

# LEPELLE-NKUMPI LOCAL MUNICIPALITY



## BID DOCUMENT

**BID NO. LNM041/2020/21**

**APPOINTMENT OF PANEL OF LAW FIRMS FOR PERIOD OF 36 MONTHS**

BIDDING RELATED ENQUERIES	TECHNICAL ENQUIRIES
<b>SUPPLY CHAIN MANAGEMENT</b> <b>Mr Jeffrey Pitseng</b>  <b>LEPELLE-NKUMPI LOCAL MUNICIPALITY</b> P/BAG X 07 <b>CHUENESPOORT</b> 0745  Tel: (015) 633 4531 Fax: (015) 633 6896	<b>CORPORATE SERVICES DEPARTMENT</b> <b>Ms Feziwe Raphela</b> <b>LEPELLE-NKUMPI LOCAL MUNICIPALITY</b> P/BAG X 07 <b>CHUENESPOORT</b> 0745  Tel: (015) 633 4545 Fax: (015) 633 6896

**NAME OF BIDDER (BIDDING ENTITY)** : \_\_\_\_\_

**CSD NUMBER** : \_\_\_\_\_

**RECEIPT NUMBER** : \_\_\_\_\_

**CLOSING DATE** : **28 May 2021**

**CLOSING TIME** : **11H00**

**THE OFFERED TOTAL OF THE PRICES INCLUDING VALUE ADDED TAX IS:**

**R..... (In figures)**

## SCHEDULE OF CONTENTS

FORM “A”	BID NOTICE AND INVITATION TO BID <b>(MBD 1)</b> RESPONSIVENESS AND EVALUATION CRITERIA
FORM “B”	BID FORM
FORM “C”	GENERAL UNDERTAKING BY THE BIDDER
FORM “D”	GENERAL CONDITIONS OF CONTRACT
FORM “E”	GENERAL PROCEDURES
FORM “F”	SPECIAL CONDITIONS OF CONTRACT (IF ANY)
FORM “G”	BID SPECIFICATIONS
FORM “H”	SCHEDULE OF PRICES <b>(MBD 3.1 or 3.2 or 3.3)</b>
ANNEXURE “A”	DECLARATION OF INTEREST <b>(MBD 4)</b>
ANNEXURE “B”	DECLARATION OF PROCUREMENT ABOVE 10 MILLION <b>(MBD 5)</b>
ANNEXURE “C”	PREFERENTIAL PROCUREMENT REGULATION FORM <b>(MBD6.1)</b>
ANNEXURE “D”	CONTRACT FORM <b>(MBD 7.1)</b>
ANNEXURE “E”	MEDICAL CERTIFICATE FOR CONFIRMATION OF PERMANENT DISABILITY STATUS
ANNEXURE “F”	DECLARATION OF BIDDER’S PAST SUPPLY CHAIN MANAGEMENT PRACTICES <b>(MBD 8)</b>
ANNEXURE “G”	CERTIFICATE OF INDEPENDENT BID DERTIMIRNATION <b>(MBD 9)</b>
ANNEXURE “H”	STANDARDS

**FORM A****BID NOTICE****BID: LNM041/2020/21****APPOINTMENT OF PANEL OF LAW FIRMS FOR PERIOD OF 36 MONTHS**

Bid documents containing the Conditions of Bid are available from municipal website

The completed Bid document, fully priced and signed must be sealed in an envelope marked "BID number" should be deposited in the tender box at the Lepelle-Nkumpi Municipality Civic Centre, Lebowakgomo, not later than 11:00 on **28 May 2021**

The Lepelle-Nkumpi Municipality is not compelled to accept the lowest or any bid. No late, faxed or telephonic bids will be accepted. The Council also reserves the right to negotiate further conditions and requirements with the successful bidder.

The Municipality shall adjudicate and award bids in accordance with the Preferential Procurement Policy Framework Act, 5/2000 and its amended regulations, **100 points Functionality**, , and prospective bidders must accept that the bid price will be adjudicated, according to the said legislation. Bids will remain valid for **90 (Ninety)** days.

Enquiries related to Technical specifications should be addressed to Corporate services **Ms Feziwe Raphela** to telephone number (015) 633 4545

**GAFANE LA**  
**ACTING MUNICIPAL MANAGER**

**MBD1****PART A INVITATION TO BID**

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE LEPELLE NKUMPI MUNICIPALITY

BID NUMBER:	LNMO41/2020/21	CLOSING DATE:	28 May 2021	CLOSING TIME:	11H00
DESCRIPTION	<b>APPOINTMENT OF PANEL OF LAW FIRMS FOR PERIOD OF 36 MONTHS</b>				

THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (MBD7).

BID RESPONSE DOCUMENTS MAY BE DEPOSITED IN THE BID BOX

SITUATED AT (STREET ADDRESS

LEPELLE-NKUMPI MUNICIPALITY					
UNIT 170 BA, CIVIC CENTRE					
LEBOWAKGOMO					
0737					
<b>SUPPLIER INFORMATION</b>					
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	

<b>[A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE/ SWORN AFFIDAVIT (FOR EMES &amp; QSEs) MUST BE SUBMITTED IN ORDER TO QUALIFY FOR PREFERENCE POINTS FOR B-BBEE]</b>			
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			
<b>BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO:</b>		<b>TECHNICAL INFORMATION MAY BE DIRECTED TO:</b>	
DEPARTMENT	Lepelle Nkumpi Municipality	CONTACT PERSON	Ms Feziwe Raphela
CONTACT PERSON	Mr Jeffrey Pitseng	TELEPHONE NUMBER	015 633 4545
TELEPHONE NUMBER	015 633 4531	FACSIMILE NUMBER	(015) 633 6896
FACSIMILE NUMBER	(015) 633 6896	E-MAIL ADDRESS	Feziwe.raphela@lepelle-nkumpi.gov.za
E-MAIL ADDRESS	Jeffrey.pitseng@lepelle-nkumpi.gov.za		

