



DEVELOPMENT OF HARRY GWALA DISTRICT MUNICIPALITY AIR QUALITY MANAGEMENT PLAN

CONTRACT N^o 742/HGDM/2021

Harry Gwala District Municipality
No. 40 Main Street
Ixopo
3276

Enquiries: Mrs. M.B Mchunu
Contact No: (039) 834 8700 / 8799
Fax No: (039) 834 1701
Email: mchunum@harrygwaladm.gov.za

NAME OF TENDERER	
ADDRESS OF TENDERER	
TELEPHONE	
FAX	
TENDER SUM	
TIME FOR COMPLETION	

TENDER CLOSING DATE: 11 AUGUST 2022 AT 12H00

HARRY GWALA DISTRICT MUNICIPALITY

CONTENTS

Section 1:	Notice and Invitation to Bid.....
Section A2	Scope of Works
Section A3	Bill of Quantities
Section A4:	Special instructions regarding completion of bid forms.....
Section B:	Registration on municipal supplier database
Section B1	Evaluation Criteria
Section C:	Declaration that information on municipal supplier database is correct and up to date
Section D:	Tax clearance certificate
Section E:	Declaration of interests (MBD4)
Section F:	Contract forms
Section G:	Preference points claim form in terms of the procurement regulation 2017.....
Section H	Declaration certificate for local production and content.....
Section I:	Contract form rendering of services
Section J:	Declaration of bidders past supply chain management practices
Section K:	Certificate of independent bid determination.....
Section L:	Form of offer and acceptance

Section M: Briefing session/site inspection certificate.....

Section N: Authority to sign bid

Section O: Certificate for municipal services

Section P: Conditions of bid

Section Q: Contract data provided by employer



HARRY GWALA DISTRICT MUNICIPALITY

“Together We Deliver and Grow”

OFFICE OF THE MUNICIPAL MANAGER

40 Main Street, Private Bag X501, IXOPO 3276

Tel: (039) 834 8707 Fax: (039) 834 1701

E-mail: mbanjwas@harrygwaladm.gov.za

ADVERTISEMENT

INVITATION TO BID DEVELOPMENT OF HARRY GWALA DISTRICT MUNICIPALITY AIR QUALITY MANAGEMENT PLAN

CONTRACT NO. 742/HGDM/2021

Harry Gwala District Municipality hereby requests proposals from a suitable experienced Service Providers for the development of Harry Gwala Air Quality Management Plan; this project anticipated to be accomplished within eighteen (18) months period starting from the date of signing of the Service Level Agreement (SLA) by both parties. The Service Provider shall demonstrate relevant skills in terms of the required scope by including a record of previously similar projects and Service Providers are required to comply with normal business ethics of Harry Gwala District Municipality.

Invalid or non-submission of the following documents will lead to immediate disqualification of the tender:

- Valid tax clearance certificate or SARS pin.
- Company Profile.
- Central Supplier Database registration.

The following conditions will apply:

- Prices quoted must be firm and must be inclusive of VAT (if applicable).
- All bids submitted shall be valid for 90 days after the tender closing date.
- A signed MBD 4 form must be submitted with all bids (available on our website and Reception in the Main Office, IXOPO).

- A **certified** or original valid B-BBEE status level verification certificate or an original sworn affidavit must be submitted to claim preference points.
- 80/20 Preference Points system will be used when evaluating the bid.
- Your company must be registered in our municipal database.
- Completion of previous work or similar project.

DOCUMENTS

Bid documents will be available from **27 July 2022** between 09H00 – 16H00 from the Budget and Treasury Office situated at 40 Main Street, IXOPO. A non-refundable fee of **R300.00 each** will be charged per document.

NB: No documents will be sold after briefing meeting.

COMPULSORY BRIEFING MEETING

A compulsory briefing session will be held **on 29 July 2022** in the Municipal Boardroom, 40 Main Street, IXOPO at 10H30.

The Harry Gwala District Municipality is looking for a competent Service Provider to develop an Air Quality Management Plan for the district with previous skills on a similar project or work.

CLOSING DATE

The closing date for the bidders is **on 11 August 2022 at 12H00**. Bids must be enclosed in **SEALED ENVELOPES** and clearly labelled with the name of the project on the outside addressed to **The Municipal Manager, Mrs AN Dlamini, 40 Main Street, P/Bag X501, IXOPO, 3276**.

Bids must be deposited in the Bid Box at the Reception Area of Harry Gwala District Municipality, 40 Main Street, IXOPO, before the closing date and time. Telegraphic, telexed or faxed bids will not be considered and late bids will not be accepted.

Harry Gwala District Municipality does not bind itself to accept the lowest or any bid and reserves the right to accept the whole or any part of the bid.

BID ENQUIRIES

All tender enquiries and all other matters shall be directed to **Mrs. M.B Mchunu** on (039) 834 8700 during normal working hours.

MRS T.T MAGAQA

ACTING MUNICIPAL MANAGER

SECTION A2

SCOPE OF WORKS

INTRODUCTION AND BACKGROUND:

The Air Quality Act, No 39 of 2004, (AQA) emanates from the Bill of Rights contained in the Constitution of South Africa (1996). The Bill enshrines the rights of all people in the country and affirms the democratic values of human dignity, equality and freedom. The state must respect, protect, promote and fulfil the rights in the Bill of Rights. Section 24 of the Constitution states that everyone has the right:

- a.) *To an environment that is not harmful to their health or well-being; and*
- b.) *To have the environment protected, for the benefit of present and future generations, through reasonable legislative and other measures that -*
 - i) *prevent pollution and ecological degradation;*
 - ii) *promote conservation; and*
 - iii) *secure ecologically sustainable development and the use of natural resources while promoting justifiable economic and social development*

Chapter 3 of the National Management: Air Quality Act, 39 of 2004 (AQA) mandates each municipality to develop Air Quality Management Plan and include it to its integrated development plan as per Chapter 5 of the Municipal Systems Act.

LOCATION:

Harry Gwala District Municipality Air Quality Management Plan will include all the four Local Municipalities; **i.e. Ubhlebezwe, UMzimkhulu, Dr. Nkosazana Dlamini-Zuma and Greater Kokstad.**

OBJECTIVES:

The objective of this project is to appoint competent Service Provider to develop a comprehensive Air Quality Management Plan in order to:

1. Establish the status of the air within the jurisdiction areas of Harry Gwala;
2. Set new goals to improve the quality of the air and provide basis for the development of implementation strategies;
3. Identify significant gaps and provide recommendations to strengthen the implementation of intervention;
4. Define the baseline of ambient air quality and set objectives for the area;
5. Include current and future economic realities and their associated impacts thereof;

6. Address the possible need for changes to functional and operational structures, AQM systems, and management objectives in light of poor performances, changing circumstances, the commitment to continual improvement and any other relevant factors;
7. Develop interventions to improve ambient air quality in a cost effective manner.
8. Ensure effective communication, public participation and stakeholder engagement.

