

HARRY GWALA DISTRICT MUNICIPALITY



**INVITATION FOR TENDERS FROM PROFESSIONAL SERVICE PROVIDERS TO RENDER
CHEMICAL SUPPLY SERVICES TO WATER SERVICES DEPARTMENT WITHIN THE HARRY
GWALA DISTRICT MUNICIPALITY.**

BID NO.: HGDM629/HGDM/2019

Enquiries: Mr. D.S. Gqiba: Telephone (039) 834 2485

SUBMISSION OF TENDERS

Date: 30 April 2020

Time: 12h00

Venue: Harry Gwala District Municipality

40 Main Street

Ixopo

Contract Name : _____
Contract Number : _____
Tender Sum : _____
Postal Address : _____
: _____
Contact Person : _____
Telephone No. : _____
Fax No. : _____
Email Address : _____

READVERTISEMENT

INVITATION TO BID SUPPLY AND DELIVERY OF WATER CHEMICALS

CONTRACT NO.HGDM629/HGDM/2019

Harry Gwala District Municipality hereby requests proposals from a suitably experienced Service Providers for supply and delivery of all necessary dosing pumps and chemicals which includes coagulants flocculants chemicals for the purification of water and wastewater at the treatment works and rural schemes operated by Harry Gwala District Municipality for a period of 36 months. Service providers are required to comply with normal business ethics.

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 MBD4 form must be submitted with all Bids (available on our website and reception)
- 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 in Evaluation.
- Your company must be registered on municipal database

DOCUMENTS

Bid documents will be available from **26 March 2020** between 08:00 to 16:00 from Finance Department (40 Main Street Ixopo) upon a non-refundable fee of R300 will be charged per document.

COMPULSORY BRIEFING MEETING

A compulsory briefing session will be held on **01 April 2020** at the Municipal Boardroom at 11H00.

CLOSING DATE

The closing date for the bidders is **on 24 April 2020 at 12h00**. Bids must be enclosed in **SEALED ENVELOPES** and clearly labelled with the name of the project on the outside of the envelopes addressed to **The Municipal Manager**.

Bids must be deposited in the Bid Box at the reception area of Harry Gwala District Municipal, 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 **Mr. D Gqiba** on 039 834 3939 during working hours

Mrs A.N. Dlamini

Municipal Manager

HARRY GWALA DISTRICT MUNICIPALITY

BRIEF FOR THE TENDER FOR PROFESSIONAL SERVICE PROVIDERS TO RENDER CHEMICAL SUPPLY SERVICE TO WATER SERVICES DEPARTMENT FOR THE HARRY GWALA DISTRICT MUNICIPALITY.

TENDER NO.: HGDM629/HGDM/2019

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SECTION A

INVITATION FOR TENDERS FROM SERVICE PROVIDERS TO PROVIDE CHEMICAL SUPPLY SERVICE TO WATER SERVICES DEPARTMENT FOR THE HARRY GWALA DISTRICT MUNICIPALITY.

GENERAL SCOPE OF WORK

1. Supply of water and sewerage treatment chemicals

The scope of works entails supply/repair of all necessary dosing pumps and chemicals which includes coagulants flocculants, fat control chemicals for the purification of water at the treatment works and rural schemes operated by Harry Gwala District Municipality. The order will be “as and when required” and the service will have to be executed within 48hrs. The contract will include the supply and delivery of chemicals as well as providing technical guidance of their application, handling, optimizing as well as the provision of necessary manuals where possible. Chemicals supplied to be SABS Approved. The bid document must be accompanied by the following:

- Proof of Registration/ Accreditation with the relevant body
- Record of Experience with traceable references

SECTION B

INVITATION FOR TENDERS FROM SERVICE PROVIDERS TO RENDER CHEMICAL SERVICES TO WATER SERVICES DEPARTMENT FOR THE HARRY GWALA DISTRICT MUNICIPALITY.

Form of Tender

Having examined the Tender Document and scope of work contained therein, I/we offer to enter into a Contract with the Harry Gwala District Municipality to render the above service as detailed in Appendix "A" appended at rear of this document, the sum of which is reflected as follows :

Provision of Service to Harry Gwala District Municipality for a period thirty six months commencing from the date of the award

I/We understand that you are not bound to accept the lowest or any tender that you may receive, and it is acknowledged that the Harry Gwala District Municipality reserves the rights to accept the whole or any part of the Tender, no reason for acceptance or rejection of any tender/quotation will be given.

.....
Signature

Name of individual submitting this Tender

Mr/Mrs/Ms

Duly authorized to sign on behalf of (name of organization/firm submitting Quotation)

.....
Address

.....

