

**FOR OFFICIAL USE**

Tender No. : \_\_\_\_\_

Opened By : \_\_\_\_\_

**DATE AND TIME OF OPENING**

(Date Stamp)

**BUFFALO CITY METROPOLITAN MUNICIPALITY**

**INVITATION TO BID – SERVICES CONTRACT**

NAME OF BIDDER: \_\_\_\_\_

EMAIL ADDRESS: \_\_\_\_\_

TELEPHONE NO: \_\_\_\_\_

**TENDER NO.: COVID-19/2020-8 : PROVISION OF SECURITY SERVICES FOR  
BCMM MUNICIPAL BUILDINGS AND INSTALLATIONS  
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<b>BID NUMBER:</b>	<b>COVID-19/2020-8</b>
<b>DESCRIPTION OF BID:</b>	<b>PROVISION OF SECURITY SERVICES FOR BCMM MUNICIPAL BUILDINGS AND INSTALLATIONS</b>
<b>BID DOCUMENTS DELIVERY ADDRESS:</b>	<b>FORMAL TENDER BOX SUPPLY CHAIN MANAGEMENT UNIT 80 PHILLIP FRAME ROAD CHISELHURST EAST LONDON</b>
<b>NAME OF BIDDER:</b>	
<b>CONTACT PERSON:</b>	
<b>EMAIL ADDRESS:</b>	
<b>TELEPHONE NUMBER:</b>	
<b>STREET ADDRESS:</b>	
<b>TOTAL BID PRICE (INCL. VAT):</b>	
<b>BIDDER'S STAMP:</b>	

<b>ISSUED BY:</b>	<b>PREPARED BY:</b>
The City Manager c/o Supply Chain Management Unit 80 Phillip Frame Road Chiselhurst East London, 5200	<b>DR. N. STEMELE</b>  <b>GENERAL MANAGER: PUBLIC SAFETY</b>  Buffalo City Metropolitan Municipality Trust Centre Cnr North & Oxford Streets East London, 5200

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**BUFFALO CITY METROPOLITAN MUNICIPALITY**

**TENDER NO:**

**PROVISION OF SECURITY SERVICES FOR BCMM MUNICIPAL BUILDINGS AND INSTALLATIONS**

**PLEASE CHECK**

**x / √**

- 1. That you have read all the pages of the tender document. ....
- 2. That you have completed ALL the forms required to be completed in **NON-ERASEABLE INK**. ....
- 3. That your arithmetic calculation in the pricing schedule is correct. ....
- 4. That you have attached ALL necessary documentation relating to the composition of the tendering entity, i.e. ....
  - (a) Company registration documents naming the shareholders and directors / members of the company, close corporation etc
  - (b) Joint venture agreement, if tendering entity is a joint venture.
- 5. That the **COMPLETE** tender document is submitted. ....
- 6. That the **FORM OF OFFER** is completed in full and signed. ....
- 7. That ALL returnable documents are submitted. ....
- 8. That ALL returnable schedules are completed and signed. ....
- 9. Ensure that your tender is submitted by **12H00PM** on the closing date of the tender.

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**1.1 TENDER NOTICE AND INVITATION TO TENDER****TENDER NOTICE**

<b>BID NO.:</b>	<b>COVID-19/2020-4</b>
<b>BID DESCRIPTION:</b>	PROVISION OF SECURITY SERVICES FOR BCMM MUNICIPAL BUILDINGS AND INSTALLATIONS
<b>ADVERT DATE:</b>	03 FEBRUARY 2021
<b>CLOSING DATE:</b>	10 FEBRUARY 2021
<b>CLOSING TIME:</b>	12:00 PM
<b>COMPULSORY BRIEFING MEETING DATE &amp; TIME: VENUE:</b>	N/A
<b>BID DOCUMENTS ARE OBTAINABLE FROM:</b>	Reception Desk Supply Chain Management Unit, BCMM 80 Phillip Frame Road Chiselhurst East London
<b>BID DOCUMENT FEE (NON-REFUNDABLE):</b>	
<b>SUBMISSION OF BIDS:</b>	<u>Formal</u> Tender Box Supply Chain Management Unit, BCMM 80 Phillip Frame Road Chiselhurst East London
<b>TECHNICAL ENQUIRIES:</b>	Name: Senior Superintendent N. Dastile // Dr. N. Stemele Tel: 043 722 1819 /043 705 9035 Email: Nimrodd@ buffalocity.gov.za// ntobekos@ buffalocity.gov.za
<b>PROCEDURAL ENQUIRIES:</b>	Name: Christian Mkhosana /Rutania Loots Tel: (043) 705 9270 / 043 705 9117 Email: <a href="mailto:ChristianM@buffalocity.gov.za">ChristianM@buffalocity.gov.za</a> <a href="mailto:rutanial@buffalocity.gov.za">rutanial@buffalocity.gov.za</a>

**NOTE: NO BIDS WILL BE CONSIDERED FROM PERSONS IN THE SERVICE OF THE STATE ('persons in the service of the state' as defined in Regulation 1 of the Local Government: Municipal Supply Chain Management Regulations)**

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**TENDER INVITATION**

Buffalo City Metropolitan Municipality invites the submission of bids for PROVISION OF SECURITY SERVICES FOR BCMM MUNICIPAL BUILDINGS AND INSTALLATIONS

Only bidders who comply with the requirements of the tender as set out in this document will be eligible for selection.

Bid documents will be available as from the date, and at the location as indicated in the tender advertisement. Payments are to be made at any BCMM cash receipting pay point. No cash will be receipted for at supply chain management unit. Bidders are notified that payments of tenders be made at respective BCMM pay points before collection of documents at SCM and also, prior payments bidders are to collect tender stubby at SCM for payment purposes

A compulsory tender briefing meeting will be held at the venue, date and time as indicated in the tender notice and tender advertisement and will be attended by BCMM representatives.

