

# Winnie Madikizela-Mandela Local Municipality

Physical Address  
51 Winnie-Madikizela Mandela  
Street  
Postal Address  
P O Box 12  
Bizana



Office of the Municipal  
Manager  
Tel: 039 251 0230  
Fax: 039 251 0917  
mahlakal@mbizana.org.za

## REQUEST FOR QUOTATIONS

ADVERT: WMM-LM 17/04/24/01 PSD

DESCRIPTION: PROVISION OF AUCTIONEER FOR THE DISPOSAL OF LIVESTOCK AND OTHER MUNICIPAL ASSETS

Quotations are hereby invited from suitable service providers for the provision of Auctioneer services for the disposal of livestock and other municipal assets.

Specifications and terms of reference are available in the municipal website.

**NB: MANDATORY DOCUMENTS TO BE SUBMITTED, FAILURE TO DO SO WILL LEAD TO THE QUOTATION BEING REGARDED AS NON-RESPONSIVE.**

A completed original document issued by the municipality, a valid Tax Pin printout as provided by SARS, Copy of company Registration/Founding Statement/CIPC Document. Signed JV Agreement for Joint venture where applicable. Certified ID Copies of Managing Directors/ Owners not older than three months. MBD 1, 4, 6.1, 6.2, 6.4 8 and 9 are compulsory submissions. A signed certificate by the bidder and proof certifying that the bidder has no undisputed commitments for municipal services towards a municipality or other provider in respect of which payment is overdue more than 30 days. All the certified copies of documents must not be more than three months old. Winnie Madikizela-Mandela Local Municipality does not bind itself to accept the lowest or any bid and reserves the right to accept the whole or part of the bid. 80/20. Price=80 and 20= Specific Goals (as per attached MBD 6.1). Prices quoted must be firm and must be inclusive of VAT for vat vendors.

Threshold for local content is 100%, where applicable

**Published:** on the 16<sup>th</sup> September 2024

**Publication:** Municipal Notice board, municipal website

Specifications will be available in the Municipal Website as stated above.

Terms of reference or specification must be downloaded from the following link/ address by selecting the project name as indicated: <https://www.winniemmlm.gov.za/quotations/>. The municipality will only consider quotes submitted on the original bid documentation provided by the municipality. Any unauthorized alterations in BOQ/Quotation to the tender document shall render the submission invalid.

No couriered, faxed, hand delivered, incomplete and late quotation will be accepted. No bidders will be considered if not registered on the Central Supplier Database or if any of the Directors are in the Service of the State.

Winnie Madikizela-Mandela Local Municipality reserves the right not to appoint the highest scoring bidder, value for money will be the key determinant and the supply chain management policy will apply

**Closing date:** 25<sup>th</sup> September 2024 All quotations must be emailed to [quotes.scm@mbizana.gov.za](mailto:quotes.scm@mbizana.gov.za) by not later than 12h00 "Name of the quotation and Reference number as a subject."

**Enquiries:** Technical enquiries are addressed to Mr. M. Madikizela, Manager: Asset Management: @ (082) 758 7942, email: [madikizelam@mbizana.gov.za](mailto:madikizelam@mbizana.gov.za) and SCM enquiries to Supply Chain Manager, Mr. Z Khala @ 079-886 0942 email: [khalaz@mbizana.gov.za](mailto:khalaz@mbizana.gov.za) or [Info.scm@mbizana.gov.za](mailto:Info.scm@mbizana.gov.za)