SCOPE AND EXTENT OF WORK

Harry Gwala District Municipality are looking for a competent service provider to establish a plan that will:

- a) give effect, in respect of air quality, to Chapter 3 of the National Environmental Management: Air Quality Act 39 of 2004 to the extent that that Chapter is applicable to it;
- b) set new goals to improve the quality of the air and provide a basis for the development of implementation strategies;
- c) identify significant gaps and provide recommendations to strengthen the implementation of intervention;
- d) define the baseline of ambient air quality and set associated objectives for the area;
- e) include current and future economic realities and their associated impacts thereof;
- f) develop interventions to improve ambient air quality in a cost effective manner

The Air Quality Management Plan (AQMP) must include the following objectives:

Objective 1: Goal setting

Output (i): An AQMP "task team" be initiated to develop and ensure implementation of the AQMP and provide technical advice

Output (ii): the service provider must in consultation with the Harry Gwala District Municipality identify and establish the stakeholders working group. It bears noting that public participation is an ongoing process that starts from the inception of the project until the conclusion of the project.

Output (iii): Demonstration of both financial and human resources.

Objective 2: Baseline Air Quality Assessment

Output (i): Baseline air quality assessment **must** be undertaken to assess and evaluate the current air quality status of available air quality data, air pollution sources, and area data and should include:

- Area description and boundary definition
- Description of the meteorology and climate

- Population statistics
- Evaluation of air quality information based on available data
- Sources and emissions
- Pollutants of concern
- Priority air quality issues
- Evaluation of current management and tools
- Consideration air quality impacts of future developments
- Prioritising areas for intervention

Objective 3: Air quality management system (AQMS): including all components

Output (i): Air Quality Monitoring - the service provider to collect data to provide necessary information to make informed decisions on improving air quality.

Output (ii): The Service provider will be required to develop a comprehensive database of all identified emission sources such as, but not limited to:

- (a) Industrial operations (point and fugitive emissions);
- (b) Vehicle emissions;
- (c) Domestic fuel burning;
- (d) Sugar Cane burning;
- (e) Spray painting operations and
- (f) Waste treatment and disposal.

Output (iii): Atmospheric Dispersion Modelling - the Service Provider must undertake the dispersion modelling exercise to assess the impact of emissions on ambient air quality. The selected model must be able to model different types of anthropogenic emissions such as domestic, vehicles, industrial, sugar cane, spray painting, etc and must identify the “**Hotspot**” zone.

Objective 4: Gap and problem Analysis

Output (i): The outcomes from the baseline assessment and AQMS will determine the intervention strategies that should be undertaken to mitigate air pollution in an area. The service provider through gap analysis must inform the Harry Gwala District Municipality whether the past and current monitoring, emission inventory, modelling information and management and tools is sufficient to address the air quality issues.

Output (ii): the service provider must determine and analyse the associated cause and its effects of the problem

Output (iii): the service provider must be able to prioritize the cause and effects of the problem and:

- (a) develop aims and targets
- (b) cost-benefit analysis of possible strategies
- (c) assists priority setting and the construction of a schedule for mitigation of adverse air quality problems.

Objective 5: Intervention strategies

The outcome of objective four (4) must be used to give direction to the development of intervention strategies.

They must include the following:

- (a) Identification of all potential intervention strategies and feasible time scales for implementation;
- (b) Assessing the possible emission reductions - the selection and most cost effective options will depend strongly on location, the area, landscape, and source characteristics
- (c) strategies to reduce air emissions and air pollution impacts
- (d) plans for capacity building or awareness campaigns or even further research

Objective 6: Action plans for implementation

Output (i) the service provider must present the action plan/ intervention strategy implementation to:

- (a) ensure that the interventions identified in objective five (5; Intervention strategies) are implemented;
- (b) implement the control strategies, including financing the control measures and setting a time frame;
- (c) identify how to implement intervention strategies/ action plans thereof;
- (d) enforce the policies and regulations needed to implement the strategies

Output (ii) the implementation of interventions strategy must include:

- (a) the sequence of events, including priorities, time schedules and deadlines,
- (b) time period the intervention will operate before assessment on its effectiveness, and
- (c) roles and responsibilities for achievement of the interventions.

Objective 7: Draft Air Quality Management Plan

The service provider must compile and present the Draft plan to the approved structures for evaluation and comments purposes and information sharing.

Objective 8: Final Air Quality Management Plan

The service provider must:

- (a) Provide the completed Air Quality Management Plan so that will be distributed to all key stakeholders for review before being included as part of the Integrated Development Plan (IDP)

Objective 9: Capacity Building

The service provider must provide a clear mentorship programme of the internal staff. The focus must include but not limited to all objectives above-mentioned.

SECTION A3**EXPECTED OUTCOMES FOR HARRY GWALA AIR QUALITY MANAGEMENT PLAN**

TASK	INDICATOR
Planning objective	A clear, detailed plan on how the specific goals will be undertaken
Baseline Assessment Report	Indication of current, potential and future poor air quality within the district of Harry Gwala
Gap And Problem Analysis	Clearly identified objectives and outcomes describing relevant contextual influences & discussions, build Baseline Assessment
Threat Assessment	Provision of Threat Assessment Report
Air Quality Management Goals	Specific, Measurable, Achievable, Realistic and Timely
Expansion of Ambient Air Quality Monitoring Network	Air Quality Monitoring Plan
Intervention Strategies	Specific, Measurable, Achievable, Realistic and Timely
Draft Air Quality Management Plan	Defined strategies & solutions, interacting with key technical groups with relevant field of expertise Technical
Final Air Quality Management Plan	Air Quality Management Plan Report approved by relevant structures
Public Participation	Stakeholder consultations, not less than two adverts in the local newspapers, Placing advert on Social media platforms used by HGDM, Issues Trail/Comments & Responses report generation.
Capacity Building	Assessment report

