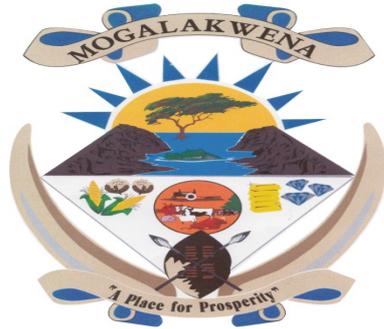


MOGALAKWENA LOCAL MUNICIPALITY



PROJECT NAME: MAINTENANCE OF ROADS INFRASTRUCTURE FOR A PERIOD OF 12 MONTHS

TENDER NO: 28-2018/19

TENDER ADVERT DATE: 20 JUNE 2019

TENDER CLOSING DATE AND TIME: 16.07.2019

NAME OF TENDERER: _____

TENDERED AMOUNT: _____

TENDER SUM IN WORDS: _____

CONTACT PERSON: _____

CELL NUMBER: _____

FAX NUMBER: _____

OFFICE NUMBER: _____

EMAIL ADDRESS: _____

POSTAL ADDRESS: _____

THE TENDERER SHALL HAVE THE CIDB GRADING OF: 6CE OR HIGHER

TENDER NO.28-2018/19

TENDER NOTICE AND INVITATION TO TENDER

CLOSING TIME & DATE: 16 JULY 2019 @10:00

Mogalakwena Local Municipality hereby invites suitably qualified service providers to tender for the below mentioned project.

The details of the project are as follows:

No:	Project Name	COMPULSORY BRIEFING MEETING	Tender Number	CIDB GRADING	Enquiries
1.	APPOINTMENT OF EIGHT (08)SERVICE PROVIDERS FOR MAINTAINANCE OF ROADS INFRASTRUCTURE FOR A PERIOD OF 12 MONTHS	25.06.2019 OLD COUNCIL CHAMBER @10h00	28-2018/19	6CE OR HIGHER	015 491 9671/9731/9649 Supplychain@mogalakwena.gov.za

Mogalakwena Municipality will evaluate, adjudicate and award the bids in accordance with the PPPFA of 2017

BID DOCUMENTS CONTAINING THE CONDITIONS OF BIDS AND REQUIREMENTS CAN BE DOWNLOADED ON E-TENDERS PUBLICATION PORTAL AT

www.etenders.gov.za for free and on www.mogalakwena.gov.za.

The respective project name with the project number must be clearly marked on the envelope before submission.

Complete tender documents, fully priced, signed and sealed in an envelope must be deposited in the Tender Box at Mogalakwena Municipality, 54 Retief Street, Mokopane, by no later than **10H00 on 16 JULY 2019** for all the above projects when all tenders received will be opened in public in the Old Council Chamber, on the Ground Floor.

No late, faxed, telegraphic, emailed and telephonic tenders will be accepted. The council also reserves the right to negotiate further conditions and requirements with the successful tenderer.

NB* Service providers should take note that no bid/service will be awarded to a service provider who is not registered and valid on Web Based Central Supplier Database (CSD).

Enquiries related to this tender must be addressed to Supply Chain Management at 015 491 9671/9731/9649/9647.

The Municipality does not bind itself to accept the lowest or any tender and reserves the right to accept any tender or any part thereof, which may result in the acceptance of more than one tender, whichever the case may be.

**GUNQISA B
MUNICIPAL MANAGER
54 RETIEF STREET
MOKOPANE
0601
NOTICE NUMBER: 45/2019**

BIDDERS PLEASE NOTE THE FOLLOWING

1. No late, faxed, telegraphic, emailed and telephonic tenders will be accepted. The council also reserves the right to negotiate further conditions and requirements with successful tenderer. Tenders received will be the basis for the contract negotiations and ultimately appointment of the suitable service provider. It is therefore important that service providers familiarise themselves with the municipality's processes and MLM supply chain management policy and to take them into account in preparing their tender.
2. Service Providers must note that the costs of preparing the tender and of negotiating the contract are not reimbursable and Mogalakwena Local Municipality is not bound to accept any of the tender submitted.
3. At any time before submission of the bid, Mogalakwena Local Municipality may, for any reason, whether at its own initiative or in response to a clarification requested by an invited firm, modify these Specifications by amendments. The amendment will be sent in writing by facsimile or electronic mail to all Service providers and will be binding on them. Mogalakwena Local Municipality may at its discretion extend the deadline for the submission of bids.

A. TENDER AMOUNT

In preparing the tender amount, service providers are expected to consider the requirements and the conditions of these Specifications. The tender amount should include all costs associated with the project and relevant taxes. The tender amount must be a fixed cost and remain valid for **90 days** after the closing date of the tender submissions. The rate of exchange of this bid is not subject to any foreign currency and the price must be firm.

B. NEGOTIATIONS

Negotiations to reach agreement on all points and sign a contract will be held at a time and place to be determined by Mogalakwena Local Municipality. Negotiations will include a discussion of the technical proposal, the proposed work plan, financial proposal/pricing and any suggestions made by the appointed service provider to improve the Terms of Reference. The agreed work plan, service level agreement and final Terms of Reference will then be incorporated into the "Description of Services" and form part of the contract.

C. SUBMISSION AND OPENING OF TENDER PROPOSAL

The proposal tender document shall be placed in a sealed envelope clearly marked "project name, project number and the closing date". The envelope shall be deposited in the tender box at the Civic Centre situated at:

54 Retief Street, MOKOPANE

Note that any tender received after the closing date and time for submission, will not be considered.

***Technical Enquiries regarding the bid may be directed to:
Mr Sidney Mafoko of Technical Services: Roads & Stormwater
Telephone Number: (015) 491 9603 or 079 020 7613***

***Administrative Enquiries to Supply Chain Unit: -
supplychain@mogalakwena.gov.za
Telephone number: -015 491 9649***

The tenders will be opened immediately after the closing time for submission. At the opening all service providers' bids will be read aloud and the tender amount shall be made public and recorded.

Mogalakwena Local Municipality will take ownership of the outcomes and deliverables, thereby reserving the right to reproduce information from, copy and / or distribute such outcomes and deliverables without the prior consent of and / or reference to the service provider.

D. MOGALAKWENA LOCAL MUNICIPALITY (TOR)

TERMS OF REFERENCE (TOR) FOR MAINTENANCE OF ROADS INFRASTRUCTURE

It is the intention of the Mogalakwena Local Municipality to enter into a service level agreement with a service provider that will carry out the services described hereunder for **12 months**. These Terms of Reference will form the basis of the contract.