## MBD1

### PART B TERMS AND CONDITIONS FOR BIDDING

<b>1. BID SUBMISSION:</b>
1.1. BIDS MUST BE DELIVERED BY THE STIPULATED TIME TO THE CORRECT ADDRESS. LATE BIDS WILL NOT BE ACCEPTED FOR CONSIDERATION.
1.2. ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS PROVIDED--(NOT TO BE RE-TYPED) OR ONLINE
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.
<b>2. TAX COMPLIANCE REQUIREMENTS</b>

- 2.1 BIDDERS MUST ENSURE COMPLIANCE WITH THEIR TAX OBLIGATIONS.
- 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.
- 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.
- 2.4 FOREIGN SUPPLIERS MUST COMPLETE THE PRE-AWARD QUESTIONNAIRE IN PART B:3.
- 2.5 BIDDERS MAY ALSO SUBMIT A PRINTED TCS CERTIFICATE TOGETHER WITH THE BID.
- 2.6 IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED, EACH PARTY MUST SUBMIT A SEPARATE TCS CERTIFICATE / PIN / CSD NUMBER.
- 2.7 WHERE NO TCS IS AVAILABLE BUT THE BIDDER IS REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD), A CSD NUMBER MUST BE PROVIDED.

### 3. QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS

- 3.1. IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)? YES ☐ NO ☐
- 3.2. DOES THE ENTITY HAVE A BRANCH IN THE RSA? YES ☐ NO ☐
- 3.3. DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA? YES ☐ NO ☐
- 3.4. DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA? YES ☐ NO ☐
- 3.5. IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION? YES ☐ NO ☐

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.

**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: .....

## RESPONSIVENESS AND EVALUATION CRITERIA

### 1. RESPONSIVENESS CRITERIA

**The Lepelle-Nkumpi Municipality will consider no Bid unless it meets the responsiveness criteria:**

#### **Pre-qualification criteria for preferential procurement**

**The Lepelle-Nkumpi Municipality will consider no Bid unless it meets the responsiveness criteria:**

That only one or more of the following tenders may respond

- An EME or QSE
- A tenderer who fails to meet any pre-qualifying criteria stipulated in the tender documents is an unacceptable tender.
  - The bid must be properly received in a sealed envelope clearly indicating the description of the service and the bid number for which the bid is submitted.
  - The bid must be deposited in the relevant bid box as indicated on the notice of the bid on or before the closing date and time of the bid.
  - Tax compliance Pin/ CSD number must be completed in MBD Form 1.
  - All MBD documents completed in full and signed
  - **Alterations must be signed/initialized for.**
  - Copy of the company registration certificate must be submitted with the bid.
  - Certified and valid copy of identity document of Director/Directors
  - Statement of Municipal Accounts must also be attached for company and all directors; letter from Traditional Authority or a lease agreement(Including headman) or a lease agreement(if the Statement of Municipal Accounts is not in the name of bidder affidavit from SAPS must be attached) for Company and all directors
  - The bid will be rejected if any municipal rates and taxes or municipal service charges owed by that bidder or any of its directors to the municipality or municipal entity, or to any other municipal or municipal entity are in arrears for more than three months
  - Submission of a Joint Venture Agreement, where applicable, which has been properly signed by all parties.
  - Adhering to pricing schedule.
  - Authority for signatory form to be completed and attach resolution in case for more than one director.
  - **All pages must be initialised**
  - Compliance with the requirements for the bid and technical specifications.
  - Copy of Law Firm registration certificate
  - Certified copy of the admission as an Attorney

- Fidelity Fund Cover
- Legal Practice Council Certificate
- Copy of the lease agreement of premises or other right to occupy the premises
- Copy of the letter of good standing from the Legal Practice Council
- Attorney's Fidelity Fund Certificate
- **THE USE OF TIPPEX WILL AUTOMATICALLY DISQUALIFY YOUR BID**
- Bidders must attach the Statement of Municipal Rates on the municipality letterhead not older than 3 months for the company and all directors (if the Statement of Municipal Rates is not in the name of bidder and all directors affidavit from SAPS must be attached) or letter from Traditional Authority not older than 3 months for the company and all directors or a lease agreement for the company and all directors.
- The bid will be rejected if any municipal rates and taxes or municipal service charges owed by that bidder or any of its directors to the Municipality or Municipal entity, or to any other Municipality or Municipal entity are in arrears for more than three months (90 days)

#### **Recovery of rates in arrears from tenants and occupiers**

- (1) If an amount due for rates levied in respect of a property is unpaid by the owner of the property after the date determined in terms of section 26(2), the municipality may recover the amount in whole or in part from a tenant or occupier of the property, despite any contractual obligation to the contrary on the tenant or occupier. The municipality, may recover an amount only after the municipality has served a written notice on the tenant or occupier.
- (2) The amount a municipality may recover from the tenant or occupier of a property in terms of subsection (1) is limited to the amount of the rent or other money due and payable, but not yet paid, by the tenant or occupier to the owner of the property.
- (3) Any amount a municipality recovers from the tenant or occupier of the property must be set off by the tenant or occupier against any money owed by the tenant or occupier to the owner.
- (4) The tenant or occupier of a property must, on request by a municipality, furnish the municipality with a written statement specifying all payments to be made by the tenant or occupier to the owner of the property for rent or other money payable on the property during a period determined by the municipality.

## **2. BID EVALUATION CRITERIA**

All bids received shall be evaluated in terms of the Supply Chain Management Regulations, Lepelle-Nkumpi Municipality Supply Chain Management Policy, the Preferential Procurement Policy Framework Act, and other applicable legislations.

The 80/20(80/20/100) preference point system will be applicable with functionality at 100 and Price at 80 and B-BBEE Level of Contribution at 20. The points will be allocated as follows:



### **Evaluation on Functionality**

Item	Description	Weights
1.	Company experience	70
2.	Experience of key personnel	20
3.	Qualification of key personnel	10

This bid will be evaluated on Functionality according to the criteria and weighing as listed in the table above. 90% minimum functionality score will qualify the bid to move to the next round where PPPFA evaluation principle shall be applied, which is Price and Preference evaluation.

