit and make oral presentations on the following outputs and deliverables to the Municipality.

### 6.1. Inception Report.

The report must outline the agreed scope of methodology, process, plan, expected outputs, deliverables and milestones/timeframes, including detailed description of the content and of each of the work outputs/deliverables of task section to the Municipality. An oral presentation of the inception report from the client is required. One soft copy and four hard copies are required.

### 6.2. Submission of the Application which includes all relevant supporting documents to the Municipality.

- Submission of the township establishment application to the Planning Tribunal for approval.
- Placing of site notices and newspaper advertisements of the application.
- Circulation to various interested and affected stakeholders for comments and or approval where necessary.
- Registration of erven with the surveyor general and deeds office.

The project is envisaged to be phased as follows:

Phase 1: Inception.

Phase 2: Draft Application document.

Phase 3: Submission to SJDPT.

Phase 4: Implementation of the tribunal decision.

#### 4.2.1.PROPOSED MILESTONES.

Milestone	Month 1	Month 2	Month 3	Month 4	Month 5	Month 6
Inception report and project plan.						
Engineering services report.						
Site Survey						
Township establishment application.						
Conducting a land use survey of the surrounding properties.						
Preparation of motivational memorandum.						
Advertising, attending to comments/objections						
Submitting final township establishment application to the Municipality.						
Lodging layout with SG office for approval.						
Registration of the approved SG plan with deeds office & transfer of subject properties						

## 7. PROJECT DURATION.

The duration of this project shall be for six (6) months from the date of the signing of tender acceptance letter from the service provider.

## 8. Team Composition.

The service provider (Town Planner) is expected to assemble a team with the following expertise:

- Land Surveyor.
- Environmental Consultant.
- Traffic Engineer.
- Conveyancer.

The above suggested professional staff composition is the minimum team requirement as stipulated by the Municipality for the successful completion of the project, however, the consultants are advised to propose their own team composition based on the scope of work as defined above.

## 9. Relevant Skills and Experience.

Below, is a summary of mandatory requirements:

The project leader must hold a tertiary qualification in planning which is recognized for registration in the category of professional or planning technician by the South African Council for Planners (SACPLAN). A copy of valid registration certificate and qualifications is to be attached to the proposal.

Skills and abilities requires the team to execute the project include the following:

- Town and regional planning.
- Land Survey (Professional registration with SAGC)(PLATO).
- Conveyancer (Professional admitted).
- Project Management.
- Sound Participatory Planning experience.
- Facilitation and translation skills.

## 10. Documentation.

- Fully completed and signed application form.
- Power of Attorney.
- Written Motivational Memorandum.
- Surveyor General's diagram of the earmarked property.
- Locality and site development depicting attributes in terms of section 84(1)(h) of the EMLM SPLUM By-Law (2016).
- Detailed Engineering Services Report.
- Basic Assessment/Environmental Impact Assessment Report (whichever applicable).
- Traffic Impact Study.
- Application should be compliant with section 92, 93 and 94 of SPLUM By-Law (2016).

**In addition, the appointed bidder must submit (but not limited to) the following:**

- Presentation of the draft and final documents to all stakeholders.
  - Five (5) hard copies of the draft and final document.
  - Electronic copies of the draft and final copies.
  - Word format with separate maps.
  - PDF format (text & maps).
  - Down sized PDF for website display.
  - All maps in electronic ESRI Arc view shape files format, GIS spatially referenced.
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Ownership of all information gathered by the service provider for purposes of this project will vest with the Municipality, the intellectual property right remains with Elias Motsoaledi Local Municipality.

### Roles of the Service Provider

The service provider provides the required expertise, services and documentation as set out in the terms of reference and the contract to be signed. It is the requirement of the Municipality that the service provider be qualified as a town planner, registered with SACPLAN and in good standing with SACPLAN. Bidders must submit documentary proof with the tender submission.

The service provider is to provide basic secretariat services for the project management team for the duration of the project.

The service provider is to draft all necessary invitations, info letters, communications for participation, advertisements, publications, memorandums, attendance registers, agendas, concept papers, items for the relevant Municipal structures etc.

Liaise with the Municipality on securing and availability of Municipal venues (free of charge) for public participation.

Enter into service level agreement with the Municipality.

The service provider is expected to give written reports on the project progress, as requested, but at least bi-monthly. The report must be in an electronic format.

