

# **VHEMBE DISTRICT MUNICIPALITY**



## **WATER SERVICES PROJECTS**

MUTALE RWS- UPGRDING OF PURIFICATION WORKS

CONSULTANTS TERMS OF REFERENCE

JULY 2022

## INVITATION TO BID

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

BID NUMBER: RFP/VDM/TECH/15/02/2022/01      CLOSING DATE: 23 AUGUST 2022  
CLOSING TIME: 12H00

DESCRIPTION: **MUTALE RWS- UPGRDING OF PURIFICATION WORKS TERMS OF REFERENCE**

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

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BID DOCUMENTS MAY BE POSTED TO:

**Vhembe District Municipality Offices**  
**Private Bag X 5006**  
**THOHOYANDOU**  
**0950**

OR

DEPOSITED IN THE TENDER BOX SITUATED AT *(STREET ADDRESS)*

**Vhembe District Municipality Offices**  
Old Parliament, Government Complex,  
Tusk Venda Street  
**THOHOYANDOU**  
**0950**

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

The tender box is generally open between 08h00 and 16h30 midweek.

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

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

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

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

NAME OF BIDDER .....

POSTAL ADDRESS .....

STREET ADDRESS .....

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

CELLPHONE NUMBER.....

FACSIMILE NUMBER CODE ..... .NUMBER.....

E-MAIL ADDRESS .....

VAT REGISTRATION NUMBER .....

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

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

IF YES, WHO WAS THE CERTIFICATE ISSUED BY?

- AN ACCOUNTING OFFICER AS CONTEMPLATED IN THE CLOSE CORPORATION ACT (CCA)
- A VERIFICATION AGENCY ACCREDITED BY THE SOUTH AFRICAN NATIONAL ACCREDITATION SYSTEM (SANAS)
- A REGISTERED AUDITOR

(Tick applicable box)

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

ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS/SERVICES/WORKS OFFERED ? YES/NO  
(IF YES ENCLOSE PROOF)

SIGNATURE OF BIDDER .....

DATE .....

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

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

**ANY ENQUIRIES REGARDING THE BIDDING PROCEDURE MAY BE DIRECTED TO:**

**Municipality / Municipal Entity:** VHEMBEDISTRIC MUNICIPALITY

**Department:** SUPPLY CHAIN MANAGEMET

**Contact Person:** MS SIGIDA NP

**Tel:** (015) 294 1212 OR (015) 294 1210

**Fax:** (015) 291 5697

**ANY ENQUIRIES REGARDING TECHNICAL INFORMATION MAY BE DIRECTED TO:**

**Contact Person:** MR. MALULEKE W.

**Tel:** (015) 294 1196/ 015 294 1132

**Fax:** (015) 295 7804



## **TENDER NOTICE AND INVITATION TO TENDER**

### **VHEMBE DISTRICT MUNICIPALITY**

#### **MUTALE RWS- UPGRDING OF PURIFICATION WORKS**

#### **CONSULTANT TERMS OF REFERENCE**

#### **WATER SERVICES PROJECTS**

#### **CONTRACT No.: RFP/VDM/TECH/15/02/2022/01**

Vhembe District Municipality, invites Consulting Firms with necessary experience in the design, construction & project management of water services projects.

Terms of reference documents will be available during office hours as from 11 July 2022 at **12h00** from the offices of the Vhembe District Municipality, Private Bag X 5006, THOHOYANDOU, 0950. A non-refundable cash deposit of **R1802.00** is payable to secure a copy of the terms of reference document. Queries relating to the issues of these documents may be addressed to Ms. Sigida NP on 015 960 2000. Technical queries may be directed to Mr. Maluleke W. on 015 960 2000.

Bids will remain valid for 90 days. Vhembe District Municipality reserves the right to negotiate further conditions and requirements with the successful bidder.

Compulsory briefing session will be held on 20<sup>th</sup> July 2022 at the entrance of the Vhembe District Municipality at 10h00.

Complete bid documents fully completed and signed, sealed in an envelope marked "**CONTRACT No.: RFP/VDM/TECH/15/02/2022/01: MUTALE RWS- UPGRDING OF PURIFICATION WORKS- CONSULTANT TERMS OF REFERENCE**" should be deposited in the Tender Box located at the entrance of the Vhembe District Municipality offices at Private Bag X 5006, THOHOYANDOU, 0950 not later than **12H00** on **23rd August 2022**. Tenders will be opened in public immediately after the closing time referred to above. Telegraphic, e-mail or Tele-fax transmission and late tenders will not be accepted for consideration and where feasible shall be returned to the sender.

