



**BID NO.: 65/2017**

**THREE YEAR CONTRACT FOR SUPPLYING,  
INSTALLATION, COMMISSIONING AND  
PROVISION OF SUPPORT FOR AN INTERGRATED  
FULL ASSET LIFE CYCLE MANAGEMENT  
SYSTEM FOR THE CITY OF MBOMBELA**

**CLOSING DATE: 13 JUNE 2017 @11H00**

**COMPANY NAME: \_\_\_\_\_**



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**INVITATION TO BID**

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE CITY OF MBOMBELA

BID NUMBER: **65/2017**      CLOSING DATE: **13 JUNE 2017**      CLOSING TIME: **11:00**

**DESCRIPTION: THREE YEAR CONTRACT FOR SUPPLYING, INSTALLATION, COMMISSIONING AND PROVISION OF SUPPORT FOR AN INTERGRATED FULL ASSET LIFE CYCLE MANAGEMENT SYSTEM FOR THE CITY OF MBOMBELA**

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

BID DOCUMENTS MAY BE DEPOSITED IN THE BID BOX SITUATED AT

**1 Nel Street  
Main Entrance  
Mbombela  
1200**

**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 24 hours a day, 7 days a week.

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

THIS BID IS SUBJECT TO THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER SPECIAL CONDITIONS OF CONTRACT

THIS BID WILL BE EVALUATED AND ADJUDICATED ACCORDING TO THE FOLLOWING CRITERIA:

1. Relevant specifications
2. Value for money
3. Capability to execute the contract
4. PPPFA & associated regulations

**NB: NO BIDS WILL BE CONSIDERED FROM PERSONS IN THE SERVICE OF THE STATE (see definition on MBD 4 attached)**





**BID NO: 65 / 2017**

**CLOSING DATE: 13 JUNE 2017**

THREE YEAR CONTRACT FOR SUPPLYING, INSTALLATION, COMMISSIONING AND PROVISION OF SUPPORT FOR AN INTERGRATED FULL ASSET LIFE CYCLE MANAGEMENT SYSTEM FOR THE CITY OF MBOMBELA

Bids are hereby invited from potential service providers to THREE YEAR CONTRACT FOR SUPPLYING, INSTALLATION, and COMMISSIONING AND PROVISION OF SUPPORT FOR AN INTERGRATED FULL ASSET LIFE CYCLE MANAGEMENT SYSTEM FOR THE CITY OF MBOMBELA

It is compulsory that service providers download a copy of the bid document that will **ONLY** be available as from 24 May 2017 from the following link: [www.etenders.gov.za](http://www.etenders.gov.za) free of charge.

Completed bid documents and supporting documents which are, CSD summary report, B-BBEE Certificate and Tax clearance certificate (SARS Pin and Reference Number), THREE YEAR CONTRACT FOR SUPPLYING, INSTALLATION, COMMISSIONING AND PROVISION OF SUPPORT FOR AN INTERGRATED FULL ASSET LIFE CYCLE MANAGEMENT SYSTEM FOR THE CITY OF MBOMBELA together with the bid document must be sealed in an envelope clearly marked: "Bid No:65/2017, for City of Mbombela with the name of the bidder shall be placed in the bid box at Mbombela Civic Centre at 1 Nel Street before 11:00 on the closing 13 June 2017.

A compulsory briefing will be on the 26<sup>th</sup> of May 2017 at Mbombela Civic Centre, Mayor's Parlour @ 10:00. Failure to attend a site visit will render your submission non-responsive.

Bids received by telegram, fax or e-mail will not be considered. Late bids shall not be accepted or considered.

A preferential point system shall apply whereby this contract will be allocated to a bidder in accordance with the Preferential Procurement Policy Framework Act, no. 5 of 2000 and as defined in the conditions of bid in the bid document, read in conjunction with the Preferential Procurement Regulations of 2017, where 80 points will be allocated in respect of price and 20 points in respect of B-BBEE status level of contribution.

Procurement Enquiries : Nomsa Ndukuya 013 759 9052  
Technical Enquiries : Sabelo Dube 013 759 9024  
Employer : Municipal Manager, Mr N. M. Seanego  
City of Mbombela  
PO BOX 45; MBOMBELA; 1200  
VISIT OUR WEBSITE: [www.mbombela.gov.za](http://www.mbombela.gov.za)

**NB: The results of this bid will be published on council website as prescribed on the MFMA sec 75 (1) (g) and SCM regulations, sec.**

**23 (c).**

## **SPECIAL CONDITIONS OF THE BID**

### **1. SUBMISSION OF TENDERS**

The tender is to be made out on the tender form attached hereto, which must not be detached from this document, and the completed document, fully priced, extended and totalled, completed in all respects, signed and is to be sealed in an envelope which is to be enclosed and delivered in accordance with the instructions contained in the Letter of Invitation to Tender.

Proof of posting of a tender will not be accepted as proof of delivery to the appropriate place for the receipt of tender.

Tenders will be opened in public immediately after the advertised closing date.

