

# **INVITATION TO SUBMIT FORMAL WRITTEN PRICE QUOTATIONS**

RFQ NO.:	RFQ/LED/2019-20/202
DESCRIPTION OF GOODS / SERVICES :	APPOINTMENT OF A SERVICE PROVIDER TO PROVIDE, SET-UP, MAINTAIN AND REMOVAL OF TENTS, TENT LIGHTING, TABLES AND CHAIRS AT BUFFALO CITY METROPOLITAN MUNICIPALITY SWITCH ON OF THE FESTIVE LIGHTS 2019 IN KWT & EAST LONDON

For publication on the Buffalo City Metropolitan Municipality Website and Supply Chain Management Unit Noticeboard

NAME OF BIDDER:			
BCMM SUPPLIER DATABASE REGISTE	RATION NO.:		
STREET ADDRESS:			
POSTAL ADDRESS:			
TEL NO.:	CELL PHONE NO.:		
EMAIL ADDRESS:	FAX NO.:		
TOTAL QUOTATION AMOUNT:	R		

Issued by:	Prepared by:
The City Manager c/o The General Manager: Supply Chain Management Unit Buffalo City Metropolitan Municipality 80 Phillip Frame Road Chiselhurst East London	Dept. of Tourism, Arts, Culture & Heritage HOD: Economic Development & Agencies. Buffalo City Metropolitan Municipality. Orient Beach Complex, Esplanade. East London, 5200

# **INVITATION TO SUBMIT FORMAL WRITTEN PRICE QUOTATIONS**

Buffalo City Metropolitan Municipality requests your quotation for the goods and/or services listed hereunder in this RFQ document. Bidders are requested to furnish all information requested and return their quotation submission on the date stipulated in this invitation and the RFQ advertisement. Late and incomplete submissions will invalidate the quotation submitted.

RFQ NO.:	RFQ/LED/2019-20/202	
DESCRIPTION OF GOODS / SERVICES	APPOINTMENT OF A SERVICE PROVIDER TO PROVIDE, SET-UP MAINTAIN AND REMOVAL OF TENTS TENT LIGHTING, TABLES AND CHAIRS AT BUFFALO CITY METROPOLITAN MUNICIPALITY SWITCH ON OF THE FESTIVE LIGHTS 2019 IN KWT & EAST LONDON	
ADVERT DATE:	08 NOVEMBER 2019	
CLOSING DATE:	15 NOVEMBER 2019	
CLOSING TIME:	12:00PM	
COMPULSORY BRIEFING MEETING DATE & TIME: VENUE:	N/A	
RFQ DOCUMENTS ARE OBTAINABLE FROM:	The BCMM Website – www.buffalocitymetro.gov.za/tenders	
	OR: Request by sending email to sibongilesa@buffalocity.gov.za; sitatun@buffalocity.gov.za: bonganimn@buffalocity.gov.za:	
SUBMISSION OF RFQs:	Informal Tender Box Supply Chain Management Unit, BCMM 80 Phillip Frame Road Chiselhurst East London	
TECHNICAL ENQUIRIES:	Name: Miranda Nofeliti Tel: 043 705 3562 / 705 3570 Email: mirandano@buffalocity.gov.za	
PROCEDURAL ENQUIRIES:	Nomgcobo Magxala / Sikelelwa Mandlana Tel: (043) 705 91193/ (043) 705 9263 Email: Nomgcobom@buffalocity.gov.za sikelelwam@buffalocity.gov.za	

NB: NO SUBMISSIONS WILL BE CONSIDERED FROM PERSONS IN THE SERVICE OF THE STATE (as defined in Regulation 1 of the Local Government: Municipal Supply Chain Management Regulations)

# 1.1 GENERAL CONDITIONS OF THE REQUEST FOR QUOTATIONS (RFQ)

# BIDDERS ARE REQUIRED TO FAMILIARISE THEMSELVES WITH THE TENDERING CONDITIONS AND PROCEDURES AS DOCUMENTED BELOW.

- 1. For the purposes of this RFQ document, the words 'bidder' and 'tenderer', and 'RFQ' and 'tender' shall bear the same meaning.
- 2. 'BCMM,' where referred to in this document means Buffalo City Metropolitan Municipality'.
- 3. No quotation will be considered unless submitted on this RFQ document.
- 4. The whole original RFQ document, as issued by BCMM must be submitted. A quotation will be considered invalid and will not be accepted, if any part of this RFQ document is not submitted.
- 5. Bidders must submit one RFQ offer only, either as a single tendering entity or as a member of a joint venture.
- 6. Telephonic, telegraphic, telex, facsimile or emailed RFQ submissions will not be accepted.
- 7. Any portion of the RFQ document not completed will be interpreted as 'not applicable'. Notwithstanding the afore-going, failure to complete any compulsory portion of the RFQ document will result in the RFQ submission being declared non-responsive.
- 8. Quotations must be properly received and deposited, on or before the closing date and on or before 12:00pm, in the <u>Informal Tender Box</u> at the BCMM Supply Chain Management Unit ('SCMU') situated at 80 Phillip Frame Road, Chiselhurst, East London. If the quotation submission is too large to fit in the allocated box, please enquire at the reception for assistance.
- 9. BCMM accepts no responsibility for ensuring that quotations are placed in the correct tender box, and should a quotation be placed in the incorrect tender box, it will be not be accepted.