1. DEFINITIONS

- 1.1 **"all applicable taxes"** includes value-added tax, pay as you earn, income tax, unemployment insurance fund contributions and skills development levies;
- 1.2 **"B-BBEE"** means broad-based black economic empowerment as defined in section 1 of the Broad Based Black Economic Empowerment Act;
- 1.3. **"B-BBEE status level of contributor"** means the B-BBEE status received by a measured entity based on its overall performance using the relevant scorecard contained in the Codes of Good Practice on Black Economic Empowerment, issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act;
- 1.4 **"bid"** means a written offer in a prescribed or stipulated form in response to an invitation by an organ of state for the provision of services, works or goods, through price quotations, advertised competitive bidding processes or proposals;
- 1.5 **"Broad-Based Black Economic Empowerment Act"** means the Broad-Based Black Economic empowerment Act, 2003 (Act No. 53 of 2003);
- 1.6 **"comparative price"** means the price after the factors of a non-firm price and all unconditional discounts that can be utilized have been taken into consideration;
- 1.7 **"consortium or joint venture"** means an association of persons for the purpose of combining their expertise, property, capital, efforts, skill and knowledge in an activity for the execution of a contract;
- 1.8 **"contract"** means the agreement that results from the acceptance of a bid by an organ of state;
- 1.9 **"EME"** means any enterprise with annual total revenue of R5 million or less;
- 1.10 **"Firm price"** means the price that is only subject to adjustments in accordance with the actual increase or decrease resulting from the change, imposition, or abolition of customs or excise duty and any other duty, levy, or tax, which, in terms of the law or regulation, is binding on the supplier and demonstrably has an influence on the price of any supplies, or the rendering costs of any service, for the execution of the contract;
- 1.11 **"functionality"** means the measurement according to predetermined norms, as set out in the bid documents, of a service or commodity that is designed to be practical and useful, working or operating, taking into account, among other factors, the quality, reliability, viability and durability of a service and the technical capacity and ability of a bidder;
- 1.12 **"non-firm prices"** means all prices other than "firm" prices;
- 1.13 **"person"** includes a juristic person;
- 1.14 **"rand value"** means the total estimated value of a contract in South African currency, calculated at the time of bid invitations, and includes all applicable taxes and excise duties;
- 1.15 **"sub-contract"** means the primary supplier's assigning, leasing, making out work to, or employing, another person to support such primary supplier in the execution of part of a project in terms of the contract;
- 1.17 **"total revenue"** bears the same meaning assigned to this expression in the Codes of Good

Practice on Black Economic Empowerment, issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act and promulgated in the *Government Gazette* on 9 February 2007;

- 1.18 **"trust"** means the arrangement through which the property of one person is made over or bequeathed to a trustee to administer such property for the benefit of another person; and
- 1.19 **"trustee"** means any person, including the founder of a trust, to whom property is bequeathed in order for such property to be administered for the benefit of another person.
- 1.20 **"PSP"** Professional Service Provider (The Bidder) undertakes to bring onto site without additional cost to the Employer any additional plant not listed but which may be necessary to complete the contract within the specified contract period.

SECTION A4

SPECIAL INSTRUCTIONS AND NOTICES TO SERVICE PROVIDERS REGARDING THE COMPLETION OF BID FORMS

PLEASE NOTE THAT THIS BID IS SUBJECT TO TREASURY REGULATIONS 16A ISSUED IN TERMS OF THE MUNICIPAL FINANCE MANAGEMENT ACT, 2003, THE HARRY GWALA DISTRICT MUNICIPALITY SUPPLY CHAIN MANAGEMENT POLICY FRAMEWORK.

1. Unless inconsistent with or expressly indicated otherwise by the context, the singular shall include the plural and visa versa and with words importing the masculine gender shall include the feminine and the neuter.
2. Under no circumstances whatsoever may the bid forms be retyped or redrafted. Photocopies of the original bid documentation may be used, but an original signature must appear on such photocopies.
3. The supplier is advised to check the number of pages and to satisfy himself that none are missing or duplicated.
4. Bids submitted must be complete in all respects.
5. Bids shall be lodged at the address indicated not later than the closing time specified for their receipt, and in accordance with the directives in the bid documents.
6. Each bid shall be addressed in accordance with the directives in the bid documents and shall be lodged in a separate sealed envelope, with the name and address of the bidder, the bid number and closing date indicated on the envelope. The envelope shall not contain documents relating to any bid other than that shown on the envelope. If this provision is not complied with, such bids may be rejected as being invalid.
7. All bids received in sealed envelopes with the relevant bid numbers on the envelopes are kept unopened in safe custody until the closing time of the bids. Where, however, a bid is received open, it shall be sealed. If it is received without a bid number on the envelope, it shall be opened, the bid number ascertained, the envelope sealed and the bid number written on the envelope.
8. A specific box is provided for the receipt of bids, and no bid found in any other box or elsewhere subsequent to the closing date and time of bid will be considered.
9. No bid sent through the post will be considered if it is received after the closing date and time stipulated in the bid documentation, and proof of posting will not be accepted as proof of delivery.
10. No bid submitted by telefax, telegraphic or other electronic means will be considered.
11. Bid documents must not be included in packages containing samples. Such bids may be rejected as being invalid.
12. Any alteration made by the supplier must be initialled.
13. Use of correcting fluid is prohibited
14. Bids will be opened in public as soon as practicable after the closing time of bid.
15. Where practical, prices are made public at the time of opening bids.

16. If it is desired to make more than one offer against any individual item, such offers should be given on a photocopy of the page in question. Clear indication thereof must be stated on the schedules attached.

SECTION B

REGISTRATION ON THE HARRY GWALA DISTRICT MUNICIPALITY SUPPLIERS DATABASE

1. In terms of the Harry Gwala District Municipality Supply Chain Management Policy Framework, all suppliers of goods and services to the Municipality are required to register on the Suppliers Database.
2. If you wish to apply for registration, forms may be downloaded from the website, <http://www.harrygwaladm.gov.za>, or obtained by collecting it in the offices of the Municipality (SCM).
3. If a business is registered on the Database and it is found subsequently that false or incorrect information has been supplied, then the Municipality may, without prejudice to any other legal rights or remedies it may have;
 - 3.1 De-register the supplier from the Database,
 - 3.2 Cancel a Bid or a contract awarded to such supplier, and the supplier would become liable for any damages if a less favourable quotation is accepted or less favourable arrangements are made.
4. **The same principles as set out in paragraph 3 above are applicable should the supplier fail to request updating of its information on the Suppliers Database, relating to changed particulars or circumstances.**
5. Application for registration must be submitted to the Harry Gwala office at Harry Gwala District Municipality. IF THE SUPPLIER IS NOT REGISTERED AT THE CLOSING TIME OF BID, THE SUPPLIER IS REQUIRED TO SUBMIT A COPY OF THE REGISTRATION APPLICATION FORM, TOGETHER WITH THE BID DOCUMENTATION, TO THE RESPECTIVE DEPARTMENT INVITING BIDS.

SECTION B1

EVALUATION CRITERIA

STAGE 1: (100 POINTS)

Bidders are required to demonstrate their ability to undertake the work and provide proof of previous experience, expertise and capacity to undertake a project of this nature. Bidders are therefore required to meet 60% based on the criteria listed below. **Please note that the onus rests with the bidder to supply sufficient supporting documentation for evaluation purposes.**

Note: Stage 1 Points are used to determine responsiveness and will not be used further in the evaluation.