Date

Telephone No.

BILL OF QUANTITIES: CHEMICAL SUPPLY SERVICE

CHEMICAL SUPPLY CONTRACT

SCHEDULE OF QUANTITIES

ITEM	REF	DESCRIPTION	UNIT	QTY	RATE	AMOUNT
1		SECTION 1 : KOKSTAD WATER TREATMENT WORKS				
1.1						
1.1.1		Flocculent supplied in bulk	Kg	18000		
1.1.2		Chlorine gas in bulks	Kg	200		
1.1.3		White hydrated water lime	Lts	10000		
1.1.4		HTH tablets	Box	500		
1.1.5		DPD tablets	box	300		
Total carried forward to summary						
ITEM	REF	DESCRIPTION	UNIT	QTY	RATE	MOUNT
2		SECTION 2 : NOKWEJA WATER TREATMENT WORKS				
2.1						
2.1.1		Floculant	Kg	12000		
2.1.2		Sodium hypochloride	Kg	6000		
Total carried forward to summary						
ITEM	REF	DESCRIPTION	UNIT	QTY	RATE	MOUNT
3		SECTION 3 : FRANKLIN WATER TREATMENT WORKS				
3.1						
3.1.1		HTH tablets	Box	200		
3.1.2		Chloride of lime	Kg	1500		
Total carried forward to summary						
ITEM	REF	DESCRIPTION	UNIT	QTY	RATE	MOUNT
4		SECTION 4 : UNDERBERG WATER TREATMENT WORKS				
4.1						
4.1.1		Floculant	Kg	15000		
4.1.2		Chlorine gas	Kg	160		
4.1.3		DPD tablets	box	500		
Total carried forward to summary						
ITEM	REF	DESCRIPTION	UNIT	QTY	RATE	MOUNT
5		SECTION 5 : HIGHLANDS WASHBANK WATER TREATMENT WORKS				
5.1						
5.1.1		Floculant	Kg	10000		
5.1.2		Sodium hypochloride	Kg	5000		

		Total carried forward to summary				
ITEM	REF	DESCRIPTION	UNIT	QTY	RATE	MOUNT
6		SECTION 6 : ESIQANDULWENI				
6.1		WATER TREATMENT WORKS				
6.1.1		Floculant	Kg	7000		
6.1.2		Sodium hypochloride	Kg	3000		
Total carried forward to summary						
ITEM	REF	DESCRIPTION	UNIT	QTY	RATE	MOUNT
7		SECTION 7 : IBISI				
7.1		WATER TREATMENT WORKS				
7.1.1		Floculant	Kg	15000		
7.1.2		Sodium hypochloride	Kg	5000		
Total carried forward to summary						
ITEM	REF	DESCRIPTION	UNIT	QTY	RATE	MOUNT
8		SECTION 8 : CREIGHTON				
8.1		WATER TREATMENT WORKS				
8.1.1		Sodium hypochloride	Kg	5000		
8.1.2		Floculant	Kg	15000		
8.1.3		DPD tablets	box	350		
Total carried forward to summary						
ITEM	REF	DESCRIPTION	UNIT	QTY	RATE	AMOUNT
9		SECTION 9 : PHOLELA				
9.1		WATER TREATMENT WORKS				
9.1.1		Sodium hypochloride	Kg	5000		
9.1.2		Floculant	Kg	10000		
9.1.3		DPD tablets	box	500		
Total carried forward to summary						
ITEM	REF	DESCRIPTION	UNIT	QTY	RATE	AMOUNT
10		SECTION 10 : BULWER				
10.1		WATER TREATMENT WORKS				
10.1.1		Floculant	Kg	15000		
10.1.2		Bromochlor	Box	300		
10.1.3		DPD tablets	box	300		
Total carried forward to summary						
ITEM	REF	DESCRIPTION	UNIT	QTY	RATE	AMOUNT
11		SECTION 11 : ST APOLLINARIS WATER				
11.1		TREATMENT WORKS				
11.1.2		Sodium hypochloride	Kg	5000		
11.1.3		Floculant	Kg	10000		
11.1.3		DPD tablets	box	300		
Total carried forward to summary						

