

HARRY GWALA DISTRICT MUNICIPALITY



REQUEST FOR A SERVICE PROVIDERS FOR THE PROVISION OF THE HGDM SERVER ROOM AND DATA CENTRE MAINTENANCE SERVICES

CONTRACT NO : HGDM/752/HGDM/2021

**Harry Gwala District Municipality
40 Main Street
IXOPO
3276**

Contact Name : Miss N Lungwengwe / Mr. SPT Mngadi

Telephone : 039 834 8700

Fax : 039 834 1701

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

TENDER CLOSING DATE: 23/02/2022 @12h00

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HARRY GWALA DISTRICT MUNICIPALITY
"Together We Deliver and Grow"

OFFICE OF THE MUNICIPAL MANAGER

40 Main Street, Private Bag X501, IXOPO 3276

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INVITATION TO BID

A SERVICE PROVIDER FOR THE PROVISION OF THE MAINTENANCE SERVICES FOR THE SERVER ROOM AND DATA CENTRE FOR 36 MONTHS CONTRACT NO: HGDM752/HGDM/2021

Harry Gwala District Municipality hereby requests proposals from suitably experienced Services Providers for the server room and data centre maintenance for Harry Gwala District Municipality. Service Providers are required to comply with normal business ethics and stipulate their agency fees on their proposal.

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
- Joint Venture Agreement and Power of attorney in case of joint ventures
- Central Supplier Database Registration

The following conditions will apply:

- All tenders submitted must be valid for ninety (90) days after the tender closing date.
- Price(s) quoted must be firm and must be inclusive of VAT.
- A signed MBD4 form must be submitted with all Bids (Available on our website and reception).
- A certified and valid BBBEE certificate must be attached to claim preference points.
- 80/20 preferential point system will be used in Evaluation as well as functionality.

DOCUMENTS

Documents may be obtained at Harry Gwala District Municipality, Finance Department, Ixopo, from **31st of January 2022**, upon payment of non-refundable deposit of R300.00 per document or downloadable freely from Harry Gwala District Municipality Website. All payments are to be in cash or EFT.

CLOSING DATE: 23 February 2022 @ 12h00.

The closing date for the bidders is on **23 February 2022 @ 12h00**. Bids must be enclosed in **SEALED ENVELOPES** and clearly labeled SUPPLY, "**PROVISION OF THE MAINTENANCE SERVICES FOR THE SERVER ROOM AND DATA CENTRE**" 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 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 the matters shall be directed to ICT Manager: **Mr. SPT Mngadi** on 039 834 8700 during working hours.

Mrs A.N. Dlamini

Municipal Manager

TERMS OF REFERENCE

NAME OF THE PROJECT: PROVISION OF THE MAINTENANCE SERVICES FOR THE SERVER ROOM AND DATA CENTRE.

1. INTRODUCTION OF THE PROJECT

The Harry Gwala District Municipality has invested in the hardware and systems that require necessary protective maintenance services. It is important that in the event of any disaster occurrence, servers and network equipment are protected at all times.

The ICT Unit implemented controls for facilities containing data, information, and ICT assets, in accordance with the Municipality's assessment of risk: Issuing suitable access rights and related physical security credentials (Main Office Ixopo Server Room and Kokstad Site with proof of identity access biometrics).

The Harry Gwala District Municipality requires an outsourced support for maintaining essential environment controls used by the municipality on daily basis. The appointed Service Provider will be responsible to maintain all the server rooms' services and supply or replacement of ICT equipment where necessary. The contract will run for the period of three years (36 months).

2. AIM OF THE PROJECT

The aim of the project is to ensure the following:

1. Service Provider must maintain controls for facilities containing data and information, ICT assets, in accordance with the ICT Unit assessment of risk:
2. Protect power equipment and power cabling from damage and destruction.
3. Maintain and service a short-term uninterruptible power supply (UPS) to facilitate an orderly shutdown of critical information systems in the event of a primary power source loss.
4. Service and maintain fire detection and suppression devices/systems within the facility where the data, information and ICT assets reside, supported by an independent energy source.
5. Monitor and maintain within acceptable levels the temperature and humidity within the facility where data, information and ICT assets reside.
6. Transfer of skills to ICT Unit and training of ICT Unit employees when the need arises.

