

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

| RFQ NO.:                         | RFQ/WSS/2021-22/159   |
|----------------------------------|---|
| DESCRIPTION OF GOODS / SERVICES: | SUPPLY AND DELIVERY OF SANITATION<br>TOOLS FOR COASTAL DISTRICT IN EAST<br>LONDON |

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

| NAME OF BIDDER:                          |  |  |  |
|--|--|--|--|
| BCMM SUPPLIER DATABASE REGISTRATION NO.: |  |  |  |
|  |  |  |  |
| POSTAL ADDRESS:                          |  |  |  |
| CELL PHONE NO.:                          |  |  |  |
| FAX NO.:                                 |  |  |  |
| R  |  |  |  |
|  |  |  |  |

| Issued by:                             | Prepared by:                           |
|--|--|
| The City Manager                       | Department of Water, Sanitation and    |
| c/o The General Manager: Supply Chain  | Scientific Services:                   |
| Management Unit                        | Buffalo City Metropolitan Municipality |
| Buffalo City Metropolitan Municipality | 26 Oxford Street                       |
| 80 Phillip Frame Road                  | CBD                                    |
| Chiselhurst                            | East London                            |
| 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/WSS/2021-22/159  |  |
|--|--|--|
| DESCRIPTION OF GOODS / SERVICES                        | SUPPLY AND DELIVERY OF<br>SANITATION TOOLS FOR COASTAL<br>DISTRICT IN EAST LONDON                                      |  |
| MINIMUM THRESHOLD(S) FOR LOCAL PRODUCTION AND CONTENT: | 65-100%  |  |
| ADVERT DATE:   | 02 NOVEMBER 2021   |  |
| CLOSING DATE:  | 09 NOVEMBE 2021  |  |
| 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; sikelelwam@buffalocity.gov.za: abrinad@buffalocity.gov.za: |  |
| SUBMISSION OF RFQs:                                    | Informal Tender Box Supply Chain Management Unit, BCMM 80 Phillip Frame Road Chiselhurst East London                   |  |
| TECHNICAL ENQUIRIES:                                   | Name: Nosiphiwo Mlotywa<br>Tel: 073 497 9605<br>Email: nosiphiwom@buffalocity.gov.za                                   |  |
| PROCEDURAL ENQUIRIES:                                  | Abrina du Plessis<br>Tel: (043) 705 9263<br>Email: abrinad@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.
- 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
  - 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

- 26.1 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:amandaq@buffalocity.gov.za">amandaq@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<br>Conditions<br>Clause No.               | Additions or Variations to General Conditions  |
|---|--|
| Clause 13 & 21  CLARIFICATION  OF RFQ  SUBMISSION | Where a bidder is requested to provide additional information or 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  AUTHORITY OF SIGNATORY                 | The bidding entity must submit a letter of authority on its letterhead 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 of this document.  |
| Clause 23   | No inspections, tests and analyses shall be required for this RFQ.   |
| INSPECTION,<br>TESTS AND<br>ANALYSES              |  |

### **RFQ EVALUATION CRITERIA**

### **Evaluation on Local Production and Content**

RFQs will be evaluated in accordance with local production and content. Submissions that do not meet the stipulated minimum thresholds for each of the items as indicated below will be held to be non-responsive -

| Item | Description   | Minimum Threshold |
|------|---|-------------------|
| 1.   | MS 250 Petrol chain saw   | N/A               |
| 2.   | Two stroke oil 5000ml   | N/A               |
| 3.   | Chain Lube 5000ml   | N/A               |
| 4.   | 8mm Thick X 2000mm long coupling  | 100%              |
| 5.   | 8mm x 38mm single worms   | 100%              |
| 6.   | 8mm x 63mm single worms   | 100%              |
| 7.   | 8mm x 88mm single worms   | 100%              |
| 8.   | 8mm x 139mm single worms  | 100%              |
| 9.   | 8mm x 110mm plunger   | 100%              |
| 10.  | 12mm thick round bar triangular manhole spanners  | 100%              |
| 11.  | 100mm diameter hose silicone impregnated PVC pipe 50 meters long                                      | N/A               |
| 12.  | 100mm Thick galvanised male Parrot couplings  | 100%              |
| 13.  | 100mm Thick galvanised female Parrot couplings with "O" rings   | 100%              |
| 14.  | Universal lid code MS 1015 with inside diameter of 560mm, outside diameter of 640mm, 85kg net weight. | N/A               |

Only locally manufactured furniture with the minimum thresholds for local production and content as indicated above, will be considered.