12		SECTION 12 : NJUNGA WATER TREATMENT WORKS				
12.1						
12.1.1		Floculant	Kg	8000		
12.1.2		Sodium hypochloride	Kg	4000		
Total carried forward to summary						
13		SECTION 13 : MACHUNWINI WATER TREATMENT WORKS				
13.1						
13.1.1		Floculant	Kg	8000		
13.1.2		Sodium hypochloride	Kg	4000		
Total carried forward to summary						
14		SECTION 14 : KOKSTAD WWTW				
14.1						
14.1.1		HTH tablets	box	500		
14.1.2		Chloride of lime	Kg	15000		
14.1.3		DPD tablets	box	600		
Total carried forward to summary						
15		SECTION 15 : UNDERBERG WWTW				
15.1						
15.1.1		Sodium hypochloride	Kg	6000		
Total carried forward to summary						
16		SECTION 16 : BULWER WWTW				
16.1						
16.1.1		Sodium hypochloride	Kg	6000		
Total carried forward to summary						
17		SECTION 17 : PHOLELA WWTW				
17.1						
17.1.1		Sodium hypochloride	Kg	6000		
Total carried forward to summary						

18		SECTION 18 : ST APPOLLINARIES WWTW				
18.1						
18.1.1		Sodium hypochloride	Kg	6000		
Total carried forward to summary						
19		SECTION 19 : UMZIMKHULU WATER TREATMENT WORKS				
19.1						
19.1.1		Floculant	Kg	15000		
19.1.2		Chlorine gas	Kg	200		
Total carried forward to summary						
20		SECTION 21 : UMZIMKHULU WWTW				
20.1						
20.1.1		Chlorine gas	Kg	200		
Total carried forward to summary						
21		SECTION 22 : CHIBINI WATER TREATMENT WORKS				
21.1		Floculant	Kg	8000		
21.2		Sodium hypochloride	Kg	3000		
Total carried forward to summary						

ANNUAL CHEMICAL SUPPLY CONTRACT

SUMMARY SHEET

SECTION	DESCRIPTION	AMOUNT
1	KOKSTAD WTW	
2	NKWEJA WTW	
3	FRANKLIN WTW	
4	UNDERBERG WTW	
5	HIGHLANDS WASHBANK WTW	
6	ESIQANDULWENI WTW	
7	IBISI WTW	
8	CREIGHTON WTW	
9	PHOLELA WTW	
10	BULWER WTW	
11	ST APOLLINARIES WTW	
12	NJUNGA WTW	
13	MACHUNWINI WTW	
14	KOKSATD WWTW	
15	UNDERBERG WWTW	
16	BULWER WWTW	
17	PHOLELA WWTW	
18	ST APOLLINARIES WTW	
19	UMZIMKHULU WTW	
20	UMZIMKHULU WWTW	

21	CHIBINI WTW	
		SUBTOTAL
		VAT (15%)
		TOTAL TENDERED SUM TO FORM OF TENDER

A. BID EVALUATION CRITERIA

1. Evaluation Methodology

Bids will be evaluated on the 80/20 system where 80 points is for price and 20 points for BBBEE level contributor.

Stage 1:

Assessment of functionality. Only service providers, who will achieve a minimum of 60% of the total available points, in accordance with the criteria will qualify for stage two of the evaluation.

The below formula will be used to calculate Functionality of the bidder using the criteria mentioned below.

1.1 EVALUATION OF THE PROPOSALS

Functionality will first be evaluated using the following points:

Criteria	Points allocation	Weight 5-1	Value 100%
Relevant Experience in provision of chemicals(attach appointment letters and reference letter for each project)	4-5 years of related work. Provide at least 3 previous projects of this nature with 3 traceable references, including contact details	5	70%
	2-3 years of related work. Provide at least 2 previous projects of this nature with 2 traceable references, including contact details	3	
	0-1 years of related work Provide at least 1 previous projects of this nature with 1 traceable references, including contact details	1	
Accreditation with relevant chemical authority.	Provide proof of NSF accreditation certificate, ISO 9001, ISO 14001 and OHS 18001.	5	30%

$$P_s = \frac{S_o}{M_s} \times 100$$

where:

P_s = percentage scored for functionality by bid under consideration

S_o = total score of bid under consideration

M_s = maximum possible score

Points scored must be rounded off to the nearest two decimal places.

1.2 Step 2: Calculation of Points for BBBEE status level of contributor.

Points must be awarded to the bidder for attaining BBEE status level of contribution in accordance with the table below:-

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

2. Summary

In summary, the points system for the evaluation of the technical proposal in terms of Price and BBEE level contributor systems is as below:-

- Price 80 points
- BBEE 20 points

B. AWARDING OF CONTRACT, COMPLETION AND PENALTIES

1. The successful bidders will have to enter into Service Level Agreement With the Municipality.
2. The date of commencement of the Contract will be advised after adjudication of the Tender.
3. Tenderers shall furthermore note that goods or services will not be considered acceptable and consequently their obligations not fulfilled should goods or services fail to comply with the specifications in the Tender document.
4. Where the Service provider fails to render the services within the stipulated period, or should services rendered be deemed not to the satisfaction of the Harry Gwala District Municipality, this could result in the entire contract being reviewed or cancelled.