Sealed tenders endorsed on an envelope clearly bearing the bidder’s name and the bid number, must be deposited in the **FORMAL TENDER BOX** located at the Supply Chain Management Unit, 80 Phillip Frame Road, Chiselhurst, East London or may be couriered or posted to the aforementioned address in sufficient time for it to be deposited in the Tender Box by the closing date and closing time as indicated in the tender advertisement.

It must be expressly understood that the Municipality accepts no responsibility for ensuring that bid submissions sent by courier or post, or delivered in any other way, are deposited in the Tender Box. It is therefore preferable for the bidder to ensure that its bid submission is placed in the Tender Box by its own staff or representative(s).

The Municipality reserves the right not to accept the only or lowest priced tender or any tender at all, or to accept the whole or part of any tender.

Should a bidder commit any corrupt or fraudulent act during the bidding process, its tender shall be disqualified.

Late, incomplete or unsigned bids will not be considered. Bidders’ attention is drawn to the General Conditions of Tender which contain the bidding rules and procedures.

The Municipality reserves the right to extend the tender advert period at its own discretion, by notice published in the Daily Dispatch Newspaper, and by notice sent to all parties who purchase this bid document.

The invitation and award of this tender is subject to the provisions of the Buffalo City Metropolitan Municipality Supply Chain Management Policy.

**A SIHLAHLA**

**CITY MANAGER**

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**1.2 GENERAL CONDITIONS OF TENDER**

**BIDDERS ARE REQUIRED TO FAMILIARIZE THEMSELVES WITH THE TENDERING CONDITIONS AND PROCEDURES AS DOCUMENTED BELOW.**

1. For the purposes of this bid document, the words 'bidder' and 'tenderer', and 'bid' and 'tender' shall bear the same meaning.
2. 'BCMM,' where referred to in this document means Buffalo City Metropolitan Municipality'.
3. No tender will be considered unless submitted on this BCMM bid document.
4. The whole original bid document, as issued by BCMM must be submitted. A tender will be considered invalid and will not be accepted, if any part of this bid document is not submitted.
5. Bidders must submit one tender offer only, either as a single bidding entity or as a member of a joint venture.
6. Telephonic, telegraphic, telex, facsimile or emailed tender offers will not be accepted, unless stated otherwise in the tender data.
7. Any portion of the bid document not completed will be interpreted to be 'not applicable'. Notwithstanding the afore-going, failure to complete any compulsory portion of the bid document will result in the tender being declared non-responsive.
8. Bid submissions must be properly deposited, on or before the closing date and time of the tender, in the **Formal Tender Box** at the BCMM Supply Chain Management Unit situated at 80 Phillip Frame Road, Chiselhurst, East London. Should a bidder's tender submission be too large to fit in the tender, the bidder is required to enquire at the reception desk for assistance.
9. Bid submissions must be enclosed in a sealed envelope, which must be labelled as follows –

**Bid No.: COVID-19/2020-8**

**Description: Provision of security services for BCMM municipal buildings and installations**

**Closing date and time: 10 FEBRUARY 2021 at 12h00 PM**

**Delivery Address: SCM Unit, 80 Phillip Frame Road, Chiselhurst**

10. BCMM accepts no responsibility for ensuring that tenders are placed in the correct tender box, and should a tender be placed in the incorrect tender box, it will be not be accepted.
11. BCMM reserves the right to accept:
  - 11.1 the whole tender or part of a tender or any item or part of any item, or to accept more than one tender (in the event of a number of items being offered), and BCMM is not obliged to accept the lowest or any tender;
  - 11.2 a tender which is not substantially or materially different from the tender specification.
12. BCMM shall not consider bids that are received after the closing date and time, as specified in the tender advertisement.
13. BCMM will not be held responsible for any expenses incurred by bidders in preparing and submitting their bids.
14. BCMM may, after the tender closing date, request clarification from a bidder, of its bid offer. Such request for clarification must be in writing.
15. A bid may be rejected as non-responsive if the bidder fails to provide any clarification requested by BCMM within the timeframe provided in the written request for such clarification. Note - a bid may be rejected as non-responsive for failure to provide clarification, where the failure to provide such clarification will render it impossible to complete the evaluation and/or adjudication of the bid.
16. A bidder may request in writing, after the closing date, that its bid offer be withdrawn. Such withdrawal will be permitted or refused at the bidder in such written request for withdrawal.

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17. The bid must be signed by a person duly authorised to do so.
18. Bids submitted by joint ventures, consortia, partnerships shall be accompanied by a joint venture, consortium or 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.

19. **Tender Briefing Meeting**

Bidders will be required to attend, where required, a tender briefing meeting at which they may familiarise themselves with aspects of the proposed supply services and raise questions. Details of the meeting are specified in the tender data.

20. **Tender Evaluation**

20.1 Bids will be evaluated in accordance with the tender evaluation criteria set out in the tender data.

20.2 Bids will be evaluated for price and preference using the 80/20 or 90/10 preference points system, whichever one is applicable.

20.3 Unless otherwise stated in the tender data, a contract will be concluded with the bidder who complies with the tender evaluation criteria, and scores the highest total price and BBBEE points.

21. **Test for Responsiveness**

21.1 **Invalid Bids**

Bids shall be invalid if:

- (a) The bid submission is not sealed when deposited into the tender box.
- (b) The bid is not completed in non-erasable ink.
- (c) The form of offer has not been completed and signed by the bidder.
- (d) In a two-envelope system, a bidder fails to submit both a technical proposal and a separate, sealed financial offer.
- (e) 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.
- (f) The bidder is prevented from doing business with BCMM in terms of Regulation 38 and 44 of the Supply Chain Management Regulations (MFMA).