**TS NDOU**  
Municipal Manager

**VHEMBE DISTRICT MUNICIPALITY**  
Private Bag X 5006, THOHOYANDOU  
REFERENCE NUMBER:  
**RFP/VDM/TECH/15/02/2022/01**

## **1. BACKGROUND**

VHEMBE DISTRICT Municipality intends to appoint consulting engineering firms to render planning, design, project management and contract administration for the Mutale RWS- Upgrading of Purification works. The appointment will be done in terms of the Engineering Council of South Africa (ECSA) Guideline Scope of Services for Persons Registered in terms of the Engineering Profession Act, 2000, (Act No. 46 of 2000) and Government Gazette. The appointed engineers will be required to coordinate the compilation of an Exceptional Scoping Report and EIA in compliance with the National Environmental Management Authority Act, 1998 (Act 107 of 1998) if required and the submission of the application to the Provincial Department of Economic Development, Environment and Tourism.

## **2. PROJECT OBJECTIVE.**

The objective of the project is to perform planning, design, project management and contract administration functions on identified projects. These terms of reference set down the minimum scope of work for which the service providers are responsible. The specific terms of reference when appointed are as follows:

- 2.1. Assessment of the existing project infrastructure;
- 2.2. Project scoping;
- 2.3. Communications and consultation with key stakeholders;
- 2.4. Preparation of Technical Report for approval by Vhembe DM and Department of Water and Sanitation;
- 2.5. Preliminary design;
- 2.6. Final design;
- 2.7. Compilation of tender documents together with all the specific contractual requirements in terms of SABS 1200, COLTO etc. standards;
- 2.8. Incorporation of Occupational Health and Safety in the tender documents and ensuring that contractors follow those guidelines;
- 2.9. Construction cost estimates;
- 2.10. Site administration and construction supervision including convening progress site meetings;

- 2.11. Ensuring that projects are implemented using labour Intensive Methods in terms of the funder requirements;
- 2.12. Programme and or project management functions and relevant reporting;
- 2.13. Quality assurance during the design, implementation and construction phases;
- 2.14. Registering projects on the MIG MIS system;
- 2.15. Compiling as built drawings and Operation and Maintenance Manuals;
- 2.16. Ensuring that projects are EPWP compliant and registering projects on the EPWP MIS system. The following must be included in the scope of works in the contract of employment with a Professional services Consultant: Labour-intensive works;**
  - 2.17.1. The Consultant shall not perform any significant portion of a project involving labour-intensive works under the direction of a staff member who has not completed the NQF level 7 unit standard "Develop and Promote Labour-Intensive Construction Strategies" or equivalent QCTO qualifications;
  - 2.17.2. The staff member of the consultant who is responsible for the administration of any works contract involving labour-intensive works must have completed the NQF level 5 unit standard "Manage Labour-Intensive Construction Projects" or equivalent QCTO qualifications .The Consultant must provide the Employer with satisfactory evidence (e.g. letter of competency) that staff members satisfy the requirements of 1 and 2;
  - 2.17.3. The Consultant must design and implement the construction/maintenance works in accordance with the latest version (download at [www.epwp.gov.za](http://www.epwp.gov.za)) of Guidelines for the Implementation of the Labour-Intensive Projects under the Expanded Public Works Programme (these Guidelines) published by the National Department of Public Works. The Consultant must sign the undertaking confirming they have complied with EPWP requirements at design and implementation stages;

2.17.4. The Consultant shall, for monitoring purposes, keep monthly records and transmit to the Client data on the following indicators with regard to the EPWP projects implemented:

- a) Project budget and planned output according to EPWP requirements;
- b) Actual Project Expenditure and actual output according to EPWP requirements;
- c) Planned and achieved labour intensity;
- d) Number of work opportunities created;
- e) Demographics of workers employed (disaggregated by women, youth and persons with disabilities);
- f) Wage rate earned on project;
- g) Number of person-days of employment created;
- h) Copies of Identity documents of workers;
- i) Number of persons who have attended training including the nature and duration of training provided;
- j) Assets created, rehabilitated or maintained in accordance with indicators in the EPWP M & E Framework; and
- k) Services provided or delivered in accordance with indicators in the EPWP M & E Framework.

