



MOGALAKWENA LOCAL MUNICIPALITY

FORMAL WRITTEN PRICE QUOTATION

NOTICE NUMBER:		250/2024	
QUOTATION NUMBER:		Q48-2024/2025	
DESCRIPTION:		Hiring of Tractor Loader Backhoe (TLB)	
CLOSING DATE:	22 November 2024	CLOSING TIME:	12H00
QUOTATIONS MUST BE DEPOSITED IN THE QUOTATION BOX SITUATED AT: 54 RETIEF STREET MOKOPANE 0601		NB: 1. All bids must be submitted on the official forms – (not to be retyped) 2. Bids must be completed in black and white 3. No bids will be considered from persons in the service of the state	
Name of Bidder:			
Central Supplier Database (CSD) Number (Compulsory):			
Central Supplier Database (CSD) Unique Reference Number			
Tax Compliance Status (TCS) Verification Pin:			
Contact Details of Bidder		Name: _____ Telephone: _____ Cell Phone: _____ E-mail: _____	
Total Bid Price:			

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1. FORMAL WRITTEN PRICE QUOTATION NOTICE AND INVITATION TO BID



MOGALAKWENA LOCAL MUNICIPALITY REQUEST FOR QUOTATION NOTICE AND INVITATION TO BID

ADVERTISED IN:	MUNICIPAL NOTICE BOARD, MUNICIPAL WEBSITE		
QUOTATION NUMBER:	Q48-2024/2025	NOTICE NO:	250/2024
PUBLISHED DATE:	08 NOVEMBER 2024	DEPARTMENT	FINANCIAL SERVICES
Request for Written Quotation:	Hiring of Tractor Loader Backhoe (TLB)		
CLOSING TIME AND DATE:	DATE	22 NOVEMBER 2024	TIME
			12H00
QUOTATIONS MUST BE DEPOSITED IN THE QUOTATION BOX SITUATED AT: MOGALAKWENA LOCAL MUNICIPALITY 54 RETIEF STREET MOKOPANE 0601			
NOTICE TO BIDDERDS			
<ol style="list-style-type: none"> No bid/quotation shall be considered from persons in the service of state (MBD 4) Bids are to be completed in accordance with the conditions and bids rules contained in the bid document. Bids may only be submitted on the bid documentation issued by the Municipality. Electronic (e-mailed or faxed) bids/quotations are not accepted. Bids are subject to the Mogalakwena Local Municipality Supply Chain Management Policy. Copy of the statement of municipal rates and taxes for the company or of its directors (not in arrears for more than three (3) months before the closing date), if renting a lease agreement and owner's proof of municipal rates must be submitted (not in arrears for more than three (3) months before the closing date). If the bidder is operating where municipal rates are not applicable, a proof of residence from the traditional authority must be submitted (not older than three (3) months before the closing date). The successful provider will be the one scoring the highest points. The lowest or any bid shall not necessarily be accepted, and the Municipality reserves the right to accept any part of the bid. All bidders must submit valid, certified copies of their BEE certificate from an accredited BEE verification agency with their submission of bid. 			
BIDS SHALL BE EVALUATED IN TERMS OF THE PREFERENTIAL PROCUREMENT POLICY OF MOGALAKWENA LOCAL MUNICIPALITY		Bidders may claim preference points in terms of their B-BBEE status level of contribution and locality of supplier	
PREFERENTIAL PROCUREMENT POINT SYSTEM APPLICABLE		80/20	LOCAL CONTENT REQUIREMENT
CIDB REGISTRATION REQUIRED	NOT APPLICABLE	VALIDITY PERIOD	60 Days
SITE MEETING/INFORMATION SESSION	NOT APPLICABLE		
ANY ENQUIRIES REGARDING TECHNICAL INFORMATION MAY BE DIRECTED TO:		ANY ENQUIRIES REGARDING THE BIDDING PROCEDURE MAY BE DIRECTED TO:	
SECTION:	Technical Services	SECTION:	Supply Chain Management
CONTACT PERSON:	Mr. Lebisi Kgole	CONTACT PERSON:	Mr Duba M
TEL:	015 491 9603/9741	TEL:	015 491 9731
EMAIL:	kgolel@mogalakwena.gov.za	EMAIL:	supplychain@mogalakwena.gov.za