21.2 **Non-responsive Bids**

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

- (a) The bid does not comply with the tendering procedures, where such procedures have been indicated as mandatory.
- (b) The bid has not complied with the tender evaluation criteria as indicated in the tender data.
- (c) Where there are material deviations from, or qualifications to the bid, which in BCMM's opinion would –
  - (i) detrimentally affect the scope, quality or performance of the services or supply identified in the scope of services;
  - (ii) significantly change BCMM's or the bidder's risks and responsibilities under the contract, or

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- (iii) affect the competitive position of the bidder, or other bidders presenting responsive bid, if it were to be rectified.
- (d) The bid 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 tenders as contained in the BCMM Supply Chain Management Policy;
  - (ii) Complete and/or sign any declarations and/or authorisations;
  - (iii) Submit items 2 - 4 of the list of returnable documents in Part 2 (section 2.1) of this bid document.
  - (iv) Submit its tax compliance status, company registration documents, and ID documents of directors, where BCMM is unable to verify such documents on the Central Supplier Database.
- (e) 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.

**22. Clarification of bid offer after submission**

The bidder must provide clarification of its bid offer in response to a request to do so from BCMM during the bid evaluation stage. 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 bid offer may be sought, offered, or permitted.

**23. Provide other material**

The bidder shall provide, on request by BCMM, any other material that has a bearing on the bid offer, or the bidder's commercial position, which are 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 bid offer as non-responsive.

**24. Inspections, tests and analysis**

The bidder shall, at the request of BCMM, provide access during working hours to its business premises, or any other specified premises, for any inspections, tests and analyses as required in the tender data.

**25. Securities, bonds, policies, et cetera**

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

**26. Pricing the bid offer**

Bidders must –

- 26.1 Include in the rates, prices, and the tendered total of the prices (if any) all duties, taxes (except Value Added Tax (VAT), and other levies payable by the successful tenderer, such duties, taxes and levies being those applicable 14 days before the closing time stated in the tender data.
- 26.2 Show VAT payable separately as an addition to the total bid price.
- 26.3 Provide rates and prices that are fixed for the duration of the contract and not subject to adjustment except as provided for in the conditions of contract identified in the contract data.
- 26.4 State the rates and prices in Rand unless instructed otherwise in the tender data. The conditions of contract in the contract data may provide for part payment in other currencies.

**27. Imbalance in tendered rates / arithmetical errors**

- 27.1 In the event of tendered rates or lump sums being declared by BCMM to be unacceptable to it because they are either excessively low or excessively high or not in balance with other rates or lump sums, the bidder may be required to produce evidence and advance arguments in support of the tendered rates or lump sums objected to.

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- 27.2 If after submission of such evidence and any further evidence requested, BCMM is still not satisfied with the tendered rates or lump sums objected to, it may request the bidder to amend these rates and lump sums along the lines indicated by it.
- 27.3 The bidder will then have the option to alter and/or amend the rates and lump sums objected to and such other related amounts as are agreed on by BCMM, but this shall be done without altering the total tender offer as tendered for.
- 27.4 Should the bidder fail to amend his bid offer in a manner acceptable to BCMM, BCMM may reject the bid.

**28. Bid validity period**

- 28.1 Any bid submitted shall remain valid, irrevocable and open for written acceptance by BCMM for a period of 90 (ninety) days from the bid closing date or for such extended period as may be applicable.
- 28.2 If the bid validity period expires on a Saturday, Sunday or public holiday, the bid offer shall remain valid and open for acceptance until the closure of business on the following working day.
- 28.3 The bid offer may not be amended during the aforesaid bid validity period.
- 28.4 In the event that an appeal in terms of the Municipal Systems Act No. 32 of 2000, is received, the validity period of the bid shall be deemed to be extended until the finalisation of the appeal; unless the bidder has requested in writing that its bid be withdrawn. The provisions in respect of withdrawal as set out in clause 16 above will apply to such withdrawal.

**29. Tax compliance status**

- 29.1 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).
- 29.2 Bidders are therefore required to ensure that they are tax compliant with SARS and that their tax compliance status is accessible on the Central Supplier Database, or that their tax clearance certificate is submitted to BCMM upon request.
- 29.3 Each party to a consortium, joint venture or partnership must comply with 29.1 and 29.2 above.

**30. Inducements, rewards, gifts and other abuses of the Supply Chain Management System**

- 30.1 No bidder may directly or indirectly commit any fraudulent act during the tender process or abuse the supply chain management system of BCMM.
- 30.2 Should a bidder be found to have committed fraud or abused the supply chain management system, its bid will be rejected, any existing contract between it and BCMM will be cancelled, and any other remedies available to BCMM as provided for in the Supply Chain Management Regulations or other relevant legislation shall be imposed, including blacklisting.

**31. Declarations and authorisation**

- 31.1 Only authorised signatories may sign the original or all copies of the Tenderer's tender submission.
- 31.2 Failure of a tenderer to provide a representation indicating its authorised signatory for the tender may result in the tender offer being regarded as non-responsive.

**32. Samples**

If it is specified in the tender data that bidders are required to provide samples, these shall be provided strictly in accordance with the instructions set out in the tender data.

**33. Alternative offers**

Alternative offers may be considered, provided that a bid free of qualifications and strictly in accordance with the bid document is also submitted. BCMM shall not be bound to consider alternative bid offers.

**34. Alterations to bid document**

Bidders may not make any alterations or additions to the bid document, except to comply with instructions issued by BCMM, or as are necessary to correct errors made by the bidder. All signatories to the bid shall initial all such alterations.

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

**35.1 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 complaint or query or dispute against the decision or action.

**35.2 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.

**35.3 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, [thandokazin@buffalocity.gov.za](mailto:thandokazin@buffalocity.gov.za) .

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### 1.3 TENDER DATA

The tender data below qualify, or are in addition to the general conditions of tender. In the event of any ambiguity or inconsistency between the general conditions and the tender data, the latter shall have precedence.

Each item of data given below is cross-referenced to the clause or sub-clause in the general conditions of tender to which it applies.