### **2. TENDER DOCUMENT**

It is compulsory that service providers download a copy of the bid document that will ONLY be available as from 24 May 2017 on the municipal website: [www.etenders.gov.za](http://www.etenders.gov.za) on the tenders and notice's folder, free of charge

### **3. ADJUDICATION OF TENDER**

City of Mbombela will not be bound to accept the lowest or any tender and also reserves the right to cancel the tender when deemed necessary.

The tender will be adjudicated by City of Mbombela in terms of the Preferential Procurement Policy Framework Act, no. 5 of 2000 and as defined in the conditions of bid in the bid document, read in conjunction with the preferential procurement regulations, 2017, where 80 points will be allocated in respect of price and 20 points in respect of B-BBEE status level of contributor.

### **4. COMPLETION OF TENDER DOCUMENTS**

Tenders will only be considered on receipt of this tender document correctly completed with all insertions in black ink and signed.

The following **compulsory** documentation **must** be attached in order for the bid to be considered for further evaluation:

- Valid Tax Clearance Certificate (*this is a disqualification criteria*)

SARS's pin number	And / Or Tax Clearance Number

- CSD Summary report (Disqualifying criteria)
- Formal agreement (in case of consortia/Joint Ventures) (Disqualifying criteria)
- Certified copy of B-BBEE status level contributor (only for points claim)
- A proof that the system has been successfully implemented and functional in at least three municipalities within the Republic of South Africa for a period of not less than three years (Disqualifying criteria)
- Signed declaration of five pages in maximum asserting compliance with the requirements stipulated in Annexure B of the Municipal Finance Management Act (MFMA) Circular 80. (Disqualifying criteria)

## **5. BRIEFING SESSION**

A compulsory briefing will be on the **26<sup>th</sup> of May 2017** at Mbombela Civic Centre, Mayor's Parlour @ 10:00. Failure to attend a site visit will render your submission non-responsive.

## **6. TAXES AND DUTIES PAYABLE**

Bidders shall allow in their tender for the payment and recovery of all taxes and other duties. No claims for additional payment in this respect will be considered. Prices and rates quoted shall be inclusive of Value Added Tax (VAT). VAT shall be recorded as a lump sum in the tender summary and the total inclusive of VAT carried to the Form of Tender.

## **7. WITHDRAWAL OF TENDER**

In the event of the successful tender failing to execute the service in terms of this tender, the Municipality shall be entitled to cancel the contract summarily, in which event the Bidder shall be liable for any additional expense incurred by reason of the Municipality having to call for fresh tenders or having to accept any less favourable tender.

## **8. PERIOD OF VALIDITY OF TENDERS**

The period of validity of tenders shall be **90** days as stated in the tender form and be calculated from the closing date for submission of tenders.

## **9. NOTICE OF BIDDERS**

Should any additions or amendments to the document as issued to Bidders be deemed necessary prior to the date for submission of tenders, they will be issued to all interested Bidders in the form of Notices and will form part of the tender document.

The Notices to Bidders shall be completed where applicable by Bidders, signed, dated and returned with the tender documents.

## **10. PRICE**

Bid prices will be regarded fixed and no additional cost will be added.  
Bid prices must be stated in South African currency.  
Bid prices must include delivery, off-loading and Vat. (if applicable).

## **11. DELIVERABLES & PENALTIES**

All installation and devices supplied must be delivered in accordance with the terms of reference.

The successful bidder must install and deliver the devices within three months after the signing of contract. The installation will be done at 1 Nel Street, Mbombela, 1200

It is important that delivery and installation be effected on or before the due date in terms of the contract and in accordance with the terms or reference, and in the event of the contractor failing to do so, the bidder will be required to pay to the Council a penalty charge equal to **10%** of the total contract price for each month or part thereof that the actual date on which delivery is effected exceeds the due delivery date and for any noncompliance with the terms of reference.

## **TERMS OF REFERENCE (TOR)**

The City of Mbombela requires an Integrated Asset Management System/ solution to be used for all infrastructure and other assets. The system must be able to umbrella the overall asset life cycle pillars which includes planning, acquisition, operations, maintenance and disposal.

System functionality requirements:

### **1. Financial Fixed Asset Register**

The integrated asset management system MUST:

- a) Seamlessly integrate/interface to the City's core financial system (SOLAR) and all other relevant subsystems including Geographical Information System (ARC GIS), Valuation Management System (METVAL), Fleet Management System etc.
- b) Be able to seamlessly account for capital expenditure and/ or additions on a monthly basis.
- c) Not allow capitalization without specific approved bar code numbers or GPS co-ordinates in respect of infrastructural assets
- d) Management of the overall asset life cycle (impairment, revaluation, depreciation, determine residual values, adjust Remaining Useful Lives (RUL), determine Current Replacement Cost (CRC), disposals)
- e) Allocation and tracing of repairs and maintenance expenditure to a specific asset component.
- f) Be able to accommodate all assets leased out and/ or operated by third parties.
- g) Extract an asset register that complies with Generally Recognised Accounting Practice standards requirements for all assets classes.
- h) Extract a multi-dimensional asset register for all asset classes at any given point/ period.
- i) Incorporate the City Infrastructure Delivery Management System classification and other acceptable asset hierarchy.
- j) Compliance to the municipal Standard Chart of Accounts (mSCOA) regulations incorporating the seven (7) segments and minimum system specifications requirements as contained in Annexure B of the Municipal Finance Management Act (MFMA) Circular 80.