KEY ASPECT OF CRITERIA	BASIS OF ALLOCATION	POINTS	CRITERIA EVIDENCE	WEIGHT / VALUE	SCORE
Bidder's understanding of the brief :	AQMP Process followed		A clear, detailed programme plan showing the cycle on how and when the outcomes of each step will be achieved	30	
	Full AQMP Steps = 30				
The bidder to show clear understanding of the AQMP Process (outline all steps to be followed) for Harry Gwala District Municipality	Incomplete or non-submission = 0				
Capability and experience:	Appointment letters from previous clients.		Appointment letters from previous clients.	30	
The Company to provide the track record of Air Quality Management Plan Development	3 or more = 30				
	2 = 20				
	1 = 10				
	Non-submission = 0				
Key personnel Project Manager	with relevant minimum experience of 5 years and above = 20		Certified copies of: 1. Professional registration with SACNASP or EAPASA 2. Qualification in BSc / BTech in Environmental science or National diploma in Nature Conservation or related field 3. CV to include successful projects	20	
	with relevant minimum experience of 4 years = 15				
	with relevant minimum experience of 3 years = 10				
	less than 3 years or no submission = 1				
Environmental Management Specialist	Environmental Management Degree or Equivalent with an minimum experience of 5 years and above = 10				

	Environmental Management Degree or Equivalent with an minimum experience of between 4 & 3 years = 5	Certified copies of: 1. Environmental Management Degree or Equivalent 2. CV 3. Professional registration with SACNASP or EAPASA	10	
	Environmental Management Degree or Equivalent with minimum experience of 2years and below = 1			
	No submission =0			
Project Technician	knowledge on Environmental Management Systems (Emission inventory, dispersion modelling, Research with minimum experience of 5 years and above =10	Certified copies of: 1. Environmental Management Degree/ Dispersion Modeling/ Air Quality Management Courses or Equivalent Qualification, 2. CV 3. Professional registration with SACNASP or EAPASA	10	
	knowledge on Environmental Management Systems (Emission inventory, dispersion modelling, Research with minimum experience of between 4-3 years = 5			
	knowledge on Environmental Management Systems (Emission inventory, dispersion modelling, Research with minimum experience of 2 years and below = 1			
	No experience or no submission = 0			
TOTAL			100	

STAGE 2: POINTS AWARDED FOR PRICE AND PREFERENCES

3.2.1 THE 80/20 PREFERENCE POINT SYSTEMS

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

80/20

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

Where

P_s = Points scored for comparative price of bid under consideration

P_t = Comparative price of bid under consideration

P_{\min} = Comparative price of lowest acceptable bid

NB: The 80/20 System will be used for this Bid.

3.2.2 POINTS AWARDED FOR B-BBEE STATUS LEVEL OF CONTRIBUTION (PREFERENCES)

In terms of Regulation 5 (2) and 6 (2) of the Preferential Procurement Regulations, preference points must be awarded to a bidder for attaining the B-BBEE status level of contribution in accordance with the table below:

B-BBEE Status Level of Contributor	Number of points (90/10 system)	Number of points (80/20 system)
1	10	20
2	9	18
3	8	16
4	5	12
5	4	8
6	3	6
7	2	4
8	1	2
Non-compliant contributor	0	0

- 3.2.2.1 Bidders who qualify as EMEs in terms of the B-BBEE Act must submit a certificate issued by an Accounting Officer as contemplated in the CCA or a Verification Agency accredited by SANAS or a Registered Auditor. Registered auditors do not need to meet the prerequisite for IRBA's approval for the purpose of conducting verification and issuing EMEs with B-BBEE Status Level Certificates.
- 3.2.2.2 Bidders other than EMEs must submit their original and valid B-BBEE status level verification certificate or a certified copy thereof, substantiating their B-BBEE rating issued by a Registered Auditor approved by IRBA or a Verification Agency accredited by SANAS.
- 3.2.2.3 A trust, consortium or joint venture, will qualify for points for their B-BBEE status level as a legal entity, provided that the entity submits their B-BBEE status level certificate.
- 3.2.2.4 A trust, consortium or joint venture will qualify for points for their B-BBEE status level as an unincorporated entity, provided that the entity submits their consolidated B-BBEE scorecard as if they were a group structure and that such a consolidated B-BBEE scorecard is prepared for every separate bid.
- 3.2.2.5 Tertiary institutions and public entities will be required to submit their B-BBEE status level certificates in terms of the specialized scorecard contained in the B-BBEE Codes of Good Practice.
- 3.2.2.6 A person will not be awarded points for B-BBEE status level if it is indicated in the bid documents that such a bidder intends sub-contracting more than 25% of the value of the contract to any other enterprise that does not qualify for at least the points that such a bidder qualifies for, unless the intended sub-supplier is an EME that has the capability and ability to execute the sub-contract.
- 3.2.2.7 A person awarded a contract may not sub-contract more than 25% of the value of the contract to any other enterprise that does not have an equal or higher B-BBEE status level than the person concerned, unless the contract is sub-contracted to an EME that has the capability and ability to execute the sub-contract.

4. BID DECLARATION

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

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

5.1 B-BBEE Status Level of Contribution:

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

6. SUB-CONTRACTING

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

6.1.1 If yes, indicate:

(i) what percentage of the contract will be subcontracted?%

(ii) the name of the sub-supplier?

(iii) the B-BBEE status level of the sub-supplier?

(iv) whether the sub-supplier is an EME? **YES / NO** (delete which is not applicable)

7. DECLARATION WITH REGARD TO COMPANY/FIRM

7.1 Name of company/firm:

7.2 VAT registration number:

7.3 Company registration number:

7.4 TYPE OF COMPANY/ FIRM

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

[TICK APPLICABLE BOX]

7.5 DESCRIBE PRINCIPAL BUSINESS ACTIVITIES

.....
.....

.....
7.6 COMPANY CLASSIFICATION

Professional service provider

[TICK APPLICABLE BOX]

7.7 Total number of years the company/firm has been in business?

7.8 I/we, the undersigned, who is / are duly authorised to do so on behalf of the company/firm, certify that the points claimed, based on the B-BBE status level of contribution indicated in paragraph 7 of the foregoing certificate, qualifies the company/ firm for the preference(s) shown and I / we acknowledge that:

- (i) The information furnished is true and correct;
- (ii) The preference points claimed are in accordance with the General Conditions as indicated in paragraph 1 of this form.
- (iii) In the event of a contract being awarded as a result of points claimed as shown in paragraph 7, the supplier may be required to furnish documentary proof to the satisfaction of the purchaser that the claims are correct;
- (iv) If the B-BBEE status level of contribution has been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the purchaser may, in addition to any other remedy it may have –
 - (a) disqualify the person from the bidding process;
 - (b) recover costs, losses or damages it has incurred or suffered as a result of that person's conduct;
 - (c) cancel the contract and claim any damages which it has suffered as a result of having to make less favourable arrangements due to such cancellation;
 - (d) restrict the bidder or supplier, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, from obtaining business from any organ of state for a period not exceeding 10 years, after the audial temperament (hear the other side) rule has been applied; and
 - (e) forward the matter for criminal prosecution

WITNESSES:

1.