3. SCOPE OF WORK

The service provider will be required to provide maintenance services of the server room and data centre. The environmental control equipment is installed in both sites: server room (Ixopo Main office) and Data centre (Kokstad)

The server room (Ixopo Main Office) hosts all main servers (email server, file server, financial systems etc...) Core of network equipment (Telkom VPN routers, LAN Switch, Firewall). The environmental equipment are as follows: Air Conditioners, Smoke detectors, Fire suppression with fire control panel, two (2) hour fire rated door, Panel of EATON 9155 Uninterruptable Power Supply (UPS), Fire Rated Door, Biometrics system access control unit (additional 3 biometrics access control unit in ICT Offices), Humidity temperature monitoring.

Data Centre (Kokstad) hosts server room for testing and implementation of DRP (Disaster Recovery Plan) and BCP (Business Continuity Plan). The environmental equipment are as follows: Biometrics Access Control Unit, Smoke detectors, 12000btu Carrier Air conditioners, 3Kva Axil RT Uninterruptable Power Supply (UPS), Fire rated door, Fire suppression with fire control panel.

Additional scope of work

Installation of humidity temperature monitoring (Data Centre)

Installation of Video Camera Surveillance (Server Room Main Offices)

Installation of Video Camera Surveillance (Data Centre)

Inspection, supply, delivery and installation of the equipment for both server room and data centre required

Both server room and data centre will be serviced once yearly and where necessary. Twelve months service is required.

4. KEY DELIVERIES

1. Provision of maintenance services support
2. Supply of ICT Equipment
3. Supply of Software
4. Evidence of skill transfer

5. CONDITIONS OF THE CONTRACT

A three (3) year contract with service level agreement shall be signed with the appointed service provider covering the provision to maintain, supply, deliver and install the environmental equipment at the server room and data centre.

6. PROJECT TIMEFRAME

The project will be contracted over three-year period

7. PROJECT BUDGET

The service provider shall be paid for service rendered and equipment supplied on presentation of original tax invoice.

8. EVALUATION CRITERIA

PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL PROCUREMENT REGULATIONS 2017 POINT WILL BE AWARDED AS FOLLOWS.

Received Responsive Proposals will be evaluated based on the following criteria.

The Bid will be evaluated in two stages namely:

- Stage 1 - Functionality
- Stage 2 – Price and Preferential Points

Only Bidders who score 60% or more on stage 1 would be evaluated further and therefore eligible for the award.

ITEM	Points allocation	Weight	Value
		5 - 1	100%
STAGE 1 OF EVALUATION – FUNCTIONALITY			
Company with previous experience within Fire and Safety industry.	Provide at least 8 or above referral letters/orders/ appointment letters on the letterhead of the institutions, including contact details from the within the last 5 years.	5	40 %
	Provide at least 5 to 7 referral letters/orders/ appointment letters on the letterhead of the institutions, including contact details from the within the last 5 years.	3	
	Provide at least 1 to 4 referral letters/orders/ appointment letters on the letterhead of the institutions, including contact details from the within the last 5 years.	1	
Specialists' Qualification and Experience	Specialist with 5 years or more experience and the following Qualifications: <ul style="list-style-type: none"> • Disaster and Safety Management • Specialist within the Server Room Environments team (Fire Servicing Technician) 	5	30 %

	<p>Compulsory: Specialist MUST submit CV, with Certified Certifications.</p> <p>Project Manager Qualification:</p> <ul style="list-style-type: none"> • SAQCC for Fire and Gas • Fire protection <p>Compulsory: Project Manager Must submit certified copy SAQCC for Fire and Gas or Building Safety and Fire Protection Systems or Fire Protection Inspector</p> <p>NB: ONE LETTER OF APPOINTMENT FROM SERVICE PROVIDER MUST BE SUBMITTED TO APPOINT SPECIALIST AND PROJECT MANAGER</p>		
	<p>Specialist with 3 to 5 years' experience and the following Qualifications:</p> <ul style="list-style-type: none"> • Disaster and Safety Management • Specialist within the Server Room Environments team (Fire Servicing Technician) <p>Compulsory: Specialist MUST submit CV, with Certified Certifications.</p> <p>Project Manager Qualification:</p> <ul style="list-style-type: none"> • SAQCC for Fire and Gas • Fire Protection <p>Compulsory: Project Manager Must submit certified copy SAQCC for Fire and Gas or Building Safety and Fire Protection Systems or Fire Protection Inspector</p> <p>NB: ONE LETTER OF APPOINTMENT FROM SERVICE PROVIDER MUST BE SUBMITTED TO APPOINT SPECIALIST AND PROJECT MANAGER</p>	3	
	<p>Specialist with 1 to 2 years' experience and the following Qualifications:</p> <ul style="list-style-type: none"> • Disaster and Safety Management • Specialist within the Server Room Environments team (Fire Servicing Technician) 	1	