  
Mr. L. Mahlaka  
Municipal Manager





### **Terms and Conditions**

1. All bids must be submitted within a stipulated time with clear Tender Description
2. General Conditions of Contracts 2015 will be applied
3. Winnie Madikizela-Mandela Local Municipality reserves the right not to appoint the highest scoring bidder, the value for money will be the key determinant and supply chain management policy will apply
4. Winnie Madikizela-Mandela Local Municipality reserves a right not to appoint a Lowest Bidder quoted Below CIDB average advertised
5. The Municipality reserves a right not to appoint any Bidder quoted below/ above required average CIDB grading, However the ultimate objective of the public procurement activity to achieve best value for money in order to maximize economy and efficiency of public spending will be achieved.
6. The municipality will apply one of the key operating principle that relate to a number of factors which include not only the price of the goods, works or services, but also the suitability and satisfactory quality of those (SO 1968, Section 13). Other influential factors may include total life cycle costs, maintenance/servicing costs, delivery/construction period, transportation or storage costs, as well as benefits of broader elements whether environmental, social and/or economic.
7. Tenderer must ensure that all submission of bids/ tenders by link are accessible with ease at any time. NB: link by which the bid is submitted must not expire and not require a municipal official to request for access. Failure to adhere to the above requirement will render your bid submission as invalid/ not submitted.
8. Approved Winnie Madikizela- Mandela local Municipality Supply Chain Management Policy will apply to all disputes that may arise during the tender process.
9. Functionality assessment, All submissions will be verified for authenticity of documents.

Sing by the Bidder \_\_\_\_\_ Date \_\_\_\_\_

**To be signed by the Company Director Only**



**WINNIE MADIKIZELA MANDELA LOCAL MUNICIPALITY**

**TENDER NO: WMM-LM 17/04/24/01 PSD**

**BID DESCRIPTION: Provision of Auctioneer services for the disposal of livestock and other municipal assets**

**ISSUED BY:  
SUPPLY CHAIN MANAGEMENT  
OFFICE WINNIE MADIKIZELA  
MANDELA MUNICIPALITY  
P O BOX 12  
MBIZANA  
4800**

<b>NAME OF TENDERER</b>	
<b>ADDRESS</b>	
<b>TOTAL BID PRICE</b>	
<b>CSD NUMBER</b>	

Name and address of organization

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

The Municipal Manager  
Winnie Madikizela-Mandela Local Municipality  
P.O. Box 12  
Bizana  
4800  
Sir/Madam

Granting of authority to request information from any legal entity relevant to this Bid

I/we acknowledge that the information herein contained shall constitute the basis on which my/our Bid is to be considered. I/we grant approval that any source regarding this Bid may be fully investigated and that all such information shall be of material value to Winnie Madikizela-Mandela Local Municipality and directly relevant to the consideration of my/our Bid.

I/we \_\_\_\_\_ grant my/our consent to such source to provide confidential information.

I/we warrant that all the information herein contained is to the best of my/our knowledge and belief true and correct in all material respects and I/we am /are not aware of any information which, should it become known to the Winnie Madikizela-Mandela Local Municipality, would affect the consideration of my/our Bid in any way. The Winnie Madikizela-Mandela Local Municipality wishes to inform you that all information regarding your personal matters is treated as strictly confidential.

Please tick the appropriate box.

<input type="checkbox"/>	I/We hereby consent to the above
<input type="checkbox"/>	I/We hereby withhold consent and fully understand the implications and ramifications of my/our decision and will not hold the Winnie Madikizela-Mandela Local Municipality responsible for not considering my/our Bid.

Signature: ..... Date: .....

Witness name: ..... Signaure: .....

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## REQUEST FOR QUOTATIONS

### ADVERT

DESCRIPTION: PROVISION OF AUCTIONEER FOR THE DISPOSAL OF LIVESTOCK AND OTHER MUNICIPAL ASSETS BID  
NO: WMM-LM 17/04/24/01 PSD

Quotations are hereby invited from suitable service providers for Provision of Auctioneer Services for the disposal of Livestock and Other municipal Assets.

Specifications and terms of reference are available in the municipal website.

