

EPHRAIM MOGALE LOCAL MUNICIPALITY



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

QUOTATION NO: 8/2/90

PROJECT DESCRIPTION: APPOINTMENT OF A PROFESSIONAL SERVICE PROVIDER TO REVIEW 2019/2020 ANNUAL FINANCIAL STATEMENT FOR EPHRAIM MOGALE MUNICIPALITY.

PREPARED FOR AND BY
<p>THE MUNICIPAL MANAGER</p> <p>EPHRAIM MOGALE LOCAL MUNICIPALITY</p> <p>P O Box 111</p> <p>MARBLE HALL</p> <p>0450</p> <p>Tel: (013) 261 8400</p> <p>Fax: (013) 261 2985</p>

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:

THURSDAY, 08 OCTOBER 2020 @ 12H00

EPHRAIM MOGALE LOCAL MUNICIPALITY

QUOTATION NO: 8/2/90

PROJECT DESCRIPTION: APPOINTMENT OF A PROFESSIONAL SERVICE PROVIDER TO REVIEW 2019/2020 ANNUAL FINANCIAL STATEMENT FOR EPHRAIM MOGALE MUNICIPALITY

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 PROFESSIONAL SERVICE PROVIDER TO REVIEW 2019/2020 ANNUAL FINANCIAL STATEMENT FOR EPHRAIM MOGALE MUNICIPALITY**.

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

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 or unmarked quotations 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 Account for the company or that of the company directors not older than 3 (three) months and should not be in arrears for more than 90 days or valid lease agreement in case of company renting along municipal account of the leased property or a letter from local municipality that confirms that services are not levied/charged which should not be older than three months;
- iv. If a natural person, whether he or she is or not in the service of the state, or has been in the service of the state in the previous twelve months; or
- v. 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
- vi. Whether a spouse, child or parent of the provider or of a director, manager, shareholder or stakeholder referred to in (VI) is in the service of the state, or has been in the service of the state in the previous twelve months.
- vii. Fully completed and signed municipal bidding documents (**MBD1, MBD4, MBD6.1, MBD8, and MBD9**). Your quotation will be rejected if the above forms are not fully completed and signed.

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:

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

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

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

For any administrative enquiries you can contact the Supply Chain Management Unit at 013 261 8450/8462/8496/8448. Technical queries can be directed to Ms. L Masombuka at 013 261 8519/8402 / lmasonbuka@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.

PHASHA K.L
ACTING MUNICIPAL MANAGER

EPHRAIM MOGALE LOCAL MUNICIPALITY

QUOTATION NO: 8/2/89

PROJECT DESCRIPTION: APPOINTMENT OF A PROFESSIONAL SERVICE PROVIDER TO REVIEW 2019/2020 ANNUAL FINANCIAL STATEMENT FOR EPHRAIM MOGALE MUNICIPALITY

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 PROFESSIONAL SERVICE PROVIDER TO REVIEW 2019/2020 ANNUAL FINANCIAL STATEMENT FOR EPHRAIM MOGALE MUNICIPALITY.**

TERMS OF REFERENCE / SCOPE OF WORKS

1. BACKGROUND

Legislative requirement

Section 122 (1) of the Municipal Finance Management Act No. 56 of 2003 requires that:

Every municipality and every 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 the end of the financial year; and

(b) Disclose the information required in terms of sections 123, 124 and 125.

(3) Both annual financial statements and consolidated annual financial statements must be prepared in accordance with generally recognised accounting practice prescribed in terms of section 91(1) (b) of the Public Finance Management Act

2. SCOPE OF WORK

1. The successful bidder will be required to conduct an in depth compliance and quality review assessment in order to verify the application of all the qualitative characteristics to the annual financial statement of the municipality in accordance with the overall GRAP reporting framework including any applicable directives such providing a detailed review of annual financial statements.
2. The adequacy of the disclosure in the Annual Financial Statements as per the standards of GRAP and approved specimen financial statements issued by National Treasury;
3. The successful bidder must issue a report on the finding from the review process and provide recommendations in accordance with the Generally Recognized Accounting Practice (GRAP) reporting framework. The report must be submitted to the Office of the Chief Finance Officer or any delegated employee within the stipulated timeframes. Such as ensuring that GRAP standards have been interpreted and implemented correctly. (I-GRAP, GRAP 25, GRAP 104, GRAP 17 and mSCOA)

