



ELIAS MOTSOALEDI LOCAL MUNICIPALITY

QUOTATION NO. RFQ 2023/05/11

REQUEST FOR QUOTATIONS OR SERVICES
(R 30 000.00 TO R 200 000.00)

APPOINTMENT OF EXTERNAL AUDITOR TO CONDUCT EXTERNAL ENVIRONMENTAL LANDFILL AUDIT

| | | | |
|----------------------|-------------------|-------------|--------------|
| CLOSING DATE: | 2023/05/11 | TIME | 09H00 |
|----------------------|-------------------|-------------|--------------|

| | |
|---|------|
| NAME OF COMPANY | |
| TOTAL AMOUNT | |
| CENTRAL SUPPLIER DATABASE NUMBER | MAAA |
| CONTACT PERSON | |
| TELEPHONE NUMBER | |
| FAX NUMBER | |

| | | | |
|--|--------------|--|--------------|
| ENQUIRIES REGARDING QUOTATION PROCEDURES | | TECHNICAL ENQUIRIES | |
| DIRECTORATE FINANCIAL SERVICES: SUPPLY CHAIN MANAGEMENT UNIT | | DIRECTORATE: COMMUNITY SERVICES | |
| V.E MASILELA | | M MOKHULWANE | |
| MANAGER SCM | | MANAGER WASTE AND ENVIRONMENTAL SERVICES | |
| TEL. NUMBER | 013 262 3056 | TEL. NUMBER | 013 262 3056 |

| | |
|-------------------------------------|---------------------------------|
| QUOTATION ISSUED BY | |
| FINANCE DEPARTMENT | |
| SUPPLY CHAIN UNIT | |
| TEL NUMBER | 013 262 3056 |
| ELIAS MOTSOALEDI LOCAL MUNICIPALITY | P.O. BOX 48 , GROBLERSDAL, 0470 |

QUOTATION DETAILS

| | | | | | | |
|---------------------------|---|--|-------------------------|------------|--------------|-----------|
| TENDER TITLE | APPOINTMENT OF EXTERNAL AUDITOR TO CONDUCT EXTERNAL ENVIRONMENTAL LANDFILL AUDIT | | | | | |
| CLOSING DATE | 2023/05/11 | | CLOSING TIME | | 09H00 | |
| SITE MEETING | DATE | N/A | TIME | N/A | COMPULSORY | NO |
| SITE MEETING ADDRESS | N/A | | | | | |
| CIDB GRADING REQUIRED | NO | | LEVEL AND CATEGORY | | N/A | |
| QUOTATION DOCUMENT FEE | FREE OF CHARGE | | PREFERENCE POINT SYSTEM | | 80/20 | |
| QUOTATION BOX SITUATED AT | 2nd Grobler Avenue, Groblersdal, Elias Motsoaledi local Municipality | | | | | |
| OPERATING HOURS | The bid box is open during office hours, Monday to Friday from 7h30 to 16h15 | | | | | |
| OFFER TO BE VALID FOR | 90 | DAYS FROM THE CLOSING DATE OF QUOTATION. | | | | |

PLEASE NOTE:

1. Prospective suppliers must be registered on CSD prior to submitting quotation and copy of said document must be attached to quotation.
2. Quotations that are deposited in the incorrect box will not be considered.
3. Mailed, telegraphic, telex, or faxed quotations will not be accepted.
4. No late quotations after closing date and time will be accepted.
5. Quotations not clearly marked and unnamed will not be accepted.
6. Quotations may only be submitted on the quotation documentation provided by the municipality.
7. No awards will be made to a person:
 - i. Who is in the service of the state,
 - 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
 - iii. Who is an advisor or consultant contracted with the municipality or municipal entity