**NB: MANDATORY DOCUMENTS TO BE SUBMITTED, FAILURE TO DO SO WILL LEAD TO THE QUOTATION BEING REGARDED AS NON-RESPONSIVE.**

A completed original document issued by the municipality, a valid Tax Pin printout as provided by SARS, Copy of company Registration/Founding Statement/CIPC Document. Signed JV Agreement for Joint venture where applicable. Certified ID Copies of Managing Directors/ Owners not older than three months. **MBD 1, 4, 6.1, 6.2, 6.4, 8 and 9 are compulsory submissions. A signed certificate by the bidder and proof certifying that the bidder has no undisputed commitments for municipal services towards a municipality or other provider in respect of which payment is overdue more than 30 days.** All the certified copies of documents must not be more than three months old. Winnie Madikizela-Mandela Local Municipality does not bind itself to accept the lowest or any bid and reserves the right to accept the whole or part of the bid. **80/20. Price=80 and 20= Specific Goals (as per attached MBD 6.1).** Prices quoted must be firm and must be inclusive of VAT for vat vendors. **Functionality is 80 points: Experience of project team 50, Company Experience 20 and Methodology 10.** Minimum of 60% should be obtained to proceed to the next stage of evaluation. **Threshold for local content is 100%, where applicable.**

**Published: on the 16<sup>th</sup> September 2024**

**Publication: Municipal Notice board, municipal website**

Specifications will be available in the Municipal Website as stated above.

Terms of reference or specification must be downloaded from the following link/ address by selecting the project name as indicated: <https://www.winniemmlm.gov.za/quotations/>. The municipality will only consider quotes submitted on the original bid documentation provided by the municipality. Any unauthorized alterations in BOQ/Quotation to the tender document shall render the submission invalid.

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Winnie Madikizela-Mandela Local Municipality reserves the right not to appoint the highest scoring bidder, value for money will be the key determinant and the supply chain management policy will apply

**Closing date: 25<sup>th</sup> September 2024** All quotations must be emailed to [quotes.scm@mbizana.gov.za](mailto:quotes.scm@mbizana.gov.za) by not later than 12h00 "Name of the quotation and Reference number as a subject."

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Mr. L. Mahlaka  
Municipal Manager

**MBD 1  
INVITATION TO BID**

<b>YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE (NAME OF MUNICIPALITY/ MUNICIPAL ENTITY)</b>			
BID NUMBER:	WMM-LM 17/04/24/01 PSD	CLOSING DATE:	25 Sept 2024
		CLOSING TIME:	12:00
DESCRIPTION	Provision of Auctioneer services for the disposal of livestock and other municipal assets		
<b>THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (MBD7).</b>			

BID RESPONSE DOCUMENTS MAY BE SENT VIA EMAIL TO THE EMAIL ADDRESS PROVIDED BELOW OR AS PER TENDER REQUIREMENTS

<b>TENDERS.SCM@MBIZANA.GOV.ZA</b> for tenders above R300 000 inclusive of VAT
<b>OR</b>
<b>QUOTES.SCM@MBIZANA.GOV.ZA</b> for quotations below R300 000 but above R30 000 inclusive of VAT

SUPPLIER INFORMATION			
NAME OF BIDDER			
POSTAL ADDRESS			
STREET ADDRESS			
TELEPHONE NUMBER	CODE	NUMBER	
CELLPHONE NUMBER			
FACSIMILE NUMBER	CODE	NUMBER	
E-MAIL ADDRESS			
VAT REGISTRATION NUMBER			
TAX COMPLIANCE STATUS	TCS PIN:	OR	CSD No:
PEOPLE LIVING WITH DISABILITY [TICK APPLICABLE BOX]	<input type="checkbox"/> Yes <input type="checkbox"/> No	MILITARY VETERAN	<input type="checkbox"/> Yes <input type="checkbox"/> No

**[DOCUMENTARY PROOF/ SWORN AFFIDAVIT (FOR PEOPLE LIVING WITH DISABILITIES) MUST BE SUBMITTED IN ORDER TO QUALIFY FOR PREFERENCE POINTS FOR TARGETED GOALS]**

