



**REQUEST FOR FORMAL WRITTEN PRICE QUOTATIONS (RFQ)
(PROCUREMENT LESS THAN R200 000 INCLUDING VAT)**

REFERENCE NUMBER:	8558
DESCRIPTION:	Geotechnical Investigation of the Sikwayini Supply Project - Mhlontlo Local Municipality
ADVERTISEMENT DATE:	22 November 2022
CLOSING DATE: CLOSING TIME:	29 November 2022 12 pm
VALIDITY PERIOD OF QUOTATION:	90 days
SUBMISSION OF QUOTATIONS:	Tender Box, O.R. Tambo House O.R. Tambo District Municipality Nelson Mandela Drive Mthatha
CONTACT PERSON SCM FOR ENQUIRIES:	Name: Zimasa Jim Tel : 047 501 6557 Email: zimasaj@ortambodm.gov.za
CONTACT PERSON FOR TECHNICAL ENQUIRIES:	Name: Ms Nolusindiso Mabhamba Tel : 083 615 0607 Email : mabhamban@yahoo.com

To be completed by bidder:

NAME OF BIDDER:	
CSD SUPPLIER NUMBER:	
SARS TAX COMPLIANCE STATUS PIN:	
TELEPHONE NUMBER:	
CELL NUMBER:	
PHYSICAL ADDRESS:	
EMAIL ADDRESS:	
QUOTATION AMOUNT:	R
QUOTATION AMOUNT IN WORDS	

SECTION 1: COMPULSORY RETURNABLE DOCUMENTS AND SCHEDULES

Bidders must complete and/or submit the returnable documents and schedules listed below, together with their quotations.

No.	Returnable document / schedule	Compulsory (Yes / No)	Non-submission will render quotation non-responsive (Yes / No)
1.	CSD supplier number	Yes	Yes
2.	Stamp the front page with the business stamp	Yes	Yes
3.	Initial all pages	Yes	Yes
4.	Original or certified BBBEE certificate	Yes	No (However, zero points will be allocated for BBBEE status level)
4.1	A sworn affidavit confirming annual total revenue and level of black ownership, if bidder is an Exempted Micro Enterprise (EME) or Qualified Small Enterprise (QSE)	Yes	No (However, zero points will be allocated for BBBEE status level)
4.2	Original or certified consolidated BBBEE scorecard, if bidder is a trust, joint venture or consortium that is an unincorporated entity	Yes	No (However, zero points will be allocated for BBBEE status level)
5.	Business registration documents	Yes	Yes, if the registration documents cannot be verified on CSD
6.	Certified copy of identity documents of directors / shareholders / partners / members, as the case may be	Yes	Yes, if the identity documents cannot be verified on CSD
7.	MBD 1 Invitation to bid - completed and signed	Yes	No
8.	MBD 4 declaration form – completed and signed	Yes	Yes
9.	MBD 6.1, 8 and 9 forms – completed and signed	Yes	Yes

Verification of bidder's documentation on the Central Supplier Database (CSD)

The municipality will verify on the CSD, the following documentation submitted by bidders:

- (i) Business registration status, including details of directorships and membership
- (ii) Tax compliance status
- (iii) Identity numbers of directors, shareholders, partners, members
- (iv) Proof of bank account registration
- (v) Tender defaulters and restrictions status
- (vi) Whether any director, manager, principal shareholder or stakeholder of the bidder is in the service of the state.

SECTION 2: PROCEDURE FOR SUBMISSION OF QUOTATIONS

1. No quotation will be considered unless submitted on this RFQ document.
2. Telephonic, telegraphic, facsimile or emailed submissions, or any other electronic submissions, will not be accepted, unless indicated otherwise in this document.
3. Submissions must be marked with the RFQ description and reference number, sealed and deposited in the tender box on or before the closing date and time for submissions.
4. Submissions deposited in the tender box after the closing time or closing date will be considered to be late.
5. Late submissions will not be accepted, and where practicable, shall be returned unopened to the bidder.
6. O.R. Tambo District Municipality accepts no responsibility for ensuring that RFQ submissions are placed in the correct box, and submissions placed in the incorrect box will not be accepted.
7. Bidders are entitled to submit one quotation only, either as a single tendering entity or as a member of a joint venture or consortium.
8. Bidders are responsible for all costs incurred in the preparation and submission of their quotation.
9. The RFQ submission must be signed by a person or persons duly authorised to do so.
10. Once the quotation is awarded, all purchases will be made through an official O.R. Tambo District Municipality purchase order.
11. No goods or services must be delivered or provided before an official order has been sent to, and accepted by the successful bidder.