Bidders must note that -

- (i) The exchange rate to be used for the calculation of local production and content must be the exchange rate published by the South African Reserve Bank ('SARB') at 12.00 on the date of advertisement of this tender
- (ii) Only the South African Bureau of Standards (SABS) approved technical specification number SATS 1286: 2011 must be used to calculate local content.

SATS 1286: 2011 and the Guidance on the Calculation of Local Content together with the Local Content declaration templates – ANNEXURE C (Local Content Declaration: Summary Schedule); ANNEXURE D (Imported Content Declaration: Supporting Schedule to Annexure C); and ANNEXURE E (Local Content Declaration: Supporting Schedule to Annexure C) are not attached to this tender document, but are accessible from the DTI website <a href="http://www.thedti.gov.za">http://www.thedti.gov.za</a> at no cost.

Local content, expressed as a percentage of the bid price, must be calculated in accordance with the following formula –

$$LC = (1 - x/y) \times 100$$

#### Where:

- X is the imported content in Rand
- Y is the bid price in Rand excluding value added tax (VAT)
- (i) Prices referred to in the determination of x must be converted to Rand (ZAR) by using the exchange rate published by the SARB at 12.00 on the date of advertisement of this tender.

FAILURE OF A BIDDER TO MEET THE STIPULATED MINIMUM THRESHOLDS FOR LOCAL PRODUCTION AND CONTENT WILL RENDER THE BID NON-RESPONSIVE.

Bidders must note that it is MANDATORY for -

The declaration certificate for local production and content provided in this tender document (MBD 6.2) together with ANNEXURE C (Local Content Declaration: Summary Schedule) is to be completed, signed and submitted with the bid proposal by the closing date and time of this bid invitation.

The rates of exchange quoted by the bidder in Paragraph 4.1 of the Declaration Certificate (MDB 6.2) will be verified for accuracy.

#### STAGE 2

2.Official signed letters/orders of previous experience in similar products or goods

Failure to submit the above will result in your bid being nonresponsive

#### 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<br>(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.  | Certified 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 the 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<br>CORPORATION | PARTNERSHIP | JOINT<br>VENTURE | SOLE<br>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 THE CENTRAL SUPPLIER DATABASE (CSD)

| NAME OF BIDDER | REGISTERED ON CSD?<br>(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.

#### SCHEDULE C - MUNICIPAL BIDDING DOCUMENTS

MBD 4

#### **DECLARATION OF INTEREST**

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

| ა. | submitted with the bid.                               |
|----|---|
|    | 2.1 Full Name of hidder or his or her representatives |

| 3.1 Full Name of bloder of his of her representative  |          |
|---|----------|
| 3.2 Identity Number:  |          |
| 3.3 Position occupied in the Company (director, trustee, shareholder²):   |          |
|   |          |
| 3.4 Company Registration Number:  |          |
| 3.5 Tax Reference Number:   |          |
| 3.6 VAT Registration Number:  |          |
| 3.7 The names of all directors / trustees / shareholders members, their identity numbers and state employee numbers must be indicated in µ 4 below. |          |
| 3.8 Are you presently in the service of the state?  | YES / NO |
| 3.8.1 If yes, furnish particulars   |          |
|   |          |

- (a) a member of -
  - (i) any municipal council;
  - (ii) any provincial legislature; or
  - (iii) the national Assembly or the national Council of provinces;
- (b) a member of the board of directors of any municipal entity;
- (c) an official of any municipality or municipal entity;
- (d) an employee of any national or provincial department, national or provincial public entity or constitutional institution within the meaning of the Public Finance Management Act, 1999 (Act No.1 of 1999);
- (e) a member of the accounting authority of any national or provincial public entity; or
- (f) an employee of Parliament or a provincial legislature.