<b>ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES /WORKS OFFERED?</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES ENCLOSE PROOF]	<b>ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES /WORKS OFFERED?</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES, ANSWER PART B:3]
TOTAL NUMBER OF ITEMS OFFERED		TOTAL BID PRICE	R
SIGNATURE OF BIDDER	.....	DATE	
CAPACITY UNDER WHICH THIS BID IS SIGNED			
BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO:		TECHNICAL INFORMATION MAY BE DIRECTED TO:	
DEPARTMENT		CONTACT PERSON	
CONTACT PERSON		TELEPHONE NUMBER	
TELEPHONE NUMBER		FACSIMILE NUMBER	
FACSIMILE NUMBER		E-MAIL ADDRESS	
E-MAIL ADDRESS			

## TERMS AND CONDITIONS FOR BIDDING

### BID SUBMISSION:

1. BIDS MUST BE DELIVERED BY THE STIPULATED TIME TO THE CORRECT ADDRESS. LATE BIDS WILL NOT BE ACCEPTED FOR CONSIDERATION.
2. ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS PROVIDED--(NOT TO BE RE-TYPED) OR ONLINE
3. THIS BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT AND THE PREFERENTIAL PROCUREMENT REGULATIONS, 2017, THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER SPECIAL CONDITIONS OF CONTRACT.

### TAX COMPLIANCE REQUIREMENTS

1. BIDDERS MUST ENSURE COMPLIANCE WITH THEIR TAX OBLIGATIONS.
2. BIDDERS ARE REQUIRED TO SUBMIT THEIR UNIQUE PERSONAL IDENTIFICATION NUMBER (PIN) ISSUED BY SARS TO ENABLE THE ORGAN OF STATE TO VIEW THE TAXPAYER'S PROFILE AND TAX STATUS.
3. APPLICATION FOR THE TAX COMPLIANCE STATUS (TCS) CERTIFICATE OR PIN MAY ALSO BE MADE VIA E-FILING. IN ORDER TO USE THIS PROVISION, TAXPAYERS WILL NEED TO REGISTER WITH SARS AS E-FILERS THROUGH THE WEBSITE WWW.SARS.GOV.ZA.
4. FOREIGN SUPPLIERS MUST COMPLETE THE PRE-AWARD QUESTIONNAIRE IN PART B:3.
5. BIDDERS MAY ALSO SUBMIT A PRINTED TCS CERTIFICATE TOGETHER WITH THE BID.
6. IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED, EACH PARTY MUST SUBMIT A SEPARATE TCS CERTIFICATE / PIN / CSD NUMBER.
7. WHERE NO TCS IS AVAILABLE BUT THE BIDDER IS REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD), A CSD NUMBER MUST BE PROVIDED.

### QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS

- |  |  |
|--|--|
| 1. IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)? | <input type="checkbox"/> YES <input type="checkbox"/> NO |
| 2. DOES THE ENTITY HAVE A BRANCH IN THE RSA?                       | <input type="checkbox"/> YES <input type="checkbox"/> NO |
| 3. DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA?      | <input type="checkbox"/> YES <input type="checkbox"/> NO |
| 4. DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA?           | <input type="checkbox"/> YES <input type="checkbox"/> NO |
| 5. IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION?       | <input type="checkbox"/> YES <input type="checkbox"/> NO |

IF THE ANSWER IS "NO" TO ALL OF THE ABOVE, THEN IT IS NOT A REQUIREMENT TO REGISTER FOR A TAX COMPLIANCE STATUS SYSTEM IN CODE FROM THE SOUTH AFRICAN REVENUE SERVICE (SARS) AND IF NOT REGISTER AS PER 2.3 ABOVE.

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

SIGNATURE OF BIDDER: .....

CAPACITY UNDER WHICH THIS BID IS SIGNED: .....

DATE: .....

## TERMS OF REFERENCE

### 1. OUTLINE

These Terms of Reference outline the minimum Scope of Works for which the service provider is responsible. It defines key accountabilities and what the service provider is responsible for delivering. The terms of reference give details of the services that the municipality wants to receive and any other information that will be of useful information to the bidders / suppliers.

