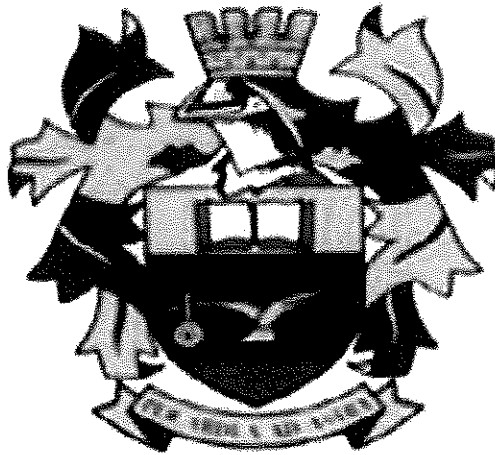


# DIPALESENG LOCAL MUNICIPALITY



## APPOINTMENT OF A CONSULTANT FOR THE ELECTRIFICATION OF 300 HOUSEHOLDS (HH) IN RIDGE VIEW TOWNSHIP FOR DIPALESENG LOCAL MUNICIPALITY FOR THE PERIOD OF ONE YEAR

Project No. DLM 04/2018

<b>Dipaleseng Local Municipality</b> Private Bag x1005 Balfour 2410 Contact for Administration: Name: Ms. Nonhlanhla Moela Telephone. (017) 773 0055	<b>Dipaleseng Local Municipality</b> Private Bag x1005 Balfour 2410 Contact for Technical: Name: Mr. Mohapi Mosese Telephone. (082) 652 9183
Tenderer .....	
Registration Number: .....	
Total of the prices inclusive of Value Added Tax: R .....	
Amount in Words .....	
.....	

**CLOSING DATE & TIME: 15 MAY 2018 AT 12:00**



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**DIPALESENG LOCAL MUNICIPALITY**



**DIRECTORATE: INFRASTRUCTURE SERVICES**

**TENDER NO: DLM 04/2018**

**APPOINTMENT OF A CONSULTANT FOR THE ELECTRIFICATION OF 300 HOUSEHOLDS (HH) IN RIDGE VIEW TOWNSHIP FOR DIPALESENG LOCAL MUNICIPALITY FOR THE PERIOD OF ONE YEAR**

Dipaleseng Local Municipality is inviting bidders to submit their bids for the appointment of professional service providers for the design and construction supervision for electrification of 300 HH (households) in Ridge View Township.

**Compulsory Briefing Session will be held on the 12 April 2018 at Siyathemba community Hall at 10h00.**

Bid documents are obtainable from 6 April 2018 at Municipal Offices (upon receipts of non-refundable cash or bank guaranteed cheque payment of R250.00) or alternatively downloaded from the government e-tender and Municipal ([www.dipaleseng.com](http://www.dipaleseng.com)) websites

**Bids must be sealed, clearly marked/written "DLM 04/2018- Appointment of a consultant for the electrification of 300 households (HH) in ridge View Township for Dipaleseng Local Municipality for the period of one year.**

"Must be deposited in the **TENDER BOX** located at the reception of Municipal offices in Balfour, not later than **15 May**, time 12H00, where-after they will be opened in public. Please note that Faxed or E-mailed bids will not be accepted.

Bids will be evaluated on functionality, according to the Preferential Procurement Policy Framework Act, 2000 (Act 5 of 2000) and Dipaleseng Local Municipality supply chain management policy, 80/20 preference points will be applied to this tender.

The Dipaleseng Local Municipality does not bind itself to accept the lowest or any bid, or to disclose any reasons for their decision. The municipality further reserves the right to accept the whole or share the bid should it deem fit.

Bidders that are not satisfied with the bidding process or issues relating to them, must submit complains within 14 days after the closing date of this bid.

All Procurement enquiries related to this bid must be directed to **Ms Nonhlanhla Moela at (017) 773 0055** and technical enquiries directed to **Mr Mosese Mohapi (082) 652 9183**

A handwritten signature in black ink, appearing to be 'T.C. Mametja', written over a horizontal line.

**Ms T.C Mametja**  
**Acting Municipal Manager**  
**Dipaleseng local Municipality**  
**Private Bag X1005**  
**Balfour**  
**24**



*Address all correspondence to the Municipal Manager*

## *Dipaleseng Municipality*

*Private Bag X 1005*

*Balfour, 2410*

*Tel: (017) 773-0055*

*Fax: (017) 773-0169*

*Email: dipaleseng@worksonline.co.za*

### **Very Important Notice On Disqualifications:**

A Tender not complying with the peremptory requirements stated hereunder will be regarded as not being an "Acceptable Tender", and as such will be rejected.