### **2. Technical Fixed Asset Register**

The integrated asset management system MUST:

- a) Seamlessly integrate with the Integrated Development Plan (IDP) and budget module / sub system, Geographical Information System, Valuation Management System, Fleet Management System and General Masterplans of the City.
- b) Seamlessly integrate/ interface with the maintenance management sub system.
- c) Have document management functionality and ability to load all supporting documents per project with adequate and easy search and indexing capability.
- d) Incorporate the condition assessment of each asset component.



- e) Usage and Failure prediction analysis must be aligned to asset management policy with capability to adapt to future changes in the policies and other applicable legislations.
- f) Seamlessly integrate/integrate with the inventory management module/sub-system (SOLAR) on major spare parts which meet the asset definition and recognition criteria.

### **3. Insurance Management Module**

The integrated asset management system MUST:

- a) Have an insurance management module that will link each asset component to the technical asset register.
- b) Record and Update insurance claims
- c) Produce a multi-dimensional insurance report.
- d) Provide replacement values for each asset components

### **4. Project Management**

The integrated asset management system MUST:

- a) Seamlessly integrate with the Integrated Development Plan (IDP) and budget module / sub system, Geographical Information System, Performance Management System, Valuation Management System and General Masterplans of the City.
- b) Ensure that each project has Specific, Measurable, Achievable, Realistic and Time-bound (SMART) targets and key performance indicators set.
- c) Have document management functionality and capacity to load supporting documents per project.
- d) Be able to extract Work In Progress reports at any given time.
- e) Be able to trace capital expenditure per item segment and asset component with estimated useful life.
- f) Be able to estimate project completion dates and cash flow projections.
- g) Be able to estimate the depreciation of projects that will be completed during each financial year.
- h) Have a capability for estimating projected maintenance costs.
- i) Track and monitor risks identified

### **5. Repairs and Maintenance Functionality**

The integrated asset management system MUST:

- a) Have an asset maintenance module which caters for maintenance plans and estimated costs and which must seamlessly integrate/ interface into the budget module/ sub system.

- b) Seamlessly integrate to the City's core financial system (SOLAR) and all other relevant subsystems including Geographical Information System, Valuation Management System, Fleet Management System etc.
- c) Have repairs and maintenance register per asset class and component.
- d) Update replacement of assets where applicable, trigger asset recognition and de-recognition process.
- e) Dynamic search functionality (by roads, suburb, ward, stands, asset etc)
- f) Have document management functionality and capacity to load supporting documents per project.
- g) Produce a multi-dimensional maintenance report.

## **6. ICT Requirements MUST meet**

- a) Windows server 2012 or above in a VMware virtual environment.
- b) Data base MS SQL 2014 or above.
- c) Web Based System for both desktops and all mobile devices.
- d) System Security including compatibility with biometric access at various levels for different group of functions by authorized users.
- e) End users -Operating System requirements: Windows 10 pro or later
- f) The scanning devices (tablets) must be windows 10 pro compatible.
- g) Browser: Must be IE 11 or later and chrome 60.0 or later
- h) Systems must be 64bit.

## **7. Support**

Successful bidder will be required to provide the following support:

### **Technical support**

- a) Provide full on-site support for the first six months (6) of the contract to assist in ensuring complete implementation of the system including but not limited to:
  - 1) Uploading of existing asset register onto the system in the applicable format
  - 2) Uploading of all projects of the city as they appear in the IDP, SDBIP and budget book of the city of Mbombela to the project management module
  - 3) Uploading of all documents and information applicable at initial stage for each project
  - 4) Assist in ensuring the integrity and sufficiency of data applicable to all projects as uploaded unto the project management module for the first time implementation of the system.
- b) Provide the city of Mbombela with all applicable system upgrades for the duration of the contract
- c) Provide technical and administrative support for the duration of the contract.

### **Skills transfer**

- a) Provide comprehensive trainings to +- 50 users according to different user's needs

- b) Develop and document system procedures after the commissioning and deployment of the system and its upkeep on an ongoing basis.

## **8. Other requirements**

The integrated asset management system MUST:

- a) Be Web based system for both desktops and be compatible with all mobile devices.
- b) Enable computer power users to generate strategic, tactical and operational reports including dashboard reporting with seamless integration/ interfacing to Municipality's BI/MIS (Clickview /Clicksense) system.
- c) Include the pricing of fifteen (15) bar code scanners/ devices using latest technology and real time update functionality.
- d) Provide five (5) Gigabytes of data bundles per month to each of these devices for the duration of the contract.
- e) Produce exception reports in respect of newly identified and/ or non-verified assets
- f) Be able to link each asset to a specific Department, an Asset Custodian and Office number.
- g) Have data integrity on all fields and the system as a whole, thereby providing the required confidence in the information throughout the entire life cycle.
- h) Provide system and information security at various levels with emphasis on access by authorized personnel only.
- i) Provide comprehensive training to cater for various levels of users.