2.17.5. The values for the indicators shall be submitted to the Employer according to agreed time frames on the prescribed reporting template (from the EPWP Unit in the DPW) and obtainable from [www.epwp.gov.za](http://www.epwp.gov.za);

2.17.6. The Consultant shall, before certifying a contractor's payment certificate, ensure that the contractor has submitted labour information in a format and timeframe specified by the employer. If the information submitted by the contractor is inadequate the consultant shall not submit the payment certificate to the employer for payment of the relevant outputs;



2.17.7. The Consultant shall certify that the works have been completed in accordance with the requirements of the Guidelines and the Contract:

- a) Whenever a payment certificate is presented to the Employer for payment; and
- b) Immediately after the issuing of a practical completion certificate that signifies that the whole of the works have reached a state of readiness for occupation or use for the purposes intended although:
  - (i) some minor work may be outstanding;
  - (ii) Preparation of project completion report; and
  - (iii) Preparation of project as-built plans.

### **3. REPORTING AND PERFORMANCE TRACKING**

- 3.1. Reports must be submitted to the municipality on a monthly basis or as and when requested to do so as the need may arise;
- 3.2. Compilation of technical reports must be aligned to Department of Water and Sanitation guidelines (Development of Water Services Projects guidelines); and
- 3.3. Reports must be submitted on the prescribed format to be provided by the Municipality.

### **4. REQUIRED BIDDER PROFILE**

The interested parties should also be intimately familiar with the policy and strategy publications of the Government of the Republic of South Africa, the Limpopo Provincial Government, and with the initiatives taking place in various government fronts at national, provincial and local spheres. Prospective service providers must show a proven knowledge of services provision and project management principles and methodologies.

### **5. COMPLIANCE WITH THE PROGRAMME MANAGEMENT SYSTEM**

The service provider is required to adhere to the guideline procedures set down in the manual of consultants with respect to the programme. If during the course of this

appointment, the manual of consultants is revised the service provider is required to give immediate effect to all revisions made to the manual of consultants in the execution of work.

## **6. STAKEHOLDER CONSULTATION**

It is imperative that the Bid should provide for the full integration of stakeholders to ensure buy-in to the Bid process and commitment to the Bids. The Professional Service Provider (PSP) must proactively identify key stakeholders and show how they will engage with them in accordance with an appropriate communications and consultation plan.

## **7. BID EVALUATION CRITERIA**

### **a) Technical Requirements**

In addition to the basic requirements as spelt out in the tender advert, the points for technical requirements and valuation of Bids (functionality) will include, but not limited to the following:

- (i) Experience of the company in terms of development of MIG technical report in-line with Department of Water and Sanitation guidelines expertise of the submitting firm;
- (ii) Experience of the company in water services projects;
- (iii) Qualified Technical Staff;
- (iv) Staff Qualifications;
- (v) Professional Registration of Staff;
- (vi) Quality Assurance (ISO Certification); and
- (vii) Preferential Procurement Score based on the B-BBEE Status Level of Contributor.

## **8. BRIEFING SESSION**

Compulsory briefing session will be held on 20<sup>th</sup> July 2022 at the entrance of the Vhembe District Municipality at 10h00.

**9. BID ENQUIRIES**

Enquiries in connection with this Request for Bids should be directed to **Ms. Sigida NP** by phone at **(015) 960 2000** during office hours.

Technical inquiries can be directed to the General Manager Technical Services **Mr. Maluleke W.**

**10. CONTRACT SIGNING**

Vhembe District Municipality shall enter into a legally binding contract with the successful bidder.

**11. BID SUBMISSION**

Bid submission closes at 12H00 on 23rd August 2022. Tender box is situated at Old Parliament, Government Complex, Tusk Venda Street. (Note: ALL Bids are to be hand-delivered). Short-listed bidders may be requested to make presentations at VDM offices situated in Thohoyandou, at a suitable date to be announced. If this is not deemed necessary, contract negotiations will proceed with the recommended service providers.

**12. KEY BID DELIVERABLES**

The Bids should address but not limited to the below mentioned deliverables in detail. There is no prescribed format in terms of the presentation of the proposal; however, the Bids should include the following:

1. Introduction;
2. Background;
3. Approach;
4. Best Practise Lessons;
5. Proposed project execution plan
6. Company structure

7. List of previous projects complete with telephone, cell phone and physical address details of the contactable referees;
8. Resources (human , engineering software & instruments);
9. Proposed project communication plan;
10. Company Profile including a clear outlined equity structure;
11. Resumes of **ONLY** people to be assigned to the project;
12. Compliance documents (Original SARS Certificate, ECSA Registration and Professional Indemnity). Non submission of any of the 3 documents in brackets will lead to automatic disqualification. In case of a Joint Venture, both JV member firms shall conform to SARS Certificates, Professional Registration and Professional Indemnity; and
13. Joint Venture agreements wherever applicable.