	<p>Compulsory: Specialist MUST submit CV, with Certified Certifications.</p> <p>Project Manager Qualification:</p> <ul style="list-style-type: none"> • SAQCC for Fire and Gas • Fire Protection <p>Compulsory: Project Manager Must submit certified copy SAQCC for Fire and Gas or Building Safety and Fire Protection Systems or Fire Protection Inspector</p>		
Services and Certifications	<p>Services within Company Profile/Experience Must Include:</p> <ul style="list-style-type: none"> • BICS or BSI Best Practise • SANAS • SAQCC –Fire Equipment <p>Certifications/Partner Certificates (Must be certified by an authorized certifying officer):</p> <ul style="list-style-type: none"> • Registered with Accredited Institution Services for Fire Protection Association of Southern Africa (FPASA) • Must be Registered with the SANS for safety standards 	5	30 %
<i>CV's, letters of recommendation and copies of certified certificates must be attached to claim the points</i>			
STAGE 2 OF EVALUATION –			
PRICE & BBBEE POINTS			
Price		80	
BBBEE POINTS		20	
NB* Installation cost and data transfers cost must be included in the bid.			

9. BILL OF QUANTITIES

MAINTENANCE EQUIPMENT			
Description	Qty	Unit Price	Total Price
<p>The server room hosts all main servers (email server, file server, financial systems etc...) of the municipality. Core of network equipment (Telkom VPN routers, LAN Switch, Firewall)</p> <p>3x Air Conditioners 5x Smoke detectors 1x Fire suppression with fire control panel 1x two (2) hour fire rated door 1x Panel of EATON 9155 Uninterruptable Power Supply (UPS) 1x Biometrics system access control unit (additional 3 biometrics access control unit in ICT Offices) 1x Fire rated door 1x Humidity temperature monitoring</p>	1		
<p>Data Centre (Kokstad) hosts server room for testing and implementation of DRP and BCP.</p> <p>1x Biometrics Access Control Unit 2x 12000btu Carrier Air conditioners 1x 3Kva Axil RT Uninterruptable Power Supply (UPS) 1x Fire rated door 1x fire suppression with fire control panel</p>	1		
<p>Additional scope of work</p> <p>1x New installation of humidity temperature monitoring 1x Video Camera Surveillance (Kokstad) 1x Video Camera Surveillance (Data Centre) Inspection, supply, delivery and installation of the server room and data centre equipment required</p>	1		
Onsite	1		
Remote	1		
Telephonic	1		
Total Ex VAT			
VAT			
Total			

10. 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 Municipality 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 in 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, with which I/We are fully acquainted;
 - c) if I/We withdraw my bid within the period to which I/We agreed that the bid shall remain open for acceptance or fail to fulfil the contract when called upon to do so, the Municipality 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 then pay to the Municipality any additional expenses incurred by the Municipality having either to accept any less favorable bid or, fresh bids have to be invited, the additional expenditure incurred by the invitation of fresh bid and by the subsequent acceptance of any less favorable bid. The Municipality shall have the right to recover such additional expenses 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 a registered post, and that the South African Post Office 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 executandi 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 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 instated 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.

CERTIFICATION OF CORRECTNESS ON 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 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 document 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 favorable arrangements after such cancellation.

SIGNED ON THIS.....DAY OF.....20.....AT.....

**SIGNATURE OF THE SUPPLIER OR DULY NAME IN BLOCK LETTERS
AUTHORISED REPRESENTATIVE ON BEHALF OF (BIDDERS
NAME)**

CAPACITY OF SIGNATORY.....

NAME OF CONTACT PERSON (IN BLOCK LETTERS, PLEASE)

.....

