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TERMS OF REFERENCE

**APPOINTMENT FOR THE PANEL OF CIVIL & BUILDING SMMES FOR
THE CONSTRUCTION OF VARIOUS RDP HOUSES INCLUDING
WATER & SEWER SERVICES FOR PERIOD
OF THIRTY-SIX (36) MONTHS**

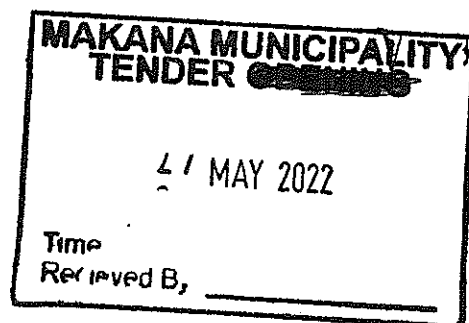
CONTRACT NO: MLM/2021-22/INFRA/008

COMPILED FOR:

Makana Local Municipality
86 High Street
Budget and Treasury
Grahamstown
6140

COMPILED BY:

Sky High Consulting Engineers
1A Stockton Road, Berea
East London
5241

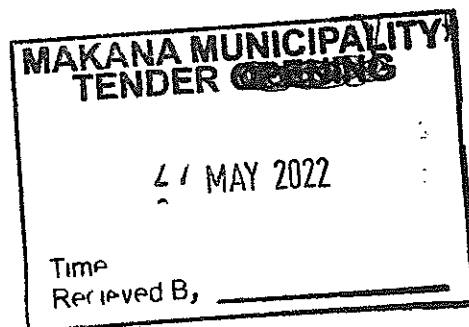


MAY 2022



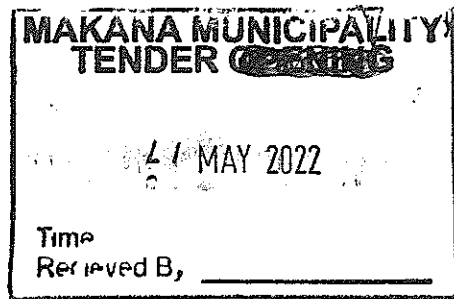
TABLE OF CONTENTS

1. BACKGROUND	1
2. APPOINTMENT TO THE PANEL	1
5. DRAWING FROM THE PANEL.....	1
6. ROTATION ON APPOINTMENT	1
7. SCOPE OF WORKS.....	2
8. PHASE (01) -CONSTRUCTION AND INSTALLATION.....	2
9. PROJECT TEAM AND EXPERIENCE	3
10. EVALUATION CRITERIA	3
11. FUNCTIONALITY EVALUATION	3
12. CRITERIA FOR THE SMME's PORTION	4
13. GENERAL CONDITIONS OF CONTRACT	6
14. COMPLIANCE DOCUMENTS TO BE SUBMITTED.....	6
15. RETURNABLE SCHEDULES.....	7
16. COLLECTION OF BID DOCUMENTS	7
17. COMPULSORY BRIEFING	23
18. CLOSING DATE.....	23
19. BID VALIDITY.....	23
20. CONTACT DETAILS ON TERMS OF REFERENCE	23





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BID NOTICE / ADVERT

Makana Local Municipality intends to procure services of construction companies for projects over a period of thirty-six (36) months.

Project Name	BID No	Preference Points System	Date advertised	Compulsory Briefing / Site Inspection Meeting	Closing Date & Time
APPOINTMENT FOR THE PANEL OF CIVIL & BUILDING SMMS FOR THE CONSTRUCTION OF VARIOUS RDP HOUSES INCLUDING WATER & SEWER SERVICES FOR PERIOD OF THIRTY-SIX (36) MONTHS	MLM/2021-22/INFRA/008	80/20	Date 27 May 2022	NIL	DATE 10 June 2022 at 12:00

Bidders are required to submit the following MANDATORY documents (copies must be originally certified):

- Founding Statement (CK / Company Registration Certificate/ Trust document) or certified copy must be submitted, if a sole proprietor provide affidavit confirming ownership.
- Bidders to submit a valid SARS Tax status Report with a Issued Pin.
- Valid National Home Builders Registration Council (NHBRC) Certificate (for Housing construction)
- CIDB grading, will only be required for services (roads, water, storm water & sewer)
- Completed and signed declaration of interest MBD4, MBD 6.1, MBD 8 & MBD 9 Failure to submit will result in disqualification.
- BBBEE Certificates original / certified copies must be submitted and failure to do so will result in loss of points.
- Originally certified Identity document of the directors
- Tenderers must be registered as a supplier/service provider on Makana Local Municipality supplier/service provider database and Centralised Supply database and proof of registration must be provided.
- Billing clearance certificate/ lease agreement signed by both parties the lessor and the lessee, if expired extension of the lease must be attached or statement of municipal accounts not more than 3 months old must be attached to and be returned with the Tender documents, failure to submit will result in disqualification.
- Tenders which are late, incomplete, unsigned or submitted by facsimile or electronically, will not be accepted.
- Documents to be filled with black ink.
- Tenders submitted are to hold good for a period of 90 days.