### 13. EVALAUTION CRITERIA

#### 13.1 FUNCTIONALITY

##### a) Combined Technical Score

The consultant's technical score will be calculated as per the following evaluation criteria:

#### EVALUATION ON QUALITY / FUNCTIONALITY = 100

Bidder evaluation criteria for functionality	Total Points	Score	Points allocation	Score
<p><b>Profile of key staff</b></p> <ul style="list-style-type: none"> <li>• Attach Qualifications Civil and Professional registration of own staff and proof of ECSA registration</li> </ul> <p><i>Note: Project organogram of the project team should be attached. Curriculum vitae with certified copies of qualifications and</i></p>	<b>20</b>	<p><b>Design Engineer</b></p> <p>BSc/ B. Tech (Prof Reg. ECSA Eng.): 10 Points BSc/ B. Tech (ECSA Candidate) 05 Points National Diploma Civil: 03 Points</p>	Max 10	

<p><i>contact details should be attached to the tender document for verification by the clients.</i></p> <p><i>NB foreign qualifications certified copies from SAQA must also be attached.</i></p>		<p><b>Project Manager/ Resident Engineer</b></p> <p>BCS/ B. Tech (Prof Reg. ECSA Reg.): 10 Points  BCS/ B. Tech (Prof SACPCMP Reg.): 08 Points  BCS/ B. Tech (ECSA Candidate): 05 Points  National Diploma Civil: 03 Points</p>	Max 10	
<b>Company Registration</b>	<b>20</b>	CESA or SABTACO Registration: 20 Points (should be Valid)	Max 20	
<p><b>Previous experience in applied category</b></p> <ul style="list-style-type: none"> <li>• <b>Design Engineer</b>  Relevant experience in similar project for Engineer responsible for designs (Attach CV and certified qualification)</li> <li>• <b>Project Manager/Resident Manager</b>  Relevant experience in similar project for Engineer responsible for designs (Attach CV and certified qualification)</li> <li>• Relevant experience in Civil Engineering projects for the Company  <b>(Attach appointment letters and Project Completion certificates)</b></li> </ul>	<b>20</b>	<p>Individual within the organization with design experience</p> <p>2-10 years: 3 Points  11-19 years: 6 Points  20 or more years: 10 Points</p> <p>Individual within the organization with project management experience</p> <p>2-10 years: 3 Points  11-19 years: 6 Points  20 or more years: 10 Points</p> <p><b>(N.B) Highest project value within:</b></p> <p>R 5 – R10 million: 10 Points  R10 000 001-R20 million: 20 Points  R20 000 001 and above: 30 Points</p>	<p>Max 10</p> <p>Max 10</p> <p>Max 30</p>	
• <b>B-BBEE</b>	<b>10</b>		Max 10	
	<b>100</b>		<b>TOTAL</b>	

**The bidder must obtain a minimum total score of 70 points for further evaluation.**

Note: Maximum of **100 points** are allocated to the bidder satisfying ALL of the above criterion. Service provider must obtain minimum score of 70 on functionality points in order to be evaluated further.

### 13.2 PRICE AND BBEE

The appointment for the provision of engineering services will be in terms of the Engineering Council of South Africa Guideline Scope of Services for Persons Registered in terms of the Engineering Profession Act 2000, Act No. 46, and latest Government Gazette.

Actual project cost will determine the professional fees applied on each project and or activity. Tasks that are not applicable or that cannot be attached to a construction budget; then time based will be applicable and the rates provided by Service Provider will be used.

#### Professional Fees Calculation

<b>PROFESSIONAL FEES BREAKDOWN</b>	
Inception	5%
Concept & Viability (Preliminary Design)	25%
Design Development (Detailed Design)	25%
Documentation & Procurement	15%
Contract Administration	25%
Close Out	5%
<b>Total</b>	<b>100%</b>

#### Preferential Procurement Score based on the B-BBEE Status Level of Contributor

The consultant's preferential procurement score will be allocated according to the tender's B-BBEE status level as per preferential procurement policy framework act 2000.

In order to qualify for preferential procurement points, the bidder must attach a certified copy of its valid B-BBEE Certificate as contained in the Codes of Good Practice on Black Economic Empowerment, issued in terms of Section 9 (1) of the Broad Based Black Economic Empowerment Act No. 53 of 2003.