SECTION 1: DETAILS

Province	Limpopo
District	Waterberg
Municipality	Mogalakwena Local Municipality
Project Name	Maintenance of Roads Infrastructure

SECTION 2: SUMMARY OF BRIEF

Tenders are requested from service providers who have the necessary stature and extensive experience for the maintenance of roads infrastructure.

SECTION 3: PROJECT DESCRIPTION

Purpose of the project is to provide maintenance services on roads infrastructure within the Mogalakwena municipal areas. The importance of maintaining roads infrastructure is that it presents safety, improved condition and a pleasing environment.

SECTION 4: SCOPE OF WORK

Service Provider is to provide all relevant material, competent labour and efficient equipment that will be necessary to execute the maintenance works.

Service Provider to provide all necessary equipment, safety clothing and procedures to comply with public safety while executing the maintenance works.

Service Provider to remove all excess rubble within one day after completion of the maintenance works.

All material utilized for this contract is to be manufactured at a facility/factory with SABS approved manufacturing processes. Maintenance work done to be in accordance to Standard Specifications of COLTO (Standard Specifications for Road and Bridge Works for State Road Authorities, 1998), CSIR pothole technical guide (2010) and SABITA pavement repair manual and to the approval of the Manager Technical Services.

Main contract activities include the following:

<ul style="list-style-type: none">• Potholes repair• Concrete works• Speed humps construction/repair• Stormwater catch pits cleaning• Box culverts and pipes cleaning• Reinstate road crossings	<ul style="list-style-type: none">• Brickwork• Paving• Grass cutting• Open drains cleaning• Street sweeping• Guardrails reinstating
--	--

SECTION 5: PROJECT OUTCOMES/ OUTPUTS/ DELIVERABLES

The project is anticipated to provide municipal infrastructure that promote safety, improved condition and a pleasing environment.

SECTION 6: PROJECT PLAN/IMPLEMENTATION SCHEDULE

A detailed project plan with milestones and timeframe must be attached. Response time to be indicated, i.e. what will the time be from receiving an instruction to the time of completion.

SECTION 7: PROJECT COSTS / PRICING SCHEDULE

The project cost must be inclusive of all chargeable costs to the municipality. The municipality will not pay any amount outside the projected/quoted amount. The municipality reserves the right to negotiate the project cost.

The successful service provider will be remunerated in accordance with Service Level Agreement.

SECTION 8: SKILLS REQUIRED / EXPERTISE REQUIREMENTS

Specify the Experience of key staff and their qualifications

CV of the project team must be attached. Project team must be available for the whole implementation of the project. Declaration letters of availability of the team members must be attached, and in case of resignation of a member, the service provider must inform the municipality in writing. The resigned member must be replaced by team member of the same statue e.g. Qualification and experience in consultation with the municipality.

SECTION 9: CONTRACT PERIOD

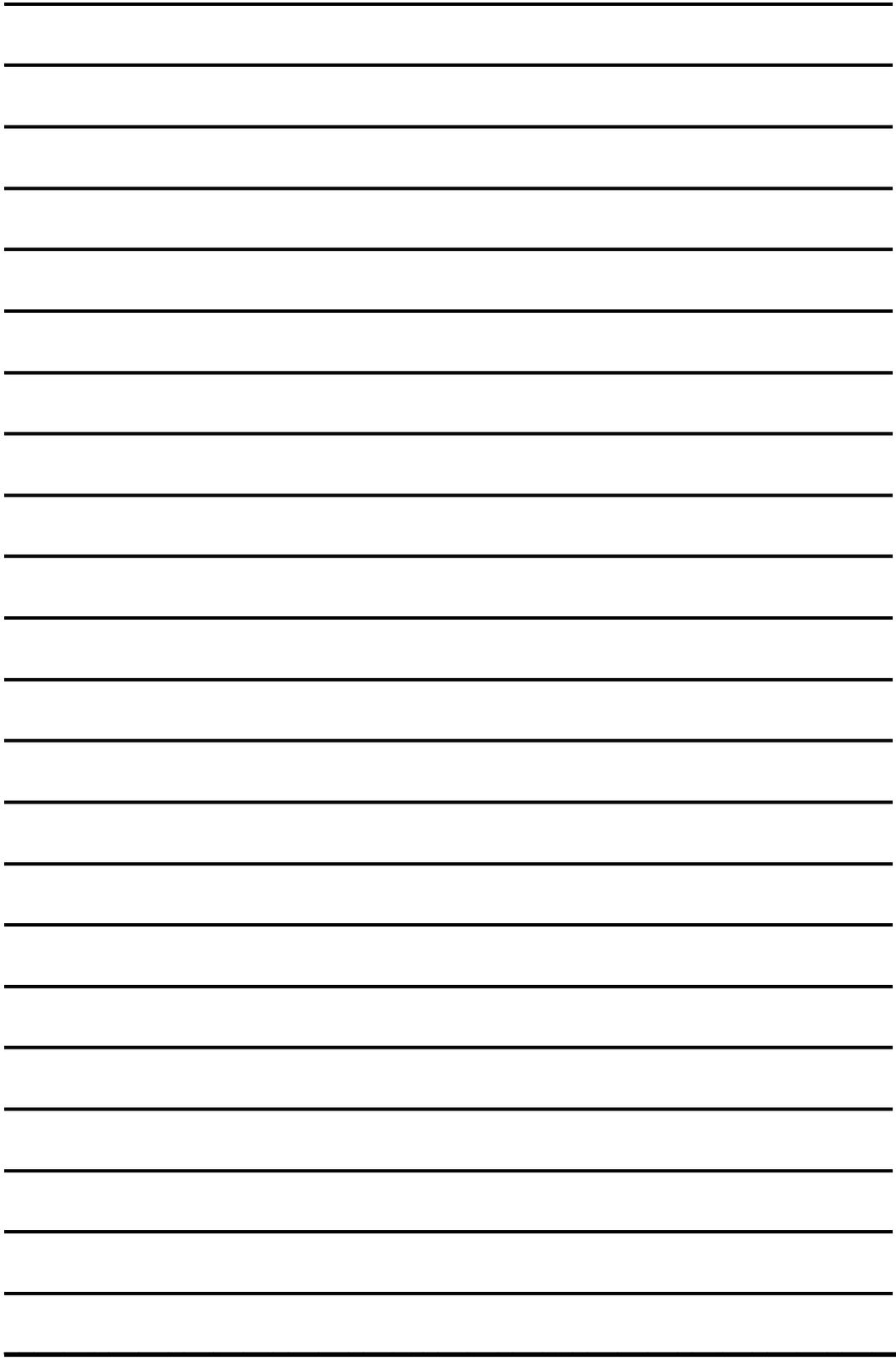
The contract period is for 12 months.