SECTION 3: TEST FOR RESPONSIVENESS

Invalid submissions

Quotations shall be invalid if:

1. The submission is not completed in non-erasable ink.
2. The bidder, if he or she is a natural person, is in the service of the state, or if not a natural person, a director, manager, principal shareholder or stakeholder of the bidder is in the service of the state.
3. The bidder is listed on the National Treasury Register of Tender Defaulters and / or List of Restricted Suppliers and is restricted from doing business with the public sector.
4. The bidder has been restricted from doing business with O.R. Tambo District Municipality in terms of its supply chain management policy and procedures.

Non-responsive submissions

Quotations will be declared as non-responsive and eliminated from further evaluation in the following instances:

1. The submission does not comply with the mandatory requirements of the RFQ, if any, including any minimum evaluation criteria.
2. The bidder's tax matters are found not to be in order upon verification by the Municipality on CSD, and the bidder fails to ensure that its tax matters are in order within such timeframe as may be granted by the municipality.
3. Where the bidder is not registered on CSD.
4. Where the bidder is not registered on the municipal supplier database, or does not meet the listing criteria for accredited suppliers specified in the municipality's SCM Policy, and does not register on the database or meet the listing criteria within such timeframe as may be granted by the municipality.

SECTION 4: EVALUATION OF QUOTATIONS

Evaluation of quotations

1. Quotation submissions will be evaluated on the criteria specified in this document.
2. Submissions will be evaluated in accordance with the 80/20 price and preferential procurement points system.
3. Unless stated otherwise in this document, the quotation will be awarded to the bidder who meets the all the requirements of the RFQ.

SECTION 5: SPECIFICATIONS AND EVALUATION CRITERIA

INTRODUCTION AND BACKGROUND

Municipalities have constitutional obligation to provide safe drinking water to the communities they service. OR Tambo District Municipality (ORTDM) in the Eastern Cape has a mandate to provide safe water to it community. As mandated ORTDM has undertook a decision to implement Sikwayini Rural Water Supply (Spring Protection) for Sikwayini Village under Mhlontlo Local Municipality (MLM).

Sikwayini Community currently do not have access to clean potable water, as a result the community is subject to harmful water related diseases. ORTDM investigated the problem and a Spring Water Protection was proposed. Furthermore, water will be reticulated across the village for improved accessibility. The extent of additional services required for the Sikwayini Water Supply Borehole Scheme project includes a geotechnical investigation of the pipeline route.

PROJECT LOCATION

Sikwayini is a rural Village in the Mhlontlo Local Municipality (MLM), one of ORTDM's local municipalities. It is located about 60 km north of uMthatha. The locality of the project site are as follows:

Location	Latitude	Longitude
Sikwayini Spring	30.959603°	28.789136°
Sikwayini Village	30.959628°	28.840198°

SCOPE OF WORK

A detailed geotechnical investigation of the 1200-metre-long gravity main pipe to the storage reservoir and 13 054 metre pipeline route will form part of the scope of works. A layout plan is attached and shows the proposed route.

Investigations along the pipeline route shall comprise:

- 35 (No. by 400m centre to centre along the route of the pipeline), Hand Auger Holes of 75mm diameter to depths of 2,5m along the pipeline route for soil samples to indicate overall soils likely to be encountered. Samples from the Auger Holes shall be assessed for foundation indicator tests and compatibility to assist with the classification of the soils in terms of pipe bedding material.
- DCP testing at 300 metre intervals up to a maximum depth of 2 meters or refusal.
- Identification of borrow sites (min. 2 No.) for bedding material. These should include sites in the vicinity of the pipeline route. Includes sampling and testing of borrow material and analysis of results
- Detailed report with site conditions along pipeline route.

The guidelines and recommendations for the pipelines should cover excavatability, trench stability, pipe bedding and ground water.

The specification for bedding material is as follows:

- Bedding (selected granular and selected fill material) shall be fine sand or fine non-cohesive soil, with maximum particle size of 5mm and shall not cake nor does form lump when drying.
- No sharp-edged stones shall be allowed to come into contact with pipes or fittings. A bedding material shall comply with the following requirements:

GRADING ANALYSIS RANGE	
SIEVE SIZE (mm)	PERCENTAGE PASSING
6.7	98 to 100
4.76	85 to 100
2.36	55 to 95
1.18	30 to 75
0.60	20 to 50
0.425	16 to 38
0.30	13 to 27
0.15	5 to 18
0.075	0 to 12

The material shall be free from organic matter and shall have a compatibility factor of not more than 0.4. The material should be classified as silty to fine sand having a stiffness ratio of not less than 5.0 MPa.