<sup>&</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.

| 3.9  | Have you been in the service of the state for the past twelve months?   | YES / NO |
|------|---|----------|
|      | 3.9.1 If yes, furnish particulars   |          |
|      |   |          |
| 3.10 | Do you have any relationship (family, friend, other) with persons in the service of the state and who may be involved with the evaluation and or adjudication of this bid?  | YES / NO |
|      | 3.10.1 If yes, furnish particulars  |          |
|      |   |          |
| 3.11 | Are you, aware of any relationship (family, friend, other) between any other bidder and any persons in the service of the state who may be involved with the evaluation and or adjudication of this bid?                    | YES / NO |
|      | 3.11.1 If yes, furnish particulars  |          |
|      |   |          |
| 3.12 | Are any of the company's directors, trustees, managers, principle shareholders or stakeholders in service of the state?   | YES / NO |
|      | 3.12.1 If yes, furnish particulars  |          |
|      |   |          |
| 3.13 | Are any spouse, child or parent of the company's directors, trustees, managers, principle shareholders or stakeholders in service of the state?   | YES / NO |
|      | 3.13.1 If yes, furnish particulars  |          |
|      |   |          |
| 3.14 | Do you or any of the directors, 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. | YES / NO |
|      | 3.14.1 If yes, furnish particulars  |          |
|      |   |          |

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

| Full Name | Identity Number | State Employee<br>Number |
|-----------|-----------------|--------------------------|
|           |                 |                          |
|           |                 |                          |
|           |                 |                          |
|           |                 |                          |
|           |                 |                          |
|           |                 |                          |
|           |                 |                          |
|           |                 |                          |
|           |                 |                          |
|           |                 |                          |
| Signature |                 | Date                     |
| Capacity  | <br>N           | ame of Bidder            |

**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 exceed/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;
- (i) "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 90/10

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

In terms of Regulation 6 (2) and 7 (2) of the Preferential Procurement Regulations, 4.1 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<br>Contributor | Number of points<br>(90/10 system) | Number of points<br>(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. | <b>BIL</b> | ) DF | CLA | ARA | TI | ΩN |
|----|------------|------|-----|-----|----|----|
|    |            |      |     |     |    |    |

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        | APHS 1.4 | AND 4.1      |    |             |         |    |              |    |

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

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

#### 7. **SUB-CONTRACTING**

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

(Tick applicable box)

| YES | NO |  |
|-----|----|--|

7.1.1 If yes, indicate:

| i)   |             | percentage | of     | the   | contract | will | be   |
|------|-------------|------------|--------|-------|----------|------|------|
|      | subcontrac  | ted        |        | %     |          |      |      |
| 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

| ( <u>Tick applicable box)</u> |  |    |  |  |  |  |  |  |
|-------------------------------|--|----|--|--|--|--|--|--|
| 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      |
|---|----------|----------|
| Black people  | <b>Y</b> | <b>V</b> |
| 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 WIT       | TH REGARD TO                        | COMPANY/FIRM     |    |              |
|-----|-----------------------|-------------------------------------|------------------|----|--------------|
| 8.1 | Name<br>company/firm: |                                     |                  |    | of           |
| 8.2 | VAT<br>number:        |                                     |                  |    | registration |
| 8.3 | Company<br>number:    |                                     |                  |    | registration |
| 8.4 | TYPE OF COMPA         | NY/ FIRM                            |                  |    |              |
|     | -                     |                                     |                  |    |              |
| 8.5 | DESCRIBE PRINC        | CIPAL BUSINES                       | S ACTIVITIES     |    |              |
|     |                       |                                     |                  |    |              |
|     |                       |                                     |                  |    |              |
|     |                       |                                     |                  |    |              |
| 8.6 | COMPANY CLASS         |                                     |                  |    |              |
|     |                       | service provider<br>providers, e.g. | ransporter, etc. |    |              |
| 8.7 | MUNICIPAL INFOR       | MATION                              |                  |    |              |
|     | Municipality          | where                               | business         | is | situated:    |

.....

