

# EPHRAIM MOGALE LOCAL MUNICIPALITY



**REQUEST FOR GOODS & SERVICES (R30 000 UP TO R200 000)**

**QUOTATION NO: 8/2/132**

**PROJECT DESCRIPTION: APPOINTMENT OF A SERVICE PROVIDER FOR THE PROVISION OF LANDFILL REHABILITATION AS AT 30 JUNE 2022**

**PREPARED FOR AND BY**

**THE MUNICIPAL MANAGER**

**EPHRAIM MOGALE LOCAL MUNICIPALITY**  
P O Box 111  
**MARBLE HALL**  
0450

Tel: (013) 261 8400  
Fax: (013) 261 2985

**Name of Bidder** : \_\_\_\_\_

**CSD No** : \_\_\_\_\_

**Total Bid Price** : \_\_\_\_\_

## **SUBMISSION DETAILS**

### **TENDER BOX:**

EPHRAIM MOGALE LOCAL MUNICIPALITY  
2 FICUS STREET (ENTRANCE TO FINANCE AND TECHNICAL BUILDING)  
MARBLE HALL, 0450 (LIMPOPO)

### **CLOSING DATE AND TIME:**

**WEDNESDAY, 22 JUNE 2022 @ 12H00**

# EPHRAIM MOGALE LOCAL MUNICIPALITY

QUOTATION NO: 8/2/132

## PROJECT DESCRIPTION: APPOINTMENT OF A SERVICE PROVIDER FOR THE PROVISION OF LANDFILL REHABILITATION AS AT 30 JUNE 2022

Ephraim Mogale Local Municipality hereby invites quotations from suitably qualified and interested service providers who meet the required minimum specifications for the Appointment of a Service Provider for the Provision of Landfill Rehabilitation as at 30 June 2022.

Quotations may only be submitted on the quotation document issued. The quotation document will be available at the Supply Chain Management Unit of the Ephraim Mogale Local Municipality and on the Municipal website [www.ephraimmogalelm.gov.za](http://www.ephraimmogalelm.gov.za)

Quotations must be in writing and must clearly indicate the relevant supply or service for which is being quoted and be submitted in a sealed envelope be dropped in the tender box as indicated on the cover page. **Late, unmarked or copies of the quotation document will not be considered. Bids transmitted by fax or e-mail will not be accepted**, although Ephraim Mogale Local Municipality accepts no responsibility for ensuring that quotations are timeously received by Ephraim Mogale Local Municipality.

### **Quotations will not be considered unless the following information has been furnished:**

- i. The Central Supplier Database report with an active “MAAA” number and active Business status (CSD supplier number to be indicated on the cover page and MBD 1);
  - ii. PIN to verify status issued by SARS (indicated on the MBD 1);
  - iii. Proof of Municipal Rates & Taxes or Service Charges:
    - ✓ of the company and all company directors not older than 3 (three) months and not be in arrears for more than 90 days; or
    - ✓ if leasing, a signed valid lease agreement in case of company/director(s) along with municipal account of the leased property; or
    - ✓ a confirmation letter from local municipality that confirms that services are not levied/charged in the name of the company and the director(s) which should not be older than three months.
  - iv. Original/certified copy of B-BBEE certificate issued by a SANAS accredited agency or valid original sworn affidavit from commissioner of oaths or original/certified CIPC sworn affidavit.
  - v. Proof of CIDB registration **(N.B: if required for the specific project)**
  - vi. Letter of Good Standing from Dept. of Labour in terms of Compensation for Occupational Injuries and Disease Act / Letter to Tender **(N.B: if required for the specific project)**
  - vii. In case of a Joint Venture, Association or Consortium a formal signed agreement by all parties along with all relevant attachments for all parties in the agreement and consolidated B-BBEE certificate (sworn affidavits will not be accepted).
  - viii. Fully completed and signed municipal bidding documents:
    - ✓ **MBD 1** – Invitation to Bid
    - ✓ **MBD 4** – Declaration of Interest
    - ✓ **MBD 6.1** – Preferential Points Claim form in terms of PPR 2017
    - ✓ **MBD 8** - Declaration of Bidders Past SCM Practices
    - ✓ **MBD 9** - Certificate of Independent Bid Determination
- Your quotation will be rejected if the above is not fully compliant with.

