

SAKHISIZWE LOCAL MUNICIPALITY



QUOTATION NOTICE

SLM/SCM/31/2017/18

TRAINING OF BID COMMITTEES

REQUEST FOR FORMAL WRITTEN PRICE QUOTATION FOR ACCREDITED SERVICE PROVIDER TO CONDUCTING TRAINING OF SAKHISIZWE MUNICIPAL OFFICIALS ON MUNICIPAL BID COMMITTEES

Quotation documents will be available from our Website www.sakhisizwe.gov.za, Enquiries: Miss Y.Tofile

Sealed Proposals, with “ Quotation No SLM/SCM/31/2017/18: TRAINING OF BID COMMITTEES” clearly endorsed on the envelope, must be deposited in Tender Box at the offices of the Sakhisizwe Municipality, 15 Maclear Road, Elliot, 5460. Quotations may only be submitted on the quotation documentation provided by the Municipality.

The closing date and time of the quotation is on Wednesday 16 MAY 2018 at 12h00 and will be opened in public immediately thereafter in the Sakhisizwe Municipality SCM Office, 15 Maclear Road, Elliot.

FUNCTIONALITY ASSESSMENT WILL BE EVALUATED BASED ON THE FOLLOWING:

Criteria	Weight	Values 1-5	Maximum Score
Experience	30	5	150
Practical Local Government Expertise	40	5	200
Proposal including Methodology	30	5	150
Total	100	Max 5	500

Where: 1 = Poor; 2 = Acceptable; 3 = Good; 4 = Very; 5 = Excellent

Bidders are to note that a Pre-Qualification evaluation will be undertaken. A minimum score of 70 points out of 100 must be scored in order to proceed to the Financial Evaluation.

Quotations must be valid for 90 days after the closing date. Quotations shall be evaluated in terms of the Preferential Procurement Regulations.

Price - 80
BB-BEE - 20

N.B The following supporting documentation is to be included in the bid submission:

Bidders shall take note of the following bid conditions:

- Sakhisizwe Municipality Supply Chain Management Policy will apply.
- The GCC will apply
- All bids submitted should remain valid for a period of 90 days after the bid closing date;
- Original Valid Tax Clearance, or Code from SARS;
- The bid will be evaluated according to the preferential procurement model in the Preferential Procurement the bidders attention is drawn to Form MBD 6.1 whereby bidders other than EMEs must submit their original and valid B-BBEE Status level verification certificate or certified copy thereof, substantiating B-BBEE rating issued by a Registered Auditor approved IRBA or a Verification Agency accredited by SANAS, EMEs must submit a sworn affidavit. **Failure to do so will result in zero points score for BBBEE status level;**
- Certified copies of original company registration and certified ID documents of company directors, Detailed Company profile, **failure to do so will result in disqualification;**
- Joint Venture agreement(where applicable)

- **Failure to complete all supplementary information returnable schedules like MBD 4, MBD 8, MBD 9 and Form of Offer will result in the tender being eliminated. Invalid or non-submission of the documents listed in the Specification will lead to disqualification;**
- All prospective bidders must registered/eligible to register on the Sakhisizwe Local Municipality Database System of 2017/18 financial year, reference can be made to such documents and it is the bidders' responsibility to ensure that the document does exist and the verification of such registration will be done by the municipality and where the bidder is found not registered or has submitted incorrect registration details will be regarded as non-responsive and be disqualified from the bid;
- Bids must only be submitted on documentation provided by the municipality. Late , emailed, faxed and telegraphic bids will not be considered;
- All prospective service providers of goods and services and infrastructure procurement are required to apply on Central Supplier Database in order to do business with all organs of the State in the Republic of South Africa at <https://secured.csd.gov.za> non registration will be regarded as non-responsive and be disqualified from the bid;
- All municipal rates and taxes of the renderer must be paid where the business has its head or regional office and rates clearance certificate not older than 3 months must be submitted with the bid, if the property is being leased by the bidder then lease agreement should be submitted.

NB: No Quotations will be considered from persons in the Service of State.