SECTION 10: REPORTING

The appointed service provider will be required to report to the Manager Technical Services, including submission of monthly reports of completed maintenance work.

SECTION 11 METHODOLOGY (APPROACH AND RESOURCES)

12.1 POTHOLE REPAIR



E. EVALUATION CRITERIA

Functionality Assessment

FUNCTIONAL AREAS	SCORES
Company Experience	30
Plant & Equipment	10
Key Staff Experience	15
Key Staff Qualification	15
Methodology	30
TOTAL	100

NB! The minimum cut off points for functionality is 70 points out of 100 points and any bidder scoring less than 70 points will not be considered for further evaluation.

Functionality will be treated as a requirement.

Price Assessment

Proposal will be evaluated based on the PPPFA 80/20-point system.

The 80/20-point system will be as follows:

	SCORES
Price Assessment	80
TOTAL	80

PREFERENTIAL / BBBEE POINTS	20
------------------------------------	-----------

TENDER OFFERS WILL ONLY BE ACCEPTED IF:

- A valid authority for signatory is provided and signed.
- The tenderer has attended the compulsory clarification (briefing) meeting.
- The tenderer has not:
 - Abused the employers Supply Chain Management System; or
 - Failed to perform on any previous contract and has been given a written notice to that effect.
- The tenderer has a CIDB grading of 6CE or higher.
- Valid Tax Clearance Certificate (For both Parties in case of a Joint Venture). Tax compliance status pin issued should also be attached for new tax clearance certificate issued.
- Submitted a valid certified copy of company registration certificate.
- Contactable Reference list of previous and current projects must be attached. Contactable reference list must comprise of the following information: - **project name, company tendered for, tendered amount, year of the project, contactable telephone numbers and completion date.**
- Form must be signed in black ink (no pencil is allowed or other colour)
- All MBD Forms must be completed and signed
- In case of a Joint Venture, Association or Consortium a formal contract agreement must be signed by both parties and be attached
- Any alterations on the proposals or the tender document must be initialled.
- Valid Proof of Residential e.g. lease agreement, municipal rates & taxes account etc.
- Valid BBEE certificate should be submitted.
- Three years Audited financial statements for projects above R10 million.
- CV of key staff with certified copies of qualification should to be submitted.
- The tenderer or any of its directors/shareholders is not listed on the Register of Tender Defaulters in terms of the Prevention of Combating of Corrupt Activities Act of 2004 as a person prohibited from doing business with the public sector.
- The Mogalakwena local Municipality may cancel a contract awarded of any company if:

- The company or any of its directors has committed a corrupt or fraudulent act during the procurement process or in the execution of the contract, or
- An official or other role player committed any corrupt or fraudulent act during the procurement process or in the execution of the contract that benefited the tenderer.
- The tenderer has registered and is in good standing with the compensation fund or with the licenced compensation insurer.

F1. EVALUATION SCHEDULE

Functionality	Points Allocation								
<p>1. Company experience (Certified copies of appointment letters and completion certificates of previous work need to be attached for functionality points scoring otherwise no points will be allocated)</p> <p>1 – 3 years in Civil Engineering related work under consideration</p> <p>4 – 5 years in Civil Engineering related work under consideration</p> <p>6 and above years in Civil Engineering related work under consideration</p>	<p>15</p> <p>20</p> <p>30</p>								
Score	30								
<p>2. Plant & Equipment (Registration documents of plant & equipment or letter of intent to rent/hire relevant plant to be attached)</p> <p>1 – 4 Relevant plant available</p> <p>5 – 6 Relevant plant available</p> <p>7 and above plant available</p> <p>Maintenance Plant</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;">TLB</td> <td>Pavement saw</td> </tr> <tr> <td>Concrete mixer</td> <td>Pedestrian compactor</td> </tr> <tr> <td>Water tanker</td> <td>Mechanical broom</td> </tr> <tr> <td>Tipper truck</td> <td>Grader</td> </tr> </table>	TLB	Pavement saw	Concrete mixer	Pedestrian compactor	Water tanker	Mechanical broom	Tipper truck	Grader	<p>4</p> <p>7</p> <p>10</p>
TLB	Pavement saw								
Concrete mixer	Pedestrian compactor								
Water tanker	Mechanical broom								
Tipper truck	Grader								
Score	10								

3. Key staff experience (CV of key staff members to be attached)	
1 – 3 years in Civil Engineering related work under consideration	6
4 – 5 years in Civil Engineering related work under consideration	10
6 and above years in Civil Engineering related work under consideration	15
Score	15
4. Key staff qualifications (Certified copies of academic qualification/certificate to be attached)	
Technical certificate (N6 Civil Engineering) FET College	4
Technical Diploma (N Dip) University of Technology	6
Degree (BTech, BEng, BSCivil) University or University of Technology	10
Professional ECSA registered (Pr. Techni, Pr. Tech, Pr Eng)	15
Score	15
5. Methodology	
5.1 Pothole repair	
Poor works understanding	1
Good works understanding	4
Very good works understanding	5
5.2 Speed hump construction	
Poor works understanding	1
Good works understanding	4
Very good works understanding	5
5.3 Concrete works	
Poor works understanding	3
Good works understanding	5
Very good works understanding	
5.4 Brickwork	
Poor works understanding	1
Good works understanding	3
Very good works understanding	5
5.5 Cleaning of stormwater drains	
Poor works understanding	1

Good works understanding	3
Very good works understanding	5
5.6 Grass cutting	
Poor works understanding	1
Good works understanding	3
Very good works understanding	5
Score	30
Total Scored points	100
Total points achievable	100
Minimum score required	70

MBD FORMS

MBD 1

INVITATION TO BID

.....
.....

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE (NAME OF MUNICIPALITY/ENTITY)

BID NUMBER: CLOSING DATE: CLOSING TIME:
.....

DESCRIPTION.....
.....

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

BID DOCUMENTS MAY BE POSTED TO:

.....
.....

OR

DEPOSITED IN THE BID BOX SITUATED AT (STREET ADDRESS)

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

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 PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT AND THE PREFERENTIAL PROCUREMENT REGULATIONS, 2011, THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER SPECIAL CONDITIONS OF CONTRACT

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

THE FOLLOWING PARTICULARS MUST BE FURNISHED

(FAILURE TO DO SO MAY RESULT IN YOUR BID BEING DISQUALIFIED)

NAME OF BIDDER

.....