Quotations will not be considered:

- ix. If a natural person, whether he or she is in the service of the state, or has been in the service of the state in the previous twelve months; or
- x. if not a natural person, whether any of its directors, managers, principal shareholders or stakeholders is in the service of the state, or has been in the service of the state in the previous twelve months; or
- xi. Whether a spouse, child or parent of the provider or of a director, manager, shareholder or stakeholder referred to in (vii) is in the service of the state or has been in the service of the state in the previous twelve months.

**Evaluation of Quotations**

Notice is drawn to the fact that the awarding of this quotation will be in terms of the Supply Chain Management Policy of the Ephraim Mogale Local Municipality and prescribed evaluation criteria in terms of the Municipal Supply Chain Management Regulations, 2005 and Preferential Procurement Regulations of 2017.

**Evaluation points**

Preference points for this bid shall be awarded for:

- (a) Price; and
- (b) B-BBEE Status Level of Contribution.

The maximum points for this quotation are allocated as follows:

	<b>Points</b>
Price	80
B-BBEE Status Level of Contribution.	20
<b>Total points for price and BBEEE</b>	<b>100</b>

For bidders to claim points for BBBEE status level of contribution, bidders are required to submit original and valid B-BBEE Status Level Verification Certificates or certified copies thereof or the sworn affidavit to substantiate their B-BBEE rating claim. Failure to submit such a certificate will result in a bidder not qualifying for preference points for B-BBEE.

**Points will be awarded to a bidder for attaining the B-BBEE status level of the contributor**

<b>B-BBEE Status Level of Contributors (System)</b>	<b>Number of points (80 - 20)</b>
<b>1.</b>	<b>20</b>
<b>2.</b>	<b>18</b>
<b>3.</b>	<b>14</b>
<b>4.</b>	<b>12</b>
<b>5.</b>	<b>8</b>
<b>6.</b>	<b>6</b>
<b>7.</b>	<b>4</b>
<b>8.</b>	<b>2</b>
<b>Non-compliance Contributor</b>	<b>0</b>

**Pricing and Validity**

The pricing of the quotation should be in South African Rands (ZAR) and be valid for 90 days from the closing date

## Valuation of Landfill Closure Costs

For any administrative enquiries you can contact the Supply Chain Management Unit at 013 261 8450/8462/8496/8448. Technical enquiries can be directed to **Hellen Bopape at 013 261 8414 / [hbopape@emogalelm.gov.za](mailto:hbopape@emogalelm.gov.za)**.

Ephraim Mogale Local Municipality does not bind itself to accept the lowest or any bid and reserves the right to accept any bid as a whole or in part.

**MATLADI S.T.  
MUNICIPAL MANAGER**

# EPHRAIM MOGALE LOCAL MUNICIPALITY

QUOTATION NO: 8/2/132

## PROJECT DESCRIPTION: APPOINTMENT OF A SERVICE PROVIDER FOR THE PROVISION OF LANDFILL REHABILITATION AS AT 30 JUNE 2022

Ephraim Mogale Local Municipality hereby invites quotations from suitably qualified and interested service providers who meet the required specifications for the Appointment of a Service Provider for the Provision of Landfill Rehabilitation as at 30 June 2022.

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### CALCULATION OF REHABILITATION PROVISION FOR LANDFILL SITE AS AT 30 JUNE 2022

#### TERMS OF REFERENCE

##### 1. PURPOSE

The municipality wishes to invite suitably a qualified service provider to provide calculation of the rehabilitation provision for landfill site that fully complies with GRAP 19. The Marble Hall landfill is situated on part of portion 476 of the farm Loskop-Noord 12 JS.

##### 2. BACKGROUND

In terms of Chapter 12 of the **Municipal Finance Management Act**, Act 56 of 2003-Finacial Reporting and Auditing.