## **9. mSCOA Compliance**

- a) The integrated asset management system must meet the minimum system specifications requirements in accordance with Annexure B of the Municipal Finance Management Act (MFMA) Circular 80

**10.** The system must have been successfully implemented and functional in at least three municipalities within the Republic of South Africa for a period of not less than three years.

**11.** Proof of compliance with Clause **10** must be attached

### Evaluation Criteria

The minimum point to be scored for functionality / quality should be equal to 70 % which is 70 points in order to be considered for further evaluation. Failing to score the minimum required points will lead to immediate disqualification.

Attach proof of compliance with each of the following Criteria	Tendered Goal	Points Claimed By Tenderer	Allocated Points
Compliance to the municipal Standard Chart of Accounts (mSCOA) regulations incorporating the seven (7) segments and minimum system specifications requirements as contained in Annexure B of the Municipal Finance Management Act (MFMA) Circular 80. (Attach system/product specification in colour)	05		
Signed declaration of five page in maximum in line with the system specification indicated above, asserting compliance with the requirements stipulated in Annexure B of the Municipal Finance Management Act (MFMA) Circular 80. (Failure to comply with any of the requirements of Annexure B of the Municipal Finance Management Act (MFMA) Circular 80 results to non-allocation of points).	25		
Have document management functionality and ability to load all supporting documents per project with adequate and easy search and indexing capability. (Attach system/product specification in colour)	10		
Have an insurance management module. (Attach system/product specification in colour)	10		
Have an asset maintenance module which caters for maintenance plans and estimated costs. (Attach system/product specification in colour)	10		
Must comply with ICT requirements as stipulated under Terms of Reference number 6. (Provide supporting document)	15		
Enable computer power users to generate strategic, tactical and operational reports including dashboard reporting with seamless integration/interfacing to Municipality's BI/MIS (Clickview /Clicksense) system. (Provide supporting document)	10		
The system must have been successfully implemented and functional in at least three municipalities within the Republic of South Africa for a period of not less than three years. (Provide appointment letters with valid references )	15		

## PRICING SCHEDULE

No	Product	Unit Price	Qty	Total Amount
1.	Annual licence fee		3	R
2.	Hard ware (scanning devices) cost		15	R
3.	Monthly Internet Data bundle (5 GB per unit per month)		15	
4.	6 months support fee		1	R
5.	Training fee		Sum	R
6.	Call out fee- When required per hour excluding any equipment or hardware cost		1	R
7.	Annual software Maintenance		3	R
8.	Supply, Installation and Commissioning		1	R
	<b>SUB-TOTAL</b>			<b>R</b>
	<b>VAT</b>			<b>R</b>
	<b>GRAND TOTAL</b>			<b>R</b>

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

MBD 3.1

**NOTE: ONLY FIRM PRICES WILL BE ACCEPTED, NON-FIRM PRICES (INCLUDING PRICES SUBJECT TO RATES OF EXCHANGE VARIATIONS) WILL NOT BE CONSIDERED**

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

Name of bidder..... Bid number: 65/2017

Closing Time 11:00 on 13 June 2017

OFFER TO BE VALID FOR **90** DAYS FROM THE CLOSING DATE OF BID.

ITEM NO.	QTY	DESCRIPTION	BID PRICE IN RSA CURRENTLY (INCLUDING VAT)
-	Required by:	.....	
-	At:	..... .....	
-	Brand and model	.....	
-	Country of origin	.....	
-	Does offer comply with specification?		<b>*YES/NO</b>
-	If not to specification, indicate deviation(s)	.....	
-	Period required for delivery	.....	<b>*Delivery: Firm/not firm</b>
-	Delivery basis (all delivery costs must be Included in the bid price)	.....	

Note: All delivery costs must be included in the bid price, for delivery at the prescribed destination.

Any enquiries regarding the bidding procedure may be directed to –

Procurement enquiries  
Nomsa Ndukuya  
P.O Box 45  
Mbombela  
1200  
Tel: 013 759 9052

Or

For technical information  
Sabelo Dube  
  
013 759 9024

## 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, hareholder<sup>2</sup>):.....

3.4 Company Registration Number: .....

3.5 Tax Reference Number:.....

3.6 VAT Registration Number: .....

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

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

3.8.1 If yes, furnish particulars.....

.....

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

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

<sup>2</sup> Shareholder" means a person who owns shares in the company and is actively involved in the management of the company or business and exercises control over the company.

3.9 Have you been in the service of the state for the past twelve months? .....**YES / NO**

3.9.1 If yes, furnish particulars.....

.....

3.10 Do you have any relationship (family, friend, other) with persons in the service of the state and who may be involved with the evaluation and or adjudication of this bid?.....**YES / NO**

3.10.1 If yes, furnish particulars.

.....