#### 10. BCMM reserves the right to accept:

- 10.1 the whole quotation or part of a quotation or any item or part of any item, or to accept more than one quotation (in the event of a number of items being offered), and BCMM is not obliged to accept the lowest or any quotation;
- 10.2 a quotation which is not substantially or materially different from the RFQ specifications.
- 11. BCMM shall not consider quotations that are received after the closing date and time, as specified in the RFQ advertisement.
- 12. BCMM will not be held responsible for any expenses incurred by bidders in preparing and submitting quotations.
- 13. BCMM may, after the RFQ closing date, request additional information or clarification of submitted quotations, in writing.
- 14. A quotation may be rejected as non-responsive if the bidder fails to provide any clarification requested by BCMM within the time for submission stated in the written request for such clarification.
- 15. A bidder may request in writing, after the closing date, that its quotation be withdrawn. Such withdrawal will be permitted or refused at the sole discretion of BCMM after consideration of the reasons for the withdrawal, which shall be fully set out by the bidder in such written request for withdrawal.
- 16. The RFQ document must be signed by a person duly authorised to do so.

- 17. Quotations submitted by joint ventures, consortia, partnerships shall be accompanied by a joint venture, consortium, partnership agreement, in which it is defined precisely the conditions under which the joint venture, consortium or partnership will function, its period of duration, the persons authorised to represent and obligate it, the participation of the several firms of which it is formed, and any other information necessary to permit a full appraisal of its functioning.
- 18. Once the RFQ is awarded, all purchases will be made through an official BCMM Purchase Order. Therefore no goods must be delivered or services rendered before an official Purchase Order has been forwarded to the successful bidder. The successful bidder must then deliver or render service upon receiving an official signed Purchase Order from BCMM.

#### 19. Evaluation of RFQs

- 19.1 Quotations will be evaluated in accordance with the evaluation criteria set out in the Special Conditions of the Request for Quotations.
- 19.2 Quotations will be evaluated for price and preference using the 80/20 preference points system as follows –

Price	80
BBBEE	20

- 19.3 Unless otherwise stated in the Special Conditions, a contract will be concluded with the bidder who complies with the evaluation criteria, and scores the highest total price and BBBEE points.
- 19.4 Bidders may quote with or without VAT depending upon whether or not they are VAT vendors. In the calculation of price points, VAT shall be removed from the quotation amount of bidders who are registered as VAT vendors, so that financial offers can be evaluated on a comparative basis as a price advantage cannot be afforded to bidders who are not VAT vendors.

#### 20. Test for Responsiveness

#### 20.1 Invalid Submissions

Quotations shall be invalid if:

- (a) The quotation submission is not sealed when submitted into the tender box.
- (b) The quotation submission is not completed in non-erasable ink.
- (c) The form of offer has not been completed.
- (d) The bidder has been listed on the National Treasury's Register for Tender Defaulters in terms of the Prevention and Combating of Corrupt Activities Act, No. 12 of 2004, or has been listed on the National Treasury's List of Restricted Suppliers and who is therefore prohibited from doing business with the public sector.
- (e) The bidder is prevented from doing business with BCMM in terms of Regulation 38 and 44 of the Supply Chain Management Regulations (MFMA).

#### 20.2 Non-responsive Submissions

Quotations will be declared as non-responsive and eliminated from further evaluation in the following circumstances –

- (a) The submission has not achieved the minimum score for functionality as set out in the evaluation criteria, where functionality is applicable.
- (b) Where there are material deviations or qualifications to the RFQ which in BCMM's opinion would –

- Detrimentally affect the scope, quality or performance of the works, services or supply identified in the scope of works;
- (ii) Significantly change BCMM's or the bidder's risks and responsibilities under the contract, or
- (iii) Affect the competitive position of the bidder, or other bidders presenting responsive submissions, if it were to be rectified.
- (c) The submission will be declared non-responsive if the bidder fails to adhere to a written request (within the specified period set out in such request) to
  - (i) Comply with the general conditions applicable to RFQs as contained in the BCMM Supply Chain Management Policy;
  - (ii) Complete and/or sign any declarations and/or authorisations;
  - (iii) Submit items 2 3 of the list of returnable documents in Part 2 (section 2.1) of this bid document.
- (d) The bid will be declared non-responsive in the event that the bidder's tax matters, as verified on the government Central Supplier Database, are shown not be in order, and the bidder fails to ensure that its tax matters are in order within such timeframe as may be required by BCMM in writing.