PART A INVITATION TO BID

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE MOGALAKWENA LOCAL MUNICIPALITY					
NOTICE NUMBER:	250/2024	CLOSING DATE:	22 NOVEMBER 2024	CLOSING TIME:	12H00
DESCRIPTION	Hiring of Tractor Loader Backhoe (TLB)				
THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (MBD7).					
<p>BID RESPONSES MUST BE DEPOSITED IN A QUOTATION BOX SITUATED AT:</p> <p>MOGALAKWENA LOCAL MUNICIPALITY 54 RETIEF STREET MOKOPANE 0601</p>					
BIDDER'S INFORMATION					
NAME OF BIDDER					
POSTAL ADDRESS					
PHYSICAL ADDRESS					
TELEPHONE NUMBER					
CELL PHONE NUMBER					
E-MAIL ADDRESS					
VAT REGISTRATION NUMBER					
TAX COMPLIANCE STATUS	TCS PIN		CSD NO,		
TOTAL NUMBER OF ITEMS OFFERED			TOTAL PRICE		
SIGNATURE OF BIDDER			DATE		
ANY ENQUIRIES REGARDING TECHNICAL INFORMATION MAY BE DIRECTED TO:			ANY ENQUIRIES REGARDING THE BIDDING PROCEDURE MAY BE DIRECTED TO:		
SECTION:	Technical Services		SECTION:	Supply Chain Management	
CONTACT PERSON:	Mr. Lesiba Kgole		CONTACT PERSON:	Mr Duba M	
TEL:	015 491 9603		TEL:	015 491 9731	
EMAIL:	kgolel@mogalakwena.gov.za		EMAIL:	supplychain@mogalakwena.gov.za	

PART B TERMS AND CONDITIONS FOR BIDDING

1. BID SUBMISSION:										
<p>1.1. BIDS MUST BE DELIVERED BY THE STIPULATED TIME TO THE CORRECT ADDRESS. LATE BIDS WILL NOT BE ACCEPTED FOR CONSIDERATION.</p> <p>1.2. ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS PROVIDED (NOT TO BE RE-TYPED)</p> <p>1.3. THIS BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT AND THE PREFERENTIAL PROCUREMENT REGULATIONS, 2022, THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER SPECIAL CONDITIONS OF CONTRACT.</p>										
2. TAX COMPLIANCE REQUIREMENTS										
<p>2.1 BIDDERS MUST ENSURE COMPLIANCE WITH THEIR TAX OBLIGATIONS.</p> <p>2.2 BIDDERS ARE REQUIRED TO SUBMIT THEIR UNIQUE PERSONAL IDENTIFICATION NUMBER (PIN) ISSUED BY SARS TO ENABLE THE ORGAN OF STATE TO VIEW THE TAXPAYER'S PROFILE AND TAX STATUS.</p> <p>2.3 APPLICATION FOR THE TAX COMPLIANCE STATUS (TCS) CERTIFICATE OR PIN MAY ALSO BE MADE VIA E-FILING. TO USE THIS PROVISION, TAXPAYERS WILL NEED TO REGISTER WITH SARS AS E-FILERS THROUGH THE WEBSITE WWW.SARS.GOV.ZA.</p> <p>2.4 FOREIGN SUPPLIERS MUST COMPLETE THE PRE-AWARD QUESTIONNAIRE IN PART B:</p> <p>2.5 BIDDERS MAY ALSO SUBMIT A PRINTED TCS CERTIFICATE TOGETHER WITH THE BID.</p> <p>2.6 IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED, EACH PARTY MUST SUBMIT A SEPARATE TCS CERTIFICATE / PIN / CSD NUMBER.</p> <p>2.7 WHERE NO TCS IS AVAILABLE BUT THE BIDDER IS REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD), A CSD NUMBER MUST BE PROVIDED.</p>										
3. QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS										
<table style="width: 100%; border: none;"> <tr> <td style="width: 70%;">3.1. IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)?</td> <td style="width: 30%; text-align: right;"><input type="checkbox"/> YES <input type="checkbox"/> NO</td> </tr> <tr> <td>3.2. DOES THE ENTITY HAVE A BRANCH IN THE RSA?</td> <td style="text-align: right;"><input type="checkbox"/> YES <input type="checkbox"/> NO</td> </tr> <tr> <td>3.3. DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA?</td> <td style="text-align: right;"><input type="checkbox"/> YES <input type="checkbox"/> NO</td> </tr> <tr> <td>3.4. DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA?</td> <td style="text-align: right;"><input type="checkbox"/> YES <input type="checkbox"/> NO</td> </tr> <tr> <td>3.5. IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION?</td> <td style="text-align: right;"><input type="checkbox"/> YES <input type="checkbox"/> NO</td> </tr> </table> <p>IF THE ANSWER IS "NO" TO ALL OF THE ABOVE, THEN IT IS NOT A REQUIREMENT TO REGISTER FOR A TAX COMPLIANCE STATUS SYSTEM PIN CODE FROM THE SOUTH AFRICAN REVENUE SERVICE (SARS) AND IF NOT REGISTER AS PER 2.3 ABOVE.</p>	3.1. IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)?	<input type="checkbox"/> YES <input type="checkbox"/> NO	3.2. DOES THE ENTITY HAVE A BRANCH IN THE RSA?	<input type="checkbox"/> YES <input type="checkbox"/> NO	3.3. DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA?	<input type="checkbox"/> YES <input type="checkbox"/> NO	3.4. DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA?	<input type="checkbox"/> YES <input type="checkbox"/> NO	3.5. IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION?	<input type="checkbox"/> YES <input type="checkbox"/> NO
3.1. IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)?	<input type="checkbox"/> YES <input type="checkbox"/> NO									
3.2. DOES THE ENTITY HAVE A BRANCH IN THE RSA?	<input type="checkbox"/> YES <input type="checkbox"/> NO									
3.3. DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA?	<input type="checkbox"/> YES <input type="checkbox"/> NO									
3.4. DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA?	<input type="checkbox"/> YES <input type="checkbox"/> NO									
3.5. IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION?	<input type="checkbox"/> YES <input type="checkbox"/> NO									