"Acceptable Tender" means any Tender which, in all respects, complies with the conditions of Dipaleseng Local Municipality and specifications as set out in the Tender documents, including conditions as specified in the Preferential Procurement Policy Framework Act (Act 5 of 2000) and related legislation as published in Government Gazette number 22549, dated 10 August 2001, in terms of which provision is made for this policy.

A Tender will be rejected in the following cases:

1. If any pages have been removed from the Tender document, and have therefore not been submitted, or a copy of the original Tender document has been submitted.
2. If scratching out, writing over or painted out rates appears without initialing next to the amended rates or information, affecting the evaluation of the Tender.
3. If correction fluid (i.e. tippex) or any erasable ink, or pencil was used.
4. If the Tenderers did not attend the compulsory Information/Clarification/briefing session/ meeting
5. If no authority for signatory is submitted – See example, where it is stated that a duly signed and dated original or certified copy of the company's relevant resolution (for each specific Tender) of their members or their board of directors, must be submitted.
6. If the tenderer is not registered with the Construction Industry Development Board.
7. If the Tenderers attempts to influence, or has in fact influenced the evaluation and/or awarding of the contract
8. If the Tender was submitted after the relevant closing date and time.
9. If each page of this Tender document was not initialed by the authorised person and a witness, prior to submission.
10. If any Tenderers who during the last five years has failed to perform satisfactorily on a previous contract with the municipality, municipal entity or any other organ of state after written notice was

given to that Tenderers that performance was unsatisfactory.

11. If proof of membership of Professional Organisation has not been attached to the Tender document.
12. If the Tenderer or any of his/her directors is listed on the Register of Tender Defaulters in terms of the Prevention and Combating of Corrupt Activities Act of 2004 as a person prohibited from doing business with the public sector.
13. If the Tenderer(s) have abused the Dipaleseng Local Municipality's Supply Chain Management System.
14. Failure to attach a copy of a valid signed Joint Venture agreement (if applicable) to the Tender document.

If the tender document is not completed in full(For all pages not applicable, a line must be drawn over and written **Not Applicable**)

15. If the tender document is not completed in black ink.
16. If certified copies of company registrations are not attached
17. If Municipal account is not attached and is in arrears.
18. Registration with the Central Supplier Database at [www.csd.gov.za](http://www.csd.gov.za)

1. INVITATION TO BID

**APPOINTMENT OF A CONSULTANT FOR THE ELECTRIFICATION OF 300 HOUSEHOLDS (HH) IN RIDGE VIEW TOWNSHIP FOR DIPALESENG LOCAL MUNICIPALITY FOR THE PERIOD OF ONE YEAR**

You are hereby invited to submit proposals for APPOINTMENT OF A CONSULTANT FOR THE ELECTRIFICATION OF 300 HOUSEHOLDS (HH) IN RIDGE VIEW TOWNSHIP FOR DIPALESENG LOCAL MUNICIPALITY FOR THE PERIOD OF ONE YEAR

**BID NUMBER:** DLM 04/2018

**CLOSING DATE:** 15 May 2018

**CLOSING TIME:** 12h00

**DESCRIPTION:** Professional Services

The successful bidder will be required to fill in and sign a written Contract Form (MBD 7).

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**BID DOCUMENTS MAY BE**

DEPOSITED IN THE BID BOX SITUATED AT:

- Reception of Municipal Offices

**Bidders should ensure that bids are delivered timeously to the correct address. If the bid is late, it will not be accepted for consideration.**

- The bid box is generally open during normal office hours from 07h45 to 16h15.

**ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS – (NOT TO BE RE-TYPED)**

**The following conditions will apply:**

- Price(s) of the bid must be valid for at least ninety (90) days from date of your offer.
- Price(s) of the bid must be firm and must be inclusive of VAT.
- Submission of an Original Valid Tax Clearance Certificate from SARS.
- This bid will be evaluated in terms of the 90/10 preference point system as prescribed in the Preferential Procurement Policy Framework Act (No 5 of 2000) and for this purpose the enclosed forms MBD 6.2 must be scrutinized, completed and submitted together with your bid.

