UMZINYATHI DISTRICT MUNICIPALITY

Q00991

SPECIFICATION AND BID DOCUMENT Q00991 SERVICE PROVIDER TO UNDERTAKE A SECTION 78 ASSESSMENT FOR THE OPERATION OF UMZINYATHI DISTRICT SOUTH REGIONAL LANDFILL SITE.

CLOSING DATE: 31 JANUARY 2020

CLOSING TIME: 12H00 PM

NAME OF BIDDER: ..................................................................................................................

POSTAL ADDRESS: ..............................................................................................................

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

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

TELEPHONE NUMBER: .....................................................................................................

FAX NUMBER: ....................................................................................................................

E-MAIL ADDRESS: .............................................................................................................
ADVERTISEMENT

The bid documents must be clearly marked. Service Provider to undertake a section 78 assessment for the operation of uMzinyathi District south regional landfill site. Bid documents will be available from the date of the advert at www.etenders.gov.za & Municipal website.

Bid documents must be placed in the tender box situated at the offices of the UMzinyathi District Municipality Offices, 39 Victoria Street, Princess Magogo Building, Dundee, 3000, on or before 12h00 on Friday, 31 January 2020 where all bids will be opened in public. Telegraphic, faxed, emailed tender documents will not be accepted. Bidders must attach the following mandatory returnable documents in order to be considered for this bid:

- Printed copy tax clearance certificate or a pin for further verification.
- Certified ID(s) copies of company director(s)
- Certified Proof of company registration,
- Company municipal rates, electricity or water account not older than 3 Months, proof of Residential lease or rental or sworn affidavit if the business operates at a place of residence.
- Completed, stamped (company stamp) and signed Municipal Bidding Document attached in the tender document.
- In addition to MBD’S, quotation must be submitted on the company letterhead
- Proof of registration Central Supplier database.
- Certified proof of BBBEE certificate/Original sworn affidavit

Tenders will be adjudicated in terms of the Council Supply Chain Management Policy on the 80/20 Preferential Point System. It is therefore compulsory that the municipal tender document be used. UMzinyathi District Municipality is not bound to accept the lowest or any quote.

The following conditions will apply:

- Price(s) must be valid for at least thirty (30) days from date of your offer.
- Price(s) must be firm and must be inclusive of VAT and disbursements

NB: No Bids will be considered from persons in the service of the state
TERMS OF REFERENCE FOR THE APPOINTMENT OF A SERVICE PROVIDER TO UNDERTAKE A
SECTION 78 ASSESSMENT FOR THE OPERATION OF UMZINYATHI DISTRICT SOUTH
REGIONAL LANDFILL SITE.

1. INTRODUCTION

This document presents the terms of reference (TOR) for the appointment of a service
provider as per section 78 of the Municipal Systems Act 32 of 2000 (MSA) to conduct an
internal assessment of the Umzinyathi District to assess whether it has the capacity and
resources to sustainably maintain and operate the Umzinyathi Landfill Site.

Section 78 of the MSA makes provision for a municipality to explore alternative service
delivery mechanisms in order to complete a particular project or to deliver a service. Section
78 provides criteria to guide the decision making process in selecting the most appropriate
service delivery mechanism. Among other things, the criteria looks at the following:

- Associated cost/financial implications; and
- The municipalities capacity/ability to furnish the required skills set, expertise and
resources to provide the service;

Although not specifically stated in Section 78, it should be noted that only those municipalities
with the service authority need to perform a Section 78 review, since they are the only
municipalities who can decide on a service provision mechanism. Therefore the following
terms of reference (TOR) should be seen as applicable only to those municipalities having the
service authority to maintain and operate a Landfill site.

2. BACKGROUND

The uMzinyathi District Municipality consists of four Local Municipalities. These are Endumeni
and Nqutu Municipalities in the northern part of the district and Msinga and Umvoti in the
southern part of the district. The current disposal systems and facilities in the Southern
Region will not be sufficient for future waste management needs. The largest town in the
south, Greytown has a transfer station where waste is temporarily stored before being
transported to the New England Road Landfill site in Msunduzi Local Municipality at a high
cost. The smaller towns of Pomeroy and Tugela Ferry each have a communal landfill site,
however, they are not very well managed and will need to be prepared for closure soon.