#### 21. Clarification of quotation after submission

The bidder must provide clarification of its submission in response to a request to do so from BCMM during the evaluation process. 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 bidders or substance of the submission may be sought, offered, or permitted.

#### 22. Provide other material

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

#### 23. Inspections, tests and analysis

The bidder shall, at the request of BCMM, provide access during working hours to its business premises for any inspections, tests and analyses as required for the RFQ.

#### 24. Securities, bonds, policies, etc

If required, the bidder must submit for BCMM's acceptance before formation of the contract, all securities, bonds, guarantees, policies and certificates of insurance required in terms of the conditions of contract.

# 25. BCMM supplier database

- 25.1 Bidders must be registered on the BCMM Supplier Database, or meet the listing criteria set out in the BCMM Supply Chain Management Policy, in order to be considered responsive to the RFQ.
- 25.2 Bidders must be registered within 7 days of being requested to do so, failing which its submission shall be declared to be non-responsive.
- 25.3 It is each bidder's responsibility to keep all the information on the BCMM Supplier Database updated. If any information required (e.g. tax clearance certificate, CIDB certificate, etc) is not valid or has expired, all transactions with the vendor may, in the sole discretion of BCMM, be suspended until such time as the correct, verified information is received.

#### 26. Tax compliance status

No award shall be made to a person whose tax matters have not been declared to be in order by the South African Revenue Service (SARS).

#### 26.2 Each party to a consortium, joint venture or partnership must comply with the above.

#### 27. Declarations and authorisation

Bidders are required to complete all statutory declarations and authorisations in the schedules attached to this RFQ document, failing which the submission may be declared non-responsive.

#### 28. Samples

If the specifications require a bidder to provide samples, these shall be provided strictly in accordance with the instructions set out in the special conditions of the RFQ below.

#### 29. Alterations to tender document

Bidders may not make any alterations or additions to the RFQ document, except to comply with instructions issued by BCMM, or as are necessary to correct errors made by the bidder. All signatories to the RFQ submission shall initial all such alterations. Erasures and the use of masking fluid are prohibited.

#### 30. Objections, Complaints, Queries and Disputes / Appeals in terms of Section 62 of the Systems Act

#### 30.1 Objections, complaints, queries and disputes

Persons aggrieved by decisions or actions taken by BCMM in the implementation of the supply chain management system or any matter arising from a contract awarded in terms of the supply chain management system may, within 14 days of the decision or action, lodge a written objection or compliant or query or dispute against the decision or action.

#### 30.2 Section 62 Appeals

- (a) In terms of section 62 of the Systems Act, a person whose rights are affected by a decision taken by a political structure, political office bearer, councillor or staff member of a municipality in terms of a power or duty delegated or sub-delegated by a delegating authority, may appeal against that decision by giving written notice of the appeal and reasons to the Accounting Officer within 21 days of the date of notification of the decision.
- (b) An appeal shall contain the following:
  - (i) The reasons and/or grounds for the appeal;
  - (ii) The manner in which the appellant's rights have been affected;
  - (iii) The remedy sought by the appellant.

#### 30.3 Lodging of appeals, objections, complaints, queries and disputes relating to this tender

Appeals, objections, complaints, requests for information, queries and disputes must be submitted in writing to the Office of the Municipal Manager, 10<sup>th</sup> Floor, Trust Centre Building, Cnr of Oxford & North Streets, East London, OR by email, <a href="mailto:thandokazin@buffalocity.gov.za">thandokazin@buffalocity.gov.za</a>.

# 1.2 SPECIAL CONDITIONS OF THE REQUEST FOR QUOTATIONS (RFQ)

The special conditions qualify, or are in addition to the general conditions in section 1.1 above. In the event of any ambiguity or inconsistency between the general conditions and the special conditions, the latter shall have precedence.

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

General Conditions Clause No.	Additions or Variations to General Conditions
Clause 13 & 21	Where a bidder is requested to provide additional information or
CLARIFICATION OF RFQ SUBMISSION	clarification of its submission, this shall not be an opportunity for the bidder to bolster its submission in any way, so as to afford it an unfair competitive advantage.
Clause 16	The bidding entity must submit a letter of authority on its letterhead
AUTHORITY OF SIGNATORY	authorising the signatory to this RFQ to sign all documents in connection with the RFQ, and any contract which may arise therefrom, on behalf of the bidding entity.
	The letter of authority must be attached to Schedule A.
Clause 18	After the Service provider has been notified of the Award and signs Letter of Award, the bidder will have to wait for an official signed Purchase Order before commencing with the delivery or rendering of services appointed for.
Clause 19	
EVALUATION OF RFQs	RFQs will be evaluated in accordance with the evaluation criteria set out on page 8 of this document.
Clause 23	No inspections, tests and analyses shall be required for this RFQ.
INSPECTION, TESTS AND ANALYSES	

# **RFQ EVALUATION CRITERIA**

Buffalo City Metropolitan Municipality is requiring services of an experienced service provider. The company must provide the municipality with the list of previous similar events conducted, proof of equipment available or evidence of how the good will be outsourced. The company should provide at least three contactable references to be used by the municipality to verify the experience. Furthermore, the company must provide a structural certificate and a fire extinguisher for each tent on the day of the event.

