



# MAKANA

MUNICIPALITY | EASTERN CAPE

...a great place to be

## RFQ DOCUMENT

RFQ No: MLM/RFQ006/2022-23

### APPOINTMENT OF THE SERVICE PROVIDER FOR DISCIPLINARY HEARING FOR 25 MANAGERS

Closing Date: 09 May 2023	Closing Time: 12H00PM
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Name of Bidder: .....

Address: .....

.....

.....

Telephone No: .....

Fax No: .....

Bid Price: .....

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RFQ BOX: FINANCE DIRECTORATE; HIGH STREET; GRAHAMSTOWN

#### IMPORTANT NOTES TO BIDDERS:

- a) No late RFQ will be accepted under any circumstances
- b) RFQ offers must be submitted in a sealed envelope clearly reflecting the RFQ number and RFQ description as indicated.
- c) Only original RFQ will be accepted. No copies, electronic or RFQ via facsimile or telegram will be accepted.
- d) Returnable documentation to be numbered

**TENDER NO: MLM/RFQ006/2022-23**

**CHECKLIST**

~~Only a tenderer who has fully completed and submitted required documentation shall be~~  
considered. Failure to do so may result in the disqualification of tenderer.

<b>No.</b>	<b>Documents</b>	<b>Checked</b>
1.	Tax compliance status report with Issued Pin	
2.	Central Supplier Data base (CSD) Proof of registration and Makana data base Confirmation Letter	
3.	Copy/ies of Company composition documents e.g. CK1, CK2 or Trust document	
4.	Billing clearance certificate, lease agreement or statement of municipal accounts must be attached to and be returned with the tender documents.	
5.	Completed and signed of MBD4, MBD6.1, MBD8 & MBD9	
6.	Original or certified copy of BBBEE Certificate	

**DETAILS OF BIDDER**

Name of firm / entity / enterprise	
Trading as (if different from above)	
Postal Address	
Physical Address	
Contact Details of the Person Signing the RFQ	Name: _____ Telephone : ( ) _____ Fax: ( ) _____ Cellular Number: _____ E-mail Address: _____
Contact Details of the Senior Manager Responsible for Overseeing the Contract Performance	Name: _____ Telephone : ( ) _____ Fax: ( ) _____ Cellular Number: _____ E-mail Address: _____
Contact Details of Person Responsible for the Accounts / Invoices	Name: _____ Telephone : ( ) _____ Fax: ( ) _____ Cellular Number: _____ E-mail Address: _____
Company Income Tax Number	
VAT Registration Number	
Company Registration Number	
Any other Registration Applicable to this Industry	
CIBD Registration Number	

## BID NOTICE / ADVERT

The Makana Local Municipality invites all experience and competent suitable Tenderers that are fully equipped to provide the following goods and services.

Project Name: **APPOINTMENT OF THE SERVICE PROVIDER FOR DISCIPLINARY HEARING FOR 25 MANAGERS**

Contract No: **MLM/RFQ006/2022-23**

Date Advertised: 03 May 2023

Closing Date: 09 May 2023 @ 12h00PM

Bidders are required to submit the following documents:

- Founding Statement (CK / Company Registration Certificate) or certified copy must be submitted, if a sole proprietor provide affidavit confirming ownership.
- Bidders to submit a valid SARS Tax status report Issued with a Pin.
- 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.
- Original certified copy Directors/Owners/Partners Identity documents.
- Certified Copy of the Billing clearance / 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 and not more than 3 months in arrears must be attached to and be returned with the Tender documents, if arrangement has been made to pay the arrear municipal account, then certified proof of such arrangement must be attached.
- Tenderers must be registered as a supplier/service provider on Makana Local Municipality supplier database and the Central Supplier Database (CSD). Proof of registration (Makana Database

Confirmation Letter and CSD Registration report) on both database must be submitted.