.....

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

DATE:

SECTION C

DECLARATION THAT INFORMATION ON HARRY GWALA DISTRICT MUNICIPALITY SUPPLIER DATABASE IS CORRECT AND UP TO DATE

(To be completed by bidder)

THIS IS TO CERTIFY THAT I (name of bidder/authorised representative)

....., WHO REPRESENTS (state name

Of bidder).....

AM AWARE OF THE CONTENTS OF THE HARRY GWALA DISTRICT MUNICIPALITY SUPPLIER DATABASE WITH RESPECT TO THE SUPPLIER'S DETAILS AND REGISTRATION INFORMATION, AND THAT THE SAID INFORMATION IS CORRECT AND UP TO DATE AS ON THE DATE OF SUBMITTING THIS BID.

AND I AM AWARE THAT INCORRECT OR OUTDATED INFORMATION MAY BE A CAUSE FOR DISQUALIFICATION OF THIS BID FROM THE EVALUATION PROCESS, AND/OR POSSIBLE CANCELLATION OF THE CONTRACT THAT MAY BE AWARDED ON THE BASIS OF THIS BID.

.....
SIGNATURE OF BIDDER OR AUTHORISED REPRESENTATIVE

DATE:.....

SECTION D

A) TAX CLEARANCE CERTIFICATE REQUIREMENTS

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

1. In order to meet this requirement, suppliers are required to complete in full the attached form TCC 001 "Application for a Tax 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 suppliers with a Tax Clearance Certificate that will be valid for a period of 1 (one) year from the date of approval. Copies of 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.
3. The original Tax Clearance Certificate or SARS pin must be submitted together with the bid. Failure to submit the original and valid Tax Clearance Certificate or SARS pin will result in the invalidation of the bid. Certified copies of the Tax Clearance Certificate will not be acceptable.
4. In Bids where Consortia/Joint Ventures/Sub-suppliers are involved, each party must submit a separate Tax Clearance Certificate.
5. Applications for the Tax Clearance Certificates may also be made via eFiling. In order to use this provision, taxpayers will need to register with SARS as eFilers through the website www.sars.gov.za.

SECTION E

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, shareholder²):.....
- 3.4 Company Registration Number:
- 3.5 Tax Reference Number:.....
- 3.6 VAT Registration Number:
- 3.7 The names of all directors / trustees / shareholders members, their individual identity numbers and state employee numbers must be indicated in paragraph 4 below.
- 3.8 Are you presently in the service of the state? **YES / NO**
 - 3.8.1 If yes, furnish particulars.

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

- (a) a member of –
 - (i) any municipal council;
 - (ii) any provincial legislature; or
 - (iii) the national Assembly or the national Council of provinces;
- (b) a member of the board of directors of any municipal entity;
- (c) an official of any municipality or municipal entity;
- (d) an employee of any national or provincial department, national or provincial public entity or constitutional institution within the meaning of the Public Finance Management Act, 1999 (Act

- No.1 of 1999);
 (e) a member of the accounting authority of any national or provincial public entity; or
 (f) an employee of Parliament or a provincial legislature.

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

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

3.9.1 If yes, furnish particulars.....

.....

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

3.10.1 If yes, furnish particulars.

.....

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

3.11.1 If yes, furnish particulars

.....

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

3.12.1 If yes, furnish particulars.

.....

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

3.13.1 If yes, furnish particulars.

.....

3.14 Do you or any of the directors, trustees, managers, principle shareholders, or stakeholders of this company have any interest in any other related companies or

business whether or not they are bidding for this contract.

YES / NO

3.14.1 If yes, furnish particulars:

.....
.....

Full details of directors / trustees / members / shareholders.

Full Name	Identity Number	State Employee Number

.....

Signature

.....

Date

.....

Capacity

.....

Name of Bidder

MBD5.1

SECTION F

CONTRACT FORM – PAST EXPERIENCE

PREVIOUS / CURRENT SIMILAR PROJECT REFERENCES OF BIDDER

The following is a statement of work of similar nature recently successfully executed by myself / ourselves:

CLIENT'S NAME	CONTACT PERSON AND TELEPHONE NUMBER	NATURE OF WORK	VALUE OF WORK (inclusive of VAT)	DATE COMPLETED OR EXPECTED TO BE COMPLETED

NB: Attach letters of award and / or completion for each project completed or in progress

Attach additional pages if more space is required

SIGNATURE:

DATE:

(Signature of a person authorised to sign on behalf of the Bidder

QUALIFICATION OBTAINED	INSTITUTION	YEAR OBTAINED

Attach additional pages if more space is required.

SECTION G

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 from R 30 000 up to R50 000 000 (all applicable taxes included); and
- the 90/10 system for requirements with value above R50 000 000 (all applicable taxes included).

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

1.3 Preference points for this bid shall be awarded for:

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

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

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

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

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

MBD 6.2

SECTION H

DECLARATION CERTIFICATE FOR LOCAL PRODUCTION AND CONTENT

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

Before completing this declaration, bidders must study the General Conditions, Definitions, Directives applicable in respect of Local Content as prescribed in the Preferential Procurement Regulations, 2011 and the South African Bureau of Standards (SABS) approved technical specification number SATS 1286:201x.

1. General Conditions

- 1.1. Preferential Procurement Regulations, 2011 (Regulation 9.(1) and 9.(3) make provision for the promotion of local production and content.
- 1.2. Regulation 9.(1) prescribes that in the case of designated sectors, where in the award of bids local production and content is of critical importance, such bids must be advertised with the specific bidding condition that only locally produced goods, services or works or locally manufactured goods, with a stipulated minimum threshold for local production and content will be considered.
- 1.3. Regulation 9.(3) prescribes that where there is no designated sector, a specific bidding condition may be included, that only locally produced services, works or goods or locally manufactured goods with a stipulated minimum threshold for local production and content, will be considered.
- 1.4. Where necessary, for bids referred to in paragraphs 1.2 and 1.3 above, a two stage bidding process may be followed, where the first stage involves a minimum threshold for local production and content and the second stage price and B-BBEE.
- 1.5. A person awarded a contract in relation to a designated sector, may not sub-contract in such a manner that the local production and content of the overall value of the contract is reduced to below the stipulated minimum threshold.
- 1.6. The local content (LC) as a percentage of the bid price must be calculated in accordance with the SABS approved technical specification number SATS 1286: 201x as follows:

$$LC = 1 - \left(\frac{x}{y} \right) \times 100$$

Where

- x imported content
- y bid price excluding value added tax (VAT)

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

1.7. A bid will be disqualified if:

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

2. Definitions

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

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

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

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

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

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

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

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

2.9. **"sub-contract"** means the primary contractor's assigning, leasing, making out work to, or employing another person to support such primary contractor in the execution of part of a project in terms of the contract.