The District Municipality became aware of the necessity to initiate investigations into regional
facilities to assist in the provision of waste disposal facilities for local municipalities. Initially,
the district decided to initiate investigations to identify one regional landfill site in the
northern region. However, constraints over the availability of suitable land and implications
of the cost of transportation of waste were considered and it was decided that two sub-
regional landfill sites would be a more viable option. It is anticipated that the south regional
Landfill site will assist the municipality in reducing the cost of transporting waste from
Greytown to Pietermaritzburg.
3. STUDY AREA

3.1 PROVINCIAL CONTEXT
The Umzinyathi District Municipality (DC24) is one of the ten districts of KwaZulu-Natal. The Municipality is bordered in the north by the Amajuba Municipality, in the west by the uThukela Municipality, in the south west by the uMgungundlovu Municipality, in the south east by the iLembe Municipality and in the east by King Cetshwayo District Municipality, as shown on the Map below:

Map 1: Provincial Context

The district consists of four Local Municipalities, namely:

- Endumeni (KZ 241)
- Ngquthu (KZ 242)
- Msinga (KZ 244)
- Umvoti (KZ 245)

The Map below shows the location of the local municipalities within the district:
Map 2: District Context

Source: Umzinyathi DM IDP 2017/22
3.2 LOCAL CONTEXT

Umvoti Municipality is one of four local municipalities falling under Umzinyathi District Municipality. It is situated approximately 75km from Pietermaritzburg and 55km from Stanger and includes the urban centres of Greytown and Kranskop. It is about 2509km² in extent and its population is estimated at 103 092 (Statsa 2011) people who are spread unevenly among the eleven wards. The Municipality is located on the Southern part of Umzinyathi District and borders onto uMgungundlovu District to the South, Mshwathi Local Municipality, and largely falls within the Pietermaritzburg functional economic region. The parts of the municipality that borders onto Ilembe District enjoy the influence of Stanger-KwaDukuza economic region. The municipality is also well integrated into the Provincial transportation network. Route 33 serves as a major link between Greytown and Dundee while R74 connects the urban centres of Greytown, Kranskop and Stanger.

Map 3: Umvoti locality Map

Umvoti municipality comprises of fourteen (14) wards of which only four has an urban component (wards 5, 7, 9, 10). The whole of ward nine (9), Greytown is urban in nature and is the main town and the primary centre of the Umvoti municipality. Ward seven (7) is
partial urban (township) and the other component is rural (Nseleni area). Ward ten (10) is also partial urban (portion of a township) and the other component of the ward is farm land. Ward five (5) comprises of the town of Kranskop and traditional authority area of Amakhabela.

Approximately 80% of the municipal population resides in the traditional authority areas. This is a classical South African Land issue. The tribal authorities are made up of wards 1, 2, 3, 4, part of 5, 6, part of 7, 8 and part of 11, 12, 13 and 14. Most of ward eleven (Muden area) is formed by farms which resulted from the land redistribution and tenure processes. The portions of wards 12 and 14 also resulted from land reform processes.

3.3 PROJECT LOCATION

Map 3: site location plan within the local municipality

Source: Umzinyathi South Regional landfill site Environmental Impact Report 2013

The site is located at 29°04'55" S and 30°38'06" E and covers a portion of the farm 5695 Greytown. The site is approximately 5km E of Greytown and can be accessed via a gravel road which intersects the R74 road leading to Kranskop and Maphumulo.
4. **PROJECT OBJECTIVE**

The objectives of this project is to assess and understand if uMzinyathi district Municipality has the capacity, financial resources, skills set, expertise and other recourses to sustainably operate and maintain the operations of the landfill site. The Assessment and Project Deliverables has to comply with the provisions of Sections 77, 78, 81 and 82 of the Local Government Municipal Systems Act, 2000.