Points will be awarded to the bidder for attaining the B-BEE status level of contributor in accordance to the following table:

**Table 14.8: Points Allocation - Preferential Procurement Score based on the B-BBEE Status Level of Contributor**

Preferential Procurement Score based on the B-BBEE Status Level of Contributor, attach certified copy of B-BBEE Certificate	
B-BBEE Status Level of Contributor	Points (90/10) System
1	10
2	9
3	8
4	5
5	4
6	3
7	2
8	1
Non-compliant Contributor	0

Note: Maximum of **10 points** are allocated for Preferential Procurement Score based on the B-BBEE Status Level of Contributor.

In the event of a Joint Venture, a consolidated B-BBEE Certificate is required as if they are a group structure.

**b) Validity Period**

The validity of the bid shall be **90 days** from the closing date of receipt of Bids. The client (VDM) has the right to extend the tender validity period and such shall be requested and accepted in writing if need be.

**c) Material, labour or facilities**

No material, labour or facilities will be furnished by the client for purposes of compiling the Bid unless otherwise provided for in the terms of reference.

**d) Power of Attorney**

A letter identifying and assigning power of attorney to the authorized signatory of the firm must be submitted with the Bid. Failure to submit will result in the bid being disqualified.

**e) Appointment As Service Provider**

The client reserves to reject or accept any Bid received.

**f) Professional Fees**

Professional fees to the appointed service provider will be paid according **ECSA Government Gazette**. Please note also that no fees shall be paid for submission of the Bid. Annual fees will also be subject to revision in line with any amendments issued to the Gazette.

**g) Copyright/Patent Rights**

Copyright in any hard or soft document produced, and the patent rights or ownership in any plant, machinery, system or process designed, by a consultant in the course of the consultancy service is vested in the Municipality.

**h) Form of Tender**

Tenderers are requested to furnish the full registered name of the tendering company/supplier on the Form of Tender

**i) Format For Presentation of CV's of Consultant Team**

**1. Personal Details;**

- Nationality;
- Profession;
- Specialization;
- Year of Birth; and
- No. of Years with the Firm.

**2. Key Relevant Experience;**

- No. of Years' Experience in Project Field; and
- No. of Years' Experience in: South Africa

Southern Africa

Developing Countries

Other Countries



3. **Education and Qualifications;**
4. **Professional Affiliations;**
5. **Experience Record (Starting With Present); and**
6. **Publications.**

**j) Sequence of submitted documents, which must be strictly followed for ease of evaluation:**

- i. Company Registration certificate;
- ii. Valid SARS Certificate;
- iii. Proof of membership of a Professional Body;
- iv. Professional Indemnity;
- v. ISO Certificates;
- vi. Company structure inclusive of copies of qualifications; and
- vii. List of projects & references.

Further attachments can be attached and should be clearly marked for ease of referencing.

**ANNEXURE A**

**Form of Tender**

1. Having examined all the documents for the provision of the Services as listed in the terms of reference as well as any addendum subsequently issued, I/We the undersigned hereby submit our Bid which we undertake to design and supervise construction thereof in terms of the ECSA Government Gazette.
2. I/We acknowledge that all the certificates, schedules and forms included in this document for completion by the proposer have been fully completed by me/us and form part of my/our Bid.
3. If my/our Bid is accepted, I/we undertake to sign the form of agreement included in this document within a period of fourteen (14) days from the date of receipt of written acceptance of my/our Bid.
4. Unless and until a formal agreement is prepared and executed, this Bid, together with the written acceptance thereof, shall constitute a binding contract between us and shall be deemed for all purposes to be the contract agreement.
5. In the event of there being any arithmetical errors in the Cost Bid, I/we agree to them being corrected, and any rates being taken as correct.
6. I/We agree and undertake to commence the Services within fourteen (14) days from the date of receipt of written acceptance of my/our Bid.
7. I/We declare that, notwithstanding anything contained in a covering letter to this Bid, this Bid is submitted entirely without qualifications.
8. I/We choose *domicilium citandi et executandi* at –

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

in the Republic of South Africa

Name of Firm: .....

Authorized Representative:..... (print)

Signed Place and Date:.....

Witness:..... (print)

Signed Place and Date:.....