### **Evaluation on Price and Preference Point System**

**The evaluation for Price and B-BBEE level of contribution shall be based on the 80/20 PPPFA principle and the points for evaluation criteria are as follows:**

Evaluation Criteria		Points
1.	Price	80
2.	Black Economic Empowerment	20
3.	Total	100

**The Council reserves the right to accept all, some, or none of the bids submitted – either wholly or in part – and it is not obliged to accept the lowest bid.**

**By submitting this bid, bidder authorises the Council or its delegate(s) to carry out any investigation deemed necessary to verify the correctness of the statements and documents submitted and that such documents reasonably reflect the ability of the Bidder to provide the goods and services required by the Council.**

### **PLEASE NOTE**

1. **The Municipal Manager may cancel a contract awarded to a person if:**
  - a) The person committed a corrupt or fraudulent act during the procurement process or in the execution of the contract, or
  - b) An official or other role player committed any corrupt or fraudulent act during the procurement process or in the execution of the contract that benefited that person.

**2. The Municipal Manager may reject the bid or quote of any person if that person or any of its directors has:**

- a) Failed to pay municipal rates and taxes or municipal service charges and such rates, taxes and charges are in arrears for more than three months;
- b) Failed, **during the last five years**, to perform satisfactorily on a previous contract with the Lepelle-Nkumpi Municipality or any other organ of State after written notice was given to that bidder that performance was unsatisfactory;
- c) Abused the supply chain management system of the Municipality or have committed any improper conduct in relation to this system;
- d) Been convicted of fraud or corruption during the past five years;
- e) Wilfully neglected, reneged on or failed to comply with any government, municipal or other public sector contract during the past five years; or
- f) 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) or has been listed on National Treasury's database as a person prohibited from doing business with public sector.

#### **4.2 FUNCTIONALITY (TECHNICAL) REQUIREMENTS**

Technical / Functionality will be evaluated against the following detailed requirements:

<b>Functionality Scorecard</b>		
<b>Criteria</b>	<b>Scoring guide</b>	<b>Maximum Weights</b>
<b>Company Experience in Similar project –</b> Law Firm must demonstrate experience in providing similar services in local government (Attach certified copies of Letters of appointment and reference letter with contactable References where similar service has	5 Letters =40 10 Letters =50 15 Letters = 60 20 above Letters=70	<b>70</b>

been rendered) <b>Total</b>		
<b>Experience of the Director in legal matters</b> -The Law Firm must demonstrate that the Director have relevant experience to execute the project. (Attach concise CV of the Director with contactable references) <b>Total</b>	10 Years =20	<b>20</b>
<b>Qualifications of key personnel</b> -Law firm must demonstrate that their key personnel are qualified to execute the project(Attach certified copies of qualifications)	Law Qualifications  Degree(LLB)= 05 Master(LLM)=10	<b>10</b>
<b>Functionality Threshold(Minimum score)</b>		<b>90</b>
<b>Total Points for Functionality</b>		<b>100</b>

The bidder is expected to score a minimum of 90 points in order to qualify further.

## **BID SPECIFICATION**

### **LNM 041/2020/21 APPOINTMENT OF PANEL OF LAW FIRMS FOR PERIOD OF 36 MONTHS**

Lepelle-Nkumpi Municipality invites proposals from experienced law firms in response to a request for proposals to provide legal services to the municipality.

**Mark with x on your specialised area**

<b>1</b>	<b>CORPORATE</b>	
<b>2</b>	<b>CIVIL AND CRIMINAL LITIGATION</b>	
<b>3</b>	<b>DEBT COLLECTION</b>	
<b>4</b>	<b>LABOUR MATTERS</b>	
<b>5.</b>	<b>GENERAL LIABILITIES</b>	
<b>6</b>	<b>CONVEYANCING</b>	

## **APPOINTMENT PERIOD**

The term of your appointment as a municipal legal service provider shall be a period of **three years** and reviewable as and when necessity arise or every six months. The municipality may, in its sole discretion, terminate the appointment at any time during that term. While the municipality has a single competent legal staff in house, we seek to augment our existing capabilities by being able to draw upon the resources of outside legal expertise when needed and as issues arise. It is expected that the appointed firm shall, at all times, provide the services diligently and in a professional manner.

## **SCOPE OF SERVICES**

### **1. CORPORATE SERVICES**

Services would be expected to include:

- a) Advising the municipality with respect to its rights and obligations under its various operating and other agreements,
- b) Advising the municipality in connection with potential disputes arising out of its various operating and other agreements,
- c) Advising the municipality with regard to possible acquisition, sales joint ventures and antitrust matters;
- d) Advising the municipality with respect to compliance and corporate governance issue;

- e) The municipality expect from time-to-time to require legal advices, assistance and representation in a corporate matters.

## **2. LAND MATTERS**

- a) Represent the municipality in the disputes over the building property rights and land property rights and related responsibilities,
- b) Land restitution claims;
- c) Represent the municipality in a land invasion and or eviction matters;
- d) Land audit.

## **3. DEBT COLLECTION**

- a) Collecting the municipal debts on behalf of the municipality,
- b) Preparing letters to municipal debtors,
- c) Acquiring court orders to attach payments,
- d) Preparing the list of all debtor to the municipality,
- e) Advice the municipality on the applications to write off the debt or deduction thereof and advising the municipality on the legality and applicable provisions on the prescription of the debt and its effect thereof.

## **4. LABOUR DISPUTES**

- a) Represent the municipality at the labour disputes forums including the courts, bargaining council, CCMA, labour court and etc.,
- b) Conducting the disciplinary hearing on behalf of the municipality,
- c) Giving legal advice on the labour issues
- d) Providing the necessary personnel/s to conduct the disciplinary hearing

## **5. GENERAL LIABILITY**

The municipality expect from time-to-time to require legal advices, assistance and representation in a general liability claims including but not limited to the following matters:

- a) Contractual disputes;
- b) Personal injury claims;
- c) Property damages
- d) Professional liability claims;

## **6. CONVEYANCING**

The service provider shall be expected to register the immovable assets of the municipality

## **7. REVIEW AND DEVELOPMENT OF BY-LAWS AND POLICIES**

The service provider shall be expected to review and develop the municipal by-laws and policies to be consistent with the current laws of the country and the state of the

municipality.