C. TAX

1. Tenderers are requested to attach the original tax clearance certificate from the revenue office to indicate their standing with regard to Tax matters.

D. PAYMENTS

1. Payments will be made within 30 days of the certified invoice date.
2. Tenders must clearly state all settlement and trade discounts.
3. Any additional payment for extra work carried out on a contract will only be made provided that the contractor is issued with a variation order by Water Services HOD.
4. The Harry Gwala District Municipality hereby indemnifies itself from any claims whatsoever, which may arise as a result of loss of income suffered by the Tenderer for any reason directly or indirectly during the course of this Tender and the Harry Gwala District Municipality reserves the right to consider compensation at its own terms.

SECTION E

INVITATION FOR TENDERS FROM SERVICE PROVIDERS TO SUPPLY PLUMBING MATERIAL TO WATER SERVICES DEPARTMENT FOR THE HARRY GWALA DISTRICT MUNICIPALITY.

FORM OF ACCEPTANCE

The Municipal Manager
Harry Gwala District Municipality
Private Bag X 501
Ixopo
3276

I/We _____ the undersigned, having examined the Specification, hereby offer to supply the Harry Gwala District Municipality with the requirements called for on Municipalities Form of Tender, Form "B" attached, in accordance with the conditions of this Tender.

I/We further undertake that this offer shall not be retracted or withdrawn from the closing date of this Tender up to the order date.

I/We further undertake, in the event of the acceptance of this Tender, either wholly or in part, to enter into a formal contract, for the due fulfilment of the contract to the satisfaction of the Harry Gwala District Municipality.

I/We also agree:

- a) that if our Tender is accepted, the acceptance may be communicated to us by letter through the post or by telegraph and that in such a case the Post Office or Telegraph Office, as the case may be, shall be regarded as our agents and delivery of such acceptance to the Post or Telegraph Office shall be treated as delivery to us;
- b) Municipality chooses as his "domicilium citandi et executandi" for the purpose of the contract, the following address:
40 Main Street, Ixopo, 3276
- c) the law of South Africa will govern the contract created by acceptance of our Tender, we agree to submit to the jurisdiction of the South African Courts;
- d) that if our Tender is accepted by the Harry Gwala District Municipality either wholly or in part, and the acceptance be notified to us, we undertake to be bound by the terms of the agreement constituted by our said Tender and the acceptance thereof by the Harry Gwala District Municipality, until a formal contract has been executed between us and the Harry Gwala District Municipality and that if we are not required by the Harry Gwala District Municipality to execute such formal contract, we undertake to be bound by the terms of the agreement constituted by our said Tender and the acceptance thereof by the said Municipality.

It is hereby declared that the signatory below, has acquainted himself/herself with the entire contents of this document, guarantees the information to be correct and is an authorized signatory to sign on behalf of the Tenderer

DATED THIS _____ DAY OF _____ 2020

SIGNED _____

NAME IN BLOCK LETTERS _____

WITNESS (1) _____

NAME IN BLOCK LETTERS _____

WITNESS (2) _____

NAME IN BLOCK LETTERS _____

FOR AND ON BEHALF OF

NAME OF COMPANY

ADDRESS

SECTION F

COMPULSORY INFORMATION REQUIRED TO BE SUBMITTED FOR THIS TENDER

- *Qualifications, knowledge and experience in the Field applicable to this Tender*
- *Registration with Professional Institutions (**attach copies of registration**)*
- *Completion of Form of Tender (Form "B").*
- *An Original tax clearance certificate.*
- *Proof of registration on the Harry Gwala District Municipality Service Provider Data Base (**attach copy**)*
- *Company/Close Corporation Registration Certificate/sole proprietor (**attach copy**).*

NB Failure to submit the above documents and complete the form of tender will result in disqualification of the tender.

SECTION H

MBD"4"

DECLARATION OF INTEREST

1. No bid will be accepted from persons in the service of the state¹.
2. Any person, having a kinship with persons in the service of the state, including a blood relationship, may make an offer or offers in terms of this invitation to bid. In view of possible allegations of favouritism, should the resulting bid, or part thereof, be awarded to persons connected with or related to persons in service of the state, it is required that the bidder or their authorised representative declare their position in relation to the evaluating/adjudicating authority.
- 3 In order to give effect to the above, the following questionnaire must be completed and submitted with the bid.