REVISED PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT 2017 (PPPFA) POINTS WILL BE AWARDED AS FOLLOWS: -

- Tenderers should comply with all the applicable legislation in relation to Occupational health and

safety.

The Bids will be evaluated on the basis of the Preferential Procurement Policy Framework Act (Act No.5, 2017), and the regulations pertaining thereto (2017), as well as the Makana Local Municipality's Supply Chain Management policy.

80/20 preference point system will be used. The bids will be evaluated in two stages, namely:

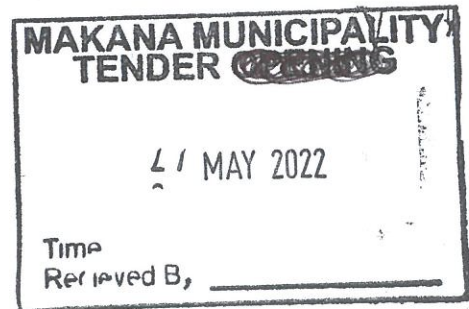
- Stage 1- Functionality
- Stage 2-Price and BBBEE Points

Price (80)

BBBEE Points (20)

With regard to functionality the following criteria will be applicable and the maximum points.

CRITERIA	POINTS
Previous Experience in Similar Projects-Established SMME Contractor	60
Experience of nominated site agent with similar relevant experience (attach 2-page CV showing work experience)	20
Equipment relevant for the assignment (Attach Proof of Ownership)	20
TOTAL	100



Only bidders scored the following points, in respect of “functionality” will be evaluated further and therefore eligible for the award, and bidders scored less than minimum points will be considered nonresponsive.

CATEGORY	MINIMUM REQUIRED	POINTS
A	70 out of 100	
B	60 out of 100	
C	50 out of 100	

Bids must only be submitted on the bid documentation provided by the municipality. One envelope system will be used.

Bid documents will be available Makana Municipal website (www.makana.gov.za), at no cost. Interest bidders are allowed to download and print for themselves.



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Closing Date: Completed bid documents in a sealed envelope, clearly marked "Appointment for the panel of civil & building SMMEs for the construction of various RDP houses including water & sewer services for period of thirty-six (36) months", Bid No: MLM/2021-22/INFRA/008" should be deposited in the tender box situated at ground floor Makana Local Municipality: Finance Department at 86 High Street Grahamstown not later than 10 June 2022 @ 12H00 where they will be opened in public.

Makana 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.

All Technical Enquiries are to be directed to acting PMU Manager Ms S Ponoshe on Tel: 046 603 6063 or sisandaponoshe@makana.gov.za and all SCM queries are to be directed to Ms. S. Mpendu on 046 603 6222

Issued by office of the Municipal Manager: Mr. M. Mene

M. MENE
MUNICIPAL MANAGER



1. BACKGROUND

The Makana Local Municipality engaged in an effort to improve, accelerate delivery of Reconstruction and Development Programme (RDP) houses in the province for people in Urban Areas and to fast track the implementation of these projects. The Municipality is calling on **civil and building contractors** with high performing capacity to undertake construction of top structures with water and sewer services.

2. APPOINTMENT TO THE PANEL

Makana Local Municipality intends to procure services of construction companies for projects over a period of thirty-six (36) months. Based on the points scored in the Evaluation Criteria, the SMMEs will be split into three categories as follows:

- 4.1. Established SMME's: Category A (may quote for 1-10 units) minimum of Grade 2CE or 2GB
- 4.2. Medium SMME's: Category B (may quote for 1-5 units) minimum of Grade 1CE or 1GB
- 4.3. Non-established SMME's: Category C (may quote for Bricklaying; Plastering, glazing, bricklaying plumbing, carpentry)

In respect of an Engineering Services Projects, Makana Local Municipality will utilize Construction Industry Development Board (CIDB) grading to determine the category in which the bidder belongs to.