### Project Duration and Costs

Phase	Tasks	By-Law Reference	Deliverable	% Payment on Completion
<b>Phase 1:</b> Inception	Confirm project process & participation milestones	Section 56 & Chapter 6.	Inception meeting.  Project implementation plan (PIP)  PSC Meeting	15%
<b>Phase 2:</b> Draft Document	By-Law compliance.  Discussion session with relevant departments within the Municipality  Draft application document for comments  Present to PSC	Section 56 & Chapter 6.	PSC ratified draft document	50%

<p><b>Phase 3:</b></p> <p>Submission of application</p>	<p>Preparation of town planning report by the Department of Planning</p> <p>Address all comments and representations that could have received during public participation</p>			<p>15%</p>
<p><b>Phase 4:</b></p>	<p>Obtain adoption of application by Tribunal.</p> <p>Notice of approval to the land surveyor to submit subdivision plans for approval to the surveyor general.</p> <p>Final amendment – incorporate submissions</p>			<p>10%</p>
<p>Total</p>				<p>100%</p>

## 11. EVALUATION METHODOLOGY AND CRITERIA

**RETURNABLE TENDER DOCUMENTS MUST BE COMPILED WITH CLEAR FILES DIVIDERS IN A NUMERICAL ORDER AS PER THE BELOW MINIMUM REQUIREMENTS**

### **Minimum Qualifying Requirements /Compulsory Returnable Documents:**

1. Fully Completed and Signed MBD Forms with a black ink (1; 4; 6.1; 8 & 9).
2. Proof of Registration with Planning Regulatory Body (i.e. South African Council of Planners/South African Planning Institute) **(SACPLAN)**.
3. Attach cost breakdown of the entire scope of work **(BOQ)**
4. Attach CSD registration report (summary or detailed).
5. Valid copy Entity / Company registration certificate.
6. Sign any alterations on the tender document **(NB: Not Initialed)**.
7. Sign every page on the tender document **(NB: Not Initialed)**.
8. Forms must be sign in a Black ink.
9. Attach Skills transfer plan
10. CIPC Abridged Certificate Annual returns **(NB applicable to entities that are/were in business for more than 12 months)**.
11. Company Profile (Detailing Experience and Reference contacts).
12. Proof of Municipal rates and taxes or services charges:
  - Of the company and all of its directors not in arrears for more than 90 days or
  - Confirmation from the municipality if municipal rates and taxes are not levied (for the company and all its director(s)) as per CK/Company form of address on the registration certificate or
  - if leasing, a signed lease agreement by the lessor and the lessee and a declaration/letter indicating that the bidder and/or the director does not have municipal account and that the municipal services; rates and taxes are paid by the property owner, should be signed by the lessor and such declaration/letter must be attached / Municipal rates in the name of the lessor for both company and director(s).
13. Original certified copy of B-BBEE Certificate issued by a SANAS verification agency; original Sworn Affidavit from commissioner of oaths or Original / Certified copy of CIPC Sworn Affidavit.
14. Original Certified copies of ID's of the Director(s) **(Certification not older than 6 months before the closing date)**.
15. **In case of a Joint Venture**, Association or Consortium a formal contract agreement must be signed by both parties and be attached and the following must be adhered to:
  - All of the above requirements must be for the both entities.
  - Consolidated Valid B-BBEE Certificate issued by a SANAS Verification agency; **NB: No sworn affidavits will be considered.**

**NB: FAILURE TO MEET ANY OF THE ABOVE REQUIREMENTS WILL LEAD TO IMMEDIATE DISQUALIFICATION,**

Phase 2: functionality Evaluation

1. One service providers will be appointed for this assignment;
2. Service providers must meet the minimum threshold. Failure to meet the threshold in any of the deliverables will result in disqualification and the service provider not being considered for phase 2 evaluation.

Technical evaluation will be allocated 70 points. Minimum qualifying is 49 points.

**EVALUATION METHODOLOGY AND CRITERIA**

No	Evaluation Criteria	Maximum Points
1	<p><b>COMPANY EXPERIENCE:</b></p> <p>Bidder must demonstrate experience in <b>preparation of rezoning &amp; subdivision applications</b>  <b>– (Appointment letters and Reference letters to be attached.)</b></p> <ul style="list-style-type: none"> <li>▪ 10 points per Appointment Letter and reference letter.</li> </ul>	40
2	<p><b>CAPACITY OF KEY PERSONNEL</b></p> <p>Team CV</p> <ul style="list-style-type: none"> <li>▪ <b>Project Leader:</b>                      Qualification: Degree / B-Tech in Town and Regional Planning</li> <li>✓ Above 5 years' experience = 30.</li> <li>✓ 3 – 4 years' experience = 20.</li> <li>✓ 1- 2 years' experience =10.</li> </ul> <p><b>(Attached CV and Certified Copies of Qualifications)</b></p> <p><b>CAPACITY OF KEY PERSONNEL</b></p> <p>Team CV</p> <ul style="list-style-type: none"> <li>▪ <b>Project Leader:</b>                      Qualification: Diploma in Town and Regional Planning (20 points)</li> <li>✓ Above 5 years' experience = 20.</li> <li>✓ 3 – 4 years' experience = 15.</li> <li>✓ 1- 2 years' experience =05</li> </ul> <p><b>(Attached CV and Certified Copies of Qualifications)</b></p>	30
	<b>TOTAL POINTS</b>	<b>70</b>
	<b>MINIMUM QUALIFYING SCORE (70%)</b>	<b>49</b>

