



MAKANA
MUNICIPALITY | EASTERN CAPE
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MAKANA MUNICIPALITY

Contract No: MLM/2023-24/INFRA/006

EXPRESSION OF INTEREST

FOR THE APPOINTMENT OF BUILT ENVIRONMENT CONSULTANT FOR THE PROVISION OF PROFESSIONAL SERVICES FOR INFORMAL SETTLEMENT UPGRADING IN VARIOUS TOWNS AND HUMAN SETTLEMENT DEVELOPMENT OF BLOCKED AND NEW PROJECTS WITHIN MAKANA LOCAL MUNICIPALITY IN THE SARAH BAARTMAN, EASTERN CAPE PROVINCE FOR A THREE (3) YEAR PERIOD

ISSUED BY:
MAKANA LOCAL MUNICIPALITY
86 HIGH STREET
MAKHANDA
6139

Supply Chain Management	Engineering & Infrastructure Services
Ms. Tabisa Mvane and Mr Vuyani Skeyi	Ms Azola Tembani
Tel: 046 603 6222	Tel: 046 603 6136
Email: tmvane@makana.gov.za / vskeyi@makana.gov.za	Email: atembani@makana.gov.za

NAME OF BIDDER (BIDDING ENTITY) : _____

TEL NUMBER : _____

E-MAIL ADDRESS : _____

BID ECSA NO (TEAM LEADER) : _____

BID NHBRC NO (COMPETENT PERSON): _____

PART T1: TENDERING PROCEDURES

T1.1 EXPRESSION OF INTEREST

The Makana Local Municipality wishes to call for EXPRESSION OF INTEREST for the Professional Registered Service Providers to BID for **The Appointment Of Built Environment Consultant For The Provision Of Professional Services For Informal Settlement Upgrading In Various Towns And Human Settlement Development of Blocked And New Projects Within Makana Local Municipality In The Sarah Baartman, Eastern Cape Province for three (3) year period.**

Closing Date: Completed bid documents in a sealed envelope, clearly marked

“EXPRESSION OF INTEREST - FOR THE APPOINTMENT OF BUILT ENVIRONMENT CONSULTANT FOR THE PROVISION OF PROFESSIONAL SERVICES FOR INFORMAL SETTLEMENT UPGRADING IN VARIOUS TOWNS AND HUMAN SETTLEMENT DEVELOPMENT OF BLOCKED AND NEW PROJECTS WITHIN MAKANA LOCAL MUNICIPALITY IN THE SARAH BAARTMAN, EASTERN CAPE PROVINCE FOR A THREE (3) YEARS PERIOD” BID No **“MLM/2023-24/INFRA/006”** should be deposited in the tender box situated at ground floor Makana Local Municipality: Budget and Treasury Department at **86 High Street Grahamstown** not later than **08 November 2023 @ 12H00PM**

Tenders which are late, incomplete, unsigned or submitted by fax or electronically, will not be accepted.

Documents to be filled with black ink.

Tenders submitted are to hold good for a period of *120 days*.

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 the Project Manager, **Ms Azola Tembani Tel 046 603 6111** and all SCM queries are to be directed to **Ms Tabisa Mvane and Mr Vuyani Skeyi 046 603 6222**

Issued by office of the Municipal Manager: **Mr. PM. Kate**

PART T2 RETURNABLE DOCUMENTS

T2.1 RETURNABLE DOCUMENTS

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

- Proof of Professional Indemnity Insurance provided.
- Bidders to submit a valid SARS Tax Compliance 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 to disqualification.**
- Founding Statement (CK / Company Registration Certificate) or certified copy, if a sole proprietor provide affidavit confirming ownership
- Compulsory Briefing Sessions: 19 October 2023 10h00 AM in Makana City Hall
- Certified copies of identify documents of Directors.
- Certified Copy of the Billing clearance reflecting nil arrear amounts for municipal accounts or a lease agreement signed by both parties (both lessor and the lessee), if expired, proof of extension of the lease must be attached or statement of municipal accounts which is not more than 3 months old and not more than 3 months in arrears must be attached and be returned with the Tender document. If an arrangement has been made to pay the arrear municipal account, then certified proof of such arrangement must be attached. If lease agreement is submitted, proof from the lessor, with municipal account reflecting no arrears for more than 90 days.
- Tenderers must be registered on the Makana Local Municipality supplier database and the Central Supplier Database (CSD). Proof of registration (Makana Database Confirmation Letter and latest CSD Registration Report) on both databases must be submitted.
- **NB: Failure to submit all the above required information will result in disqualification of the bidder.**
- Tenders 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 Directors 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.**
- 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 Responsive Proposals will be evaluated based on the following two stages, namely:

- Stage 1 – Evaluation in terms of the application functional.
- Stage 2 – Evaluation in terms of the point for price and points for the specific goals per PPPFA Regulations of 2022 i.e, 80/20
- 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 for price and specific goals. Only bidders who score 70% or more will be evaluated for price and specific goals.
- 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 must be attached for Locally based businesses. Bidders who fail to attach such proof will forfeit the allocated points.**
- One envelopes system will be followed.
- **OBTAIN DOCUMENTS**
Bid documents will be available at Makana website and published with the advert at no cost to the bidder.
- Makana Local Municipality does not bind itself to accept the lowest bid or any bid and reserves the right to accept the whole or part of the bid.
- **All Technical Enquiries** are to be directed to **Ms Azola Tembani**, Tel **046 603 6136** on email: atembani@makana.gov.za;
- All SCM queries are to be directed to Ms. Tabisa Mvane and Mr. Vuyani Skeyi Tel: 046 603 6222 emails: tmvane@makana.gov.za / vskeyi@makana.gov.za

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

MR P.M. Kate
MUNICIPAL MANAGER

This submission will be evaluated in two (2) Stages as follows:

STAGE 1: FUNCTIONALITY

Functionality of responsive bids submitted will be evaluated according to the predetermined criteria described below, considering, among other factors, the quality, reliability, the technical capacity and ability of a Bidder. A Bid will not be evaluated further if it fails to meet the minimum threshold of total 70 points out of maximum 100 points for functionality as prescribed in the following tables:

CATEGORY	FUNCTIONAL CRITERIA	POINTS ALLOCATION
I	Experience of the bidder (Company)	35
II	Key personnel experience and qualifications	35
III	Methodology	10
IV	Locality	20
TOTAL POINTS		100

I. EXPERIENCE OF THE BIDDER (COMPANY) (35 POINTS)

The Bidder must submit proof of successfully completed similar projects, i.e. **implementation of the upgrading of informal settlements and human settlements development**. Corresponding Copies of Appointment Letter or Employer’s Reference Letter or Assessment Category Performance Rating (Evaluation Documents) must be attached for each project.

a) INFORMAL SETTLEMENT UPGRADING

TARGETED GOALS	POINTS ALLOCATION
Bidder has submitted inadequate or no information to determine allocated points	0
Bidder has submitted proof of at least 3 successfully completed OR under implementation and progressing well	5
Bidder has submitted proof of at least 5 successfully completed OR under implementation and progressing well	10
Bidder has submitted proof of at least 7 or More successfully completed OR under implementation and progressing well	15

b) HUMAN SETTLEMENT DEVELOPMENT

TARGETED GOALS	POINTS ALLOCATION
i) FORENSIC ENGINEERING ASSESSMENT	
Bidder has submitted inadequate or no information to determine allocated points	0
Bidder has submitted proof of Forensic Engineering Assessment for other Blocked or Rectification Projects of at least 3 successfully completed OR under implementation and Progressing well	5

Bidder has submitted proof of Forensic Engineering Assessment for other Blocked or Rectification Projects of at least 5 successfully completed OR under implementation and Progressing well	10
ii) HOUSING CONSTRUCTION	
Bidder has submitted inadequate or no information to determine allocated points	0
Bidder has submitted proof of Housing Construction Projects as Professional Resource Team/Professional Service Provider of at least 3 successfully completed OR under implementation and Progressing well	5
Bidder has submitted proof of Housing Construction Projects as Professional Resource Team/Professional Service Provider of at least 5 successfully completed OR under implementation and Progressing well	10

II. KEY PERSONNEL QUALIFICATIONS AND EXPERIENCE (35 POINTS)

The Bidder must submit Proposed Team Structure, identifying **Civil/Structural Engineer, Project Manager, Electrical Engineer, Land Surveyor, Town Planner, Environmental Specialist, Social Facilitator, and OHS Practitioner** as key personnel. Copies of CVs & certificates and registration documents for each key personnel must be attached for determination of points to be allocated as per the table below:

KEY PERSONNEL	TARGETED GOALS	POINTS ALLOCATION
TEAM LEADER and Civil/Structural Engineer/Technologist	Inadequate or no information submitted to determine points to be allocated or a CV of Civil/Structural Engineer with no proof of registration (certificate from ECSA) as at least a Professional Engineering Technologist submitted	0
	A CV of a Civil/Structural Engineer OR Technologist who is qualified and registered with ECSA (5 years Experience Post registration) and have PR number, certified copy of B. Tech or B. Degree in Civil Engineering submitted)	2
	A CV of a Civil/Structural Engineer OR Technologist who is qualified and registered with ECSA (10 years Experience Post registration) and have PR number, certified copy of B. Tech or B. Degree in Civil Engineering submitted.	4
	A CV of a Civil/Structural Engineer OR Technologist who is qualified and registered with ECSA (15 years Experience Post registration) and have PR number, certified copy of B. Tech or B. Degree in Civil Engineering submitted.	10
Project Manager	Inadequate or no information submitted to determine points to be allocated or a CV of Project Manager with no certificate of B. Tech or B. Degree in Construction Management submitted	0
	A CV of Project Manager with certified copy of B. Tech or B. Degree in Construction Management and proof of registration (certificate from SACPCMP Construction Project Manager) and have 3 years working experience	2
	A CV of Project Manager with certified copy of B. Tech or B. Degree in Construction Management and proof of registration (certificate from SACPCMP Construction Project Manager) and have 5 years working experience	4
Town and Regional Planner	Inadequate or no information submitted to determine points to be allocated or a CV of a Town and Regional Planner with no certificate of B. Tech or B. Degree in a Town and Regional Planning submitted	0



KEY PERSONNEL	TARGETED GOALS	POINTS ALLOCATION
	A CV of a Town and Regional Planning with certified copy of B. Tech or B. Degree and proof of registration (certificate from SACPLAN as a Professional Planner submitted) and have 3 years working experience	2
	A CV of a Town and Regional Planning with certified copy of B. Tech or B. Degree and proof of registration (certificate from SACPLAN as a Professional Planner submitted) and have 5 years working experience	3
Land Surveyor	Inadequate or no information submitted to determine points to be allocated or a CV of a Land Surveyor with no certificate of B. Tech or B. Degree in a Land Surveying submitted	0
	A CV of a Land Surveyor with proof of registration [certificate from South African Council for Professional and Technical Surveyors (SACPTS) as a Professional Land Surveyor submitted] and have 3 years working experience	2
	A CV of a Land Surveyor with proof of registration [certificate from South African Council for Professional and Technical Surveyors (SACPTS) as a Professional Land Surveyor submitted] and have 5 years working experience	3
Quantity Surveyor	Inadequate or no information submitted to determine points to be allocated or a CV of a Quantity Surveyor with no certificate of B. Tech or B. Degree in a QS submitted	0
	A CV of a Land Surveyor with proof of registration [certificate from South Africa Council for the Quantity Surveying Profession (SACQS) as a Professional Quantity Surveyor submitted] and have 3 years working experience	2
	A CV of a Land Surveyor with proof of registration [certificate from South Africa Council for the Quantity Surveying Profession (SACQS) as a Professional Quantity Surveyor submitted] and have 5 years working experience	3
Electrical Engineers	Inadequate or no information submitted to determine points to be allocated or a CV of a Electrical Engineer with no proof of registration (certificate from ECSA) submitted	0
	A CV of an Electrical Engineer who is qualified and registered with ECSA (3 years' Experience Post registration) and have PR number, certified copy of B. Tech or B. Degree in Electrical Engineering submitted.	2
	A CV of an Electrical Engineer who is qualified and registered with ECSA (5 years' Experience Post registration) and have PR number, certified copy of B. Tech or B. Degree in Electrical Engineering submitted.	3
Environmental Specialist	Inadequate or no information submitted to determine points to be allocated or a CV of Environmental Studies or Natural Science with no certificate submitted	0
	A CV of a with certified copy of B. Tech or B. Degree in Environmental Studies or Natural Science plus professional registration as a Professional Natural Scientist in terms of The National Scientific Professions Act, 2003 with SACNASP. Must have at least 3 years post-registration experience in the environmental compliance and management aspects of construction & Infrastructure projects.	2
	A CV of a with certified copy of B. Tech or B. Degree in Environmental Studies or Natural Science plus professional registration as a Professional Natural Scientist in terms of The National Scientific Professions Act, 2003 with SACNASP. Must have at least 5 years post-registration experience in the environmental compliance and management aspects of construction & Infrastructure projects.	3
Occupational Health and	Inadequate or no information submitted to determine points to be allocated or a CV of Occupational Health and Safety Professional with no certificate submitted	0



KEY PERSONNEL	TARGETED GOALS	POINTS ALLOCATION
Safety Professional	A CV of an Occupational Health and Safety Professional with certified copy of National Diploma in Occupational Health and Safety and have 3 years working experience , registered with SACPCMP	2
	A CV of an Occupational Health and Safety Professional with proof of registration (certificate from SACPCMP) as a Construction Health and Safety Agent, with 5 years or more working experience	3
Social Facilitator	Inadequate or no information submitted to determine points to be allocated or a CV of Social Facilitator Professional with NO certificate in Social Sciences submitted	0
	A CV of a Social Facilitator with a certified copy of National Diploma in Social Sciences (Social Work, Sociology, Socio-economics, etc.) and have 3 years working experience	2
	A CV of a Social Facilitator with a certified copy of Degree in Social Sciences (Social Work, Sociology, Socio-economics, etc.) Development Studies or equivalent and have 5 years working experience	3