5. DRAWING FROM THE PANEL

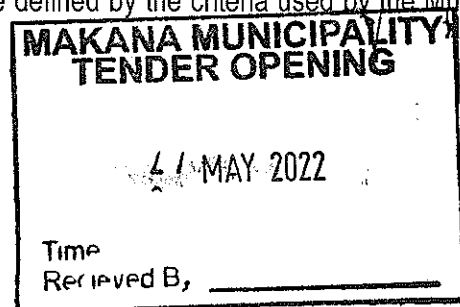
The panel of SMME's issued to call for quotations which will be defined by the criteria used by the Municipality for the selection process, will include but will not be limited to:

- 5.1. Previous relevant experience and
- 5.2. Current workload of the SMMEs

6. ROTATION ON APPOINTMENT

Rotation of SMME's will take place, in compliance with PPPFA, Public Finance Management Act, Supply Chain Management Policy and fair competition amongst SMME's on the panel. Call-offs will use a quotation system on rotation basis where the department will:

- 6.1. Request quotations from SMMEs on the panel from the relevant category, as and when the need arises.
- 6.2. Department will ensure opportunities for submission of quotations are provided to ALL bidders that have successfully registered on the panel under a specific category. This means invitation will be done going through



the list of those who did not get an opportunity, before re-inviting quotations for those who were already given the opportunity

- 6.3. Receive and evaluate submission and prepare an evaluation report
- 6.4. Authorize the appointment of the approved service provider by issuing of an appointment letter and service level agreement.
- 6.5. Administer orders in accordance with contract and confirm compliance with requirements

7. SCOPE OF WORKS

The Municipality panel of SMME's in their relevant categories (A, B and C) will compete for construction of top structures, partial services (water and sewer connection), which is limited per specific category range requirements between 1 and 10 units per SMME for a calendar/financial year as per budget allocation, where units and services will be allocated as required by the Municipality for a period not exceeding **3 years**.

It must be noted that the SMME might be instructed to build as per following categories:

CATERCORY	SIZE	NO. OF UNITS
Normal House	40m ²	To be determined during quotation request
Disabled	45m ²	
Military Veteran	50m ²	
Partial services		

ENGINEERING SERVICES

CATERGORY	NO. OF STANDS
Installation of water connection	To be determine during quotation request
Installation of sewer connection	
Installation of roads and stormwater	

The work is organized into 1 distinct phase as follows:

8. PHASE 1 -CONSTRUCTION AND INSTALLATION

- 8.1. Construction of the required full engineering services (Grade A or B for roads, sewer, water and storm water)
- 8.2. Construction of:
 - Forty square meters (40m²)

MAKANA MUNICIPALITY
TENDER OPENING

4 / MAY 2022

Time
 Received By, _____

- Forty-five square meters (45m²) for disabled (wheelchair bound) with wheelchair ramp and grab rails etc (as per applicable housing code category specification and requirements) and
- Fifty square meters (50m²) for military veteran, top structures with electrification. The military veteran, top structures with electrification. The military veteran house will consist of brick pillar carport for a single car, built in cupboards, 2 plate electric stove & hob, fencing, floor ad wall tiling (as per applicable housing code military veteran specification and requirements)

8.3. Reporting on progress as follows:

- Monthly progress and expanded public program (EPWP) reporting to professional service provider and Municipality
- Conduct fortnightly technical site meeting and compliance reporting
- Achieve completion certificate, COC (certificate of compliance) for electrical

9. PROJECT TEAM AND EXPERIENCE

Bidders should identify all proposed team members and their role in the project and for each proposed member indicate:

9.1. Name and Surname (include employment status of the site agent)

9.2. Role in the team

9.3. A brief description of the nominated site agent in similar projects- the individual's qualifications and their experience, both professional and practical and copy of their curriculum vitae (CV)

9.4. A list of relevant previous assignments and brief description of their roles and

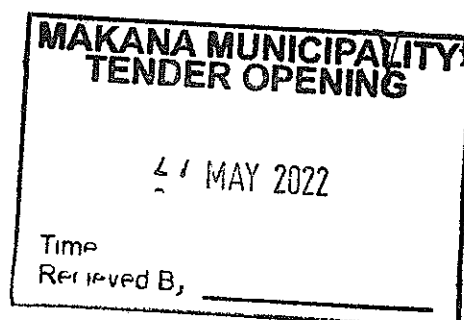
9.5. Three (3) contactable references for similar projects and the project value for each.