### **PROFESSIONAL CARE AND SERVICES**

1. The firm must exercise all reasonable skill, care and diligence in discharging its obligations in terms of the agreement and shall comply with all prevailing legislation relating to the rendering of the services.
2. The service will be rendered in a timely manner as each request for services requires, and the firm will use reasonable endeavours to adhere to the time limits agreed upon when instructions are furnished,
3. The firm will be expected to respond to any issue raised by either telephone, fax or e-mail within 24 hours and to any issue raised in any letter or similar manner within 48 hours,
4. Where no time limits are agreed to, the services will be rendered within a reasonable period and where necessary, in accordance with the prevailing legislations.
5. Failure to render services within a reasonable time shall be regarded as non-performance and may lead to termination of the mandate.
6. The service provider shall not settle any claim or litigation by or against the municipality without the necessary consultation with the municipality.

### **PROPOSAL REQUIREMENTS**

Following is a list of the information to be provided by the proposer for the legal services sought, a proposal must include the following information required below

1. The service provider should be in the capacity to handle the volume of work that the municipality may instruct them on at any relevant point in time.
2. Description of the management and personnel structure of the firm detailing the number and identity of partners, associates, assistance and law clerk.
3. Describe the legal services which your firm could provide to the municipality.
4. The service provider must have a suitable affirmative action and employment equity plans. The provisions of local Government Municipal systems act and other prevailing legislations on gender representation should also be adhered to in his process,
5. State a brief summary of notable cases, transaction, issues or matters handled by your law firm which you feel demonstrate the nature and extend of your expertise and reputation,
6. Identify the nature of any potential conflict of interests, actual or potential, which your firm may have in providing services to the municipality,
7. Each firm/service provider must certify in writing that its representation of the municipality will not create any conflict of interest involving that firm including taking instructions against the municipality,

8. Identify any past, pending or imminent litigation or proceedings to which you or your partners are or were a party and which may affect your reputation and/ or could either materially impair your ability to perform the services envisaged herein.

### **TARRIF STRUCTURE/ FEE STRUCTURE**

1. The municipality will only pay disbursements, in addition to agreed rates that have been incurred.
2. The firm shall not charge the municipality for local travelling.
3. The firm may submit interim bills to the municipality at appropriate intervals during the course of each matter as appropriate and generally at all time when a particular phase of the matter has been completed,
4. The municipality shall exercise its best endeavours to settle any invoices sent it by the firm within 30 days of the receipt of the same. The firm shall not be entitled to charge interest on any unpaid bills unless specifically agreed with the municipality,
5. A breakdown of the items of fees and disbursement in terms of the methodology to be followed needs to be provided.
6. The service provider shall not charge a surcharge
7. The drawing fees shall only be allowed as per the court tariffs.
8. Where the provisions of fees and disbursement are not provided for in the tariffs structure below, the publicised court tariff shall be applicable.

#### **Cost Breakdown for 1<sup>st</sup> Year**

<b>MAGISTRATE COURT TARRIFS</b>			
<b>ITEM</b>	<b>DESCRIPTION</b>	<b>FEES</b>	<b>DISBURSEMENT</b>
1	Taking Instruction		
2	Drawing Summons Per Page		
	Drawing Particular Of Claim/ Declaration per page		
3	Appearance Per Hour Or Part Thereof		
4	Drawing Up Court Documents Per Page		
5	Preparation Of Trial per quarter of an hour		
6	Sorting And Parginating Per Page		
7	Day Fee		
8	Drawing Of Letter Per Folio		
9	Attendance to receive Letter Per page		
10	Perusal Of Documents Per Page		
11	Telephone Call Per 5 Minutes		
12	Consultation Per Quarter Of An Hour		
13	Travelling Time per quarter of an hour		

14	Travelling Costs per KM		
15	Waiting Time At Court per quarter of hour		
16	Attendance At Settlement Negotiation Per Quarter Of An Hour Or Part Thereof		
17	Attend To Research Per Quarter Of An Hour		
18	Attendance For Index And Paginating Per Quarter Of An Hour, including the drawing, service and filing		
	Attendance for Service And Filing per quarter of an hour		
19	Copy Per Page		
20	Attendance For Sending and E-Mail And Fax		
21	Attendance to draw heads of arguments per quarter of an hour, including the drawing, service and filing		
22	Fees for <b>Recovery of legal costs</b> on behalf of the municipality as per the percentage of the recovered amount but excluding disbursement. The fees includes but not limited to taking instructions, drawing and receipt of letters, drawing and filing of court documents, appearance at court at etc.	<p>_____ % of the recovered legal costs</p> <p>R10 000 threshold must be used to quantify/ convert the percentages for purpose of evaluating the bid.</p>	
23	<p>Fees for <b>debt collection</b> on behalf of the municipality but as per the percentage of the collected amount but excluding disbursement. The fees includes but not limited to taking instructions, drawing and receipt of letters, telephone calls, drawing and filing of court documents, appearance at court.</p> <p>The bidders must indicate <b>N/A</b> only if not bidden for this category.</p>	<p>_____ % of the collected amount including the collection commission.</p> <p>R10 000 threshold must</p>	



		be used to quantify/ convert the percentages for purpose of evaluating the bid.	
	<b>TOTAL (include vat)</b>	<b>R</b>	<b>R</b>

<b>HIGH COURT TARRIFS</b>			
<b>ITEM</b>	<b>DESCRIPTION</b>	<b>FEES</b>	<b>DISBURSEMENT</b>
1	Taking Instruction		
2	Drawing Summons Per Page		
	Particular Of Claim/ Declaration per page		
3	Appearance Per Quarter Of An Hour Or Part Thereof		
	By An Attorney		
	Senior attorney		
4	Drawing Up Court Documents Per Page		
5	Preparation Of Trial		
6	Sorting And Parginating Per Page		
7	Day Fee		
8	Drawing Of Letter Per Folio		
9	Attendance to Receive Letter Per Folio		
10	Perusal Of Documents Per Page		
11	Telephone Call Per 5 Minutes		
12	Consultation Per Quarter Of An Hour		
13	Travelling Time per quarter of an hour		
14	Travelling Costs per KM		
15	Waiting Time At Court per quart of an hour		
16	Attendance At Settlement Negotiation Per Quarter Of An Hour Or Part Thereof		
17	Attend To Research Per Quarter Of An Hour		