Functionality criteria will be used to assess all received tenders. Service providers are required to score at least 70 points for them to be considered for further evaluation. Failure to score 70 points will result into a service provider to be deemed non-responsive.

Experience	Total Points 100
Previous experience in	60 Points
providing similar services. 10	
points will be allocated per	
service rendered up to a	
maximum of 60 points	
Proof of equipment available	30 points
(Images to be attached to the	
tender document) or evidence	
on how the goods will be	
outsourced and deliver on	
time	
Contactable references (3)	10 points
Total	100

# 1.3 RETURNABLE DOCUMENTS

In addition to the requirements stipulated in this tender, tenderers are required to submit the documentation listed below.

Failure to submit a BBBEE certificate will result in no points being allocated to the bidder for BBBEE.

NO.	RETURNABLE DOCUMENT	AVAILABLE (TICK √)
1.	Original or certified copy of BBBEE certificate or sworn affidavit; if points are claimed (a copy of a certified certificate will not be accepted)	
1.1	A sworn affidavit confirming annual total revenue and level of black ownership, if bidder is an Exempted Micro Enterprise (EME) or Qualifying Small Enterprise (QSE)	
1.2	Original or certified copy of BBBEE certificate, if bidder is a Trust, Joint Venture or Consortium that is a legal entity	
1.3	Original or certified copy of consolidated BBBEE scorecard, if bidder is a Trust, Joint Venture or Consortium that is an unincorporated entity	
2.	Certified copy of Joint Venture or Consortium Agreement; if bidder is a Joint Venture or Consortium	
3.	Original Municipal debt clearance certificate / bidders' business premises lease agreement.	
4.	ID copies of directors	
5.	Print-out of Tax Clearance Certificate	
6.	Current Central Supplier Database printout	

In the event that the bidding entity is a joint venture, consortium, or partnership, each partner must supply the above information.

# NOTE:

Bidders' Tax Compliance Status before award of Formal Written Quotation will be verified on Central Supplier Database. Therefore bidders are required to ensure that they are registered on the database (CSD) upon submission of this RFQ.

# 1.4 RETURNABLE SCHEDULES

All returnable schedules below must be completed by the bidding entity, save for those schedules which are not applicable to it in which case the bidder must indicate which schedules are not applicable. Should the bidder fail to complete all applicable and compulsory schedules, its quotation submission shall be deemed to be non-responsive in accordance with clause 20.2 (d) (ii) of the general conditions.

The schedules required to be completed are as listed below -

Schedule A	Letter of Authority for Signatory
Schedule B	Confirmation of Registration of Bidder on Central Supplier Database (CSD)
Schedule C	Municipal Bidding Documents

# SCHEDULE A – LETTER OF AUTHORITY FOR SIGNATORY

Indicate the status of the bidder by ticking the appropriate box hereunder with an x.

COMPANY	CLOSE CORPORATION	PARTNERSHIP	JOINT VENTURE	SOLE PROPRIETORSHIP

# NOTE:

BIDDERS MUST ATTACH A LETTER OF AUTHORITY TO THIS PAGE, AUTHORIZING THE SIGNATORY TO THIS RFQ TO SIGN ALL DOCUMENTS IN CONNECTION WITH THE RFQ AND ANY CONTRACT WHICH MAY ARISE THEREFROM, ON BEHALF OF THE BIDDING ENTITY.

# SCHEDULE B – CONFIRMATION OF REGISTRATION OF BIDDER ON CENTRAL SUPPLIER DATABASE (CSD)

NAME OF BIDDER	REGISTERED ON CSD? (YES/NO)	CSD SUPPLIER NUMBER

Bidders are required to register as suppliers on the government Web-based Central Supplier Database (CSD) prior to submission of this RFQ, and provide their CSD supplier number in the table above. If not registered on submission of this RFQ, bidders will be required to register on the CSD within such timeframe as stipulated by BCMM.

It is the responsibility of a bidder to ensure that this requirement is complied with. In the case of Joint Ventures and Consortia, this requirement will apply to each party to the Joint Venture or Consortium.

<b>BIDDER'S SIGNATURE:</b>		 
BIDDER'S SIGNATURE:	, •	 

## SCHEDULE C - MUNICIPAL BIDDING DOCUMENTS

MBD 4

#### **DECLARATION OF INTEREST**

submitted with the bid.

3.

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

In order to give effect to the above, the following questionnaire must be completed and

- (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);

3.8.1 If yes, furnish particulars.....

.....

- (e) a member of the accounting authority of any national or provincial public entity; or
- (f) an employee of Parliament or a provincial legislature

<sup>&</sup>lt;sup>1</sup> MSCM Regulations: "in the service of the state" means to be –

<sup>&</sup>lt;sup>2</sup> Shareholder" means a person who owns shares in the company and is actively involved in the management of the company or business and exercises control over the company.