.....  
3.11 Are you, aware of any relationship (family, friend, other) between any other bidder and any persons in the service of the state who may be involved with the evaluation and or adjudication of this bid?..... **YES / NO**

3.11.1 If yes, furnish particulars

.....  
.....

3.12 Are any of the company's directors, trustees, managers, Principle shareholders or stakeholders in service of the state? **YES / NO**

3.12.1 If yes, furnish particulars.

.....  
.....

3.13 Are any spouse, child or parent of the company's directors, trustees, managers, principle shareholders or stakeholders in service of the state? .....**YES / NO**

3.13.1 If yes, furnish particulars.

.....  
.....

3.14 Do you or any of the directors, trustees, managers, principle shareholders, or stakeholders of this company have any interest in any other related companies or business whether or not they are bidding for this contract. **YES / NO**

3.14.1 If yes, furnish particulars:

.....  
.....



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

Full Name	Identity Number	State Employee Number

.....  
**Signature**

.....  
**Date**

.....  
**Capacity**

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

**PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL PROCUREMENT REGULATIONS 2017**

This preference form must form part of all bids invited. It contains general information and serves as a claim form for preference points for Broad-Based Black Economic Empowerment (B-BBEE) Status Level of Contribution

**NB: BEFORE COMPLETING THIS FORM, BIDDERS MUST STUDY THE GENERAL CONDITIONS, DEFINITIONS AND DIRECTIVES APPLICABLE IN RESPECT OF B-BBEE, AS PRESCRIBED IN THE PREFERENTIAL PROCUREMENT REGULATIONS, 2017.**

**1. GENERAL CONDITIONS**

- 1.1 The following preference point systems are applicable to all bids:
  - the 80/20 system for requirements with a Rand value of up to R50 000 000 (all applicable taxes included); and
  - the 90/10 system for requirements with a Rand value above R50 000 000 (all applicable taxes included).
- 1.2 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.
- 1.3 Preference points for this bid shall be awarded for:
  - (a) Price; and
  - (b) B-BBEE Status Level of Contribution.
- 1.4 The maximum points for this bid are allocated as follows:

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

- 1.5 Failure on the part of a bidder to submit 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 a sworn affidavit confirming annual turnover and level of black ownership in case of an EME and QSE 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) **“all applicable taxes”** includes value-added tax, pay as you earn, income tax, unemployment insurance fund contributions and skills development levies;
- (b) **“B-BBEE”** means broad-based black economic empowerment as defined in section 1 of the Broad-Based Black Economic Empowerment Act;
- (c) **“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;

- (d) **“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;
- (e) **“Broad-Based Black Economic Empowerment Act”** means the Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003) as amended by Act No 46 of 2013;
- (f) **“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;
- (g) **“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;
- (h) **“contract”** means the agreement that results from the acceptance of a bid by an organ of state;
- (i) **“EME”** means an Exempted Micro Enterprise as defines by Codes of Good Practice issued in terms of section 9 (1) of the Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003);
- (j) **“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;
- (k) **“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;
- (l) **“non-firm prices”** means all prices other than “firm” prices;
- (m) **“person”** includes a juristic person;
- (n) **“QSE”** means a Qualifying Small Enterprise as defines by Codes of Good Practice issued in terms of section 9 (1) of the Broad-Based Black Economic Empowerment Act, 2003 ( Act No. 53 of 2003);
- (o) **“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;
- (p) **“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;
- (q) **“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;
- (r) **“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
- (s) **“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:

**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<sub>s</sub> = Points scored for comparative price of bid under consideration
- P<sub>t</sub> = Comparative price of bid under consideration
- P<sub>min</sub> = 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>B-BBEE Status Level of Contributor</b>	<b>Number of points (90/10 system)</b>	<b>Number of points (80/20 system)</b>
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

- 5.2 A bidder who qualifies as an EME in terms of the B-BBEE Act must submit a sworn affidavit confirming Annual Total Revenue and Level of Black Ownership.
- 5.3 A Bidder other than EME or QSE 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 1.4 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 a sworn affidavit.

**8. SUB-CONTRACTING**

8.1 Will any portion of the contract be sub-contracted?

*(Tick applicable box)*

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

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.

*(Tick applicable box)*

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

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

9.1 Name \_\_\_\_\_ of  
company/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 BIDDERS(S)	
DATE:	.....
ADDRESS	.....

## DECLARATION CERTIFICATE FOR LOCAL PRODUCTION AND CONTENT

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

Before completing this declaration, bidders must study the General Conditions, Definitions, Directives applicable in respect of Local Content as prescribed in the Preferential Procurement Regulations, 2017 and the South African Bureau of Standards (SABS) approved technical specification number SATS 1286:201x.