POASTAL ADDRESS.....

TELEPHONE NUMBER:.....

FAX NUMBER:.....

CELULLAR PHONE NUMBER:.....

E-MAIL ADDRESS:.....

SPECIAL INSTRUCTIONS AND NOTICES TO SUPPLIERS 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 vice 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, otherwise it will be disqualified.
13. Use of correcting fluid is prohibited and will be disqualified.
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.

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:

REGISTRATION ON THE HARRY GWALA DISTRICT MUNICIPALITY SUPPLIERS DATABASE AND THE CENTRAL SUPPLIER DATABASE

1. In terms of the HARRY GWALA DISTRICT MUNICIPALITY Supply Chain Management Policy Framework,

TAX CLEARANCE CERTIFICATE

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

- 1 In order to meet this requirement bidders are required to complete in full form TCC 001 "Application for a Tax Clearance Certificate" and submit it to any SARS branch office nationally. The Tax Clearance Certificate Requirements are also applicable to foreign bidders / individuals who wish to submit bids.
- 2 Copies of the TCC 001 "Application for a Tax Clearance Certificate" form are available from any SARS branch office nationally or on the website www.sars.gov.za.
- 3 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.
- 4 SARS will then furnish the bidder with a Tax Clearance Certificate that will be valid for a period of 1 (one) year from the date of approval.
- 5 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.
- 6 In bids where Consortia / Joint Ventures / Sub-contractors are involved, each party must submit a separate Tax Clearance Certificate.
- 7 Copies of the TCC 001 "Application for a Tax Clearance" form are available from any SARS branch office nationally or on the website: www.sars.gov.za.
- 8 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.

DECLARATION OF INTEREST

MBD 4

- 1. No bid will be accepted from persons in the service of the state*.
- 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 the 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 / 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 (where applicable) must be indicated in paragraph 4 below.

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

3.8.1 If yes, furnish particulars.

.....
.....

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

3.9.1 If so, furnish particulars.

.....

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

3.10.1 If so, state particulars.
.....
.....

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

3.11.1 If so, state particulars.
.....
.....

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

3.12.1 If so, state particulars.
.....
.....

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

3.13.1 If so, furnish particulars.
.....
.....

3.14 Do you or any of the directors, trustees, managers, **YES / NO**
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?

3.14.1 If so, furnish particulars.
.....

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

THE FOLLOWING INFORMATION IS COMPULSORY TO COMPLETE:

Full Name	Identity Number	Individual Tax Number for each Director	State Employee Number (Where applicable)

.....
 Signature

.....
 Date

.....
 Capacity

.....
 Name of bidder

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 or 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 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 exercise control over the company.

SECTION M

6. BID DECLARATION

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

MBD 6.1

PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL PROCUREMENT REGULATIONS 2017

This preference form must form part of all bids invited. It contains general information and serves as a claim form for preference points for Broad-Based Black Economic Empowerment (B-BBEE) Status Level of Contribution

NB: BEFORE COMPLETING THIS FORM, BIDDERS MUST STUDY THE GENERAL CONDITIONS, DEFINITIONS AND DIRECTIVES APPLICABLE IN RESPECT OF B-BBEE, AS PRESCRIBED IN THE PREFERENTIAL PROCUREMENT REGULATIONS, 2017.

1. GENERAL CONDITIONS

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

- the 80/20 system for requirements with a 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

DECLARATION CERTIFICATE FOR LOCAL PRODUCTION AND CONTENT FOR DESIGNATED SECTORS

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

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

1. General Conditions

- 1.1. Preferential Procurement Regulations, 2011 (Regulation 9) makes provision for the promotion of local production and content.
- 1.2. Regulation 9.(1) prescribes that in the case of designated sectors, where in the award of bids local production and content is of critical importance, such bids must be advertised with the specific bidding condition that only locally produced goods, services or works or locally manufactured goods, with a stipulated minimum threshold for local production and content will be considered.
- 1.3. Where necessary, for bids referred to in paragraph 1.2 above, a two stage bidding process may be followed, where the first stage involves a minimum threshold for local production and content and the second stage price and B-BBEE.
- 1.4. A person awarded a contract in relation to a designated sector, may not sub-contract in such a manner that the local production and content of the overall value of the contract is reduced to below the stipulated minimum threshold.
- 1.5. The local content (LC) expressed as a percentage of the bid price must be calculated in accordance with the SABS approved technical specification number SATS 1286: 2011 as follows:

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

Where

x is the imported content in Rand

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

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

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

1.6.A bid may be disqualified if –

- (a) this Declaration Certificate and the Annex C (Local Content Declaration: Summary Schedule) are not submitted as part of the bid documentation; and
- (b) the bidder fails to declare that the Local Content Declaration Templates (Annex C, D and E) have been audited and certified as correct.