- **NB: Failure to submit all the above required information will result in disqualification of the bidder.**
- RFQs which are late, incomplete, unsigned, or submitted by fax or electronically, will not be accepted.
- Documents to be filled with black ink.
- **NB: For JV and partnerships Each Director must complete and sign the MBDs, each JV/Partner must submit CSD; ID and JV/Partnership agreement to be submitted. Failure to do so will result in disqualification.**
- RFQ submitted are to hold good for a period of 14 days. RFQ must remain valid for a period of 14 days after the closing date for the submission of RFQ, during which period a Tender may not be amended or withdrawn and may be accepted at any time by the Makana Municipality. Validity period can be extended when required by the Municipality.
- The Makana Supply Chain Management Policy, The Preferential Procurement Policy Framework Act (PPPFA) No.5 of 2000 together with the Preferential Procurement Policy Regulations of 2022 will apply.
- Received Bids will be subjected to the following evaluation criteria:

- Stage 1 – Evaluation in terms of the applicable functionality criteria.
- Stage 2 – Evaluation in terms of the points for price and points for the specific goals per PPPFA Regulations.

A bidder that scores less than 70% in respect of “functionality” will be regarded as submitting a non-responsive bid and will be disqualified and will be not evaluated further, i.e. for price. Only bidders who score 70% or more would be evaluated further and

- Specific goals will be utilized where 10 points will be allocated to 100% black owned companies, 5 points to 50% black youth owned companies and 5 points to locally based businesses. **NB: A certified proof of business address within the Makana Local Municipality Jurisdiction. Bidders who fail to attach such proof will forfeit the allocated points.**

CRITERIA	Weight
<b>STAGE 1 OF EVALUATION – FUNCTIONALITY</b>	<b>100</b>
<p><b>Tenderer’s Relevant Project Experience (Disciplinary Training) Completion Certificate or reference letter from the client must be submitted to score points.</b></p> <p><b>Relevant Experience Completed</b></p> <p>a) 5 or more Projects = 30 points  b) 4 to 3 Projects = 20 points  c) 2 to 1 Projects = 10 points</p> <p><b>Failure to submit 0 points.</b></p>	<b>30</b>
<p><b>Expertise of key personnel (Disciplinary Training) CV’s must be submitted to score points.</b></p> <p><b>Bidder must have been registered with SETA and have accreditation for this training otherwise will be disqualified.</b></p> <p><b>Project Leader (Max 15 points)</b></p> <p><b>Competency: Minimum Bachelor’s Degree or Diploma and a minimum 10 years of experience in public sector environment especially Municipal environment valid</b></p>	<b>30</b>

<p>accreditation attached failure leads to no consideration. A background in Labour Law, Employment rights, collective Labour Law, labour  Litigation, Dispute Resolution, Bargaining Council / CCMA Engagements and Initiator / Presiding Officer Engagement.</p> <p><b>LLB Degree or a Diploma in Labour Law with an accreditation with a registered recognized body with a maximum of at least five (10) years in disciplinary hearing training experience. Valid accreditation attached; failure leads to no consideration.</b></p> <p><b>Work Experience (Max 15 points)</b></p> <p>a) 10 years and more = 15 points  b) 5 to 9 years = 10 points  c) 1 to 4 year = 05 points</p> <p><b>Trainer / Facilitator (Max 15 points)</b>  Competency: Minimum Bachelor’s Degree or National Diploma and a maximum 10 years of experience in public sector environment especially municipal environment valid accreditation attached, failure leads to no consideration. A background in Labour Law, Employment rights, collective Labour Law, labour  Litigation, Dispute Resolution, Bargaining Council / CCMA Engagements, and Initiator / Presiding Officer Engagement.</p> <p><b>LLB Degree or a Diploma in Labour Law with an accreditation with a registered recognized body with a maximum of at least five (10) years past training experience.</b></p> <p><b>Work Experience as Trainer / Facilitator (Min 15 points)</b></p> <p>d) 7 or more = 15 points  e) 3 to 6 years = 10 points  f) 1 to 2 year = 05 points</p>	
<p><b>Company’s Capacity (Training Equipment) (Max 30 points)</b></p> <p><b>Tenderer must submit a schedule of training equipment.</b></p> <p>a) Training equipment (training manual, overhead projector, whiteboards, stationery for class etc) A commitment letter to</p>	<b>30</b>

<p>supply training material to be attached = 15 points</p> <p>b) List of assessors with a certified proof of valid accreditation attached = 15 points</p>	
<p><b>Financial Reference</b>  Bank Rating A, B or C = 10 points  Bank Rating D, E, F, G or H = 0 points</p>	10

- Bids must only be submitted in the format as stated in the RFQ document and this advert as per RFQ documentation provided by the municipality.
- One envelopes system will be followed

**OBTAIN DOCUMENTS**

Bid documents will be available at Makana website published with the advert at no cost to the bidder.

