

LEPELLE-NKUMPI LOCAL MUNICIPALITY



BID DOCUMENT

BID NO. LNM061/2024/25

APPOINTMENT OF PANEL OF SERVICE PROVIDERS FOR THE PROVISION OF
SPECIALISED LEGAL SERVICES FOR LEPELLE – NKUMPI MUNICIPALITY AS
AND WHEN REQUIRED FOR A PERIOD OF THREE (03) YEARS-
READVERTISEMENT

BIDDING RELATED ENQUERIES	TECHNICAL ENQUIRIES
SUPPLY CHAIN MANAGEMENT Ms Dorothy Diale LEPELLE-NKUMPI LOCAL MUNICIPALITY P/BAG X 07 CHUENESPOORT 0745 Tel: (015) 633 4520 Fax: (015) 633 6896	CORPORATE SERVICES DEPARTMENT Ms Lerato Nxumalo LEPELLE-NKUMPI LOCAL MUNICIPALITY P/BAG X 07 CHUENESPOORT 0745 Tel: (015) 633 4545 Fax: (015) 633 6896

NAME OF BIDDER (BIDDING ENTITY) : _____
CSD NUMBER : _____
RECEIPT NUMBER : _____
CLOSING DATE : **12 DECEMBER 2025**
CLOSING TIME : **11H00**

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

R..... (In figures)

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BID NOTICE**BID: LNM061/2024/25****APPOINTMENT OF PANEL OF SERVICE PROVIDERS FOR THE PROVISION OF SPECIALISED LEGAL SERVICES FOR LEPELLE – NKUMPI MUNICIPALITY AS AND WHEN REQUIRED FOR A PERIOD OF THREE (03) YEARS-READVERTISEMENT**

The Municipality will adjudicate and award bids in accordance with the revised PPPFA Regulation and Municipal's Supply Chain Management Policy, 80/20-point system, where 80 points will be allocated for price and 20 points will be allocated for Special goals.

Municipality reserves the right to negotiate further conditions of the bid and other requirements with the successful bidder. The municipality reserves the right to appoint or not to appoint and is not obliged to accept the lowest bid.

Bid documents will be available from the municipal website (www.lepelle-nkumpi.gov.za)/E-tenders portal, downloadable for free and official closing time for submission of bids is 11H00. Bid document fully completed, priced, sealed in an envelope marked with the bid number and description should be deposited in the bid box at Municipal Offices (Civic Centre) 170 BA, Unit F Lebowakgomo, on or before closing date and time. The municipality will not take any responsibility for lost documents due to poor packaging.

Bids will remain valid for 90 days from the date of closing. In case the validity period of a bid is extended, failure to submit any withdrawal/rejection of bid validity extension on/before the stipulated time and date will be considered as acceptance of extension of validity period. No faxed/ e-mail bids will be accepted, service providers using courier services should ensure that their documents are deposited into the bid box on or before the closing date and time. It is not the responsibility of Municipal officials to accept bids from courier services and take to the bid box. All bidders must be registered on the National Treasury Central Supplier Database.

Enquiries relating to bid documents:

1. Supply Chain Management unit – Ms. Dorothy Diale (015) 633 4506/4531/4616/4538
2. Corporate Services – Ms Lerato Nxumalo (015) 633 4545

Dr. ML CHAUKE
ACTING MUNICIPAL MANAGER

MBD1**PART A INVITATION TO BID**

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE (LEPELLE NKUMPI MUNICIPALITY)					
BID NUMBER:	LNMO61/2024/25	CLOSING DATE:	12 DECEMBER 2025	CLOSING TIME:	11H00
DESCRIPTION	APPOINTMENT OF PANEL OF SERVICE PROVIDERS FOR THE PROVISION OF SPECIALISED LEGAL SERVICES FOR LEPELLE – NKUMPI MUNICIPALITY AS AND WHEN REQUIRED FOR A PERIOD OF THREE (03) YEARS- READVERTISEMENT				
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 UNIT 170 BA, CIVIC
CENTRE