The Sakhisizwe Municipality does not bind itself to accept the lowest or any quotation and reserves the right to accept any quotation, as it may deem expedient. Quotations are subject to the Standard Conditions of Tender and the Supply Chain Management Policy of the Sakhisizwe Municipality.

Enquiries should be directed to Miss Y.Tofile @ 045 901 1011 between the hours of 8H00 and 16:00H00.

**DUMILE MVULANE
MUNICIPAL MANAGER
PUBLICATION DATE 08 MAY 2018**

TERMS OF REFERENCE FOR CONDUCTING TRAINING ON MUNICIPAL BID COMMITTEES

TABLE OF CONTENTS

NO	DETAILS
1	BACKGROUND
2	SUMMARY OF BRIEF
3	TARGET GROUP
4.	PROJECT PURPOSE
5	COIURSE REQUIREMENTS
6	DURATION
7	METHODOLOGY
8	COMPETENCY / EXPERTISE REQUIREMENTS
9	SUBMISSION REQUIREMENTS
10	DELIVERABLES
11	IMPLEMENTATION SCHEDULE / TIME FRAMES
12	ASSESSMENT
13	REPORTING REQUIREMENTS
14	PAYMENT MILESTONES
15	CRITERIA FOR RESPONSIVENESS AND EVALUATION

TERMS OF REFERENCE FOR CONDUCTING TRAINING OF MEMBERS OF BID COMMITTEES SERVING ON THE (BID SPECIFICATION, BID EVALUATION AND BID ADJUDICATION COMMITTEES) OF THE SAKHISIZWE LOCAL MUNICIPALITY

UNIT STANDARD	UNIT STANDARD TITLE	NQF Level	CREDITS
337061	Apply key Municipal Demonstrate knowledge and insight into a Bid Committee System applicable to Organ of State in South Africa	5	15

1.BACKGROUND

The Municipal Bid Committees are established in terms of the Supply Chain Management Policy of the Municipality and Chapter 11 of the Municipal Finance Management Act. The Committee performs oversight function and will accordingly not take decisions on the part of any other Committee established by the Council.

Bid Committees as appointed and delegated by the Accounting Officer, assist the Accounting Officer and Council in prescribed Oversight matters relating to Procurement in order to ensure service delivery.

This training intervention is for Municipal Bid Committees and aims to strengthen the performance of the existing Bid Committees in their functions or duties as delegated by the Accounting Officer.

The functionality of the Bid Committees as an Internal Control mechanism and assisting on Oversight also generically gets affected by factors and it is against this background that the Sakhisizwe Local Municipality further believes that there is a need for the immediate capacitation of Bid Committees so as to effectively take part in the decision making chain towards the speeding of Service Delivery through sound procurement decisions.

Also in order to be responsive to Legislative Compliance in terms of the Report to Council on the Implementation of the Supply Chain Management Policy, the Accounting Officer needs to have all information relating to the activities as well as Challenges that face the Bid Committees for remedial and improvement purposes.

The Training is intended for the Bid specification committee; Bid evaluation committee and Bid Adjudication committee.

2. SUMMARY OF BRIEF

Proposals are hereby requested from Service Providers & Joint Ventures with the requisite experience to conduct a training of Bid Committees to assist the members in undertaking their responsibilities effectively and efficiently. The service provider will be required to

- Train the Committee members in understanding the Mandate of the Municipal Bid Committees (Specification, Evaluation and Adjudication)

- Train the Committee members in understanding the Roles and Responsibilities of the Municipal Bid Committees.
- Train the Bid Committee members in understanding the Oversight Function and Challenges facing Oversight.
- Train the Committee members on Understanding the elements of a Supply Chain Management model that apply to the bid committee system.
- Train the Committee members to Apply knowledge of the applicable Regulatory/Legislative Framework to ensure compliance.
- Discuss the importance of ethical conduct at all stages of the bid committee process.
- Ensure that Individual committee members will benefit through enhancing their personal competencies and knowledge in the Legislation affecting financial Management of the Institutions(MFMA)

3. TARGET GROUP

The course targets Supply Chain Management Practitioners, Senior Managers, Managers; CFO's, Accounting Officers and end users who operate in cross functional teams as well as specialists in specific fields who are members of the Bid committees.