**NB- SUBMITTING OF RFQ**

Completed bid document in a sealed envelope, clearly marked with tender number and tender name of the applicable project must be deposited in the **RFQ BOX** situated at upstairs Makana Local Municipality: Finance Department at 92 High Street Grahamstown not later than the closure dates and time indicated on the table above.

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 Mr. Zola Kolisi email

zolakolisi@makana.gov.za, 046 603 6109 and all SCM queries are to be directed to Ms. Tabisa Mvane Tel: 046 603 6222 emails: tmvane@makana.gov.za

Issued by office of the Municipal Manager: Mr P. M. Kate

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MR P. M. Kate  
MUNICIPAL MANAGER

## **SECTION 1.2: RFQ CONDITIONS AND INFORMATION**

### **1.2.1 General and Special Conditions of Contract**

General Conditions of Contract (GCC) as well as Special Conditions of Contract (SCC) forming part of this set of tender documents will be applicable to this tender in addition to the conditions of tender.

~~Where the GCC and SCC are in conflict with one another, the stipulations of the SCC will prevail.~~

### **1.2.2 Acceptance or Rejection of a RFQ**

The Municipality reserves the right to withdraw any invitation to RFQ and/or to re-advertise or to reject any RFQ or to accept a part of it. The Municipality does not bind itself to accepting the lowest bidder or the RFQ scoring the highest points.

### **1.2.3 Validity Period**

Bids shall remain valid for fourteen days after the RFQ closure date.

### **1.2.4 Cost of RFQ Documents**

Bid documents will be available at Makana website published with the advert at no cost to the bidder.

### **1.2.5 Registration on Accredited Supplier Database**

It is expected of all prospective service providers who are not yet registered on the Municipality's Supplier Database to register without delay on the prescribed form. The Municipality reserves the right not to award tenders to prospective suppliers who are not registered on the Database.

### **1.2.6 Completion of RFQ Documents**

- (a) The original RFQ document must be completed fully in black ink and signed by the authorised signatory to validate the RFQ. RFQ documents may not be retyped. Retyped documents will result in the disqualification of the RFQ.
- (b) The complete original RFQ document must be returned. Missing pages will result in the disqualification of the RFQ.
- (d) No unauthorised alteration of this set of RFQ documents will be allowed. Any unauthorised alteration will disqualify the RFQ automatically. Any ambiguity has to be cleared with contact person for the RFQ **before** the RFQ closure.

### **1.2.7 Compulsory Documentation**

#### **1.2.7.1 Tax Clearance Certificate**

- (a) A Tax Compliance Status with Pin Issued must accompany the bid.
- (b) Bids not supported by a valid tax compliance status with a pin issued will be disqualified.

### **1.2.8 Other Documentation**

#### **1.2.8.1 Construction Industry Development Board (CIDB) (If applicable)**

When applicable, a copy of the bidder's registration with the CIDB must be included with the document.

#### **1.2.8.2 Municipal Rates, Taxes and Charges**

- (a) An original or certified copy of the bidder's Municipal Billing Clearance Certificate (for the Municipality where the bidder pays his account) for the month preceding the tender closure date must accompany the tender documents.
- (b) Any bidder which is in arrears with their municipal rates and taxes or municipal charges due to any Municipality or any of its entities for more than three months and have not made an arrangement for settlement of same before the bid closure date will be unsuccessful.
- (c) If a bidder rents their premises, valid lease agreement must be submitted that the rental includes their municipal rates and taxes or municipal charges and that their rent is not in arrears.

#### **1.2.8.3 Identity Document**

- (a) The Identity document/s of the Director or Directors must be originally certified and not a copy of a previous certification

#### **1.2.8.4 BBBEE Certificate**

- (a) The BBBEE certificate must be an original certificate or if a copy is submitted it must be certified

#### **1.2.8.5 Company composition documents**

- (a) A copy of the company composition documents e.g. CK1, CK 2 or Trust documents must be submitted.