4. The consistency of accounting policies in the Annual Financial Statements with the standards of GRAP and the policies adopted by the Organization; and
5. The adequacy of the application of accounting standards and pronouncements that are applicable to the Organization as per directive 5 issued by Accounting Standard Board (ASB);
6. The bidder to present the findings on their review to the municipality's Audit Committee, Management and recommendation made.
7. The bidder to prepare a report on whether the review findings noted have been satisfactorily resolved before submission of the AFS to the AGSA
8. Give advice on the technical accounting issues relating to identification, recognition, measurement and disclosure of transaction emanating from the review.
9. Review notes to the Annual Financial Statement to ensure accuracy, completeness and compliance with all statutory reporting requirement such as Review of all disclosures in the notes of the AFS
10. Review the Trial Balance and General Ledger for accuracy and completeness.
11. The adequacy of information contained in all journals including the year-end journals.
12. Detailed review of the audit file and relevant supporting documents
13. Review of the adequacy of information contained in the audit files;
14. Provide Quality Assurance on AFS and Audit files
15. Follow up on 2018/19 AFS findings
16. Review of fixed Assets register & disclosures (High level review and reconciliation to AFS)
17. The adequacy of information contained in all journals including the year-end journals.

3. SPECIAL CONDITION OF CONTRACT

Pricing

3.1 Bidders must price on a total cost which must be inclusive of travelling and accommodation costs, levy charges, and / or any other expenses or costs incurred by the service provider for the period of the project.

3.2 The project outlined in this tender will become effective from the date indicated in the service level agreement.

4. **EVALUATION CRITERIA**

4.1 Minimum Requirement

- Service provider must be a member of the Independent Regulatory Board for Auditors.
- The core engagement leadership size for the assignment should be two (2) or more.
- Qualified Chartered accountants with 3 years post qualification experience.
- The service provider should have a minimum of three (3) available supporting staff (excluding engagement leadership).
- Project Leader must be a qualified Chartered Accountant (SAICA) and a National Treasury mSCOA Trainer (Proof of confirmation letter and certificate from National Treasury).
- Curriculum Vitae (CV) of all staff to be allocated to the contract / project must be included in the tender.

If any service provider fails to meet any of these minimum requirements, they will be excluded from further evaluation

4.2 Functionality

Under functionality, bidders must obtain a minimum qualifying score of 70% for functionality (quality) in order to be considered for further evaluation in stage 2 (Evaluation on Price and BBBEE). Bidders that score less than a minimum of 70% will be disqualified.

Criteria	SCORING RAGE	Max Score
<u>COMPANY EXPERIENCE IN LOCAL GOVERNMENT</u> ✓ Bidder must demonstrate experience in executing the projects of this nature- reference/appointment letters with contactable references to be attached. [Attach at least three (3) or more relevant appointment letters and testimonials from the Municipality on their letter head]	No attachment of contactable references = 0 1 Contactable reference = 10 points 2-3 references = 25 points 3 and more references = 35 points	35
<u>COMPANY EXPERIENCE OF CASEWARE SYSTEM</u> ✓ Caseware system from (CQS) [Attach at least a minimum of three years old licenses]	No Attachment = 0 1 year License = 5 points 2 years License = 10 points 3 years License = 15 points	15
<u>CAPACITY OF KEY PERSONNEL</u> Detailed CV's of the Team members ✓ Detailed CV with SAICA registration of the team leader: indicating 10 years' experience in finance/accounting. [Attach the certified certificates] ✓ Attach at least a minimum of two (2) Junior consultants-assistants [Attach the certified certificates of their qualifications]	10 years' experience of the team leader with SAICA registration and minimum of two (2) junior consultant-assistants or more = 20 Less than 10 years' experience with 1 junior consultants = 15 Less than 03 years' experience and no junior consultants = 5	20
<u>REGISTERED PROFESSIONAL BODIES</u> ✓ Company SAICA or IRBA Registration [Attach at least each certified copies of certificate of key the team members]	Registered with SAICA = 10 Registered with IRBA = 5 None registered = 0	15
<u>PROJECT PLAN</u> ✓ Approach and Methodology [Attach a project plan outlining key activities & time frames, as per the project scope]	Project plan outlining key activities and time frame = 15 No attachment of Approach and methodology= 0 Project plan not attached = 0	15
TOTAL		100
Minimum Qualifying score		70%

EPHRAIM MOGALE LOCAL MUNICIPALITY

QUOTATION NO: 8/2/89

PRICING SCHEDULE:

PROJECT DESCRIPTION: APPOINTMENT OF A PROFESSIONAL SERVICE PROVIDER TO REVIEW 2019/2020 ANNUAL FINANCIAL STATEMENT FOR EPHRAIM MOGALE MUNICIPALITY.