## **COMPULSORY MUNICIPAL BID DOCUMENTATION**

- a) MBD 1 : Invitation to tender
- b) MBD 4 : Declaration of interest
- c) MBD 6.1 : Preference points system in terms of Preferential Procurement Regulation 2017
- d) MBD 8 : Declaration of bidder's past supply chain management practices
- e) MBD 9 : Certificate of Independent Bid Determination

**M.M KGWALE  
MUNICIPAL MANAGER  
ELIAS MOTSOLEDI LOCAL MUNICIPALITY  
GROBLERSDAL  
2<sup>ND</sup> GROBLER AVENUE  
0470**

### **CONCLUSION:**

Any false information given by the Prospective Service Provider and not meeting the minimum qualifying requirement, will lead to automatic disqualification of the PSP. The council reserves the right to accept either the whole or part of any Bid, or not to appoint at all. Faxes or e-mail is not acceptable. Bidders will be required to show compliance with the New Preferential Procurement Regulation of 2017

**PART A  
INVITATION TO BID**

<b>YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE (ELIAS MOTSOLEDI LOCAL MUNICIPALITY)</b>			
BID NUMBER:		CLOSING DATE:	
		CLOSING TIME:	
DESCRIPTION			
<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>02 GROBLER AVENUE</b>			
<b>GROBLERSDAL</b>			
<b>0470</b>			
<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:
B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE [TICK APPLICABLE BOX]	<input type="checkbox"/> Yes <input type="checkbox"/> No	B-BBEE STATUS LEVEL SWORN AFFIDAVIT	<input type="checkbox"/> Yes <input type="checkbox"/> No
<b>[A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE/ SWORN AFFIDAVIT (FOR EMES &amp; QSEs) MUST BE SUBMITTED IN ORDER TO QUALIFY FOR PREFERENCE POINTS FOR B-BBEE]</b>			
ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES /WORKS OFFERED?	<input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES ENCLOSE PROOF]	ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES /WORKS 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	<b>BUDGET AND TREASURY</b>	DEPARTMENT	<b>DEVELOPMENT PLANNING</b>
CONTACT PERSON	<b>M. MTHIMUNYE</b>	CONTACT PERSON	<b>B SETHOJOA</b>
TELEPHONE NUMBER	<b>013 262 3056</b>	TELEPHONE NUMBER	<b>013 262 3056</b>
FACSIMILE NUMBER	<b>013 262 2547</b>	FACSIMILE NUMBER	<b>013 262 2547</b>
E-MAIL ADDRESS	<b>mmthimunye@emlm.gov.za</b>	E-MAIL ADDRESS	<b>bsethojoa@emlm.gov.za</b>

**TERMS AND CONDITIONS FOR BIDDING**

**1. BID SUBMISSION:**

- 1.1. BIDS MUST BE DELIVERED BY THE STIPULATED TIME TO THE CORRECT ADDRESS. LATE BIDS WILL NOT BE ACCEPTED FOR CONSIDERATION.
- 1.2. **ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS PROVIDED-(NOT TO BE RE-TYPED) OR ONLINE**
- 1.3. THIS BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT AND THE PREFERENTIAL PROCUREMENT REGULATIONS, 2017, THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER SPECIAL CONDITIONS OF CONTRACT.

**2. TAX COMPLIANCE REQUIREMENTS**

- 2.1 BIDDERS MUST ENSURE COMPLIANCE WITH THEIR TAX OBLIGATIONS.
- 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.
- 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.
- 2.4 FOREIGN SUPPLIERS MUST COMPLETE THE PRE-AWARD QUESTIONNAIRE IN PART B:3.
- 2.5 BIDDERS MAY ALSO SUBMIT A PRINTED TCS CERTIFICATE TOGETHER WITH THE BID.
- 2.6 IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED, EACH PARTY MUST SUBMIT A SEPARATE TCS CERTIFICATE / PIN / CSD NUMBER.
- 2.7 WHERE NO TCS IS AVAILABLE BUT THE BIDDER IS REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD), A CSD NUMBER MUST BE PROVIDED.