## ANNEXURE D

### Declaration of Involvement:

#### **A "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;

#### **B Prohibition on awards to persons in the service of the state**

The accounting officer must ensure that irrespective of the procurement process followed, no award may be given to a person -

- (a) who is in the service of the state; or
- (b) if that person is not a natural person, of which any director, manager, principal shareholder or stakeholder is a person in the service of the state; or
- (c) a person who is an advisor or consultant contracted with the municipality or municipal entity.

#### **C Awards to close family members of persons in the service of the state**

The notes to the annual financial statements must disclose particulars of any award of more than R2000 to a person who is a spouse, child or parent of a person in the service of the state, or has been in the service of the state in the previous twelve months, including -

- (a) the name of that person;
- (b) the capacity in which that person is in the service of the state; and
- (c) the amount of the award.

In order to give effect to the above, the following questionnaire must be completed and submitted with every tender:

- (i) Is/was an employer/owner of the tenderer in the service of the state, or has been in the service of the state in the previous twelve months;

YES / NO (INDICATE)

If so, state particulars: .....

.....

.....

If so, please state the date of resignation:

.....

- (ii) If the provider is not a natural person, whether any of its directors, managers, principal shareholders or stakeholder is in the service of the state, or has been in the service of the state in the previous twelve months;

YES / NO (INDICATE)

If so, state particulars: .....

.....

.....

- (iii) whether a spouse, child or parent of the provider or of a director, manager, shareholder or stakeholder referred to in subparagraph (ii) is in the service of the state, or has been in the service of the state in the previous twelve months,

YES / NO (INDICATE)

If so, state particulars: .....

.....

.....

- (iv) Is an employer 1 owner of the tenderer a person who is an advisor or consultant contracted with the municipality or municipal entity:

YES / NO (INDICATE)

If so, state particulars: .....

.....  
.....

Are the tenderer or any of the members in the tendering entity involved in another entity tendering for this particular tender?

YES / NO (INDICATE)

If so, state particulars: .....

.....  
.....

I/We declare that the abovementioned information is true and correct.

Dated this ..... day of ..... 20.....

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Name and Capacity

## DECLARATION OF INTEREST

- 1. No bid will be accepted from persons in the service of the state<sup>1\*</sup>.
- 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.

3.7.2

.....  
.....

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?

**YES / NO**

3.8.1 If so, furnish particulars.

.....  
.....

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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, principle 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, principle 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 IS CORRECT.

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

.....  
Signature

.....  
Date

.....  
Position

.....  
Name of Bidder

\* 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 an employee of Parliament or a provincial legislature.



## 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	<p>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?</p> <p>(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).</p> <p><b>The Database of Restricted Suppliers now resides on the National Treasury's website(<a href="http://www.treasury.gov.za">www.treasury.gov.za</a>) and can be accessed by clicking on its link at the bottom of the home page.</b></p>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.1.1	If so, furnish particulars:		
4.2	<p>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)?</p> <p><b>The Register for Tender Defaulters can be accessed on the National Treasury's website (<a href="http://www.treasury.gov.za">www.treasury.gov.za</a>) by clicking on its link at the bottom of the home page.</b></p>	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:		
<b>Item</b>	<b>Question</b>	<b>Yes</b>	<b>No</b>
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 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 co-mpleted and submitted with the bid:

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

<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.

## CERTIFICATE OF INDEPENDENT BID DETERMINATION

I, the undersigned, in submitting the accompanying bid:

---

(Bid Number and Description)

in response to the invitation for the bid made by:

---

(Name of Municipality / Municipal Entity)

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

I certify, on behalf of: \_\_\_\_\_ that:

(Name of Bidder)

1. I have read and I understand the contents of this Certificate;
2. I understand that the accompanying bid will be disqualified if this Certificate is found not to be true and complete in every respect;
3. I am authorized by the bidder to sign this Certificate, and to submit the accompanying bid, on behalf of the bidder;
4. Each person whose signature appears on the accompanying bid has been authorized by the bidder to determine the terms of, and to sign, the bid, on behalf of the bidder;
5. For the purposes of this Certificate and the accompanying bid, I understand that the word "competitor" shall include any individual or organization, other than the bidder, whether or not affiliated with the bidder, who:
  - (a) has been requested to submit a bid in response to this bid invitation;
  - (b) could potentially submit a bid in response to this bid invitation, based on their qualifications, abilities or experience; and
  - (c) provides the same goods and services as the bidder and/or is in the same line of business as the bidder
6. The bidder has arrived at the accompanying bid independently from, and without consultation, communication, agreement or arrangement with any competitor. However communication between partners in a joint venture or consortium<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.
  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

<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.