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

SIGNATURE OF BIDDER:

CAPACITY UNDER WHICH THIS BID IS SIGNED:

DATE:

2. NOTICE TO BIDDERS

A Notice Number complying with the peremptory requirements stated hereunder shall be regarded as not being an 'acceptable bid¹', and as such will be rejected.

A bid will be rejected:

1. If a **Valid Tax Pin** or copy thereof has not been submitted with the bid document on the closing date of the bid (An expired tax pin submitted at closure of the bid will not be considered and/or accepted). In bids where consortia and joint ventures are involved, each party must submit a separate Tax Pin Certificate.

Copies of the TCC 001, "Application for a Tax Pin Certificate" form are available from any SARS branch office or on www.sars.gov.za. Applications for the Tax Pin Certificate may also be made via e-Filing. To use this provision, taxpayers must register with SARS as e-Filers through the website www.sars.gov.za.

2. If any pages of this bid document have been removed, and have therefore not been submitted, or a copy of the original bid document has been submitted.
3. In the event of failure to complete and sign the schedule of quantities as required, i.e., only lump sums are provided.
4. In the event of there being scratching out, writing over, or painting out rates or information, affecting the evaluation of the bid, without initialing next to the amended rates or information.
5. If the bid has not been properly signed by a person having authority to do so. (refer to the declaration form for authority of the signatory in the case of representative)
6. If the bidder attempts to influence or has influenced the evaluation and/or awarding of the contract.
7. If the bid has been submitted either in the wrong box or after the relevant closing date and time.
8. If a bidder who during the past five years has failed to perform satisfactorily on a previous contract with the municipality, municipal entity, or any other organ of state after a written notice was given to that bidder that their performance was unsatisfactory.
9. No award may be given to a person –
 - a) who is in the service of state; or
 - b) if that person is not a natural person, of which any director, manager, shareholder or stakeholder, is a person in the service of state; or
 - c) who is an advisor or consultant contracted with the Municipality in respect of contract that would cause a conflict of interest.
10. If the bidder or any of its directors is listed on the Register of Bid Defaulters in terms of the Prevention and Combating of Corrupt Activities Act, 12 of 2004, as a person prohibited from doing business with public sector.