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

General conditions of Contract Clause	Tender data
Clause 14 CLARIFICATION OF BID 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 17 AUTHORITY OF SIGNATORY	The bidding entity must submit a letter of authority on its letterhead authorising the signatory to this tender to sign all documents in connection with the tender, and any contract which may arise therefrom, on behalf of the bidding entity.  The letter of authority must be attached to SCHEDULE A of this document.
Clause 19 TENDER BRIEFING MEETING	A compulsory tender briefing session will be held as follows:  <b>N/A</b>
Clause 20.1 TENDER EVALUATION	Tenders will be evaluated in accordance with the evaluation criteria as set out on page 15 hereto.
Clause 20.2 PREFERENTIAL POINTS ALLOCATION SYSTEM	Tenders will be evaluated on price and BBBEE status level of contribution in accordance with the 80/20 preference points system.
Clause 21.1 (d)	The two-envelope system does not apply to this tender.
Clause 24 INSPECTIONS, TESTS AND ANALYSES	No inspections, tests and analyses shall be required for this tender.

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Clause 33 SAMPLES	No samples will be required for this tender.
Clause 34 ALTERNATIVE OFFERS	No alternative offers shall be considered.

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**TENDER EVALUATION CRITERIA**

**STAGE ONE: FUNCTIONALITY:** Bidders will be required to score a minimum score of **75%** for functionality in order to qualify to be assessed further on Price and BBBEE.

<p>1. Five years of <b>experience</b> in the Security Industry (Letters of Awards or Purchase Orders to be attached as proof) <b>5 points will be allocated per year = 25 Points</b> <b>[25 Points]</b></p>	25
<p>2. <b>Provision of 24-hour service, 7 days a week:</b> 2.1 Staff complement (Provide employee name list with identification numbers and PSIRA registration certificate numbers) <b>10 Points</b> 2.2 Three (3) Curriculum Vitae of staff (Exclude Directors) who have <b>Grade C</b> or higher security certificate. <b>5 Points per CV (15 Points)</b> <b>[25 Points]</b></p>	25
<p>3. <b>Capacity to perform, Resource list:</b></p> <ul style="list-style-type: none"> <li>• Number of <b>company</b> vehicles (Provide 4 vehicles), <b>5 Points will be allocated per vehicle = 20 Points</b></li> </ul> <p>Fire arms: Provide a list of company firearms (Register)</p> <ul style="list-style-type: none"> <li>• Shot guns preferable pump actions (2 shot guns), <b>5 points per shot gun = 10 Points</b></li> <li>• Hand guns (7.65mm or 9mm Parabellum) (x Ten) <b>Two Points will be allocated per handgun = 20 Points</b></li> </ul> <p align="center"><b>[50 Points]</b></p>	<p align="center">20</p> <p align="center">10</p> <p align="center">20</p>
<p><b>TOTAL MAXIMUM POINTS [100 POINTS]</b></p>	

STAGE TWO: PRICE 80% BBBEE 20%

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## 2.1 RETURNABLE DOCUMENTS

Bidders are required to submit the documentation listed below together with their bid submissions.

NO.	RETURNABLE DOCUMENT	AVAILABLE (TICK <input checked="" type="checkbox"/> )
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)  <b>Note: failure to submit with the bid submission, a valid BBBEE certificate or sworn affidavit in the case of EMEs and QSEs, will result in an automatic score of zero being allocated for BBBEE status level.</b>	
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.	Audited annual financial statements for previous 3 years (if tender value exceeds R10 million)	

**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, COMPANY REGISTRATION DOCUMENTATION, AND IDENTITY DOCUMENTS (DIRECTORS) WILL BE VERIFIED BY BCMM ON THE GOVERNMENT CENTRAL SUPPLIER DATABASE. THEREFORE, BIDDERS ARE REQUIRED TO ENSURE THAT THEY ARE REGISTERED ON THE DATABASE ON SUBMISSION OF THEIR BID.**

--

DEPARTMENT REPRESENTATIVE INITIALS	DEPARTMENT WITNESS INITIALS

SERVICE PROVIDER REPRESENTATIVE INITIALS	SERVICE PROVIDER WITNESS INITIALS

**2.2 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 bidding entity must indicate which schedules are not applicable.

The schedules required to be completed are as listed below –

Schedule A	Authority for Signatory
Schedule B	Confirmation of Registration of Bidder on Central Supplier Database (CSD)
Schedule C	Proof of Attendance of Compulsory Briefing Session
Schedule D	Municipal Bidding Documents

**SCHEDULE A: CERTIFICATE OF AUTHORITY FOR SIGNATORY**

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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 BID TO SIGN ALL DOCUMENTS IN CONNECTION THEREWITH ON BEHALF OF THE BIDDING ENTITY, AS WELL AS SIGN ANY CONTRACT WHICH ARISING THEREFROM.**

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

DEPARTMENT REPRESENTATIVE INITIALS	DEPARTMENT WITNESS INITIALS

SERVICE PROVIDER REPRESENTATIVE INITIALS	SERVICE PROVIDER WITNESS INITIALS

BIDDER NAME	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 bid, and provide their CSD supplier number in the table above. If not registered on submission of the bid, 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.

**BIDDER'S SIGNATURE:** .....

DEPARTMENT REPRESENTATIVE INITIALS	DEPARTMENT WITNESS INITIALS

SERVICE PROVIDER REPRESENTATIVE INITIALS	SERVICE PROVIDER WITNESS INITIALS

**SCHEDULE C – PROOF OF ATTENDANCE OF COMPULSORY BRIEFING SESSION**

**CERTIFICATE OF ATTENDANCE**

I hereby certify that I \_\_\_\_\_ the fully

authorised representative of (Bidder) \_\_\_\_\_

Address:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

visited the site / attended the briefing meeting held on (date): \_\_\_\_\_

at the above mentioned areas.

I certify that I am satisfied with the description of the services to be performed and the explanations (if any) given to me by BCMM's Representatives. I am also familiar with the manner in which the services are to be performed under this contract.

.....

REPRESENTATIVE OF THE BIDDER

.....