4. PROJECT PURPOSE

The purpose of this course is to capacitate public officials who serve on bid specification, evaluation and adjudication committees. To enable the Bid Committees to promote accountability in the use of limited organisational resources for effective service delivery to the public, and to restore public confidence over Sakhisizwe Municipality.

It is the intention of Sakhisizwe Local Municipality to enter into a formal contract with a Service Provider/Joint Venture that will carry out the services described above. These Terms of Reference and the service provider's proposal will form the basis of the contract between the parties.

5. LEARNING OUTCOMES

- Explain elements of a Supply Chain Management model that apply to the bid committee system.
- Apply knowledge of the applicable regulatory framework to ensure compliance.
- Discuss the importance of ethical conduct at all stages of the bid committee process.
- Apply knowledge of the functions of the Bid Specification Committee, the Bid Evaluation Committee and the Bid Adjudication Committee.
- Prepare a bid invitation according to National Treasury Regulations and Practice Notes a fair, transparent and equitable bid invitation.

- Evaluate bids and compile a written submission to the Bid Adjudication Committee recommending the award of the bid to a provider according to bid specification criteria to ensure fairness and compliance.

6. COURSE REQUIREMENTS

- The institution /provider must have any accreditation by the Local Government Seta.
- A detailed report about the course should be prepared and submitted to Sakhisizwe Municipality on completion of training.
- Course fees or quotation must include accommodation and travelling costs for the facilitator/s; if the Service Provider is not within the Sakhisizwe Municipality Region.
- Learners to be awarded with certificates of completion at the end of training.

7. DURATION

The appointed Service Provider/Joint Venture shall have to complete the training within a maximum of three (3) days after commencement at the Municipality. The duration of training should be a maximum of 3 days' class facilitation.

8. METHODOLOGY

- The course should encourage and emphasise active participation and engagement.
- All participants should be given training material on the day of commencing training
- All participants should be given the soft and hard copies of the Presentation by the facilitator.
- Training sessions with signed attendance registers as proof of attendance for participants.
- A detailed Close-out report for the work done should be submitted at least one week after completion of the Training

9. COMPETENCY / EXPERTISE REQUIREMENTS

The bidder's resources (team members) allocated to the assignment should have the necessary experience and expertise in the following minimum areas considered necessary for the successful completion of the project

- Local Government Environment, Applicable Legislation and Relevant Policies and Treasury Circulars
- Practical SCM experience and interaction with Bid Committees in a Municipality
- Previous Training Knowledge in a Municipal Environment

Bidders are required to provide details of the staff resources (name, organisational level and relevant experience) allocated to the assignment.

10. SUBMISSION REQUIREMENTS

- Service Providers/Joint Ventures are to submit their Detailed Proposals which must include the following: -
 - Understanding of the SCM Environment as it relates to Challenges of Bid Committees
 - Understanding of the Municipality's needs
 - Objectives and Outcomes of the Training as well as Impact of the Training
 - Methodology of executing the Training
 - Skills Transfer Methodology
- Service Providers to submit Company Profile covering, history, field of expertise, staff resources, where the main office is based, record of trainings conducted and a list of recently completed projects.
- Bidders are required to provide details of the staff resources (name, organisational level and relevant experience) allocated to the assignment.
- Service Providers to include Costing of the Project Proposal clearly indicating whether the Price is inclusive or exclusive of VAT, Material Development Costs, Printing Costs as well as Assessment costs.
- Service Provider or Joint Venture to present relevant accreditation by the Local Government SETA.
- Service Provider to present proof of Practical SCM Competence through relevant certificate(s) including Dealing with Irregular Expenditure in a Municipality and BBBEE
- The provider must furnish Sakhisizwe Municipality with a copy of the Training Manual to be utilised before commencement of training
- Proven track record and contacted references (SCM & Bid Committee Training)
- Service Providers to provide with a detailed company profile and client references
- Detailed CV of the Facilitator
- CV's of key personnel detailing experience on similar projects
- Service Providers/Joint Venture to submit CSD Report, Valid Tax Clearance Certificate and Valid BBBEE Certificate.