QUOTATION NOTICE & INVITATION

ELIAS MOTSOLEDI LOCAL MUNICIPALITY

QUOTATION NO: **RFQ 2023/05/11**

CLOSING DATE: 2023/05/11 AT 09H00

APPOINTMENT OF EXTERNAL AUDITOR TO CONDUCT EXTERNAL ENVIRONMENTAL LANDFILL AUDIT

In terms of Section 110 of the Municipal Finance Management Act, 2003 (No. 56 of 2003), quotations are hereby invited for APPOINTMENT OF EXTERNAL AUDITOR TO CONDUCT EXTERNAL ENVIRONMENTAL LANDFILL AUDIT

Quotation documents and specifications are available on the municipal website(www.emlm.gov.za)

The closing time for receipt of quotations is **09:00hrs on 2023/05/11**. Telegraphic, telephonic, telex, facsimile, e-mail, unmarked and **late quotations** will under no circumstances be considered and accepted.

Any technical enquiries relating to the quotation document may be directed to SCM Department on 013 262 3056.

NB; All quotations i.e responses received in terms of procurement mechanisms below the value of R200 000 (VAT included) are excluded from public bid openings

Fully completed quotation documents, clearly marked "**Quote No: RFQ: 2023/05/11, APPOINTMENT OF EXTERNAL AUDITOR TO CONDUCT EXTERNAL ENVIRONMENTAL LAND AUDIT**" with "**NAME of SUPPLIER**" must be placed in a sealed envelope and placed in the **quotation box no 3** at 2nd Grobler Avenue, Elias Motsoaledi local Municipal Building, **Groblerdal 0470 by no later than 09h00 on 2023/05/11** . The envelope must be endorsed with number, title and closing date as indicated above.

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: Preferential Procurement Regulation 2022 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. Bidders will be evaluated on Price and Specific goals.

For quotes with a Rand value up to R50 000 000, the preference point system of 80/20 will apply, where 80 points will be for **(Price)** and 20 points will be for **Specific Goals** (Black, Women, Disability & people living in rural underdeveloped areas) in terms of section 2(1)(d) of the Preferential Procurement Policy Framework Act, 2000, (Act No 5 of 2000)

| 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) |
|--|---|---|
| Company which at least 51% black owned | 10 | |
| Company which at least 51% is owned by people living in rural underdeveloped areas | 10 | |

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

Minimum Requirements

The following documents have to be attached: **(NB: Failure to meet any of the below minimum requirements will lead to disqualification)**

- Central Supplier Database registration report (Detailed/Summary)
- Valid copy of company registration document
- Fully Completed MBD1, MBD4, MBD6.1), MBD8 and MBD9 Forms
- Project Manager must be registered as Environmental Assessment Practitioner with Environmental Assessment Practitioners Association of Southern Africa
- Project Manager : Attach C.V and certified copies of qualifications. (Master's degree in Environmental management with more than ten years' relevant experience)
- 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).
- CIPC Abridged Certificate Annual returns (**Figures / Amount page**).
- Any alterations must be signed (**NB: not initialed**)
- Signed each page (**NB: not initialed**)
- Original Certified copies of ID's of the Director(s)(not older than 3 months)
- Fully completed Quotation documents (**bidders will be disqualified for incomplete document**)