10. EVALUATION CRITERIA

10.1. Bidders should obtain at least **seventy (70)/Sixty (60)/Fifty (50)** (depending on the category as per item **12.5**) points out of the **hundred (100)** points for the SMME's portion on functionality evaluation to qualify for the placement categorization.

11. FUNCTIONALITY EVALUATION

11.1. In this stage the capabilities of the SMME's will be assessed. Functionality will be scored out of hundred (100) points.



**MAKANA MUNICIPALITY
TENDER OPENING**

41 MAY 2022

Time

Received By, _____

12. CRITERIA FOR THE SMME's PORTION

NO	CRITERION	POINTS
1.	PREVIOUS EXPERIENCE IN SIMILAR PROJECTS-ESTABLISHED SMME's CONTRACTOR (attach an appointment letter and a completion certificate or reference letter from the client)	60
1.1	Completed a project with 10 units or more including water (not rain harvesting) or sewer services. 20 points will be deducted for a project which does not include services	60
1.2	Completed a project with units between 1 and 5 more including water (not rain harvesting) or sewer services. 12 points will be deducted for a project which does not include services.	35
1.2	Completed a project with glazing, bricklaying, plumbing, carpentry, plastering, water, and sewer services. 7 points will be deducted for a project which does not include services.	20
1.5	No completed a project	0
2.	EXPERIENCE OF NOMINATED SITE AGENT WITH SIMILAR RELEVANT EXPERIENCE (attach 2-page CV showing work experience)	20
2.1	Site experience of 10 years or more	20
2.2	Site experience from 7 to 9 years	16
2.3	Site experience from 4 to 6 years	10
2.4	Site experience of less than 4 years	4
2.5	No site experience	0
3.	EQUIPMENT RELEVANT FOR THE ASSIGNMENT	20
3.1	Access to all the following: 1. TLB/Excavator; 2. Tipper Truck; 3. Compactor; 4. Bakkie; and 5. Batch Plant or Concrete Mixer or Ready Mix (4 points per item with a max of 20 points)	20
3.2	No access to any of the above indicated equipment.	0
TOTAL POINTS		100

41 MAY 2022

Time Received By, _____

12.1. PREVIOUS EXPERIENCE IN SIMILAR PROJECTS

This refers to previously completed projects of similar works in number of units, within the **past five (5) years**. A certified copy of a completion certificate or a testimonial from the client must be attached. The certificate of completion or a testimonial form must be on the client's letterhead with contact details and stamped.

12.2. EXPERIENCE OF NOMINATED SITE AGENT IN SIMILAR PROJECTS

This refers to an experienced site agent with at least a tertiary qualification in the built environment (civil, quantity surveying, building, project management etc). The SMME must submit the qualifications of the site agent who will be on site fulltime during the execution of the project.

12.3. EQUIPMENT RELEVANT FOR THE ASSIGNMENT

This refers to the minimum number of construction equipment required for the project as indicated. Lease agreement or certified copies of registration papers must be attached either in the Company name or in the name of one of the Directors/Shareholders of the company.

12.4. COMPANY REGISTERED OFFICE

This shall mean proof of physical address of office, Municipal Account for rates not older than three months or any other valid proof from the local authority must be attached to score relevant points.

12.5. MINIMUM POINTS

Contractors tendering for the respective categories must score the following minimum points to be considered further:

CATEGORY	MINIMUM POINTS REQUIRED	MAXIMUM POINTS REQUIRED
A	70 out of 100	100 out of 100
B	60 out of 100	100 out of 100
C	50 out of 100	100 out of 100

It is acknowledged that the contents of proposals submitted in response to this bid are confidential and shall not be released to third parties, other than the Municipality. Final selection and summary of evaluations will become part of the public record as distributed to the Municipality stakeholders. Only name and address of the successful bidder will be released to the unsuccessful respondents after the appointment of the panel is finalized.

13. GENERAL CONDITIONS OF CONTRACT

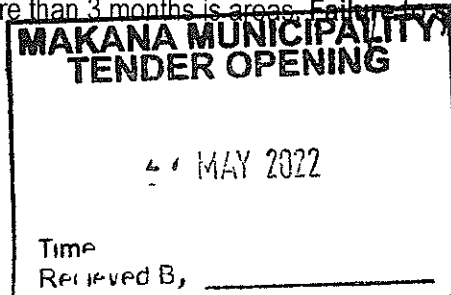
The JBCC shall apply for the appointments of the SMMEs from the panel depending on the requirements for each category.