#### **1.2.8.6 MDB Forms**

- (a) All the attached MBD4, 8 and 9 forms must be duly completed and signed.
- (b) MBD 6.1

### **1.2.9 Authorised Signatory**

- (a) A copy of the recorded Resolution taken by the Board of Directors, members, partners or trustees authorising the representative to submit this bid on the bidder's behalf must be attached to the Bid Document on submission of same.
- (b) A bid shall be eligible for consideration only if it bears the signature of the bidder or of some person duly and lawfully authorised to sign it for and on behalf of the bidder.



#### **1.2.10 Site / Information Meetings (if applicable)**

N/A

#### **1.2.11 Samples**

N/A

#### **1.2.12 Quantities of Specific Items**

If RFQ's are called for a specific number of items, Council reserves the right to change the number of such items to be higher or lower. The successful bidder will then be given an opportunity to evaluate the new scenario and inform the Municipality if it is acceptable. If the successful bidder does not accept the new scenario, it will be offered to the second-placed bidder. The process will be continued to the Municipality's satisfaction.

#### **1.2.13 Submission of RFQ**

- (a) The RFQ must be placed in a sealed envelope, or envelopes when the two-envelope system is specified, clearly marked with the RFQ number, title as well as closing date and placed in the RFQ box situated upstairs of the Finance Directorate in 92 High Street Makhanda no later than **09 May @12h00PM**
- (b) Faxed, e-mailed and late RFQ will not be accepted. RFQ may be delivered by hand, by courier, or posted at the bidder's risk and must be received by the deadline specified above, irrespective of how they are sent or delivered.

#### **1.2.14 Expenses Incurred in Preparation of RFQ**

The Municipality shall not be liable for any expenses incurred in the preparation and submission of the RFQ

#### **1.2.15 Contact with Municipality after RFQ Closure Date**

Bidders shall not contact the Makana Municipality on any matter relating to their bid from the time of the opening of the bid to the time the contract is awarded. If a bidder wishes to bring additional information to the notice of the Makana Municipality, it should do so in writing to the Makana Municipality. Any effort by the firm to influence the Makana Municipality in the bid evaluation, bid comparison or contract award decisions may result in the rejection of the bid.

#### **1.2.16 Opening, Recording and Publications of RFQ Received**

- (a) RFQ will be opened on the closing date immediately after the closing time specified in the RFQ documents. If requested by any bidder present, the names of the bidders, and if practical, the total amount of each bid and of any alternative bids will be read out aloud.
- (b) Details of tenders received in time will be published on the Municipality's website as well as recorded in a register which is open to public inspection.

#### **1.2.17 Evaluation of RFQ's**

RFQ's will be evaluated in terms of their responsiveness to the RFQ specifications and requirements as well as such additional criteria as set out in this set of RFQ documents.

### **1.2.18 Procurement Policy**

Bids will be awarded in accordance with the New Preferential Procurement Regulations, 2017 pertaining to the Preferential Procurement Policy Framework Act, No 5 of 2017 as well as the Municipality's Supply Chain Management Policy.

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### **1.2.19 Contract**

The Municipality, will request the signing of a Service Level Agreement, together with the signed RFQ document, will constitute the full agreement between the Municipality and the successful bidder.

### **1.2.20 Language of Contract**

The contract documents will be compiled in English and the English versions of all referred documents will be taken as applicable.

### **1.2.21 Wrong Information Furnished**

Where a contract has been awarded on the strength of the information furnished by the bidder which, after the conclusion of the relevant agreement, is proved to have been incorrect, the Municipality may, in addition to any other legal remedy it may have, recover from the contractor all costs, losses or damages incurred or sustained by the Municipality as a result of the award of the contract.

### **1.2.22 Past Practices**

- (a) The bid of any bidder may be rejected if that bidder or any of its directors have abused the municipality's supply chain management system or committed any improper conduct in relation to such system.
- (b) The bid of any bidder may be rejected if it is or has been found that that bidder or any of its directors influenced or tried to influence any official or councillor with this or any past tender.
- (c) The bid of any bidder may be rejected if it is or has been found that that bidder or any of its directors offered, promised or granted any official or any of his/her close family members, partners or associates any reward, gift, favour, hospitality or any other benefit in any improper way, with this or any past tender.