DATE

DEPARTMENT REPRESENTATIVE INITIALS	DEPARTMENT WITNESS INITIALS

SERVICE PROVIDER REPRESENTATIVE INITIALS	SERVICE PROVIDER WITNESS INITIALS



<p><b>ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES /WORKS OFFERED?</b></p>	<p><input type="checkbox"/>Yes                      <input type="checkbox"/>No</p> <p>[IF YES ENCLOSE PROOF]</p>	<p><b>ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES /WORKS OFFERED?</b></p>	<p><input type="checkbox"/>Yes <input type="checkbox"/>No</p> <p>[IF YES, ANSWER PART B:3 ]</p>
<p>TOTAL NUMBER OF ITEMS OFFERED</p>		<p>TOTAL BID PRICE</p>	<p>R</p>
<p>SIGNATURE OF BIDDER</p>	<p>.....</p>	<p>DATE</p>	
<p>CAPACITY UNDER WHICH THIS BID IS SIGNED</p>			
<p><b>BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO:</b></p>		<p><b>TECHNICAL INFORMATION MAY BE DIRECTED TO:</b></p>	
<p>DEPARTMENT</p>		<p>CONTACT PERSON</p>	
<p>CONTACT PERSON</p>		<p>TELEPHONE NUMBER</p>	
<p>TELEPHONE NUMBER</p>		<p>FACSIMILE NUMBER</p>	
<p>FACSIMILE NUMBER</p>		<p>E-MAIL ADDRESS</p>	
<p>E-MAIL ADDRESS</p>			

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<p>SERVICE PROVIDER REPRESENTATIVE INITIALS</p>	<p>SERVICE PROVIDER WITNESS INITIALS</p>

## PART B

### TERMS AND CONDITIONS FOR BIDDING

<b>1. BID SUBMISSION:</b>	
1.1.	BIDS MUST BE DELIVERED BY THE STIPULATED TIME TO THE CORRECT ADDRESS. LATE BIDS WILL NOT BE ACCEPTED FOR CONSIDERATION.
1.2.	<b>ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS PROVIDED-(NOT TO BE RE-TYPED) OR ONLINE</b>
1.3.	THIS BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT AND THE PREFERENTIAL PROCUREMENT REGULATIONS, 2017, THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER SPECIAL CONDITIONS OF CONTRACT.
<b>2. TAX COMPLIANCE REQUIREMENTS</b>	
2.1	BIDDERS MUST ENSURE COMPLIANCE WITH THEIR TAX OBLIGATIONS.
2.2	BIDDERS ARE REQUIRED TO SUBMIT THEIR UNIQUE PERSONAL IDENTIFICATION NUMBER (PIN) ISSUED BY SARS TO ENABLE THE ORGAN OF STATE TO VIEW THE TAXPAYER'S PROFILE AND TAX STATUS.
2.3	APPLICATION FOR THE TAX COMPLIANCE STATUS (TCS) CERTIFICATE OR PIN MAY ALSO BE MADE VIA E-FILING. IN ORDER TO USE THIS PROVISION, TAXPAYERS WILL NEED TO REGISTER WITH SARS AS E-FILERS THROUGH THE WEBSITE WWW.SARS.GOV.ZA.
2.4	FOREIGN SUPPLIERS MUST COMPLETE THE PRE-AWARD QUESTIONNAIRE IN PART B:3.
2.5	BIDDERS MAY ALSO SUBMIT A PRINTED TCS CERTIFICATE TOGETHER WITH THE BID.
2.6	IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED, EACH PARTY MUST SUBMIT A SEPARATE TCS CERTIFICATE / PIN / CSD NUMBER.
2.7	WHERE NO TCS IS AVAILABLE BUT THE BIDDER IS REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD), A CSD NUMBER MUST BE PROVIDED.
<b>3. QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS</b>	
3.1.	IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)? <span style="float: right;"><input type="checkbox"/> YES <input type="checkbox"/> NO</span>
3.2.	DOES THE ENTITY HAVE A BRANCH IN THE RSA? <span style="float: right;"><input type="checkbox"/> YES <input type="checkbox"/> NO</span>
3.3.	DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA? <span style="float: right;"><input type="checkbox"/> YES <input type="checkbox"/> NO</span>
3.4.	DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA? <span style="float: right;"><input type="checkbox"/> YES <input type="checkbox"/> NO</span>
3.5.	IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION? <span style="float: right;"><input type="checkbox"/> YES <input type="checkbox"/> NO</span>
<p><b>IF THE ANSWER IS "NO" TO ALL OF THE ABOVE, THEN IT IS NOT A REQUIREMENT TO REGISTER FOR A TAX COMPLIANCE STATUS SYSTEM PIN CODE FROM THE SOUTH AFRICAN REVENUE SERVICE (SARS) AND IF NOT REGISTER AS PER 2.3 ABOVE.</b></p>	

**NB: FAILURE TO PROVIDE ANY OF THE ABOVE PARTICULARS MAY RENDER THE BID INVALID.**

**NO BIDS WILL BE CONSIDERED FROM PERSONS IN THE SERVICE OF THE STATE.**

SIGNATURE OF BIDDER: .....

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

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**PRICING SCHEDULE – NON-FIRM PRICES  
(PURCHASES)**

**NOTE: PRICE ADJUSTMENTS WILL BE ALLOWED AT THE PERIODS AND TIMES SPECIFIED IN THE BIDDING DOCUMENTS.**

**IN CASES WHERE DIFFERENT DELIVERY POINTS INFLUENCE THE PRICING, A SEPARATE PRICING SCHEDULE MUST BE SUBMITTED FOR EACH DELIVERY POINT**

Name of Bidder .....	Bid number.....
Closing Time .....	Closing Date .....

OFFER TO BE VALID FOR \_\_\_\_ DAYS FROM THE CLOSING DATE OF BID.

---

ITEM NO.	QUANTITY	DESCRIPTION	BID PRICE IN RSA CURRENCY **(ALL APPLICABLE TAXES INCLUDED)
<hr/>			
-	Required by: .....		
-	At: .....		
-	Brand and model .....		
-	Country of origin.....		
-	Does the offer comply with the specification(s)?		*YES/NO
-	If not to specification, indicate deviation(s) .....		
-	Period required for delivery .....		
-	Delivery:	*Firm/Not firm	

\*\* "all applicable taxes" includes value-added tax, pay as you earn, income tax, unemployment insurance fund contributions and skills development levies.