**3. QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS**

- 3.1. IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)?  YES  NO
- 3.2. DOES THE ENTITY HAVE A BRANCH IN THE RSA?  YES  NO
- 3.3. DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA?  YES  NO
- 3.4. DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA?  YES  NO
- 3.5. IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION?  YES  NO

**IF THE ANSWER IS "NO" TO ALL OF THE ABOVE, THEN IT IS NOT A REQUIREMENT TO REGISTER FOR A TAX COMPLIANCE STATUS SYSTEM PIN CODE FROM THE SOUTH AFRICAN REVENUE SERVICE (SARS) AND IF NOT REGISTER AS PER 2.3 ABOVE.**

**NB: FAILURE TO PROVIDE ANY OF THE ABOVE PARTICULARS MAY RENDER THE BID INVALID. NO BIDS WILL BE CONSIDERED FROM PERSONS IN THE SERVICE OF THE STATE.**

SIGNATURE OF BIDDER: .....

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

DATE: .....

**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 an offer or offers in terms of this invitation to bid. In view of possible allegations of favouritism, should the resulting bid, or part thereof, be awarded to persons connected with or related to persons in service of the state, it is required that the bidder or their authorised representative declare their position in relation to the evaluating/adjudicating authority.
3. In order to give effect to the above, the following questionnaire must be completed and submitted with the bid.

No.	Information	Please provide detail	
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		
Note	<i>(The names of all directors / trustees / shareholders members, their individual identity numbers and state employee numbers must be indicated in paragraph 4 below.)</i>		
3.7	Are you presently in the service of the state?  If yes, please furnish particulars :	Yes	No
3.7.1	Name of director		
3.7.2	Service of state organization		



3.8	Have you been in the service of the state for the past twelve months?  If yes, please furnish particulars :	Yes	No
3.8.1	Name of director		
3.8.2	Service of state organization		
3.9	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?  If yes, please furnish particulars :	Yes	No
3.9.1	Name of person in the service of state		
3.9.2	Relationship		
3.10	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?  If yes, please furnish particulars :	Yes	No
3.10.1	Name of person in the service of state		
3.10.2	Relationship		
3.11	<i>Are any of the company's directors, trustees, managers, principle shareholders or stakeholders in service of the state?</i>  If yes, please furnish particulars :	Yes	No
3.11.1	Name of director		
3.11.2	Service of state organization		
3.12	Is any spouse, child or parent of the company's director trustees, managers, principle shareholders or stakeholders in service of the state?  If yes, please furnish particulars:	Yes	No
3.12.1	Name of director		
3.12.2	Name of relative		





3.12.3	Relationship		
3.13	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?  If yes, please furnish particulars:	Yes	No
3.13.1	Name of director		
3.13.2	Related company		
Note:	<p>SCM Regulations:</p> <p>“In the service of the state” means to be –</p> <ul style="list-style-type: none"> <li>(a) a member of – <ul style="list-style-type: none"> <li>(i) any municipal council;</li> <li>(ii) any provincial legislature; or</li> <li>(iii) the national Assembly or the national Council of provinces;</li> </ul> </li> <li>(b) a member of the board of directors of any municipal entity;</li> <li>(c) an official of any municipality or municipal entity;</li> <li>(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);</li> <li>(e) a member of the accounting authority of any national or provincial public entity; or</li> <li>(f) an employee of Parliament or a provincial legislature.</li> </ul> <p>“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.</p>		

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

Full Name	Identity Number	State Employee Number

5. I, the undersigned certify that the information furnished on this declaration form is correct.

I accept that the state may act against me should this declaration prove to be false.

<b>NAME OF REPRESENTATIVE</b> 	<b>AUTHORIZED SIGNATURE (UNDERSIGNED)</b> 
<b>DATE</b> 	<b>CAPACITY</b> 

## PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL PROCUREMENT REGULATIONS 2017

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

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

### 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 R50 000 000 (all applicable taxes included); and
- the 90/10 system for requirements with a Rand value above R50 000 000 (all applicable taxes included).

1.2

- a) The value of this bid is estimated to not exceed R50 000 000 (all applicable taxes included) and therefore the 80/20 preference point system shall be applicable; or
- b) Either the 80/20 or 90/10 preference point system will be applicable to this tender (*delete whichever is not applicable for this tender*).