LEPELLE-NKUMPI LOCAL MUNICIPALITY					
UNIT 170 BA, CIVIC CENTRE					
LEBOWAKGOMO					
0737					
SUPPLIER INFORMATION					
NAME OF BIDDER					
POSTAL ADDRESS					
STREET ADDRESS					
TELEPHONE NUMBER	CODE		NUMBE R		
CELLPHONE NUMBER					
FACSIMILE NUMBER	CODE		NUMBE R		
E-MAIL ADDRESS					
VAT REGISTRATION NUMBER					
TAX COMPLIANCE STATUS	TCS PIN:	OR	CSD No:		
ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES OFFERED?	☐ Yes ☐ No [IF YES ENCLOSE PROOF]	ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES OFFERED?	☐ Yes ☐ No [IF YES, ANSWER PART B:3]		
TOTAL NUMBER OF ITEMS OFFERED		TOTAL BID PRICE	R		
SIGNATURE OF BIDDER		DATE			
CAPACITY UNDER WHICH THIS BID IS SIGNED					
BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO:			TECHNICAL INFORMATION MAY BE DIRECTED TO:		
DEPARTMENT	Lepelle Nkumpi Local Municipality		CONTACT PERSON	Lerato Nxumalo	
CONTACT PERSON	Diale Dorothy		TELEPHONE NUMBER	015 633 4545	

TELEPHONE NUMBER	015 633 4520/4531/4616	FACSIMILE NUMBER	(015) 633 6896
FACSIMILE NUMBER	(015) 633 6896	E-MAIL ADDRESS	lerato.nxumalo@lepel le-nkumpi.gov.za
E-MAIL ADDRESS	dorothy.diale@l epelle- nkumpi.gov.za		

PART B
TERMS AND CONDITIONS FOR BIDDING

1. BID SUBMISSION:
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 THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER SPECIAL CONDITIONS OF CONTRACT.
2. TAX COMPLIANCE REQUIREMENTS
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 ☐ YES ☐ NO
3.2. DOES THE ENTITY HAVE A BRANCH IN THE RSA? YES ☐ YES ☐ NO
3.3. DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA? YES ☐ 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

The following evaluation process and criteria will be used to evaluate all bids submitted:

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

The evaluation criteria consist of the following three (03) phases-

- | | |
|---------|----------------------------------|
| Phase 1 | - Administration compliance |
| Phase 2 | - Functionality |
| Phase 3 | - Price and special goals points |

Bids in administrative compliance must meet the requirements of each phase in order to qualify for further evaluation

Bids in functionality phase must meet minimum points of 70 to qualify for further evaluation and below 70 points bidders will be disqualified.

1. Administrative Compliance – Phase one

RESPONSIVENESS CRITERIA

1. 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 municipality will not take any responsibility of the lost documents due to poor packaging.
2. 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.
3. The following MBD forms 1, 3.3, 4, 5, 6.1, 8, and 9 must be completed in full. In case of a joint venture, MBD forms should be completed by an authorized JV representative. (Failure to do so will result in disqualification)
 - i. MBD 1 – Invitation to bid
 - ii. MBD 3.3 - Pricing schedule (Professional Services)
 - iii. MBD 4 – Declaration of interest
 - iv. MBD 5- Declaration for procurement above R10 million (VAT included)
 - v. MBD 6.1 – Preference points claim form
 - vi. MBD 8 – Declaration of bidder's past supply chain management practices
 - vii. MBD 9 – Certificate of independent bid determination
- All pages must be initialized or signed. (failure to do so will result in disqualification)
- Alterations must be signed or initialized. (failure to do so will result in disqualification)
6. Copy of the law firm registration certificate if applicable
7. Certified copy of the admission of the Director, Partner and or Associate, as an Attorney

8. Fidelity Fund for each director, partner and or associate
9. Letter of good standing for the Director(s), Partners and or Associates of the Law Firm from Legal Practice Council valid for 3 months from date of submission