\*Delete if not applicable

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**DECLARATION OF INTEREST**

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

3.1 Full Name of bidder or his or her representative:.....

3.2 Identity Number: .....

3.3 Position occupied in the Company (director, trustee, shareholder<sup>2</sup>):  
.....

3.4 Company Registration Number: .....

3.5 Tax Reference Number: .....

3.6 VAT Registration Number: .....

3.7 The names of all directors / trustees / shareholders members, their individual identity numbers and state employee numbers must be indicated in paragraph 4 below.

3.8 Are you presently in the service of the state? **YES / NO**

3.8.1 If yes, furnish particulars.....  
.....

<sup>1</sup> MSCM Regulations: “in the service of the state” means to be –

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

<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.

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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.....

.....

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

Full Name	Identity Number	State Employee Number

.....  
**Signature**

.....  
**Date**

.....  
**Capacity**

.....  
**Name of Bidder**

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

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

NO.	QUESTION	ANSWER (TICK WHICH RESPONSE IS APPLICABLE)	
		YES	NO
1.	Are you by law required to prepare annual financial statements?		
1.1	If yes, submit audited annual financial statements for the past three years or since the date of establishment if established during the last 3 years.		

NO.	QUESTION	ANSWER (TICK WHICH RESPONSE IS APPLICABLE)	
		YES	NO
2.	Do you have any outstanding undisputed commitments for municipal services towards any municipality for more than 3 months or any other service provider in respect of which payment is overdue for more than 30 days?		
2.1	If no, this serves to certify that the bidder has no undisputed commitments for municipal services towards any municipality for more than 3 months or other service provider in respect of which payment is overdue for more than 30 days.		
2.2	If yes, provide details: ..... ..... .....		

NO.	QUESTION	ANSWER (TICK WHICH RESPONSE IS APPLICABLE)	
		YES	NO
3.	Has any contract been awarded to you by an organ of state during the past five years, including particulars of any material non-compliance or dispute		

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	concerning the execution of such contract?		
3.1	If yes, provide details: ..... ..... .....		

NO.	QUESTION	ANSWER (TICK WHICH RESPONSE IS APPLICABLE)	
		YES	NO
4.	Will any portion of the goods or services be sourced from outside the Republic, and if so, what portion, and whether any portion of payment from the municipality is expected to be transferred outside of the Republic?		
4.1	If yes, provide details: ..... ..... .....		

**CERTIFICATION**

**I, THE UNDERSIGNED (NAME) .....**  
**CERIFY THAT THE INFORMATION FURNISHED ON THIS DECLARATION FORM IS**  
**CORRECT.**

**I ACCEPT THAT THE STATE MAY ACT AGAINST ME SHOULD THIS THIS**  
**DECLARATION PROVE TO BE FALSE.**

.....

Signature

.....

Date

.....

Position

.....

Name of Bidder

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

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

1.6 The purchaser reserves the right to require of a bidder, either before a bid is adjudicated or at any time subsequently, to substantiate any claim in regard to preferences, in any manner required by the purchaser.

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**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**

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

Where

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

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accordance with the table below:

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

**5. BID DECLARATION**

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

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

6.1 B-BBEE Status Level of Contributor: . = .....(maximum of 10 or 20 points)  
 (Points claimed in respect of paragraph 7.1 must be in accordance with the table reflected in paragraph 4.1 and must be substantiated by relevant proof of B-BBEE status level of contributor.

**7. SUB-CONTRACTING**

7.1 Will any portion of the contract be sub-contracted?  
 (*Tick applicable box*)

YES	<input type="checkbox"/>	NO	<input type="checkbox"/>
-----	--------------------------	----	--------------------------

7.1.1 If yes, indicate:

- i) What percentage of the contract will be subcontracted.....%
- ii) The name of the sub-contractor.....
- iii) The B-BBEE status level of the sub-contractor.....
- iv) Whether the sub-contractor is an EME or QSE

(*Tick applicable box*)

YES	<input type="checkbox"/>	NO	<input type="checkbox"/>
-----	--------------------------	----	--------------------------

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 least 51% owned by:	EME √	QSE √
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		

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Cooperative owned by black people		
Black people who are military veterans		
<b>OR</b>		
Any EME		
Any QSE		

**8. DECLARATION WITH REGARD TO COMPANY/FIRM**

8.1 Name of company/firm:.....

8.2 VAT registration number:.....

8.3 Company registration number:.....

**8.4 TYPE OF COMPANY/ FIRM**

- Partnership/Joint Venture / Consortium
- One person business/sole propriety
- Close corporation
- Company
- (Pty) Limited

[TICK APPLICABLE BOX]

**8.5 DESCRIBE PRINCIPAL BUSINESS ACTIVITIES**

.....  
 .....  
 .....  
 .....

**8.6 COMPANY CLASSIFICATION**

- Manufacturer
- Supplier
- Professional service provider
- Other service providers, e.g. transporter, etc.

[TICK APPLICABLE BOX]

**8.7 MUNICIPAL INFORMATION**

**Municipality where business is situated:** .....

**Registered Account Number:** .....

**Stand Number:**.....

8.8 Total number of years the company/firm has been in business:.....

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:

- i) The information furnished is true and correct;
- ii) The preference points claimed are in accordance with the General Conditions as indicated in paragraph 1 of this form;
- iii) In the event of a contract being awarded as a result of points claimed as shown in

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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;
- (b) recover costs, losses or damages it has incurred or suffered as a result of that person's conduct;
- (c) cancel the contract and claim any damages which it has suffered as a result of having to make less favourable arrangements due to such cancellation;
- (d) recommend that the 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.