The onus lies with applicant to supply proof for any of the criteria in the abovementioned forms. Please note that if no information is supplied, the bidder will score "0" for the applicable section.

- The successful service provider will be the one scoring the highest points.
- No telegraphic or facsimile proposals will be considered.
- The professional service provider must be registered with an appropriate professional body with NQF level 7 or higher.
- The professional team proposed must include at least professionally registered engineer.
- The service providers must provide clearance from the municipality where they are based indicating that they are not in arrears with regard to their respective municipal services accounts.

Failure to comply with these conditions will invalidate your offer.

NB: No bids will be considered from persons in the service of the state<sup>1</sup>

<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.





## 2. TERMS OF REFERENCE (TOR)

PROSPECTIVE BIDDERS ARE HEREBY INVITED TO SUBMIT PROPOSALS FOR PROFESSIONAL SERVICES FOR DESIGN AND CONSTRUCTION SUPERVISION FOR ELECTRIFICATION OF 300 HH (HOUSEHOLDS) IN RIDGE VIEW.

### 1. General Information:

#### Purpose

The Municipality is soliciting proposals from professional service providers.

#### Type of contract

The contract will be a one (1) year project. It is anticipated that work will begin next financial year (June/July)

#### Submission of proposals

A single Envelope System will be used. Bidders must submit technical and financial proposals in two envelopes marked clearly **ACTING MUNICIPAL MANAGER, DIPALESENG LOCAL MUNICIPALITY, BID DLM 04/2018, "APPOINTMENT OF A CONSULTANT FOR THE ELECTRIFICATION OF 300 HOUSEHOLDS (HH) IN RIDGE VIEW TOWNSHIP FOR DIPALESENG LOCAL MUNICIPALITY FOR THE PERIOD OF ONE YEAR"**.

The sealed tenders must be deposited in the Tender Box of the Municipality on or before the closing date of 15 May 2018 at 12:00 where after they will be opened in public. Late proposals will not be accepted\considered as well as those submitted via facsimile or email.

Proposals must be accompanied by:

- completed tender documents
- proof of registration with central supplier database
- technical approach and methodology
- proposed work plan
- a company profiles,
- curriculum vitae of proposed members of the team,
- proof of registration with relevant authorities, and
- a valid tax clearance certificate.
- Municipal Rates or Lease Agreement
- B-BBEE status level Verification Certificates

Proposals must be signed by an authorized agent to bind the service provider to its provisions.

#### Oral presentation

Finalists may be invited to present their proposals in a meeting with the municipality at a date to be advised.

## **B. Background:**

The project area is in Balfour in Dipaleseng Local Municipality. It is a new development area. The project entails designing of OHL (overhead lines), pegging, transformer's locations, house connections and commissioning of the lines.

The project will be financed using the DoE INEP funding allocation for 2018/19 and therefore will be a one (1) year project/contract.

### **2. Project Objectives**

The main objective for the project is to electrify the newly established development in Dipaleseng Local Municipality.

### **3. Scope of Works\Deliverables**

The consulting service required is split into the following stages:

- Appointment stage, which will culminate in a clear method statement (definition of scope, an implementation plan) and a signed contract.
- Normal Electrical Services as per latest addition of the ECSA Guidelines during the construction stage only:
  1. The main scope of works is design and construction supervision of the electrical works.
  2. Therefore the main purpose of this bid, is for the successful service provider to assist the Dipaleseng Municipality in designing and supervision of construction work for electrification of 300 HH at Ridge View.
  3. Moreover, the following activities shall form part of the scope of work for the entire project and not limited to:
    - Preparation of feasibility study report and assessment report.
    - Electrical detailed designs for both medium and low voltage network, including transformers and households and connections.
    - Electrical detailed designs for Installation of commissioned and tested Transformers
    - Electrical detailed designs for Installation of Distribution Boxes Inside Households
    - Commissioning and Testing of Medium Voltage (MV) Overhead Lines
    - Preparation of close out report and As-built drawings.
- Note that bidders must only include the price for specified additional services indicated below:
  - Bidders may suggest other additional services and indicate cost implications thereto, but these must not be included in the price proposal except for the following
    - Level 3 Construction Monitoring
    - Preparing detailed operation and maintenance plans
    - Performing operational Health and Safety Act, 1995 duties on behalf of the municipality.

Proposals are invited from a single service provider or consortia. In the event that no single service provider or consortium meets the capacity requirements, the **MUNICIPALITY** reserves the right to request service providers who meet other evaluation criteria to form a consortium for the purpose of this project.