M M KGWALE
 MUNICIPAL MANAGER
 2nd GROBLER AVENUE
 GROBLERSDAL
 0470

PRICING SCHEDULE

PRICING INSTRUCTIONS

- a) These pricing instructions provide the tenderer with guidelines and requirements with regard to the completion of the pricing schedule. These pricing instructions also describe the criteria and assumptions which will be assumed in the contract to have been taken into account by the tenderer when developing his prices.
- b) The pricing schedule shall be read with all the documents which form part of this contract.
- c) The rates to be inserted in the pricing schedule are to be full inclusive for the work described under the specification. Such rates shall cover all costs and expenses that may be required in and for the execution of the work described, and shall cover the cost of all general risks, liabilities, and obligations set forth or implied in the documents on which the tender is based, as well as overhead charges and profit.
- d) A rate is to be entered against each item in the Schedule of Fees and Disbursements. An item against which no rate is entered will be accepted as a rate of nil having been entered against such items and covered by the other prices or rates in the schedule.
- e) All rates and sums of money quoted in the pricing schedule shall be in Rands and whole cents.
- f) All travelling costs, accommodation, meals and other incidental costs are to be included in the time based costs.
- g) Provisional amounts shall only be expended on the specific instruction of the Employer.
- h) All prices and rates entered in the pricing schedule must be **inclusive of Value Added Tax (VAT)**.
- i) If VAT registered, then should be added below the schedule. If not VAT registered indicate zero or N/A
- j) Only firm prices will be accepted. Non-firm prices (including prices subject to rates of exchange variations) will not be considered.
- k) In cases of contract periods longer than 12 months and price adjustments is applicable, it will be based on CPI. If higher inflation is required indicate CPI + and number %.

APPOINTMENT OF EXTERNAL AUDITOR TO CONDUCT EXTERNAL ENVIRONMENTAL LANDFILL AUDIT

All interested service providers are hereby invited to submit written quotations for the appointment of external auditor to conduct environmental audit for Groblersdal, Roosenekal landfill site and Hlogotlou waste Transfer station.

1. PURPOSE

The purpose of this External Landfill Compliance Audit is to determine the extent of compliance with the landfill site permit and any other relevant legislations

2. BACKGROUND

Elias Motsoaledi Local Municipality intends to appoint an independent external auditor to undertake an annual environmental audits for Hlogotlou Waste transfer station, Groblersdal and Roosenekal landfill site

2.1 WASTE DISPOSAL SITE DESCRIPTIONS

| Area | Classification | Licence No | Location |
|-------------|----------------|--------------------|---------------------------------------|
| Roosenekal | G:C: B + | 12/4/10 – A/15/GS1 | Portion 0 of Maposchgronde 911 |
| Groblersdal | G:C: B - | 12/4/10 – B/10/M2 | Portion 179 of farm Loskop Suid 53 JS |
| HLOGOTLOU | G:C: B + | 12/4/10 – A/1/GS2 | Farm Paardeplaats 135 JS |

3. SCOPE OF WORK

Conduct comprehensive independent

A physical site inspection must be undertaken by the external auditor to provide an assessment of the following permit compliance elements:

3.1 Pre-Audit Meetings

A pre-audit meeting during which the auditor will advise the client what aspects will be audited, the full scope of the landfill compliance audit and what documentation would be required for review.

3.2 Site Inspections

Access control, Cover material, Compaction, Documentation, Landfill plant and equipment, Operation and maintenance and Safety

3.3 Previous audit report

Review and identification of repeat audit findings.

Review of audit remedial measures implements.

Improvement measures noted.

3.4 Audit Report, Key Findings and Recommendations

- A comprehensive report should be compiled after the site inspections and review of all data, relevant reports, and interviews.
- The landfill compliance audit report must give recommendations on non-compliance identified during the compliance audit.
- Compliance measure scores out of 100% should be provided as an indication of the level of current compliance with the Site Permit and licenses

DELIVERABLES

The following deliverables must be provided among other as a direct output of the above scope of work.

- Preparation of an audit checklist to undertake site investigation
- Landfill site investigation (Site Permit Conditions and DWAF Minimum Requirements)
- Excel scoring matrix to determine the level of permit compliance
- Compilation for External Landfill Compliance Audit Report per waste disposal facility (hardcopy and soft copy)
- The service provider to recommend actions to be taken to ensure compliance in a structured manner (Action plan to indicate timeframe)
- Water samples results as per annexure IV of the license

TIMEFRAMES

The scope of work must be carried out and completed within a period of six weeks from start to completion of the project. This timeframe will include the review, amendments and approval of the report