<p>WITNESSES</p> <p>1. ....</p> <p>2. ....</p>
--

<p>.....</p> <p>SIGNATURE(S) OF BIDDERS(S)</p>
<p>DATE: .....</p>

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## DECLARATION OF BIDDER'S PAST SUPPLY CHAIN MANAGEMENT PRACTICES

- 1 This Municipal Bidding Document must form part of all bids invited.
- 2 It serves as a declaration to be used by municipalities and municipal entities in ensuring that when goods and services are being procured, all reasonable steps are taken to combat the abuse of the supply chain management system.
- 3 The bid of any bidder may be rejected if that bidder, or any of its directors have:
  - 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).
- 4 **In order to give effect to the above, the following questionnaire must be completed and submitted with the bid.**

Item	Question	Yes	No
4.1	Is the bidder or any of its directors listed on the National Treasury's Database of Restricted Suppliers as companies or persons prohibited from doing business with the public sector?  (Companies or persons who are listed on this Database were informed in writing of this restriction by the Accounting Officer/Authority of the institution that imposed the restriction after the <i>audi alteram partem</i> rule was applied).  <b>The Database of Restricted Suppliers now resides on the National Treasury's website(<a href="http://www.treasury.gov.za">www.treasury.gov.za</a>) and can be accessed by clicking on its link at the bottom of the home page.</b>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.1.1	If so, furnish particulars:		
4.2	Is the bidder or any of its directors listed on the Register for Tender Defaulters in terms of section 29 of the Prevention and Combating of Corrupt Activities Act (No 12 of 2004)?  <b>The Register for Tender Defaulters can be accessed on the National Treasury's website (<a href="http://www.treasury.gov.za">www.treasury.gov.za</a>) by clicking on its link at the bottom of the home page.</b>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.2.1	If so, furnish particulars:		

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4.3	Was the bidder or any of its directors convicted by a court of law (including a court of law outside the Republic of South Africa) for fraud or corruption during the past five years?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.3.1	If so, furnish particulars:		
<b>Item</b>	<b>Question</b>	<b>Yes</b>	<b>No</b>
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 <input type="checkbox"/>	No <input type="checkbox"/>
4.4.1	If so, furnish particulars:		
4.5	Was any contract between the bidder and the municipality / municipal entity or any other organ of state terminated during the past five years on account of failure to perform on or comply with the contract?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.7.1	If so, furnish particulars:		

**CERTIFICATION**

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

**I ACCEPT THAT, IN ADDITION TO CANCELLATION OF A CONTRACT,**  
**ACTION MAY BE TAKEN AGAINST ME SHOULD THIS DECLARATION PROVE**  
**TO BE FALSE.**

.....  
**Signature**

.....  
**Date**

.....  
**Position**

.....  
**Name of Bidder**

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**CERTIFICATE OF INDEPENDENT BID DETERMINATION**

- 1 This Municipal Bidding Document (MBD) must form part of all bids<sup>1</sup> invited.
  
- 2 Section 4 (1) (b) (iii) of the Competition Act No. 89 of 1998, as amended, prohibits an agreement between, or concerted practice by, firms, or a decision by an association of firms, if it is between parties in a horizontal relationship and if it involves collusive bidding (or bid rigging).<sup>2</sup> Collusive bidding is a *pe se* prohibition meaning that it cannot be justified under any grounds.
  
- 3 Municipal Supply Regulation 38 (1) prescribes that a supply chain management policy must provide measures for the combating of abuse of the supply chain management system, and must enable the accounting officer, among others, to:
  - 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.
  
- 4 This MBD serves as a certificate of declaration that would be used by institutions to ensure that, when bids are considered, reasonable steps are taken to prevent any form of bid-rigging.
  
- 5 In order to give effect to the above, the attached Certificate of Bid Determination (MBD 9) must be completed and submitted with the bid:

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

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

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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>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.

**MBD 9**

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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

<b>THE CONTRACT</b>	
<b>PART 1: SCOPE OF SERVICES</b>	

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**CONTENTS**

1.1	Scope of the Services Required
-----	--------------------------------

<p><b>1.1 SCOPE OF THE SERVICES REQUIRED</b></p>
--

Buffalo City Metropolitan Municipality ('BCMM') calls for the submission of bid proposals for the provision of security services for BCMM municipal buildings and installations.

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**SCOPE OF WORK:**

**PROVISION OF SECURITY SERVICES FOR BCMM MUNICIPAL BUILDINGS AND INSTALLATIONS FOR A PERIOD OF THREE MONTHS**

**The scope of this project includes the following:**

- Provide accreditation as registered service provider of the security services requested,
- Company registration certificate (**Psira Certificate**),
- SARS tax clearance certificate,
- Proof of VAT Registration, if not apparent from tax clearance certificate,
- Certified copy of ID document and a signed statement that the tenderer is a sole proprietor, if tenderer is a one-man concern,
- Original Municipal Debt Clearance,
- Certified ID copies of company directors,
- Provide a list of names of security guards and their grades that are within the employ of the company,
- Provide a list of company fire arms (Register) and their serial numbers.

**PROJECT TIME FRAMES**

The project is for a period of three months **only**.

**APPOINTMENT OF THE SERVICE PROVIDER**

- **A minimum of three service providers will be appointed for these services**

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- **Pricing schedule based on rates per security guard**

BCMM is committed to the advancement of persons and categories of persons previously disadvantaged by unfair discrimination, in an open, fair and transparent manner, while not compromising quality and effectiveness to any degree.

**CONTENT OF PROPOSAL**

**COMPULSORY Requirements:**

- SARS tax clearance certificate
- Company registration certificate (**Psira Certificate**)
- Public Liability Insurance certificate
- Unemployment Insurance Fund Compliance Certificate
- Expertise and track record of the service provider in undertaking work similar to the services required in these terms of reference.
- Detailed rates for Security Guards (Grade C) and one Security Guard Supervisor (Grade B).
- Three contactable references

<b>THE CONTRACT</b>	
<b>PART 2: PRICING DATA</b>	

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2.1	Pricing Instructions
2.2	Pricing Schedule

**2.1 PRICING INSTRUCTIONS**

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- (i) The rates and prices submitted by the bidder must be entered into the pricing schedule below.
- (ii) No deviations from the pricing schedule will be permitted, except where indicated separately in the schedule of deviations.
- (iii) The bid price must be inclusive of VAT, where the bidder is a registered VAT vendor.
- (iv) Bidders must provide rates and prices that are fixed for the duration of the contract and not subject to adjustment except as provided for in the conditions of contract.
- (v) Should there be a discrepancy between the total bid 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) Bidders are required to pay attention to the general conditions of tender (imbalance in tendered rates).