#### **4. Technical Approach and Methodology**

The service provider will be required to specify the methodology, process, approach and proposed work plan to undertake this work.

#### **5. Required expertise, skills and formal qualifications of team members**

The team proposed by the service provider must possess the following expertise, skills and formal qualifications:

- Btech or Bsc degree in Electrical Engineering with at least two of the team members being Professional Engineer and construction project manager.
- NQF Level 5 & 7 for Labour Intensive Construction qualifications as per EPWP guidelines.

#### **6. Project Management**

The service provider will be expected to provide **progress reports** on a **monthly** basis to the **MUNICIPALITY** and attend a **monthly Project Steering Committee meeting**, where progress as well as challenges will be discussed.

The service provider will designate one member of its team as a Construction Project Manager who will be the single point of contact for the **MUNICIPALITY** on a regular basis.

#### **7. Evaluation criteria**

##### **A. Functionality (Total points 50)**

- **Experience of Project Manager on similar works. Attach CVs (Maximum points = 15 points)**
  - B-tech or Bsc degree In Electrical Engineering and registered with ECSA = 5 points
  - B-tech or Bsc degree In Electrical Engineering and not registered with ECSA = 0 points
  - Above 10 years' experience for Project Management = 10 points
  - Above 5 years' experience for Project Management = 5 points
- **Experience of Design Engineer on similar works. Attach CVs (10 points)**
  - B-tech or Bsc degree In Electrical Engineering and registered with ECSA = 5 points
  - B-tech or Bsc degree In Electrical Engineering and not registered with ECSA = 0 points
  - Above 10 years' experience in designs = 5 points
  - Above 5 years' experience in designs = 2 points
- **Experience of Construction Monitoring Engineer on similar works. Attach CVs (10 points)**
  - National Diploma In Electrical Engineering and registered with ECSA = 5 points
  - National Diploma In Electrical Engineering and not registered with ECSA = 0 points

- Above 5 years' experience in construction management = 5 points
- Above 2 years' experience in construction management = 2 points
- **Tenderer's experience on number of completed similar works. Attach completion certificate (10 points)**
  - ≥ 9 projects = 10
  - 7 to 8 projects = 8
  - 5 to 6 projects = 6
  - 3 to 4 projects = 4
  - 1 to 2 project = 2
  - 0 number of projects = 0
- **Proposed Work plan (Gantt Chart) = (5 points)**
  - Very good = 5 points
  - Good = 4 points
  - Average = 3 points
  - Fair = 2 points
  - Poor = 1 point
  - Did not Submit = 0 point

N.B: Bidders must score at least minimum of 35 points on functionality or 70% in order to be evaluated further.

B. Adjudication during the bidding process will be subject to:-

- Price
- B-BBEE Level status

C. Point Systems:

- The 80/20 point system will apply for projects with a fee value up to R50 000 000.00
- The 90/10 point system will apply for projects with a fee value above R50 000 000.00

D. Price/Functionality Formula:

Price formula

The formula to be used to calculate the points for price is as follows:

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

where

$P_s$  = Points score for price

$P_t$  = Comparative price of bid under consideration

$P_{min}$  = Comparative price of the lowest acceptable bid

E. Direct Preferencing

20

- Points will be awarded to a Tenderer for attaining their B-BBEE status level contributor in accordance with the table below:

B-BBEE Status Level of Contributor	Number of Points
1	20
2	18
3	16
4	10
5	8
6	6
7	4
8	2
Non-Compliant Contributor	0

**Total points for Price and B-BBEE status level must not exceed 100.**

**8. Project Duration**

It is anticipated that work will begin next financial year (June/July) and this will be a one (1) year project

**9. Briefing session**

A compulsory briefing session will be held on **12 April 2018 at 11H00, at the DIPALESENG LOCAL MUNICIPALITY – SIYATHEMBA HALL**. Questions of clarifications must be submitted electronically to the contact person identified below by no later than **11 May 2018**. Answers will be provided in the briefing session or mailed to prospective bidders.