3.1 Full Name of bidder or his or her representative:

3.2 Identity Number:

3.3 Position occupied in the Company (director, trustee, hareholder²):

3.4 Company Registration Number:

3.5 Tax Reference Number:

3.6 VAT Registration Number:

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

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

3.8.1 If yes, furnish particulars.....
.....

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

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

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

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

3.9.1 If yes, furnish particulars.....

.....

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.

.....
.....

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

3.11.1 If yes, furnish particulars

.....
.....

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

3.12.1 If yes, furnish particulars.

.....
.....

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

3.13.1 If yes, furnish particulars.

.....
.....

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

3.14.1 If yes, furnish particulars:

.....
.....

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

Full Name	Identity Number	State Employee Number

.....
Signature

.....
Date

.....
Capacity

.....
Name of Bidder

DECLARATION OF BIDDER'S PAST SUPPLY CHAIN MANAGEMENT PRACTICES

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

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

4.3	Was the bidder or any of its directors convicted by a court of law (including a court of law outside the Republic of South Africa) for fraud or corruption during the past five years?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.3.1	If so, furnish particulars:		
Item	Question	Yes	No
4.4	Does the bidder or any of its directors owe any municipal rates and taxes or municipal charges to the municipality / municipal entity, or to any other municipality / municipal entity, that is in arrears for more than three months?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.4.1	If so, furnish particulars:		
4.5	Was any contract between the bidder and the municipality / municipal entity or any other organ of state terminated during the past five years on account of failure to perform on or comply with the contract?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.7.1	If so, furnish particulars:		

CERTIFICATION

I, THE UNDERSIGNED (FULL NAME)

CERTIFY THAT THE INFORMATION FURNISHED ON THIS DECLARATION FORM TRUE AND CORRECT.

I ACCEPT THAT, IN ADDITION TO CANCELLATION OF A CONTRACT, ACTION MAY BE TAKEN AGAINST ME SHOULD THIS DECLARATION PROVE TO BE FALSE.

.....
Signature

.....
Date

.....
Position

.....
Name of Bidder

CERTIFICATE OF INDEPENDENT BID DETERMINATION

- 1 This Municipal Bidding Document (MBD) must form part of all bids¹ invited.
- 2 Section 4 (1) (b) (iii) of the Competition Act No. 89 of 1998, as amended, prohibits an agreement between, or concerted practice by, firms, or a decision by an association of firms, if it is between parties in a horizontal relationship and if it involves collusive bidding (or bid rigging).² Collusive bidding is a *pe se* prohibition meaning that it cannot be justified under any grounds.
- 3 Municipal Supply Regulation 38(1) prescribes that a supply chain management policy must provide measures for the combating of abuse of the supply chain management system, and must enable the accounting officer, among others, to:
 - a. take all reasonable steps to prevent such abuse;
 - b. reject the bid of any bidder if that bidder or any of its directors has abused the supply chain management system of the municipality or municipal entity or has committed any improper conduct in relation to such system; and
 - c. cancel a contract awarded to a person if the person committed any corrupt or fraudulent act during the bidding process or the execution of the contract.
- 4 This MBD serves as a certificate of declaration that would be used by institutions to ensure that, when bids are considered, reasonable steps are taken to prevent any form of bid-rigging.
- 5 In order to give effect to the above, the attached Certificate of Bid Determination (MBD9) 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.**

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.
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

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

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 R 30 000 and value of 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.

2. DEFINITIONS

2.1 “**all applicable taxes**” includes value-added tax, pay as you earn, income tax, unemployment insurance fund contributions and skills development levies;

2.2 “**B-BBEE**” means broad-based black economic empowerment as defined in section 1 of the Broad Based Black Economic Empowerment Act;

- 2.3 “**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;
- 2.4 “**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;
- 2.5 “**Broad-Based Black Economic Empowerment Act**” means the Broad-Based Black Economic empowerment Act, 2003 (Act No. 53 of 2003);
- 2.6 “**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;
- 2.7 “**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;
- 2.8 “**contract**” means the agreement that results from the acceptance of a bid by an organ of state;
- 2.9 “**EME**” means any enterprise with annual total revenue of R5 million or less;
- 2.10 “**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;
- 2.11 “**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 service and the technical capacity and ability of a bidder;
- 2.12 “**non-firm prices**” means all prices other than “firm” prices;
- 2.13 “**person**” includes a juristic person;
- 2.14 “**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;
- 2.15 “**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;
- 2.16 “**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;
- 2.17 “**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
- 2.18 “**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

SECTION L

Certificate of 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:	HGDM 629/HGDM/2019
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 _____ 2020

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.

MUNICIPAL SERVICES STATEMENT

Tenderers are to attach the latest statement (not more than 3 months old) from the municipality where the Tenderer receives municipal services