| 8.8 Total business 8.9 I/we, the companion contributhe coming the coming iii) The indiction iii) In the in part process iv) If the fraue | e undersigned, who<br>y/firm, certify that the<br>tor indicated in para<br>pany/ firm for the pro-<br>information furnished<br>preference points clauded in paragraph 1<br>e event of a contract<br>aragraphs 1.4 and 6.<br>If to the satisfaction          | years the  o is / are duly ne points claime agraphs 1.4 and eference(s) sho ed is true and co aimed are in acc of this form; et being awarded | company/firm  authorised to do ed, based on the I 6.1 of the foregoir own and I / we acknowrect; cordance with the 0 | so on be<br>B-BBE stated<br>ag certificated<br>sowledge the<br>General Co  | tus leve<br>te, quali<br>hat:            | l of<br>fies        |
|--|---|---|--|--|--|---------------------|
| business 8.9 I/we, the companion contributhe com i) The ii) The indiction iii) In the in part process.                                   | e undersigned, who<br>y/firm, certify that the<br>tor indicated in para<br>pany/ firm for the pro-<br>information furnished<br>preference points claused in paragraph 1<br>e event of a contract<br>aragraphs 1.4 and 6.<br>If to the satisfaction          | o is / are duly ne points claimed are in according to this form;  | authorised to do ed, based on the I 6.1 of the foregoir wn and I / we acknorrect; cordance with the 0                | so on be<br>B-BBE stated<br>ag certificated<br>sowledge the<br>General Co  | half of<br>tus leve<br>te, quali<br>hat: | the<br>I of<br>fies |
| compan<br>contribu<br>the com<br>i) The<br>ii) The<br>indic<br>iii) In th<br>in pa<br>proc<br>iv) If the<br>frauce<br>purc               | y/firm, certify that the tor indicated in para pany/ firm for the proinformation furnished preference points cleated in paragraph 1 e event of a contract aragraphs 1.4 and 6. If to the satisfaction   | ne points claimed graphs 1.4 and eference(s) showed is true and coaimed are in according form; at being awarded                               | ed, based on the I 6.1 of the foregoin with and I / we acknown correct; cordance with the 0                          | B-BBE stated sta | tus leve<br>te, quali<br>hat:            | l of<br>fies        |
| ii) The indic<br>iii) In th<br>in pa<br>prod<br>iv) If the<br>frauc<br>purc  | preference points claused in paragraph 1 e event of a contraction aragraphs 1.4 and 6. If to the satisfaction   | aimed are in acc<br>of this form;<br>at being awarded   | cordance with the (  |  | onditions                                | as                  |
| indic<br>iii) In th<br>in pa<br>proc<br>iv) If the<br>frauc<br>purc  | eated in paragraph 1 e event of a contractor acragraphs 1.4 and 6. If to the satisfaction   | of this form;<br>at being awarde  |  |  | onditions                                | as                  |
| in pa<br>prod<br>iv) If the<br>fraud<br>purd   | ragraphs 1.4 and 6. f to the satisfaction   | •   | d as a result of poi   |  |  |                     |
| frauc<br>purc  |   |   | r may be required to   | o furnish do   |  |                     |
| (a)  | <ul> <li>iv) If the B-BBEE status level of contributor has been claimed or obtained on a<br/>fraudulent basis or any of the conditions of contract have not been fulfilled, the<br/>purchaser may, in addition to any other remedy it may have –</li> </ul> |   |  |  |  |                     |
|  | disqualify the person from the bidding process;   |   |  |  |  |                     |
| (b)  | recover costs, losses or damages it has incurred or suffered as a result of that person's conduct;  |   |  |  |  |                     |
| (c)  | cancel the contract and claim any damages which it has suffered as a result of having to make less favourable arrangements due to such cancellation;  |   |  |  |  |                     |
| (d)  | directors, or only<br>fraudulent basis,<br>obtaining busine   | the shareholde<br>, be restricted<br>ess from any cars, after the <i>au</i>   | contractor, its sharers and directors we by the National Torgan of state for directory directory.                    | ho acted o<br>Freasury fr<br>a period  | on a<br>rom<br>not                       |                     |
| (e)  | forward the matte   | er for criminal pi  | rosecution.  |  |  |                     |
| WITNESSES  |   |   |  |  |  |                     |
| 1  |   |   | SIGNATU  | IRE(S) OF BI   | IDDERS(                                  | S)                  |
| 2  |   |   | DATE:  |  |  |                     |

**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: 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) at 12:00 on the date of advertisement of the bid as indicated in paragraph 4.1 below.

The SABS approved technical specification number SATS 1286:2011 is accessible on http://www.thedti.gov.za/industrial development/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;
- 2. The stipulated minimum threshold(s) for local production and content (refer to Annex A of SATS 1286:2011) for this bid is/are as follows:

| Description of services, works or goods | Stipulated minimum threshold |
|---|------------------------------|
|   | %                            |
|   | %                            |
|   | %                            |

3. Does any portion of the goods or services offered have any imported content?

(Tick applicable box)

| YES | NO |  |
|-----|----|--|

3.1 If yes, the rate(s) of exchange to be used in this bid to calculate the local content as prescribed in paragraph 1.5 of the general conditions must be the rate(s) published by SARB for the specific currency at 12:00 on the date of advertisement of the bid.

