



**INVITATION TO SUBMIT FORMAL WRITTEN PRICE QUOTATIONS**

|  |   |
|--|---|
| <b>RFQ NO.:</b>                          | <b>RFQ/DCS/2018-19/430</b>  |
| <b>DESCRIPTION OF GOODS / SERVICES :</b> | <b>Manufacturing, Supply Installation and Certification of Playpark Equipment in Mdantsane District</b> |

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

|   |                        |
|---|------------------------|
| <b>NAME OF BIDDER:</b>                          |                        |
| <b>BCMM SUPPLIER DATABASE REGISTRATION NO.:</b> |                        |
| <b>STREET ADDRESS:</b>                          |                        |
| <b>POSTAL ADDRESS:</b>                          |                        |
| <b>TEL NO.:</b>                                 | <b>CELL PHONE NO.:</b> |
| <b>EMAIL ADDRESS:</b>                           | <b>FAX NO.:</b>        |
| <b>TOTAL QUOTATION AMOUNT:</b>                  | <b>R</b>               |

|  |  |
|--|--|
| <b>Issued by:</b>  | <b>Prepared by:</b>  |
| The City Manager<br>c/o The General Manager: Supply Chain Management Unit<br>Buffalo City Metropolitan Municipality<br>80 Phillip Frame Road<br>Chiselhurst<br>East London | Department of Municipal Services: Parks Cemeteries & Crematoria<br>ADDRESS Nu.6 Depot, Mdantsane<br>Buffalo City Metropolitan Municipality |

## **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.

|  |  |
|--|--|
| <b>RFQ NO.:</b>  | RFQ/DCS/2018-19/430  |
| <b>DESCRIPTION OF GOODS / SERVICES</b>                         | Manufacturing, Supply, Installation and Certification of Playpark Equipment in Mdantsane District  |
| <b>ADVERT DATE:</b>  | 19 MARCH 2019  |
| <b>CLOSING DATE:</b>   | 28 MARCH 2019  |
| <b>CLOSING TIME:</b>   | 12:00PM  |
| <b>COMPULSORY BRIEFING MEETING DATE &amp; TIME:<br/>VENUE:</b> | N/A  |
| <b>RFQ DOCUMENTS ARE OBTAINABLE FROM:</b>                      | The BCMM Website –<br><a href="http://www.buffalocitymetro.gov.za/tenders">www.buffalocitymetro.gov.za/tenders</a><br><br>OR:<br><br>Reception Desk<br>Supply Chain Management Unit, BCMM<br>80 Phillip Frame Road<br>Chiselhurst<br>East London       |
| <b>SUBMISSION OF RFQs:</b>                                     | <u>Informal</u> Tender Box<br>Supply Chain Management Unit, BCMM<br>80 Phillip Frame Road<br>Chiselhurst<br>East London  |
| <b>TECHNICAL ENQUIRIES:</b>                                    | Name: LB Fani<br>Tel: 0436852203/13<br>Email: <a href="mailto:ludwef@buffalocity.gov.za">ludwef@buffalocity.gov.za</a>   |
| <b>PROCEDURAL ENQUIRIES:</b>                                   | Cassandra Stoffels / Sitatu Nyikana<br>Tel: (043) 705 9119 / (043) 705 9135<br>Email: <a href="mailto:CassandraR@buffalocity.gov.za">CassandraR@buffalocity.gov.za</a><br><a href="mailto:sitatuun@buffalocity.gov.za">sitatuun@buffalocity.gov.za</a> |