### 1. General Conditions

- 1.1. Preferential Procurement Regulations, 2017 (Regulation 9.(1) and 9.(3) make provision for the promotion of local production and content.
- 1.2. Regulation 9.(1) prescribes that in the case of designated sectors, where in the award of bids local production and content is of critical importance, such bids must be advertised with the specific bidding condition that only locally produced goods, services or works or locally manufactured goods, with a stipulated minimum threshold for local production and content will be considered.
- 1.3. Regulation 9.(3) prescribes that where there is no designated sector, a specific bidding condition may be included, that only locally produced services, works or goods or locally manufactured goods with a stipulated minimum threshold for local production and content, will be considered.
- 1.4. Where necessary, for bids referred to in paragraphs 1.2 and 1.3 above, a two stage bidding process may be followed, where the first stage involves a minimum threshold for local production and content and the second stage price and B-BBEE.
- 1.5. A person awarded a contract in relation to a designated sector, may not sub-contract in such a manner that the local production and content of the overall value of the contract is reduced to below the stipulated minimum threshold.
- 1.6. The local content (LC) as a percentage of the bid price must be calculated in accordance with the SABS approved technical specification number SATS 1286: 201x as follows:

$$LC = 1 - \left[ \frac{x}{y} \right] \times 100$$

Where

x imported content

y bid price excluding value added tax (VAT)

Prices referred to in the determination of x must be converted to Rand (ZAR) by using the exchange rate published by the South African Reserve Bank (SARB) at 12:00 on the date, one week (7 calendar days) prior to the closing date of the bid as required in paragraph 4.1 below.



1.7. A bid will be disqualified if:

- the bidder fails to achieve the stipulated minimum threshold for local production and content indicated in paragraph 3 below; and.
- this declaration certificate is not submitted as part of the bid documentation.

2. Definitions

2.1. **“bid”** includes advertised competitive bids, written price quotations or proposals;

2.2. **“bid price”** price offered by the bidder, excluding value added tax (VAT);

2.3. **“contract”** means the agreement that results from the acceptance of a bid by an organ of state;

2.4. **“designated sector”** means a sector, sub-sector or industry that has been designated by the Department of Trade and Industry in line with national development and industrial policies for local production, where only locally produced services, works or goods or locally manufactured goods meet the stipulated minimum threshold for local production and content;

2.5. **“duly sign”** means a Declaration Certificate for Local Content that has been signed by the Chief Financial Officer or other legally responsible person nominated in writing by the Chief Executive, or senior member / person with management responsibility(close corporation, partnership or individual).

2.6. **“imported content”** means that portion of the bid price represented by the cost of components, parts or materials which have been or are still to be imported (whether by the supplier or its subcontractors) and which costs are inclusive of the costs abroad, plus freight and other direct importation costs, such as landing costs, dock duties, import duty, sales duty or other similar tax or duty at the South African port of entry;

2.7. **“local content”** means that portion of the bid price which is not included in the imported content, provided that local manufacture does take place;

2.8. **“stipulated minimum threshold”** means that portion of local production and content as determined by the Department of Trade and Industry; and

2.9. **“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.

3. **The stipulated minimum threshold(s) for local production and content for this bid is/are as follows:**

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

4. Does any portion of the services, works or goods offered have any imported content? YES / NO

4.1 If yes, the rate(s) of exchange to be used in this bid to calculate the local content as prescribed in paragraph 1.6 of the general conditions must be the rate(s) published by the SARB for the specific currency at 12:00 on the date, one week (7 calendar days) prior to the closing date of the bid.

The relevant rates of exchange information is accessible on [www.reservebank.co.za](http://www.reservebank.co.za).

Indicate the rate(s) of exchange against the appropriate currency in the table below:

Currency	Rates of exchange
US Dollar	
Pound Sterling	
Euro	
Yen	
Other	

NB: Bidders must submit proof of the SARB rate (s) of exchange used.

**LOCAL CONTENT DECLARATION BY CHIEF FINANCIAL OFFICER OR OTHER LEGALLY RESPONSIBLE PERSON NOMINATED IN WRITING BY THE CHIEF EXECUTIVE OR SENIOR MEMBER/PERSON WITH MANAGEMENT RESPONSIBILITY (CLOSE CORPORATION, PARTNERSHIP OR INDIVIDUAL)**

**IN RESPECT OF BID NO: 65/2017 ISSUED BY CITY OF MBOMBELA LOCAL MUNICIPALITY**

NB: The obligation to complete, duly sign and submit this declaration cannot be transferred to an external authorized representative, auditor or any other third party acting on behalf of the bidder.

I, the undersigned, ..... (full names),

do hereby declare, in my capacity as .....

of .....(name of bidder entity), the following:

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

Bid price, excluding VAT (y)	R
Imported content (x)	R

Stipulated minimum threshold for Local content (paragraph 3 above)	
Local content % as calculated in terms of SATS 1286	

If the bid is for more than one product, a schedule of the local content by product shall be attached.

(d) I accept that the Procurement Authority / Municipality /Municipal Entity has the right to request that the local content be verified in terms of the requirements of SATS 1286.

(e) I understand that the awarding of the bid is dependent on the accuracy of the information furnished in this application. I also understand that the submission of incorrect data, or data that are not verifiable as described in SATS 1286, may result in the Procurement Authority / Municipal / Municipal Entity imposing any or all of the remedies as provided for in Regulation 13 of the Preferential Procurement Regulations, 2017 promulgated under the Policy Framework Act (PPFA), 2000 (Act No. 5 of 2000).