- 13.1. The SMME must have access to internet as basis of communication (emails)
- 13.2. The municipality will provide its own detailed Bill of Quantities (BOQ) as and when requesting for quotation
- 13.3. The successful contractor will have to sign a Service Level Agreement with the Municipality upon approval of the award of quotation
- 13.4. The Municipality reserves the right to cancel the bid.
- 13.5. The Municipality is not obliged to appoint the bidder with the highest number of points scored
- 13.6. Copyright of the reports to be delivered by the bidder to the Municipality will vest upon the Municipality on acceptance of the final reports.
- 13.7. Work allocation criteria and conditions of contracting, budget allocation will be notified during request for quotations.

14. COMPLIANCE DOCUMENTS TO BE SUBMITTED

14.1. The following document MUST be submitted with the proposal and failure to submit will lead to elimination.

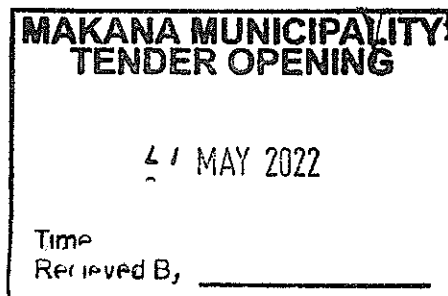
- i. Valid National Home Builders Registration Council (NHBC) Certificate (for Housing Construction).
- ii. Proof of Tax Compliance with SARS-Tax compliance pin
- iii. Company Registration Documents (CIPC)
- iv. Proof of registration with central supplier database (CSD)
- v. Signed Joint Venture/Consortium Agreement (Where applicable)
- vi. CIDB grading, will only be required for services (roads, water, storm water & sewer)
- vii. Completed and signed Declaration of interest forms MBD 4, MBD 8 & MBD 9. **Failure to complete and sign will result in disqualification**
- viii. Original certified identity documents of the Directors (ID).
- ix. Billing Clearance Certificate or Valid Lease Agreement or Statement of Municipal Accounts not more than 3 months old and not more than 3 months is areas. **Failure to submit will result in disqualification.**



15. RETURNABLE SCHEDULES

15.1. The SMME's must ensure that the following documents attached below are completed and returned with the bid proposal:

- i. **MBD 1:** Invitation to Tender.
- ii. **MBD 4:** Declaration of Interest.
- iii. **MBD 6.1** Preference points claim
- iv. **MBD 8:** Declaration of Bidder's Past Supply Chain Management Practices
- v. **MBD 9:** Certificate of Independent Bid Determination.



MBD 6.1

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

8

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

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

1. GENERAL CONDITIONS

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

- the 80/20 system for requirements with a 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 **not exceed** R50 000 000 (all applicable taxes included) and therefore the **80/20** Preference point system shall be applicable to this bid.

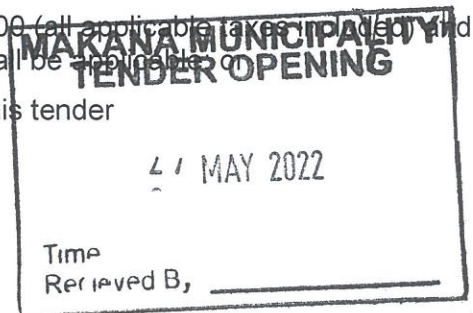
b) The 80/20 preference point system will be applicable to this tender

Points for this bid shall be awarded for:

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

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

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



1.4 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.

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

2. DEFINITIONS

(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:

80/20 or 90/10

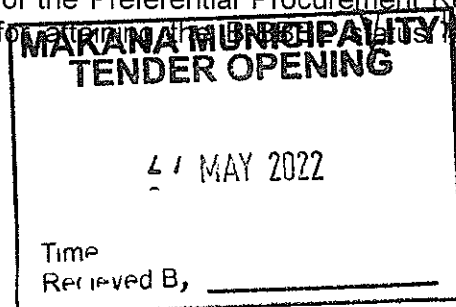
$$P_s = 80 \left(1 - \frac{P_t - P_{min}}{P_{min}} \right) \quad \text{or} \quad P_s = 90 \left(1 - \frac{P_t - P_{min}}{P_{min}} \right)$$

Where

- P_s = Points scored for price of bid under consideration
- P_t = Price of bid under consideration
- P_{min} = Price of lowest acceptable bid

4. POINTS AWARDED FOR B-BBEE STATUS LEVEL OF CONTRIBUTOR

- 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 a particular tender on the basis of his level of contribution in accordance with the table below:



B-BBEE Status Level of Contributor	Number of points (90/10 system)	Number of points (80/20 system)
1	10	20
2	9	18
3	6	14
4	5	12
5	4	8
6	3	6
7	2	4
8	1	2
Non-compliant contributor	0	0

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

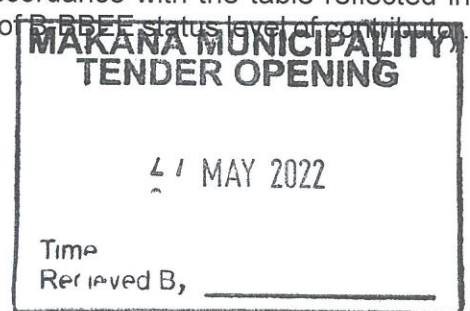
6.1 B-BBEE Status Level of Contributor: . = (maximum of 10 or 20 points)
 (Points claimed in respect of paragraph 7.1 must be in accordance with the table reflected in paragraph 4.1 and must be substantiated by relevant proof of B-BBEE status level of contributor)

7. SUB-CONTRACTING

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

(Tick applicable box)

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



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

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 √
Black people		
Black people who are youth		
Black people who are women		
Black people with disabilities		
Black people living in rural or underdeveloped areas or townships		

Cooperative owned by black people		
Black people who are military veterans		
OR		
Any EME		
Any QSE		

8. DECLARATION WITH REGARD TO COMPANY/FIRM

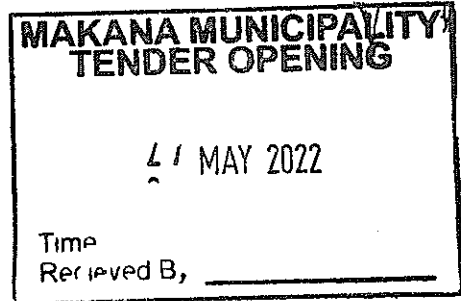
8.1 Name of company/firm:.....

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]

8.7 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-BBE 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.

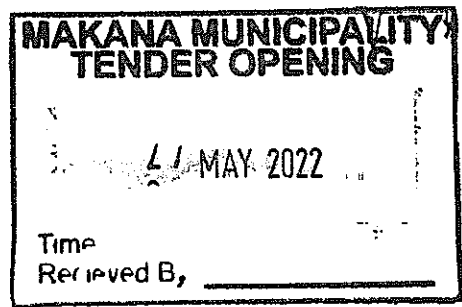
.....
SIGNATURE(S) OF BIDDERS(S)

DATE:

ADDRESS

.....

.....



MBD 1
INVITATION TO BID

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE MAKANA LOCAL MUNICIPALITY

BID NUMBER: CLOSING DATE: CLOSING TIME:
DESCRIPTION.....

The successful bidder will be required to fill in and sign a written Contract Form (MBD 7).

BID DOCUMENTS MAY BE POSTED TO:
.....
.....

OR
DEPOSITED IN THE BID BOX SITUATED AT (STREET ADDRESS)
.....
.....

Bidders should ensure that bids are delivered timeously to the correct address. If the bid is late, it will not be accepted for consideration.

The bid box is generally open 24 hours a day, 7 days a week.

ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS – (NOT TO BE RE-TYPED)

THIS BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT AND THE PREFERENTIAL PROCUREMENT REGULATIONS, 2011, THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER SPECIAL CONDITIONS OF CONTRACT

NB: NO BIDS WILL BE CONSIDERED FROM PERSONS IN THE SERVICE OF THE STATE (as defined in Regulation 1 of the Local Government: Municipal Supply Chain Management Regulations)

**MAKANA MUNICIPALITY
TENDER OPENING**

21 MAY 2022

Time
Received By, _____

**THE FOLLOWING PARTICULARS MUST BE FURNISHED
(FAILURE TO DO SO MAY RESULT IN YOUR BID BEING DISQUALIFIED)**

NAME OF BIDDER

POSTAL ADDRESS

STREET ADDRESS

TELEPHONE NUMBER CODE.....NUMBER.....

CELLPHONE NUMBER

FACSIMILE NUMBER CODE NUMBER.....

E-MAIL ADDRESS

VAT REGISTRATION NUMBER.....

HAS AN ORIGINAL AND VALID TAX CLEARANCE CERTIFICATE BEEN ATTACHED? (MBD 2) YES/NO

HAS A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE BEEN SUBMITTED? (MBD 6.1) YES/NO

IF YES, WHO WAS THE CERTIFICATE ISSUED BY?