### **1.2.23 Enquiries**

Enquiries in connection with this RFQ, prior to the tender closure date, may be addressed to Project Manager: Mr. Zola Kolisi email: [zolakolisi@makana.gov.za](mailto:zolakolisi@makana.gov.za) Tel: 046 603 6109 and Ms Tabisa Mvane on 046 603 6222 emails [tmvane@makana.gov.za](mailto:tmvane@makana.gov.za)

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## **OTHER RETURNABLE DOCUMENTS**



**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 and/or take an oath declaring his/her interest.

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

3.1 Full Name: .....

3.2 Identity Number: .....

3.3 Company Registration Number: .....

3.4 Tax Reference Number: .....

3.5 VAT Registration Number: .....

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

3.6.1 If so, furnish particulars.

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

...

3.7 Have you been in the service of the state for the past twelve months?

YES / NO

3.7.1 If so, furnish particulars.

.....

MSCM Regulations: "in the service of the state" means to be –  
(a) a member of –

\_\_\_\_\_

- (i) any municipal council;
- (ii) any provincial legislature; or
- (iii) the national Assembly or the national Council of provinces;

(b) a member of the board of directors of any municipal entity; (c) an official of any municipality or municipal entity;

(d) an employee of any national or provincial department, national or provincial public entity or constitutional institution within the meaning of the Public Finance Management Act, 1999 (Act No.1 of 1999);

(e) a member of the accounting authority of any national or provincial public entity; or  
(f) an employee of Parliament or a provincial legislature.

3.8 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?

3.8.1 If so, furnish particulars.

.....

3.9 Are you, aware of any relationship (family, friend, other) between a 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

3.9.1 If so, furnish particulars

.....

.....

3.10 Are any of the company's directors, managers, principal shareholders or stakeholders in service of the state?

YES / NO

3.10.1 If so, furnish particulars.

.....

.....

3.11 Are any spouse, child or parent of the company's directors, managers, principal shareholders or stakeholders in service of the state?

YES / NO

3.11.1 If so, furnish particulars.

.....  
.....

**CERTIFICATION**

I, THE UNDERSIGNED (NAME) .....

CERTIFY THAT THE INFORMATION FURNISHED ON THIS DECLARATION FORM (MBD 4) IS CORRECT.

I ACCEPT THAT THE STATE MAY ACT AGAINST ME SHOULD THIS DECLARATION PROVE TO BE FALSE.

.....  
Signature

.....  
Date

.....  
Position

.....  
Name of Bidder



**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; or

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
<b>Total points for Price and B-BBEE must not exceed</b>	<b>100</b>

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 attaining the B-BBEE status 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:

<b>Designated Group: An EME or QSE which is at least 51% owned by:</b>	<b>EME</b> √	<b>QSE</b> √
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		
<b>OR</b>		
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**

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

## **9. POINTS AWARDED FOR PRICE**

### **9.1 THE 80/20 OR 90/10 PREFERENCE POINT SYSTEMS**

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

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

Where

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

$P_t$  = Price of bid under consideration

$P_{\min}$  = Price of lowest acceptable bid

## **10. POINTS AWARDED FOR B-BBEE STATUS LEVEL OF CONTRIBUTOR**

10.1 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:

<b>B-BBEE Status Level of Contributor</b>	<b>Number of points (90/10 system)</b>	<b>Number of points (80/20 system)</b>
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

## **11. BID DECLARATION**

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

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

12.1 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.)

## **13. SUB-CONTRACTING**

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

*(Tick applicable box)*

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

13.1.1 If yes, indicate:

- vi) What percentage of the contract will be subcontracted.....%
- vii) The name of the sub-contractor.....
- viii) The B-BBEE status level of the sub-contractor.....
- ix) Whether the sub-contractor is an EME or QSE

**(Tick applicable box)**

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

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

<b>Designated Group: An EME or QSE which is at last 51% owned by:</b>	<b>EME</b> √	<b>QSE</b> √
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		
<b>OR</b>		
Any EME		
Any QSE		

**14. DECLARATION WITH REGARD TO COMPANY/FIRM**

14.1 Name \_\_\_\_\_ of  
company/firm:.....

14.2 VAT \_\_\_\_\_ registration  
number:.....

14.3 Company \_\_\_\_\_ registration  
number:.....

**14.4 TYPE OF COMPANY/ FIRM**

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

[TICK APPLICABLE BOX]

**14.5 DESCRIBE PRINCIPAL BUSINESS ACTIVITIES**

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

**14.6 COMPANY CLASSIFICATION**

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

14.7 **MUNICIPAL INFORMATION**

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

**Registered Account Number:** .....

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

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

14.9 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	.....
	.....
	.....