### 2. BACKGROUND

The Winnie Madikizela Mandela Local municipality has a responsibility to provide services to its residents as stipulated by the mission statement.

This includes the following:

- Disposal of municipal assets identified for disposal through auctioneer services.

### 3. BID QUALIFICATION

DESCRIPTION		POINTS
<p style="text-align: center;"><b>Company experience: Demonstratable skills and capacity, Level of relevant knowledge and experience for auctioneer services within government sphere. (60)</b></p>	<p>Submit a company profile, appointment letters accompanied by reference letters from previous clients (not older than 6 months). Ten points will be awarded for each qualifying appointment letter accompanied by reference up to 40 points. All references must be on letterheads signed by clients. The client must be contactable and the contact details provided must include:</p> <ul style="list-style-type: none"> <li>• Contact person</li> <li>• Designation</li> <li>• Email address</li> <li>• Landline and mobile number</li> </ul>	40
	<p>Company registration with South African Institute of Auctioneers (SAIA)</p>	20
<p style="text-align: center;">Approach, methodology, work plan and process.</p>	<p>High level project plan with allocation of resources and tasks with timelines assuming appointment is made on the 30<sup>th</sup> September 2024. Points will be awarded as follows:</p> <ul style="list-style-type: none"> <li>• Planning activities (collecting of information, advertising for minimum 5 days, allocation of lots, viewing of assets before auction) (20)</li> <li>• Ability to carry out auction within 3 weeks after appointment (10)</li> </ul>	40



	<ul style="list-style-type: none"> <li>• Payment of the amounts due to the municipality within 72 hours after auction is concluded (10)</li> </ul>	
--	--	--

This bid will be subjected to functionality assessment. The bidder must score a minimum of 70 points to proceed to the second stage. It is expected that services that will be delivered by the bidder will all be of quality, if not it will not be accepted. It is expected that the services will be delivered to the Municipality within 3 weeks after receiving and accepting the appointment letter failing which the bidder will be deemed to be in breach of Contract.

Bidders should take note of the above technical (quality) evaluation criteria.

- [a] All the necessary documentation must be submitted for the Evaluation Panel to make an informed evaluation. Evaluation of the Technical (Quality) Requirements will be based on the information provided by the bidder.
  - [i] **Experience** – Attach list of projects completed with references (Appointment letters with referral letters)
  - [ii] **Accreditation** – Certified copy of Company registration with South African Institute of Auctioneers (SAIA)
  - [iii] **Methodology** – The bidder must clearly demonstrate how the contract will be managed, detailing a work plan with timeframes and clearly explaining how the works will be implemented, provide a detailed breakdown of the costs and how the total price has been reached.
- [b] Bids that do not meet a minimum of 70% in total for the criteria listed above will not be considered further.
- [c] A minimum total score of 70 out of 100 points must be obtained in order for the bid to proceed to the Financial Evaluation.

**3. CONDITIONS OF APPOINTMENT**

Municipality will provide all relevant information available for the purpose of successfully completing the project. The quoted amount must cover for all the costs that will ensure full completion of the project. The appointed service provider must after signing the acceptance letter; communicate with the Manager Assets and Stores management and the Manager SCM to start the preparations for the implantation of the project. Once the service is delivered to the municipality it is expected that the project would be completed as there is no issue of warranty involved.

**5. Payment**

5.1 The method and conditions of payment to be made to the supplier under this contract shall be specified.

5.2 The supplier shall furnish the purchaser with an invoice accompanied by a completion certification from the user department and upon fulfilment of other obligations stipulated in the contract.

5.3 Payments shall be made by the auctioneer no later than seventy-two (72) hours after the conclusion of

the auction to the municipality.

5.4 Payment will be made in Rands.

## 6. Project costs / pricing schedule and payment milestone

6.1. Service providers are expected to provide their fee in the form of a percentage of the total amount generated from auctioning municipal assets. The price must be inclusive of all chargeable costs to the municipality. The municipality will not pay any amount outside the projected /quoted amount, should the service provider underprice.