5. **PROJECT DELIVERABLE**

In order to fulfil the project objectives, the appointed service provider would be expected to undertake an assessment of the bellow mentioned aspects of the uMzinyathi Municipality:

a) Investigating the status-quo and providing professional opinion on the landfill site and whether it meets operational standards.

b) Determine the physical assets required and evaluate the adequacy of the available equipment in delivering the service.

c) To advise on outstanding assets such as vehicles (e.g trucks) and operational costs such as fuel, chemicals and other relatable supplies.

d) Determine the required human resources, including organizational structure, skills and expertise, number of employees and their positions.

e) To determine if the Umzinyathi Municipality meets the financial requirements to operate the landfill as well as provide the appropriate financial model.

f) Providing appropriate tariff structure that will sustain the operational costs of the landfill site, including future cost of the service.

g) To advise on the potential support from different stakeholders such Government, Business and NGOs

h) To determine the short and long term implications of providing the service internally and also provide alternate external delivery mechanisms.
6. METHODOLOGY

6.1 Project Phases

<table>
<thead>
<tr>
<th>Phase</th>
<th>Meetings</th>
<th>Actions</th>
<th>Product /Deliverables</th>
<th>Timeframes (Cumulative timeframe)</th>
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<tbody>
<tr>
<td>Phase 1: Inception and draft</td>
<td>Inception meeting with the uMzinyathi District, uMvoti LM, Misinga LM and other stakeholders.</td>
<td>Inception and Draft Section 78 report to include:</td>
<td>Draft Section 78 Assessment report.</td>
<td>1 Month (end of month 1)</td>
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<td>• Proposed project Methodology</td>
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<td>• Status quo of landfill site and its operational standards.</td>
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<td>• Analysis of assets and adequacy of equipment.</td>
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<td></td>
<td>• Required Human resources, skill set, expertise and No. of employees (organogram).</td>
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<td>A project Management Programme (work plan) to be included must show the timeframes, actions, deliverables and budget per phase as a Gantt chart.</td>
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<tr>
<td>Phase 2: Final Section 78 Report and close out.</td>
<td>Final PSC meeting on Final Section 78 Assessment.</td>
<td>Final Section 78 report to Include:</td>
<td>Final Section 78 Assessment report</td>
<td>1 Month (end of Month 2)</td>
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<td></td>
<td>• Financial requirements.</td>
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<td>• Financial model to operate site.</td>
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<td></td>
<td></td>
<td>• Tariff structure to sustain landfill site.</td>
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<tr>
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<td>• Short- and long-term implications of operating landfill site internally and outsourcing.</td>
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<td></td>
<td>Closeout:</td>
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<td>• Hand over of Document and related data.</td>
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6.2 Stakeholders

The section 78 Assessment will require but not limited to the following stakeholders:

- Umzinyathi District Municipality
- Umvoti Local Municipality
- Misinga Local Municipality
- Department of Environmental Affairs: Waste management unit
6.3 Duration

The project is expected to be completed over a period of 02 Months.

7. PROJECT TEAM AND ROLES

The professional team must consist but not limited to the following disciplines:
- Engineer
- Financial expert

8. REPORTING

The Service provider is expected to present the Draft section 78 report within four weeks from the commencement of the contract and the final Section 78 report in another four weeks after presentation of draft.

These reports should be submitted in electronic and print versions (2 copies) and be accompanied by a corresponding invoice.

9. SOURCE DOCUMENTS

The following important source documents may be acquired from the municipality to prepare the Section 78 Assessment Study:

- Umvoti Local Municipality IWMP
- Msinga Local Municipality IWMP
- Umzinyathi District Organogram Plan
- District Environmental Management Framework 2015 (EMF)
- Umzinyathi 2019/20 IDP Review

PROPOSAL SUBMISSION GUIDE
Submission of proposals will be in two - fold. There will therefore be two submissions in the form of a technical proposal and financial proposal inserted in one sealed envelope

10. TECHNICAL PROPOSAL

It is important for the service providers to ensure that the following aspects are considered and discussed in their technical proposal:
- A description of the service provider methodology to perform tasks set forth in these terms of reference, including the proposed plan, proposed approach to the work with a clear and logical methodology,
- A description of the service providers organization and an outline of recent experience on assignments of similar nature, including the name of the institution where similar project was undertaken, value of the project awarded, year awarded and year completed,
- Project methodology that will be used to undertake the project and also any value add as part of this process,
- Statement of qualifications of the service provider team or persons that will work on this project. Service providers must ensure that the people with relevant skills and sufficient experience are part of the project;
- Curriculum Vitae of professional staff to be involved in the project should be included.
• The proposal must include the degree of their involvement in various previous the assignments.
• The skills and experience should include among others:
  o Strong stakeholder’s engagement skills including management of group dynamics,
  o Broad understanding, analysis of engineering,
  o Excellent project conceptualization ability,
  o Logic, self-discipline and the ability to operate systematically,
  o Commitment to deadlines, Verbal and written skills, Timeframe and work Plan.