Section 122 of the act requires that;

- (1) Every municipality and or municipal entity must for each financial year prepare annual financial statements which:-
  - (a) Fairly presents the state of affairs of the municipality or entity, its performance against its budget, its management of revenue, expenditure, assets and liabilities, its business activities, its financial results and its financial position as at end of the financial year, and
  - (b) Disclose the information required in terms of section 123.124.125 as well as 126.
- (2) A municipality which has sole control of a municipality, or which has effective control with the meaning of the Municipal Systems Act of municipal Act of a municipality which is a private company, must in addition to complying with subsection (1), prepare consolidated annual financial statement.
- (3) Both annual financial statement and consolidated annual financial statements must be prepared in accordance with the generally recognised accounting practice (GRAP) prescribed in terms of section 91(1) (b) of the Public Finance Management Act.

**National Environmental Management Act**, Act 107 of 1998

4(a) Sustainable development requires the consideration of all relevant factors including the following

- I. That the disturbance of ecosystem and the loss of biological diversity are avoided, or where they cannot be altogether avoided, are minimised and remedied;
- II. That the pollution and degradation of the environment are avoided, or where they cannot be altogether avoided are minimised and remedied

Quote: 8/2/132

- III. That the disturbance of landscapes and sites that constitutes the nation's cultural heritage is avoided, or where it cannot be altogether avoided, is minimised and remedied
- IV. The waste is waste is avoided, or where it cannot be altogether avoided, minimised and re-used or re-cycled where is possible and otherwise disposed of in a responsible manner;
- V. That the negative impacts on the environment and on people's environmental rights be anticipated and prevented, and where they cannot altogether prevented are minimised and remedied

### **GRAP 19 Provisions**

#### **Para.21 State that an entity shall recognise a provision when**

- a) a) There is present obligation (legal or constructive) as a result of past event
- b) b) It probable that an outflow of resources embodying economic benefits or service potential will be required to settle the obligation; and
- c) c)A reliable estimate can be made of the amount of the obligation

Para. 52 states that where the effect of time value of money is material, the amount of provision shall be the present value of expenditure expected to be required to settle the obligation

### **Project objectives**

The primary deliverables of the assignment are

- To ensure that municipality complies with the Municipal System Act No 32 of 2000
- To ensure that municipality complies with National management Act no 107 of 1998
- To ensure that municipality complies with the Municipal Finance management Act 56 of 2003 with regard with AFS
- To ensure the annual financial statement comply with GRAP requirements
- To ensure that the balances on the AFS are supported by relevant documentation

### **SCOPE OF WORK**

- Ensure that there is reliability and integrity of information in terms of accuracy and completeness of the identification of landfill sites
- Inspecting and measuring the landfill site owned by the municipality
- Test accuracy and completeness of information recorded on the financial statements in terms of the provision for the rehabilitation of landfill site for compilation of financial statements
- Review the completeness of the report, to ensure that all figures presented in the AFS are supported by valid documentation that correspond with financial information
- Value the landfill site to determine the void space or remaining useful lives
- Estimate the annual cost to close the landfill site
- Assist with audit queries raised Auditor General relating to the provision

## Valuation of Landfill Closure Costs

The minimum requirements from the service provider are as follows:-

- Report on the Valuation of the landfill site
- Close-out report

### Competency or expertise requirements

NO	CATEGORY	WEIGHTING
1.	<b>5 completed relevant and practical experience (similar type of work),</b> 10 points per project <b>Signed appointment or confirmation of services rendered letter in a client letterhead must be attached in order to claim point</b>	<b>50</b>
2.	<b>Expertise in Environmental management or relevant expertise</b> <b>Proof of qualification (i.e Certificates) to be attached in order to claim points</b>	<b>40</b>
	<ul style="list-style-type: none"> <li>• Qualification of project leader-Diploma in Bachelor Science</li> </ul>	<b>10</b>
	<ul style="list-style-type: none"> <li>• Honours in BSc-Environmental management</li> </ul>	<b>10</b>
	<ul style="list-style-type: none"> <li>• Masters in Environmental Management</li> </ul>	<b>20</b>
3.	<b>Approach and Methodology</b>	<b>10</b>
	Including Step by step programme for the development of report with clear time-frames	
		<b>100.00</b>
	<b>Minimum Qualifying Score</b>	<b>60%</b>

### COMPANY EXPERIENCE

Service providers are required to have knowledgeable experience and expertise with regards to the Valuation of Landfill Closure Costs.