All costs for the provision of the service including disbursements.

### Pricing schedule

Percentage on cost should include the following:

- Advertising (Development and placement in a provincial and one local news paper (regional paper)
- Packing
- Cleaning
- Sorting
- Numbering

Percentage commission auction cost (%) (Base cost R100 000)	Percentage (%)
Auction cost in % (Baseline of R100 000 to be used) E.g. 5% $R100\ 000 \times 5\% = R5000$	
Total VAT exclusive	R
VAT	R
Total VAT inclusive	R

### Pricing Schedule notes

Prices should be quoted VAT inclusive if the bidder is VAT registered.

Percentage should be rounded off to 2 decimal places.

Incomplete price schedule is an automatic disqualification.

Miscalculations and or errors in pricing will be deemed as misrepresentation and as a result is an automatic disqualification.

Percentage charged must be fixed for the duration of the period in which it is quoted for.

Completion of the above pricing schedule is compulsory. Attachments will not be accepted as substitutes for completing the table.

## 7. Delivery

7.1.1 Delivery Address: Goods must be delivered at: The Winnie Madikizela-Mandela Local

Municipality, 51 Winnie Madikizela-Mandela Street, Bizana.

7.2 Tenderers shall state the time of delivery in weeks (not exceeding three (3) weeks) from date of official order by the Municipality and all tendered prices are to include VAT and include cost of delivery and off-loading at the stores.



8.

### **DETAILED SPECIFICATION**

Municipal assets to be auctioned:

- a) vehicles items
- b) furniture, computer equipment items
- c) transformers

**Impounded livestock to be auctioned:-**

- a) To Auction cattle
- b) To auction Goats
- c) To auction sheep
- d) To auction horse

### **9 ACCOUNTABILITY**

The Service Provider is accountable to the Client for the execution of the Scope of Work detailed in the Terms of Reference.

### **10 PROFESSIONAL INDEMNITY COVER / INSURANCES / SURETIES**

There are no insurances or sureties that are required for this bid. The service provider must also provide proof that they are paying the municipal rates where they are residing. Non-submission of proof that the supplier does not owe municipal rates will lead to the elimination of the bidder from the evaluation process. If the bidder is renting offices then a letter / correspondence from the landlord must be provided stating that the bidder/supplier does not owe any municipal rates.

### **11 FORMAT OF PROPOSAL**

The proposal must include at least the following key information:

- Winnie Madikizela-Mandela Municipality supplier registration forms
- Company profile
- Company capability statement
- Relevant experience of company
- History of similar projects done in the past (Attach completion certificates or reference letters)
- Affirmable Business Enterprise affidavits, if applicable
- All pages signed and initialled at the bottom of the page.
- Proof that the required equipment will be available at the stipulated time.

**MBD 4**

**DECLARATION OF INTEREST**

1. No bid will be accepted from persons in the service of the state<sup>1</sup>.
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, shareholder<sup>2</sup>):.....

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. ....

.....

<sup>1</sup>MSCM 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.

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

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

3.9.1 If yes, furnish particulars.....  
.....

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

3.10.1 If yes, furnish particulars.  
.....  
.....

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

3.11.1 If yes, furnish particulars  
.....  
.....

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

3.12.1 If yes, furnish particulars.  
.....  
.....

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

3.13.1 If yes, furnish particulars.  
.....  
.....

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

3.14.1 If yes, furnish particulars:  
.....  
.....

**4. FULL DETAILS OF DIRECTORS / TRUSTEES / MEMBERS / SHAREHOLDERS.**

Full Name	Identity Number	State Employee Number

**CERTIFICATION**

**I, THE UNDERSIGNED (FULL NAMES)**

.....

**CERTIFY THAT THE INFORMATION FURNISHED ON THIS DECLARATION FORM IS CORRECT.**

**I ACCEPT THAT THE MUNICIPALITY MAY ACT AGAINST ME SHOULD THIS**

**DECLARATION PROVE TO BE FALSE.**

.....  
**Signature**

.....  
**Date**

.....  
**Capacity**

.....  
**Name of Bidder**



## PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL PROCUREMENT REGULATIONS 2022

This preference form must form part of all tenders invited. It contains general information and serves as a claim form for preference points for specific goals.