11. FINANCIAL PROPOSAL
The financial proposal must have the following information:
• Itemized budget proposal based on the key milestones;
• NOTE : sundry costs must be included as it will not be recovered separately especially travel costs or any disbursements;
• Firm price should be furnished and it must be inclusive of VAT.
• Tax Clearance Certificate must be submitted;
• Proof of registration on the Central Supplier Database must be submitted; and
• The BBBEE certificate must also be included.

12. NON-RESPONSE BID
The following criteria shall be applicable in the declaration of a BID Non-Responsive:

Tenders shall be invalid, and shall be endorsed and recorded as such in the tender opening record by the responsible official, if the:
• tender is not sealed;
• tender, including the tender price (where applicable), is not submitted on the official Umzinyathi tender document;
• tender is not completed in non-erasable ink;
• Tender Offer and/or Contract Form have not been signed;
• Tender Offer and/or Contract Form are signed, but the name of the tenderer is not stated, or is indecipherable; or

The tenderer has been listed on the national Treasury’s Register for Tender Defaulters in terms of the Prevention and Combating of Corrupt Activities Act, Act 12 of 2004, or has been listed on the National Treasury’s List of Restricted Suppliers and who is therefore prohibited from doing business with the public sector.

The tenderer does not comply with the Specification.

The tenderer has not achieved the minimum functionality scoring/points as set out in the tender document. Furthermore, Tenders will be declared non-responsive if the tenderer fails to adhere to a written request (within the specified period set out in such request) to:
• Comply with the general conditions applicable to tenders as set out in the Umzinyathi SCM Policy;
• Comply with any other terms and conditions of the tender as contained in the tender document;
• Complete and/or sign any declarations and/or authorizations; and
• Submit an original and valid tax clearance certificate from the South African Revenue Services (SARS) certifying that the taxes of the tenderer are in order or SARS Pin,

13. EVALUATION CRITERIA
The municipality is not obliged to accept the lowest or any tender. Tenders will be adjudicated in terms of Council Supply Chain Management Policy on 90/10 Preferential Point System, and will be evaluated as per the following criteria:

<table>
<thead>
<tr>
<th>Description Item</th>
<th>Weighting</th>
<th>Scoring Measurement</th>
<th>Score</th>
</tr>
</thead>
</table>
| Qualification of Project Leader                                                  | 20        | National Diploma = 10  
Honours Degree / Btech = 15  
Master’s degree /PHD = 20                                                      |       |
| Project Leader Professional registration with ECSA (Proof of registration required) | 20        | 1-3 years = 1 - 7  
4-9 years = 8 - 14  
>10 years = 15 - 20                                                              |       |
| Experience in preparing credible Section 78 reports with supporting referral letter per project indicated. | 20        | 1-5 Reports prepared = 1 - 5  
6-10 Reports prepared = 6 - 10  
>11 Reports prepared = 11 - 20                                                  |       |
| Methodology                                                                      | 40        | Methodology should include but not limited to the following elements:  
1. Well-resourced project team with registered Engineers and Specialist (10)  
2. Landfill site survey and analysis (10)  
3. Budgeting and Financial modelling (10)  
4. Monitoring and evaluation (10)                                                   |       |
| Total                                                                            | 100       |                                                                                      |       |

- BIDDERS MUST SUBMIT DOCUMENTARY PROOF AND THE PAGE REFERENCE NUMBERS IN SUPPORT OF THE DESCRIPTION ITEMS ABOVE.
- BIDDERS MUST HAVE OBTAINED AT LEAST AN AVERAGE SCORE OF 70 POINTS TO QUALIFY FOR FURTHER EVALUATION OF THE BID.