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

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

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

1. For the purposes of this RFQ document, the words 'bidder' and 'tenderer', and 'RFQ' and 'tender' shall bear the same meaning.
2. 'BCMM,' where referred to in this document means Buffalo City Metropolitan Municipality'.
3. No quotation will be considered unless submitted on this RFQ document.
4. The whole original RFQ document, as issued by BCMM must be submitted. A quotation will be considered invalid and will not be accepted, if any part of this RFQ document is not submitted.
5. Bidders must submit one RFQ offer only, either as a single tendering entity or as a member of a joint venture.
6. Telephonic, telegraphic, telex, facsimile or emailed RFQ submissions will not be accepted.
7. Any portion of the RFQ document not completed will be interpreted as 'not applicable'. Notwithstanding the afore-going, failure to complete any compulsory portion of the RFQ document will result in the RFQ submission being declared non-responsive.
8. **Quotations must be properly received and deposited, on or before the closing date and on or before 12:00pm, in the Informal Tender Box 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 does not comply with the RFQ conditions and procedures.
- (b) The submission has not achieved the minimum score for functionality as set out in the evaluation criteria, where functionality is applicable.
- (c) Where there are material deviations or qualifications to the RFQ which in BCMM's opinion would –
  - (i) Detrimentially 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.
- (d) The submission will be declared non-responsive if the bidder fails to adhere to a written request (within the specified period set out in such request) to –
  - (i) Comply with the general conditions applicable to RFQs as contained in the BCMM Supply Chain Management Policy;
  - (ii) Complete and/or sign any declarations and/or authorisations;
  - (iii) Submit items 2 - 3 of the list of returnable documents in Part 2 (section 2.1) of this bid document.
- (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.**

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

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

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

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

| General Conditions Clause No.                                       | Additions or Variations to General Conditions  |
|---|--|
| <b>Clause 13 &amp; 21</b><br><b>CLARIFICATION OF RFQ SUBMISSION</b> | 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.  |
| <b>Clause 16</b><br><b>AUTHORITY OF SIGNATORY</b>                   | 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.<br><br>The letter of authority must be attached to Schedule A. |
| <b>Clause 18</b>  | 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.  |
| <b>Clause 19</b><br><b>EVALUATION OF RFQs</b>                       | RFQs will be evaluated in accordance with the evaluation criteria set out on page 8 - 10 of this document.   |
| <b>Clause 23</b><br><b>INSPECTION, TESTS AND ANALYSES</b>           | Site inspections shall be required for this RFQ.   |

**RFQ EVALUATION CRITERIA**

As indicated in the special conditions above, bidders must make the type of machine offered, available for demonstration and inspection by BCMM. Special attention must be given to the following essential requirements:

1. Proof of Certified Manufacturing of Play equipment to be attached.
2. Contractor must have a minimum of five (5) years' experience in manufacturing, supply and Installation of Play Equipment and such proof to be attached

**2.1 WORKS PREVIOUSLY EXECUTED**

The following is a statement of major works (similar nature) successfully executed by myself/ourselves in recent years:

| Employer | Contact Person | Nature of Works | Value of Works | Duration and Completion Date |
|----------|----------------|-----------------|----------------|------------------------------|
|          |                |                 |                |                              |
|          |                |                 |                |                              |
|          |                |                 |                |                              |
|          |                |                 |                |                              |

Failure to detail the required information shall signify that the tender is submitted by an inexperienced tenderer and has no experience in this class of work.

Signature of Tenderer:

Date:

\*State firm, contact person and telephone number



2.2 . Proof of Official Orders/ Contacts of previous/ present orders to be attached

PREVIOUS/ PRESENT CONTRACTS

| Employer | Contact Person and Contact Details | Nature of Works | Value of Works | Duration and Completion Date |
|----------|------------------------------------|-----------------|----------------|------------------------------|
|          |                                    |                 |                |                              |
|          |                                    |                 |                |                              |
|          |                                    |                 |                |                              |
|          |                                    |                 |                |                              |

Signature of Tenderer:

Date:

2.3. SUPERVISORY AND SAFETY PERSONNEL

SUPERVISORY EXPERIENCE ON WORKS OF A SIMILAR NATURE DURING THE LAST FIVE YEARS

| Name                                   | % Time on Site | Position (Current) | Service (Years) | Name of Project And year executed | Value of Works | Position Occupied |
|--|----------------|--------------------|-----------------|-----------------------------------|----------------|-------------------|
| Contracts Manager                      |                |                    |                 |                                   |                |                   |
| Contractors Site Agent                 |                |                    |                 |                                   |                |                   |
| Contractors Foreman                    |                |                    |                 |                                   |                |                   |
| Construction Health and Safety Officer |                |                    |                 |                                   |                |                   |

Tenderers shall indicate the percentage of working time these persons will be engaged on site. Tenderers are required to provide copies of curriculum vitas of all supervisory and safety personnel.