AN ACCOUNTING OFFICER AS CONTEMPLATED IN THE CLOSE CORPORATION ACT (CCA)

A VERIFICATION AGENCY ACCREDITED BY THE SOUTH AFRICAN NATIONAL ACCREDITATION SYSTEM (SANAS)

A REGISTERED AUDITOR

(Tick applicable box)

(A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE MUST BE SUBMITTED IN ORDER TO QUALIFY FOR PREFERENCE POINTS FOR B-BBEE)

ARE YOU THE ACCREDITED REPRESENTATIVE?
IN SOUTH AFRICA FOR THE GOODS/SERVICES/WORKS OFFERED?

YES/NO
(IF YES ENCLOSE PROOF)

SIGNATURE OF BIDDER

DATE.....

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

TOTAL BID PRICE.....TOTAL NUMBER OF ITEMS OFFERED.....

ANY ENQUIRIES REGARDING THE BIDDING PROCEDURE MAY BE DIRECTED TO:

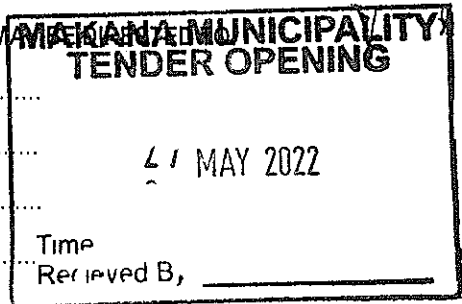
Municipality / Municipal Entity:

Department:

Contact Person:

Tel:

Fax:



ANY ENQUIRIES REGARDING TECHNICAL INFORMATION MAY BE DIRECTED TO:

Contact Person:

Tel:

Fax:

MBD 4

DECLARATION OF INTEREST

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

3.1 Full Name of bidder or his or her representative:.....

3.2 Identity Number:

3.3 Position occupied in the Company (director, trustee, shareholder²):.....

3.4 Company Registration Number:

3.5 Tax Reference Number:.....

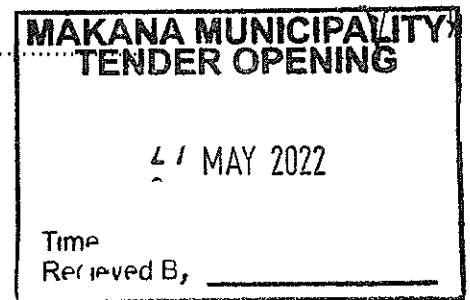
3.6 VAT Registration Number:

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

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

3.8.1 If yes, furnish particulars.

.....



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

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

² Shareholder" means a person who owns shares in the company and is actively involved in the management of the company

or business and exercises control over the company.

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

3.9.1 If yes, furnish particulars.....

.....

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

3.10.1 If yes, furnish particulars.

.....

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

3.11.1 If yes, furnish particulars

.....

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

3.12.1 If yes, furnish particulars.

.....

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

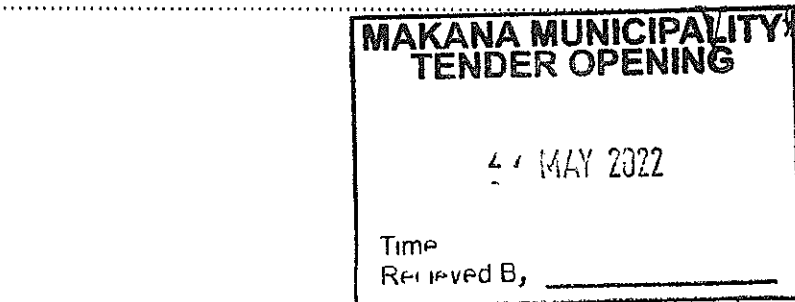
3.13.1 If yes, furnish particulars.

.....

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

3.14.1 If yes, furnish particulars:

.....