14. ENQUIRIES

All enquiries related to this bid call must be forwarded to:
Umzinyathi District Municipality  
33 Victoria Street  
Dundee  
3000

Technical Enquiries  
Attention: Mr Malusi Ndlovu  
Telephone: 034 219 1500  
Email: ndlovua@umzinyathi.gov.za
3. EVALUATION OF TENDER

Compulsory Returnable Documentation

Compulsory documents to be submitted:

- MBD 1: Invitation to Tender (must be completed and signed)
- Copy tax clearance certificate accompanied by a pin for further verification in the name of the tenderer
- MBD 3.1: Pricing Schedule
- MBD 4: Declaration of Interest
- MBD 6.1: Preferential Procurement Claim Form
- MBD 8: Declaration of past Supply Chain Management Practice
- MBD 9: Certificate of Independent Bid
- Certified Proof of company registration
- certified copies of owners identity document (Not older than three months)
- Company municipal rates, electricity or water account not older than 3 Months, proof of Residential lease or rental or sworn affidavit if the business operates at a place of residence.

Preference Point System 80/20

<table>
<thead>
<tr>
<th>No.</th>
<th>DESCRIPTION</th>
<th>POINTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Price</td>
<td>80</td>
</tr>
<tr>
<td>2</td>
<td>BBBEE Status level of contribution</td>
<td>20</td>
</tr>
</tbody>
</table>

TOTAL 100

Bidders are encouraged to submit original or certified BBBEE certificates or sworn affidavit to claim preference points.
**INVITATION TO BID**

**YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE UMZINYATHI DISTRICT MUNICIPALITY**

<table>
<thead>
<tr>
<th>BID NUMBER:</th>
<th>Q00991</th>
<th>CLOSING DATE:</th>
<th>31 JANUARY 2020</th>
<th>CLOSING TIME:</th>
<th>12H00</th>
</tr>
</thead>
</table>

**DESCRIPTION**

Service Provider to undertake a section 78 assessment for the operation of Umzinyathi District south regional landfill site

**THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (MBD7).**

**BID RESPONSE DOCUMENTS MAY BE DEPOSITED IN THE BID BOX SITUATED AT [STREET ADDRESS]**

<table>
<thead>
<tr>
<th>SUPPLIER INFORMATION</th>
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<tbody>
<tr>
<td>NAME OF BIDDER</td>
</tr>
<tr>
<td>POSTAL ADDRESS</td>
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<tr>
<td>STREET ADDRESS</td>
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<tr>
<td>TELEPHONE NUMBER CODE NUMBER</td>
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<tr>
<td>CELLPHONE NUMBER CODE NUMBER</td>
</tr>
<tr>
<td>FACSIMILE NUMBER CODE NUMBER</td>
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<tr>
<td>E-MAIL ADDRESS</td>
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<tr>
<td>VAT REGISTRATION NUMBER</td>
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**TAX COMPLIANCE STATUS**

<table>
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<tr>
<th>TCS PIN:</th>
<th>OR</th>
<th>CSD No:</th>
</tr>
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<tbody>
<tr>
<td>□ Yes</td>
<td>□ Yes</td>
<td>B-BBEE STATUS LEVEL SWORN AFFIDAVIT</td>
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<tr>
<td>□ No</td>
<td>□ No</td>
<td>(A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE / SWORN AFFIDAVIT (FOR EMES &amp; QSEs) MUST BE SUBMITTED IN ORDER TO QUALIFY FOR PREFERENCE POINTS FOR B-BBEE)</td>
</tr>
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</table>

**ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES /WORKS OFFERED? [IF YES ENCLOSE PROOF]**

<table>
<thead>
<tr>
<th>Yes</th>
<th>No</th>
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**ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES /WORKS OFFERED? [IF YES, ANSWER PART B:3 ]**

<table>
<thead>
<tr>
<th>Yes</th>
<th>No</th>
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**TOTAL NUMBER OF ITEMS OFFERED**

<table>
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<tr>
<th>TOTAL BID PRICE</th>
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**SIGNATURE OF BIDDER**