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

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

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

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

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

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

Currency	Rates of exchange
US Dollar	
Pound Sterling	
Euro	
Yen	
Other	

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

<p>LOCAL CONTENT DECLARATION BY CHIEF FINANCIAL OFFICER OR OTHER LEGALLY RESPONSIBLE PERSON NOMINATED IN WRITING BY THE CHIEF EXECUTIVE OR SENIOR MEMBER/PERSON WITH MANAGEMENT RESPONSIBILITY (CLOSE CORPORATION, PARTNERSHIP OR INDIVIDUAL)</p> <p>IN RESPECT OF BID No.</p> <p>ISSUED BY: (Procurement Authority / Name of Municipality / Municipal Entity): </p>
--

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

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

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

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

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

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

SIGNATURE: _____

DATE:

WITNESS No. 1 _____

DATE:

WITNESS No. 2 _____

DATE:

KEY PERSONNEL

The bidder must insert in the spaces provided below a list of the key personnel to be utilised for the purpose of training employees on the use of Protective Equipment. Training will be done in English and IsiZulu/ IsiXhosa

The Bidder shall attach the curriculum vitae of the listed key personnel to the next page.

DESIGNATION	NAMES	PROJECT TYPE	VALUE OF WORK	YEAR COMPLETED

Attach additional pages if more space is required

SIGNATURE:

DATE:

(Signature of a person authorised to sign on behalf of the Bidder)

CURRICULUM VITAE OF KEY PERSONNEL

[Curriculum Vitae of key personnel to be attached here]

**SECTION I
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)

Witness

CAPACITY

1.

SIGNATURE

2.

NAME OF FIRM

Date:

DATE 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 APPLICABLE (ALL TAXES INCLUDED)	COMPLETION DATE	B-BBEE STATUS LEVEL OF CONTRIBUTION	MINIMUM THRESHOLD FOR LOCAL PRODUCTION AND CONTENT (if applicable)

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

SIGNED AT ON

NAME (PRINT)

SIGNATURE

OFFICIAL STAMP

WITNESSES

1.....

2.....

DATE:
.....

SECTION J

DECLARATION OF BIDDER’S PAST SUPPLY CHAIN MANAGEMENT PRACTICES

- 1 This Standard Bidding Document must form part of all bids invited.
- 2 It serves as a declaration to be used by institutions 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 disregarded if that bidder, or any of its directors have-
 - a. abused the institution’s supply chain management system;
 - b. committed fraud or any other improper conduct in relation to such system; or
 - c. failed to perform on any previous contract.
- 4 **In order to give effect to the above, the following questionnaire must be completed and submitted with the bid.**

Item	Question	Yes	No
4.1	<p>Is the bidder or any of its directors listed on the National Treasury’s Database of Restricted Suppliers as companies or persons prohibited from doing business with the public sector?</p> <p>(Companies or persons who are listed on this Database were informed in writing of this restriction by the Accounting Officer/Authority of the institution that imposed the restriction after the <i>audialterampartem</i> rule was applied).</p> <p>The Database of Restricted Suppliers now resides on the National Treasury’s website (www.treasury.gov.za) and can be accessed by clicking on its link at the bottom of the home page.</p>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.1.1	If so, furnish particulars:		

4.2	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)? Register for Tender Defaulters can be accessed on the National Treasury's website (www.treasury.gov.za) by clicking on its link at the bottom of the home page.	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.2.1	If so, furnish particulars:		
4.3	Was the bidder or any of its directors convicted by a court of law (including a court outside of the Republic of South Africa) for fraud or corruption during the past five years?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.3.1	If so, furnish particulars:		
4.4	Was any contract between the bidder and any organ of state terminated during the past five years on account of failure to perform on or comply with the contract?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.4.1	If so, furnish particulars:		

SBD 8

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.

.....

Signature

.....

Position

.....

Date

.....

Name of Bidder

SECTION K

CERTIFICATE OF INDEPENDENT BID DETERMINATION

- 1 This Municipal Bidding Document (MBD) must form part of all bids¹ invited.
- 2 Section 4 (1) (b) (iii) of the Competition Act No. 89 of 1998, as amended, prohibits an agreement between, or concerted practice by, firms, or a decision by an association of firms, if it is between parties in a horizontal relationship and if it involves collusive bidding (or bid rigging).² Collusive bidding is a *pe se* prohibition meaning that it cannot be justified under any grounds.
- 3 Treasury Regulation 16A9 prescribes that accounting officers and accounting authorities must take all reasonable steps to prevent abuse of the supply chain management system and authorizes accounting officers and accounting authorities to:
 - a. disregard the bid of any bidder if that bidder, or any of its directors have abused the institution's supply chain management system and or committed fraud or any other improper conduct in relation to such system.
 - b. cancel a contract awarded to a supplier of goods and services if the supplier committed any corrupt or fraudulent act during the bidding process or the execution of that contract.
- 4 This MBD serves as a certificate of declaration that would be used by institutions to ensure that, when bids are considered, reasonable steps are taken to prevent any form of bid-rigging.
- 5 In order to give effect to the above, the attached Certificate of Bid Determination (MBD 9) must be completed and submitted with the bid:

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

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

CERTIFICATE OF INDEPENDENT BID DETERMINATION

I, the undersigned, in submitting the accompanying bid:

(Bid Number and Description)

in response to the invitation for the bid made by:

(Name of Institution)

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 consortium³ will not be construed as collusive bidding.
- 7. In particular, without limiting the generality of paragraphs 6 above, there has been no consultation, communication, agreement or arrangement with any competitor regarding:
 - (a) prices;
 - (b) geographical area where product or service will be rendered (market allocation)
 - (c) methods, factors or formulas used to calculate prices;
 - (d) the intention or decision to submit or not to submit, a bid;
 - (e) the submission of a bid which does not meet the specifications and conditions of the bid; or
 - (f) bidding with the intention not to win the bid.
- 8. In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications and conditions or delivery particulars of the products or services to which this bid invitation relates.
- 9. The terms of the accompanying bid have not been, and will not be, disclosed by the bidder, directly or indirectly, to any competitor, prior to the date and time of the official bid opening or of the awarding of the contract.

