



MADIBENG

LOCAL MUNICIPALITY



TENDER

*"Madibeng, the Prosperous Platinum
and Green Tourism City"*

YOU ARE HEREBY INVITED TO BID FOR THE FOLLOWING TENDER AS ADVERTISED

BID NUMBER:	RFT41/06/2023/2024 RE-ADVERT)	CLOSING DATE:	19 FEBRUARY 2025	CLOSING TIME:	10H00
DESCRIPTION	APPOINTMENT OF A PANEL OF EIGHT (8) SERVICE PROVIDERS FOR HIRING OF PLANT AND EQUIPMENT FOR A PERIOD OF THREE (3) YEARS.				

SUPPLIER INFORMATION

NAME OF BIDDER				
CSD UNIQUE NUMBER	MAAA			
POSTAL ADDRESS				
STREET ADDRESS				
TELEPHONE NUMBER	CODE		NUMBER	
CELLPHONE NUMBER				
E-MAIL ADDRESS				



"ZERO TOLERANCE TOWARDS FRAUD AND CORRUPTION"
Anti-Corruption Hotline:

0800 555 774

*"Madibeng, the Prosperous Platinum
and Green Tourism City"*



TENDER NO: RFT41/06/2023/2024 (RE-ADVERT)

APPOINTMENT OF A PANEL OF EIGHT (8) SERVICE PROVIDERS FOR HIRING OF PLANT AND EQUIPMENT FOR A PERIOD OF THREE (3) YEARS.

CLOSING DATE:	19 FEBRUARY 2025	TIME	10H00
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NAME OF TENDERER	
TOTAL AMOUNT (MBD 3.1)	
CENTRAL SUPPLIER DATABASE NUMBER	
TAX COMPLIANCE PIN	
CONTACT PERSON	
TELEPHONE NUMBER	

ENQUIRIES REGARDING BID PROCEDURES		TECHNICAL ENQUIRIES	
BUDGET AND TREASURY OFFICE: SUPPLY CHAIN MANAGEMENT UNIT		DEPARTMENT OF PUBLIC SAFETY FLEET AND FACILITY MANAGEMENT	
NAME: BUNNY ASIDELL bunnysidell@madibeng.gov.za		NAME: MR BETHUEL MMUTLE Email: bethuelmmutle@madibeng.gov.za	
MANAGER: SUPPLY CHAIN MANAGENT		MANAGER: FLEET	
TEL. NUMBER	012 318 9454/9335/9189	TEL. NUMBER	012 318 9100
TENDER ISSUED BY			
NAME: THABO NYATLO thabonyatlo@madibeng.gov.za		DIVISION: SUPPLY CHAIN MANAGEMENT UNIT	
POSITION: SCM PRACTITIONER		TEL. NUMBER	012 318 9126/9189/9624
MADIBENG LOCAL MUNICIPALITY		P.O BOX 106 BRITS 0250	

“ZERO TOLERANCE TOWARDS FRAUD AND CORRUPTION”

Anti-Corruption Hotline:

0800 555 774

TENDER DETAILS						
TENDER NUMBER	RFT41/06/2023/2024 (RE-ADVERT)					
TENDER TITLE	TENDER DESCRIPTION: APPOINTMENT OF A PANEL OF EIGHT (8) SERVICE PROVIDERS FOR HIRING OF PLANT AND EQUIPMENT FOR A PERIOD OF THREE (3) YEARS.					
CLOSING DATE	19 FEBRUARY 2025		CLOSING TIME		10H00	
SITE MEETING	DATE	N/A	TIME	N/A	COMPULSORY	N/A
SITE MEETING ADDRESS	NA					
TENDER DOCUMENT FEE	Obtainable on the Municipal Website: www.madibeng.gov.za at no cost. Or E-Tender Portal		PREFERENCE POINT SYSTEM		80/20	
BID BOX SITUATED AT	Madibeng Local Municipality, Ground floor, 53 Van Velden Street, Brits, 0250.					
OPERATING HOURS	The bid box is open during office hours, Monday to Friday from 8h00 to 16h00.					
OFFER TO BE VALID FOR	90 DAYS FROM THE CLOSING DATE OF TENDER.		LOCAL CONTENT		YES	

PLEASE NOTE:

1. Prospective suppliers must be registered on CSD prior to submitting bids (open bids)
2. **Only tender documents that are deposited in Madibeng tender box will be considered.**
3. This bid is subject to the Preferential Procurement Policy Framework Act and the Preferential Procurement Regulations 2022, the General Conditions of contract (GCC) and, if applicable, any other special conditions of contract.
4. Mailed, telegraphic, telex, or faxed tenders will not be accepted.
5. No late bids after closing date and time will be accepted.
6. Bids not clearly marked, signed and unamend will not be accepted as required by the document.
7. Bids may only be submitted on the original bid documentation provided by the municipality or downloads from the e-tender portal.
8. 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

PART A INVITATION TO BID

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE (NAME OF MUNICIPALITY/ MUNICIPAL ENTITY)					
BID NUMBER:	RFT41/06/2023/2024 4(RE-ADVERT)	CLOSING DATE:	19 FEBRUARY 2025	CLOSING TIME:	10H00
DESCRIPTION	PROGRAM DESCRIPTION: APPOINTMENT OF A PANEL OF EIGHT (8) SERVICE PROVIDERS FOR HIRING OF PLANT AND EQUIPMENT FOR A PERIOD OF THREE (3) YEARS.				
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)

Madibeng Local Municipality, Ground floor, Foyer					
53 Van Velden Street					
Brits					
0250					
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]	☐ Yes ☐ No		B-BBEE STATUS LEVEL SWORN AFFIDAVIT ☐ Yes ☐ 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]					
ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES /WORKS OFFERED?	☐ Yes ☐ No [IF YES, ENCLOSE PROOF]		ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES /WORKS OFFERED?	☐ Yes ☐ 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			
BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO:		TECHNICAL INFORMATION MAY BE DIRECTED TO:	
DEPARTMENT	Finance – SCM	CONTACT PERSON	MR BETHUEL MMUTLE
CONTACT PERSON	MR Thabo Nyatlo	TELEPHONE NUMBER	012 318 9100
TELEPHONE NUMBER	012 318 9454/9189/9125	FACSIMILE NUMBER	012 318 9349
FACSIMILE NUMBER	012 318 9349	E-MAIL ADDRESS	
E-MAIL ADDRESS	thabonyatlo@madibeng.gov.za	bethuelmmutle@madibeng.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 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:

T1.2 TENDER DATA

CLAUSE NO.	
1	The Standard Conditions of Tender for procurement makes several references to the tender data for details that apply specifically to this tender. The tender data shall have precedence in the interpretation of any ambiguity or inconsistency between it and the standard conditions of tender for procurement other than disposals. Each item of data given below is cross-referenced to the relevant clause in the above mentioned Standard Conditions of Tender.
2	The employer is the Madibeng Local Municipality
3	The single volume approach is adopted for this contract. The list of returnable documents identifies which of the documents a tenderer must complete when submitting a tender offer. The tenderer must submit his tender offer by completing the returnable documents including the fully priced Pricing Schedule, signing the “Offer” section in the “Form of Offer and Acceptance” and delivering the single volume procurement document back to the Madibeng Municipality bound up as it was when it was received. The tender documents issued by the employer comprise of the following: TENDER Part T1: Tendering procedures - T1.1 - Tender notice and invitation to tender - T1.2 - Tender data - T1.3 – Standard Conditions of Tender Part T2: Returnable documents - T2.1 List of returnable documents - T2.2 Returnable schedules CONTRACT Part Agreements and contract data C1: C1.1 Form of offer and acceptance C1.2 Contract data Part C2: Pricing Schedule - C2.1 Pricing Instructions and Schedule - C2.2 Priced fees and disbursements Part C3: Terms of reference C3 - Terms of reference

4	The employer's agent Name : MR BETHUEL MMUTLE Address : Madibeng Local Municipality P.O. Box 106, Brits, 0250
5	Only those tenderers who satisfy the following eligibility criteria are eligible to submit tenders: 1. Tenderer is registered on the Central Supplier Database 2. Tenderer is qualified and professionally registered for the service to be provided 3. Tenderer has the managerial capacity, reliability and experience regarding the nature of the project
7	Site visit and clarification meeting N/A Enquiries regarding the tender may be directed to: Name : MR BETHUEL MMUTLE Telephone No. : 012 318 9574 Fax No. : 012 318 9349 E-Mail address : bethuelmmutle@madibeng.gov.za Tenderers must sign the attendance list in name of the tendering entity. Addenda will be issued and tenders will be received only from those tendering entities appearing on the attendance list.
8	The closing time for submission of tender offers is as indicated in the tender notice and invite
9	Alternative offers will not be considered
10	Additional copies of the tender offer, document will not be required
11	The employer's address for delivery of tender offers and identification details to be shown on such tender offer package are: Location of tender box : Madibeng Local Municipality Physical address : Ground floor, Foyer, 53 Van Velden Street, Brits, 0250

12	Identification details: As indicated in the tender notice TENDER NO: RFT41/06/2023/2024 (RE-ADVERT) APPOINTMENT OF A PANEL OF EIGHT (8) SERVICE PROVIDERS FOR HIRING OF PLANT AND EQUIPMENT FOR A PERIOD OF THREE (3) YEARS.
13	The site of works is located at Madibeng Local Municipality
14	The location for opening of the tender offers, immediately after the closing time thereof shall be at: Time: 19 FEBRUARY 2025 at 10H00
15	The procedure for the evaluation of responsive tenders is Method 1. The total number of tender evaluation points for preferences to may be claimed is indicated in MBD 6.1
16	Tender offers will only be accepted if: a) the tenderer is registered on the Central Supplier Database; b) the tenderer has provided a copy/ printed Tax compliance status reference Pin to enable the municipality to verify the bidder's tax compliance status c) The tenderer is not in arrears for more than 3 months with municipal rates and taxes and municipal service charges; d) the tenderer or any of its directors is not listed on the Register of Tender Defaulters in terms of the Prevention and Combating of Corrupt Activities Act of 2004 as a person prohibited from doing business with the public sector; and e) the tenderer has not: i) abused the employer's Supply Chain Management System; or ii) failed to perform on any previous contract in Madibeng local municipality or any other Municipality and has been given written notice to this effect; f) it is considered that the performance of the services will not be compromised through any conflict of interest.

EVALUATION OF THE BID
EVALUATION PROCESS AND CRITERIA

THE BID WILL BE EVALUATED USING THREE PHASES EVALUATION PROCESS AS FOLLOW:

- A. Phase 1: Administrative Compliance (document completion and attachment of mandatory documents)**
- B. Phase 2: Evaluation of Functionality (minimum qualifying score)**
- C. Phase 3: Specific goals. (PPPFA)**

NB. Bidders who fail to comply with the requirements of Stage 1 will not proceed to the next stage of evaluation

A. PHASE 1: ADMINISTRATIVE COMPLAINCE

SUBMISSION OF REQUIRED DOCUMENTATION



**SERVICE PROVIDERS ARE REQUESTED TO SUBMIT THE FOLLOWING DOCUMENTATON
[INCLUDING PARTNERS IN A JOINT VENTURE]:**

Section 45(1)(d) of Municipal Supply Chain Regulations requires that the municipality must reject a bidder whose municipal rates and taxes are in arrears for more than three months.

The purpose of this schedule is to obtain proof that municipal services, rates and taxes of the **service provider and the director(s)** are not in arrears for more than three months, with the relevant municipality / landlord in the municipal area where the service provider and the director(s) conduct his / her business.