11. If the bidder has abused the Mogalakwena Local Municipality's supply chain management system and action was taken in terms of regulation 38 of the MFMA Municipal Supply Chain Management Regulations.
12. If the price schedule is not completed in full, i.e., rates; unit prices; VAT (where applicable); and totals.
13. If more than one (1) company quotes and the director/s is the same person/s and the companies fail to disclose this in the MBD 4 form, the bids will be rejected due to anti-competitive behaviour.
14. If any of the following has not been fully completed and signed –
 - a) MBD 1 Invitation to Bid
 - b) MBD 4 Declaration of Interest
 - c) MBD 6.1 Preference Points Claim
 - d) MBD 8 Declaration of Bidder's Past Supply Chain Management Practices
 - e) MBD 9 Certificate of Independent Bid Determination

¹ "Acceptable bid" means any bid which, in all respects, complies with the conditions of bid and specifications as set out in the bid documents

3. MBD4: 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 favoritism, should the resulting bid, or part thereof, be awarded to persons connected with or related to persons in service of the state, it is required that the bidder or their authorized representative declare their position in relation to the evaluating/adjudicating authority.
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 he representative	
3.2	Identity Number	
3.3	Position occupied in the Company (director, trustee, shareholder)	
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		
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 relations (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	Do you have any relations (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
3.11.1	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, managers, principal shareholders or stakeholders in the service of state?	Yes	No
3.13.1	If yes, furnish particulars		
3.14	Do you or any of the directors, trustees, managers, principal shareholders or stakeholders of this company have interest in any other related companies or businesses whether or not they are budding 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

Name of Bidder			
Signature		Name (Print)	
Capacity		Date	

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

4. MBD 6.1: PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL PROCUREMENT REGULATIONS 2022

This preference points claim form must form part of all bids estimated to exceed R30 000. It contains general information and serves as a claim form for preferential points for specific goals as prescribed in the PPPFA Preferential Procurement Regulations, 2022, the Broad-Based Black Economic Empowerment Act, and the promotion of local economic development.

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).

The value of this bid is estimated to not exceed R50 000 000 (all applicable taxes included) and therefore 80/20 preference point system shall be applicable or

1.2. Points shall be awarded for:

- a) Price;
- b) B-BBEE Status Level of Contributor (Specific Goal 1); and
- c) Locality of bidder (Specific Goal 2)

1.3. The formulae and methodologies for calculating price and specific goal points as set out in the 2022 PPPFA Regulations 4 to 7 of PPPFA Preferential Procurement Regulations, 2022, shall apply.

1.4. The maximum points for this bid are allocated as follows:

		POINTS	
1. Price		80	90
2. Specific Contract Participation Goals		20	10
2.1 Historically Disadvantaged Individuals (HDI)		16	8
2.1.1 Who had no franchise in national elections before the 1983 and 1993 Constitution	8/4		
2.1.2 Who is female	4/1		
2.1.3 Who has a disability and/or Youth	2/1		
2.1.4 Who is Youth	2/1		
2.2 Other specific goals (Local Economic Development goals of the RDP)			
2.2.1 Business operations within the Waterberg District	4/2		
Total points for Price and HDI principles must not exceed		100	100

To claim specific goals listed under 2.2 above the bidder must submit a municipal account statement in the name of the company or individual in the case of the sole proprietor.

1.5. Failure on the part of a bidder to submit proof of claim together with the bid will be interpreted to mean that the preference points are not claimed.

- 1.6. The purchaser or organ of state reserves the right to require of a bidder or tenderer, 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) "B-BBEE" means broad-based black economic empowerment as defined in section 1 of the Broad-Based Black Economic Empowerment Act.
- b) "B-BBEE status level of contributor" means the B-BBEE status of an entity in terms of a code of good practice on black economic empowerment, issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act.
- c) "bid" means a written offer in a prescribed or stipulated form in response to an invitation by an organ of state for the provision of goods or services, through price quotations, advertised competitive bidding processes or proposals.
- d) "Broad-Based Black Economic Empowerment Act" means the Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003);
- e) "Functionality" means the ability of a tenderer to provide goods or services in accordance with specifications as set out in the tender documents.
- f) "price" includes all applicable taxes less all unconditional discounts.
- g) "Proof of B-BBEE status level of contributor" means:
 - 1) B-BBEE Status level certificate issued by an authorized body or person.
 - 2) A sworn affidavit as prescribed by the B-BBEE Codes of Good Practice.
 - 3) Any other requirement prescribed in terms of the B-BBEE Act;
- h) "Rand value" means the total estimated value of a contract in Rand, calculated at the time of bid invitation, and includes all applicable taxes;
- i) "Specific goals" means specific goals as contemplated in Part 05 of Mogalakwena Local Municipality's Supply Chain Management Policy.