POSTAL ADDRESS

.....

STREET ADDRESS

.....

TELEPHONE NUMBER

CODE.....NUMBER.....

CELLPHONE NUMBER

.....

FACSIMILE NUMBER

CODE

NUMBER.....

E-MAIL ADDRESS

.....

VAT REGISTRATION NUMBER

.....

HAS AN ORIGINAL AND VALID TAX CLEARANCE CERTIFICATE BEEN ATTACHED? (MBD 2)

YES/NO

HAS A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE BEEN SUBMITTED? (MBD 6.1)
YES/NO

IF YES, WHO WAS THE CERTIFICATE ISSUED BY?

AN ACCOUNTING OFFICER AS CONTEMPLATED IN THE CLOSE CORPORATION ACT (CCA)

A VERIFICATION AGENCY ACCREDITED BY THE SOUTH AFRICAN NATIONAL ACCREDITATION SYSTEM (SANAS)

A REGISTERED AUDITOR

(Tick applicable box)

(A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE MUST BE SUBMITTED IN ORDER TO QUALIFY FOR PREFERENCE POINTS FOR B-BBEE)

ARE YOU THE ACCREDITED REPRESENTATIVE

IN SOUTH AFRICA FOR THE GOODS/SERVICES/WORKS OFFERED

YES/NO
(IF YES ENCLOSE PROOF)

SIGNATURE OF BIDDER

.....

DATE

.....

CAPACITY UNDER WHICH THIS BID IS SIGNED

.....

TOTAL BID PRICE..... TOTAL NUMBER OF ITEMS OFFERED

.....

ANY ENQUIRIES REGARDING THE BIDDING PROCEDURE MAY BE DIRECTED TO:

Municipality / Municipal Entity:

Department:

Contact Person:

Tel:

Fax:

ANY ENQUIRIES REGARDING TECHNICAL INFORMATION MAY BE DIRECTED TO:

Contact Person:

Tel:

Fax:

MBD 2

TAX CLEARANCE CERTIFICATE REQUIREMENTS

It is a condition of bid that the taxes of the successful bidder must be in order, or that satisfactory arrangements have been made with South African Revenue Service (SARS) to meet the bidder's tax obligations.

1 In order to meet this requirement bidders are required to complete in full the attached form TCC 001 "Application for a Tax Clearance Certificate" and submit it to any SARS branch office nationally. The Tax Clearance Certificate Requirements are also applicable to foreign bidders / individuals who wish to submit bids.

2 SARS will then furnish the bidder with a Tax Clearance Certificate that will be valid for a period of 1 (one) year from the date of approval.

3 The original Tax Clearance Certificate must be submitted together with the bid. Failure to submit the original and valid Tax Clearance Certificate will result in the invalidation of the bid. Certified copies of the Tax Clearance Certificate will not be acceptable.

4 In bids where Consortia / Joint Ventures / Sub-contractors are involved, each party must submit a separate Tax Clearance Certificate.

5 Copies of the TCC 001 “Application for a Tax Clearance Certificate” form are available from any SARS branch office nationally or on the website www.sars.gov.za.

6 Applications for the Tax Clearance Certificates may also be made via eFiling. In order to use this provision, taxpayers will need to register with SARS as eFilers through the website www.sars.gov.za.

MBD 4

DECLARATION OF INTEREST

1. No bid will be accepted from persons in the service of the state¹.
2. Any person, having a kinship with persons in the service of the state, including a blood relationship, may make an offer or offers in terms of this invitation to bid. In view of possible allegations of favouritism, should the resulting bid, or part thereof, be awarded to persons connected with or related to persons in service of the state, it is required that the bidder or their 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, hareholder²):.....

3.4 Company Registration Number:

3.5 Tax Reference Number:.....

3.6 VAT Registration Number:

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

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

3.8.1 If yes, furnish particulars.

.....

¹MSCM Regulations: "in the service of the state" means to be –

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

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

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

3.9.1 If yes, furnish particulars.....

.....

3.10 Do you have any relationship (family, friend, other) with 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

DECLARATION FOR PROCUREMENT ABOVE R10 MILLION (ALL APPLICABLE TAXES INCLUDED)

For all procurement expected to exceed R10 million (all applicable taxes included), bidders must complete the following questionnaire:

- 1 Are you by law required to prepare annual financial statements for auditing?
.....
.....

- 1.1 If yes, submit audited annual financial statements for the past three years or since the date of establishment if established during the past three years. * Delete if not applicable
NO *YES /

-
-

- 2 Do you have any outstanding undisputed commitments for municipal services towards any municipality for more than three months or any other service provider in respect of which payment is overdue for more than 30 days?

- 2.1 If no, this serves to certify that the bidder has no undisputed commitments for municipal services towards any municipality for more than three months or other service provider in respect of which payment is overdue for more than 30 days. **NO** *YES /

- 2.2 If yes, provide particulars.
.....
.....
.....

3 Has any contract been awarded to you by an organ of state during the past five years, including particulars of any material non-compliance or dispute concerning the execution of such contract?

3.1 If yes, furnish particulars

.....
.....

****YES / NO***

4. Will any portion of goods or services be sourced from outside the Republic, and, if so, what portion and whether any portion of payment from the municipality / municipal entity is expected to be transferred out of the Republic?

***YES / NO**

4.1 If yes, furnish particulars

.....
.....

CERTIFICATION

I, THE UNDERSIGNED (NAME)

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

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

FALSE.

.....
Signature

.....
Date

.....
Position

.....
Name of Bidder

MBD 6.1

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

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 regarding 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

~~min 180 P P Pt Ps or min 190 P P Pt Ps~~ Where Ps = Points scored for comparative price of bid under consideration Pt = Comparative price of bid under consideration Pmin = Comparative price of lowest acceptable bid

5. POINTS AWARDED FOR B-BBEE STATUS LEVEL OF CONTRIBUTION 5.1 In terms of Regulation 6 (2) and 7 (2) of the Preferential Procurement Regulations 2017, preference points must be awarded to a bidder for attaining the B-BBEE status level of contribution in accordance with the table below:

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

5.2 A bidder who qualifies as an EME in terms of the B-BBEE Act must submit an 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 NO

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 NO

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.

..... SIGNATURE(S) OF BIDDERS(S)

DATE: ADDRESS

.....