The following **administrative compliance** has been identified for this bid and any non-compliance thereto will lead to the bid being regarded as non-responsive and therefore will be disqualified from further evaluation:

1. Tax Compliance Letter with A Unique Pin in Terms of the Electronic Tax Compliance Status (TCS) System from SARS Has Been Submitted.
2. Company Registration Documents, Showing Equity Ownership. [E.G., Form Cm 29, Ck1 Etc.]
3. Copies of Identification Documents [Of All Shareholders];
4. Current month Full Detailed CSD (Central Supplier Database) Report Must Be Attached
5. The considered company's location will be the one on the Central Supplier Database (Preferred Address)
6. Lease agreement must be accompanied by the **lessors** (company/director/s) tax invoice/ statement of account/ municipal statement.
7. Lease agreements that are not from estate agent bodies must be commissioned by oath to prove the validity of the contract
8. All proof of residents' forms and letter of traditional authority **forms must be stamped by the**

municipal revenue division confirming and stating that the address does not receive any services from the municipality.

9. All municipal account statements must be no later than three months
10. Rates and taxes of both the Service Provider and the Director (s) that are in arrears will invalidate the bid.

The Following Will Also Invalidate Your Bid:

11. Scratching out without initializing next to the amendment made.
12. The bidder has not written over / painting out rates / the use of Tippex or any erasable ink, e.g. pencil.
13. The bid has not been properly signed by a party having the authority to do so, according to the Form D – “Authority for Signatory”
14. A resolution by a board of directors of the company authorizing the tenderer to sign the tender document on behalf of the company. No authority for signatory submitted.
15. Particulars required in respect of the bid have not been provided – non-compliance of Bid requirements and/or specifications.
16. The bidder attempts to influence or has in fact influenced the evaluation and/or awarding of the contract.
17. The service provider has not completed Form (MBD4) – “Declaration of Interest”
18. The bidder has not completed Form (MBD6.1) – “Preference points claim form”

A COPY OF THE BIDDER'S AND THE DIRECTOR/S MUNICIPAL ACCOUNT (FROM THE MUNICIPALITY WHERE THE BIDDER PAYS HIS ACCOUNT) FOR THE MONTH PRECEDING THE TENDER CLOSURE DATE MUST ACCOMPANY THE TENDER DOCUMENT. IF SUCH A COPY DOES NOT ACCOMPANY THE BID DOCUMENT OF THE SUCCESSFUL BIDDER, THE BID WILL BE UNSUCCESSFUL. # FAILURE TO COMPLY WITH THE ABOVE WILL REGARD YOUR BID NON-RESPONSIVE # WHERE THE COMPANY OPERATES AND WHERE THE DIRECTOR/S RESIDES, THE RATES AND TAXES OF THAT ADDRESS MUST BE IN ORDER OR UP TO DATE. # RATES AND TAXES THAT ARE IN ARREARS WILL INVALIDATE YOUR BID. # PLEASE COMPLETE ALL BLANK SPACES ON THE FORMS WHERE NOT APPLICABLE INDICATE AS SUCH (N/A) # IN CASES OF A JOINT VENTURE OR A CONSORTIUM: ALL THE COMPANIES MUST ATTACHÉ ALL THE REQUIRED DOCUMENTS INDICATED ABOVE

PHASE 2: EVALUATION ON FUNCTIONALITY (MINIMUM QUALIFYING SCORE)

The bidders will be evaluated based on administrative compliance, functionality and specific goals.

A. Documents required for functionality evaluation

- Key staff CV and qualification
- Company profile
- CSD
- Lease of agreement with three months' proof of payment
- Reference and appointment letters, and completion certificates for completed assignments
- Copy of ENatis vehicle registration documents

B. Functionality

FUNCTIONALITY SCORECARD				
CRITERIA	1. PREVIOUS COMPANY EXPERIENCE			
Number of similar projects completed by the company. Failure to submit required APPOINTMENT LETTERS from the Client will result in the bidder getting zero points	(MAX 30 Points) Appointment letters must be submitted	SCORING CRITERIA	POINTS	SCORED POINTS
		5 and more appointment letters in plant hire	30	
		4 appointment letters in plant hire	25	
		3 appointment letters in plant hire	20	
		2 appointment letters in plant hire	10	
		1 appointment letters in plant hire	5	
		Total Score	30	
CRITERIA	2. PLANT AND EQUIPMENT			
The Bidder must submit proof of ownership OR Leasing/ Rental agreement from a registered service provider whose Registration and Tax compliance is traceable (failure to submit lease/ rental agreement signed by both by both the lessee and the lessor will result in the bidder getting zero Points).	(MAX 30 Points) The Bidder must submit with the Bid document the following; a) eNatis vehicle registration documents b) Lease agreement for proof of plant must awarded less points compared to ownership.	SCORING CRITERIA	POINTS	SCORED POINTS
		Ownership of one set of plant (Motor Grader, 30-ton Excavator, 5 X 10 Tipper trucks, 12 tons Smooth Drum Vibrating Roller and a 10 000 liter water cart) not older than 5 years	40	
		Leasing above =	20	
		Ownership of one set of plant (Motor Grader, 30-ton Excavator, 5 X 10 Tipper trucks, 12 tons Smooth Drum Vibrating Roller and a 10 000-liter water cart) not older than 10 years but older than 5 years	25	
		Leasing above=	10	
		Ownership of one set of plant (Motor Grader, 30-ton Excavator, 5 X 10 Tipper trucks, 12 tons Smooth Drum Vibrating Roller and a 10 000-liter water cart) not older than 15 years but older than 10 years	12	
		Leasing above	08	

		Ownership of one set of plant (Motor Grader, 30-ton Excavator, 5 X 10 Tipper trucks, 12 tons Smooth Drum Vibrating Roller and a 10 000-liter water cart) not older than 15	10	
		Leasing above	05	
		Leasing or renting of one set of plant (Motor Grader, 30 ton Excavator, 5 X 10 Tipper trucks, 12 tons Smooth Drum Vibrating Roller anda 10 000-liter water cart) not older than 15 years but older than 10 years	03	
Total Score			40	
CRITERIA	3. KEY PERSONNEL EXPERIENCE			
2.1 Academic Qualification / Specific Personal Knowledge – Certified copies of Academic qualification certificates need to be attached for functionality points scoring otherwise no points will be allocated.	(MAX 20 Points)	SCORING CRITERIA	POINTS	SCORED POINTS
	Bidders must submit with the Bid document the following; a) Driver's license for light and heavy duty operators and drivers b) Qualifications and in job training certificates c) Curriculum vitae of each operator and driver with contactable references # Note that documents attached will be verified with learning institutions and referees	5 Licensed Operators with over Five (5) years of experience with final cut	20	
		3 Licensed Operators with 3-5 years of experience in final cut	15	
		1-2 Licensed Operators with 5 years of experience in final cut	10	
		5 Licensed Operators with over 5 years of experience and competency certificate	7	
		3-4 Licensed Operators with over 5 years and competency certificate	5	
		1-2 Licensed Operators with over 5 years and competency certificate	2	
		Total Score		20
CRITERIA	4. Enterprise LOCALITY			
Contractor to submit proof of Municipal Rates & Taxes not older than three months /Valid Lease Agreement with three months' proof of payment /CSD. (Failure to submit proof of residential/CSD/CK/ Valid Lease Agreement with three months proof of payment will result in the bidder getting zero points)	(MAX 10 Points)	SCORING CRITERIA	POINTS	SCORED POINTS
	Bidders must submit with the Bid document the following; d) Proof of address to be attached.	Residing within Madibeng Rating	10	
		Residing within Bojanala District Rating:	7	
		Residing within North West Province Rating:	4	
		Residing in South Africa:	1	

NB: Bidders should obtain a minimum of 70 points for further evaluation.

T1.3 STANDARD CONDITIONS OF TENDER

1 **GENERAL**

1.1 **Actions**

1.1.1 The employer and each tenderer submitting a tender offer shall comply with these conditions of tender. In their dealings with each other, they shall discharge their duties and obligations as set out in clause 2 and clause 3, timeously and with integrity, and behave equitably, honestly and transparently, comply with all legal obligations and not engage in anticompetitive practices

1.1.2 The employer and the tenderer and all their agents and employees involved in the tender process shall avoid conflicts of interest and where a conflict of interest is perceived or known, declare any such conflict of interest, indicating the nature of such conflict. Tenderers shall declare any potential conflict of interest in their tender submissions. Employees, agents and advisors of the employer shall declare any conflict of interest to whoever is responsible for overseeing the procurement process at the start of any deliberations relating to the procurement process or as soon as they become aware of such conflict, and abstain from any decisions where such conflict exists or recuse themselves from the procurement process, as appropriate.

Note:

- a) A conflict of interest may arise due to a conflict of roles which might provide an incentive for improper acts in some circumstances. A conflict of interest can create an appearance of impropriety that can undermine confidence in the ability of that person to act properly in his or her position even if no improper acts result.
- b) Conflicts of interest in respect of those engaged in the procurement process include direct, indirect or family interests in the tender or outcome of the procurement process and any personal bias, inclination, obligation, allegiance or loyalty which would in any way affect any decisions taken.

1.1.3 The employer shall not seek and a tenderer shall not submit a tender without having a firm intention and the capacity to proceed with the contract

1.2 **Tender Documents**

The documents issued by the employer for the purpose of a tender offer are listed in the tender data.

1.3 **Interpretation**

1.3.1 The tender data and additional requirements contained in the tender schedules that are included in the returnable documents are deemed to be part of these conditions of tender.

1.3.2 These conditions of tender, the tender data and tender schedules which are only required for tender evaluation purposes, shall not form part of any contract arising from the invitation to tender.

1.3.3 For the purposes of these conditions of tender, the following definitions apply:

- a) **conflict of interest** means any situation in which:
-

- i) someone in a position of trust has competing professional or personal interests which make it difficult to fulfill his or her duties impartially;
 - ii) an individual or organization is in a position to exploit a professional or official capacity in some way for their personal or corporate benefit; or
 - iii) Incompatibility or contradictory interests exist between an employee and the organization which employs that employee.
- b) **comparative offer** means the tenderer's financial offer after all tendered parameters that will affect the value of the financial offer have been taken into consideration in order to enable comparisons to be made between offers on a comparative basis
- c) **corrupt practice** means the offering, giving, receiving or soliciting of anything of value to influence the action of the employer or his staff or agents in the tender process; and
- d) **fraudulent practice** means the misrepresentation of the facts in order to influence the tender process or the award of a contract arising from a tender offer to the detriment of the employer, including collusive practices intended to establish prices at artificial levels
- e) **organization** means a company, firm, enterprise, association or other legal entity, whether incorporated or not, or a public body
- f) **quality (functionality)** means the totality of features and characteristics of a product or service that bear on its ability to satisfy stated or implied needs

1.4 Communication and employer's agent

Each communication between the employer and a tenderer shall be to or from the employer's agent only, and in a form that can be read, copied and recorded. Writing shall be in the English language. The employer shall not take any responsibility for non-receipt of communications from or by a tenderer. The name and contact details of the employer's agent are stated in the tender data.

1.5 The employer's right to accept or reject any tender offer

1.5.1 The employer may accept or reject any variation, deviation, tender offer, or alternative tender offer, and may cancel the tender process and reject all tender offers at any time before the formation of a contract. The employer shall not accept or incur any liability to a tenderer for such cancellation and rejection, but will give written reasons for such action upon written request to do so.

1.5.2 The employer may not subsequent to the cancellation or abandonment of a tender process or the rejection of all responsive tender offers re-issue a tender covering substantially the same scope of work within a period of six months unless only one tender was received and such tender was returned unopened to the tenderer.

1.6 Procurement procedures

1.6.1 General

Unless otherwise stated in the tender data, a contract will, subject to **clause 3.13**, be concluded with the tenderer who in terms of **clause 3.11** is the highest ranked or the tenderer scoring the highest number of tender evaluation points, as relevant, based on the tender submissions that are received at the closing time for tenders.