Signature of Tenderer:

Date:

3. Copy of Health and Safety Plan to be att
4. Minimum CIDB Grading of 1. M.E SHPE and maximum .
- 5.. Compulsory information briefing meeting to be attended by all contractors.

**Failure to comply with all of the above will disqualify a contractor to proceed to the next stage of qualification, thus resulting in such a tender to become non-responsive.**

Evaluation on Local Production and Content

1. 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.
2. Sample

| Item | Description          | Minimum Threshold |
|------|----------------------|-------------------|
| 1.   | PLAYGROUND EQUIPMENT | 100%              |

Only locally manufactured 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 <http://www.thedti.gov.za> 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.

### 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.

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

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

**NOTE:**

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

#### **1.4 RETURNABLE SCHEDULES**

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

The schedules required to be completed are as listed below –

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

**SCHEDULE A – LETTER OF AUTHORITY FOR SIGNATORY**

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

| COMPANY | CLOSE CORPORATION | PARTNERSHIP | JOINT VENTURE | SOLE PROPRIETORSHIP |
|---------|-------------------|-------------|---------------|---------------------|
|         |                   |             |               |                     |

**NOTE:**

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

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

| NAME OF BIDDER | REGISTERED ON CSD?<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.

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

## 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/adjudging 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.

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 Number |
|-----------|-----------------|-----------------------|
|           |                 |                       |
|           |                 |                       |
|           |                 |                       |
|           |                 |                       |
|           |                 |                       |
|           |                 |                       |
|           |                 |                       |
|           |                 |                       |
|           |                 |                       |

.....  
**Signature**

.....  
**Date**

.....  
**Capacity**

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

## 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         |
| <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.



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

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

**5. 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<br>√ | QSE<br>√ |
|---|----------|----------|
| Black people  |          |          |
| Black people who are youth  |          |          |
| Black people who are women  |          |          |
| Black people with disabilities                                    |          |          |
| Black people living in rural or underdeveloped areas or townships |          |          |
| Cooperative owned by black people                                 |          |          |
| Black people who are military veterans                            |          |          |
| <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 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>                             |

## DECLARATION CERTIFICATE FOR LOCAL PRODUCTION AND CONTENT FOR DESIGNATED SECTORS

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

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

### 1. General Conditions

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

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

Where

- x is the imported content in Rand  
y is the bid price in Rand excluding value added tax (VAT)

Prices referred to in the determination of x must be converted to Rand (ZAR) by using the exchange rate published by South African Reserve Bank (SARB) 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](http://www.thedti.gov.za/industrial%20development/ip.jsp) at no cost.**



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

**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:**

| <u>Description of services, works or goods</u> | <u>Stipulated minimum threshold</u> |
|--|-------------------------------------|
| _____  | _____ %                             |
| _____  | _____ %                             |
| _____  | _____ %                             |

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

*(Tick applicable box)*

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

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](http://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):

| <b>Currency</b> | <b>Rates of exchange</b> |
|-----------------|--------------------------|
| 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)**

**IN RESPECT OF BID NO.** .....

**ISSUED BY:** (Procurement Authority / Name of Institution):  
 .....

NB

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

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

- (a) The facts contained herein are within my own personal knowledge.
- (b) I have satisfied myself that:
  - (i) the goods/services/works to be delivered in terms of the above-specified bid comply with the minimum local content requirements as specified in the bid, and as measured in terms of SATS 1286:2011; and
- (c) The local content percentage (%) indicated below has been calculated using the formula given in clause 3 of SATS 1286:2011, the rates of exchange indicated in paragraph 4.1 above and the information contained in Declaration D and E which has been consolidated in Declaration C:

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

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

**The local content percentages for each product has been calculated using the formula given in clause 3 of SATS 1286:2011, the rates of exchange indicated in paragraph 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.
- 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   | <p>Is the bidder or any of its directors listed on the National Treasury’s Database of Restricted Suppliers as companies or persons prohibited from doing business with the public sector?</p> <p>(Companies or persons who are listed on this Database were informed in writing of this restriction by the Accounting Officer/Authority of the institution that imposed the restriction after the <i>audi alteram partem</i> rule was applied).</p> <p><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></p> | Yes<br><input type="checkbox"/> | No<br><input type="checkbox"/> |
| 4.1.1 | If so, furnish particulars:  |                                 |                                |
| 4.2   | <p>Is the bidder or any of its directors listed on the Register for Tender Defaulters in terms of section 29 of the Prevention and Combating of Corrupt Activities Act (No 12 of 2004)?</p> <p><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></p>   | Yes<br><input type="checkbox"/> | No<br><input type="checkbox"/> |
| 4.2.1 | If so, furnish particulars:  |                                 |                                |

|             |  |                                 |                                |
|-------------|--|---------------------------------|--------------------------------|
| 4.3         | Was the bidder or any of its directors convicted by a court of law (including a court of law outside the Republic of South Africa) for fraud or corruption during the past five years?   | Yes<br><input type="checkbox"/> | No<br><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<br><input type="checkbox"/> | No<br><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<br><input type="checkbox"/> | No<br><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**

## 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.

**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

**MBD 9**

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**

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 :

#### **Manufacturing, Supply and Installation of Play Equipment**

2. 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/DCS/2018-19/430** 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.

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

..... Rand

(in words); R . . . . . (in figures)

This offer may be accepted by the authorised BCMM representative signing the acceptance part of this form of offer and acceptance, and returning one copy of this document to the bidder before the end of the period of validity stated in the tender conditions, whereupon the bidder becomes the party named as the appointed service provider in terms of the conditions of contract identified in the contract data.

NAME (PRINT) .....

CAPACITY .....

SIGNATURE .....

NAME OF FIRM .....

DATE .....

|             |       |
|-------------|-------|
| WITNESSES:  |       |
| 1           | ..... |
| 2           | ..... |
| DATE: ..... |       |

**FAILURE BY THE BIDDER TO COMPLETE AND SIGN 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 ..... accept your bid under reference number ..... dated ..... for the supply or the rendering of services indicated hereunder and/or further specified in the annexure(s).
2. An official order indicating service delivery instructions is forthcoming.
3. I undertake to make payment for the services rendered in accordance with the terms and conditions of the contract, within 30 (thirty) days after receipt of an invoice.

| DESCRIPTION OF SUPPLY/ SERVICE | PRICE (ALL APPLICABLE TAXES INCLUDED) | COMPLETION DATE | B-BBEE STATUS LEVEL OF CONTRIBUTION | MINIMUM THRESHOLD FOR LOCAL PRODUCTION AND CONTENT (if applicable) |
|--------------------------------|---------------------------------------|-----------------|-------------------------------------|--|
|                                |                                       |                 |                                     |  |

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

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

NAME (PRINT) .....

SIGNATURE .....

OFFICIAL STAMP

WITNESSES

1 .....

2 .....

DATE: .....

## SCHEDULE OF DEVIATIONS OR QUALIFICATIONS

The bidder should record any **proposed** deviations or qualifications he may wish to make to the RFQ in this Schedule. Alternatively, a bidder may list such deviations or qualifications in a covering letter attached to his submission and reference such letter in this Schedule. 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.

The bidder's attention is drawn to paragraph 20.2(c) of the General Conditions of the RFQ, regarding the handling of material deviations and qualifications.

Any other matter arising from the process of offer and acceptance either as a confirmation, clarification or change to the RFQ document, 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 RFQ document arising from the above agreements and recorded here, shall also be incorporated into the final draft of the contract.

If no deviations or qualifications are desired, the schedule hereunder to be marked NIL, and signed by the bidder.

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 bidder agree to and accept the foregoing schedule of deviations as the only deviations from and amendments to the documents listed in the RFQ document.

For the tenderer:

Signature(s) .....

Name(s) .....

Capacity .....

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

Name and signature  
of witness .....

Date .....