BILL OF QUANTITY

| No | Description | Quantity | Unit price | Total price |
|-----------|--|-----------------|--------------------|--------------------|
| 1 | Environmental external audit for Groblersdal landfill site (including water samples to be taken on site) | 1 | | |
| 2 | Environmental external audit for Roosenekal landfill site (including water samples to be taken on site) | 1 | | |
| 3 | Environmental external audit for Hlogotlou waste transfer station | 1 | | |
| | | | Total | |
| | | | Vat @ 15% | |
| | | | Grand Total | |

**PART A
INVITATION TO BID**

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE (ELIAS MOTSOALEDI LOCAL MUNICIPALITY)

| | | |
|-------------|---------------|---------------|
| BID NUMBER: | CLOSING DATE: | CLOSING TIME: |
| DESCRIPTION | | |

THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (MBD7).

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

2ND GROBLER AVENUE

GROBLERSDAL

0470

SUPPLIER INFORMATION

| | | | |
|--|---|-------------------------------------|---|
| NAME OF BIDDER | | | |
| POSTAL ADDRESS | | | |
| STREET ADDRESS | | | |
| TELEPHONE NUMBER | CODE | NUMBER | |
| CELLPHONE NUMBER | | | |
| FACSIMILE NUMBER | CODE | NUMBER | |
| E-MAIL ADDRESS | | | |
| VAT REGISTRATION NUMBER | | | |
| TAX COMPLIANCE STATUS | TCS PIN: | OR | CSD No: |
| B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE [TICK APPLICABLE BOX] | <input type="checkbox"/> Yes <input type="checkbox"/> No | B-BBEE STATUS LEVEL SWORN AFFIDAVIT | <input type="checkbox"/> Yes <input type="checkbox"/> No |

[A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE/ SWORN AFFIDAVIT (FOR EMES & QSEs) MUST BE SUBMITTED IN ORDER TO QUALIFY FOR PREFERENCE POINTS FOR B-BBEE]

| | | | |
|--|--|---|--|
| <i>ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES /WORKS OFFERED?</i> | <input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES ENCLOSE PROOF] | <i>ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES /WORKS OFFERED?</i> | <input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES, ANSWER PART B:3] |
|--|--|---|--|

| | | |
|--------------------------------------|------------------------|---|
| <i>TOTAL NUMBER OF ITEMS OFFERED</i> | <i>TOTAL BID PRICE</i> | R |
|--------------------------------------|------------------------|---|

| | | |
|----------------------------|-------|-------------|
| <i>SIGNATURE OF BIDDER</i> | | <i>DATE</i> |
|----------------------------|-------|-------------|

CAPACITY UNDER WHICH THIS BID IS SIGNED

| BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO: | | TECHNICAL INFORMATION MAY BE DIRECTED TO: | |
|--|-----------------------|--|--|
| DEPARTMENT | SCM UNIT | DEPARTMENT | COMMUNITY SERVICES |
| CONTACT PERSON | VE MASILELA | CONTACT PERSON | M MOKHULWANE |
| TELEPHONE NUMBER | 013 262 3056 | TELEPHONE NUMBER | 013 262 3056 |
| FACSIMILE NUMBER | 013 262 2547 | FACSIMILE NUMBER | 013 262 2547 |
| E-MAIL ADDRESS | vmasilela@emlm.gov.za | E-MAIL ADDRESS | mmokhulwane@emlm.gov.za |

PART 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:

MBD 4**DECLARATION OF INTEREST**

1. No bid will be accepted from persons in the service of the state¹.
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, hareholder ²) | | |
| 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"> (a) a member of – <ul style="list-style-type: none"> (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. <p>"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.

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

| | |
|---|---|
| | |
| NAME OF REPRESENTATIVE  | AUTHORIZED SIGNATURE (UNDERSIGNED)  |
| | |
| DATE  | CAPACITY  |

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 |
| Total points for Price and SPECIFIC GOALS | 100 |

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:

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

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:

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

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) |
|---|--|--|
| | | |
| Company which at least 51% black owned | 10 | |
| Company which 51% is owned by people living in rural underdeveloped areas | 10 | |
| TOTAL | 20 | |

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:

.....