1.6.2 Competitive negotiation procedure

1.6.2.1 Where the tender data require that the competitive negotiation procedure is to be followed, tenderers shall submit tender offers in response to the proposed contract in the first round of submissions. Notwithstanding the requirements of clause 3.4, the employer shall announce only the names of the tenderers who make a submission. The requirements of clause 3.8 relating to the material deviations or qualifications which affect the competitive position of tenderers shall not apply.

1.6.2.2 All responsive tenderers, or not less than three responsive tenderers that are highest ranked in terms of the evaluation method and evaluation criteria stated in the tender data, shall be invited in each round to enter into competitive negotiations, based on the principle of equal treatment and keeping confidential the proposed solutions and associated information. Notwithstanding the provisions of clause 2.17, the employer may request that tenders be clarified, specified and fine-tuned in order to improve a tenderer's competitive position provided that such clarification, specification, fine-tuning or additional information does not alter any fundamental aspects of the offers or impose substantial new requirements which restrict or distort competition or have a discriminatory effect.

1.6.2.3 At the conclusion of each round of negotiations, tenderers shall be invited by the employer to make a fresh tender offer, based on the same evaluation criteria, with or without adjusted weightings. Tenderers shall be advised when they are to submit their best and final offer.

1.6.2.4 The contract shall be awarded in accordance with the provisions of clause 3.11 and clause 3.13 after tenderers have been requested to submit their best and final offer.

2 TENDERER'S OBLIGATIONS

2.1 Eligibility

2.1.1 Submit a tender offer only if the tenderer satisfies the criteria stated in the tender data and the tenderer, or any of his principals, is not under any restriction to do business with employer.

2.1.2 Submit a tender offer only if the tenderer satisfies that the minimum score for functionality criteria will be met.

2.1.3 Notify the employer of any proposed material change in the capabilities or formation of the tendering entity (or both) or any other criteria which formed part of the qualifying requirements used by the employer as the basis in a prior process to invite the tenderer to submit a tender offer and obtain the employer's written approval to do so prior to the closing time for tenders.

2.2 Cost of tendering

Accept that, unless otherwise stated in the tender data, the employer will not compensate the tenderer for any costs incurred in the preparation and submission of a tender offer, including the costs of any testing necessary to demonstrate that aspects of the offer complies with requirements.

2.3 Check documents

Check the tender documents on receipt for completeness and notify the employer of any discrepancy or omission.

2.4 Confidentiality and copyright of documents

Treat as confidential all matters arising in connection with the tender. Use and copy the documents issued by the employer only for the purpose of preparing and submitting a tender offer in response to the invitation.

2.5 Reference documents

Obtain, as necessary for submitting a tender offer, copies of the latest versions of standards, specifications, conditions of contract and other publications, which are not attached but which are incorporated into the tender documents by reference.

2.6 Acknowledge addenda

Acknowledge receipt of addenda to the tender documents, which the employer may issue, and if necessary apply for an extension to the closing time stated in the tender data, in order to take the addenda into account.

2.7 Clarification meeting

Attend, where required, a clarification meeting at which tenderers may familiarize themselves with aspects of the proposed work, services or supply and raise questions. Details of the meeting(s) are stated in the tender data.

2.8 Seek clarification

Request clarification of the tender documents, if necessary, by notifying the employer at least five working days before the closing time stated in the tender data.

2.9 Insurance

Be aware that the extent of insurance to be provided by the employer (if any) may not be for the full cover required in terms of the conditions of contract identified in the contract data. The tenderer is advised to seek qualified advice regarding insurance.

2.10 Pricing the tender offer

2.10.1 Include in the rates, prices, and the tendered total of the prices (if any) all duties, taxes (except Value Added Tax (VAT)), and other levies payable by the successful tenderer, such duties, taxes and levies being those applicable 14 days before the closing time stated in the tender data.

2.10.2 Show VAT payable by the employer separately as an addition to the tendered total of the prices.

- 2.10.3 Provide rates and prices that are fixed for the duration of the contract and not subject to adjustment except as provided for in the conditions of contract identified in the contract data.
- 2.10.4 State the rates and prices in Rand unless instructed otherwise in the tender data. The conditions of contract identified in the contract data may provide for part payment in other currencies.

2.11 Alterations to documents

Do not make any alterations or additions to the tender documents, except to comply with instructions issued by the employer, or necessary to correct errors made by the tenderer. All signatories to the tender offer shall initial all such alterations.

2.12 Alternative tender offers

- 2.12.1 Unless otherwise stated in the tender data, submit alternative tender offers only if a main tender offer, strictly in accordance with all the requirements of the tender documents, is also submitted as well as a schedule that compares the requirements of the tender documents with the alternative requirements that are proposed.
- 2.12.2 Accept that an alternative tender offer may be based only on the criteria stated in the tender data or criteria otherwise acceptable to the employer.

2.13 Submitting a tender offer

- 2.13.1 Submit one tender offer only, either as a single tendering entity or as a member in a joint venture to provide the whole of the works, services or supply identified in the contract data and described in the scope of works, unless stated otherwise in the tender data.
 - 2.13.2 Return all returnable documents to the employer after completing them in their entirety, either electronically (if they were issued in electronic format) or by writing legibly in nonerasable ink.
 - 2.13.3 Submit the parts of the tender offer communicated on paper as an original plus the number of copies stated in the tender data, with an English translation of any documentation in a language other than English, and the parts communicated electronically in the same format as they were issued by the employer.
 - 2.13.4 Sign the original and all copies of the tender offer where required in terms of the tender data. The employer will hold all authorized signatories liable on behalf of the tenderer. Signatories for tenderers proposing to contract as joint ventures shall state which of the signatories is the lead partner whom the employer shall hold liable for the purpose of the tender offer.
 - 2.13.5 Seal the original and each copy of the tender offer as separate packages marking the packages as "ORIGINAL" and "COPY". Each package shall state on the outside the employer's address and identification details stated in the tender data, as well as the tenderer's name and contact address.
 - 2.13.6 Where a two-envelope system is required in terms of the tender data, place and seal the returnable documents listed in the tender data in an envelope marked "financial proposal" and place the remaining returnable documents in an envelope marked "technical proposal". Each envelope shall state on the outside the employer's address and identification details stated in the tender data, as well as the tenderer's name and contact address.
-

- 2.13.7 Seal the original tender offer and copy packages together in an outer package that states on the outside only the employer's address and identification details as stated in the tender data.
- 2.13.8 Accept that the employer will not assume any responsibility for the misplacement or premature opening of the tender offer if the outer package is not sealed and marked as stated.
- 2.13.9 Accept that tender offers submitted by facsimile or e-mail will be rejected by the employer, unless stated otherwise in the tender data.

2.14 Information and data to be completed in all respects

Accept that tender offers, which do not provide all the data or information requested completely and in the form required, may be regarded by the employer as non-responsive.

2.15 Closing time

- 2.15.1 Ensure that the employer receives the tender offer at the address specified in the tender data not later than the closing time stated in the tender data. Accept that proof of posting shall not be accepted as proof of delivery
- 2.15.2 Accept that, if the employer extends the closing time stated in the tender data for any reason, the requirements of these conditions of tender apply equally to the extended deadline.

2.16 Tender offer validity

- 2.16.1 Hold the tender offer(s) valid for acceptance by the employer at any time during the validity period (not less than 90 days) stated in the tender data after the closing time stated in the tender data.
- 2.16.2 If requested by the employer, consider extending the validity period stated in the tender data for an agreed additional period with or without any conditions attached to such extension.
- 2.16.3 Accept that a tender submission that has been submitted to the employer may only be withdrawn or substituted by giving the employer's agent written notice before the closing time for tenders that a tender is to be withdrawn or substituted.
- 2.16.4 Where a tender submission is to be substituted, submit a substitute tender in accordance with the requirements of **clause 2.13** with the packages clearly marked as "SUBSTITUTE".

2.17 Clarification of tender offer after submission

- 2.17.1 Provide clarification of a tender offer in response to a request to do so from the employer during the evaluation of tender offers. This may include providing a breakdown of rates or prices and correction of arithmetical errors by the adjustment of certain rates or item prices (or both). No change in the competitive position of tenderers or substance of the tender offer is sought, offered, or permitted.

Note:

Clause 2.17.1 does not preclude the negotiation of the final terms of the contract with a preferred tenderer following a competitive selection process, should the employer elect to do so.

2.18 Provide other material

2.18.1 Provide, on request by the employer, any other material that has a bearing on the tender offer, the tenderer's commercial position (including notarized joint venture agreements), preferencing arrangements, or samples of materials, considered necessary by the employer for the purpose of a full and fair risk assessment. Should the tenderer not provide the material, or a satisfactory reason as to why it cannot be provided, by the time for submission stated in the employer's request, the employer may regard the tender offer as non-responsive.

2.18.2 Dispose of samples of materials provided for evaluation by the employer, where required.

2.19 Inspections, tests and analysis

Provide access during working hours to premises for inspections, tests and analysis as provided for in the tender data.

2.20 Submit securities, bonds, policies etc.

If requested, submit for the employer's acceptance before formation of the contract, all securities, bonds, guarantees, policies and certificates of insurance required in terms of the conditions of contract identified in the contract data.

2.21 Check final draft

Check the final draft of the contract provided by the employer within the time available for the employer to issue the contract.

2.22 Return of other tender documents

If so instructed by the employer, return all retained tender documents within 28 days after the expiry of the validity period stated in the tender data.

2.23 Certificates

Include in the tender submission or provide the employer with any certificates as stated in the tender data.

3 THE EMPLOYER'S UNDERTAKINGS

3.1 Respond to requests from the tenderer

3.1.1 Unless otherwise stated in the tender data, respond to a request for clarification received up to five working days before the tender closing time stated in the tender data and notify all tenderers who drew procurement documents.

3.1.2 Consider any request to make a material change in the capabilities or formation of the tendering entity (or both) or any other criteria which formed part of the qualifying

requirements used to prequalify a tenderer to submit a tender offer in terms of a previous procurement process and deny any such request if as a consequence:

- a) an individual firm, or a joint venture as a whole, or any individual member of the joint venture fails to meet any of the collective or individual qualifying requirements;
- b) the new partners to a joint venture were not prequalified in the first instance, either as individual firms or as another joint venture; or
- c) in the opinion of the Employer, acceptance of the material change would compromise the outcome of the prequalification process.

3.2 Issue Addenda

If necessary, issue addenda that may amend or amplify the tender documents to each tenderer during the period from the date that tender documents are available until three days before the tender closing time stated in the tender data. If, as a result a tenderer applies for an extension to the closing time stated in the tender data, the employer may grant such extension and, shall then notify all tenderers who drew documents.

3.3 Return late tender offers

Return tender offers received after the closing time stated in the tender data, unopened, (unless it is necessary to open a tender submission to obtain a forwarding address), to the tenderer concerned.

3.4 Opening of tender submissions

- 3.4.1 Unless the two-envelope system is to be followed, open valid tender submissions in the presence of tenderers' agents who choose to attend at the time and place stated in the tender data. Tender submissions for which acceptable reasons for withdrawal have been submitted will not be opened.
- 3.4.2 Announce at the meeting held immediately after the opening of tender submissions, at a venue indicated in the tender data, the name of each tenderer whose tender offer is opened and, where applicable, the total of his prices, preferences claimed and time for completion for the main tender offer only.
- 3.4.3 Make available the record outlined in **clause 3.4.2** to all interested persons upon request.