11. DELIVERABLES

The Service Provider must at the end of the Training produce the following Deliverables for consideration of payment by the Municipality: -

- Learner Training Material according to the number of the participants
- Presentations for the Facilitation of the Training
- Training Evaluation Report
- Detailed Training Close Out Report with Recommendations
- Attendance Registers for the days the training ensuring all Learners attended Training.
- Course Evaluation

12. IMPLEMENTATION SCHEDULE / TIME FRAMES

The service provider will be required to commence with the assignment within seven (7) calendar days of being advised of appointment

13. ASSESSMENT

Service Provider to advise the Municipality as to the number of Bid Committee members that will sit for formal assessment after Training. To also advise as to the number of Bid Committee members that will NOT sit for formal assessment after the training based on the Report.

14. REPORTING REQUIREMENTS

- The service provider will be required to report to the Project Manager or Head Of Department at the end of the project and during the project
- The service provider will also be required to communicate any draft reports to the Project manager or Head of Department.
- All reports to be submitted to the Municipality in both hard copy and electronic format.
- Service Provider to suggest ways to improve the capacity of Bid Committees, Communication as well as Reporting Mechanisms. This should also extend to the Proposals on SCM Support interventions

15. PAYMENT MILESTONES

- Payments will be made to the service provider after satisfactory completion of the relevant deliverables, agreed upon by the project Manager which is after the training has been conducted.

16. CRITERIA FOR RESPONSIVENESS AND EVALUATION OF PROPOSALS

VERY IMPORTANT

RFQ'S above R30 000-00 to a maximum of R200 000 will be evaluated on the basis of the 80:20-point system as stipulated in the Preferential Procurement Policy Framework Act (Act number 5 of 2000).

The Service Provider scoring the highest overall points shall be the Successful one. Overall points determination shall ONLY APPLY to those Service Providers who have been DECLARED RESPONSIVE in the phase of Responsiveness Criteria Assessment. Non Responsive Service Providers will not Proceed to the Functionality, Price and B-BBEE Scoring phase.

Points will be as follows: -

70 points on Functionality passes through to Price and B-BBEE scoring and the overall decides highest point scorer.

16.1 Responsiveness Criteria Assessment

NO	CRITERIA
1	Certified Company / Joint Venture Registration documents(not older than 3 months)
2	Original or Certified Company / Joint Venture B-BBEE Certificate and Sworn Affidavit(not older than 3 months)
3	Valid Original SARS Tax Clearance Certificate Please note that copies of tax clearance certificates are not valid as per SARS and they will not be accepted by the Municipality. Failure to provide the original tax clearance certificate will result in the quotation being disqualified.
4	SARS Pin
5	CSD Registration Report
6	Business Bank Account Confirmation Letter
7	If the premises from where business is conducted or where a director is residing, is leased a copy of the lease agreement or an affidavit must be submitted
8	Affidavit of Director with Business Signing Powers
9	Company Share Certificate
10	Certified ID Copy/copies of Director of Company/Joint Venture
11	Company Profile
12	Latest copy of rates and taxes or Affidavit if business premises are rented excluding rates and taxes
13	The quotation page must be signed. If you are using your own format on your Company's letterhead to quote please ensure that the quotation is signed.

VERY IMPORTANT

Service Providers/Joint Ventures are to ensure that all the COMPULSORY RETURNABLE DOCUMENTS as required in the above Section are submitted with the Detailed Proposal, failure to do so will render submission NON RESPONSIVE

16.3 Functional Assessment Point Scoring

FUNCTIONAL ASSESSMENT – POINTS SCORING	
Functional Category & Description	Points Allocation
Experience (Contactable references to be provided in order to claim points)	TOTAL =30
3 SCM including Bid Committee Trainings conducted in Municipalities. (10 points per Letter attached as proof)	30
Practical Local Government Expertise in SCM/Bid Committees(Proof of CV's , Confirmation Letters and Certificates demonstrating practical experience to be attached in order to claim points)	TOTAL =40
<ul style="list-style-type: none">• Facilitator/s to attach proof of registration with SETA/SOR for Facilitation, Assessment and Moderation of Training:	5
<ul style="list-style-type: none">• Proof of SETA accreditation for the Service Provider/Bidder	15
<ul style="list-style-type: none">• Proof of SCM Expertise	10
<ul style="list-style-type: none">• Proof of participation in Public Sector Oversight or Practical Bid Advisory Role towards Governance	10
Proposal including Methodology	TOTAL = 30
Partial compliance with Terms of Reference (TOR)	10
Full compliance with TOR of a detailed work plan with time frames	20
<ul style="list-style-type: none">• Full compliance with TOR of a detailed work plan with time frames, clearly explaining how the project will be implemented.• Previous Practical Local Government Experience• Sound Knowledge of Local Government Legislation• Municipal Supply Chain Management including Bid Committees	30