No	Name of Institution	Name of Project	Contact person	Project Start/End Date

Valuation of Landfill Closure Costs

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**N.B:** Above table **MUST** be completed with proof of similar works done. Failure to complete the table and make the necessary attachments will lead to the disqualification of the bid as non-responsive

**KEY PERSONNEL**

**Service Providers are required to list the key personnel along with their qualifications and registrations that will be working on this project**

No	Designation	Surname & Names	Qualifications & experience

**N.B:** CVs of the key personnel **MUST** be attached. Failure to complete the table and make the necessary attachments will lead to the disqualification of the bid as non-responsive



**EPHRAIM MOGALE LOCAL MUNICIPALITY**

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**PRICING SCHEDULE:****PROJECT DESCRIPTION: APPOINTMENT OF A SERVICE PROVIDER FOR THE PROVISION OF LANDFILL REHABILITATION AS AT 30 JUNE 2022****Conditions:**

- All prices quoted should be VAT inclusive (for Vat vendors)
- Prices should be valid for a 90 day period
- If the pricing schedule is not signed the quotation will not be considered

Name of Bidder: \_\_\_\_\_

Contact Person: \_\_\_\_\_

Tel / Cell No: \_\_\_\_\_

Email Address: \_\_\_\_\_

Business Address: \_\_\_\_\_

No	DESCRIPTION	QUANTITY	RATE (R)	AMOUNT (R)
<b>TOTAL</b>				R
<b>SUB-TOTAL</b>				R
<b>VAT</b>				R
<b>TOTAL</b>				R

**ESTIMATED DELIVERY PERIOD AFTER APPOINTMENT: \_\_\_\_\_ DAYS**\_\_\_\_\_  
**SIGNATURE**\_\_\_\_\_  
**DATE**

## PART A INVITATION TO BID

<b>YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE EPHRAIM MOGALE LOCAL MUNICIPALITY</b>					
BID NUMBER:	8/2/132	CLOSING DATE:	22 JUNE 2022	CLOSING TIME:	12:00
DESCRIPTION	<b>APPOINTMENT OF A SERVICE PROVIDER FOR THE PROVISION OF LANDFILL REHABILITATION AS AT 30 JUNE 2022</b>				
<b>THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (MBD7).</b>					
BID RESPONSE DOCUMENTS MAY BE DEPOSITED IN THE BID BOX SITUATED AT;					
<b>EPHRAIM MOGALE LOCAL MUNICIPALITY (BUDGET &amp; TREASURY AND TECHNICAL BUILDING)</b>					
<b>NO. 2 FICUS STREET</b>					
<b>MARBLE HALL</b>					
<b>0450</b>					
<b>NOTE: THE BID BOX IS ONLY ACCESSIBLE MON - FRI DURING OFFICE HOURS (08:00 TO 16:30)</b>					
<b>SUPPLIER INFORMATION</b>					
NAME OF BIDDER					
POSTAL ADDRESS					
STREET ADDRESS					
TELEPHONE NUMBER	CODE		NUMBER		
CELLPHONE NUMBER					
FACSIMILE NUMBER	CODE		NUMBER		
E-MAIL ADDRESS					
VAT REGISTRATION NUMBER					
TAX COMPLIANCE STATUS	TCS PIN:		OR	CSD No:	MAAA
B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE [TICK APPLICABLE BOX]	<input type="checkbox"/> Yes <input type="checkbox"/> No		B-BBEE STATUS LEVEL SWORN AFFIDAVIT [TICK APPLICABLE BOX]	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<b>[A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE/ SWORN AFFIDAVIT (FOR EMES &amp; QSEs) MUST BE SUBMITTED IN ORDER TO QUALIFY FOR PREFERENCE POINTS FOR B-BBEE]</b>					
ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES /WORKS OFFERED?	<input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES ENCLOSE PROOF]		ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES /WORKS OFFERED?	<input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES, ANSWER PART B:3 ]	
TOTAL NUMBER OF ITEMS OFFERED	.....		TOTAL BID PRICE	R .....	
SIGNATURE OF BIDDER	.....		DATE	.....	
CAPACITY UNDER WHICH THIS BID IS SIGNED		.....			
<b>BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO:</b>			<b>TECHNICAL INFORMATION MAY BE DIRECTED TO:</b>		
DEPARTMENT	SUPPLY CHAIN		CONTACT PERSON	HELLEN BOPAPE	
CONTACT PERSON	JOSEPH MADISHA		TELEPHONE NUMBER	013 261 8414	
TELEPHONE NUMBER	013 261 8450/ 8462		FACSIMILE NUMBER	013 261 2985	
FACSIMILE NUMBER	013 261 2985		E-MAIL ADDRESS	hbopape@emogalelm.gov.za	
E-MAIL ADDRESS	jmadisha@emogalelm.gov.za				