3.5 Two-envelope system

- 3.5.1 Where stated in the tender data that a two-envelope system is to be followed, open only the technical proposal of valid tenders in the presence of tenderers' agents who choose to attend at the time and place stated in the tender data and announce the name of each tenderer whose technical proposal is opened.
 - 3.5.2 Evaluate the quality of the technical proposals offered by tenderers, then advice tenderers who remain in contention for the award of the contract of the time and place when the financial proposals will be opened. Open only the financial proposals of tenderers, who score in the quality evaluation more than the minimum number of points for quality stated in the tender data, and announce the score obtained for the technical proposals and the total price and any preferences claimed. Return unopened financial proposals to tenderers whose technical proposals failed to achieve the minimum number of points for quality.
-

3.6 Non-disclosure

Not disclose to tenderers, or to any other person not officially concerned with such processes, information relating to the evaluation and comparison of tender offers, the final evaluation price and recommendations for the award of a contract, until after the award of the contract to the successful tenderer.

3.7 Grounds for rejection and disqualification

Determine whether there has been any effort by a tenderer to influence the processing of tender offers and instantly disqualify a tenderer (and his tender offer) if it is established that he engaged in corrupt or fraudulent practices.

3.8 Test for responsiveness

3.8.1 Determine, after opening and before detailed evaluation, whether each tender offer properly received:

- a) complies with the requirements of these Conditions of Tender,
- b) has been properly and fully completed and signed, and
- c) is responsive to the other requirements of the tender documents.

3.8.2 A responsive tender is one that conforms to all the terms, conditions, and specifications of the tender documents without material deviation or qualification. A material deviation or qualification is one which, in the Employer's opinion, would:

- a) detrimentally affect the scope, quality, or performance of the works, services or supply identified in the Scope of Work,
- b) significantly change the employer's or the tenderer's risks and responsibilities under the contract, or
- c) affect the competitive position of other tenderers presenting responsive tenders, if it were to be rectified.

1.8.3 Reject a non-responsive tender offer, and not allow it to be subsequently made responsive by correction or withdrawal of the non-conforming deviation or reservation.

3.9 Arithmetical errors, omissions and discrepancies

3.9.1 Check responsive tenders for discrepancies between amounts in words and amounts in figures. Where there is a discrepancy between the amounts in figures and the amount in words, the amount in words shall govern.

3.9.2 Check the highest ranked tender or tenderer with the highest number of tender evaluation points after the evaluation of tender offers in accordance with **clause 3.11** for:

- a) the gross misplacement of the decimal point in any unit rate;
 - b) omissions made in completing the pricing schedule or bills of quantities; or
 - c) arithmetic errors in:
-

- i) line item totals resulting from the product of a unit rate and a quantity in bills of quantities or schedules of prices; or
- ii) the summation of the prices.

3.9.3 Notify the tenderer of all errors or omissions that are identified in the tender offer and invite the tenderer to either confirm the tender offer as tendered or accept the corrected total of prices.

3.9.4 Where the tenderer elects to confirm the tender offer as tendered, correct the errors as follows:

- a) If bills of quantities or pricing schedules apply and there is an error in the line item total resulting from the product of the unit rate and the quantity, the line item total shall govern and the rate shall be corrected. Where there is an obviously gross misplacement of the decimal point in the unit rate, the line item total as quoted shall govern, and the unit rate shall be corrected.
- b) Where there is an error in the total of the prices either as a result of other corrections required by this checking process or in the tenderer's addition of prices, the total of the prices shall govern and the tenderer will be asked to revise selected item prices (and their rates if bills of quantities apply) to achieve the tendered total of the prices.

3.10 **Clarification of a tender offer**

Obtain clarification from a tenderer on any matter that could give rise to ambiguity in a contract arising from the tender offer.

3.11 **Evaluation of Tender Offers**

3.11.1 **General**

Appoint an evaluation panel of not less than three persons. Reduce each responsive tender offer to a comparative offer and evaluate them using the tender evaluation methods and associated evaluation criteria and weightings that are specified in the tender data.

3.11.2 **Methods 1: Financial offer, quality and preference**

In the case of a financial offer, quality and preferences:

- a) Score each tender in respect of the financial offer made, quality and preferences claimed, if any, in accordance with the provisions of **clause 3.11.3, clause 3.11.4 and clause 3.11.5**
 - b) Score each of the criteria and sub-criteria for quality in accordance with the provisions of the tender data. Calculate the total number of tender evaluation points for quality using the formula in clause 3.11.5.
 - c) Only tender who score the minimum required points on functionality will proceed to price and preference evaluation stage.
 - d) Score the financial offers of remaining responsive tender offers using the formula in clause 3.11.3.
 - e) Calculate the total number of tender evaluation points for preferences claimed in accordance with the provisions of the tender data.
-

- f) Calculate the total number of tender evaluation points (T_{EV}) in accordance with the following formula:

$$T_{EV} = N_{FO} + N_P$$

where: N_{FO} is the number of tender evaluation points awarded for the financial offer made in accordance with **clause 3.11.3**;

N_P is the number of tender evaluation points awarded for preferences claimed in accordance with **clause 3.11.4**.

- g) Rank tender offers from the highest number of tender evaluation points to the lowest.
- h) Recommend the tenderer with the highest number of tender evaluation points for the award of the contract, unless there are compelling and justifiable reasons not to do so.
- i) Re-score and re-rank all tenderers should there be compelling and justifiable reasons not to recommend the tenderer with the highest number of tender evaluation points, and recommend the tenderer with the highest number of tender evaluation points, unless there are compelling and justifiable reasons not to do so and the process set out in this sub-clause is repeated

3.11.2 **Decimal places**

Score financial offers, preferences and quality, as relevant, to two decimal places.

3.11.3 **Scoring Financial Offers**

Score the financial offers of remaining responsive tender offers using the following formula:

$$N_{FO}$$

$$= W_1 \times A$$

where: N_{FO} is the number of tender evaluation points awarded for the financial offer.

W_1 is the maximum possible number of tender evaluation points awarded for the financial offer as stated in the tender data.

A is a number calculated using either formulas 1 or 2 below as stated in the Tender Data.

Formula	Comparison aimed at achieving	Option 1	Option 2
1	Highest price or discount	$A = 1 + \frac{(P - P_m)}{P_m}$	$A = \frac{P}{P_m}$
2	Lowest price or percentage commission / fee	$A = 1 - \frac{(P - P_m)}{P_m}$	$A = \frac{P_m}{P}$
P_m = the comparative offer of the most favorable tender offer. P = the comparative offer of tender offer under consideration			

3.11.4 Scoring preferences

Confirm that tenderers are eligible for the preferences claimed in accordance with the provisions of the tender data and reject all claims for preferences where tenderers are not eligible for such preferences.

Calculate the total number of tender evaluation points for preferences claimed in accordance with the provisions of the tender data.

3.11.5 Scoring quality

Score each of the criteria and sub criteria for quality in accordance with the provisions of the tender data.

Calculate the total number of tender evaluation points for quality using the following formula:

$$N_Q = W_2 \times S_Q / M_S$$

Where: S_Q is the score for quality allocated to the submission under consideration;
 M_S is the maximum possible score for quality in respect of a submission; and
 W_2 is the maximum possible number of tender evaluation points awarded for the quality as stated in the tender data

3.12 Insurance provided by the employer

If requested by the proposed successful tenderer, submit for the tenderer's information the policies and / or certificates of insurance which the conditions of contract identified in the contract data, require the employer to provide.

3.13 Acceptance of tender offer

Accept the tender offer, if in the opinion of the employer, it does not present any unacceptable commercial risk and only if the tenderer:

- a) is not under restrictions, or has principals who are under restrictions, preventing participating in the employer's procurement,
- b) can, as necessary and in relation to the proposed contract, demonstrate that he or she possesses the professional and technical qualifications, professional and technical competence, financial resources, equipment and other physical facilities, managerial capability, reliability, experience and reputation, expertise and the personnel, to perform the contract,
- c) has the legal capacity to enter into the contract,
- d) is not insolvent, in receivership, bankrupt or being wound up, has his affairs administered by a court or a judicial officer, has suspended his business activities, or is subject to legal proceedings in respect of any of the foregoing,
- e) complies with the legal requirements, if any, stated in the tender data, and

- f) is able, in the opinion of the employer, to perform the contract free of conflicts of interest.

3.14 Prepare contract documents

3.14.1 If necessary, revise documents that shall form part of the contract and that were issued by the employer as part of the tender documents to take account of:

- a) addenda issued during the tender period,
- b) inclusion of some of the returnable documents, and
- c) other revisions agreed between the employer and the successful tenderer.

3.14.2 Complete the schedule of deviations attached to the form of offer and acceptance, if any.

3.15 Complete adjudicator's contract

Unless alternative arrangements have been agreed or otherwise provided for in the contract, arrange for both parties to complete formalities for appointing the selected adjudicator at the same time as the main contract is signed.

3.16 Notice to unsuccessful tenderers

3.16.1 Notify the successful tenderer of the employer's acceptance of his tender offer by completing and returning one copy of the form of offer and acceptance before the expiry of the validity period stated in the tender data, or agreed additional period.

3.16.2 After the successful tenderer has been notified of the employer's acceptance of the tender, notify other tenderers that their tender offers have not been accepted.

3.16.3 Unsuccessful forms / documents will be disposed of after 24 months.

3.17 Provide copies of the contracts

Provide to the successful tenderer the number of copies stated in the tender data of the signed copy of the contract as soon as possible after completion and signing of the form of offer and acceptance.

3.18 Provide written reasons for actions taken

Provide upon request written reasons to tenderers for any action that is taken in applying these conditions of tender, but withhold information, which is not in the public interest to be divulged, which is considered to prejudice the legitimate commercial interests of tenderers or might prejudice fair competition between tenderers

PLEASE COMPLETE ALL BLANK SPACES ON THE FORMS WHERE NOT APPLICABLE INDICATE AS SUCH (N/A)

The bidder MUST ENSURE that the following checklist is completed, that the necessary documentation is attached to this bid document and that all declarations are signed:

1.	Completed page containing the details of bidder	Yes		No	
2.	Specifications & Pricing Schedules - Is the form duly completed and signed?	Yes		No	
3.	Tax Clearance Certificate or a Tax Compliance status pin attached	Yes		No	
4.	Authority of Signatory - Is the form duly completed and signed?	Yes		No	
5.	Current detailed CSD Report attached	Yes		No	
6.	Company registration Certificate attached	Yes		No	
7.	Payment of Municipal Accounts - Is the form duly completed and signed?	Yes		No	
8.	B-BBEE certificate - Is the form duly completed and signed? Is a <u>certified or an original certificate attached</u>	Yes		No	
9.	Directors ID Copy Attached	Yes		No	
10.	Joint Venture Agreement attached (IF APPLICABLE)	Yes		No	
11.	Declaration by The Bidder Where the Bidder Is Sourcing Goods - Is the form duly completed and signed?	Yes		No	
12.	Form of Offer - Is the form duly completed and signed?	Yes		No	
13.	Contract data - Is the form duly completed and signed?	Yes		No	
14.	Schedule of proposed sub-contractors?	Yes		No	
15.	Record of addenda to tender documents attached?	Yes		No	
16.	Did the Bidder attend the briefing session (if compulsory)	Yes		No	
17.	(MBD 4) Declaration of interest- Is the form duly completed and signed?	Yes		No	
18.	(MBD 5) Declaration for procurement above R10-million	Yes		No	
19.	(MBD 6.1) Preference points claimed- Is the form duly completed and signed?	Yes		No	
20.	(MBD 6.2) Declaration of Local Content and relevant Annexures	Yes		No	
21.	(MBD 7.1) Contract form for purchase of goods / works	Yes		No	
22.	(MBD 7.2) Contract form for rendering of Services	Yes		No	
23.	(MBD 8) Signed declaration of bidder's past supply chain management practices	Yes		No	
24.	(MBD 9) Prohibition of Restrictive Practices be completed and signed.	Yes		No	
25.	Bidder must initial every page of this bid document.	Yes		No	

CERTIFICATION

**I, THE UNDERSIGNED (FULL NAME)
CERTIFY THAT THE INFORMATION FURNISHED ON THIS CHECK LIST IS TRUE AND CORRECT.**

SignedDate.....