The relevant rates of exchange information is accessible on www.reservebank.co.za

Indicate the rate(s) of exchange against the appropriate currency in the table below (refer to Annex A of SATS 1286:2011):

| Currency       | Rates of exchange |
|----------------|-------------------|
| US Dollar      |                   |
| Pound Sterling |                   |
| Euro           |                   |
| Yen            |                   |
| Other          |                   |

NB: Bidders must submit proof of the SARB rate (s) of exchange used.

3. Where, after the award of a bid, challenges are experienced in meeting the stipulated minimum threshold for local content the DTI must be informed accordingly in order for the DTI to verify and in consultation with the AO/AA provide directives in this regard.

# LOCAL CONTENT DECLARATION (REFER TO ANNEX B OF SATS 1286:2011)

LOCAL CONTENT DECLARATION BY CHIEF FINANCIAL OFFICER OR OTHER LEGALLY RESPONSIBLE PERSON NOMINATED IN WRITING BY THE CHIEF EXECUTIVE OR SENIOR MEMBER/PERSON WITH MANAGEMENT RESPONSIBILITY (CLOSE CORPORATION, PARTNERSHIP OR INDIVIDUAL)

| (CL        | OSE CORPORATION, PARTNERSHIP OR INDIVIDUAL)   |  |
|------------|---|--|
| IN F       | RESPECT OF BID NO.  |  |
|            | UED BY: (Procurement Authority / Name of Institution):  |  |
| NB         |   |  |
| 1          | The obligation to complete, duly sign and submit this declaration can to an external authorized representative, auditor or any other third behalf of the bidder.  |  |
| 2          | Guidance on the Calculation of Local Content together with Local Content Templates (Annex C, D and E) is accessible on <a href="http://www.thdt.development/ip.jsp">http://www.thdt.development/ip.jsp</a> . Bidders should first complete Declaration D. Declaration D, bidders should complete Declaration E and then information on Declaration C. Declaration C should be submitted documentation at the closing date and time of the bid in order the declaration made in paragraph (c) below. Declarations D and by the bidders for verification purposes for a period of at least 5 years bidder is required to continuously update Declarations C, D and values for the duration of the contract. | i.gov.za/industrial After completing consolidate the ted with the bid to substantiate I E should be kept s. The successful |
| do l<br>of | ne undersigned,hereby declare, in my capacity as  |  |
| (a)        | The facts contained herein are within my own personal knowledge.  |  |
| (b)        | I have satisfied myself that:   |  |
|            | <ul> <li>the goods/services/works to be delivered in terms of the ab<br/>comply with the minimum local content requirements as specifi<br/>as measured in terms of SATS 1286:2011; and</li> </ul>   |  |
| (c)        | The local content percentage (%) indicated below has been calcommula given in clause 3 of SATS 1286:2011, the rates of exchaparagraph 4.1 above and the information contained in Declaration Declaration C:   | ange indicated in  |
| Bi         | d price, excluding VAT (y)  | R  |
| Im         | nported content (x), as calculated in terms of SATS 1286:2011   | R  |
|            | ipulated minimum threshold for local content (paragraph 3 above)  |  |
| Lo         | ocal 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 4.1 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 (PPPFA), 2000 (Act No. 5 of 2000).

| SIGNATURE:    | DATE: |
|---------------|-------|
| WITNESS No. 1 | DATE: |
| WITNESS No. 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( <a href="www.treasury.gov.za">www.treasury.gov.za</a> ) and can be accessed by clicking on its link at the bottom of the home page.  |     |    |
| 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 (including a co of law outside the Republic of South Africa) for fraud or corruption during the p five years?   |         | No   |
|------------|--|---------|------|
| 4.3.1      | If so, furnish particulars:  |         |      |
| Item       | Question   | Yes     | No   |
| 4.4        | Does the bidder or any of its directors owe any municipal rates and taxes or municipal charges to the municipality / municipal entity, or to any other municipality / municipal entity, that is in arrears for more than three months? | Yes     | No 🗌 |
| 4.4.1      | If so, furnish particulars:  |         |      |
| 4.5        | Was any contract between the bidder and the municipality / municipal entity or a other organ of state terminated during the past five years on account of failure to perform on or comply with the contract?                           |         | No   |
| 4.7.1      | If so, furnish particulars:  |         |      |
| CER<br>DEC | CERTIFICATION  IE UNDERSIGNED (FULL NAME)  | A CONTI |      |
| TO E       | ION MAY BE TAKEN AGAINST ME SHOULD THIS DECLAI<br>BE FALSE.  |         | ROVE |
| Signa      | ature Date   |         |      |
| Posit      | ion Name of Bidde  | er      |      |

#### 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.
- 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.
- 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.