**For more information contact :**

Person: Mr Mosese Mohapi

Contact no: 082 652 9183

Fax no: 017 773 0169

E-mail: mosesem@dipaleseng.com

### 3. SPECIAL CONDITIONS OF CONTRACT

1. Tenders are hereby invited to submit proposals for professional and constructions services providers to assist the municipality.
2. Price(s) of the bid, which must be firm and VAT inclusive, must be valid for at least ninety (90) days from date of your offer.
3. The successful service provider, who must be registered as a service provider with the applicable professional body, will be the one scoring the highest points.
4. The successful service providers must provide clearance from the where municipality they are based indicating that they are not in arrears with regard to their respective municipal services accounts.
5. Bidders must initial all the pages of the Bid document and sign the Bidder particulars page in full.
6. Bidders must complete the original Bid document in black ink, and notice must be taken that tip-ex may not be used in the document.

The original Bid document must be submitted together with the Technical Proposal.

7. The transaction shall be subject to any stipulations in any Act, Ordinance or By-law pertaining thereto.
8. No proposals by any person that is not competent to enter into an agreement will be considered and if it is established that it is the case, the contract agreement in this regard will be considered null and void by Council.
9. Disputes must be settled by means of mutual consultation, mediation (with or without legal representation) or when unsuccessful, in a South African court of law on an attorney and client scale.
10. Should any legal action be deemed necessary to determine any aspect arising out of these conditions or to enforce any rights in terms of these conditions, then and in that event the parties hereto agree categorically to the jurisdiction of the Magistrate's Court to hear such action and to pass judgment notwithstanding the fact that the cause of action is beyond the jurisdiction of the Court: Provided always that Council shall have the right in its sole discretion to take action in any competent higher court in any matter exceeding the ordinary jurisdiction of the Magistrate's Court.

**Council reserves the right to accept any cost proposal in a tender submitted or part thereof and will not be obliged to accept the lowest tender price submitted in a tender OR any cost proposal submitted.**

**TAX CLEARANCE**

**TAX CLEARANCE REQUIREMENTS**

IT IS A CONDITION OF BIDDING THAT –

1. The taxes of the successful bidder must be in order, or that satisfactory arrangements have been made with the Receiver of Revenue to meet his / her tax obligations.
2. The attached form "Application for Tax Clearance Certificate (in respect of bidders)", must be completed in all respects and submitted to the Receiver of Revenue where the bidder is registered for tax purposes. The Receiver of Revenue will then furnish the bidder with a Tax Clearance Certificate that will be valid for a period of twelve (12) months from date of issue. This Tax Clearance Certificate must be submitted in the original together with the bid. Failure to submit the original and valid Tax Clearance Certificate may invalidate the bid.
3. In bids where Consortia / Joint Ventures / Sub-contractors are involved each party must submit a separate Tax Clearance Certificate. Copies of the Application for Tax Clearance Certificates are available at any Receiver's Office.

**APPLICATION FOR TAX CLEARANCE CERTIFICATE  
(IN RESPECT OF BIDDERS)**

4. Name of taxpayer / bidder: .....

5. Trade name: .....

3. Identification number: 

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

4. Company / Close Corporation registration number: 

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

5. Income tax reference number: 

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

6. VAT registration number (if applicable): 

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

7. PAYE employer's registration number (if applicable): 

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

Signature of contact person requiring Tax Clearance Certificate: .....

Name: .....

Telephone number: Code:..... Number: .....

Address: .....

.....

.....

DATE: \_\_\_\_ / \_\_\_\_ / \_\_\_\_

PLEASE NOTE THAT THE COMMISSIONER FOR THE SOUTH AFRICAN REVENUE SERVICE (SARS) WILL NOT EXERCISE HIS DISCRETIONARY POWERS IN FAVOUR OF ANY PERSON WITH REGARD TO ANY INTEREST, PENALTIES AND / OR ADDITIONAL TAX LEVIABLE DUE TO THE LATE- OR UNDERPAYMENT OF TAXES, DUTIES OR LEVIES OR THE RENDITION RETURNS BY ANY PERSON AS A RESULT OF ANY SYSTEM NOT BEING YEAR 2000 COMPLIANT.



**PRICING SCHEDULE**  
(Professional Services)

Name of Bidder:.....	Bid Number: .....
Closing Time: .....	Closing Date .....