	Full Name	Identity Number	State Employee Number
4.	3.14.1 If yes, furnish particulars Full details of directors / trustees / mem		
3.14	Do you or any of the directors, trustees principle shareholders, or stakeholders have any interest in any other related business whether or not they are bidding.	s of this company companies or	YES / NO
	trustees, managers, principle shareho in service of the state?		
3.13	Are any spouse, child or parent of the		
	3.12.1 If yes, furnish particulars		
3.12	Are any of the company's directors, true principle shareholders or stakeholders		
	3.11.1 If yes, furnish particulars		
3.11	Are you, aware of any relationship (far any other bidder and any persons in the may be involved with the evaluation are	ne service of the state who	)
	3.10.1 If yes, furnish particulars		
3.10	Do you have any relationship (family, f the service of the state and who may b and or adjudication of this bid?	e involved with the evalua	ation
	3.9.1 If yes, furnish particulars		
3.9	Have you been in the service of the sta	te for the past twelve mon	ths?YES / NO

Capacity	 <b>Na</b> m	e of Bidder	
Signature		Date	

MBD 6.1

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

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

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

#### 1. GENERAL CONDITIONS

- 1.1 The following preference point systems are applicable to all bids:
  - the 80/20 system for requirements with a Rand value of up to R50 000 000 (all applicable taxes included); and
  - the 90/10 system for requirements with a Rand value above R50 000 000 (all applicable taxes included).

1.2

- a) The value of this bid is estimated to not exceed R50 000 000 (all applicable taxes included) and therefore the 80/20 preference point system shall be applicable; or
- b) Either the 80/20 or 90/10 preference point system will be applicable to this tender (*delete whichever is not applicable for this tender*).
- 1.3 Points for this bid shall be awarded for:
  - (a) Price; and
  - (b) B-BBEE Status Level of Contributor.
- 1.4 The maximum points for this bid are allocated as follows:

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

- 1.5 Failure on the part of a bidder to submit proof of B-BBEE Status level of contributor together with the bid, will be interpreted to mean that preference points for B-BBEE status level of contribution are not claimed.
- 1.6 The purchaser reserves the right to require of a bidder, either before a bid is adjudicated or at any time subsequently, to substantiate any claim in regard to preferences, in any manner required by the purchaser.

# 2. **DEFINITIONS**

(a) "B-BBEE" means broad-based black economic empowerment as defined in

section 1 of the Broad-Based Black Economic Empowerment Act;

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

#### 3. POINTS AWARDED FOR PRICE

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

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

80/20 or 90/1

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

Where

Ps = Points scored for price of bid under consideration

Pt = Price of bid under consideration

Pmin = Price of lowest acceptable bid

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

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

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

5.	R	ID	D	F	CI	Δ	R	٩T	10	'n	J
IJ.		ı	u		L	_ ~	~	<b>~</b> I I	ı	Лľ	٧

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

6.	<b>B-BBEE</b>	STATUS	<b>LEVEL</b>	OF	CONTRIBUTOR	CLAIMED	IN	<b>TERMS</b>	OF
	PARAGR	<b>APHS 1.4</b>	AND 4.1						

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

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

# 7. SUB-CONTRACTING

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

(Tick applicable box)

\/E0	N10	
YES	NO	

7.1.1 If yes, indicate:

i)	What	percentage	of	the	contract	will	be
	subcontrac	cted		%			
ii)	The	name		of	the		sub-
	contractor						
iii)	The	B-BBEE	status	level	of	the	sub-
•	contractor.						

iv) Whether the sub-contractor is an EME or QSE

(Tick applicable box)						
	YES		NO			

v) Specify, by ticking the appropriate box, if subcontracting with an enterprise in terms of Preferential Procurement Regulations, 2017:

Designated Group: An EME or QSE which is at last 51% owned by:	EME	QSE
		~~-

	√	V		
Black people				
Black people who are youth				
Black people who are women				
Black people with disabilities				
Black people living in rural or underdeveloped areas or townships				
Cooperative owned by black people				
Black people who are military veterans				
OR				
Any EME				
Any QSE				