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

MBD 9

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

.....
Signature

.....
Date

.....
Position

.....
Name of Bidder

SECTION L FORM OF OFFER AND ACCEPTANCE

NAME OF BIDDER (ORGANISATION): _____

A. OFFER

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

BID NO. HGDM 742/HGDM/2021

The Bidder, identified in the Offer signature block below, by submitting this Offer has accepted the Conditions of Tender. By the representative of the Bidder, deemed to be duly authorised, signing this part of this Form of Offer and Acceptance, the Bidder offers to perform all of the obligations and liabilities of the Supplier 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.

Price:

R..... (in figures)

*including VAT	
*excluding VAT	

Amount in words.....

* tick relevant box

Are the prices / rates quoted firm? Yes/No:	Is the delivery period stated firm? Yes/No:
Name: <i>(of person authorised to sign the bid)</i>	Signature:
Name of Witness:	Signature of Witness:
Date:	<i>Failure of a Bidder to sign this form will invalidate the bid</i>
Address of Organisation: _____	
Telephone No. _____ Fax No. _____	

B. ACCEPTANCE

By signing this part of the Form of Offer and Acceptance, the Employer identified below accepts the Bidder's Offer. In consideration thereof, the Employer shall pay the Supplier the amount due in accordance with the Conditions of Contract. Acceptance of the Bidder's Offer shall form an agreement between the Employer and the Bidder 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 the schedules, forms, drawings and documents or parts thereof referred to in this bid and the General Conditions of Contract for Construction Works, 2nd edition 2010.

Name : <i>(of person authorised to sign the bid)</i>	Signature:			
Capacity:	Date:			
Name of Witness:	Signature of Witness:			
Name	and	Address	of	Employer:
_____		_____		_____

SECTION M
BRIEFING SESSION/SITE INSPECTION CERTIFICATE

N. B.: THIS FORM IS ONLY TO BE INCLUDED AND COMPLETED WHEN APPLICABLE TO THE BID.

Bid No: HGDM 742/HGDM/2021

Service: Harry Gwala District Municipality Air Quality Management Plan

THIS IS TO CERTIFY THAT (NAME)

ON BEHALF OF

VISITED AND INSPECTED THE SITE ON(DATE)

AND IS THEREFORE FAMILIAR WITH THE CIRCUMSTANCES AND THE SCOPE
OF THE SERVICE TO BE RENDERED.

.....
SIGNATURE OF SUPPLIER OR AUTHORISED REPRESENTATIVE
(PRINT NAME)

DATE:.....

.....
SIGNATURE OF MUNICIPAL REPRESENTATIVE
(PRINT NAME)

.....
MUNICIPAL STAMP:
(OPTIONAL)

DATE:

SECTION N
AUTHORITY TO SIGN A BID

A. CLOSE CORPORATION

In the case of a close corporation submitting a bid, a certified copy of the Founding Statement of such corporation shall be included with the bid, together with the resolution by its members authorising a member or other official of the corporation to sign the documents on their behalf.

By resolution of members at a meeting on2021 at

Mr/Ms....., whose signature appears below, has been authorised to sign all documents in connection with this bid on behalf of (Name of Close Corporation)

.....

SIGNED ON BEHALF OF CLOSE CORPORATION:
(PRINT NAME)

IN HIS/HER CAPACITY AS **DATE:**

SIGNATURE OF SIGNATORY:

WITNESSES: 1

2

B. SOLE PROPRIETOR (ONE - PERSON BUSINESS)

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

.....

.....
SIGNATURE

.....
DATE

C. COMPANIES

If a Bidder is a company, a certified copy of the resolution by the board of directors, personally signed by the chairperson of the board, authorising the person who signs this bid to do so, as well as to sign any contract resulting from this bid and any other documents and correspondence in connection with this bid and/or contract on behalf of the company must be submitted with this bid, that is before the closing time and date of the bid.

AUTHORITY BY BOARD OF DIRECTORS

By resolution passed by the Board of Directors on.....2021

Mr/Mrs..... (whose signature appears below) has been duly authorised to sign all documents in connection with this bid on behalf of (Name of Company)

IN HIS/HER CAPACITY AS:

SIGNED ON BEHALF OF COMPANY:
(PRINT NAME)

SIGNATURE OF SIGNATORY: **DATE:**

WITNESSES:
1
2

D. PARTNERSHIP

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

Full name of partner	Residential address	Signature
.....
.....
.....
.....

We, the undersigned partners in the business trading as.....

hereby authorise to sign this bid as well as any contract resulting from the bid and any other documents and correspondence in connection with this bid and /or contract.

.....
SIGNATURE

.....
SIGNATURE

.....
SIGNATURE

.....
DATE

.....
DATE

.....
DATE

E CO-OPERATIVE

A certified copy of the Constitution of the co-operative must be included with the bid, together with the resolution by its members authoring a member or other official of the co-operative to sign the bid documents on their behalf.

By resolution of members at a meeting on 2021 at

Mr/Ms....., whose signature appears below, has been authorised to sign all documents in connection with this bid on behalf of (Name of cooperative)

.....

SIGNATURE OF AUTHORISED REPRESENTATIVE/SIGNATORY:

.....

IN HIS/HER CAPACITY AS:

DATE:

SIGNED ON BEHALF OF CO-OPERATIVE:

NAME IN BLOCK LETTERS:

WITNESSES: 1

2

SECTION O
CERTIFICATE FOR MUNICIPAL SERVICES

Information required in terms of the Harry Gwala District Municipality's Supply Chain Management Policy. Latest municipal services account statement must be attached.

Tender Number: 742/HGDM/2021
Name of the Tenderer: _____

FURTHER DETAILS OF THE BIDDER/S: Proprietor / Director(s) / Partners, etc:

Physical Business address of the Bidder	Municipal Account Number(s)

If there is not enough space for all the names, please attach the additional details to the Tender document.

Name of Director / Member / Partner	Identity Number	Physical residential address of Director / Member / Partner	Municipal Account number(s)

I, _____, the undersigned,
(full name in block letters)

certify that the information furnished on this declaration form is correct and that I/we have no undisputed commitments for municipal services towards a municipality or other service provider in respect of which payment is overdue for more than 30 days.

Signature

THUS DONE AND SIGNED for and on behalf of the Bidder / Contractor

at _____ on the _____ day of _____ 2021.

Please note:

Even if the requested information is not applicable to the Bidder, the table above should be endorsed NOT APPLICABLE and THIS DECLARATION MUST STILL BE SIGNED.