## 2.1.2 CONTRACT DATA

### GENERAL CONDITIONS OF CONTRACT

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

A copy of the General Conditions of Contract may be obtained from the National Treasury website – [www.treasury.gov.za](http://www.treasury.gov.za)

## **2.2 PRICING DATA**

### **2.2.1 PRICING INSTRUCTIONS**

- (i) Bidders' price offer shall be valid for 90 days from the closing date of this RFQ.
- (ii) The rates and prices submitted by the bidder must be entered into the pricing schedule below.
- (iii) No deviations from the pricing schedule will be permitted, except where indicated separately in the schedule of deviations.
- (iv) The quotation amount must be inclusive of VAT, where the bidder is a registered VAT vendor.
- (v) 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.
- (vi) Bidders are required to pay attention to clause 25 of the general conditions (imbalance in quoted rates).
- (vii) 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.
- (viii) The pricing sheet is to be signed and stamped by the prospective company.



**2.2.2 PRICING SCHEDULE**

| Item Description   | Quantity Required | Unit Price | Total |
|--|-------------------|------------|-------|
| DOUBLE SWING   | 03                |            |       |
| TARZAN BAR   | 01                |            |       |
| SEE SAW  | 02                |            |       |
| TOTAL  | 06                |            |       |
| <b>SUB-TOTAL</b>   |                   |            |       |
| <b>VAT (14%)</b>   |                   |            |       |
| <b>TOTAL TENDER PRICE (to be carried over to form of offer page)</b> |                   |            |       |

Name of Tenderer .....

Date ..... Signature .....

Company Stamp:



## **2.3 SCOPE OF WORK**

### **2.3.1 Scope of Supply or Services**

Buffalo City Metropolitan Municipality calls for formal written price quotations for:

#### **Manufacturing, Supply, Installation and Certification of Play Equipment in Eastern District**

### **General Specifications for Manufacture, Supply, Installation and Certification of Playground Equipment in Eastern District**

These general specifications are to be read in conjunction with the relevant specifications for each item as listed on the attached schedule. Tenderers shall comply with these general conditions unless otherwise directed. All drawings are sketches only and are not to scale. The Tenderer is required to submit a complete set of manufacturing drawings prior to acceptance, preferably at the time of tender for each item tendered on. These drawings will be used as a datum reference document should any further authority enquiry require it.

#### **1. Steel Construction, Pipework**

- 1.1 Unless otherwise directed all pipework shall be SABS Class B galvanised pipe, free of joints and with an internal diameter as specified.
- 1.2 All pipework shall comply with SABS 1387/1985 for steel tubes.
- 1.3 All steelwork shall be hot dipped galvanised in accordance with SABS 729/1971 and SABS 763/1988 or zinc sprayed in accordance with SABS 2569/1964 Part One. The galvanising and zinc spray process shall penetrate all areas (inside and out) of any item of equipment.
- 1.4 Tenderers shall note that prior to painting of the finish coat, all iron and steel work, be it galvanised, sprayed or black, shall be pre-treated with Calcium Plumbate weldable primer (NS4) or equal approved primer and in accordance with SABS 064/1979 (latest amended edition). At least two final high gloss finish coats (each with a DFT of 30 micron) shall be applied to the colour specified for each item. The primer coat and one coating of the final colour shall be applied in the workshop with the final coat being applied on site. Final coating shall be approved high gloss enamel paint, tenderer to state products and brand.
- 1.5 All open pipe ends shall be fully closed, either by steel capping or sealed crimping and shall be ground smooth. Joints between all pipework shall be mitred. A slight degree of flattening the ends is allowable but this should not exceed 10 mm out of

round when measured end on. The intent must be to ensure a profiled end on any pipe which allows a small (+ - 2 mm) acceptable gap for welding when placed in position with its mating component. Multiple welds to fill gaps is not acceptable.

1.6 All welds shall be ground smooth, free from blow holes and zinc sprayed.

1.7 Any references to SABS will refer to that particular SABS or the latest revision thereof.

## **2. Fasteners and Anchor Bolts**

2.1 All bolts, nuts and washers utilised in the construction of any item of equipment shall be galvanised.

2.2 Base plate anchor bolts shall be constructed in an "L" shape or equivalent and only

one washer shall be fitted under each anchor nut. No washers, wedges or distance

pieces shall be fitted between the concrete base and steel base plate of any item.

Anchor bolt size in the bent position, unless otherwise stated, shall be 250 mm long

and 16 mm in diameter. All base plate holes shall be drilled as specified on the individual play equipment plans.