**SIGNATURE:** \_\_\_\_\_

**DATE:** \_\_\_\_\_

**WITNESS No. 1** \_\_\_\_\_

**DATE:** \_\_\_\_\_

**WITNESS No. 2** \_\_\_\_\_

**DATE:** \_\_\_\_\_

**THIS MBD FORM MUST NOT BE COMPLETED PRIOR TO APPOINTMENT. IT WILL BE ONLY BE FURNISHED AND SIGNED BY THE SUCCESSFUL BIDDER/SERVICE PROVIDER**

**CONTRACT FORM - PURCHASE OF GOODS/WORKS**

**THIS FORM MUST BE FILLED IN DUPLICATE BY BOTH THE SUCCESSFUL BIDDER / SERVICE PROVIDER (PART 1) AND THE PURCHASER / MBOMBELA LOCAL MUNICIPALITY (PART 2). BOTH FORMS MUST BE SIGNED IN THE ORIGINAL SO THAT THE SUCCESSFUL BIDDER / SERVICE PROVIDER AND THE PURCHASER / CITY OF MBOMBELAWOULD BE IN POSSESSION OF ORIGINALLY SIGNED CONTRACTS FOR THEIR RESPECTIVE RECORDS.**

**PART 1 (TO BE FILLED IN BY THE BIDDER)**

1. I hereby undertake to supply all or any of the goods and/or works described in the attached bidding documents to (name of institution)..... in accordance with the requirements and 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 time of 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);
    - Technical Specification(s);
    - Preference claims for Broad Based Black Economic Empowerment Status Level of Contribution in terms of the Preferential Procurement Regulations 2017;
    - 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 goods and/or works 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 fulfillment 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: .....	

**(BIDDERS / SERVICE PROVIDERS MUST NOT FILL THIS PART TWO OF THIS MBD 7)**

**CONTRACT FORM - PURCHASE OF GOODS/WORKS**

**PART 2 (TO BE FILLED IN BY THE PURCHASER / CITY OF MBOMBELA )**

1. I..... in my capacity as..... accept your bid under reference number .....dated.....for the supply of goods/works indicated hereunder and/or further specified in the annexure(s).
2. An official order indicating delivery instructions is forthcoming.
3. I undertake to make payment for the goods/works delivered in accordance with the terms and conditions of the contract, within 30 (thirty) days after receipt of an invoice accompanied by the delivery note.

ITEM NO.	PRICE (ALL APPLICABLE TAXES INCLUDED)	BRAND	DELIVERY PERIOD	B-BBEE STATUS LEVEL OF CONTRIBUTION	MINIMUM THRESHOLD FOR LOCAL PRODUCTION AND CONTENT (if applicable)

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

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

NAME (PRINT) .....

SIGNATURE .....

OFFICIAL STAMP

WITNESSES

1. ....

2. ....

DATE .....

## 2.2 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:

\_\_\_\_\_ (Name of Municipality / Municipal Entity)

do hereby make the following statements that I certify to be true and complete in every respect:

I certify, on behalf of:

\_\_\_\_\_ that:  
(Name of Bidder)

1. I have read and I understand the contents of this Certificate;
2. I understand that the accompanying bid will be disqualified if this Certificate is found not to be true and complete in every respect;
3. I am authorized by the bidder to sign this Certificate, and to submit the accompanying bid, on behalf of the bidder;
4. Each person whose signature appears on the accompanying bid has been authorized by the bidder to determine the terms of, and to sign, the bid, on behalf of the bidder;
5. For the purposes of this Certificate and the accompanying bid, I understand that the word "competitor" shall include any individual or organization, other than the bidder, whether or not affiliated with the bidder, who:
  - (a) has been requested to submit a bid in response to this bid invitation;
  - (b) could potentially submit a bid in response to this bid invitation, based on their qualifications, abilities or experience; and
  - (c) provides the same goods and services as the bidder and/or is in the same line of business as the bidder
6. The bidder has arrived at the accompanying bid independently from, and without consultation, communication, agreement or arrangement with any competitor. However communication between partners in a joint venture or consortium<sup>3</sup> will not be construed as collusive bidding.
7. In particular, without limiting the generality of paragraphs 6 above, there has been no consultation, communication, agreement or arrangement with any competitor regarding:
  - (a) prices;
  - (b) geographical area where product or service will be rendered (market allocation)
  - (c) methods, factors or formulas used to calculate prices;
  - (d) the intention or decision to submit or not to submit, a bid;
  - (e) the submission of a bid which does not meet the specifications and conditions of the bid; or
  - (f) bidding with the intention not to win the bid.
8. In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications and conditions or delivery particulars of the products or services to which this bid invitation relates.
9. The terms of the accompanying bid have not been, and will not be, disclosed by the bidder, directly or indirectly, to any competitor, prior to the date and time of the official bid opening or of the awarding of the contract.