Name Position

T2.1 LIST OF RETURNABLE DOCUMENTS

1. Failure to fully complete the **compulsory** returnable documents shall render such a tender offer unresponsive.
2. Tenderers shall note that their signatures appended to each returnable form **represents a declaration that they vouch for the accuracy and correctness of the information provided**, including the information provided by candidates proposed for the specified key positions.
3. Notwithstanding any check or audit conducted by or on behalf of the Employer, the information provided in the returnable documents is accepted in good faith and as justification for entering into a contract with a tenderer. **If subsequently any information is found to be incorrect such discovery shall be taken as willful misrepresentation by that tenderer to induce the contract.** In such event the Employer has the discretionary right to terminate the contract.

The Tenderer must complete the following returnable Schedules:

1 RETURNABLE SCHEDULES REQUIRED FOR TENDER EVALUATION PURPOSES

1.1	Schedule 1	:	Resolution of Board of Directors (authority to signed)
1.2	Schedule 2	:	Resolution of Board of Directors to enter into consortia or JV's
1.3	Schedule 5	:	Commitments of tenderer
1.4	Schedule 6	:	Record of addenda to tender documents
1.5	Schedule 8	:	Compulsory enterprise questionnaire
1.6	Schedule 9	:	Clearance certificate for water & lights
1.7	Schedule 10	:	Registration on Central Supplier Database

2 COMPULSORY MUNICIPAL BID DOCUMENTATION

2.1	MBD 4	:	Declaration of interest
2.2	MBD 5	:	Declaration for procurement above R10-million
2.3	MBD 6.1	:	Preference certificate
2.4	MBD 6.2	:	Declaration of Local Content and relevant Annexures
2.5	MBD 7.1	:	Contract form for purchase of goods / works
2.6	MBD 7.2	:	Contract form for rendering of Services
2.7	MBD 8	:	Declaration of bidder's past supply chain management practices
2.8	MBD 9	:	Certificate of Independent Bid Determine

SCHEDULE 1

RESOLUTION OF BOARD OF DIRECTORS

Resolution of a meeting of the Board of *Directors / Members / Partners of:

(Enterprise Name)	
Held at	(place)
On	(date)

RESOLVED that:

1.	The enterprise submits a bid / tender to the Madibeng Local Municipality in respect of the following project:	
	Mr./Mrs./MS	
	in his/her capacity a:	(Position in the Enterprise)
2.	and who will sign as follows:	(Authorized Signature)
	be, and is hereby, authorized to sign the bid / tender, and any and all other documents and/or correspondence in connection with and relating to the bid /tender, as well as to sign any contract, and any and all documentation, resulting from the award of the bid / tender to the enterprise mentioned above.	

Directors / Members / Partners of:

	Name	Capacity	Signature
1			
2			
3			

Note:

1. * *Delete which is not applicable*
2. **NB.** *This resolution must be signed by all the Directors / Members / Partners of the Bidding Enterprise*
3. *Should the number of Directors / Members / Partners exceed the space available above, additional names and signatures must be supplied on a separate page*
4. *If no stamp the enterprise can sign on the stamp box*

ENTERPRISE STAMP

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SCHEDULE 2

RESOLUTION OF BOARD OF DIRECTORS TO ENTER INTO CONSORTIA OR JOINT VENTURES

RESOLUTION of a meeting of the Board of *Directors / Members / Partners of:

(Enterprise Name)	
Held at	(place)
On	(date)

RESOLVED that:

1.	The enterprise submits a bid / tender, in consortium / joint venture with the following enterprises:	
	(List all the legally correct full names and registration numbers, if applicable, of the enterprises forming the consortium / joint venture)	
	To the to the Madibeng Local Municipality in respect of the following project	
	TENDER DESCRIPTION: APPOINTMENT OF A PANEL OF EIGHT (8) SERVICE PROVIDERS FOR HIRING OF PLANT AND EQUIPMENT FOR A PERIOD OF THREE (3) YEARS.	
2.	Mr./Mrs./MS	
	in his/her capacity as	(Position in the Enterprise)
	and who will sign as follows	(Authorized Signature)
2.1	be, and is hereby, authorized to sign a consortium / joint venture agreement with the parties listed under item 1 above, and any and all other documents and/or correspondence in connection with and relating to the consortium / joint venture, in respect of the project described under item 1 above.	
2.2	The enterprise accepts joint and several liability with the parties listed under item 2 above for the due fulfillment of the obligations of the joint venture deriving from, and in any way connected with, the contract to be entered into with the department in respect of the project described under item 1 above.	
2.3	The enterprise chooses as its <i>domicilium citandi et executandi</i> for all purposes arising from this joint venture agreement and the contract with the department in respect of the project under item 1 above	
	i) Physical address	
	ii) Postal address	
		(Code)
	iii) Telephone number	

RESOLUTION OF BOARD OF DIRECTORS TO ENTER INTO CONSORTIA OR JOINT VENTURES

Directors / Members / Partners of:

	Name	Capacity	Signature
1			
2			
3			
4			
5			
6			
7			
8			
9			
10			
11			
12			
13			
14			
15			

Note:

1. Delete which is not applicable

NB. This resolution must be signed by all

2. the Directors / Members / Partners of the Bidding Enterprise

Should the number of Directors / Members / Partners exceed the space

3. available above, additional names and signatures must be supplied on a separate page

Enterprise Stamp

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SCHEDULE 5

COMMITMENTS OF TENDERER

Kindly provide particulars of commitments which the tenderer is presently engaged and/or involved with:

Current Projects / Contract		Organization	Contact Person Name	Contact Tel. No.	Contract Amount	Contract Period	Date of Commencement	Scheduled Date of Completion
1.								
2.								
3.								
4.								
5.								

NAME OF REPRESENTATIVE	SIGNATURE	DATE

SCHEDULE 6

RECORD OF ADDENDA TO TENDER DOCUMENTS

I / we confirm that the following communications received from the Madibeng Municipality before the submission of this tender offer, amending the tender documents, have been taken into account in this tender offer: *(Attach additional pages if more space is required)*

	Date	Title or Details
1.		
2.		
3.		
4.		
5.		
6.		
7.		
8.		
9.		
10.		

I / we confirm that no communications were received from the Madibeng Municipality before the submission of this tender offer, amending the tender documents.

NAME OF REPRESENTATIVE	SIGNATURE	DATE

SCHEDULE 8**COMPULSORY ENTERPRISE QUESTIONNAIRE**

The following particulars must be furnished. In the case of a joint venture, separate enterprise questionnaires in respect of each partner must be completed and submitted.

Section 1: Name of enterprise			
Section 2: VAT registration number, if any			
Section 3: Particulars of sole proprietors and partners in partnerships			
No	Name*	Identity Number*	Personal Income Tax Number*
3.1			
3.2			
3.3			
* Complete only if sole proprietor or partnership and attach separate page if more than 3 partners			
Section 4: Particulars of companies and close corporations			
4.1	Company Registration number		
4.2	Close corporation number		
4.3	Tax reference number		
Section 5: Record in the service of the state			
Indicate by marking the relevant boxes with a cross, if any sole proprietor, partner in a partnership or director, manager, principal shareholder or stakeholder in a company or close corporation is currently or has been within the last 12 months in the service of any of the following:			
A member of any municipal council		An employee of any provincial department, national or provincial public entity or constitutional institution within the meaning of the Public finance Management Act, 1999 (Act 1 of 1999)	
A member of any provincial legislation		A member of an accounting authority of any national or provincial public entity	
A member of the National Assembly or the National Council of Province		An employee of Parliament or a provincial legislature	
A member of the board of directors of any municipal entity		An official of any municipality or municipal entity	

Name of sole proprietor, partner in a partnership or director, manager, principal shareholder or stakeholder	Name of institution, public office, board or organ of state and position held	Status of service (tick appropriate column)	
		Current	Within last 12 months

Section 6: Records of spouses, children and parents in the service of the state

Indicate by making the relevant boxes with a cross, if any spouses, child or parent of a sole proprietor, partner in a partnership or director, manager, principal shareholder or stakeholder in a company or close corporation is currently or has been within the last 12 months been in the service of any of the following:

A member of any municipal council		An employee of any provincial department, national or provincial public entity or constitutional institution within the meaning of the Public Finance Management act, 1999 (act 1 of 1999)	
A member of any provincial legislature		A member of an accounting authority of any national or provincial public entity	
A member of the National Assembly or the National Council of Province.		An employee of Parliament or a provincial legislature	
A member of the board of directors of any municipal entity		An official of any municipality or municipal entity	

Name of spouse, child or parent	Name of institution, public office, board or organ of state and position held	Status of service (tick appropriate column)	
		Current	Within last 12 months

The undersigned, who warrants that he/she is duly authorized to do so on behalf of the enterprise:

- i) authorizes the Employer to obtain a tax clearance certificate from the South African Revenue Services that my / our tax matters are in order;
- ii) confirms that neither the name of the enterprise or the name of any partner, manager, director or other person, who wholly or partly exercises, or may exercise, control over the enterprise appears on the Register of Tender Defaulters established in terms of the Prevention and Combating of Corrupt Activities Act of 2004.
- iii) confirms that no partner, member, director or other person, who wholly or partly exercises, or may exercise, control over the enterprise appears, has within the last five years been convicted of frauds or corruption;
- iv) confirms that I / we are not associated, linked or involved with any other tendering entities submitting tender offers and have no other relationship with any of the tenderers or those responsible for compiling the scope of work that could cause or be interpreted as a conflict of interest; and
- v) confirms that the contents of this questionnaire are within my personal knowledge and are to the best of my belief both true and correct.

Note: insert separate page if necessary

NAME OF REPRESENTATIVE	AUTHORIZED (UNDERSIGNED) SIGNATURE
CAPACITY	DATE

SCHEDULE 9**CLEARANCE CERTIFICATE FOR WATER & LIGHTS**

Section 45(1) (d) of Municipal Supply Chain Regulations requires that the municipality must reject a bidder whose municipal rates and taxes are in arrears for more than three months. The purpose of this schedule is to obtain proof that municipal services, rates and taxes of the service provider are not in arrears for more than three months, with the relevant municipality / landlord in the municipal area where the service provider conduct his / her business.

Each bidder must complete the below checklist. Important: if you fail to complete this form, the bid will be non-responsive. (Please tick with **X** where appropriate):

QUESTIONS		YES	NO
1.	Do you own a property?		
2.	Do you receive a municipal rates account?		
3.	Is your municipal rates and taxes account up to date / current (not in arrears for more than three months)?		
4.	If yes, provide the following details:		
4.1	☐ Municipality name		
4.2	☐ Municipal account number		
5.	If yes, please attach proof in the form of the original or certified copy of the bidder's municipal rates and taxes account not older than 3 months		
6.	Does the bidder lease / rent the property where the business is situated?		
7.	If yes, provide the following details:		
7.1	☐ Landlord name		
7.2	☐ Address property is situated		
7.3	☐ Contact number of landlord		
8.	Please attach the copy of the lease agreement signed by the landlord / lessor and the tenant / lessee as proof		
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			

SCHEDULE 10

NOTICE OF SUPPLY CHAIN MANAGEMENT CENTRAL SUPPLIER DATABASE REGISTRATION

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 Madibeng 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		
2.2	☐ Unique CSD number		
3.	Enquiries related to par. 2.1 and 2.2 can be made to MS BASADIFELA GAONYADIWE at (012) 318 9189/9335/9125		
4.	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			

T2.2.2 COMPULSORY MUNICIPAL BID DOCUMENT

1. TAX COMPLIANCE REQUIREMENTS

1. Bidders must ensure compliance with their tax obligations.
2. Bidders are required to submit their unique personal identification number(PIN) issued by SARS to enable Organ of state to view the taxpayer's profile and tax status.
3. Application for the tax compliance status (TCS) certificate or PIN may 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
4. Foreign suppliers have must complete the pre-award questionnaire in part 2.
5. Bidders may also submit a printed TCS certificate together with the bid.
6. In bids where Consortia / Joint Ventures / Sub-contractors are involved, each party must submit a separate TCS certificate / pin / CSD number.
7. Where no TCS is available but the bidder is registered on the Central Supplier Database (CSD), a CSD number must be provided.

2. QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS

- | | |
|---|----------|
| 1. Is the entity a resident of the Republic of South Africa? | YES / NO |
| 2. Does the entity have a branch in the RSA? | YES / NO |
| 3. Does the entity have a permanent establishment in the RSA? | YES / NO |
| 4. Does the entity have any source of income in RSA? | YES / NO |
| 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 SARS AND IF NOT REGISTER AS PER 1.3. ABOVE)

NB: Failure to provide any of the above particulars may render the bid invalid.

Signature of BIDDER

Date _____

Capacity under which this bid is signed

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 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.

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 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?	<table border="1"> <tr> <td>Yes</td><td>No</td></tr> </table>	Yes	No
Yes	No			
	If yes, please furnish particulars :			
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?		Yes	No
If yes, please furnish particulars :				
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?		Yes	No
If yes, please furnish particulars :				
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?		Yes	No
If yes, please furnish particulars :				
3.10.1	Name of person in the service of state			
3.10.2	Relationship			
3.11	Are any of the company's directors, trustees, managers, principle shareholders or stakeholders in service of the state?		Yes	No
If yes, please furnish particulars :				
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:	SCM Regulations: “¹In the service of the state” means to be – (a) a member of – (i) any municipal council; (ii) any provincial legislature; or (iii) the national Assembly or the national Council of provinces; (b) a member of the board of directors of any municipal entity; (c) an official of any municipality or municipal entity; (d) an employee of any national or provincial department, national or provincial public entity or constitutional institution within the meaning of the Public Finance Management Act, 1999 (Act No.1 of 1999); (e) a member of the accounting authority of any national or provincial public entity; or (f) an employee of Parliament or a provincial legislature. “² Shareholder” means a person who owns shares in the company and is actively involved in the management of the company or business and exercises control over the company.
-------	---

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.

NAME OF REPRESENTATIVE	AUTHORIZED SIGNATURE (UNDERSIGNED)
DATE	CAPACITY

DECLARATION FOR PROCUREMENT ABOVE R10-MILLION (ALL APPLICABLE TAXES INCLUDED)

For all procurement expected to exceed R10 million (all applicable taxes included), bidders must complete the following questionnaire:

		Tick applicable box	
1.	By law you are required to prepare annual financial statements for auditing?	Yes	No
1.1	If yes, submit audited annual financial statements for the past three years or since the date of establishment if established during the past three years.	Yes	No
2.	Do you have any outstanding undisputed commitments for municipal services towards any municipality for more than three months or any other service provider in respect of which payment is overdue for more than 30 days?	Yes	No
2.1	If no, this serves to certify that the bidder has no undisputed commitments for municipal services towards any municipality for more than three months or other service provider in respect of which payment is overdue for more than 30 days.	Yes	No
2.2	If yes, provide particulars:		
3.	Has any contract been awarded to you by an organ of state during the past five years, including particulars of any material non-compliance or dispute concerning the execution of such contract?	Yes	No
3.1	If yes, provide particulars:		
4.	Will any portion of goods or services be sourced from outside the Republic, and, if so, what portion and whether any portion of payment from the municipality / municipal entity is expected to be transferred out of the Republic?	Yes	No
4.1	If yes, provide particulars:		

CERTIFICATION

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.

NAME OF REPRESENTATIVE	AUTHORIZED SIGNATURE (UNDERSIGNED)
DATE	CAPACITY

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

B. STAGE 3: EVALUATION OF PRICE AND SPECIFIC GOALS

PRICE EVALUATION AND SPECIFIC GOALS (80/20)

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 80/20 preference point system.
- b) 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:

80/20 or 90/10

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

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:

80/20

$$Ps = 80 \left(1 + \frac{Pt - P_{max}}{P_{max}}\right)$$

or

90/10

$$Ps = 90 \left(1 + \frac{Pt - P_{max}}{P_{max}}\right)$$

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)
	20	20
Race – people who are black, coloured or Indian	6	
Local Economic Development	4	
People with Disability (PWD) Ownership (20% or more)	3	
Gender Women	3	
Youth	4	
TOTAL	20	

A bidder (supplier) may claim a maximum of 10 points for specific goals, if such bidder (supplier) is:

Persons historically disadvantaged on the basis of race with at least 51% ownership	6 Points
Persons historically disadvantaged on the basis of gender with at least 51% ownership by women	3 Points
Persons with at least 51% ownership who are youth	4 Points
Persons historically disadvantaged by unfair discrimination on the basis of disability with at least 51% ownership	3 Points
Local Economic Development – Companies with Directors/shareholders with at least 51% ownership residing within the jurisdiction of the MLM	4 Points

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]

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

SURNAME AND NAME:

DATE:

ADDRESS:

.....

.....

.....

- 4.6. I, the undersigned, who is duly authorized 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 favorable arrangements due to such cancellation;
 - (d) recommend that the tenderer or contractor, its shareholders and directors, or only the

BIDDER

WITNESS

EMPLOYER

WITNESS

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.

- 3.1 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.
- 3.2 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.

MBD 6.2

DECLARATION CERTIFICATE FOR LOCAL PRODUCTION AND CONTENT FOR DESIGNATED SECTORS

This Municipal Bidding Document (MBD) must form part of all bids invited. It contains general information and serves as a declaration form for local content (local production and local content are used interchangeably).

Before completing this declaration, bidders must study the General Conditions, Definitions, Directives applicable in respect of Local Content as prescribed in the Preferential Procurement Regulations, 2017, the South African Bureau of Standards (SABS) approved technical specification number SATS 1286:2011 (Edition 1) and the Guidance on the Calculation of Local Content together with the Local Content Declaration Templates [Annex C (Local Content Declaration: Summary Schedule), D (Imported Content Declaration: Supporting Schedule to Annex C) and E (Local Content Declaration: Supporting Schedule to Annex C)].

1. General Conditions

- 1.1. Preferential Procurement Regulations, 2017 (Regulation 8) make provision for the promotion of local production and content.
- 1.2. Regulation 8. (2) prescribes that in the case of designated sectors, organs of state must advertise such tenders with the specific bidding condition that only locally produced or manufactured goods, with a stipulated minimum threshold for local production and content will be considered.
- 1.3. Where necessary, for tenders referred to in paragraph 1.2 above, a two stage bidding process may be followed, where the first stage involves a minimum threshold for local production and content and the second stage price and B-BBEE.
- 1.4. A person awarded a contract in relation to a designated sector, may not sub-contract in such a manner that the local production and content of the overall value of the contract is reduced to below the stipulated minimum threshold.
- 1.5. The local content (LC) expressed as a percentage of the bid price must be calculated in accordance with the SABS approved technical specification number SATS 1286: 2011 as follows:

$$LC = [1 - x / y] * 100$$

Where

x is the imported content in Rand

y is the bid price in Rand excluding value added tax (VAT)

Prices referred to in the determination of x must be converted to Rand (ZAR) by using the exchange rate published by South African Reserve Bank (SARB) on the date of advertisement of the bid as indicated in paragraph 3.1 below.

The SABS approved technical specification number SATS 1286:2011 is accessible on [http://www.thedti.gov.za/industrial development/ip.jsp](http://www.thedti.gov.za/industrial%20development/ip.jsp) at no cost.

- 1.6. A bid may be disqualified if this Declaration Certificate and the Annex C (Local Content Declaration: Summary Schedule) are not submitted as part of the bid documentation;

- 1 The obligation to complete, duly sign and submit this declaration cannot be transferred to an external authorized representative, auditor or any other third party acting on behalf of the bidder.
- 2 Guidance on the Calculation of Local Content together with Local Content Declaration Templates (Annex C, D and E) is accessible on http://www.thedti.gov.za/industrial_development/ip.jsp. Bidders should first complete Declaration D. After completing Declaration D, bidders should complete Declaration E and then consolidate the information on Declaration C. **Declaration C should be submitted with the bid documentation at the closing date and time of the bid in order to substantiate the declaration made in paragraph (c) below.** Declarations D and E should be kept by the bidders for verification purposes for a period of at least 5 years. The successful bidder is required to continuously update Declarations C, D and E with the actual values for the duration of the contract.

I, the undersigned,
 (full names),
 do hereby declare, in my capacity as
 of (name
 of bidder entity), the following:

- (a) The facts contained herein are within my own personal knowledge.
- (b) I have satisfied myself that:
 - (i) the goods/services/works to be delivered in terms of the above-specified bid comply with the minimum local content requirements as specified in the bid, and as measured in terms of SATS 1286:2011; and
- (c) The local content percentage (%) indicated below has been calculated using the formula given in clause 3 of SATS 1286:2011, the rates of exchange indicated in paragraph 3.1 above and the information contained in Declaration D and E which has been consolidated in Declaration C:

Bid price, excluding VAT (y)	R
Imported content (x), as calculated in terms of SATS 1286:2011	R
Stipulated minimum threshold for local content (paragraph 3 above)	
Local content %, as calculated in terms of SATS 1286:2011	

If the bid is for more than one product, the local content percentages for each product contained in Declaration C shall be used instead of the table above.

The local content percentages for each product has been calculated using the formula given in clause 3 of SATS 1286:2011, the rates of exchange indicated in paragraph 3.1 above and the information contained in Declaration D and E.

- (d) I accept that the Procurement Authority / Institution has the right to request that the local content be verified in terms of the requirements of SATS 1286:2011.
- (e) I understand that the awarding of the bid is dependent on the accuracy of the information furnished in this application. I also understand that the submission of incorrect data, or data that are not verifiable as described in SATS 1286:2011, may result in the Procurement Authority / Institution imposing any or all of the remedies as provided for in Regulation 14 of the Preferential Procurement Regulations, 2017

promulgated under the Preferential Policy Framework Act (PPFA), 2000 (Act No. 5 of 2000).

SIGNATURE: _____

WITNESS No. 1 _____ **DATE:** _____

WITNESS No. 2 _____ **DATE:** _____

promulgated under the Preferential Policy Framework Act (PPFA), 2000 (Act No. 5 of 2000).

SIGNATURE: _____

WITNESS No. 1 _____ **DATE:** _____

WITNESS No. 2 _____ **DATE:** _____

promulgated under the Preferential Policy Framework Act (PPFA), 2000 (Act No. 5 of 2000).

SIGNATURE: _____

WITNESS No. 1 _____ **DATE:** _____

WITNESS No. 2 _____ **DATE:** _____

promulgated under the Preferential Policy Framework Act (PPFA), 2000 (Act No. 5 of 2000).

SIGNATURE: _____

WITNESS No. 1 _____ **DATE:** _____

WITNESS No. 2 _____ **DATE:** _____

CONTRACT FORM - PURCHASE OF GOODS/SERVICES

THIS FORM MUST BE FILLED IN DUPLICATE BY BOTH THE SUCCESSFUL BIDDER (PART 1) AND THE PURCHASER (PART 2). BOTH FORMS MUST BE SIGNED IN THE ORIGINAL SO THAT THE SUCCESSFUL BIDDER AND THE PURCHASER WOULD BE IN POSSESSION OF ORIGINALLY SIGNED CONTRACTS FOR THEIR RESPECTIVE RECORDS.