MBD 6.2

DECLARATION CERTIFICATE FOR LOCAL PRODUCTION AND CONTENT FOR DESIGNATED SECTORS

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

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

1. General Conditions

- 1.1. Preferential Procurement Regulations, 2011 (Regulation 9) makes 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. Where necessary, for bids referred to in paragraph 1.2 above, a two-stage bidding process may be followed, where the first stage involves a minimum threshold for local production and content and the second stage price and B-BBEE.
- 1.4. A person awarded a contract in relation to a designated sector, may not sub-contract in such a manner that the local production and content of the overall value of the contract is reduced to below the stipulated minimum threshold.
- 1.5. The local content (LC) expressed as a percentage of the bid price must be calculated in accordance with the SABS approved technical specification number SATS 1286: 2011 as follows:

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

Where

x is the imported content in Rand

y is the bid price in Rand excluding value added tax (VAT)

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

The SABS approved technical specification number SATS 1286:2011 is accessible on http://www.thedti.gov.za/industrial_development/ip.jsp at no cost.

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

2. Definitions

- 2.1. **“bid”** includes written price quotations, advertised competitive bids 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 (this includes labor and intellectual property costs), 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 (refer to Annex A of SATS 1286:2011) for this bid is/are as follows:

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

4. Does any portion of the services, works or goods offered have any imported content?

(Tick applicable box)

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

- 4.1 If yes, the rate(s) of exchange to be used in this bid to calculate the local content as prescribed in paragraph 1.5 of the general conditions must be the rate(s) published by the SARB for the specific currency at 12:00 on the date of advertisement of the bid.

The relevant rates of exchange information are accessible on www.reservebank.co.za

Indicate the rate(s) of exchange against the appropriate currency in the table below (refer to Annex A of SATS 1286:2011):

Currency	Rates of exchange
US Dollar	
Pound Sterling	
Euro	
Yen	
Other	

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

5. Where, after the award of a bid, challenges are experienced in meeting the stipulated minimum threshold for local content the dti must be informed accordingly in order for the dti to verify and in consultation with the Accounting Officer / Accounting Authority provide directives in this regard.

LOCAL CONTENT DECLARATION
(REFER TO ANNEX B OF SATS 1286:2011)

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

IN RESPECT OF BID NO.

ISSUED BY: (Procurement Authority / Name of Municipality / Municipal Entity):

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.
- Guidance on the Calculation of Local Content together with Local Content Declaration Templates (Annex C, D and E) is accessible on <http://www.thedti.gov.za/industrialdevelopment/ip.jsp>. Bidders should first complete Declaration D. After completing Declaration D, bidders should complete Declaration E and then consolidate the information on Declaration C. **Declaration C should be submitted with the bid documentation at the closing date and time of the bid in order to substantiate the declaration made in paragraph (c) below.** Declarations D and E should be kept by the bidders for verification purposes for a period of at least 5 years. The successful bidder is required to continuously update Declarations C, D and E with the actual values for the duration of the contract.

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

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

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

If the bid is for more than one product, the local content percentages for each product contained in Declaration C shall be used instead of the table above. The local content percentages for each product has been calculated using the formula given in clause 3 of SATS 1286:2011, the rates of exchange indicated in paragraph 4.1 above and the information contained in Declaration D and E.

- (d) I accept that the Procurement Authority / Municipality /Municipal Entity has the right to request that the local content be verified in terms of the requirements of SATS 1286:2011.
- (e) I understand that the awarding of the bid is dependent on the accuracy of the information furnished in this application. I also understand that the submission of incorrect data, or data that are not verifiable as described in SATS 1286:2011, may result in the Procurement Authority / Municipal / Municipal Entity imposing any or all of the remedies as provided for in Regulation 13 of the Preferential Procurement Regulations, 2011 promulgated under the Preferential Policy Framework Act (PPFA), 2000 (Act No. 5 of 2000).

SIGNATURE: _____ **DATE:** _____

WITNESS No. 1 _____ **DATE:** _____

WITNESS No. 2 _____ **DATE:** _____

CONTRACT FORM - PURCHASE OF GOODS/WORKS

THIS FORM MUST BE FILLED IN DUPLICATE BY BOTH THE SUCCESSFUL BIDDER (PART 1) AND THE PURCHASER (PART 2). BOTH FORMS MUST BE SIGNED IN THE ORIGINAL SO THAT THE SUCCESSFUL BIDDER AND THE PURCHASER WOULD 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 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 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 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

WITNESSES	
1
2.
---	---

MBD 7.1

CONTRACT FORM - PURCHASE OF GOODS/WORKS

PART 2 (TO BE FILLED IN BY THE PURCHASER)

- I..... in my capacity as..... accept your bid under reference numberdated.....for the supply of goods/works indicated hereunder and/or further specified in the annexure(s).
- An official order indicating delivery instructions is forthcoming.
- 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)

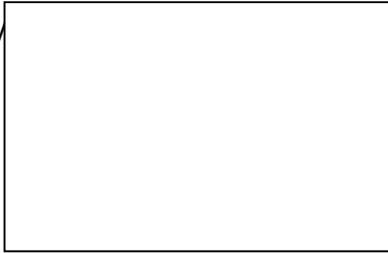
- I confirm that I am duly authorized to sign this contract.

SIGNED ATON.....

NAME (PRINT)

SIGNATURE

OFFICIAL STAMP



WITNESSES

1.

....

2.

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)

7. 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.
8. The following documents shall be deemed to form and be read and construed as part of this agreement:
 - (iv) 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;
 - (v) General Conditions of Contract; and
 - (vi) Other (specify)
9. 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.
10. 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.
11. I declare that I have no participation in any collusive practices with any bidder or any other person regarding this or any other bid.
12. I confirm that I am duly authorised to sign this contract.

NAME (PRINT)	WITNESSES 1
CAPACITY	

SIGNATURE

NAME OF FIRM

DATE

MBD 7.2

CONTRACT FORM - RENDERING OF SERVICES

PART 2 (TO BE FILLED IN BY THE PURCHASER)

- 4. I..... in my capacity as..... accept your bid under reference numberdated.....for the rendering of services indicated hereunder and/or further specified in the annexure(s).
- 5. An official order indicating service delivery instructions is forthcoming.
- 6. 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.

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

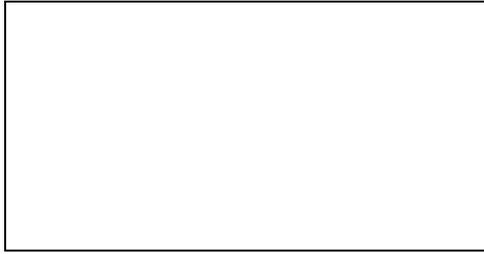
4. I confirm that I am duly authorised to sign this contract.