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 :

# SUPPLY AND DELIVERY OF TOOLS FOR COASTAL REGION SANITATION IN 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/WSS/2021-22/159 at 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.

|   | FION AMOUNT inclusive of value-ad |            |  |  |  |  |
|---|-----------------------------------|------------|--|--|--|--|
|   |                                   |            |  |  |  |  |
| (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:      |  |  |  |  |

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

### 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 as GM: SUPPLY CHAIN  |
|----|---|
|    | MANAGEMENT accept your bid under reference number RFQ/WSS/2021-22/159             |
|    | dated <b>09NOVEMBER2021</b> 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/<br>SERVICE  | PRICE (ALL<br>APPLICABL<br>E TAXES<br>INCLUDED) | COMPLETIO<br>N DATE | B-BBEE<br>STATUS<br>LEVEL OF<br>CONTRIBU<br>TION | MINIMUM THRESHOLD FOR LOCAL PRODUCTION AND CONTENT (if applicable) |
|--|---|---------------------|--|--|
| SUPPLY AND DELIVERY OF<br>TOOLS FOR COASTAL<br>REGION SANITATION IN<br>EAST LONDON |   |                     |  |  |

| 4. I confirm that I am duly authorised to sign this contract. |  |  |             |  |  |  |
|---|--|--|-------------|--|--|--|
| SIGNED AT ON  |  |  |             |  |  |  |
| NAME (PRINT)  |  |  |             |  |  |  |
| SIGNATURE   |  |  |             |  |  |  |
| OFFICIAL STAMP  |  |  | WITNESSES 1 |  |  |  |
|   |  |  |             |  |  |  |
|   |  |  |             |  |  |  |

### 2.1.2 CONTRACT DATA

### **GENERAL CONDITIONS OF CONTRACT**

The contract will be administered in terms of the **General Conditions of Contract 2015** 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

| <u>Item</u><br><u>No</u> | <u>Description</u>   | <u>Unit</u> | Qty | Rate | Amount |
|--------------------------|--|-------------|-----|------|--------|
|                          | PETROL CHAIN SAWS  |             |     |      |        |
| 1.                       | MS 250 Petrol chain saw  | No          | 3   |      |        |
|                          | Consumables:   |             |     |      |        |
| 2.                       | Two stroke oil 5000ml  | No          | 3   |      |        |
| 3.                       | Chain Lube 5000ml  | No          | 3   |      |        |
|                          | HEAVY DUTY DRAIN CLEAN<br>STEEL SEWER RODS                       |             |     |      |        |
| 4.                       | 8mm Thick X 2000mm long coupling                                 | No          | 300 |      |        |
|                          | Sundries:  |             |     |      |        |
| 5.                       | 8mm x 38mm single worms  | No          | 30  |      |        |
| 6.                       | 8mm x 63mm single worms  | No          | 30  |      |        |
| 7.                       | 8mm x 88mm single worms  | No          | 30  |      |        |
| 8.                       | 8mm x 139mm single worms   | No          | 30  |      |        |
| 9.                       | 8mm x 110mm plunger  | No          | 30  |      |        |
| 10.                      | 12mm thick round bar triangular manhole spanners                 | No          | 30  |      |        |
|                          | PIPEWORK   |             |     |      |        |
| 11.                      | 100mm diameter hose silicone impregnated PVC pipe 50 meters long | No          | 2   |      |        |
| 12.                      | 100mm Thick galvanised male<br>Parrot couplings                  | No          | 6   |      |        |

| 13. | 100mm Thick galvanised female<br>Parrot couplings with "O" rings                                      | No | 6   |   |  |
|-----|---|----|-----|---|--|
|     | HEAVY DUTY CONCRETE MANHOLE COVERS  |    |     |   |  |
| 14. | Universal lid code MS 1015 with inside diameter of 560mm, outside diameter of 640mm, 85kg net weight. | No | 100 |   |  |
|     | SUMMARY   |    |     |   |  |
|     | Subtotal before Vat   |    |     | R |  |
|     | ADD VAT @ 15%   |    |     | R |  |
|     | Carried to Tender   |    |     | R |  |

| Name of Tenderer | <br>          |  |
|------------------|---------------|--|
| Date             | <br>Signature |  |
|                  |               |  |
| Company Stamp:   |               |  |

# 2.3 SCOPE OF WORK

### 2.3.1 Scope of Supply or Services