## 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 as a company or person prohibited from doing business with the public sector? <b>(Companies or persons who are listed on this database were informed in writing of this restriction by the National Treasury after the <i>audi alteram partem</i> rule was applied).</b>	Yes	No
4.1.1	If so, furnish particulars:		
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)? <b>(To access this Register enter the National Treasury's website, <a href="http://www.treasury.gov.za">www.treasury.gov.za</a>, click on the icon "Register for Tender Defaulters" or submit your written request for a hard copy of the Register to facsimile number (012) 3265445).</b>	Yes	No



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 bids<sup>1</sup> invited.
2. Section 4 (1) (b) (iii) of the Competition Act No. 89 of 1998, as amended, prohibits an agreement between, or concerted practice by, firms, or a decision by an association of firms, if it is between parties in a horizontal relationship and if it involves collusive bidding (or bid rigging).<sup>2</sup> Collusive bidding is a *pe se* prohibition meaning that it cannot be justified under any grounds.
3. Municipal Supply Regulation 38 (1) prescribes that a supply chain management policy must provide measures for the combating of abuse of the supply chain management system, and must enable the accounting officer, among others, to:
  - a. take all reasonable steps to prevent such abuse;
  - b. reject the bid of any bidder if that bidder or any of its directors has abused the supply chain management system of the municipality or municipal entity or has committed any improper conduct in relation to such system; and
  - c. cancel a contract awarded to a person if the person committed any corrupt or fraudulent act during the bidding process or the execution of the contract.
4. This MBD serves as a certificate of declaration that would be used by institutions to ensure that, when bids are considered, reasonable steps are taken to prevent any form of bid-rigging.
5. In order to give effect to the above, the attached Certificate of Bid Determination (MBD 9) must be completed and submitted with the bid:

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

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



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**CERTIFICATE OF INDEPENDENT BID DETERMINATION**

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I, the undersigned, in submitting the accompanying bid:

\_\_\_\_\_

(Bid Number and Description)

in response to the invitation for the bid made by:

\_\_\_\_\_

(Name of Municipality / Municipal Entity)

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

I certify, on behalf  
of: \_\_\_\_\_ that:  
(Name of Bidder)

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



6. The bidder has arrived at the accompanying bid independently from, and without consultation, communication, agreement or arrangement with any competitor. However communication between partners in a joint venture or consortium<sup>3</sup> will not be construed as collusive bidding.
7. In particular, without limiting the generality of paragraphs 6 above, there has been no consultation, communication, agreement or arrangement with any competitor regarding:
  - (a) prices;
  - (b) geographical area where product or service will be rendered (market allocation)
  - (c) methods, factors or formulas used to calculate prices;
  - (d) the intention or decision to submit or not to submit, a bid;
  - (e) the submission of a bid which does not meet the specifications and conditions of the bid; or
  - (f) bidding with the intention not to win the bid.
8. In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications and conditions or delivery particulars of the products or services to which this bid invitation relates.
9. The terms of the accompanying bid have not been, and will not be, disclosed by the bidder, directly or indirectly, to any competitor, prior to the date and time of the official bid opening or of the awarding of the contract.

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



10. I am aware that, in addition and without prejudice to any other remedy provided to combat any restrictive practices related to bids and contracts, bids that are suspicious will be reported to the Competition Commission for investigation and possible imposition of administrative penalties in terms of section 59 of the Competition Act No 89 of 1998 and or may be reported to the National Prosecuting Authority (NPA) for criminal investigation and or may be restricted from conducting business with the public sector for a period not exceeding ten (10) years in terms of the Prevention and Combating of Corrupt Activities Act No 12 of 2004 or any other applicable legislation.