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<th>DATE</th>
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**CAPACITY UNDER WHICH THIS BID IS SIGNED**

<table>
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<tr>
<th>BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO:</th>
<th>TECHNICAL INFORMATION MAY BE DIRECTED TO:</th>
</tr>
</thead>
<tbody>
<tr>
<td>DEPARTMENT</td>
<td>SCM UNIT</td>
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<tr>
<td>CONTACT PERSON</td>
<td>SCM UNIT</td>
</tr>
<tr>
<td>TELEPHONE NUMBER</td>
<td>0342191549/1699</td>
</tr>
<tr>
<td>FACSIMILE NUMBER</td>
<td>0342181940</td>
</tr>
<tr>
<td>E-MAIL ADDRESS</td>
<td>0342181940</td>
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</tbody>
</table>
MBD1

PART B

TERMS AND CONDITIONS FOR BIDDING

1. BID SUBMISSION:

1.1. BIDS MUST BE DELIVERED BY THE STIPULATED TIME TO THE CORRECT ADDRESS. LATE BIDS WILL NOT BE ACCEPTED FOR CONSIDERATION.

1.2. ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS PROVIDED—(NOT TO BE RE-TYPED) OR ONLINE

1.3. 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.

2. TAX COMPLIANCE REQUIREMENTS

2.1. BIDDERS MUST ENSURE COMPLIANCE WITH THEIR TAX OBLIGATIONS.

2.2. 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.

2.3. 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.

2.4. FOREIGN SUPPLIERS MUST COMPLETE THE PRE-AWARD QUESTIONNAIRE IN PART B.3.

2.5. BIDDERS MAY ALSO SUBMIT A PRINTED TCS CERTIFICATE TOGETHER WITH THE BID.

2.6. IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED, EACH PARTY MUST SUBMIT A SEPARATE TCS CERTIFICATE / PIN / CSD NUMBER.

2.7. WHERE NO TCS IS AVAILABLE BUT THE BIDDER IS REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD), A CSD NUMBER MUST BE PROVIDED.

3. QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS

3.1. IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)? □ YES □ NO

3.2. DOES THE ENTITY HAVE A BRANCH IN THE RSA? □ YES □ NO

3.3. DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA? □ YES □ NO

3.4. DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA? □ YES □ NO

3.5. IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION? □ YES □ 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 PIN 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 WILL 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: ..........................................................
### Pricing Schedule - Firm Prices (Purchases)

**Note:** Only firm prices will be accepted. Non-firm prices (including prices subject to rates of exchange variations) will not be considered.

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<thead>
<tr>
<th>Description</th>
<th>Quantity</th>
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**Sub-Total**

**VAT (15%)**

**Total**

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**Note:** All delivery costs must be included in the bid price, for delivery at the prescribed destination.

**"all applicable taxes"** includes value-added tax, pay as you earn, income tax, unemployment insurance fund contributions and skills development levies.

### Conditions of Tender

- Price(s) quoted must be valid for at least thirty (30) days from date of offer for evaluation purposes.
- Price(s) quoted must be firm and include VAT.
- Tenderers original valid tax clearance certificate must be attached.
- Tender original or certified S-BBEE Certificate must be attached to the document.
- Tender documents signed by a person who does not have authority to sign will be disqualified.
- Tenderers who did not complete the compulsory questionnaire, who abuse the employer’s supply chain management system will not be conceded.
- Non-collusion affidavit to be executed by bidder and submitted with the bid.
DECLARATION OF INTEREST

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 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): ............................................

3.4 Company Registration Number: ...............................................................................................\n
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. .......................................................................................................\n
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 ......................................................................................................

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

9 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.
3.12 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:
........................................................................................................................................
........................................................................................................................................


<table>
<thead>
<tr>
<th>Full Name</th>
<th>Identity Number</th>
<th>State Employee Number</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
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</tbody>
</table>

-------------------------------------------------  -------------------------------------------------
Signature                                          Date

-------------------------------------------------  -------------------------------------------------
Capacity                                           Name of Bidder
MBD 6.1

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

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


1. GENERAL CONDITIONS

1.1 The following preference point systems are applicable to all bids:
- the 80/20 system for requirements with a Rand value of up to R50 000 000 (all applicable taxes included); and
- the 90/10 system for requirements with a Rand value above R50 000 000 (all applicable taxes included).