Deliverables

A preliminary report should be submitted within a week after the site investigation and should give an indication of the general founding conditions on site.

A detailed geotechnical report is required within four weeks after the site investigation and the service provider is to make recommendations with regard to the following:

- Investigation methods and results;
- General stability of the site;
- Founding conditions and foundation indicators;
- Safe bearing capacity recommendations at the relevant level below normal ground;
- Ground water seepage and possibility of occurrence of a perched water table;
- Material classification;
- Foundation system and depth recommendations; and
- The report must be submitted as three colour paper copy one electronic CD with files properly marked and ordered.

Programme of Work

Work shall commence within 5 working days after appointment. The Geotechnical Consultant shall indicate his required completion period. Weather conditions permitting, all field work and tests shall be completed, and draft report submitted within 4 weeks of the issue of the appointment.

The Quotation submitted must clearly indicate the following:

- Field Work Commencement Date
- Field Work Completion Date
- Date of the Delivery of Results and Report.

General

The service provider must confirm that the test pits and DCP's are clear from existing services. The geotechnical service provider will be solely responsible for rectifying any damage to any services.

a) Additional Geotechnical Investigations

Additional investigations during detailed design or construction stage may be required. A day rate must be provided for any additional survey work. This tariff must cover all costs, including



travelling even if it is necessary to go out into the field for an hour or two. All additional information must be submitted to the Engineer.

EVALUATION CRITERIA

The bids will be evaluated in two stages:

Stage 1: Functionality

QUALITY CRITERIA	SUB-CRITERIA	MAXIMUM NUMBER OF POINTS
KEY PERSONNEL EXPERIENCE	<p><u>Experience of project team to be used for this project (please provide CV's illustrating the project team's experience, Certified certificates for Qualifications and Professional Registration)</u></p> <p>Geotechnical Engineer /Engineering Geologist Registered (Registered as a Candidate / Pr.Sci.Nat. 4 or more years' experience = 40 points Registered, 1-3 years' experience = 30 points</p>	40
TENDERER'S EXPERIENCE	<p><u>Experience in dealing with Corporate and/or Public Sector Clients in rendering similar projects drilling, ground water development, hydrological investigations with a minimum value of R200 000).</u></p> <p>Number of projects of a similar nature where the solution is in use. Each project must be supported by a completion letter signed by a client within the past 3 years.</p> <p>1 project = 5 points 2 projects = 10 points 3 projects = 20 points 4 projects = 30 points 5 or more projects = 40 points</p>	40
METHODOLOGY	<p><u>Approach Paper</u></p> <p>Develop an approach paper for provision of a geotechnical investigation. Your paper must cover challenges, alternative survey technology, project plan including schedule) must respond to the scope of work</p>	20
	<p>A bidder does not develop an approach paper for provision of a geotechnical investigation. The paper does not cover challenges, alternative survey technology, project plan including schedule) and does not respond to the scope of work</p>	0
TOTAL		100



Only Bidders who score a minimum of 60 points in Stage 1 will be evaluated further.

For fair distribution of municipal resources, the highest scorer will not necessary be awarded

Stage 2: Price and B-BBEE status level

CRITERIA	SUB-CRITERIA	WEIGHTING/POINTS
Price	Detailed budget breakdown	80
BBBEE	B-BBEE Level Contributor	20
TOTAL		100

PRICING SCHEDULE

Bidders are required to complete the pricing schedule below:

GEOTECHNICAL INVESTIGATION						
Item	Payment	Description	Unit	Qty	Rate	Amount
SECTION A: PRELIMINARY AND GENERAL						
A.1		Travelling, accommodation, meals, communication, telephone calls, tools and equipment, etc for the duration of the survey work	Sum	1		
		Total Section A carried forward to summary				
SECTION B: INVESTIGATION						
B1		DCPs and CBR along pipeline route	No	9		
B2		Hand auger holes along pipeline	No	18		
B3		Materials testing from Auger Holes	No	18		
		Total Section B carried forward to summary				
SECTION C: ADDITIONAL TESTS REQUIRED NOT MENTIONED ABOVE						
C1			No			
C2			No			
		Total Section C carried forward to summary				
SECTION D: REPORTING						
D1		Analysis and Reporting	Sum	1		



D2		Any other Item (specify)	Sum	1		
		Total Section D carried forward to summary				

SUMMARY PAGE	
	Section A
	Section B
	Section C
	Section D
	Sub Total
	Add: 15% VAT
	TOTAL

Note:

1. All prices quoted must include VAT, if the bidder is a registered VAT vendor.
2. All prices submitted must be firm. Firm prices are deemed to be fixed prices, which are only subject to statutory changes.