18	Attendance for Index And Paginating of court file Per Quarter Of An Hour,  Service And Filing per quarter of an hour		
19	Copy Per Page		
20	Attendance For Sending an E-Mail And Fax		
21	Attendance to draw heads of arguments per quarter of an hour, including the drawing, service and filing		
22	Fees for <b>Recovery of legal costs</b> on behalf of the municipality as per the percentage of the recovered amount but excluding disbursement. The fees includes but not limited to taking instructions, drawing and receipt of letters, telephone calls, drawing and filing of court documents, appearance at court	<p>_____ % of the recovered legal costs</p> <p>R10 000 threshold must be used to quantify/ convert the percentages for purpose of evaluating the bid.</p>	
23	<p>Fees for <b>debt collection</b> on behalf of the municipality but as per the percentage of the collected amount but excluding disbursement. The fees includes but not limited to taking instructions, drawing and receipt of letters, telephone calls, drawing and filing of court documents, appearance at court</p> <p>The bidders must indicate <b>N/A</b> only if not bidden for this category.</p>	<p>_____ % of the collected amount including the collection commission.</p> <p>R10 000 threshold must be used to quantify/ convert the percentages for purpose of evaluating the bid.</p>	<b>R</b>

**Cost Breakdown for 2<sup>nd</sup> Year**

<b>MAGISTRATE COURT TARRIFS</b>			
<b>ITEM</b>	<b>DESCRIPTION</b>	<b>FEES</b>	<b>DISBURSEMENT</b>
1	Taking Instruction		
2	Drawing Summons Per Page		
	Drawing Particular Of Claim/ Declaration per page		
3	Appearance Per Hour Or Part Thereof		
4	Drawing Up Court Documents Per Page		
5	Preparation Of Trial per quarter of an hour		
6	Sorting And Parginating Per Page		
7	Day Fee		
8	Drawing Of Letter Per Folio		
9	Attendance to receive Letter Per page		
10	Perusal Of Documents Per Page		
11	Telephone Call Per 5 Minutes		
12	Consultation Per Quarter Of An Hour		
13	Travelling Time per quarter of an hour		
14	Travelling Costs per KM		
15	Waiting Time At Court per quarter of hour		
16	Attendance At Settlement Negotiation Per Quarter Of An Hour Or Part Thereof		
17	Attend To Research Per Quarter Of An Hour		

18	Attendance For Index And Paginating Per Quarter Of An Hour, including the drawing, service and filing		
	Attendance for Service And Filing per quarter of an hour		
19	Copy Per Page		
20	Attendance For Sending and E-Mail And Fax		
21	Attendance to draw heads of arguments per quarter of an hour, including the drawing, service and filing		
22	Fees for <b>Recovery of legal costs</b> on behalf of the municipality as per the percentage of the recovered amount but excluding disbursement. The fees includes but not limited to taking instructions, drawing and receipt of letters, telephone calls, drawing and filing of court documents, appearance at court	<p>_____ % of the recovered legal costs</p> <p>R10 000 threshold must be used to quantify/ convert the percentages for purpose of evaluating the bid.</p>	
23	<p>Fees for <b>debt collection</b> on behalf of the municipality but as per the percentage of the collected amount but excluding disbursement. The fees includes but not limited to taking instructions, drawing and receipt of letters, telephone calls, drawing and filing of court documents, appearance at court</p> <p>The bidders must indicate <b>N/A</b> only if not bidden for this category.</p>	<p>_____ % of the collected amount including the collection commission.</p> <p>R10 000 threshold must be used to quantify/ convert the percentages for purpose of evaluating the bid.</p>	
<b>TOTAL (include vat)</b>		<b>R</b>	<b>R</b>

<b>HIGH COURT TARRIFS</b>			
<b>ITEM</b>	<b>DESCRIPTION</b>	<b>FEES</b>	<b>DISBURSEMENT</b>
1	Taking Instruction		
2	Drawing Summons Per Page		
	Particular Of Claim/ Declaration per page		
3	Appearance Per Quarter Of An Hour Or Part Thereof		
	By An Attorney		
	Senior attorney		
4	Drawing Up Court Documents Per Page		
5	Preparation Of Trial		
6	Sorting And Parginating Per Page		
7	Day Fee		
8	Drawing Of Letter Per Folio		
9	Attendance to Receive Letter Per Folio		
10	Perusal Of Documents Per Page		
11	Telephone Call Per 5 Minutes		
12	Consultation Per Quarter Of An Hour		
13	Travelling Time per quarter of an hour		
14	Travelling Costs per KM		
15	Waiting Time At Court per quart of an hour		
16	Attendance At Settlement Negotiation Per Quarter Of An Hour Or Part Thereof		
17	Attend To Research Per Quarter Of An Hour		
18	Attendance for Index And Paginating of court file Per Quarter Of An Hour, Service And Filing per quarter of an hour		
19	Copy Per Page		
20	Attendance For Sending an E-Mail And Fax		

21	Attendance to draw heads of arguments per quarter of an hour, including the drawing, service and filing		
22	Fees for <b>Recovery of legal costs</b> on behalf of the municipality as per the percentage of the recovered amount but excluding disbursement. The fees includes but not limited to taking instructions, drawing and receipt of letters, telephone calls, drawing and filing of court documents, appearance at court	<p>_____ % of the recovered legal costs.</p> <p>R10 000 threshold must be used to quantify/ convert the percentages for purpose of evaluating the bid.</p>	
23	<p>Fees for <b>debt collection</b> on behalf of the municipality but as per the percentage of the collected amount but excluding disbursement. The fees includes but not limited to taking instructions, drawing and receipt of letters, telephone calls, drawing and filing of court documents, appearance at court</p> <p>The bidders must indicate <b>N/A</b> only if not bidden for this category.</p>	<p>_____ % of the collected amount including the collection commission.</p> <p>R10 000 threshold must be used to quantify/ convert the percentages for purpose of evaluating the bid.</p>	<b>R</b>