2. Definitions

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

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

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

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

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

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

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

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

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

3. The stipulated minimum threshold(s) for local production and content (refer to Annex A of SATS 1286:2011) for this bid is/are as follows:

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

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

(Tick applicable box)

YES		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 1.5 of the general conditions must be the rate(s) published by the SARB for the specific currency at 12:00 on the date of advertisement of the bid.

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

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

Currency	Rates of exchange
US Dollar	
Pound Sterling	
Euro	
Yen	
Other	

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

5. Were the Local Content Declaration Templates (Annex C, D and E) audited and certified as correct?
(Tick applicable box)

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

5.1. If yes, provide the following particulars:

- (a) Full name of auditor:
- (b) Practice number:
- (c) Telephone and cell number:
- (d) Email address:

(Documentary proof regarding the declaration will, when required, be submitted to the satisfaction of the Accounting Officer / Accounting Authority)

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

LOCAL CONTENT DECLARATION

(REFER TO ANNEX B OF SATS 1286:2011)

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

IN RESPECT OF BID NO.

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

....

NB

1 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.

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

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

(a) The facts contained herein are within my own personal knowledge.

(b) I have satisfied myself that

- (i) the goods/services/works to be delivered in terms of the above-specified bid comply with the minimum local content requirements as specified in the bid, and as measured in terms of SATS 1286:2011; and

(ii) the declaration templates have been audited and certified to be correct.

(c) The local content percentages (%) indicated below has been calculated using the formula given in clause 3 of SATS 1286:2011, the rates of exchange indicated in paragraph 4.1 above and the information contained in Declaration D and E which has been consolidated in Declaration C;

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

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

(d) I accept that the Procurement Authority / Municipality /Municipal Entity has the right to request that the local content be verified in terms of the requirements of SATS 1286:2011.

(e) I understand that the awarding of the bid is dependent on the accuracy of the information furnished in this application. I also understand that the submission of incorrect data, or data that are not verifiable as described in SATS 1286:2011, may result in the Procurement Authority / Municipal / Municipal Entity imposing any or all of the remedies as provided for in Regulation 13 of the Preferential Procurement Regulations, 2011 promulgated under the Preferential Policy Framework Act (PPPFA), 2000 (Act No. 5 of 2000).

SIGNATURE: _____

DATE: _____

WITNESS No. 1 _____

DATE: _____

WITNESS No. 2 _____

DATE: _____

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

7.1 B-BBEE Status Level of Contribution: =(maximum of 10 or 20 points)

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

8 SUB-CONTRACTING

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

8.1.1 If yes, indicate:

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

(ii) the name of the sub-contractor?

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

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

9 DECLARATION WITH REGARD TO COMPANY/FIRM

9.1 Name of firm

9.2 VAT registration number :.....

9.3 Company registration number :.....

9.4 TYPE OF COMPANY/ FIRM

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

[TICK APPLICABLE BOX]

9.5 DESCRIBE PRINCIPAL BUSINESS ACTIVITIES

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

9.6 COMPANY CLASSIFICATION

- Manufacturer
- Supplier
- Professional service provider
- Other service providers, e.g. transporter, etc.
[TICK APPLICABLE BOX]

9.7 MUNICIPAL INFORMATION

Municipality where business is situated

Registered Account Number

Stand Number

9.8 TOTAL NUMBER OF YEARS THE COMPANY/FIRM HAS BEEN IN BUSINESS?

.....

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

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

state for a period not exceeding 10 years, after the audit alteram partem (hear the other side) rule has been applied; and
(e) forward the matter for criminal prosecution.