1.2

a) The value of this bid is estimated to exceed/not exceed R50 000 000 (all applicable taxes included) and therefore the ............... preference point system shall be applicable; or

1.3 Points for this bid shall be awarded for:
(a) Price; and
(b) B-BBEE Status Level of Contributor.

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

<table>
<thead>
<tr>
<th>POINTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>PRICE</td>
</tr>
<tr>
<td>B-BBEE STATUS LEVEL OF CONTRIBUTOR</td>
</tr>
<tr>
<td>Total points for Price and B-BBEE must not exceed</td>
</tr>
</tbody>
</table>

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

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

(a) "B-BBEE" means broad-based black economic empowerment as defined in section 1 of the Broad-Based Black Economic Empowerment Act;

(b) "B-BBEE status level of contributor" means the B-BBEE status of an entity in terms of a code of good practice on black economic empowerment, issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act;

(c) "bid" means a written offer in a prescribed or stipulated form in response to an invitation by an organ of state for the provision of goods or services, through price quotations, advertised competitive bidding processes or proposals;

(d) "Broad-Based Black Economic Empowerment Act" means the Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003);

(e) "EME" means an Exempted Micro Enterprise in terms of a code of good practice on black economic empowerment issued in terms of section 9 (1) of the Broad-Based Black Economic Empowerment Act;

(f) "functionality" means the ability of a tenderer to provide goods or services in accordance with specifications as set out in the tender documents.

(g) "prices" includes all applicable taxes less all unconditional discounts;

(h) "proof of B-BBEE status level of contributor" means:
   1) B-BBEE Status level certificate issued by an authorized body or person;
   2) A sworn affidavit as prescribed by the B-BBEE Codes of Good Practice;
   3) Any other requirement prescribed in terms of the B-BBEE Act;

(i) "QSE" means a qualifying small business enterprise in terms of a code of good practice on black economic empowerment issued in terms of section 9 (1) of the Broad-Based Black Economic Empowerment Act;

(j) "rand value" means the total estimated value of a contract in Rand, calculated at the time of bid invitation, and includes all applicable taxes;

3. POINTS AWARDED FOR PRICE

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

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

\[
P_8 = 80 \left( 1 - \frac{P_t - P_{\text{min}}}{P_{\text{min}}} \right) \quad \text{or} \quad P_9 = 90 \left( 1 - \frac{P_t - P_{\text{min}}}{P_{\text{min}}} \right)
\]

Where

\[P_s = \text{Points scored for price of bid under consideration}\]
\[P_t = \text{Price of bid under consideration}\]
\[P_{\text{min}} = \text{Price of lowest acceptable bid}\]
4.1 In terms of Regulation 6 (2) and 7 (2) of the Preferential Procurement Regulations, preference points must be awarded to a bidder for attaining the B-BBEE status level of contribution in accordance with the table below:

<table>
<thead>
<tr>
<th>B-BBEE Status Level of Contributor</th>
<th>Number of points (80/20 system)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>20</td>
</tr>
<tr>
<td>2</td>
<td>18</td>
</tr>
<tr>
<td>3</td>
<td>14</td>
</tr>
<tr>
<td>4</td>
<td>12</td>
</tr>
<tr>
<td>5</td>
<td>8</td>
</tr>
<tr>
<td>6</td>
<td>6</td>
</tr>
<tr>
<td>7</td>
<td>4</td>
</tr>
<tr>
<td>8</td>
<td>2</td>
</tr>
<tr>
<td>Non-compliant contributor</td>
<td>0</td>
</tr>
</tbody>
</table>

5. **BID DECLARATION**

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

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

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

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

7. **SUB-CONTRACTING**

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

   *(Tick applicable box)*

   | YES | NO |

7.1.1 If yes, indicate:

   i) What percentage of the contract will be subcontracted ..................................................%  

   ii) The name of the sub-contractor ............................................................................................  