**NB: BEFORE COMPLETING THIS FORM, TENDERERS MUST STUDY THE GENERAL CONDITIONS, DEFINITIONS AND DIRECTIVES APPLICABLE IN RESPECT OF THE TENDER AND PREFERENTIAL PROCUREMENT REGULATIONS, 2022**

### 1. GENERAL CONDITIONS

1.1 The following preference point systems are applicable to invitations to tender:

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

1.2 **To be completed by the organ of state**

*(delete whichever is not applicable for this tender).*

- a) The applicable preference point system for this tender is the 90/10 preference point system.
- b) The applicable preference point system for this tender is the 80/20 preference point system.
- c) Either the 90/10 or 80/20 preference point system will be applicable in this tender. The lowest/ highest acceptable tender will be used to determine the accurate system once tenders are received.

1.3 Points for this tender (even in the case of a tender for income-generating contracts) shall be awarded for:

- (a) Price; and
- (b) Specific Goals.

1.4 **To be completed by the organ of state:**

The maximum points for this tender are allocated as follows:

	POINTS
PRICE	80
SPECIFIC GOALS	20
<b>Total points for Price and SPECIFIC GOALS</b>	<b>100</b>

1.5 Failure on the part of a tenderer to submit proof or documentation required in terms of this tender to claim points for specific goals with the tender, will be interpreted to mean that preference points for specific goals are not claimed.

1.6 The organ of state reserves the right to require of a tenderer, either before a tender



is adjudicated or at any time subsequently, to substantiate any claim in regard to preferences, in any manner required by the organ of state.

## 2. DEFINITIONS

- (a) **“tender”** means a written offer in the form determined by an organ of state in response to an invitation to provide goods or services through price quotations, competitive tendering process or any other method envisaged in legislation;
- (b) **“price”** means an amount of money tendered for goods or services, and includes all applicable taxes less all unconditional discounts;
- (c) **“rand value”** means the total estimated value of a contract in Rand, calculated at the time of bid invitation, and includes all applicable taxes;
- (d) **“tender for income-generating contracts”** means a written offer in the form determined by an organ of state in response to an invitation for the origination of income-generating contracts through any method envisaged in legislation that will result in a legal agreement between the organ of state and a third party that produces revenue for the organ of state, and includes, but is not limited to, leasing and disposal of assets and concession contracts, excluding direct sales and disposal of assets through public auctions; and
- (e) **“the Act”** means the Preferential Procurement Policy Framework Act, 2000 (Act No. 5 of 2000).

## 3. FORMULAE FOR PROCUREMENT OF GOODS AND SERVICES

### 3.1. POINTS AWARDED FOR PRICE

#### 3.1.1 THE 80/20 OR 90/10 PREFERENCE POINT SYSTEMS

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

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

Where

$P_s$  = Points scored for price of tender under consideration

$P_t$  = Price of tender under consideration

$P_{min}$  = Price of lowest acceptable tender

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

#### 3.2.1. POINTS AWARDED FOR PRICE

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

$$Ps = 80 \left( 1 + \frac{Pt - P_{max}}{P_{max}} \right) \text{ or } Ps = 90 \left( 1 + \frac{Pt - P_{max}}{P_{max}} \right)$$

Where

- Ps = Points scored for price of tender under consideration  
 Pt = Price of tender under consideration  
 Pmax = Price of highest acceptable tender

#### 4. POINTS AWARDED FOR SPECIFIC GOALS

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

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

*(Note to organs of state: Where either the 90/10 or 80/20 preference point system is applicable, corresponding points must also be indicated as such.)*

*Note to tenderers: The tenderer must indicate how they claim points for each preference point system.)*