PART 1 (TO BE FILLED IN BY THE BIDDER)

1. I hereby undertake to supply all or any of the goods and/or services described in the attached bidding documents to (name of institution) in accordance with the requirements and specifications stipulated in bid number at the price/s quoted. My offer/s remain binding upon me and open for acceptance by the purchaser during the validity period indicated and calculated from the closing time of bid.
2. The following documents shall be deemed to form and be read and construed as part of this agreement:
 - (i) Bidding documents, viz
 - Invitation to bid;
 - Proof of Tax Compliance Status;
 - Pricing schedule(s);
 - Technical Specification(s);
 - Preference claim form for Preferential Procurement in terms of the Preferential Procurement Regulations;
 - Declaration of interest;
 - Declaration of bidder's past SCM practices;
 - Certificate of Independent Bid Determination;
 - Special Conditions of Contract;
 - (ii) General Conditions of Contract; and
 - (iii) Other (specify)
3. I confirm that I have satisfied myself as to the correctness and validity of my bid; that the price(s) and rate(s) quoted cover all the goods and/or works specified in the bidding documents; that the price(s) and rate(s) cover all my obligations and I accept that any mistakes regarding price(s) and rate(s) and calculations will be at my own risk.
4. I accept full responsibility for the proper execution and fulfilment of all obligations and conditions devolving on me under this agreement as the principal liable for the due fulfillment of this contract.
5. I declare that I have no participation in any collusive practices with any bidder or any other person regarding this or any other bid.
6. I confirm that I am duly authorized to sign this contract.

NAME (PRINT)

CAPACITY

SIGNATURE

NAME OF FIRM

DATE

WITNESSES

1.

2.

DATE:

CONTRACT FORM - PURCHASE OF GOODS/SERVICES**PART 2 (TO BE FILLED IN BY THE PURCHASER)**

1. I..... in my capacity as..... accept your bid under reference numberdated.....for the supply of goods/services indicated hereunder and/or further specified in the annexure(s).
2. An official order indicating delivery instructions is forthcoming.
3. I undertake to make payment for the goods/services delivered in accordance with the terms and conditions of the contract, within 30 (thirty) days after receipt of an invoice accompanied by the delivery note.

4.1

ITEM NO.	PRICE (ALL APPLICABLE TAXES INCLUDED)	BRAND	DELIVERY PERIOD	TOTAL PREFERENCE POINTS CLAIMED	POINTS CLAIMED FOR EACH SPECIFIC GOAL

confirm that I am duly authorized to sign this contract.

SIGNED ATON.....

NAME (PRINT)

SIGNATURE

OFFICIAL STAMP

WITNESSES

1.
2.

CONTRACT FORM - RENDERING OF SERVICES

THIS FORM MUST BE FILLED IN DUPLICATE BY BOTH THE SERVICE PROVIDER (PART 1) AND THE PURCHASER (PART 2). BOTH FORMS MUST BE SIGNED IN THE ORIGINAL SO THAT THE SERVICE PROVIDER AND THE PURCHASER WOULD BE IN POSSESSION OF ORIGINALLY SIGNED CONTRACTS FOR THEIR RESPECTIVE RECORDS.

PART 1 (TO BE FILLED IN BY THE SERVICE PROVIDER)

7. I hereby undertake to render services described in the attached bidding documents to (name of the institution) in accordance with the requirements and task directives / proposals specifications stipulated in Bid Number.....at the price/s quoted. My offer/s remain binding upon me and open for acceptance by the Purchaser during the validity period indicated and calculated from the closing date of the bid.
8. The following documents shall be deemed to form and be read and construed as part of this agreement:
- (iv) Bidding documents, viz
 - Invitation to bid;
 - Proof of tax compliance status;
 - Pricing schedule(s);
 - Filled in task directive/proposal;
 - Preference claim form for Preferential Procurement in terms of the Preferential Procurement Regulations;
 - Declaration of interest;
 - Declaration of Bidder's past SCM practices;
 - Certificate of Independent Bid Determination;
 - Special Conditions of Contract;
 - (v) General Conditions of Contract; and
 - (vi) Other (specify)
9. I confirm that I have satisfied myself as to the correctness and validity of my bid; that the price(s) and rate(s) quoted cover all the services specified in the bidding documents; that the price(s) and rate(s) cover all my obligations and I accept that any mistakes regarding price(s) and rate(s) and calculations will be at my own risk.
10. 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.
11. I declare that I have no participation in any collusive practices with any bidder or any other person regarding this or any other bid.
12. I confirm that I am duly authorized to sign this contract.

NAME (PRINT)

CAPACITY

SIGNATURE

NAME OF FIRM

DATE

WITNESSES

1

.

2

.

CONTRACT FORM - RENDERING OF SERVICES

PART 2 (TO BE FILLED IN BY THE PURCHASER)

I..... in my capacity as.....
accept your bid under reference numberdated.....for the rendering of
services indicated hereunder and/or further specified in the annexure(s).

An official order indicating service delivery instructions is forthcoming.

I undertake to make payment for the services rendered in accordance with the terms and conditions of
the contract, within 30 (thirty) days after receipt of an invoice.

DESCRIPTION OF SERVICE	PRICE (ALL APPLICABLE TAXES INCLUDED)	COMPLETION DATE	TOTAL PREFERENCE POINTS CLAIMED	POINTS CLAIMED FOR EACH SPECIFIC GOAL

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

SIGNED AT ON

NAME (PRINT)

SIGNATURE

OFFICIAL STAMP

WITNESSES

1

2

DATE:

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). The Database of Restricted Suppliers now resides on the National Treasury's website www.treasury.gov.za and can be accessed by clicking on its link at the bottom of the home page	Yes	No
4.1.1	If so, furnish particulars:		
4.2	Is the bidder or any of its directors listed on the Register for Tender Defaulters No in terms of section 29 of the Prevention and Combating of Corrupt Activities Act (No. 12 of 2004)? 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.	Yes	
4.2.1	If so, furnish particulars:		
Item	Question	Yes	No

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:		
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). ²Collusive 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:

TENDER: APPOINTMENT OF A PANEL OF EIGHT (8) SERVICE PROVIDERS FOR HIRING OF PLANT AND EQUIPMENT FOR A PERIOD OF THREE (3) YEARS.

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:

NAME OF REPRESENTATIVE

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 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:
- 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.

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.

NAME OF REPRESENTATIVE	AUTHORIZED SIGNATURE (UNDERSIGNED)
DATE	CAPACITY

C1 AGREEMENTS AND CONTRACT DATA

FORM OF OFFER & ACCEPTANCE

C1.1.1 FORM OF OFFER

The employer, identified in the acceptance signature block, has solicited offers to enter into a contract for the following project:

Bid / Tender Number	RFT41/06/2023/2024 (RE-ADVERT)
Tender Title	APPOINTMENT OF A PANEL OF EIGHT (8) SERVICE PROVIDERS FOR HIRING OF PLANT AND EQUIPMENT FOR A PERIOD OF THREE (3) YEARS.

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

By the representative of the tenderer, deemed to be duly authorized, signing this part of this form of offer and acceptance, the tenderer offers to perform all of the obligations and liabilities of the service provider / consultant under the contract including compliance with all its terms and conditions according to their true intent and meaning for an amount to be determined in accordance with the conditions of contract identified in the contract data.

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

AMOUNT IN WORDS (INCL. VAT)	AMOUNT IN FIGURES (INCL VAT)
RAND	R

****AMOUNT MUST BE IN WORDS AS WELL AS FIGURES**

This offer may be accepted by the employer by communicating such acceptance in writing to the tenderer or by signing the acceptance part of this Form of Offer and Acceptance and returning one copy thereof to the tenderer, whereupon the tenderer becomes the party named as the provider / consultant in the conditions of contract identified in the contract data.

Signature Block: Tenderer			
Signature		Date	
Name			
Capacity			
Name of organization			
Address of organization			
Signature of witness		Date	
Name of witness			

FORM OF ACCEPTANCE

By signing this part of this form of offer and acceptance, the employer identified below accepts the tenderer's offer. In consideration thereof, the employer shall pay the service provider / consultant the amounts due in accordance with the conditions of contract identified in the contract data. Acceptance of the tenderer's offers shall form an agreement between the employer and the tenderer upon the terms and conditions contained in this agreement and in the contract that is the subject of this agreement.

The terms of the contract, are contained in:

- Part C1 Agreements and contract data, (which includes this agreement) ☐ Part C2 Pricing data
- Part C3 Scope of work.
 - Service Level of Agreement attached to this document (if any) as amended (if applicable) and signed by the parties. and documents or parts thereof, which may be incorporated by reference into Parts C1 to C3 above.

Deviations from and amendments to the Service Level Agreement and documents listed in the tender data and any addenda thereto as listed in the tender schedules, will only be valid if reduced to writing and signed by both parties.

The tenderer shall within two weeks after receiving a completed copy of this agreement, contact the employer's agent (whose details are given in the contract data) to arrange the delivery of any bonds, guarantees, proof of insurance and any other documentation to be provided in terms of the conditions of contract identified in the contract data. Failure to fulfil any of these obligations in accordance with those terms shall constitute a repudiation of this agreement.

Unless otherwise specified elsewhere in this bidding document or any subsequent written agreement entered into between the parties, this agreement comes into effect on the date when the Employer communicates the acceptance and/or conditions of acceptance of the tenderer's offer in writing or signs the acceptance part of the Offer and Acceptance, whichever occurs first.

Signature Block: Employer			
Signature		Date	
Name			
Capacity			
Name of organization	Madibeng Local Municipality		
Address of organization	P.O. Box 106, Brits, 0250		
Signature of witness		Date	
Name of witness			

C1.2 CONTRACT DATA

PART 1 - DATA PROVIDED BY THE EMPLOYER

The employer is the Madibeng Local Municipality .	
The authorized and designated representative of the employer is:	
Name of employer:	Madibeng Local Municipality
The address for receipt of communications is:	Madibeng Local Municipality 1 st Floor P.O. Box 106 Brits 0250
Telephone:	012 318 9126/9125/9454
Facsimile:	N/A
Email:	bunnysidell@madibeng.gov.za
The project is:	APPOINTMENT OF A PANEL OF EIGHT (8) SERVICE PROVIDERS FOR HIRING OF PLANT AND EQUIPMENT FOR A PERIOD OF THREE (3) YEARS. RFT41/06/2023/2024(RE-ADVERT)
Note: The location for the performance of the Project is the municipal area of Madibeng. The service provider is required to provide the Service with all reasonable care, diligence and skill in accordance with generally accepted professional techniques and standards. The service provider is required to obtain the employer's prior approval in writing before taking any of the following actions: Appointing subcontractors for the performance of any part of the services, appointing key persons or personnel not listed by name in the contract data. Copyright of documents prepared for the project shall be vested with the employer.	

PART 2 - DATA PROVIDED BY THE SERVICE PROVIDER

The service provider is	
Name	
Address	
Telephone:	
Facsimile:	
The authorized and designated representative of the service provider is	
Name	
The address for receipt of communications is	
Telephone	
Facsimile	
Email	
Address	

C2 PRICING SCHEDULE

C2.1 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. Fractions of a cent shall be discarded.
- 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 **exclusive of Value Added Tax (VAT)**.
- i) If registered VAT is should be added at below the schedule. If not VAT registered indicate zero or “-”
- 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 where different delivery points influence the pricing, a separate pricing schedule must be submitted for each delivery point.
- l) 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 %.
- m) If the tender required firm (fixed prices) the amount indicated in Colum D will be the tender amount.
- n) If the tender amount is payable at end of contract on delivery of goods and services, Scratch out total per month with N/A or “-“
- o) If the tender amount is based on rates (Column B), the tender will be awarded to the rate and the total contract amount will only be used for evaluation purposes.