SECTION 7: CONDITIONS OF CONTRACT
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The contract between the municipality and the appointed bidder will be administered in accordance with the General Conditions of Contract 2010 as issued by National Treasury. A copy of the General Conditions of Contract may be obtained from the National Treasury website- www.treasury.gov.za



**PART A
INVITATION TO BID**

MBD 1

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF O.R. TA MBO DISTRICT MUNICIPALITY			
RFQ NUMBER:	8558	CLOSING DATE:	29 November 2022
		CLOSING TIME:	12.00PM
DESCRIPTION	Geotechnical Investigation of the Sikwayini Water Supply Project- Mhlontlo LM		
THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (MBD7).			

RFQ RESPONSE DOCUMENTS MAY BE DEPOSITED IN THE BID BOX
SITUATED AT (STREET ADDRESS)

GROUND FLOOR, O.R. TAMBO DISTRICT MUNICIPALITY BUILDING			
NELSON MANDELA DRIVE, MYEZO PARK			
MTHATHA			
SUPPLIER INFORMATION			
NAME OF BIDDER			
POSTAL ADDRESS			
STREET ADDRESS			
TELEPHONE NUMBER	CODE	NUMBER	
CELLPHONE NUMBER			
FACSIMILE NUMBER	CODE	NUMBER	
E-MAIL ADDRESS			
VAT REGISTRATION NUMBER			
TAX COMPLIANCE STATUS	TCS PIN:	OR	CSD No:
B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE [TICK APPLICABLE BOX]	<input type="checkbox"/> Yes <input type="checkbox"/> No	B-BBEE STATUS LEVEL SWORN AFFIDAVIT	<input type="checkbox"/> Yes <input type="checkbox"/> No
[A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE/ SWORN AFFIDAVIT (FOR EMES & QSEs) 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?	<input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES ENCLOSE PROOF]	ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES /WORKS OFFERED?	<input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES,ANSWER PART B:3]
TOTAL NUMBER OF ITEMS OFFERED		TOTAL BID PRICE	R
SIGNATURE OF BIDDER	DATE	
CAPACITY UNDER WHICH THIS BID IS SIGNED			
BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO:		TECHNICAL INFORMATION MAY BE DIRECTED TO:	
DEPARTMENT	SCM DEPARTMENT	CONTACT PERSON	NOLUSINDISO MABHAMBA
CONTACT PERSON	ZIMASA JIM	TELEPHONE NUMBER	083 615 0607
TELEPHONE NUMBER	047 501 6557	FACSIMILE NUMBER	N/A
FACSIMILE NUMBER	N/A	E-MAIL ADDRESS	mabhamban@yahoo.com
E-MAIL ADDRESS	zimasaj@ortambodm.gov.za		