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

   iv) Whether the sub-contractor is an EME or QSE 

   *(Tick applicable box)*

   | YES | NO |

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

   | Designated Group: An EME or QSE which is at last 51% owned by: | EME | QSE |
8. DECLARATION WITH REGARD TO COMPANY/FIRM

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

8.2 VAT registration number: .................................................................

8.3 Company registration number: .................................................................

8.4 TYPE OF COMPANY/ FIRM

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

[TICK APPLICABLE BOX]

8.5 DESCRIBE PRINCIPAL BUSINESS ACTIVITIES

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

8.6 COMPANY CLASSIFICATION

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

[TICK APPLICABLE BOX]
MUNICIPAL INFORMATION

Municipality where business is situated: ..............................................................

Registered account number: .................................................................

Stand Number: ......................................................................................

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

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

i) The information furnished is true and correct;

ii) The preference points claimed are in accordance with the General Conditions as indicated in paragraph 1 of this form;

iii) In the event of a contract being awarded as a result of points claimed as shown in paragraphs 1.4 and 6.1, the contractor may be required to furnish documentary proof to the satisfaction of the purchaser that the claims are correct;

iv) If the B-BBEE status level of contributor has been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the purchaser may, in addition to any other remedy it may have –

(a) disqualify the person from the bidding process;

(b) recover costs, losses or damages it has incurred or suffered as a result of that person’s conduct;

(c) cancel the contract and claim any damages which it has suffered as a result of having to make less favourable arrangements due to such cancellation;

(d) recommend that the bidder or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, be restricted by the National Treasury from obtaining business from any organ of state for a period not exceeding 10 years, after the audi alteram partem (hear the other side) rule has been applied; and

(e) forward the matter for criminal prosecution.

WITNESSES

1. ..............................................................................

2. ..............................................................................

SIGNATURE(S) OF BIDDER(S)

DATE: .................................................................

ADDRESS: ..............................................................................

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

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

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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. wilfully 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.

<table>
<thead>
<tr>
<th>Item</th>
<th>Question</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>4.1</td>
<td>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? (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 audi alteram partem rule was applied).</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td></td>
<td>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.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4.1.1</td>
<td>If so, furnish particulars:</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

| 4.2  | Is the bidder or any of its directors listed on the Register for Tender Defaulters in terms of section 29 of the Prevention and Combating of Corrupt Activities Act (No 12 of 2004)? 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. | Yes | No |
| 4.2.1| 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 | No |
| 4.3.1| If so, furnish particulars: | | |</p>
<table>
<thead>
<tr>
<th></th>
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</thead>
<tbody>
<tr>
<td><strong>4.4</strong></td>
<td>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?</td>
</tr>
<tr>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td><strong>4.4.1</strong></td>
<td>If so, furnish particulars:</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>4.5</strong></td>
<td>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?</td>
</tr>
<tr>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td><strong>4.7.1</strong></td>
<td>If so, furnish particulars:</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**CERTIFICATION**

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

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

................................................................. .................................................................
Signature Date

................................................................. .................................................................
Position Name of Bidder
CERTIFICATE OF INDEPENDENT BID DETERMINATION

1. This Municipal Bidding Document (MBD) must form part of all bids 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). Collusive bidding is a per se prohibition meaning that it cannot be justified under any grounds.

3. Municipal Supply Regulation 38 (1) prescribes that a supply chain management policy must provide measures for the combating of abuse of the supply chain management system, and must enable the accounting officer, among others, to:
   a. take all reasonable steps to prevent such abuse;
   b. reject the bid of any bidder if that bidder or any of its directors has abused the supply chain management system of the municipality or municipal entity or has committed any improper conduct in relation to such system; and
   c. cancel a contract awarded to a person if the person committed any corrupt or fraudulent act during the bidding process or the execution of the contract.

4. This MBD serves as a certificate of declaration that would be used by institutions to ensure that, when bids are considered, reasonable steps are taken to prevent any form of bid-rigging.

5. In order to give effect to the above, the attached Certificate of Bid Determination (MBD 9) must be completed and submitted with the bid:

\[1\] Includes price quotations, advertised competitive bids, limited bids and proposals.

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

I, the undersigned, in submitting the accompanying bid:

(Bid Number and Description)

In response to the invitation for the bid made by:

(Name of 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 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.

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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