SIGNED AT ON

NAME (PRINT)

SIGNATURE

OFFICIAL STAMP



WITNESSES

1

....

2

CONTRACT FORM - SALE OF GOODS/WORKS

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

PART 1 (TO BE FILLED IN BY THE BIDDER)

- 13. I hereby undertake to purchase all or any of the goods and/or works described in the attached bidding documents from (name of institution)..... in accordance with the requirements stipulated in (bid number)..... at the price/s quoted. My offer/s remain binding upon me and open for acceptance by the seller during the validity period indicated and calculated from the closing time of bid.
- 14. The following documents shall be deemed to form and be read and construed as part of this agreement:
 - (vii) Bidding documents, viz
 - Invitation to bid;
 - Tax clearance certificate;
 - Pricing schedule(s);
 - Declaration of interest;
 - Declaration of Bidder’s past SCM practices;
 - Special Conditions of Contract;
 - (viii) General Conditions of Contract; and
 - (ix) Other (specify)
- 15. I confirm that I have satisfied myself as to the correctness and validity of my bid; that the price(s) quoted cover all the goods and/or works specified in the bidding documents; that the price(s) cover all my obligations and I accept that any mistakes regarding price(s) and calculations will be at my own risk.
- 16. 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.
- 17. I undertake to make payment for the goods/works as specified in the bidding documents.
- 18. I declare that I have no participation in any collusive practices with any bidder or any other person regarding this or any other bid.
- 19. I confirm that I am duly authorised to sign this contract.

NAME (PRINT)

CAPACITY

WITNESSES
1

SIGNATURE

NAME OF FIRM

DATE

MBD 7.3

CONTRACT FORM - SALE OF GOODS/WORKS

PART 2 (TO BE FILLED IN BY THE SELLER)

- 7. I..... in my capacity as..... accept your bid under reference numberdated.....for the purchase of goods/works indicated hereunder and/or further specified in the annexure(s).
- 8. I undertake to make the goods/works available in accordance with the terms and conditions of the contract.

ITEM NO.	DESCRIPTION	PRICE (ALL APPLICABLE TAXES INCLUDED)		

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

SIGNED ATON.....

NAME (PRINT)

SIGNATURE

OFFICIAL STAMP

WITNESSES

3.
....

DECLARATION OF BIDDER'S PAST SUPPLY CHAIN MANAGEMENT PRACTICES

- 1 This Municipal Bidding Document must form part of all bids invited.
- 2 It serves as a declaration to be used by municipalities and municipal entities in ensuring that when goods and services are being procured, all reasonable steps are taken to combat the abuse of the supply chain management system.
- 3 The bid of any bidder may be rejected if that bidder, or any of its directors have:
 - a. abused the municipality's / municipal entity's supply chain management system or committed any improper conduct in relation to such system;
 - b. been convicted for fraud or corruption during the past five years;
 - c. willfully neglected, reneged on or failed to comply with any government, municipal or other public sector contract during the past five years; or
 - d. been listed in the Register for Tender Defaulters in terms of section 29 of the Prevention and Combating of Corrupt Activities Act (No 12 of 2004).
- 4 **In order to give effect to the above, the following questionnaire must be completed and submitted with the bid.**

Item	Question	Yes	No
4.1	<p>Is the bidder or any of its directors listed on the National Treasury's Database of Restricted Suppliers as companies or persons prohibited from doing business with the public sector?</p> <p>(Companies or persons who are listed on this Database were informed in writing of this restriction by the Accounting Officer/Authority of the institution that imposed the restriction after the <i>audi alteram partem</i> rule was applied).</p> <p>The Database of Restricted Suppliers now resides on the National Treasury's website(www.treasury.gov.za) and can be accessed by clicking on its link at the bottom of the home page.</p>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.1.1	If so, furnish particulars:		
4.2	<p>Is the bidder or any of its directors listed on the Register for Tender Defaulters in terms of section 29 of the Prevention and Combating of Corrupt Activities Act (No 12 of 2004)?</p> <p>The Register for Tender Defaulters can be accessed on the National Treasury's website (www.treasury.gov.za) by clicking on its link at the bottom of the home page.</p>	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 bids¹ invited.

- 2 Section 4 (1) (b) (iii) of the Competition Act No. 89 of 1998, as amended, prohibits an agreement between, or concerted practice by, firms, or a decision by an association of firms, if it is between parties in a horizontal relationship and if it involves collusive bidding (or bid rigging).² Collusive bidding is a *pe se* prohibition meaning that it cannot be justified under any grounds.

- 3 Municipal Supply Regulation 38 (1) prescribes that a supply chain management policy must provide measures for the combating of abuse of the supply chain management system, and must enable the accounting officer, among others, to:
 - a. take all reasonable steps to prevent such abuse;
 - b. reject the bid of any bidder if that bidder or any of its directors has abused the supply chain management system of the municipality or municipal entity or has committed any improper conduct in relation to such system; and
 - c. cancel a contract awarded to a person if the person committed any corrupt or fraudulent act during the bidding process or the execution of the contract.

- 4 This MBD serves as a certificate of declaration that would be used by institutions to ensure that, when bids are considered, reasonable steps are taken to prevent any form of bid-rigging.

- 5 In order to give effect to the above, the attached Certificate of Bid Determination (MBD 9) must be completed and submitted with the bid:

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

² Bid rigging (or collusive bidding) occurs when businesses, that would otherwise be expected to compete, secretly conspire to raise prices or lower the quality of goods and / or services for purchasers who wish to acquire goods and / or services through a bidding process. Bid rigging is, therefore, an agreement between competitors not to compete.

I, the undersigned, in submitting the accompanying bid:

(Bid Number and Description)

in response to the invitation for the bid made by:

(Name of Municipality / Municipal Entity)

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

I certify, on behalf of: _____ that:

(Name of Bidder)

1. I have read and I understand the contents of this Certificate;
2. I understand that the accompanying bid will be disqualified if this Certificate is found not to be true and complete in every respect;
3. I am authorized by the bidder to sign this Certificate, and to submit the accompanying bid, on behalf of the bidder;
4. Each person whose signature appears on the accompanying bid has been authorized by the bidder to determine the terms of, and to sign, the bid, on behalf of the bidder;
5. For the purposes of this Certificate and the accompanying bid, I understand that the word "competitor" shall include any individual or organization, other than the bidder, whether or not affiliated with the bidder, who:
 - (a) has been requested to submit a bid in response to this bid invitation;
 - (b) could potentially submit a bid in response to this bid invitation, based on their qualifications, abilities or experience; and
 - (c) provides the same goods and services as the bidder and/or is in the same line of business as the bidder

MBD 9

6. The bidder has arrived at the accompanying bid independently from, and without consultation, communication, agreement or arrangement with any competitor. However communication between partners in a joint venture or consortium³ will not be construed as collusive bidding.