**Cost Breakdown for 3<sup>rd</sup> Year**

<b>MAGISTRATE COURT TARRIFS</b>			
<b>ITEM</b>	<b>DESCRIPTION</b>	<b>FEES</b>	<b>DISBURSEMENT</b>
1	Taking Instruction		
2	Drawing Summons Per Page		
	Drawing Particular Of Claim/ Declaration per page		
3	Appearance Per Hour Or Part Thereof		
4	Drawing Up Court Documents Per Page		
5	Preparation Of Trial per quarter of an hour		
6	Sorting And Parginating Per Page		
7	Day Fee		
8	Drawing Of Letter Per Folio		
9	Attendance to receive Letter Per page		
10	Perusal Of Documents Per Page		
11	Telephone Call Per 5 Minutes		
12	Consultation Per Quarter Of An Hour		
13	Travelling Time per quarter of an hour		
14	Travelling Costs per KM		
15	Waiting Time At Court per quarter of hour		
16	Attendance At Settlement Negotiation Per Quarter Of An Hour Or Part Thereof		
17	Attend To Research Per Quarter Of An Hour		
18	Attendance For Index And Pagineating Per Quarter Of An Hour, including the drawing, service and filing		
	Attendance for Service And Filing per quarter of an hour		

19	Copy Per Page		
20	Attendance For Sending and E-Mail And Fax		
21	Attendance to draw heads of arguments per quarter of an hour, including the drawing, service and filing		
22	Fees for <b>Recovery of legal costs</b> on behalf of the municipality as per the percentage of the recovered amount but excluding disbursement. The fees includes but not limited to taking instructions, drawing and receipt of letters, telephone calls, drawing and filing of court documents, appearance at court	<p>_____ % of the recovered legal costs</p> <p>R10 000 threshold must be used to quantify/ convert the percentages for purpose of evaluating the bid.</p>	
23	<p>Fees for <b>debt collection</b> on behalf of the municipality but as per the percentage of the collected amount but excluding disbursement. The fees includes but not limited to taking instructions, drawing and receipt of letters, telephone calls, drawing and filing of court documents, appearance at court</p> <p>The bidders must indicate <b>N/A</b> only if not bidden for this category.</p>	<p>_____ % of the collected amount including the collection commission.</p> <p>R10 000 threshold must be used to quantify/ convert the percentages for purpose of evaluating the bid.</p>	
	<b>TOTAL (include vat)</b>	<b>R</b>	<b>R</b>



<b>HIGH COURT TARRIFS</b>			
<b>ITEM</b>	<b>DESCRIPTION</b>	<b>FEES</b>	<b>DISBURSEMENT</b>
1	Taking Instruction		
2	Drawing Summons Per Page		
	Particular Of Claim/ Declaration per page		
3	Appearance Per Quarter Of An Hour Or Part Thereof		
	By An Attorney		
	Senior attorney		
4	Drawing Up Court Documents Per Page		
5	Preparation Of Trial		
6	Sorting And Parginating Per Page		
7	Day Fee		
8	Drawing Of Letter Per Folio		
9	Attendance to Receive Letter Per Folio		
10	Perusal Of Documents Per Page		
11	Telephone Call Per 5 Minutes		
12	Consultation Per Quarter Of An Hour		
13	Travelling Time per quarter of an hour		
14	Travelling Costs per KM		
15	Waiting Time At Court per quart of an hour		
16	Attendance At Settlement Negotiation Per Quarter Of An Hour Or Part Thereof		
17	Attend To Research Per Quarter Of An Hour		
18	Attendance for Index And Paginating of court file Per Quarter Of An Hour, Service And Filing per quarter of an hour		
19	Copy Per Page		
20	Attendance For Sending an E-Mail And Fax		
21	Attendance to draw heads of arguments per quarter of an hour, including the drawing, service and filing		

22	<p>Fees for <b>Recovery of legal costs</b> on behalf of the municipality as per the percentage of the recovered amount but excluding disbursement. The fees includes but not limited to taking instructions, drawing and receipt of letters, telephone calls, drawing and filing of court documents, appearance at court</p>	<p>_____ % of the recovered legal costs.</p> <p>R10 000 threshold must be used to quantify/ convert the percentages for purpose of evaluating the bid.</p>	
23	<p>Fees for <b>debt collection</b> on behalf of the municipality but as per the percentage of the collected amount but excluding disbursement. The fees includes but not limited to taking instructions, drawing and receipt of letters, telephone calls, drawing and filing of court documents, appearance at court</p> <p>The bidders must indicate <b>N/A</b> only if not bidden for this category.</p>	<p>_____ % of the collected amount including the collection commission.</p> <p>R10 000 threshold must be used to quantify/ convert the percentages for purpose of evaluating the bid.</p>	<b>R</b>

## ANNEXTURE "A"

## MBD 4

## DECLARATION OF INTEREST

1. Any legal person, including persons employed by the state<sup>1</sup>, or persons having a kinship with persons employed by the state, including a blood relationship, may make an offer or offers in terms of this invitation to bid (includes an advertised competitive bid, a limited bid, a proposal or written price quotation). In view of possible allegations of favouritism, should the resulting bid, or part thereof, be awarded to persons employed by the state, or to persons connected with or related to them, it is required that the bidder or his/her authorised representative declare his/her position in relation to the evaluating/adjudicating authority where-
  - the bidder is employed by the state; and/or
  - the legal person on whose behalf the bidding document is signed, has a relationship with persons/a person who are/is involved in the evaluation and or adjudication of the bid(s), or where it is known that such a relationship exists between the person or persons for or on whose behalf the declarant acts and persons who are involved with the evaluation and or adjudication of the bid.
2. **In order to give effect to the above, the following questionnaire must be completed and submitted with the bid.**
  - 2.1 Full Name of bidder or his or her representative: .....
  - 2.2 Identity Number:.....
  - 2.3 Position occupied in the Company (director, trustee, shareholder<sup>2</sup>, member):  
.....
  - 2.4 Registration number of company, enterprise, close corporation, partnership agreement or trust:  
.....
  - 2.5 Tax Reference Number: .....
  - 2.6 VAT Registration Number: .....
  - 2.6.1 The names of all directors / trustees / shareholders / members, their individual identity numbers, tax reference numbers and, if applicable, employee / PERSAL numbers must be indicated in paragraph 3 below.

<sup>1</sup>"State" means –

- (a) 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);
- (b) any municipality or municipal entity;
- (c) provincial legislature;
- (d) national Assembly or the national Council of provinces; or

(e) Parliament.