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

Fill in the tables below:

Item	Project Phase	Normal Claimable Fees	Rate	Amount
1	Inception	5 %		
2	Concept and Viability	25 %		
3	Design Development	25 %		
4	Documentation and Procurement	15 %		
5	Contract administration and Inspection	25 %		
6	Close – Out	5 %		
	<b>Total</b>	100 %		

**ADDITIONAL SERVICES**

Item	Project Phase	Normal Claimable Fees	Rate	Amount
7	Time-basis Construction Monitoring	12 Months		
8	Construction Monitoring Travel costs	12 Months		
9	Specialized Services	1 Sum		
10	Advertising	1 Sum		
11	Surveying and Mapping	1 Sum		
12	Documentation and Printing	1 Sum		
		<b>Total Professional Fees</b>		
		<b>10% Contingencies</b>		
		<b>Subtotal A</b>		
		<b>15% VAT</b>		
		<b>Total Project Professional Fees</b>		

**DECLARATION OF INTEREST**

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

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

3.2 Identity Number: .....

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

3.4 Company Registration Number: .....

3.5 Tax Reference Number:.....

3.6 VAT Registration Number: .....

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

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

3.8.1 If yes, furnish particulars. ....

.....

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

- (g) a member of –
  - (i) any municipal council;
  - (ii) any provincial legislature; or
  - (iii) the national Assembly or the national Council of provinces;
- (h) a member of the board of directors of any municipal entity;
- (i) an official of any municipality or municipal entity;
- (j) 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);
- (k) a member of the accounting authority of any national or provincial public entity; or
- (l) 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 2011**

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, 2011.**

**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 R1 000 000 (all applicable taxes included); and
- the 90/10 system for requirements with a Rand value above R1 000 000 (all applicable taxes included).

1.2 The value of this bid is estimated to not exceed R1 000 000 (all applicable taxes included) and therefore the.....80/20.....system shall be applicable.

1.3 Preference points for this bid shall be awarded for:

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

1.3.1 The maximum points for this bid are allocated as follows:

	<b>POINTS</b>
<b>1.3.1.1 PRICE</b>	.....
<b>1.3.1.2 B-BBEE STATUS LEVEL OF CONTRIBUTION</b>	.....
<b>Total points for Price and B-BBEE must not exceed</b>	<b>100</b>

1.4 Failure on the part of a bidder to fill in and/or to sign this form and submit a B-BBEE Verification Certificate from a Verification Agency accredited by the South African Accreditation System (SANAS) or a Registered Auditor approved by the Independent Regulatory Board of Auditors (IRBA) or an Accounting Officer as contemplated in the Close Corporation Act (CCA) together with the bid, will be interpreted to mean that preference points for B-BBEE status level of contribution are not claimed.

1.5. 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**

- 2.1 **“all applicable taxes”** includes value-added tax, pay as you earn, income tax, unemployment insurance fund contributions and skills development levies;
- 2.2 **“B-BBEE”** means broad-based black economic empowerment as defined in section 1 of the Broad-Based Black Economic Empowerment Act;
- 2.3 **“B-BBEE status level of contributor”** means the B-BBEE status received by a measured entity

based on its overall performance using the relevant scorecard contained in the Codes of Good Practice on Black Economic Empowerment, issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act;

- 2.4 **“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 services, works or goods, through price quotations, advertised competitive bidding processes or proposals;
- 2.5 **“Broad-Based Black Economic Empowerment Act”** means the Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003);
- 2.6 **“comparative price”** means the price after the factors of a non-firm price and all unconditional discounts that can be utilized have been taken into consideration;
- 2.7 **“consortium or joint venture”** 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;
- 2.8 **“contract”** means the agreement that results from the acceptance of a bid by an organ of state;
- 2.9 **“EME”** means any enterprise with an annual total revenue of R5 million or less .
- 2.10 **“Firm price”** means the price that is only subject to adjustments in accordance with the actual increase or decrease resulting from the change, imposition, or abolition of customs or excise duty and any other duty, levy, or tax, which, in terms of the law or regulation, is binding on the contractor and demonstrably has an influence on the price of any supplies, or the rendering costs of any service, for the execution of the contract;
- 2.11 **“functionality”** means the measurement according to predetermined norms, as set out in the bid documents, of a service or commodity that is designed to be practical and useful, working or operating, taking into account, among other factors, the quality, reliability, viability and durability of a service and the technical capacity and ability of a bidder;
- 2.12 **“non-firm prices”** means all prices other than “firm” prices;
- 2.13 **“person”** includes a juristic person;
- 2.14 **“rand value”** means the total estimated value of a contract in South African currency, calculated at the time of bid invitations, and includes all applicable taxes and excise duties;
- 2.15 **“sub-contract”** means the primary contractor’s assigning, leasing, making out work to, or employing, another person to support such primary contractor in the execution of part of a project in terms of the contract;
- 2.16 **“total revenue”** bears the same meaning assigned to this expression in the Codes of Good Practice on Black Economic Empowerment, issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act and promulgated in the *Government Gazette* on 9 February 2007;
- 2.17 **“trust”** means the arrangement through which the property of one person is made over or bequeathed to a trustee to administer such property for the benefit of another person; and
- 2.18 **“trustee”** means any person, including the founder of a trust, to whom property is bequeathed in order for such property to be administered for the benefit of another person.