7. In particular, without limiting the generality of paragraphs 6 above, there has been no consultation, communication, agreement or arrangement with any competitor regarding:
- (a) prices;
 - (b) geographical area where product or service will be rendered (market allocation)
 - (c) methods, factors or formulas used to calculate prices;
 - (d) the intention or decision to submit or not to submit, a bid;
 - (e) the submission of a bid which does not meet the specifications and conditions of the bid; or
 - (f) bidding with the intention not to win the bid.
8. In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications and conditions or delivery particulars of the products or services to which this bid invitation relates.
9. The terms of the accompanying bid have not been, and will not be, disclosed by the bidder, directly or indirectly, to any competitor, prior to the date and time of the official bid opening or of the awarding of the contract.

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

MBD 9

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

.....
Signature

.....
Date

.....
Position

.....
Name of Bidder

BILL OF QUANTITIES

ITEM NO	DESCRIPTION	UNIT	QTY	RATE	AMOUNT
12.00	<u>SECTION 1200 DM: EARTHWORKS (ROADS, SUBGRADE)</u>				
12,01	Gravel surface layer	m ³	1		

The rate shall cover the cost of locating, excavating, hauling, placing and compacting the material for the gravel surface layer as per SABS 1200 ME

TOTAL CARRIED TO SUMMARY

ITEM NO	DESCRIPTION	UNIT	QTY	RATE	AMOUNT
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15.00	<u>SECTION 1500: ACCOMODATION OF TRAFFIC</u>				
15,01	Accommodation of traffic and maintaining temporary deviations	km	1		
15.90	Penalty to be deducted for noncompliance with requirements for traffic accommodation				
	(i) Fixed penalty per occurrence	No	1	-5000	Rate Only
	(ii) Time related penalty	hr	1	-500	Rate Only
15,91	PROVISION FOR OCCUPATIONAL HEALTH & SAFETY:				
	(i) Contractor's obligations in respect of the Occupational Health and Safety and Construction Regulations	Lump-Sum	1		
	(ii) Submission of the Health and Safety File including Safety Plan for approval	Lump-Sum	1		
TOTAL CARRIED TO SUMMARY					

ITEM NO	DESCRIPTION	UNIT	QTY	RATE	AMOUNT
17.00	<u>SECTION 1700: CLEARING AND GRUBBING</u>				
17,01	Clearing and grubbing (including grass cutting)	ha			
17,04	Clearing and grubbing at inlets and outlets of hydraulic structures	m ²			
17,05	Cleaning out hydraulic structures:				
	(a) Pipes with an internal diameter up to and including 750mm	m ³			
	(b) Pipes with an internal diameter exceeding 750mm	m ³			
	(c) Box culverts up to and including 1,5m vertical dimension	m ³			
	(d) Box culverts exceeding 1,5m vertical dimension	m ³			
TOTAL CARRIED TO SUMMARY					

ITEM NO	DESCRIPTION	UNIT	QTY	RATE	AMOUNT
18.00	<u>SECTION 1800: DAYWORKS</u>				

21.00	<u>SECTION 2100: DRAINS</u>				
21,02	Clearing and shaping existing open drains	m ³	1		
21,15	Overhaul for material hauled in excess of 1,0km free haul	m ³	1		
21,16	Backfilling existing eroded side drains	m ³	1		
21,18	Excavation for the clearing of existing drainage systems:				
	(a) Manholes and inlet and outlet structures	m ³	1		
	(b) Culvert barrels	m ³	1		
	(c) Concrete side drains	m ³	1		
	-				
TOTAL CARRIED TO SUMMARY					

ITEM NO	DESCRIPTION	UNIT	QTY	RATE	AMOUNT
22.00	<u>SECION 2200: PREFABRICATED CULVERTS</u>				
22,01	Excavation:				

	(a) Excavating soft material situated within the following depth ranges below the surface level:				
	(i) 0m up to 1,5m	m ³	1		
	(ii) Exceeding 1,5m and up to 3,0m	m ³	1		
	(iii) Exceeding 3,0 and up to 4,5m	m ³	1		
22,02	Backfilling:				
	(a) Using the excavated material	m ³	1		
	(b) Using imported material	m ³	1		
22,07	Cast in situ concrete and formwork:				
	(c) In inlet and outlet structures, skewed ends, catch pits, manholes, thrust and anchor blocks, excluding formwork but including class U2 surface finish (Class 25/19)	m ³	1		
	(d) Formwork of concrete under subitem 22.07(c) above	m ²	1		
22.10	Steel reinforcement:				
	(a) Mild steel bars	t	1		
	(b) High-tensile steel bars	t	1		
	(c) Welded steel fabric	kg	1		
22,12	Removing existing concrete				
	(a) Plain concrete	m ³	1		
	(b) Reinforced concrete	m ³	1		
22,13	Removing and re-laying existing pipes (various sizes)	m	1		
22,14	Removing and stacking existing prefabricated culverts (various sizes)	m	1		
22,18	Brickwork				
	(a) 115mm thick	m ²	1		
	(b) 230mm thick	m ²	1		
	(c) 345mm thick	m ²	1		
CARRIED FORWARD					
ITEM NO	DESCRIPTION	UNIT	QTY	RATE	AMOUNT
BROUGHT FORWARD					
22,19	Plaster	m ²	1		

22,27	Reinstating trenches crossing roads:				
	(a) Selected layers	m ²	1		
	(b) Subbase layer	m ²	1		
	(c) Base (including prime coat)	m ²	1		
	(d) Asphalt surfacing (including tack coat)	m ²	1		
	(e) Kerbing	m	1		
TOTAL CARRIED TO SUMMARY					

ITEM NO	DESCRIPTION	UNIT	QTY	RATE	AMOUNT
23.00	<u>SECTION 2300: CONCRETE KERBING, CONCRETE CHANNELLING, CHUTES AND DOWNPIPES, AND CONCRETELININGS FOR OPEN DRAINS</u>				
23,07	Trimming of excavations for concrete-lined open drains:				
	(a) In soft material	m ³	1		
	(b) In hard material	m ³	1		
23,08	Concrete lining for open drains				
	(a) Cast in situ concrete lining (Class 25/19)	m ³	1		
23,14	Cutting bituminous surfacing and pavement layers for concrete kerbing, channelling or concrete lined drains	m	1		
TOTAL CARRIED TO SUMMARY					