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**2.2 PRICING SCHEDULE**

ITEM	DESCRIPTION OF SERVICES	QUANTITY REQUIRED	HOURLY RATE	UNIT PRICE PER MONTH	TOTAL
1	ARMED GUARD: DAY SHIFT  GRADE C: 12 HOURS	1			
2	UNARMED GUARD: DAY SHIFT  GRADE C: 12 HOURS	1			
3	ARMED GUARD: DAY SHIFT  GRADE C: 12 HOURS	1			
4	UNARMED GUARD: DAY SHIFT  GRADE C: 12 HOURS	1			
5	SECURITY SUPERVISOR GRADE B	1			
<b>SUTOTAL</b>					
<b>VAT (15%)</b>					
<b>Excluding Vat (15%)</b>					
<b>TOTAL QUOTATION AMOUNT (carry over to form of offer page</b>					

.....  
 .....  
 Bidder's Signature  
 Date

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**THE CONTRACT**  
**PART 3: AGREEMENT AND CONTRACT DATA**

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3.1	Form of Offer and Acceptance
3.2	Contract Data

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**3.1 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 :

**PROVISION OF SECURITY SERVICES FOR BCMM MUNICIPAL BUILDINGS AND INSTALLATIONS**

2. I, the Bidder, hereby undertake to render the services described in the attached bidding documents to BCMM in accordance with the requirements, task directives and specifications stipulated in bid number .....at the price/s quoted. My offer/s shall remain binding upon me and open for acceptance by BCMM during the bid validity period indicated and calculated from the closing time of bid.

3. The following documents shall be deemed to form and be read and construed as part of this Agreement:

- (i) This Bid document, namely -
  - The Scope of Work
  - The Pricing Data;
  - The Contract Data;
  - This Form of Offer & Acceptance;
- (ii) Bidder's Tender Proposal;
- (iii) The Special Conditions of Contract;
- (iv) The General Conditions of Contract; and
- (v) 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 bid; that the price(s) and rate(s) quoted cover all the services specified in the bidding documents; and 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.

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The **TOTAL BID PRICE** 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 tenderer before the end of the period of validity stated in the tender conditions, whereupon the tenderer becomes the party named as the appointed service provider in terms of the conditions of contract identified in the contract data.

NAME (PRINT) .....  
CAPACITY .....  
SIGNATURE .....  
NAME OF FIRM .....  
DATE .....

WITNESSES:	
1	.....
2	.....
DATE: .....	

**FAILURE BY THE BIDDER TO COMPLETE THIS FORM IN ITS ENTIRETY INCLUDING SIGNING THE FORM, SHALL DISQUALIFY THE BIDDER'S BID.**

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**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 ..... accept your bid under reference number ..... dated..... for the rendering of services indicated hereunder and/or further specified in the annexure(s).
2. An official order indicating service 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 SERVICE	PRICE (ALL APPLICABLE TAXES INCLUDED)	COMPLETION DATE	B-BBEE STATUS LEVEL OF CONTRIBUTION	MINIMUM THRESHOLD FOR LOCAL PRODUCTION AND CONTENT (if applicable)
PROVISION OF SECURITY SERVICES FOR BCMM MUNICIPAL BUILDINGS AND INSTALLATIONS				

4. I confirm that I am duly authorised to sign this contract.

SIGNED AT ..... ON .....

NAME (PRINT) .....

SIGNATURE .....

OFFICIAL STAMP

WITNESSES

1 .....

2 .....

DATE: .....

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**3.1.1 SCHEDULE OF DEVIATIONS**

The extent of deviations from the tender documents issued by BCMM before the tender closing date is limited to those permitted in terms of the conditions of tender.

A tenderer’s covering letter shall not be included in the final contract document. Should any matter in such letter, which constitutes a deviation as aforesaid, be the subject of agreements reached during the process of offer and acceptance, the outcome of such agreement shall be recorded here. Any other matter arising from the process of offer and acceptance either as a confirmation, clarification or change to the tender documents, and which it is agreed by the parties becomes an obligation of the contract, shall also be recorded here.

Any change or addition to the tender documents arising from the above agreements and recorded here, shall also be incorporated into the final draft of the contract.

1. Subject \_\_\_\_\_

Details \_\_\_\_\_

2. Subject \_\_\_\_\_

Details \_\_\_\_\_

3. Subject \_\_\_\_\_

Details \_\_\_\_\_

4. Subject \_\_\_\_\_

Details \_\_\_\_\_

5. Subject \_\_\_\_\_

Details \_\_\_\_\_

6. Subject \_\_\_\_\_

Details \_\_\_\_\_

By the duly authorized representatives signing this schedule of deviations, BCMM and the tenderer agree to and accept the foregoing schedule of deviations as the only deviations from and amendments to the documents listed in the tendering procedures and addenda thereto as listed in the tender schedules, as well as any confirmation, clarification or changes to the terms of the offer agreed by the tenderer and the employer during this process of offer and acceptance.

For the tenderer:

Signature(s) .....

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Name(s) .....

Capacity .....

.....  
(Name and address of organization)

Name and signature  
of witness .....

Date .....

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SERVICE PROVIDER REPRESENTATIVE INITIALS	SERVICE PROVIDER WITNESS INITIALS

**3.2 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 is not attached to this bid document but is specifically incorporated herein. The GCC may be obtained from the National Treasury website – [www.treasury.gov.za](http://www.treasury.gov.za) .

SPECIAL CONDITIONS OF CONTRACT

The successful bidder will be required to enter into a service level agreement with BCMM.

-End-

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