<sup>2</sup>"Shareholder" means a person who owns shares in the company and is actively involved in the management of the enterprise or business and exercises control over the enterprise.

2.7 Are you or any person connected with the bidder presently employed by the state? **YES / NO**

2.7.1 If so, furnish the following particulars:

Name of person / director / trustee / shareholder/ member: .....

Name of state institution at which you or the person connected to the bidder is employed : .....

Position occupied in the state institution: .....

Any other particulars:

.....

.....

2.7.2 If you are presently employed by the state, did you obtain the appropriate authority to undertake remunerative work outside employment in the public sector? **YES / NO**

2.7.2.1 If yes, did you attach proof of such authority to the bid document? **YES / NO**

(Note: Failure to submit proof of such authority, where applicable, may result in the disqualification of the bid.

2.7.2.2 If no, furnish reasons for non-submission of such proof:

.....

.....

2.8 Did you or your spouse, or any of the company's directors / trustees / shareholders / members or their spouses conduct business with the state in the previous twelve months? **YES / NO**

2.8.1 If so, furnish particulars:

.....

.....

2.9 Do you, or any person connected with the bidder, have any relationship (family, friend, other) with a person employed by the state and who may be involved with the evaluation and or adjudication of this bid? **YES / NO**

2.9.1 If so, furnish particulars.

.....  
 .....

2.10 Are you, or any person connected with the bidder,  
 aware of any relationship (family, friend, other) between  
 any other bidder and any person employed by the state  
 who may be involved with the evaluation and or adjudication  
 of this bid?

**YES/NO**

2.10.1 If so, furnish particulars.

.....  
 .....

2.11 Do you or any of the directors / trustees / shareholders / members  
 of the company have any interest in any other related companies  
 whether or not they are bidding for this contract?

**YES/NO**

2.11.1 If so, furnish particulars:

.....  
 .....

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

<b>Full Name</b>	<b>Identity Number</b>	<b>Personal Income Tax Reference Number</b>	<b>State Number Number</b>	<b>Employee / Persal Number</b>

4 DECLARATION

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

CERTIFY THAT THE INFORMATION FURNISHED IN PARAGRAPHS 2 and 3 ABOVE IS CORRECT.  
I ACCEPT THAT THE STATE MAY REJECT THE BID OR ACT AGAINST ME SHOULD THIS  
DECLARATION PROVE TO BE FALSE.

.....  
Signature

.....  
Date

.....  
Position

.....  
Name of bidder

**MBD 5**

**DECLARATION FOR PROCUREMENT ABOVE R10 MILLION (ALL APPLICABLE TAXES INCLUDED)**

For all procurement expected to exceed R10 million (all applicable taxes included), bidders must complete the following

1 Are you by law required to prepare annual financial statements for auditing?

1.1 If yes, submit audited annual financial statements for the past three years or since the date of establishment if established during the past three years.

**\*YES / NO**

.....

.....

2 Do you have any outstanding undisputed commitments for municipal services towards any municipality for more than three months or any other service provider in respect of which payment is overdue for more than 30 days?

**\*YES / NO**

2.1 If no, this serves to certify that the bidder has no undisputed commitments for municipal services towards any municipality for more than three months or other service provider in respect of which payment is overdue for more than 30 days.

2.2 If yes, provide particulars.

.....

.....

.....

.....

\* Delete if not applicable



- 3 Has any contract been awarded to you by an organ of state during the past five years, including particulars of any material non-compliance or dispute concerning the execution of such contract? **\*YES / NO**

- 3.1 If yes, furnish particulars

.....  
.  
.....

4. Will any portion of goods or services be sourced from outside the Republic, and, if so, what portion and whether any portion of payment from the municipality / municipal entity is expected to be transferred out of the Republic? \*YES / NO

4.1 If yes, 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

## 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 exceed/not exceed R50 000 000 (all applicable taxes included) and therefore the 80/20 preference point system shall be applicable; or
- b) Either the 80/20 or 90/10 preference point system will be applicable to this tender (*delete whichever is not applicable for 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	
B-BBEE STATUS LEVEL OF CONTRIBUTOR	
<b>Total points for Price and B-BBEE must not exceed</b>	<b>100</b>

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:

**80/20**

**or**

**90/10**

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

Where

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

$P_t$  = Price of bid under consideration

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

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

- 4.1 In terms of Regulation 6 (2) and 7 (2) of the Preferential Procurement Regulations, preference points must be awarded to a bidder for attaining the B-BBEE status level of contribution in accordance with the table below:

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

#### 5. BID DECLARATION

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

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

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

#### 7. SUB-CONTRACTING

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

(***Tick applicable box***)

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

- 7.1.1 If yes, indicate:

- i) What percentage of the contract will be subcontracted.....%
- ii) The name of the sub-contractor.....
- iii) The B-BBEE status level of the sub-contractor.....
- iv) Whether the sub-contractor is an EME or QSE

(***Tick applicable box***)

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

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

Designated Group: An EME or QSE which is at least 51% owned by:	EME ✓	QSE ✓
Black people	<input type="checkbox"/>	<input type="checkbox"/>
Black people who are youth	<input type="checkbox"/>	<input type="checkbox"/>

Black people who are women		
Black people with disabilities		
Black people living in rural or underdeveloped areas or townships		
Cooperative owned by black people		
Black people who are military veterans		
<b>OR</b>		
Any EME		
Any QSE		

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

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

8.2 VAT registration number:.....

8.3 Company registration number:.....

**8.4 TYPE OF COMPANY/ FIRM**

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

[TICK APPLICABLE BOX]

**8.5 DESCRIBE PRINCIPAL BUSINESS ACTIVITIES**

.....

.....

.....

.....

**8.6 COMPANY CLASSIFICATION**

- ☐ 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.