C2.2

MBD 3.1 BID PRICE

PURCHASES

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

Name of Bidder :

Bid Number: RFT 41/06/2023/24 (RE-ADVERT)

Closing Date: 19 FEBRAURY 2025 **Closing Time:** 10:00

PRICE SCHEDULE

APPOINTMENT OF A PANEL OF EIGHT (8) SERVICE PROVIDERS FOR HIRING OF PLANT AND EQUIPMENT FOR A PERIOD OF THREE (3) YEARS.

The following is the specification needed for the above requested tender:

ITEM	DESCRIPTION	QTY	UNIT	DAILY WET RATE	DAILY DRY RATE	DISCOUNT/ PROFIT	ADMIN FEE	AMOUNT
1	Tractor Loader Backhoe							
1.1	4X2	1	Hr	R400	R240			
1.2	4X4	1	Hr	R420	R240			
2	Front end Loader							
2.1	With bin capacity of 1m ³	1	Hr	R550	R250			
2.2	With bin capacity of 2m ³	1	Hr	R500	R250			
2.3	With bin capacity of 3m ³	1	Hr	R650	R300			
3	Tracked mounted Excavator							
3.1	up to 120 kw output power & 0.5m ³ bin	1	Hr	R500	R300			
3.2	up to 170kw output power & 1 m ³ bin	1	Hr	R650	R400			

3.3	up to 300 kw output power & 1.5 m³ bin	1	Hr	R700	R450			
4	Wheel mounted Excavator							
4.1	up to 120kw output power & 0.5 m³ bin	1	Hr	R500	R300			
4.2	up to 170kw output power & 1 m³ bin	1	Hr	R650	R400			
4.3	up to 300 kw output power & 1.5 m³ bin	1	Hr	R700	R450			
5	Bull dozer							
5.1	80hp with operating weight of min 7958kg blade of min 2.92m	1	Hr	R650	R400			
5.2	92hp hydraulic pump output of 734.4lit/min and min blade of 2.92m	1	Hr	R670	R420			
5.3	139hp with operating weight of min 9235kg blade 3.2 hydraulic pump output of 166.18lit/min	1	Hr	R730	R500			
5.4	274 hp with operating weight of min 24	1	Hr	R850	R520			
5.5	307 hp with operating weight of min 37 557kg blade 4978mm, hydraulic pump output	1	Hr	R900	R550			
6	Motor Grader							
6.1	104.0kW with operating weight of 15906.0kg blade width 3.7m,	1	Hr	R700	R450			

6.2	133.0kW with operating weight of 19344.0kg blade width 3.7m,	1	Hr	R720	R470			
6.3	186.0kW with operating weight of 19198.0kg blade width 3.7m,	1	Hr	R900	R580			
6.4	165.0kW with operating weight of 20660.0kg blade width 4.2m,	1	Hr	R850	R550			
6.5	149.0kW with operating weight of 19935.0kg blade width 3.7m,	1	Hr	R750	R500			
7	Tipper truck							
7.1	6 m ³ capacity payload	1	Hr	R345	R170			
7.2	10 m ³ capacity payload	1	Hr	R400	R190			
7.3	15 m ³ capacity payload	1	Hr	R470	R210			
7.4	20 m ³ capacity payload	1	Hr	R520	R270			
7.5	4 ton truck	1	Hr	R450	R400			
8	Dumper truck							
8.1	6 m ³ capacity payload	1	Hr	R400	R210			
8.2	10 m ³ capacity payload	1	Hr	R500	R250			
9	Water cart							
9.1	5000 litre payload	1	Hr	R250	R150			
9.2	6000 litre payload	1	Hr	R300	R150			

9.3	7000 litre payload	1	Hr	R320	R180			
9.4	8000 litre payload	1	Hr	R350	R180			
9.5	9000 litre payload	1	Hr	R380	R180			
9.6	10000 litre payload	1	Hr	R400	R200			
9.7	12000 litre payload	1	Hr	R440	R200			
9.8	15000 litre payload	1	Hr	R500	R200			
10	Crane mounted trucks							
10.1	Lifting capacity up to 8 tons	1	Hr	R350	R280			
10.2	Lifting capacity up to 10 tons	1	Hr	R400	R300			
10.3	Lifting capacity up to 12 tons	1	Hr	R480	R320			
10.4	Lifting capacity up to 15 tons	1	Hr	R550	R320			
10.5	Lifting capacity up to 20tons	1	Hr	R620	R350			
11	Lowbed/ Flatbed							
11.1	Loading up to 8 ton	1	Hr	R600	NA			
11.2	Loading up to 10 ton	1	Hr	R800	NA			
11.3	Loading capacity up to 15 ton	1	Hr	R950	NA			
11.4	Loading capacity up to 20 ton	1	Hr	R1200	NA			
11.5	Loading capacity up to 30 ton	1	Hr	R1500	NA			
12	Vibrating roller							
12.1	8 ton Smooth drum	1	Hr	R350	R180			
12.2	10 ton Smooth drum	1	Hr	R380	R190			
12.3	12 ton Smooth drum	1	Hr	R400	R210			

12.4	8 ton padded drum	1	Hr	R350	R180			
12.5	10 ton padded drum	1	Hr	R380	R190			
12.6	12 ton padded drum	1	Hr	R400	R210			
12.7	Up to 30 ton grid with suitable horse	1	Hr	R350	R220			
13	Skid steers							
13.1	With drill attachments up to 200mm	1	Hr	R200	R100			
13.2	With fork lift attachment	1	Hr	R200	R100			
13.3	With bin loading attachment up to 1/2m³	1	Hr	R200	R100			
13.4	With broom up to 1500mm width	1	Hr	R200	R100			
13.5	With 210 lit drum lifter	1	Hr	R200	R100			
13.6	With concrete mixer up to 400 lit capacity	1	Hr	R200	R100			
14	Grab mounted truck							
14.1	6m³ payload	1	Hr	R350	R200			
14.1	8m³ payload	1	Hr	R400	R240			
14.2	10m³ payload	1	Hr	R500	R300			
15	Vacuum Truck							
15.1	Up to 4000 litres capacity	1	Hr	R350	200			
15.2	Up to 6000 litres capacity	1	Hr	R400	R200			
16	Industrial mobile jet-rodder with water supply							
16.1	Up to 6000 litres	1	Hr	R950	NA			

16.2	Up to 10000 litres	1	Hr	R1050	NA			
17	Rear end Loader							
17.1	Up to 19 m ³ with reefing system	1	Hr	R480	R250			
17.2	Up to 19 m ³ with reefing system and bin lifters	1	Hr	R520	R270			
17.3	Up to 21 m ³ with reefing system	1	Hr	R600	R300			
17.4	Up to 21 m ³ with reefing system and bin loaders	1	Hr	R650	R320			
18	Hook -lift truck							
18.1	Up to 16 ton	1	Hr	R620	R300			
19	Skip loader truck							
19.1	Up to 8 ton payload	1	Hr	R580	R240			
19.2	Up to 23 ton payload	1	Hr	R1000	R440			
19.3	6 ton bin	1	Hr	NA	R400			
19.4	8 ton bin	1	Hr	NA	R450			
19.5	10 ton bin	1	Hr	NA	R500			
19.6	12 ton bin	1	Hr	NA	R520			
19.7	14 ton bin	1	Hr	NA	R560			
19.8	16 ton bin	1	Hr	NA	R620			
20	Agriculture life tractors							
20.1	60 -73 kW	1	Hr	R300	R180			
20.2	63 73 kW	1	Hr	R330	R180			
21	Tractor attachments							

21.1	Slasher	1	Hr	NA	R200			
21.2	Auger	1	Hr	NA	R200			
21.3	Forklift	1	Hr	NA	R200			
22	Air compressors with accessories							
22.1	70 to 100 CFM capacity	1	Hr	R150	R80			
22.2	100 to 150 CFM capacity	1	Hr	R180	R100			
23	Self propelled Walk behind Roller (Dry rate)							
23.1	450 mm Drum width with water and spray system up to 15 litres	1	Hr	R6650	R550			
23.2	600 mm Drum width with water and spray system up to 15 litres	1	Hr	R700	R600			
23.3	750 mm Drum width with water and spray system up to 15 litres	1	Hr	R800	R700			
23.4	900 mm Drum width with water and spray system up to 15 litres	1	Hr	R820	R720			
24	Sanitary landfill compactor							
24.1	185.0kW withoperating weight 25809.0kg with cross power of 212.0kW	1	Hr	R750	R500			
24.2	302.0kW withoperating weight 40917.0kg with	1	Hr	R850	R550			

1. ADDITIONAL CONDITIONS OF THE BID

5.1 All bid documents must be completed in black ink, and prices must NOT include VAT.

5.2 The lowest or any bid will not necessarily be accepted and the Municipality reserves the right to accept the whole or any portion of a bid.

SBD 3.2

PRICE ADJUSTMENTS

A NON-FIRM PRICES SUBJECT TO ESCALATION

IN CASES OF PERIOD CONTRACTS, NON FIRM PRICES WILL BE ADJUSTED (LOADED) WITH THE ASSESSED CONTRACT PRICE ADJUSTMENTS IMPLICIT IN NON FIRM PRICES WHEN CALCULATING THE COMPARATIVE PRICES

IN THIS CATEGORY PRICE ESCALATIONS WILL ONLY BE CONSIDERED IN TERMS OF THE FOLLOWING FORMULA:

$$Pa = (1 - V) \left[Pt + \frac{D1}{R10} R1t + \frac{D2}{R20} R2t + \frac{D3}{R30} R3t + \frac{D4}{R40} R4t \right] + VPt$$

Where:

Pa	=	The new escalated price to be calculated.
(1-V)Pt	=	85% of the original bid price. Note that Pt must always be the original bid price and not an escalated price.
D1, D2..	=	Each factor of the bid price eg. labour, transport, clothing, footwear, etc. The total of the various factors D1, D2...etc. must add up to 100%.
R1t, R2t.....	=	Index figure obtained from new index (depends on the number of factors used).
		R1o, R2o = Index figure at time of bidding.
VPt	=	15% of the original bid price. This portion of the bid price remains firm i.e. it is not subject to any price escalations.

2. The following index/indices must be used to calculate your bid price:

Index..... Dated..... Index..... Dated..... Index..... Dated.....

Index..... Dated..... Index..... Dated..... Index..... Dated.....

FURNISH A BREAKDOWN OF YOUR PRICE IN TERMS OF ABOVE-MENTIONED FORMULA. THE TOTAL OF THE VARIOUS FACTORS MUST ADD UP TO 100%.

FACTOR (D1, D2 etc. eg. Labour, transport etc.)	PERCENTAGE OF BID PRICE

MBD 3.2

PRICES SUBJECT TO RATE OF EXCHANGE VARIATIONS (FORM NOT APPLICABLE)

Please furnish full particulars of your financial institution, state the currencies used in the conversion of the prices of the items to South African currency, which portion of the price is subject to rate of exchange variations and the amounts remitted abroad.

PARTICULARS OF FINANCIAL INSTITUTION	ITEM NO	PRICE	CURRENCY	RATE	PORTION OF PRICE SUBJECT TO ROE	AMOUNT IN FOREIGN CURRENCY REMITTED ABROAD
				ZAR=		
				ZAR=		
				ZAR=		
				ZAR=		
				ZAR=		
				ZAR=		

Adjustments for rate of exchange variations during the contract period will be calculated by using the average monthly exchange rates as issued by your commercial bank for the periods indicated hereunder: (Proof from bank required)

AVERAGE MONTHLY EXCHANGE RATES FOR THE PERIOD:	DATE DOCUMENTATION MUST BE SUBMITTED TO THIS OFFICE	DATE FROM WHICH NEW CALCULATED PRICES WILL BECOME EFFECTIVE	DATE UNTIL WHICH NEW CALCULATED PRICE WILL BE EFFECTIVE

“ZERO TOLERANCE TOWARDS FRAUD AND CORRUPTION”
Anti-Corruption Hotline:

0800 555 774



END OF THE TENDER DOCUMENT