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 Services (SARS) to meet the bidder’s tax obligations.

1. In order to meet this requirement, bidders are required to complete in full the TCC 0001 form, “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 accepted.
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 e-Filing. In order to use this provision, taxpayers will need to register with SARS as e-Filers through the website www.sars.gov.za

SIGNATURE:	NAME (PRINT):	
CAPACITY:	DATE:	
NAME OF FIRM:		

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) an executive 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

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 B-BBEE, AS PRESCRIBED IN THE PREFERENTIAL PROCUREMENT REGULATIONS, 2017.

1. GENERAL CONDITIONS

1.1 The following preference point systems are applicable to all bids:

- the 80/20 system for requirements with a Rand value of up to R50 000 000 (all applicable taxes included); and
- the 90/10 system for requirements with a Rand value above R50 000 000 (all applicable taxes included).

1.2

- a) The value of this bid is estimated to **not exceed** R50 000 000 (all applicable taxes included) and therefore the 80/20 preference point system shall be applicable; or
- b) Either the 80/20 or 90/10 preference point system will be applicable to this tender (*delete whichever is not applicable for this tender*).

1.3 Points for this bid shall be awarded for:

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

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

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

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

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

2. DEFINITIONS

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

3. POINTS AWARDED FOR PRICE

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

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

$$\begin{array}{ccc} \mathbf{80/20} & \mathbf{or} & \mathbf{90/10} \\ P_s = 80 \left(1 - \frac{P_t - P_{\min}}{P_{\min}} \right) & \mathbf{or} & P_s = 90 \left(1 - \frac{P_t - P_{\min}}{P_{\min}} \right) \end{array}$$

Where

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

4. POINTS AWARDED FOR B-BBEE STATUS LEVEL OF CONTRIBUTOR

- 4.1 In terms of Regulation 6 (2) and 7 (2) of the Preferential Procurement Regulations, preference points must be awarded to a bidder for attaining the B-BBEE status level of contribution in accordance with the table below:

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

5. BID DECLARATION

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

6. B-BBEE STATUS LEVEL OF CONTRIBUTOR CLAIMED IN TERMS OF PARAGRAPHS 1.4 AND 4.1

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

(Points claimed in respect of paragraph 7.1 must be in accordance with the table reflected in paragraph 4.1 and must be substantiated by relevant proof of B-BBEE status level of contributor.

7. SUB-CONTRACTING

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

(Tick applicable box)

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

7.1.1 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 or QSE

(Tick applicable box)

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

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

Designated Group: An EME or QSE which is at least 51% owned by:	EME √	QSE √
Black people		
Black people who are youth		
Black people who are women		
Black people with disabilities		
Black people living in rural or underdeveloped areas or townships		
Cooperative owned by black people		

Black people who are military veterans		
OR		
Any EME		
Any QSE		

8. DECLARATION WITH REGARD TO COMPANY/FIRM

8.1 Name of company/firm:.....

8.2 VAT registration number:.....

8.3 Company registration number:.....

8.4 TYPE OF COMPANY/ FIRM

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

[TICK APPLICABLE BOX]

8.5 DESCRIBE PRINCIPAL BUSINESS ACTIVITIES

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

8.6 COMPANY CLASSIFICATION

- Manufacturer
- Supplier
- Professional service provider
- Other service providers, e.g. transporter, etc.

[TICK APPLICABLE BOX]

8.7 MUNICIPAL INFORMATION

Municipality where business is situated:

Registered Account Number:

Stand Number:.....