3. FORMULAE FOR PROCUREMENT OF GOODS AND SERVICES

3.1 POINTS AWARDED FOR PRICE – THE 80/20 OR 90/10 PREFERENCE POINT SYSTEM

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

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

Where:

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

3.2 FORMULAE FOR DISPOSAL OR LEASING OF STATE ASSETS AND INCOME GENERATING

PROCUREMENT POINTS AWARDED FOR PRICE

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

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

Where:

- P_s = Points scored for price of bid under consideration
- P_t = Price of bid under consideration
- P_{max} = Price value of highest acceptable bid

4. POINTS AWARDED FOR SPECIFIC GOALS

- 4.1 In terms of Regulation 4(2); 5(2); 6(2) and 7(2) of the Preferential Procurement Regulations, preference points must be awarded for specific goals stated in the bid. For the purposes of this bid, the bidder will be allocated points based on the goals stated in Table 1 below as may be supported by proof/documentation stated in the conditions of this bid.
- 4.2 In cases where organs of state intend to use Regulation 3(2) of the PPPFA Preferential Procurement Regulations, which states that, if it is unclear whether the 80/20 or 90/10 preference point system applies, an organ of state must, in the bid documents, stipulate that in case of:
 - a) An invitation for bid for income-generating contracts, that either 80/20 or 90/10 preference point system will apply and the highest acceptable bid will be used to determine the applicable preference point system; or
 - b) Any other invitation for bid, that either 80/20 or 90/10 preference point system will apply and that the lowest acceptable bid will be used to determine the applicable preference point system.

The organ of state must indicate the points allocated for specific goals for both 80/20 and 90/10 preference point system.

Table 1: Specific goals for the bid and points claimed are indicated per the table below.

(Note to organs of state: Where either the 90/10 or 80/20 preference point system is applicable, corresponding points must also be indicated as such. Note to bidders: The bidder must indicate how they claim points for each preference point system.)

The specific goals allocated in terms of this bid	Number of points allocated (80/20) (To be completed by the organ of state)	Number of points allocated (90/10) (To be completed by the organ of state)	Number of points claimed (80/20) (To be completed by the bidder)	Number of points allocated (90/10) (To be completed by the bidder)

Category 1: Ownership – Historically Disadvantaged Individuals (HDI) by unfair discrimination (No franchise in national elections before 1983 and 1993 Constitution)	16	8		
• Race	6	3		
• Female	3	1		
• Youth	4	2		
• Disability	3	2		
Category 2: Reconstruction and Development Programme (Government Gazette: 16085 of 23 November 1994)	4	2		
• Promotion of Local Enterprises (within the Waterberg District)	4	2		
TOTAL	20	10		

Table 1

DECLARATION WITH REGARD TO COMPANY/FIRM

4.3 Name of company/firm _____

4.4 Company registration number _____

4.5 Type of Company/Firm

- Partnership/Joint Venture/Consortium
- Sole Propriety
- Close Corporation
- Public Company
- Private Company
- State Owned Company

4.6 I, the undersigned, who is duly authorized to do so on behalf of the company/firm, certify that the points claimed, based on the specific goals of this bid, qualifies the company/firm for the preference(s) shown and I acknowledge that:

a) The information furnished is true and accurate;

- b) The preference points claimed are in accordance with the general conditions as indicated in paragraph 1 of this form;
- c) In the event of a contract being awarded as a result of points claimed as shown in the paragraph 1.4 and 4.2, the contractor may be required to furnish documentary proof to the satisfaction of the organ of state that the claims are correct;
- d) If the specific goals have been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the organ of state, in addition to any other remedy it may have:
 - i. disqualify the person from the bidding processes;
 - ii. recover costs, losses or damages it has incurred or suffered as a result of that person's conduct;
 - iii. cancel the contract and claim any damages which it has suffered as a result of having to make less favorable arrangements due to such cancellation;
 - iv. recommend that the bidder or contractor, its shareholders and directors, or only the shareholders and directors who acted in a fraudulent manner, be restricted from obtaining business from any organ of state for a period not exceeding 10 years after the *audi alteram partem* rule has been applied; and
 - v. forward the matter for criminal prosecution, if deemed necessary.