.....  
Signature

.....  
Date

.....  
Position

.....  
Name of Bidder



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# SCOPE OF WORK

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**MAKANA**  
MUNICIPALITY | EASTERN CAPE  
...a great place to be

## **Appointment of the Service Provider for Disciplinary Hearing for 25 Managers** **RFQ No: MLM/RFQ006/2022-23**

### **SPECIFICATION/SCOPE OF WORK**

The appointed service provider must be able to do the following:

Bidder must have been registered with SETA and have accreditation for this training otherwise will be disqualified.

#### **Overview/Summary of topics to be covered in training.**

- Misconduct Identification
- Inform the affected person to respond in writing.
- If not satisfied with the response initiate an investigation
- Draw up charges depending on the seriousness of charges place the employee on suspension.
- Set up disciplinary panel.
- On conclusion panel presents final findings
- Appeal process follows if needed, following the due procedures.
- A formal detailed written report will be submitted to senior authority.

#### **Detail Scope of work**

- ✓ The establishment, structure, and role of disciplinary process
- ✓ The importance of institutional policies and the departmental processes
- ✓ Legislative requirements to be considered when instituting disciplinary processes management should exercise their authoritative functions.
- ✓ Importance as to information to be shared and what should not be.
- ✓ Conflict resolution skills.
- ✓ Sourcing methods/strategy to be used when dealing with subordinate.
- ✓ The importance and purpose of ethics in the institution
- ✓ Developmental and motivational skills
- ✓ Code of ethics/conduct applicable to the Institution.
- ✓ Applying the relevant legislative framework that is relevant for the institution to ensure compliance.
- ✓ Understanding rules and regulations
- ✓ Do's and DONT's when interacting in the workplace.
- ✓ How do deal with arithmetic errors in the institution, what must be done and what are the expectations from workers
- ✓ Distinct and Confidential information when dealing with POPIA
- ✓ Identifying and dealing with misconduct
- ✓ How Management should be dealing with regulations combating of absconding at the workplace; processes to be followed to ensure desired expected outcome in their report
- ✓ Duties of various office bearers/observers
- ✓ Meeting procedures and ethical conduct

**Learners after the training should be able to demonstrate the following:**

- ❖ Understanding and be able to apply the elements of the disciplinary code of conduct within the Municipality.
- ❖ Gained an understanding of the regulatory framework which governs local government on disciplinary matters.
- ❖ To be able to demonstrate an understanding of each regulation and prescript for decision making.
- ❖ Understand the importance of ethical conduct within the public sector and its impact on the Municipality members behaviour.
- ❖ Be able to compile and construct written warning.
- ❖ Be able to construct a disciplinary charge sheet.
- ❖ Management must ensure fairness, confidentiality, and transparency.
- ❖ Understanding of the delegation roles and functions of the Municipality.
- ❖ Understand and know the relevant necessary procedures on disciplinary hearing.
- ❖ Understanding the need of being a role player and team player.
- ❖ Understanding the importance constant conducting road shows.

**CATERING: The appointed bidder will provide catering for the leaners**

I/We, the undersigned, hereby agree to supply the articles as specified above and deliver same in good order and condition as may from time to time be demanded, subject to the conditions stated.

Signed: .....

**BUSINESS DETAILS:**

**AS WITNESSES:**

Name : ..... ..

Address : ..... ..

.....

Telephone No: ..... Fax No: .....



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**RFQ NO. MLM/RFQ006/2022-23**

# **PRICING**





**PRICING SCHEDULE  
MLM/RFQ006/2022-23**

Bidder price must be inclusive of all costs relevant including VAT where applicable.

QUANTITY	DESCRIPTION	In house training
	<p><b>Option 1</b></p> <ul style="list-style-type: none"> <li>▪ <b>Price per learner</b></li> </ul> <p><b>Option 2</b></p> <ul style="list-style-type: none"> <li>▪ <b>Price for 25 learners</b></li> </ul>	<p>_____</p> <p>_____</p>

I/We, the undersigned, hereby agree to supply the articles as specified above and deliver same in good order and condition as may from time to time be demanded, subject to the conditions stated.

Signed: .....

**BUSINESS DETAILS:**

**AS WITNESSES:**

Name : .....

.....

Address : .....

.....

.....

Telephone No: .....

Fax No: .....