2.3 After bolting tight, no bolt anywhere on the structure shall protrude more than two thread pitches above the nut. Either these threads are to be filed flat or a sacrificial

nut must be used to destroy the thread on tightening. This is to ensure that the nut

cannot be loosened by vibration or vandalism. Fasteners will be ground off should

they require removal. All base plates shall rest flat and square on the pedestal bases. Bolt threads shall pass completely through the nut.

If sawn off, anchor bolt shall be filed free of burrs and bolts or fasteners to be cold galvanised after installation. These shall be torqued to a torque not less than 65Nm.

2.4 Holding down bolts for bearing pedestals shall each be fitted with a lock washer.

2.5 Where specified locknuts shall be provided.

## **3. Concrete Pedestal**

3.1 Where the Tenderer is required to provide a CONCRETE base he shall construct it

to the size specified and to the following specification:

3.1.1 After removal of the soil for the concrete base the excavated base area shall be

treated with a soil sterilant.

3.1.2 All pedestals / foundations shall be of concrete in the ration of 1:2:3 (cement: sand: stone). All concrete foundations shall be given a setting period of 7

days in summer and 14 days in winter before the installation of any play equipment.

3.1.3 Thereafter a 150 mm thick concrete layer in the ratio of 1:2:3 (cement: sand:stone)

shall be laid on a well compacted base. At the same time the surface of the concrete must be smoothed out. The final surface shall be level with the surroundings. The steel base plates shall not be covered.

3.1.4 All concrete bases shall be edged with 73mm red Clay face-brick pavers set in cement and level with the finished concrete surface.

3.1.5 On a big surface e.g. Swings - expansion joints must be provided.

3.2 Tenders shall note that any soil excavated for concrete bases shall be removed by the Contractor unless permission is given to leave it on site.

#### **4. INSPECTION OF WORK**

4.1 The Contractor must contact Messrs. LB. Koopman on 043 - 6852202 or L Matoto on 043 7059802 or his representatives and give them 48 hours notification of intention to commence work on site. The Council reserves the right to inspect any item of equipment at any stage of fabrication or erection at either the Contractor's workshop or at the playground concerned.

4.2 The Contractor shall take precautions to safeguard the public from injury whilst the equipment is being erected and shall provide a night watchman/guard until such time as the equipment is safe for use. Should the contractor be concerned regarding?

the safety of themselves or anyone within their employment at a Council site while on official duty, they need to contact relevant BCMM official.

**4.5 The Contractor shall manufacture, deliver and install the required Pieces of play equipment at the following sites:**

4.5.1 Nu.3 Mdantsane – 01x Double Swing  
01 x See Saw

4.5.2 New Town Berlin – 01 x Double Swing  
01 x Tarzan Bar

4.5.3. Berlin Park – 01 x Double Swing  
01 x See Saw

**5. The Timeframe for Manufacture, Supply, Installation and Certification or Completion of Work Will Be Three (3) Months or 90 Days from the Date of Receiving a BCMM Official Order.**

**6. An Engineering Certificate is to be issued by the Contractor upon completion of the project, validating that the Manufacture and Installation of the play equipment is in accordance to the required specifications and Engineering and Safety Standards.**

**7. After supply and installation of the play equipment, payment will only be made once the relevant official sign off the equipment as acceptable and the completion certificate is issued.**

## **A. SPECIFICATIONS FOR SEE-SAW**

This specification should be read in conjunction with **Drawing A** and "General Specification for Playground Equipment".

### **1. Beam and Fittings**

1.1 The beam shall be a 4,5 m long x 125 mm diameter black steel pipe reinforced at the centre pivot point, welded to a steel rib 1 000 x 50 x 10 mm positioned in a vertical plane to the top and bottom centre line of this pipe. These reinforcing ribs shall be chamfered at 45° at either end and shall have all sharp edges removed. This complete beam assembly shall be hot dipped galvanised after fabrication.

1.2 The beam shall be mounted on a 38 mm bright steel shaft running on two heavy duty Plummer blocks with self aligning pedestal bearings each fitted with easily accessible grease nipples for lubricating. Tenderers may however, submit alternative bearing designs, details of which must be provided. These designs will be subject to approval.