1.3 Points for this bid shall be awarded for:

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

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

	POINTS
PRICE	80
B-BBEE STATUS LEVEL OF CONTRIBUTOR	20
<b>Total points for Price and B-BBEE must not exceed</b>	<b>100</b>

1.5 Failure on the part of a bidder to submit proof of B-BBEE Status level of contributor together with the bid, will be interpreted to mean that preference points for B-BBEE status level of contribution are not claimed.

1.6 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

- (a) “**B-BBEE**” means broad-based black economic empowerment as defined in section 1 of the Broad-Based Black Economic Empowerment Act;

“**B-BBEE status level of contributor**” means the B-BBEE status of an entity in terms of a code of good practice on

black economic empowerment, issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act;

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

### 3. POINTS AWARDED FOR PRICE

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

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

**80/20 or 90/10**

$$P_s = 80 \left( 1 - \frac{P_t - P_{\min}}{P_{\min}} \right) \quad \text{or} \quad P_s = 90 \left( 1 - \frac{P_t - P_{\min}}{P_{\min}} \right)$$

Where

$P_s$  = Points scored for price of bid under consideration

$P_t$  = Price of bid under consideration

$P_{\min}$  = Price of lowest acceptable bid

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

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

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

5. **BID DECLARATION**

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

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

6.1 B-BBEE Status Level of Contributor:.....=(maximum of 10 or 20 points)

(Points claimed in respect of paragraph 7.1 must be in accordance with the table reflected in paragraph 4.1 and must be substantiated by relevant proof of B-BBEE status level of contributor.

7. **SUB-CONTRACTING**

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

(Tick applicable box)

YES	<input type="checkbox"/>	NO	<input type="checkbox"/>
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7.1.1 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	<input type="checkbox"/>	NO	<input type="checkbox"/>
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v) Specify, by ticking the appropriate box, if subcontracting with an enterprise in terms of Preferential Procurement Regulations,2017:

WITNESSES

1. ....

2. ....

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

DATE: .....

ADDRESS .....

.....

.....

.....

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

Item	Question	Yes	No
4.1	Is the bidder or any of its directors listed on the National Treasury's Database of Restricted Suppliers as companies or persons prohibited from doing business with the public sector?  (Companies or persons who are listed on this database were informed in writing of this restriction by the accounting officer / authority of the institution that imposed the restriction after the <i>audi alteram partem</i> rule was applied).  <b>The Database of Restricted Suppliers now resides on the National Treasury's website <a href="http://www.treasury.gov.za">www.treasury.gov.za</a> and can be accessed by clicking on its link at the bottom of the home page</b>	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)?  <b>The Register for Tender Defaulters can be accessed on the National Treasury's website <a href="http://www.treasury.gov.za">www.treasury.gov.za</a> by clicking on its link at the bottom of the home page.</b>	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
4.5.1	If so, furnish particulars:		

**CERTIFICATION**

I, the undersigned 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.

NAME OF REPRESENTATIVE 	AUTHORIZED SIGNATURE (UNDERSIGNED) 
DATE 	CAPACITY 

**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:
  - 3.1. take all reasonable steps to prevent such abuse;
  - 3.2. 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
  - 3.3. 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**

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**CERTIFICATE OF INDEPENDENT BID DETERMINATION**

I, the undersigned, in submitting the accompanying bid: **(Tender number and description)**

in response to the invitation for the bid made by:

<b>NAME OF MUNICIPALITY / MUNICIPAL ENTITY</b> <span style="border-bottom: 1px solid black; display: inline-block; width: 50px;"></span>





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

I certify, on behalf of (name of bidder): <span style="border-bottom: 1px solid black; display: inline-block; width: 50px;"></span>
<b>NAME OF REPRESENTATIVE:</b> <span style="border-bottom: 1px solid black; display: inline-block; width: 50px;"></span>

that:

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:
- 7.1 Prices;
  - 7.2 Geographical area where product or service will be rendered (market allocation);
  - 7.3 Methods, factors or formulas used to calculate prices;
  - 7.4 The intention or decision to submit or not to submit a bid;
  - 7.5 The submission of a bid which does not meet the specifications and conditions of the bid; or
  - 7.6 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.

NAME OF REPRESENTATIVE 	AUTHORIZED SIGNATURE (UNDERSIGNED) 
DATE 	CAPACITY 

## GENERAL CONDITIONS OF CONTRACT

The General Conditions of Contract are not included in this document and may be downloaded from the following website – [www.treasury.gov.za/legislation](http://www.treasury.gov.za/legislation)