8.8 Total number of years the company/firm has been in business:.....

8.9 I/we, the undersigned, who is / are duly authorised to do so on behalf of the company/firm, certify that the points claimed, based on the B-BBE status level of contributor indicated in paragraphs 1.4 and 6.1 of the foregoing certificate, qualifies the company/ firm for the preference(s) shown and I / we acknowledge that:

- i) The information furnished is true and correct;
- ii) The preference points claimed are in accordance with the General Conditions as indicated in paragraph 1 of this form;
- iii) In the event of a contract being awarded as a result of points claimed as shown in paragraphs

1.4 and 6.1, the contractor may be required to furnish documentary proof to the satisfaction of the purchaser that the claims are correct;

- iv) If the B-BBEE status level of contributor has been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the purchaser may, in addition to any other remedy it may have –
- (a) disqualify the person from the bidding process;
 - (b) recover costs, losses or damages it has incurred or suffered as a result of that person's conduct;
 - (c) cancel the contract and claim any damages which it has suffered as a result of having to make less favourable arrangements due to such cancellation;
 - (d) recommend that the bidder or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, be restricted by the National Treasury from obtaining business from any organ of state for a period not exceeding 10 years, after the *audi alteram partem* (hear the other side) rule has been applied; and
 - (e) forward the matter for criminal prosecution.

WITNESSES

1.

2.

.....

SIGNATURE(S) OF BIDDERS(S)

DATE:

10. MBD 7.2 CONTRACT FORM-RENDERING OF SERVICES

MBD 7.2

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)

1. I hereby undertake to render services described in the attached bidding documents to (name of the institution)..... in accordance with the requirements and task directives / proposals specifications stipulated in Bid Number..... at the price/s quoted. My offer/s remain binding upon me and open for acceptance by the Purchaser during the validity period indicated and calculated from the closing date of the bid .

2. The following documents shall be deemed to form and be read and construed as part of this agreement:
 - (i) Bidding documents, viz
 - Invitation to bid;
 - Tax clearance certificate;
 - Pricing schedule(s);
 - Filled in task directive/proposal;
 - Preference claims for Broad Based Black Economic Empowerment Status Level of Contribution in terms of the Preferential Procurement Regulations 2011;
 - Declaration of interest;
 - Declaration of bidder's past SCM practices;
 - Certificate of Independent Bid Determination;
 - Special Conditions of Contract;
 - (ii) General Conditions of Contract; and
 - (iii) Other (specify)

3. I confirm that I have satisfied myself as to the correctness and validity of my bid; that the price(s) and rate(s) quoted cover all the services specified in the bidding documents; that the price(s) and rate(s) cover all my obligations and I accept that any mistakes regarding price(s) and rate(s) and calculations will be at my own risk.

4. I accept full responsibility for the proper execution and fulfilment of all obligations and conditions devolving on me under this agreement as the principal liable for the due fulfillment of this contract.

5. I declare that I have no participation in any collusive practices with any bidder or any other person regarding this or any other bid.

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

NAME (PRINT)

CAPACITY

SIGNATURE

NAME OF FIRM

DATE

WITNESSES	
1
2

CONTRACT FORM - RENDERING OF SERVICES

PART 2 (TO BE FILLED IN BY THE PURCHASER)

1. I.....in my capacity as.....
accept your bid under reference numberdated.....for the rendering of services indicated hereunder and/or further specified in the annexure(s).
2. An official order indicating service delivery instructions is forthcoming.
3. I undertake to make payment for the services rendered in accordance with the terms and conditions of the contract, within 30 (thirty) days after receipt of an invoice.

DESCRIPTION OF SERVICE	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 ATON.....

NAME (PRINT)

SIGNATURE

OFFICIAL STAMP

WITNESSES

1

2

DATE:

MBD 8 – 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.