### 3. **ADJUDICATION USING A POINT SYSTEM**

- 3.1 The bidder obtaining the highest number of total points will be awarded the contract.
- 3.2 Preference points shall be calculated after prices have been brought to a comparative basis taking into account all factors of non-firm prices and all unconditional discounts;
- 3.3 Points scored must be rounded off to the nearest 2 decimal places.

- 3.4 In the event that two or more bids have scored equal total points, the successful bid must be the one scoring the highest number of preference points for B-BBEE.
- 3.5 However, when functionality is part of the evaluation process and two or more bids have scored equal points including equal preference points for B-BBEE, the successful bid must be the one scoring the highest score for functionality.
- 3.6 Should two or more bids be equal in all respects, the award shall be decided by the drawing of lots.

#### 4. POINTS AWARDED FOR PRICE

##### 4.1 THE 80/20 OR 90/10 PREFERENCE POINT SYSTEMS

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

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

Where

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

#### 5. Points awarded for B-BBEE Status Level of Contribution

- 5.1 In terms of Regulation 5 (2) and 6 (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	8	16
4	5	12
5	4	8
6	3	6
7	2	4
8	1	2
Non-compliant contributor	0	0

- 5.2 Bidders who qualify as EMEs in terms of the B-BBEE Act must submit a certificate issued by an Accounting Officer as contemplated in the CCA or a Verification Agency accredited by SANAS or a Registered Auditor. Registered auditors do not need to meet the prerequisite for IRBA's approval for the purpose of conducting verification and issuing EMEs with B-BBEE Status Level Certificates.
- 5.3 Bidders other than EMEs must submit their original and valid B-BBEE status level verification certificate or a certified copy thereof, substantiating their B-BBEE rating issued by a Registered Auditor approved by IRBA or a Verification Agency accredited by SANAS.
- 5.4 A trust, consortium or joint venture, will qualify for points for their B-BBEE status level as a legal entity, provided that the entity submits their B-BBEE status level certificate.

- 5.5 A trust, consortium or joint venture will qualify for points for their B-BBEE status level as an unincorporated entity, provided that the entity submits their consolidated B-BBEE scorecard as if they were a group structure and that such a consolidated B-BBEE scorecard is prepared for every separate bid.
- 5.6 Tertiary institutions and public entities will be required to submit their B-BBEE status level certificates in terms of the specialized scorecard contained in the B-BBEE Codes of Good Practice.
- 5.7 A person will not be awarded points for B-BBEE status level if it is indicated in the bid documents that such a bidder intends sub-contracting more than 25% of the value of the contract to any other enterprise that does not qualify for at least the points that such a bidder qualifies for, unless the intended sub-contractor is an EME that has the capability and ability to execute the sub-contract.
- 5.8 A person awarded a contract may not sub-contract more than 25% of the value of the contract to any other enterprise that does not have an equal or higher B-BBEE status level than the person concerned, unless the contract is sub-contracted to an EME that has the capability and ability to execute the sub-contract.

**6. BID DECLARATION**

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

**7. B-BBEE STATUS LEVEL OF CONTRIBUTION CLAIMED IN TERMS OF PARAGRAPHS 1.3.1.2 AND 5.1**

- 7.1 B-BBEE Status Level of Contribution: ..... = ..... (maximum of 10 or 20 points)

**(Points claimed in respect of paragraph 7.1 must be in accordance with the table reflected in paragraph 5.1 and must be substantiated by means of a B-BBEE certificate issued by a Verification Agency accredited by SANAS or a Registered Auditor approved by IRBA or an Accounting Officer as contemplated in the CCA).**

**8 SUB-CONTRACTING**

- 8.1 Will any portion of the contract be sub-contracted? YES / NO (delete which is not applicable)

8.1.1 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? YES / NO (delete which is not applicable)

**9 DECLARATION WITH REGARD TO COMPANY/FIRM**

9.1 Name of firm :.....

9.2 VAT registration number :.....

9.3 Company registration number :.....

9.4 TYPE OF COMPANY/ FIRM

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

[TICK APPLICABLE BOX]



9.5 DESCRIBE PRINCIPAL BUSINESS ACTIVITIES

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

9.6 COMPANY CLASSIFICATION

- Manufacturer
- Supplier
- Professional service provider
- Other service providers, e.g. transporter, etc.  
[TICK APPLICABLE BOX]

9.7 MUNICIPAL INFORMATION

Municipality where business is situated

.....  
Registered Account Number .....