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	QTY	RATE (R)	AMOUNT (R)
1	Review of 2019/2020 AFS.			
2	Other Related Cost			
	SUB TOTAL			
	VAT			
	TOTAL			

ESTIMATED DELIVERY PERIOD AFTER APPOINTMENT: _____ DAYS

SIGNATURE

DATE

PART A INVITATION TO BID

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE EPHRAIM MOGALE LOCAL MUNICIPALITY					
BID NUMBER:	8/2/90	CLOSING DATE:	08/10/2020	CLOSING TIME:	12:00
DESCRIPTION	APPOINTMENT OF A PROFESSIONAL SERVICE PROVIDER TO REVIEW 2019/2020 ANNUAL FINANCIAL STATEMENT FOR EPHRAIM MOGALE MUNICIPALITY.				
THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (MBD7).					
BID RESPONSE DOCUMENTS MAY BE DEPOSITED IN THE BID BOX SITUATED AT;					
EPHRAIM MOGALE LOCAL MUNICIPALITY (BUDGET & TREASURY AND TECHNICAL BUILDING)					
NO. 2 FICUS STREET					
MARBLE HALL					
0450					
NOTE: THE BID BOX IS ONLY ACCESSIBLE MON - FRI DURING OFFICE HOURS (08:00 TO 16:30)					
SUPPLIER INFORMATION					
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	
[A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE/ SWORN AFFIDAVIT (FOR EMES & QSEs) MUST BE SUBMITTED IN ORDER TO QUALIFY FOR PREFERENCE POINTS FOR B-BBEE]					
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				
BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO:			TECHNICAL INFORMATION MAY BE DIRECTED TO:		
DEPARTMENT	SUPPLY CHAIN		CONTACT PERSON	Lina Masombuka	
CONTACT PERSON	JOSEPH MADISHA		TELEPHONE NUMBER	013 261 8519/8402	
TELEPHONE NUMBER	013 261 8450/ 8462		FACSIMILE NUMBER	013 261 2985	
FACSIMILE NUMBER	013 261 2985		E-MAIL ADDRESS	lmasombuka@emogalelm.gov.za	
E-MAIL ADDRESS	jmadisha@emogalelm.gov.za				

PART B

TERMS AND CONDITIONS FOR BIDDING

1. BID SUBMISSION:	
1.1.	BIDS MUST BE DELIVERED BY THE STIPULATED TIME TO THE CORRECT ADDRESS. LATE BIDS WILL NOT BE ACCEPTED FOR CONSIDERATION.
1.2.	ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS PROVIDED–(NOT TO BE RE-TYPED) OR ONLINE
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.
2. TAX COMPLIANCE REQUIREMENTS	
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.
3. QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS	
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
<p>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.</p>	

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

SIGNATURE OF BIDDER:

CAPACITY UNDER WHICH THIS BID IS SIGNED:

DATE:

DECLARATION OF INTEREST

1. No bid will be accepted from persons in the service of the state¹.
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 authorized 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, shareholder²).....
- 3.4 Company Registration Number:
- 3.5 Tax Reference Number:
- 3.6 VAT Registration Number:
- 3.7 The names of all directors / trustees / shareholders members, their 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.

.....

.....

¹MSCM 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.

² 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 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:

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

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

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

2. DEFINITIONS

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

3. POINTS AWARDED FOR PRICE

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

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

80/20

or

90/10

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

Where

- 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:

- What percentage of the contract will be subcontracted.....%
- The name of the sub-contractor.....
- The B-BBEE status level of the sub-contractor.....
- Whether the sub-contractor is an EME or QSE
(Tick applicable box)

YES		NO	
-----	--	----	--

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

Designated Group: An EME or QSE which is at least 51% owned by:	EME √	QSE √
Black people		
Black people who are youth		
Black people who are women		
Black people with disabilities		
Black people living in rural or underdeveloped areas or townships		
Cooperative owned by black people		
Black people who are military veterans		
OR		
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	Is the bidder or any of its directors listed on the National Treasury's Database of Restricted Suppliers as companies or persons prohibited from doing business with the public sector? (Companies or persons who are listed on this Database were informed in writing of this restriction by the Accounting Officer/Authority of the institution that imposed the restriction after the <i>audi alteram partem</i> rule was applied). The Database of Restricted Suppliers now resides on the National Treasury's website(www.treasury.gov.za) and can be accessed by clicking on its link at the bottom of the home page.	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.1.1	If so, furnish particulars:		
4.2	Is the bidder or any of its directors listed on the Register for Tender Defaulters in terms of section 29 of the Prevention and Combating of Corrupt Activities Act (No 12 of 2004)? The Register for Tender Defaulters can be accessed on the National Treasury's website (www.treasury.gov.za) by clicking on its link at the bottom of the home page.	Yes <input type="checkbox"/>	No <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 <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 bids¹ 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).² 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:

¹ Includes price quotations, advertised competitive bids, limited bids and proposals.

² 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 consortium³ 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.

³ 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

BLANK