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

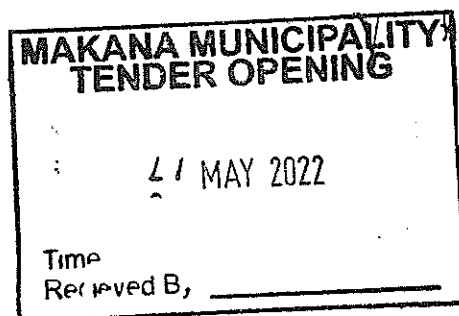
Full Name	Identity Number	State Employee Number

.....
Signature

.....
Date

.....
Capacity

.....
Name of Bidder



DECLARATION OF BIDDER'S PAST SUPPLY CHAIN MANAGEMENT PRACTICES

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

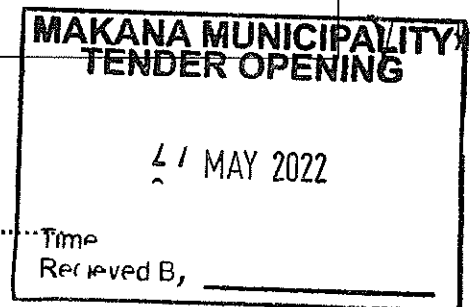
Item	Question	Yes	No
4.1	Is the bidder or any of its directors listed on the National Treasury's Database of Restricted Suppliers as companies or persons prohibited from doing business with the public sector? (Companies or persons who are listed on this Database were informed in writing of this restriction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

**MAKANA MUNICIPALITY
TENDER OPENING**

41 MAY 2022

Time Received By, _____

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



CERTIFICATION

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

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

.....
Signature

.....
Date

.....
Position

.....
Name of Bidder

CERTIFICATE OF INDEPENDENT BID DETERMINATION

- 1 This Municipal Bidding Document (MBD) must form part of all bids¹ invited.

- 2 Section 4 (1) (b) (iii) of the Competition Act No. 89 of 1998, as amended, prohibits an agreement between, or concerted practice by, firms, or a decision by an association of firms, if it is between parties in a horizontal relationship and if it involves collusive bidding (or bid rigging).² Collusive bidding is a *pe se* prohibition meaning that it cannot be justified under any grounds.

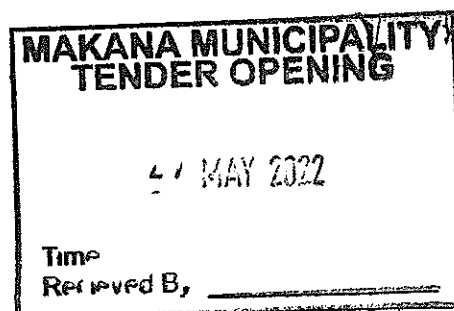
- 3 Municipal Supply Regulation 38 (1) prescribes that a supply chain management policy must provide measures for the combating of abuse of the supply chain management system, and must enable the accounting officer, among others, to:
 - a. take all reasonable steps to prevent such abuse;
 - b. reject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

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

- 5 In order to give effect to the above, the attached Certificate of Bid Determination (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)

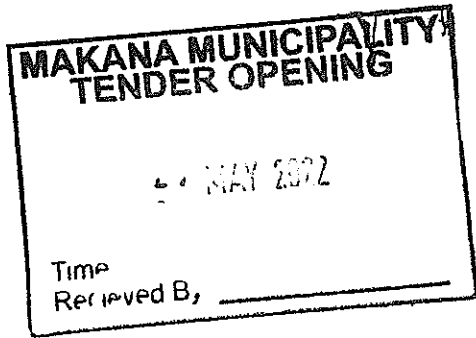
in response to the invitation for the bid made by:

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

³ Joint venture or Consortium means an association of persons for the purpose of combining their expertise, property, capital, efforts, skill and knowledge in an activity for the execution of a 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	MAKANA MUNICIPALITY TENDER OPENING 4 June 2012 Date
..... Position	Time..... Received By, _____ Name of Bidder

16. COLLECTION OF BID DOCUMENTS

Bid documents will be available at Makana Local Municipality Offices; 86 High Street, Budget and Treasury Department, Grahamstown 6140

17. COMPULSORY BRIEFING

There will no briefing session.

18. CLOSING DATE

All bid proposals in response to this bid should reach the Municipality not later than the **10 of June 2022 at 12h00**.

Bids received after 12H00 on the closing date will not be accepted or considered.

19. BID VALIDITY

19.1. The bid will be valid for one hundred and twenty (120) days after the closing date.

20. CONTACT DETAILS ON TERMS OF REFERENCE

All **technical enquiries** regarding this bid may be directed to:

Mrs Asanda Gidana: Director – Makana Local Municipality,
88 High Street, Budget and Treasury Department, Grahamstown 6140

Cell: **082 434 5255**
Tel: (046) 602 4411
Email: agidana@makana.gov.za

All **Supply Chain Management** related enquiries regarding this bid may be directed to:

Ms. Sanelisiwe Mpendu: Makana Local Municipality **GRAHAMSTOWN**
Tel: (046) 603 6212
E-mail: smpendu@makana.gov.za