<p>WITNESSES</p> <p>1. ....</p> <p>2. ....</p>	<p style="text-align: center;">..... SIGNATURE(S) OF BIDDERS(S)</p> <p>DATE: .....</p> <p>ADDRESS .....</p> <p>.....</p> <p>.....</p>
--	---

## **CONTRACT FORM - PURCHASE OF GOODS/WORKS**

**THIS FORM MUST BE FILLED IN DUPLICATE BY BOTH THE SUCCESSFUL BIDDER (PART 1) AND THE PURCHASER (PART 2). BOTH FORMS MUST BE SIGNED IN THE ORIGINAL SO THAT THE SUCCESSFUL BIDDER AND THE PURCHASER WOULD BE IN POSSESSION OF ORIGINALLY SIGNED CONTRACTS FOR THEIR RESPECTIVE RECORDS.**

### **PART 1 (TO BE FILLED IN BY THE BIDDER)**

1. I hereby undertake to supply all or any of the goods and/or works described in the attached bidding documents to (name of institution)..... in accordance with the requirements and specifications stipulated in bid number..... at the price/s quoted. My offer/s remain binding upon me and open for acceptance by the purchaser during the validity period indicated and calculated from the closing time of bid.
2. The following documents shall be deemed to form and be read and construed as part of this agreement:
  - (i) Bidding documents, viz
    - Invitation to bid;
    - Tax clearance certificate;
    - Pricing schedule(s);
    - Technical Specification(s);
    - Preference claims for Broad Based Black Economic Empowerment Status Level of Contribution in terms of the Preferential Procurement Regulations 2011;
    - Declaration of interest;
    - Declaration of bidder's past SCM practices;
    - Certificate of Independent Bid Determination;
    - Special Conditions of Contract;
  - (ii) General Conditions of Contract; and
  - (iii) Other (specify)
3. I confirm that I have satisfied myself as to the correctness and validity of my bid; that the price(s) and rate(s) quoted cover all the goods and/or works specified in the bidding documents; that the price(s) and rate(s) cover all my obligations and I accept that any mistakes regarding price(s) and rate(s) and calculations will be at my own risk.
4. I accept full responsibility for the proper execution and fulfilment of all obligations and conditions devolving on me under this agreement as the principal liable for the due fulfillment of this contract.
5. I declare that I have no participation in any collusive practices with any bidder or any other person regarding this or any other bid.



6. I confirm that I am duly authorised to sign this contract.

NAME (PRINT) .....

CAPACITY .....

SIGNATURE .....

NAME OF FIRM .....

DATE .....

WITNESSES

1 .....

2. ....

DATE:

.....

## CONTRACT FORM - PURCHASE OF GOODS/WORKS

### PART 2 (TO BE FILLED IN BY THE PURCHASER)

1. I.....in my capacity as..... accept your bid under reference number .....dated.....for the supply of goods/works indicated hereunder and/or further specified in the annexure(s).
2. An official order indicating delivery instructions is forthcoming.
3. I undertake to make payment for the goods/works delivered in accordance with the terms and conditions of the contract, within 30 (thirty) days after receipt of an invoice accompanied by the delivery note.

ITEM NO.	PRICE (ALL APPLICABLE TAXES INCLUDED)	BRAND	DELIVERY PERIOD	B-BBEE STATUS LEVEL OF CONTRIBUTION	MINIMUM THRESHOLD FOR LOCAL PRODUCTION AND CONTENT (if applicable)

4. I confirm that I am duly authorized to sign this contract.

SIGNED AT .....ON.....

NAME (PRINT) .....

SIGNATURE .....

OFFICIAL STAMP

WITNESSES

1. ....

2. ....

DATE .....

## 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).  <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>	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)? <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>	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**

## 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 *per se* prohibition meaning that it cannot be justified under any grounds.
- 3 Municipal Supply Regulation 38 (1) prescribes that a supply chain management policy must provide measures for the combating of abuse of the supply chain management system, and must enable the accounting officer, among others, to:
  - a. take all reasonable steps to prevent such abuse;
  - b. reject the bid of any bidder if that bidder or any of its directors has abused the supply chain management system of the municipality or municipal entity or has committed any improper conduct in relation to such system; and
  - c. cancel a contract awarded to a person if the person committed any corrupt or fraudulent act during the bidding process or the execution of the contract.
- 4 This MBD serves as a certificate of declaration that would be used by institutions to ensure that, when bids are considered, reasonable steps are taken to prevent any form of bid-rigging.
- 5 In order to give effect to the above, the attached Certificate of Bid Determination (MBD 9) must be completed and submitted with the bid:

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

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

# **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.

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

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

.....  
Signature

.....  
Date

.....  
Position

.....  
Name of Bidder



**Objections and complaints**

Persons aggrieved by decisions or actions taken in the appointment of this tender or affected by the entire process of supply chain management system, may lodge within 14 days of the decision or action, a written objection or complaint against the decision or action to: The Municipal Manager, Private Bag X 07, Chuenespoort, 0745.To report any fraud; irregularities or corruption related incidents you may call our Anti-Fraud Hotline number: 0800 20 50 53

**Checklist of documents to be submitted:**

*Please tick in the relevant block below*

YES	NO	
<input type="checkbox"/>	<input type="checkbox"/>	One original bid document
<input type="checkbox"/>	<input type="checkbox"/>	Certified copies of qualifications
<input type="checkbox"/>	<input type="checkbox"/>	Copy of your CIPRO company registration documents listing all members with percentages, in case of a CC.
<input type="checkbox"/>	<input type="checkbox"/>	Declaration of interest
<input type="checkbox"/>	<input type="checkbox"/>	BEE rating certificate issued by a SANAS Accredited BEE verification agency or sworn affidavit
<input type="checkbox"/>	<input type="checkbox"/>	Certified copies of qualifications and registration qualifications
<input type="checkbox"/>	<input type="checkbox"/>	Statements of Municipal Rates & Taxes (as proof of payment of municipal services of your municipality not older than 3 months)

**Please ensure that the following documents are completed:**

**YES**      **NO**

All MBD forms (MBD 1, MBD 2, MBD 3.1, 3.2 or 3.3, MBD 4, MBD 5, MBD 6.1, MBD 7.1, MBD 8 and MBD 9)

### Completed Price Schedule with detailed breakdown

Kindly take note that:

- 1. Should all of these documents not be included, the bidder may be disqualified on the basis of non-compliance.**
- 2. The same documents must be submitted for all other companies that are involved in the tender in case of a consortium.**

**Signed** : .....

**Name in Print** : .....