8.	DECLARATION WI	TH REGARD TO	COMPANY/FIRM		
8.1	Name company/firm:				of
8.2	VAT number:				registration
8.3	Company number:				registration
8.4	TYPE OF COMPA	NY/ FIRM			
8.5	DESCRIBE PRINC	CIPAL BUSINESS	ACTIVITIES		
8.6	COMPANY CLAS	SIFICATION			
		service provider e providers, e.g. ti	ransporter, etc.		
8.7	MUNICIPAL INFOR	MATION			
	Municipality	where	business	is	situated:
	Registered Accor	unt Number:			
8.8	Total number	of vears	the company/fi	irm has	been in

business:.															
DUSINGSS															

- 8.9 I/we, the undersigned, who is / are duly authorised to do so on behalf of the company/firm, certify that the points claimed, based on the B-BBE status level of contributor indicated in paragraphs 1.4 and 6.1 of the foregoing certificate, qualifies the company/ firm for the preference(s) shown and I / we acknowledge that:
  - The information furnished is true and correct;
  - ii) The preference points claimed are in accordance with the General Conditions as indicated in paragraph 1 of this form;
  - iii) In the event of a contract being awarded as a result of points claimed as shown in paragraphs 1.4 and 6.1, the contractor may be required to furnish documentary proof to the satisfaction of the purchaser that the claims are correct;
  - iv) If the B-BBEE status level of contributor has been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the purchaser may, in addition to any other remedy it may have
    - (a) disqualify the person from the bidding process;
    - recover costs, losses or damages it has incurred or suffered as a result of that person's conduct;
    - (c) cancel the contract and claim any damages which it has suffered as a result of having to make less favourable arrangements due to such cancellation;
    - (d) recommend that the bidder or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, be restricted by the National Treasury from obtaining business from any organ of state for a period not exceeding 10 years, after the audi alteram partem (hear the other side) rule has been applied; and
    - (e) forward the matter for criminal prosecution.

WITNESSES	
1	SIGNATURE(S) OF BIDDERS(S)
2	DATE-

# DECLARATION OF BIDDER'S PAST SUPPLY CHAIN MANAGEMENT PRACTICES

- 1 This Municipal Bidding Document must form part of all bids invited.
- 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.
- The bid of any bidder may be rejected if that bidder, or any of its directors have:
  - a. abused the municipality's / municipal entity's supply chain management system or committed any improper conduct in relation to such system;
  - b. been convicted for fraud or corruption during the past five years;
  - c. willfully neglected, reneged on or failed to comply with any government, municipal or other public sector contract during the past five years; or
  - d. 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).
- 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?	Yes	No
	(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.		
4.1.1	If so, furnish particulars:		
4.2	Is the bidder or any of its directors listed on the Register for Tender Defaulters in terms of section 29 of the Prevention and Combating of Corrupt Activities Act (No 12 of 2004)?  The Register for Tender Defaulters can be accessed on the National Treasury's website ( <a href="www.treasury.gov.za">www.treasury.gov.za</a> ) by clicking on its link at the bottom of the home page.	Yes	No
4.2.1	If so, furnish particulars:		

4.3	Was the bidder or any of its directors convicted by a court of law (income of law outside the Republic of South Africa) for fraud or corruption of five years?		Yes	No
4.3.1	If so, furnish particulars:			
Item	Ouestion		Yes	No
4.4	Does the bidder or any of its directors owe any municipal rates and municipal charges to the municipality / municipal entity, or to any o municipality / municipal entity, that is in arrears for more than three	ther	Yes	No
4.4.1	If so, furnish particulars:			
4.5	Was any contract between the bidder and the municipality / municipal other organ of state terminated during the past five years on account perform on or comply with the contract?		Yes	No
4.7.1	If so, furnish particulars:			
CER	CERTIFICATION  IE UNDERSIGNED (FULL NAME)  TIFY THAT THE INFORMATION FURNISHED ON LARATION FORM IS TRUE AND CORRECT.		•••••	••••
ACT	CCEPT THAT, IN ADDITION TO CANCELLATION MAY BE TAKEN AGAINST ME SHOULD THIS BE FALSE.			
Signa			•••••	
Posit	ion Name	e of Bidder	•••••	

## CERTIFICATE OF INDEPENDENT BID DETERMINATION

- 1 This Municipal Bidding Document (MBD) must form part of all bids<sup>1</sup> invited.
- 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). Collusive bidding is a *pe se* prohibition meaning that it cannot be justified under any grounds.
- Municipal Supply Regulation 38 (1) prescribes that a supply chain management policy must provide measures for the combating of abuse of the supply chain management system, and must enable the accounting officer, among others, to:
  - a. take all reasonable steps to prevent such abuse;
  - b. reject the bid of any bidder if that bidder or any of its directors has abused the supply chain management system of the municipality or municipal entity or has committed any improper conduct in relation to such system; and
  - c. cancel a contract awarded to a person if the person committed any corrupt or fraudulent act during the bidding process or the execution of the contract.
- 1. 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.
- 2. In order to give effect to the above, the attached Certificate of Bid Determination (MBD 9) must be completed and submitted with the bid:

<sup>&</sup>lt;sup>1</sup> Includes price quotations, advertised competitive bids, limited bids and proposals.