SECTION P
CONDITIONS OF BID

1. I/We hereby bid to supply all or any of the supplies and/or to render all or any of the services described in the attached documents to the Harry Gwala District Municipal Administration (hereinafter called the "Harry Gwala District Municipality") on the terms and conditions and be in accordance with the specifications stipulated in the bid documents (and which shall be taken as part of and be incorporated into this bid) at the prices and on the terms regarding time for delivery and/or execution inserted therein.

2. I/we agree that:
 - (a) the offer herein shall remain binding upon me and open for acceptance by the Municipality during the validity period indicated and calculated from the closing time of the bid;
 - (b) this bid and its acceptance shall be subject to Treasury Regulations 16A issued in terms of the Municipal Finance Management Act, 2003, the Harry Gwala District Municipality Supply Chain Management Policy Framework, and the General Conditions of Contract for Construction Works, 2nd edition 2010, with which I/we am fully acquainted;
 - (c) if I/we withdraw my bid within the period for which I/we have agreed that the bid shall remain open for acceptance, or fail to fulfil the contract when called upon to do so, the Municipality may, without prejudice to its other rights, agree to the withdrawal of my bid or cancel the contract that may have been entered into between me and the Municipality. I/we will then pay to the Municipality any additional expenses incurred by the Municipality having either to accept any less favourable bid or, if fresh bids have to be invited, the additional expenditure incurred by the invitation of fresh bid and by the subsequent acceptance of any less favourable bid. The Municipality shall have the right to recover such additional expenditure by set-off against monies which may be due to me under this or any other bid or contract or against any guarantee or deposit that may have been furnished by me or on my behalf for the due fulfilment of this or any other bid or contract and pending the ascertainment of the amount of such additional expenditure to retain such monies, guarantee or deposit as security for any loss the Municipality may sustain by reason of my default;
 - (d) if my bid is accepted, the acceptance may be communicated to me by registered post, and that the South African Post Office Limited shall be treated as delivery agent to me;
 - (e) the law of the Republic of South Africa shall govern the contract created by the acceptance of my bid and I choose *domicilium citandi et executand* in the Republic at (full physical address)
:
.....
.....

3. I/we furthermore confirm that I/we have satisfied myself as to the correctness and validity of my bid: that the price(s), rate(s) and preference quoted cover all of the work/item(s) and my obligations under a resulting contract, and I accept that any mistakes regarding the price(s) and calculations will be at my risk.

4. I/we hereby accept full responsibility for the proper execution and fulfilment of all obligations and conditions devolving on me under this agreement, as the Principal(s) liable for the due fulfilment of this contract.

5. I/we agree that any action arising from this contract may in all respects be instituted against me and I/we hereby undertake to satisfy fully any sentence or judgement which may be pronounced against me as a result of such action.

6. I/we confirm that I/we have declared all and any interest that I or any persons related to my business has with regard to this bid or any related bids by completion of the Declaration of Interest Section.

- 7. CERTIFICATION OF CORRECTNESS OF INFORMATION SUPPLIED IN THIS DOCUMENT**

I/we, THE UNDERSIGNED, WHO WARRANT THAT I AM DULY AUTHORISED TO DO SO ON BEHALF OF THE BIDDER, CERTIFY THAT THE INFORMATION SUPPLIED IN TERMS OF THIS DOCUMENT IS

CORRECT AND TRUE, THAT THE SIGNATORY TO THIS DOCUMENT IS DULY AUTHORISED AND ACKNOWLEDGE THAT:

- (1) The bidder will furnish documentary proof regarding any quote issue to the satisfaction of the Municipality, if requested to do so.
- (2) If the information supplied is found to be incorrect and/or false then the Municipality, in addition to any remedies it may have, may:-
 - (a) Recover from the supplier all costs, losses or damages incurred or sustained by the Municipality as a result of the award of the contract, and/or
 - (b) Cancel the contract and claim any damages which the Municipality may suffer by having to make less favourable arrangements after such cancellation.

SIGNED ON THIS DAY OF 2021.

AT

.....
**SIGNATURE OF SUPPLIER OR DULY
AUTHORISED REPRESENTATIVE**

.....
NAME IN BLOCK LETTERS

ON BEHALF OF (BIDDER'S NAME):

CAPACITY OF SIGNATORY:

NAME OF CONTACT PERSON (IN BLOCK LETTERS, PLEASE)

.....

POSTAL ADDRESS

TELEPHONE NUMBER:

FAX NUMBER:

CELLULAR PHONE NUMBER:

E-MAIL ADDRESS:

**SECTION Q
CONTRACT DATA PROVIDED BY EMPLOYER**

CONTRACT DATA (Applicable to this contract)

PART A: DATA PROVIDED BY THE EMPLOYER

The following contract specific data are applicable to this contract.

REFERENCE	CONTRACT SPECIFIC DATA PROVIDED BY THE EMPLOYER										
Clause 1.	Name of Employer: The Municipality of Harry Gwala District represented by Head of Municipality: Municipal Manager.										
Clause 1.2	Address of Employer: <table style="width: 100%; border: none;"> <tr> <td style="width: 50%;"><u>Physical:</u></td> <td style="width: 50%;"><u>Postal:</u></td> </tr> <tr> <td>40 Main Street</td> <td>Private Bag X 501</td> </tr> <tr> <td>Ixopo</td> <td>Ixopo</td> </tr> <tr> <td>3276</td> <td>3276</td> </tr> <tr> <td>Telephone No: (039) 834 8700</td> <td>Fax No: (039) 834 1501</td> </tr> </table>	<u>Physical:</u>	<u>Postal:</u>	40 Main Street	Private Bag X 501	Ixopo	Ixopo	3276	3276	Telephone No: (039) 834 8700	Fax No: (039) 834 1501
<u>Physical:</u>	<u>Postal:</u>										
40 Main Street	Private Bag X 501										
Ixopo	Ixopo										
3276	3276										
Telephone No: (039) 834 8700	Fax No: (039) 834 1501										
Clause 1.3	Project Manager Name: Mrs M.B Mchunu										
Clause 1.4	Special non-working days are Saturdays, Sundays and Holidays and the days following statutory public holidays as declared by National Government: New Year's Day, Human Rights Day, Good Friday, Family Day, Freedom Day, Workers' Day, Youth Day, National Women's Day, Heritage Day, Day of Reconciliation, Christmas Day and the Day of Goodwill.										
Clause 1.5	The Project manager is required to obtain the specific approval of the Employer for any expenditure in excess of the Contract Price.										
Clause 1.6	The percentage allowance to cover overhead charges is 10%.										
Clause 1.7	The Works shall be completed for the portions as set out in the Scope of Works The whole of the project shall be completed within 18 months including special non-working days										
Clause 1.8	The value of the certificates issued shall be adjusted in accordance with the Contract Price Adjustment Schedule with the following values:										