1.3 A bearing protection cover plate shall be bolted on to a 25 x 6 mm steel frame welded centrally on the beam so as to completely straddle the bearing assembly.

This cover plate shall be bent in a square inverted U shape and be suitably braced with cross stays welded to the pipe to ensure rigidity. It shall be made from 16 gauge galvanised sheeting, 450 mm long and folded to provide 250 mm sides. All edges shall be folded over with at least a 12 mm seam to give a smooth edge all round.

1.4 A locking device to lock the beam in either of the fully tilted positions shall be provided, fitted near to the pivot centre.

1.5 The beam shall be closed off 150 mm from the ends with expanding metal mesh.

1.6 Cut and shaped motor car tyre buffers shall be folded over and bolted at either end of the beam.

1.6 Four seats / two seats made from 300 x 180 x 25 mm solid Meranti shall be fitted, one behind each Tee hand grip. Seat edges shall be rounded smooth. Each seat shall be bolted to a suitable full size 3 mm steel plate suitably bent and welded to the pipe. The steel plate under the wooden seats should not be bent in a way that it collects water on the inside. Bolts used shall be of the wide cup headed type and shall be positioned so as to make tampering with the nuts impossible.

1.7 Four Tee shaped hand grips, each 230 mm high and 280 mm wide, manufactured from 25 mm galvanised pipe shall be welded vertically, two at either end and along the centre line of the pipe, and spaced 380 mm and 840 mm respectively from the pipe ends. The ends of the hand grips shall be blanked off and ground smooth.

## 2. Centre Bearing Support

2.1 This shall be designed to accommodate the bearing pedestals and shall be made from four 38 mm diameter galvanised steel pipes welded trapeziodally with the legs spaced approximately 470 mm apart at the bottom and 230 mm at the top.

2.2 Overall height of the beam above ground and in the horizontal position shall be 700 mm.

2.3 The complete structure shall be braced with 38 mm diameter galvanised pipe stays welded horizontally 300 mm above the ground.

2.4 The bearing base plate shall be robustly constructed to prevent failure due to side sway of the beam.

2.5 The legs shall be welded and joined at their base to a 50 x 12 mm steel strip. Eight anchor bolt holes to suit 16 mm diameter anchor bolts shall be symmetrically drilled in this steel base strip, spaced as shown on Plan No. Plan Nos: PE-SS/07.

## 3. Finish

3.1 The complete structure shall be finished in blue, red and yellow enamel paint colours (**SABS 1091 – 1975 (latest amended edition)**).

## 4. Installation

4.1 Eight x 16 mm diameter anchor bolts shall be set into a concrete pedestal base 900 x 900 x 1 000 mm deep.

4.2 The concrete base shall be 5,5 m x 1,70 m in size with the See Saw centrally positioned.

4.3 Two motor car tyres shall be set into the tarmac base one at either end of the beam

to act as bump stops.

## **B. SPECIFICATION FOR SWINGS**

This specification should be read in conjunction with "General Specifications for Playground Equipment" and **Drawing C**

### **1. FRAME**

This shall be made of a steel pipe with a diameter of 60 mm X 3 mm wall thickness

### **2. LEGS**

2.1 These shall be of 60 mm diameter pipe inclined at a 65° angle to the ground.

2.2 There shall be 2 pairs of stays 3m apart for the 2 seater swing.

2.3 The legs shall be joined together at the top by a joint assembly.

2.4 An end stay, inclined at 65° to the ground, shall be bolted to both the outer leg joint

assemblies using 12 mm thick lugs welded to the top flattened end of each stay.

### **3. HEIGHT**

This shall be 3 m from the ground

### **4. CROSS BAR**

This shall be 3 m in length, 60 mm in diameter and 3 mm thick steel pipe

### **5. SEATS**

This shall be recycled plastic measuring 400 mm in length, 200 mm in width and 40 mm thick bolted on a steel bracket (sample to be shown at the briefing).

### **6. ANCHOR BASE PLATES**

6.1 All legs and stays shall be welded to 230 x 230 x 12 mm base plates each symmetrically drilled to accommodate four 16 mm diameter anchor bolts.