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

.....
DATE

SCORING PRICE AND PREFERENCE

80/20 and 90/10 Scoring:

80 / 20

Maximum points scored for price – Up to R50 million (including 15% VAT)

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

P_s = Points scored for price of bid under consideration

P_t = Rand value of bid under consideration

P_{\min} = Rand value of lowest acceptable bid submitted

90 / 10

Maximum points scored for price – Greater than R50 million (including 15% VAT)

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

P_s = Points scored for price of bid under consideration

P_t = Rand value of bid under consideration

P_{\min} = Rand value of lowest acceptable bid submitted

DECLARATION OF BIDDER’S PAST SUPPLY CHAIN MANAGEMENT PRACTICES

- 1 This Municipal Bidding Document must form part of all bids invited.

- 2 It serves as a declaration to be used by municipalities and municipal entities in ensuring that when goods and services are being procured, all reasonable steps are taken to combat the abuse of the supply chain management system.

- 3 The bid of any bidder may be rejected if that bidder, or any of its directors have:
 - a. abused the municipality’s / municipal entity’s supply chain management system or committed any improper conduct in relation to such system;
 - b. been convicted for fraud or corruption during the past five years;
 - c. willfully neglected, reneged on or failed to comply with any government, municipal or other public sector contract during the past five years; or
 - d. been listed in the Register for Tender Defaulters in terms of section 29 of the Prevention and Combating of Corrupt Activities Act (No 12 of 2004).

- 4 **In order to give effect to the above, the following questionnaire must be completed and submitted with the bid.**

Item	Question	Yes	No
4.1	<p>Is the bidder or any of its directors listed on the National Treasury’s database as a company or person 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 National Treasury 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	<p>If so, furnish particulars:</p>		
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	<p>If so, furnish particulars:</p>		

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"/>
4.5.1	If so, furnish particulars:		

CERTIFICATION

**I, THE UNDERSIGNED (FULL NAME)
CERTIFY THAT THE INFORMATION FURNISHED ON THIS DECLARATION
FORM IS TRUE AND CORRECT.**

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

.....
Signature

.....
Date

.....
Position

.....
Name of Bidder

MBD 9

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.**

CERTIFICATE OF INDEPENDENT BID DETERMINATION

I, the undersigned, in submitting the accompanying bid:

HGDM752/HGDM/2021– PROVISION OF THE HGDM SERVER ROOM AND DATA CENTRE MAINTENANCE SERVICES

in response to the invitation for the bid made by:

HARRY GWALA DISTRICT MUNICIPALITY

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.
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.

COMPULSORY TO COMPLETE!

PAST EXPERIENCE

Tenderers must furnish hereunder details of similar works/services, which they have satisfactorily completed in the past. The information shall include a description of the Works, the Contract value and name of Employer.

NAME OF THE EMPLOYER	DURATION AND COMPLETION DATE OF WORKS / SERVICES	EMPLOYER CONTACT PERSON NAME AND NUMBER	EMPLOYER CONTACT PERSON E-MAIL ADDRESS

D A T E

SIGNATURE OF TENDERER

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: HGDM752/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.

The offered total of the prices carried forward from the Summary of the Bill of Quantities is:

R <i>figures)</i>	(in	*including VAT		*excluding VAT	
		<i>* tick relevant box</i>			

Amount in words.....

.....

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. Acceptation's 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.

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

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 on 20..... 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.....20.....,

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
---------------------------	---------------------------

..... 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 20..... 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

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: HGDM752/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 _____ 2022

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.

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 1.1.14:	Name of Employer: The Municipality of Harry Gwala District represented by Accounting Officer of Municipality: Municipal Manager.		
Clause 1.2.2:	Address of Employer: <table><tr><td><u>Physical:</u> 40 Main Street Ixopo 3276</td><td><u>Postal:</u> Private Bag X 501 Ixopo 3276</td></tr></table> Email address: jilin@harrygwalam.gov.za Telephone No: (039) 834 8700 Fax No: (039) 834 1701	<u>Physical:</u> 40 Main Street Ixopo 3276	<u>Postal:</u> Private Bag X 501 Ixopo 3276
<u>Physical:</u> 40 Main Street Ixopo 3276	<u>Postal:</u> Private Bag X 501 Ixopo 3276		
Clause 1.1.15:	Name of Project Manager: Mr.S.P.T Mngadi		