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

## CERTIFICATE OF INDEPENDENT BID DETERMINATION

i, the undersigned, in submitting the accompanying bid:	
(Bid Number and Description)	_
in response to the invitation for the bid made by:	
(Name of Municipality / Municipal Entity)	
do hereby make the following statements that I certify to be true and complete in every respect:	
I certify, on behalf of:	_that:
(Name of Bidder)	

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

- 6. The bidder has arrived at the accompanying bid independently from, and without consultation, communication, agreement or arrangement with any competitor. However communication between partners in a joint venture or consortium<sup>3</sup> will not be construed as collusive bidding.
- 7. In particular, without limiting the generality of paragraphs 6 above, there has been no consultation, communication, agreement or arrangement with any competitor regarding:
  - (a) prices;
  - (b) geographical area where product or service will be rendered (market allocation)
  - (c) methods, factors or formulas used to calculate prices;
  - (d) the intention or decision to submit or not to submit, a bid;
  - (e) the submission of a bid which does not meet the specifications and conditions of the bid; or
  - (f) bidding with the intention not to win the bid.
- 8. In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications and conditions or delivery particulars of the products or services to which this bid invitation relates.
- 9. The terms of the accompanying bid have not been, and will not be, disclosed by the bidder, directly or indirectly, to any competitor, prior to the date and time of the official bid opening or of the awarding of the contract.

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

MBD9

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

Signature	Date
Position	Name of Bidder

# 2.1 AGREEMENT & CONTRACT DATA

# 2.1.1 FORM OF OFFER AND ACCEPTANCE

# PART 1 (OFFER TO BE COMPLETED BY THE BIDDER)

1. Buffalo City Metropolitan Municipality has solicited offers to enter into a contract for the procurement of :

# APPOINTMENT OF A SERVICE PROVIDER TO PROVIDE, SET-UP, MAINTAIN AND REMOVAL OF TENTS, TENT LIGHTING, TABLES AND CHAIRS AT BUFFALO CITY METROPOLITAN MUNICIPALITY SWITCH ON OF THE FESTIVE LIGHTS 2019 IN KWT & EAST LONDON

- I, the Bidder, hereby undertake to supply and deliver all or any of the goods and/or works; OR render the services described in the attached bidding documents to BCMM in accordance with the requirements and specifications stipulated in RFQ number RFQ/LED/2019-20/202at the price/s quoted. My offer/s remains binding upon me and open for acceptance by the purchaser during the validity period indicated and calculated from the closing time of RFQ.
- 3. The following documents shall be deemed to form and be read and construed as part of this Agreement:
  - (i) The Scope of Work;
  - (ii) This RFQ document, viz
    - Scope of Services;
    - The Pricing Data;
    - This Form of Offer & Acceptance;
  - (iii) Bidder's RFQ submission;
  - (iv) The Special Conditions of Contract;
  - (v) The General Conditions of Contract; and
  - (vi) Any Service Level Agreement that may be concluded by the appointed bidder and BCMM.
- 4. I confirm that I have satisfied myself as to the correctness and validity of my quote; that the price(s) and rate(s) quoted cover all the goods and/or works specified in the RFQ document; 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.
- 5. 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.
- 6. I declare that I have no participation in any collusive practices with any bidder or any other person regarding this or any other bid.
- 7. I confirm that I am duly authorized to sign this contract.

The **TOTAL QUOTATION AMOUNT** inclusive of value-added tax (where applicable) is

		Rand							
(in words); R (in figures)									
This offer may be accepted by the authorised BCMM representative signing the acceptance part of this form of offer and acceptance, and returning one copy of this document to the bidder before the end of the period of validity stated in the tender conditions, whereupon the bidder becomes the party named as the appointed service provider in terms of the conditions of contract identified in the contract data.									
NAME (PRINT)		WITNESSES:							
CAPACITY		1							
SIGNATURE									
NAME OF FIRM		2							
DATE		DATE:							

<u>FAILURE BY THE BIDDER TO SIGN OR FILL IN THIS FORM SHALL DISQUALIFY ITS SUBMISSION.</u>

# PART 2 (ACCEPTANCE TO BE COMPLETED BY BCMM)

By signing this part of this form of offer and acceptance, BCMM accepts the bidder's offer. In consideration thereof, BCMM shall pay the appointed service provider the amount due in accordance with PART 1 of this offer and acceptance. Acceptance of the bidder's offer shall form an agreement between BCMM and the bidder upon the terms and conditions contained in this agreement and in the contract that is the subject of this agreement.

1.	I in my capacity AGM: SUPPLY CHAIN
	MANAGEMENT accept your bid under reference number RFQ/LED/2019-20/202
	dated 15 NOVEMBER 2019 for the supply or the rendering of services indicated
	hereunder and/or further specified in the annexure(s).