### **7. JOINT ASSEMBLY**

7.1 This shall consist of three thick walled 70 mm O D pipes, machined to



accommodate in a slide fit the 60 mm diameter legs and cross bars, welded to two 6 mm end plates.

7.2 A 12 mm weld nut shall be suitably positioned on each of these thick walled pipes to enable satisfactory locking of the legs and crossbar after assembly using 12 mm lock bolts.

7.3 The two outer joint assemblies shall each have a 19 mm thick lug welded to its centre pipe for bolting to the end stays.

## **8. BEARING AND CHAIN**

8.1 All bearings shall be sealed for life ball bearings mounted in either fabricated steel or cast steel housings which are to be bolted to the crossbar using 12 mm diameter bolts. The bearings shall suit a chain swivel shaft of not less than 12 mm diameter. A grease nipple is to be provided in the bearing housing for greasing of the bearing assemblies.

8.2 The swing chain shall be a 3 m long short link heavy duty No. 13 galvanised 7,1 mm chain attached to the bearing assembly or coupling using a 10 mm galvanised "D" shackle and to the seat using an 8 mm galvanised "D" shackle with a chain treaded through pre drill on the recycled plastic seat.

8.3 There shall be two swing seats evenly spaced between each pair of legs.

## **9. FINISH**

9.1 The final paint colour shall be green, yellow and red enamel paint.

## **10. INSTALLATION**

10.1 The concrete base shall be 5 m x 2 m and 300 mm thick.

10.2 The 6 legs base plates shall each be bolted on the concrete with four 16 mm diameter anchor bolts.

## **C. SPECIFICATIONS FOR TARZAN BAR**

This specification should be read in conjunction with "General Specification for Playground Equipment" and with reference to **Drawing E** on which the overall dimensions are indicated.

## 1. TARZAN BAR

All uprights and climbing rungs shall be galvanised pipe. The main hanging frame handgrips shall be of black medium pipe, hot dip galvanised after fabrication. Tenderers shall ensure that the hot dip galvanising process penetrates all internal bores of the framework and handgrips. All handgrips shall be capped.

### 1.1 Supports

1.1.1 All uprights shall be of 38 mm diameter pipe bent as shown on figure 6. Each upright shall have a 230 x 230 x 12 mm anchor plate welded to its base and drilled symmetrically to accommodate four 16 mm diameter anchor bolts.

1.1.2 A 10 mm Thick hanging frame support brackets shall be welded to the top of the uprights. The brackets shall be drilled to suit bolting of the hanging frame using 12 mm diameter bolts.

1.1.3 Horizontal climbing bars of 25 mm diameter pipe shall be welded between the uprights.

### 1.2 Hanging Frame

1.2.1 This shall be of three piece construction to facilitate hot dip galvanising and shall be split at joints c and e (refer to PE-TB/07)

1.2.2 The various sections shall be joined together by press fitting a 300 mm long galvanised pipe, up to half its length into one section and anchoring it by either welding or bolting. The protruding end shall be a slide fit into the mating section of the framework.

1.2.3 The 25 mm Diameter pipe handgrips, each 230 mm long, shall be alternately welded to a 38 mm diameter pipe curved as shown on fig 6 at 460 mm pitch.

1.2.4 A 10 mm Thick hanging bracket shall be welded to the top centre line of the frame. These brackets shall be cut and drilled to suit bolting to the hanging brackets on each upright. (refer to PE-TB/07 for bracket design & size).

### 1.3 Finish

1.3.1 The final paint colour shall be bright yellow enamel paint (SABS 1091 - 1975 latest amended edition).

### 1.4 Erection

1.4.1 Erection is by means of concrete blocks 45 x 45 x 50 under each leg. The concrete apron is 5,2 m x (3,5 x 2 m) as shown on the plan.

## **GUARANTEE:**

The Tenderer shall guarantee the playground equipment for a period of **12 months** from the date of acceptance and shall replace at his own expense any parts which are or become defective other than from fair wear and tear determined by the City's normal operation during that period.

The Tenderer shall guarantee the installation of any such equipment for a period of **12 months** and shall undertake to make good any defective workmanship.

DRAWINGS A- E have been attached marked as ANNEXURE GK

END