III. METHODOLOGY (10)

It is the aim of the Makana Local Municipality (MLM) to secure the services of the multidisciplinary team of a service provider who possesses relevant and applicable human settlements planning and development skills (end to end) of the Upgrading of Informal Settlements Program (UISP) and Human Settlement Development Program (Forensic Engineering Assessment and Housing Construction). In addition, the service provider must demonstrate understanding of the UISP & Housing Construction and possess requisite management skills and related experience in the area of informal settlements upgrading and construction of Houses. The service provider's submission shall provide a concise methodology of the intended implementation plan, programming and a close out report, considering the dynamics of dealing with the complexities of informal settlements upgrading & Housing Development within the municipality.

The service provider must supply a detailed project execution methodology. This must include:

- a) A statement on how the service provider understands the requirements of this assignment;
- b) An indicative plan of the service provider's approach, referring to the assignment milestones, resources distribution and timeframe;
- c) A clear statement of available expertise and capacity to match the requirements of this assignment; and
- d) An indication of any innovative approaches and 'value-added' initiatives that the service provider may think appropriate.

TARGETED GOALS	POINTS ALLOCATION
Bidder has submitted inadequate or no information to determine allocated points	0
Bidder has submitted a clear statement on how the service provider understands the requirements of this assignment	1
Bidder has an indicative plan of the service provider's approach, referring to the assignment milestones, resources distribution and timeframe;	3

TARGETED GOALS	POINTS ALLOCATION
Bidder has submitted a clear statement of available expertise and capacity to match the requirements of this assignment; and	5
Bidder has submitted an indication of any innovative approaches and 'value-added' initiatives that the service provider may think appropriate linked to their experience.	10

IV. LOCALITY (20)

The Professional Service Provider(s) must be close to the project development area and locality points are allocated as follows:

TARGETED GOALS	POINTS ALLOCATION
Makana Local Municipality jurisdiction	20
Sarah Baartman District	10
Eastern Cape Province	5
Outside Eastern / No information given	0

NB: Municipal Billing Certificate reflecting no arrears for more than 90 days or Lease Agreement signed by both parties (lessor and lease), If expired proof of extension of the lease must be attached.

STAGE 2: ELIGIBILITY COMPLIANCE CRITERIA

Bidders passing will need to pass Eligibility Compliance Criteria, and responsiveness to the bid rules and conditions of tender and functionality evaluation.

- Proof of valid **Professional Indemnity Insurance** with ten million rand (R10 000 000.00) per occasion for public liability insurance, and;

TARGETED GOALS	POINTS ALLOCATION
Professional Indemnity Insurance with ten million rand (R10 000 000.00)	Qualify for Evaluation
Professional Indemnity Insurance NOT submitted to the value requested	Disqualified for Evaluation

NB: Failure to submit the above-mentioned documents will lead to automatic disqualification.

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

a) 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 The Bidders price estimate valuation:

- 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
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 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"/>
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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"/>
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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

.....
.....

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 **YES / NO**

twelve months?

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 the Bidder

MBD 8

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? (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).	Yes <input type="checkbox"/>	No <input type="checkbox"/>
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)? (To access this Register enter the National Treasury's website, www.treasury.gov.za, 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).	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:
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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

MBD 9

CERTIFICATE OF INDEPENDENT BID DETERMINATION

- 1 This Municipal Bidding Document (MBD) must form part of all bids¹ invited.
- 2 Section 4 (1) (b) (iii) of the Competition Act No. 89 of 1998, as amended, prohibits an agreement between, or concerted practice by, firms, or a decision by an association of firms, if it is between parties in a horizontal relationship and if it involves collusive bidding (or bid rigging).² Collusive bidding is a *pe se* prohibition meaning that it cannot be justified under any grounds.
- 3 Municipal Supply Regulation 38 (1) prescribes that a supply chain management policy must provide measures for the combating of abuse of the supply chain management system, and must enable the accounting officer, among others, to:
 - a. take all reasonable steps to prevent such abuse;
 - b. reject the bid of any bidder if that bidder or any of its directors has abused the supply chain management system of the municipality or municipal entity or has committed any improper conduct in relation to such system; and
 - c. cancel a contract awarded to a person if the person committed any corrupt or fraudulent act during the bidding process or the execution of the contract.
- 4 This MBD serves as a certificate of declaration that would be used by institutions to ensure that, when bids are considered, reasonable steps are taken to prevent any form of bid-rigging.
- 5 In order to give effect to the above, the attached Certificate of Bid Determination (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.

MBD 9

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

MBD 9

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 ^{MBD 9} 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