PART B TERMS AND CONDITIONS FOR BIDDING

MBD1

1. BID SUBMISSION:
<p>1.1. BIDS MUST BE DELIVERED BY THE STIPULATED TIME TO THE CORRECT ADDRESS. LATE BIDS WILL NOT BE ACCEPTED FOR CONSIDERATION.</p> <p>1.2. ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS PROVIDED–(NOT TO BE RE-TYPED) OR ONLINE</p> <p>1.3. THIS BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT AND THE PREFERENTIAL PROCUREMENT REGULATIONS, 2017, THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER SPECIAL CONDITIONS OF CONTRACT.</p>
2. TAX COMPLIANCE REQUIREMENTS
<p>2.1 BIDDERS MUST ENSURE COMPLIANCE WITH THEIR TAX OBLIGATIONS.</p> <p>2.2 BIDDERS ARE REQUIRED TO SUBMIT THEIR UNIQUE PERSONAL IDENTIFICATION NUMBER (PIN) ISSUED BY SARS TO ENABLE THE ORGAN OF STATE TO VIEW THE TAXPAYER’S PROFILE AND TAX STATUS.</p> <p>2.3 APPLICATION FOR THE TAX COMPLIANCE STATUS (TCS) CERTIFICATE OR PIN MAY ALSO BE MADE VIA E-FILING. IN ORDER TO USE THIS PROVISION, TAXPAYERS WILL NEED TO REGISTER WITH SARS AS E-FILERS THROUGH THE WEBSITE WWW.SARS.GOV.ZA.</p> <p>2.4 FOREIGN SUPPLIERS MUST COMPLETE THE PRE-AWARD QUESTIONNAIRE IN PART B:3.</p> <p>2.5 BIDDERS MAY ALSO SUBMIT A PRINTED TCS CERTIFICATE TOGETHER WITH THE BID.</p> <p>2.6 IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED, EACH PARTY MUST SUBMIT A SEPARATE TCS CERTIFICATE / PIN / CSD NUMBER.</p> <p>2.7 WHERE NO TCS IS AVAILABLE BUT THE BIDDER IS REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD), A CSD NUMBER MUST BE PROVIDED.</p>
3. QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS
<p>3.1. IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)? <input type="checkbox"/> YES <input type="checkbox"/> NO</p> <p>3.2. DOES THE ENTITY HAVE A BRANCH IN THE RSA? <input type="checkbox"/> YES <input type="checkbox"/> NO</p> <p>3.3. DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA? <input type="checkbox"/> YES <input type="checkbox"/> NO</p> <p>3.4. DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA? <input type="checkbox"/> YES <input type="checkbox"/> NO</p> <p>3.5. IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION? <input type="checkbox"/> YES <input type="checkbox"/> NO</p> <p>IF THE ANSWER IS “NO” TO ALL OF THE ABOVE, THEN IT IS NOT A REQUIREMENT TO REGISTER FOR A TAX COMPLIANCE STATUS SYSTEM PIN CODE FROM THE SOUTH AFRICAN REVENUE SERVICE (SARS) AND IF NOT REGISTER AS PER 2.3 ABOVE.</p>

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

SIGNATURE OF BIDDER:.....

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

DATE:.....



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.....
.....

¹ 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.

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

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

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

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.

1.3 Points for this bid shall be awarded for:

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

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

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

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

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

2. DEFINITIONS

- (a) **“B-BBEE”** means broad-based black economic empowerment as defined in section 1 of the Broad-Based Black Economic Empowerment Act;
- (b) **“B-BBEE status level of contributor”** means the B-BBEE status of an entity in terms of a code of good practice on black economic empowerment, issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act;
- (c) **“bid”** means a written offer in a prescribed or stipulated form in response to an invitation by an organ of state for the provision of goods or services, through price quotations, advertised competitive bidding processes or proposals;
- (d) **“Broad-Based Black Economic Empowerment Act”** means the Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003);
- (e) **“EME”** means an Exempted Micro Enterprise in terms of a code of good practice on black economic

empowerment issued in terms of section 9 (1) of the Broad-Based Black Economic Empowerment Act;

- (f) **“functionality”** means the ability of a tenderer to provide goods or services in accordance with specifications as set out in the tender documents.
- (g) **“prices”** includes all applicable taxes less all unconditional discounts;
- (h) **“proof of B-BBEE status level of contributor”** means:
 - 1) B-BBEE Status level certificate issued by an authorized body or person;
 - 2) A sworn affidavit as prescribed by the B-BBEE Codes of Good Practice;
 - 3) Any other requirement prescribed in terms of the B-BBEE Act;
- (i) **“QSE”** means a qualifying small business enterprise in terms of a code of good practice on black economic empowerment issued in terms of section 9 (1) of the Broad-Based Black Economic Empowerment Act;
- (j) **“rand value”** means the total estimated value of a contract in Rand, calculated at the time of bid invitation, and includes all applicable taxes;

3. POINTS AWARDED FOR PRICE

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

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

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

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



WITNESS:

1.

2.

.....
SIGNATURE(S) OF BIDDER(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 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:		
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 IS 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.



MBD 9

CERTIFICATE OF INDEPENDENT BID DETERMINATION

I, the undersigned, in submitting the accompanying bid:

(Quotation Number and Description)

in response to the invitation for bids made by:

O.R. Tambo District Municipality

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 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 this invitation; or
 - (f) submitting a bid 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 bid.

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.



MBD 9

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