<sup>3</sup> **Joint venture or Consortium means an association of persons for the purpose of combining their expertise, property, capital, efforts, skill and knowledge in an activity for the execution of a contract.**

10. I am aware that, in addition and without prejudice to any other remedy provided to combat any restrictive practices related to bids and contracts, bids that are suspicious will be reported to the Competition Commission for investigation and possible imposition of administrative penalties in terms of section 59 of the Competition Act No 89 of 1998 and or may be reported to the National Prosecuting Authority (NPA) for criminal investigation and or may be restricted from conducting business with the public sector for a period not exceeding ten (10) years in terms of the Prevention and Combating of Corrupt Activities Act No 12 of 2004 or any other applicable legislation.

.....  
Signature

.....  
Date

.....  
Position

.....  
Name of Bidder

<b>AUTHORITY TO SIGN A BID</b>
--------------------------------

**1. COMPANIES AND CLOSE CORPORATIONS**

- a. **If a Bidder is a COMPANY, a certified copy of the resolution by the board of directors, duly signed, authorising the person who signs this bid to do so, as well as to sign any contract resulting from this bid and any other documents and correspondence in connection with this bid and/or contract on behalf of the company **must be submitted with this bid**, that is, before the closing time and date of the bid**
  
- b. **In the case of a CLOSE CORPORATION (CC) submitting a bid, a resolution by its members, authorizing a member or other official of the corporation to sign the documents on their behalf, **shall be included with the bid.****

**PARTICULARS OF RESOLUTION BY BOARD OF DIRECTORS OF THE COMPANY / MEMBERS OF THE CC**

<b>Date Resolution was taken</b>	
----------------------------------	--

<b>Resolution signed by (name and surname)</b>	
<b>Capacity</b>	
<b>Name and surname of delegated Authorized Signatory</b>	
<b>Capacity</b>	
<b>Specimen Signature</b>	

<b>Full name and surname of ALL Director(s) / Member (s)</b>

<b>Is a CERTIFIED COPY of the resolution attached?</b>	<b>YES</b>		<b>NO</b>	
--	------------	--	-----------	--

<b>SIGNED ON BEHALF OF COMPANY / CC:</b>		<b>DATE:</b>	
<b>PRINT NAME:</b>			
<b>WITNESS 1:</b>		<b>WITNESS 2:</b>	

## 2. SOLE PROPRIETOR (SINGLE OWNER BUSINESS)

I, \_\_\_\_\_, the undersigned, hereby confirm

that I am the sole owner of the business trading as \_\_\_\_\_

## 3. PARTNERSHIP

We, the undersigned partners in the business trading as \_\_\_\_\_

hereby authorize Mr/Ms \_\_\_\_\_ to sign this bid as well as any contract resulting from the bid and any other documents and correspondence in connection with this bid and /or contract for and on behalf of the abovementioned partnership.

The following particulars in respect of every partner must be furnished and signed by every partner:

Full name of partner	Signature

SIGNED ON BEHALF OF PARTNERSHIP:		DATE:	
PRINT NAME:			
WITNESS 1:		WITNESS 2:	

<b>CERTIFICATE OF AUTHORITY FOR JOINT VENTURES</b>
--

**This returnable schedule is to be completed by JOINT VENTURES**

We, the undersigned, are submitting this tender offer in joint venture and hereby authorize Mr/Ms \_\_\_\_\_  
 \_\_\_\_\_ authorized signatory of the Company/Close  
 Corporation/Partnership (name) \_\_\_\_\_, acting in the capacity  
 of lead partner, to sign all documents in connection with the tender offer and any contract resulting  
 from it on our behalf.

<b>1. Name of firm</b> (Lead partner)			
Address			
		Tel. No.	
Signature		Designation	

<b>2. Name of firm</b>			
Address			
		Tel. No.	
Signature		Designation	

<b>3. Name of firm</b>			
Address:			
		Tel. No.	
Signature		Designation	

<b>4. Name of firm</b>			
Address			
		Tel. No.	
Signature		Designation	

**NOTE: A copy of the Joint Venture Agreement showing clearly the percentage contribution of each partner to the Joint Venture, shall be appended to this Schedule.**

**EVALUATION CRITERIA**

**SUPPLY CHAIN POLICY USING 80/20 PREFERENCE POINT SYSTEM**

		<b>MAXIMUM POINTS TO BE ALLOCATED</b>	<b>POINTS CLAIMED BY TENDERER</b>	<b>ALLOCATED POINTS</b>
<b>PRICE AND COMPETENCE GOALS (80 POINTS)</b>	<b>PRICE</b>	<b>80</b>		
	<b>SUB TOTAL</b>	<b>80</b>		
<b>B-BBEE STATUS LEVEL OF CONTRIBUTION (20 POINTS)</b>				
	<b>B-BBEE STATUS LEVEL OF CONTRIBUTION</b>	<b>20</b>		
	<b>SUB TOTAL</b>	<b>20</b>		
	<b>TOTAL</b>	<b>100</b>		