.....

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 | <p>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?</p> <p>(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).</p> <p>The Database of Restricted Suppliers now resides on the National Treasury's website www.treasury.gov.za and can be accessed by clicking on its link at the bottom of the home page</p> | Yes | No |
| 4.1.1 | If so, furnish particulars: | | |
| 4.2 | <p>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)?</p> <p>The Register for Tender Defaulters can be accessed on the National Treasury's website www.treasury.gov.za by clicking on its link at the bottom of the home page.</p> | 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 bids¹ invited.
- 2 Section 4(1)(b)(iii) of the Competition Act No. 89 of 1998, as amended, prohibits an agreement between, or concerted practice by, firms, or a decision by an association of firms, if it is between parties in a horizontal relationship and if it involves collusive bidding (or bid rigging).² Collusive bidding is a *pe se* prohibition meaning that it cannot be justified under any grounds.
- 3 Municipal Supply Regulation 38(1) prescribes that a supply chain management policy must provide measures for the combating of abuse of the supply chain management system, and must enable the accounting officer, among others, to:
 - 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:

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

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

CERTIFICATE OF INDEPENDENT BID DETERMINATION

I, the undersigned, in submitting the accompanying bid:

(Bid Number and Description)

in response to the invitation for the bid made by:

(Name of Municipality / Municipal Entity)

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

I certify, on behalf of: _____ that:

(Name of Bidder)

1. I have read and I understand the contents of this Certificate;
2. I understand that the accompanying bid will be disqualified if this Certificate is found not to be true and complete in every respect;
3. I am authorized by the bidder to sign this Certificate, and to submit the accompanying bid, on behalf of the bidder;
4. Each person whose signature appears on the accompanying bid has been authorized by the bidder to determine the terms of, and to sign, the bid, on behalf of the bidder;
5. For the purposes of this Certificate and the accompanying bid, I understand that the word "competitor" shall include any individual or organization, other than the bidder, whether or not affiliated with the bidder, who:
 - (a) has been requested to submit a bid in response to this bid invitation;
 - (b) could potentially submit a bid in response to this bid invitation, based on their qualifications, abilities or experience; and
 - (c) provides the same goods and services as the bidder and/or is in the same line of business as the bidder
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.

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

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

.....
Signature

.....
Date

.....
Position

.....
Name of Bidder

NOTICE OF SUPPLY CHAIN MANAGEMENT

APPLICATION FOR REGISTRATION ON CENTRAL SUPPLIER DATABASE

Par 14(1)(a) of the municipal supply chain management policy states that the municipality must keep a list of accredited prospective providers of goods and services that must be used for the procurement requirements.

The purpose of this notice is to obtain proof that the service provider is registered on the Central Supplier Database.

Registration is COMPULSORY in order to conduct business with Elias Motsoaledi Local Municipality.

The database will be used to verify the accreditation of a supplier before an award can be made.

Each bidder must complete the below checklist (please tick with an X where appropriate)

| QUESTIONS | | YES | NO |
|---|--|------|----|
| 1. | Is your company registered on the Central Supplier Database? | | |
| 2. | If yes, provide the following details: | | |
| 2.1 | ▪ CSD registration number | MAAA | |
| 2.2 | ▪ Unique CSD number | | |
| 3. | If no, please register on Central Supplier Database ,website, www.csd.gov.za , before submitting tender document | | |
| I, (insert full name) | | | |
| of (insert physical address) | | | |
| being a Director, Principal Shareholder, owner of company (insert company name) | | | |
| | | | |
| hereby confirms that, the information submitted in this form is accurate, to the best of my knowledge | | | |
| SIGNATURE | | | |

General Notes:

- The council is not bound to accept the lowest or any quotation and the council reserve the right to appoint partially or wholly or not to appoint at all.

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.