<b>The specific goals allocated points in terms of this tender</b>	<b>Number of points allocated (90/10 system) (To be completed by the organ of state)</b>	<b>Number of points allocated (80/20 system) (To be completed by the organ of state)</b>	<b>Number of points claimed (90/10 system) (To be completed by the tenderer)</b>	<b>Number of points claimed (80/20 system) (To be completed by the tenderer)</b>
South African	1.5	3		
Black	1.5	3		
Women	1.75	3.5		
Youth	1.75	3.5		
Leaving with disability	1.75	3.5		
Military Veterans	1.75	3.5		
<b>Total Points Allocated</b>	<b>10</b>	<b>20</b>		

**DECLARATION WITH REGARD TO COMPANY/FIRM**

4.3. Name of company/firm.....

4.4. Company registration number:.....

4.5. TYPE OF COMPANY/ FIRM

- Partnership/Joint Venture / Consortium
- One-person business/sole propriety
- Close corporation
- Public Company
- Personal Liability Company
- (Pty) Limited
- Non-Profit Company
- State Owned Company

[TICK APPLICABLE BOX]

4.6. I, the undersigned, who is duly authorised to do so on behalf of the company/firm, certify that the points claimed, based on the specific goals as advised in the tender, qualifies the company/ firm for the preference(s) shown and I acknowledge that:

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

	..... SIGNATURE(S) OF TENDERER(S)
SURNAME AND NAME:	.....
DATE:	.....
ADDRESS:	..... ..... ..... .....

**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 of Restricted Suppliers as companies or persons prohibited from doing business with the public sector?</p> <p>(Companies or persons who are listed on this Database were informed in writing of this restriction by the Accounting Officer/Authority of the institution that imposed the restriction after the <i>audi alteram partem</i> rule was applied).</p> <p><b>The Database of Restricted Suppliers now resides on the National Treasury's website(<a href="http://www.treasury.gov.za">www.treasury.gov.za</a>) and can be accessed by clicking on its link at the bottom of the home page.</b></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><b>The Register for Tender Defaulters can be accessed on the National Treasury's website (<a href="http://www.treasury.gov.za">www.treasury.gov.za</a>) by clicking on its link at the bottom of the home page.</b></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:			
	<b>Item</b>	<b>Question</b>	<b>Yes</b>	<b>No</b>
	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 NAMES) .....**  
**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 bids<sup>1</sup> 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).<sup>2</sup> 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 (MBD 9) must be completed and submitted with the bid:

<sup>1</sup> Includes price quotations, advertised competitive bids, limited bids and proposals.

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

## CERTIFICATE OF INDEPENDENT BID DETERMINATION

I, the undersigned, in submitting the accompanying bid:

---

(Bid Number and Description)

in response to the invitation for the bid made by:

---

(Name of Municipality / Municipal Entity)

do hereby make the following statements that I certify to be true and complete in every respect:

I certify, on behalf of: \_\_\_\_\_ that:

(Name of Bidder)

1. I have read and I understand the contents of this Certificate;
2. I understand that the accompanying bid will be disqualified if this Certificate is found not to be true and complete in every respect;
3. I am authorized by the bidder to sign this Certificate, and to submit the accompanying bid, on behalf of the bidder;
4. Each person whose signature appears on the accompanying bid has been authorized by the bidder to determine the terms of, and to sign, the bid, on behalf of the bidder;
5. For the purposes of this Certificate and the accompanying bid, I understand that the word "competitor" shall include any individual or organization, other than the bidder, whether or not affiliated with the bidder, who:
  - (a) has been requested to submit a bid in response to this bid invitation;
  - (b) could potentially submit a bid in response to this bid invitation, based on their qualifications, abilities or experience; and
  - (c) provides the same goods and services as the bidder and/or is in the same line of business as the bidder



6. The bidder has arrived at the accompanying bid independently from, and without consultation, communication, agreement or arrangement with any competitor. However, communication between partners in a joint venture or consortium<sup>3</sup> 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.

<sup>3</sup> 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.

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

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