.....
SIGNATURE(S) OF BIDDER(S)

SURNAME AND NAME:

DATE:

ADDRESS:

.....

.....

5. **MBD 8: DECLARATION OF BIDDER'S PAST SUPPLY CHAIN MANAGEMENT PRACTICES**

1. This Municipal Bidding Document must form part of the of all invited bids
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 to combat the abuse of the supply chain management system.
3. **The bid of any bidder may be rejected if the bidder or any of its directors have:**
 - a) Abused the Municipality'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) Wilfully neglected, reneged or failed to comply with any government, municipal, or public sector contract during the past five years; or
 - d) Been listed in the Register for Bid 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 state? (Companies or persons who are listed on this database were informed in writing of their restriction by the accounting officer/authority of the institution that imposed the restriction after the <i>audi alteram partem</i> rule was applied. The database of Restricted Suppliers can be accessed on the National Treasury's website www.treasury.gov.za .	YES	NO
4.1.1	If so, furnish particulars:		
4.2	Is the bidder or any of its directors listed on the National Treasury's Register for Bid Defaulters in terms of section 29 of the Prevention and Combating of Corruption Activities Act, No. 12 of 2004? (The Register for Bid Defaulters can be accessed on the National Treasury's website www.treasury.gov.za.)	YES	NO
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	NO

4.3.1	If so, furnish particulars:		
4.4	Does the bidder or any of its directors owe any municipal rates and taxes or municipal charges to the Municipality/Municipal entity, or any other municipality/municipal entity, that is in arrears for more than three months?	YES	NO
4.4.1	If so, furnish particulars:		
4.5	Was any contract between the bidder and 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 contract?	YES	NO
4.5.1	If so, furnish particulars:		

CERTIFICATION

I, the undersigned (full name), _____

certify that the information furnished on this declaration form is 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.

Name of Bidder			
Signature		Name (Print)	
Capacity		Date	

6. MBD 9: CERTIFICATE OF INDEPENDENT BID DETERMINATION

1. This Municipal Bidding Document 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 horizontal relationship and if it involves collusive bidding (or bid rigging)². Collusive bidding is a per se prohibition meaning that it cannot be justified under any grounds.
3. Regulation 38(1) of the Municipal Supply Chain Management Regulations 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.

I, the undersigned, in submitting the accompanying bid: _____

(Notice 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 will not be construed as collusive bidding.
7. In particular, with limiting the generality of paragraph 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 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 awarding of the contract.
10. I am aware that, in addition and without prejudice to any other remedy provided to combat any restrictive practices related to bids and contracts, bids that are suspicious will be reported to the Competition Commission for investigation and possible imposition of administrative penalties in terms of section 59 of the Competition Act, No. 89 of 1998 and/or may be reported to the National Prosecutions Authority (NPA) for criminal investigation and/or may be restricted in terms of the Prevention and Combating of Corruption Activities Act, No. 12 of 2004, or any other applicable legislation.

Name of Bidder			
Signature		Name (Print)	
Capacity		Date	

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.

7. DECLARATION OF MUNICIPAL ACCOUNTS

Declaration in terms of regulation 38(1)(d)(1) of the Local Government: Municipal Supply Chain Management Regulations

NB: Please note that this declaration must be completed by ALL bidders

- i. I, the undersigned hereby declare that the signatory to this bid is duly authorized and further declare that,
- ii. I acknowledge that according to regulation 38(1)(d)(i) of the Municipal Supply Chain Management Regulations the Municipality may reject the bid of the bidder if any municipal rates and taxes or municipal service charges owed by the bidder or any of its directors/members/partners to the Mogalakwena Local Municipality, or to any other municipality or municipality, are in arrears for more than ninety (90) days or three (3) months.
- iii. I acknowledge that, should it be found that any municipal rates and taxes or municipal service charges as set out in (ii) above are in areas for more than ninety (90) days or three (3) months, the bid will be rejected and the Mogalakwena Local Municipality may take such remedial action as is required, including the rejection of the bid and/or termination of contract; and
- iv. The following account/s of the bidding entity has reference:

Physical Business Address(es) of the bidder	Municipality	Municipal Account Number

NB: If the above space is insufficient, please submit it on a separate page.

Please note that if no municipal rates and taxes or municipal charges are payable by the bidding entity, indicate the reason/s for that in the form below by means of a tick next in the relevant block.