**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)? <input type="checkbox"/> YES <input type="checkbox"/> NO
3.2.	DOES THE ENTITY HAVE A BRANCH IN THE RSA? <input type="checkbox"/> YES <input type="checkbox"/> NO
3.3.	DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA? <input type="checkbox"/> YES <input type="checkbox"/> NO
3.4.	DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA? <input type="checkbox"/> YES <input type="checkbox"/> NO
3.5.	IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION? <input type="checkbox"/> YES <input type="checkbox"/> NO
IF THE ANSWER IS "NO" TO ALL OF THE ABOVE, THEN IT IS NOT A REQUIREMENT TO REGISTER FOR A TAX COMPLIANCE STATUS SYSTEM PIN CODE FROM THE SOUTH AFRICAN REVENUE SERVICE (SARS) AND IF NOT REGISTER AS PER 2.3 ABOVE.	

**NB: FAILURE TO PROVIDE ANY OF THE ABOVE PARTICULARS MAY RENDER THE BID INVALID.  
NO BIDS WILL BE CONSIDERED FROM PERSONS IN THE SERVICE OF THE STATE.**

SIGNATURE OF BIDDER: .....

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

DATE: .....

**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 and/or take an oath declaring his/her interest.

**3. In order to give effect to the above, the following questionnaire must be completed and submitted with the bid. Also select the applicable answers**

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

Valuation of Landfill Closure Costs

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 person 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 bidder and any persons in the service of the state who may be involved with the evaluation and adjudication of this bid? YES  / NO

3.11.1 If yes, furnish particulars

.....  
.....

3.12 Are any of the company's directors, 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 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	Employee Number

**CERTIFICATION**

**I, THE UNDERSIGNED**

**(NAME)** .....

**CERTIFY THAT THE INFORMATION FURNISHED ON THIS DECLARATION FORM IS CORRECT.**

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

.....

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 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 preference point system will be applicable to 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:

	<b>POINTS</b>
<b>PRICE</b>	<b>80</b>
<b>B-BBEE STATUS LEVEL OF CONTRIBUTOR</b>	<b>20</b>
<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.

## 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:

<b>80/20</b>	<b>or</b>	<b>90/10</b>
$P_s = 80 \left( 1 - \frac{P_t - P_{\min}}{P_{\min}} \right)$	or	$P_s = 90 \left( 1 - \frac{P_t - P_{\min}}{P_{\min}} \right)$

Where

- $P_s$  = Points scored for price of bid under consideration
- $P_t$  = Price of bid under consideration
- $P_{\min}$  = Price of lowest acceptable bid



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

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

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

**5. 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		NO	
-----	--	----	--

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		NO	
-----	--	----	--

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

<b>Designated Group: An EME or QSE which is at last 51% owned by:</b>	<b>EME</b> √	<b>QSE</b> √
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.

WITNESSES

1. ....

2. ....

.....

SIGNATURE(S) OF BIDDERS(S)

DATE: .....

ADDRESS .....

.....

.....

## 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>	<p>Yes</p> <input type="checkbox"/>	<p>No</p> <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>	<p>Yes</p> <input type="checkbox"/>	<p>No</p> <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:		
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 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**

Js367bW

**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

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.



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

Js9141

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