4.1 Is the bidder or any of its directors listed on the National Treasury’s database as a company or person prohibited from doing business with the public sector? <i>(Companies or persons who are listed on this database were informed in writing of this restriction by the National Treasury after the audi alteram partem rule was applied).</i>	Yes	No
4.1.1 If so, furnish particulars:		
4.2 Is the bidder or any of its directors listed on the Register for Tender Defaulters in terms of section 29 of the Prevention and Combating of Corrupt Activities Act (No 12 of 2004)? <i>(To access this Register enter the National Treasury’s website, www.treasury.gov.za , click on the icon “Register for Tender Defaulters” or submit your written request for a hard copy of the Register to facsimile number (012) 3265445).</i>	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 to any other municipality / municipal entity, that is in arrears for more than three months?		
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?	
4.7.1 If so, furnish particulars:	

5. 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:	NAME (PRINT):	
CAPACITY:	DATE:	
NAME OF FIRM:		

MBD 9 – CERTIFICATE OF INDEPENDENT BID DETERMINATION

1. This Municipal Bidding Document (MBD) must form part of all bids 2 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). 3 Collusive bidding is a per 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:

CERTIFICATE OF INDEPENDENT BID DETERMINATION :

In response to the invitation for the bid made by:

SAKHISIZWE MUNICIPALITY

I, the undersigned, in submitting the accompanying bid, hereby make the following statements that I certify to be true and complete in every respect:

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: *Includes price quotations, advertised competitive bids, limited bids and proposals.*

3 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.

(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 4 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:

f) prices;

g) geographical area where product or service will be rendered (market allocation

h) methods, factors or formulas used to calculate prices;

i) the intention or decision to submit or not to submit, a bid;

j) the submission of a bid which does not meet the specifications and conditions of the bid; or

k) bidding with the intention not to win the bid.

8. In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications and conditions or delivery particulars of the products or services to which this bid invitation relates.

9. The terms of the accompanying bid have not been, and will not be, disclosed by the bidder, directly or indirectly, to any competitor, prior to the date and time of the official bid opening or of the awarding of the contract.

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

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.

SIGNATURE:	NAME (PRINT):	
CAPACITY:	DATE:	
NAME OF FIRM:		

FORM OF OFFER AND ACCEPTANCE

1. OFFER

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

SLM/SCM/31/2017/18: TRAINING OF BID COMMITTEES

b) The tenderer, identified in the Offer signature block, has examined the draft contract as listed in the Acceptance section and agreed to provide this Offer.

c) By the representative of the Tenderer, deemed to be duly authorised, signing this part of this Form of Offer and Acceptance, the Tenderer offers to perform all of the obligations and liabilities of the Employer 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 VAT IS:

In figures:	R
In words:	

d) This Offer may be accepted by the Employer by signing the Acceptance part of this Form of Offer and Acceptance 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 contract identified in the Contract Data.

Signature(s)		
Name(s)		
Capacity		
Name of tenderer:		
Name of witness:		DATE
(Insert name and address of organisation)		
Signature of witness:		

FORM OF ACCEPTANCE

1. ACCEPTANCE

- a) 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.
- b) Deviations from and amendments to the documents listed in the Tender Data and any addenda thereto listed in the Returnable 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 Form of Offer and Acceptance. No amendments to or deviations from said documents are valid unless contained in this Schedule.
- c) The tenderer shall within two weeks of 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 Contract Data) to arrange the delivery of any securities, bonds, guarantees, proof of insurance and any other documentation to be provided in terms of the conditions of contract identified in the Contract Data. Failure to fulfil any of these obligations in accordance with those terms shall constitute a repudiation of this agreement.
- d) 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).
- e) It is expressly agreed that no other matter whether in writing, oral communication or implied during the period between the issue of the tender documents and the receipt by the tenderer of a completed signed copy of this Agreement shall have any meaning or effect in the contract between the parties arising from this agreement.

Signature(s):			
Name(s):			
Capacity:			
For the Employer: Sakhisizwe Municipality, 15 Maclear Road, Elliot, 5460			
Name of witness:		Date:	
Signature of witness:			

DECLARATION BY TENDERER

I / We acknowledge that I / we am / are fully acquainted with the contents of the conditions of tender of this quotation form and that 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 quotation and that I / we elect domicillium citandi et executandi in the Republic at:

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

SIGNATURE	NAME (PRINT)	
CAPACITY	DATE	
NAME OF FIRM		
WITNESS 1	WITNESS 2	