Reason	Tick	Portfolio of Evidence
Bidding entities who rent premises from a landlord,		A signed copy of the lease agreement together with a letter from the landlord stating that no levies are in arrears
Bidding entities who operate from a property owned by a director/member/partner		Municipal account statement/s of a director/member/partner
Bidding entities who operate from farms/informal settlements		A letter from their Induna/owner
Bidding entities who operate from someone else's property.		A sworn affidavit stating the details and relationship with the property owner.

Attach latest municipal account statement behind this page. The portfolio of evidence must not be older than three (3) months from the close of this bid.

SIGNED AT _____ THIS _____ DAY OF _____ 20_____

Name of Duly Authorized Signatory: (Please Print): _____

Authorized Signature: _____

Witnesses:

1. _____

2. _____

Name of Bidder			
Signature		Name (Print)	
Capacity		Date	

8. AUTHORITY OF SIGNATORY

Indicate the status of the bidder by ticking the appropriate box hereunder. The bidder must complete the certificate set out below for the relevant category.

COMPANY	PARTNERSHIP	JOINT VENTURE	SOLE PROPRIETOR	CLOSE CORPORATION

A. Certificate for Company

I, _____ chairperson of the board of directors of

_____ hereby confirm that by resolution of the board of directors

(copy attached) taken on _____ Mr/Ms _____ acting in the capacity

of _____, was authorized to sign all documents in connection with this bid for **Notice Number: 250/2024**

and any contract resulting from it on behalf of the company.

Witnesses:

1. _____ Chairman _____

2. _____ Date _____

B. Certificate for Partnership

We, the undersigned, being the key partners in the business trading as_____

hereby authorize Mr/Ms _____ acting in the capacity of _____

to sign all documents in connection with this bid for **Notice Number: 250/2024** and any contract resulting from it on our behalf.

Name	Address	Signature	Date

Note: This certificate is to be completed and signed by all key partners upon whom rests the direction of the affairs of the Partnership as a whole.

C. Certificate for Joint Venture

We, the undersigned, are submitting this bid offer in Joint Venture and hereby authorize Mr/Ms_____

authorized signatory of the company _____ acting in the capacity of lead partner to sign all documents in connection with this bid for **Notice Number: 250/2024** and any contract resulting from it on our behalf.

This authorization is evidenced by the attached power of attorney signed by legally authorized signatories of the

partners to the Joint Venture.

Name of Firm	Address	Authorizing Name and Capacity	Authorizing Signature
Lead Partner:			

NOTE: A copy of the Joint Venture Agreement indicating clearly the percentage contribution of each partner to the Joint Venture, is to be submitted with the bid. A board resolution, authorizing each signatory who signed above to do so, is to be submitted with the bid.

D. Certificate for Sole Proprietor

I, _____, hereby confirm that I am the sole owner of
the business trading as _____

Witnesses:

1. _____	Sole Owner _____
2. _____	Date _____

E. Certificate for Close Corporation

We, the undersigned, being key members in the business trading as _____

hereby authorize Mr/Ms _____ acting in capacity of _____

to sign all documents in connection with this bid for **Notice Number: 250/2024** and any contract resulting from it on our behalf.

Name	Address	Signatory	Date

Note: This certificate is to be completed and signed by all key partners upon whom rests the direction of the affairs of the Close Corporation as a whole.

9. TERMS OF REFERENCE/SPECIFICATIONS

1. INTRODUCTION

The Mogalakwena Local Municipality wishes to appoint a service provider for the hiring of TLB.

2. ACCESS TO ELECTRONIC MAIL (E-MAIL) FACILITY

The appointed Service Providers will be required to have access to the electronic mail (e-mail) facilities to receive official orders for hiring of TLB to the Mogalakwena Local Municipality.

3. SPECIFICATIONS FOR HIRING OF TRACTOR LOADER BACKHOE (TLB)

ITEM NO	DESCRIPTION OF REQUIREMENTS	QUANTITY
1.	Hiring of Tractor Loader Backhoe (Around town)	63hrs

10. FORM OF OFFER AND ACCEPTANCE

OFFER (to be completed by the Tenderer)

The Employer, identified in the acceptance signature block, has solicited offers to enter into a contract in respect of the following works:

NOTICE NUMBER: 250/2024– HIRING OF TRACTOR LOADER BACKHOE (TLB)

The tenderer, identified in the offer signature block below, has examined the documents listed in the tender data and addenda thereto as listed in the tender schedules, and by submitting this offer has accepted the conditions of tender.