ITEM NO	DESCRIPTION	UNIT	QTY	RATE	AMOUNT
39.00	<u>SECTION 3900: PATCHING AND REPAIRING EDGE BREAKS</u>				
39,01	Sawing asphalt or cemented pavement layers for patching:				
	(i) Not exceeding 50mm	m ²	1		
	(b) Exceeding 50mm but not exceeding 100mm	m ²	1		
	(c) Exceeding 100mm	m ²	1		
39,02	Excavation in existing pavements for patching in:				
	(a) Asphalt layers	m ³	1		
39,03	Backfilling of excavations for patching with:				
	(a) Chemically stabilized pavement material CEM 32,5MPa)				
	(i) Not exceeding 5m ²	m ³	1		
	(ii) Exceeding 5m ² but not exceeding 100m ²	m ³	1		
	(iii) Exceeding 100m ²	m ³	1		
39,04	Compacting the floor of excavations for patching	m ²	1		
39,05	Cutting back the edges of the existing surfacing for the repairing of edge breaks	m	1		
TOTAL CARRIED TO SUMMARY					

ITEM NO	DESCRIPTION	UNIT	QTY	RATE	AMOUNT
42.00	<u>SECTION 4200: ASPHALT BASE AND SURFACING</u>				
42,02	Asphalt surfacing (with 60/70 penetration grade bitumen)				
	(a) Continuously graded (medium)				
	(i) patches of up to 30mm thick	m ²	1		
	(ii) patches of exceeding 30mm thick and not exceeding 50mm thick	m ²	1		
42,04	Tack coat of 30% stable-grade emulsion	litre	1		
42,05	Binder variation (Penetration grade bitumen)	t	1		
42,13	Placing and compacting asphalt in restricted areas:				
	(a) Extra over item 42.02 above	t	1		
42,14	Extra over item 4204 for applying tack coat in restricted areas	litre	1		
42.20	Backfilling of excavations for patching with:				
	(b) Asphalt surfacing (Cold-Mix Asphalt)	t	1		
TOTAL CARRIED TO SUMMARY					

ITEM NO	DESCRIPTION	UNIT	QTY	RATE	AMOUNT
48.00	SECTION 4800: TREATMENT OF AN EXISTING SURFACE EXHIBITING CERTAIN DEFECTS				
48,05	Repairing edge breaks in surfacing:				
	(a) Tack coat using 30% bitumen emulsion	litre	1		
	(b) Reconstructing edges using medium continuously-graded asphalt	t	1		
TOTAL CARRIED TO SUMMARY					

ITEM NO	DESCRIPTION	UNIT	QTY	RATE	AMOUNT
51.00	SECTION 5100: PITCHING, STONEMWORK AND PROTECTION AGAINST EROSION				
51,01	(b) Grouted stone pitching	m ²	1		
51,04	(b) (i) Segmental block paving of 60mm thickness	m ²	1		
	(ii) Segmented block paving of 80mm thickness	m ²	1		
	(d) Prefabricated concrete paving blocks for sidewalk pavement	m ²	1		
51,05	Concrete edge beam, Class 25/19	m ³	1		
TOTAL CARRIED TO SUMMARY					

ITEM NO	DESCRIPTION	UNIT	QTY	RATE	AMOUNT
54.00	<u>SECTION 5400: GUARDRAILS</u>				
54.07	Removing existing guardrails	m	1		
54.08	Renovating guardrail material:				
	(a) Guardrail and end treatments	m	1		
	(b) Posts	No	1		
54.09	Re-erection of guardrail with recovered and/or new material:				
	(a) Single guardrail	m	1		
	(b) Double guardrail	m	1		
54.11	New material required for the re-erection of guardrails with recovered materials:				
	(a) Guardrails	m	1		
	(b) Timber posts	No	1		
	(c) Steel posts	No	1		
	(d) Reflective plates	No	1		
	(e) Spacer blocks	No	1		
	(f) Splice bolt complete with nut and washer	No	1		
	(g) Post bolt complete with nut and washer	No	1		
	(h) Reinforcing plates	No	1		
TOTAL CARRIED TO SUMMARY					

ITEM NO	DESCRIPTION	UNIT	QTY	RATE	AMOUNT
56.00	<u>SECTION 5600: ROAD SIGNS</u>				
56,05	Excavation and backfilling for road sign support	m ³	1		
56,06	Extra over item 56.05 for cement-treated soil backfilling	m ³	1		
56,07	Extra over item 56.05 for rock excavation	m ³	1		
56.10	Danger plates (complete with support)				
	(a) Type W401/W402 back-to-back at culverts and speed humps	No	1		
TOTAL CARRIED TO SUMMARY					

ITEM NO	DESCRIPTION	UNIT	QTY	RATE	AMOUNT
57.00	<u>SECTION 5700: ROAD MARKINGS</u>				
57,02	Retro-reflective road marking paint:				
	(a) White lines (broken or unbroken)				
	(i) 100mm wide	km			
	(ii) 300mm wide	km			
	(b) Yellow lines (broken or unbroken)				
	(i) 100mm wide	km			
	(ii) 300mm wide	km			
57.08	Removal of existing, temporary or permanent road markings by:				
	(a) Sandblasting	m ²			
	(b) Overpainting as temporary measure	m ²			
57,09	Removal of existing road studs	No			
TOTAL CARRIED TO SUMMARY					

SUMMARY OF BILL OF QUANTITIES

SCHEDULE A: ROADS MAINTENANCE

SECTION	DESCRIPTION	AMOUNT (RANDS)
1200	EARTHWORKS (ROADS, SUBGRADE)	
1500	ACCOMODATION OF TRAFFIC	
1700	CLEARING AND GRUBBING	
1800	DAYWORKS	
2100	DRAINS	
2200	PREFABRICATED CULVERTS	
2300	CONCRETE KERBING, CONCRETE CHANNELLING, CHUTES AND DOWNPIPES, AND CONCRETE LININGS FOR OPEN DRAINS	
3900	PATCHING AND REPAIRING EDGE BREAKS	
4200	ASPHALT BASE AND SURFACING	
4800	TREATMENT OF AN EXISTING SURFACE EXHIBITING CERTAIN DEFECTS	
5100	PITCHING, STONEMWORK AND PROTECTION AGAINST EROSION	
5400	GUARDRAILS	
5600	ROAD SIGNS	
5700	ROAD MARKINGS	
	TOTAL OF SCHEDULE A	
	ADD 15% VAT	
	TENDER AMOUNT (CARRIED TO COVER PAGE)	