- 2. An official order indicating service delivery instructions is forthcoming.
- 3. 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 SUPPLY/ SERVICE	PRICE (ALL APPLICABL E TAXES INCLUDED)	COMPLETIO N DATE	B-BBEE STATUS LEVEL OF CONTRIBU TION	MINIMUM THRESHOLD FOR LOCAL PRODUCTION AND CONTENT (if applicable)
APPOINTMENT OF A SERVICE PROVIDER TO PROVIDE, SET-UP, MAINTAIN AND REMOVAL OF TENTS, TENT LIGHTING, TABLES AND CHAIRS AT BUFFALO CITY METROPOLITAN MUNICIPALITY SWITCH ON OF THE FESTIVE LIGHTS 2019 IN KWT & EAST LONDON				

LONDON							
4. I confirm that I am duly a	authorised to sig	n this contract.					
SIGNED ATON							
NAME (PRINT)							
SIGNATURE							
OFFICIAL STAMP			WITNESSES				
			1				
			2				
			DATE:				
	Page <b>29</b>	OT <b>34</b>					

# 2.1.2 CONTRACT DATA

# **GENERAL CONDITIONS OF CONTRACT**

The contract will be administered in terms of the **General Conditions of Contract 2010** as issued by National Treasury.

A copy of the General Conditions of Contract may be obtained from the National Treasury website – <a href="https://www.treasury.gov.za">www.treasury.gov.za</a>

# 2.2 PRICING DATA

## 2.2.1 PRICING INSTRUCTIONS

- (i) The rates and prices submitted by the bidder must be entered into the pricing schedule below.
- (ii) The quotation amount must be inclusive of VAT, where the bidder is a registered VAT vendor.
- (iii) Bidders must provide rates that are fixed for the duration of the contract and not subject to adjustment except as provided for in the conditions of contract.
- (iv) Bidders are required to pay attention to clause 25 of the general conditions (imbalance in quoted rates).
- (v) Should there be a discrepancy between the total quotation amount in the pricing schedule, and that in the form of offer; the price in the form of offer will take precedence. Where there is a discrepancy between the amount in figures and the amount in words, the amount in words will govern.
- (vi) The pricing sheet is to be signed and stamped by the prospective company.

# 2.2.2 PRICING SCHEDULE

Buffalo City Metropolitan Municipality calls for formal written price quotations for appointment of a service provider to provide, set-up, maintain and removal of tents, tent lighting, tables and chairs to Buffalo City Metropolitan Municipality switch on of the festive lights 2019 in King William's Town on the 29<sup>th</sup> November & East London on the 1<sup>st</sup> December 2019.

The events will be held as follows:

# KING WILLIAMS TOWN SWITCH ON OF THE FESTIVE LIGHTS - 29 NOVEMBER 2019

Item Description	Quantity Required	Unit Price	Total
Structural certificate	1 x per event (to cover all three tents)		
Trestle Tables	100		
Plastic chairs	500		
Stretch tent	1 x 500 seater with artificial grass rug / mat		
Stretch tent	1x 200 seater with artificial grass rug/mat		
Vinyl tent	1 x 100 seater with artificial grass rug / mat		
2 Seater Couches	4		
Glass coffee table	2		
EAST LONDON SWITCH	ON OF THE FESTIVE LIGH	TS – 01 DECEMBER 2019	
Structural certificate	1 x per event (to cover all three tents)		
Trestle Tables	100		
Plastic chairs	1000		
Stretch tent	500 seater with artificial grass rug/mat		
Stretch tent	200 seater with artificial grass rug/mat		
2 Seater Couches	4		
Glass coffee table	2		

-	SUB-TOTAL  VAT (15%)  TOTAL TENDER PRICE (to be carried over to form of offer page)		
)			
			Name of Tenderer
		Signature	Date
			Company Stamp:

#### 2.3 SCOPE OF WORK

# 2.3.1 Scope of Supply or Services

Buffalo City Metropolitan Municipality calls for formal written price quotations for appointment of a service provider to provide, set-up, maintain and removal of tents, tent lighting, tables and chairs to Buffalo City Metropolitan Municipality switch on of the festive lights 2019 in King William's Town on the 29<sup>th</sup> November & East London on the 1<sup>st</sup> December 2019.

# BCMM switch on of the festive lights in King William's Town at the Botanical gardens on the 29 November 2019 at 14h00

Structural certificate 1 x per event (to cover all three tents)

Trestle Tables x 100
Plastic chairs x 500

Stretch tent 1x 500 seater (with artificial grass rug/mat)
Stretch tent 1x 200 seater (with artificial grass rug/mat)
Vinyl tent 1x 100 seater (with artificial grass rug/mat)

2 Seater Couches x 4Glass coffee table x 2

# BCMM switch on of the festive lights in East London at the Court Crescent on the 1<sup>st</sup> December 2019 at 14h00

Structural certificate 1 x per event (to cover all three tents)

Trestle Tables x 100
Plastic chairs x 500

Stretch tent 1 x 500 seater (with artificial grass rug/mat)

Stretch tent 1x 200 seater (with artificial grass rug/mat)

Vinyl tent 1x 100 seater (with artificial grass rug/mat)

2 Seater Couches x 4Glass coffee table x 2

## SPECIAL CONDITIONS OF CONTRACT

All goods supplied must be in good working condition, tents shall be clean, white, bright, and in excellent condition (no rips, tears, stains etc.).

An appointed service provider must have a staff member on site for the duration of the event.