Stand Number .....

9.8 TOTAL NUMBER OF YEARS THE COMPANY/FIRM HAS BEEN IN BUSINESS?

.....

9.9 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 contribution indicated in paragraph 7 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 paragraph 7, 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 contribution 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) restrict the bidder or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, 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 BIDDER(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 as a company or person prohibited from doing business with the public sector? <b>(Companies or persons who are listed on this database were informed in writing of this restriction by the National Treasury after the <i>audi alteram partem</i> rule was applied).</b>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.1.1	If so, furnish particulars:		
4.2	Is the bidder or any of its directors listed on the Register for Tender Defaulters in terms of section 29 of the Prevention and Combating of Corrupt Activities Act (No 12 of 2004)? <b>(To access this Register enter the National Treasury's website, <a href="http://www.treasury.gov.za">www.treasury.gov.za</a>, click on the icon "Register for Tender Defaulters" or submit your written request for a hard copy of the Register to facsimile number (012) 3265445).</b>	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:		
Item	Question	Yes	No
4.4	Does the bidder or any of its directors owe any municipal rates and taxes or municipal charges to the municipality / municipal entity, or to any other municipality / municipal entity, that is in arrears for more than three months?	Yes <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

**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:

\_\_\_\_\_

Dipaleseng Local Municipality

(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.
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

**CONTRACT FORM - RENDERING OF SERVICES**

**THIS FORM MUST BE FILLED IN DUPLICATE BY BOTH THE SERVICE PROVIDER (PART 1) AND THE PURCHASER (PART 2). BOTH FORMS MUST BE SIGNED IN THE ORIGINAL SO THAT THE SERVICE PROVIDER AND THE PURCHASER WOULD BE IN POSSESSION OF ORIGINALLY SIGNED CONTRACTS FOR THEIR RESPECTIVE RECORDS.**

**PART 1 (TO BE FILLED IN BY THE SERVICE PROVIDER)**

1. I hereby undertake to render services described in the attached bidding documents to (name of the institution) ..... in accordance with the requirements and task directives / proposals specifications stipulated in Bid Number ..... at the price/s quoted. My offer/s remain binding upon me and open for acceptance by the Purchaser during the validity period indicated and calculated from the closing date of the bid.
  
2. The following documents shall be deemed to form and be read and construed as part of this agreement:
  - (i) Bidding documents, viz
    - Invitation to bid;
    - Tax clearance certificate;
    - Pricing schedule(s);
    - Filled in task directive/proposal;
    - Preference claims for Broad Based Black Economic Empowerment Status Level of Contribution in terms of the Preferential Procurement Regulations 2011;
    - Declaration of interest;
    - Declaration of Bidder's past SCM practices;
    - Certificate of Independent Bid Determination;
    - Special Conditions of Contract;
  - (ii) General Conditions of Contract; and
  - (iii) Other (specify)
  
3. I confirm that I have satisfied myself as to the correctness and validity of my bid; that the price(s) and rate(s) quoted cover all the services specified in the bidding documents; 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.
  
4. 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 fulfilment of this contract.
  
5. I declare that I have no participation in any collusive practices with any bidder or any other person regarding this or any other bid.
  
6. I confirm that I am duly authorised to sign this contract.

NAME (PRINT) .....

CAPACITY .....

SIGNATURE .....

NAME OF FIRM .....

DATE .....

<b>WITNESSES</b>	
1	.....
2	.....
DATE:	.....



**CONTRACT FORM - RENDERING OF SERVICES  
PART 2 (TO BE FILLED IN BY THE PURCHASER)**

1. I..... in my capacity as ..... accept your bid under reference number ..... dated ..... for the rendering of services indicated hereunder and/or further specified in the annexure(s).
2. An official order indicating service 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.

<u>DESCRIPTION OF SERVICE</u>	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: .....