By the representative of the tenderer, deemed to be duly authorized, signing this part of this form of offer and acceptance, the Tenderer offers to perform all of the obligations and liabilities of the contractor under the contract including compliance with all its terms and conditions according to their true intent and meaning for an amount to be determined in accordance with the Conditions of contract identified in the contract data.

THE OFFERED TOTAL OF THE PRICES INCLUSIVE OF VALUE ADDED TAX IS:

_____ Rand (in words)

R_____ (In figures).

This offer may be accepted by the Employer by signing the acceptance part of this form and returning one copy of this document to the tenderer before the end of the period of validity stated in the Tender Data, whereupon the Tenderer becomes the party named as the Contractor in the conditions of the contract identified in the contract data.

Signature		Date	
Name			
Capacity			
Name of Tenderer			

Witness

Signature _____ Date _____

ACCEPTANCE (To be completed by the Employer)

By signing this part of this form of offer and acceptance, the employer identified below accepts the tenderer's offer. In consideration thereof, the Employer shall pay the Contractor the amount due in accordance with the conditions of contract identified in the contract data. Acceptance of the Tenderer's Offer shall form an agreement between the Employer and the Tenderer upon the terms and conditions contained in this agreement and in the contract that is the subject of this agreement.

The terms of the contract are contained in:

Part 1 Agreements and Contract Data (which includes this Agreement)

Part 2 Pricing Data

Part 3 Scope of Work

Part 4 Additional Documentation

and drawings and documents or parts thereof, which may be incorporated by reference into Parts 1 to 4 above.

Deviations from and amendments to the documents listed in the Tender Data and any addenda thereto listed in the Tender Schedules as well as any changes to the terms of the Offer agreed by the Tenderer and the Employer during this process of offer and acceptance, are contained in the Schedule of Deviations attached to and forming part of this Agreement. No amendments to or deviations from said documents are valid unless contained in this Schedule, which must be duly signed by the authorized representative(s) of both parties.

The Tenderer shall within two weeks after receiving a completed copy of this Agreement, including the schedule of deviations (if any), contact the employer's agent (whose details are given in the tender document) to arrange the delivery of any bonds, guarantees, proof of insurance and any other documentation to be provided in terms of the conditions of contract identified in the contract data at or just after the date this agreement comes into effect. Failure to fulfill any of these obligations in accordance with those terms shall constitute a repudiation of this Agreement.

Notwithstanding anything contained herein, this Agreement comes into effect on the date when the tenderer receives one fully completed original copy of this document, including the Schedule of Deviations (if any). Unless the Tenderer within five days of the date of such receipt notifies the employer in writing of any reason why he cannot accept the contents of this agreement, this agreement shall constitute a binding contract between the parties.

For the Employer

Name		Signature	
Date			
Capacity (tick one)	<input type="checkbox"/> Municipal Manager	<input type="checkbox"/> Chief Financial Officer	
For the Employer	Mogalakwena Local Municipality		
Name of Witness		Signature	

11. DECLARATION BY BIDDER

I/We acknowledge that I/we am/are fully acquainted with the contents of the conditions of tender of this tender document, and I/we accept the conditions in all respects.

I/We agree that the laws of the Republic of South Africa shall be applicable to the contract resulting from the acceptance of my/our tender and that I/we elect *domicillium et executandi* (physical address at which legal proceedings may be instituted) in the Republic:

I/We accept full responsibility for the proper execution and fulfillment of all obligations devolving in me/us under this agreement as the principal liable for the due fulfillment of this contract.

I/We, furthermore, confirm that I/we satisfied myself/ourselves as to the corrections and validity of my/our tender; that the price quoted covers all the work/items specified in the tender documents, and that the price(s) cover all my/our obligations under a resulting contract and that I/we accept any mistake(s) regarding price and calculations will at my/our risk.

I/We, furthermore, confirm that my/our offer remains binding upon me/us and open for acceptance by the Purchaser/Employer during the validity period indicated and calculated from the closing date of the bid.

Name of Bidder			
Signature		Name (Print)	
Capacity		Date	
Witness 1		Witness 2	