- **THE USE OF TIPPEX WILL AUTOMATICALLY DISQUALIFY YOUR BID**

- The bid document and attached annexure must be completed in indelible ink. (failure to do so will result in disqualification)
- **The bidder must attach following with the tender:**
 - i. Copy of the entity/company registration certificate must be submitted with the bid, if applicable.
 - ii. Certified copies of IDs for all Director(s) must be attached **(Certification not older than 3 months before the closing date)**
 - iii. Tax compliance pin/ CSD number must be completed in MBD form 1.
 - iv. Authority for signatory - attach resolution in case of more than one director
 - v. Bidder/s (Company and director/partner or sole propriety) must attach proof of municipal rates on municipality letterhead which are not older than 90 days. If the statement of municipal rates is not in the name of the bidder an affidavit from SAPS must be attached. OR Letter of traditional authority not older than 90 days for bidder/s. OR in case of a lease agreement, a signed lease agreement by both parties indicating who is liable in terms of municipal rates (lessor & lessee) must be attached.
 - vi. Annual financial statement (if the bidder is required by law to prepare annual financial statements for auditing, their audited/reviewed annual financial statements - for the past three years; or since their establishment if established during the past three years)
 - vii. In case of a Joint Venture, Association or Consortium a formal contract agreement must be signed by both parties and be attached and It is further required that all of the above under 8 must be for both entities unless indicated otherwise

NB: Failure to adhere to the above mentioned requirements will result to disqualification

2. Functionality – Phase two

The bidders who complied administratively are considered for further evaluation on ability to execute the project.

The assessment of functionality will be done in terms of the evaluation criteria and minimum threshold as specified.

Bidders are notified that a minimum of 80 points should be achieved in order to be evaluated further, a bid will be disqualified if it fails to meet the minimum threshold for functionality.

Criteria	Scoring guide	Maximum Weights
Company Experience in Similar project –Law Firm must demonstrate experience in providing similar services in government (Attach copies of Appointment Letters and Reference letters for specified cases with contact details where similar service has been rendered) Total	• Less than 7 letters = 0 • 7 to 9 Letters = 20 • 10 to 14 Letters = 30 • Above 15 Letters = 40	40
Qualifications and Experience of the Director, Partner or Associates LLB/ B Proc degree/ B juris/ Post Graduate Degree in Law = 10 Relevant experience to execute the project. (Attach concise CV with of the Director with contactable references)	• Qualifications = 15 • 10 or more Years of Experience = 15 • Between 5 to 9 Years of Experience = 10 • Between 2-4 years of experience = 5	30

Qualifications of key personnel- attach CVs and Copies of qualifications Of the director, Partner or associate (15 Points) Law Qualifications – LLB/ B Proc/ B juris degree = 5 Years of Experience • 5 or more Years of Experience = 10 • 2 to 4 years of experience = 5 Candidate Attorney (10 Points) Law Qualifications – LLB/ B Proc/ B juris degree = 5 Years of Experience 1 to 2 years of experience = 5	• Qualifications = 5 • Experience= 10 • Qualifications = 5 • Experience= 5	25
Letter of Good Standing from Legal Practice Council (For the Director) less than Three(3) months	Letter of Good Standing from Legal Practice Council (For the Director) Less than Three(3) months	5
Functionality Threshold (Minimum score)		80
Total Points for Functionality		100

The bidder is expected to score a minimum of 80 points in order to qualify and be listed on the Panel

3. Price and Preference Point system (Special goals) – Phase three

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, amended PPR 2022 and other applicable legislations.

Evaluation on price and preference point system

Evaluation Criteria		Points
1.	Price	80
2.	Preference point (Special goals)	20
3.	Total	100

Special goals are awarded as per the following table:

The specific goals allocated points in terms of this tender	Number of points allocated Special goals: 20 points
(Percentage %) Black Person owned as per CSD	04
People or Businesses residing within Lepelle-Nkumpi Local Municipality as per proof of residence	04
(Percentage %) owned by black people who are women as per CSD	04
(Percentage %) owned by black people who are disabled as per CSD	04
(Percentage %) owned by black people who are youth as per CSD	04

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, bidders authorizes 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

BID SPECIFICATION

LNM061/2024/25

APPOINTMENT OF PANEL OF SERVICE PROVIDERS FOR THE PROVISION OF SPECIALISED LEGAL SERVICES FOR LEPELLE – NKUMPI MUNICIPALITY AS AND WHEN REQUIRED FOR A PERIOD OF THREE (03) YEARS- READVERTISEMENT

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

	LITIGATIONS	
	CORPORATE SERVICES	
	LAND MATTERS	
	LABOUR DISPUTES	
	GENERAL LIABILITIES	
	CONVEYANCING	
	REVIEW AND DEVELOPMENT OF BY-LAWS AND POLICIES	
	ANY OTHER LEGAL MATTER	

SCOPE OF WORK

1.1. LITIGATIONS

- a) To represent the Municipality in various forums;
- b) To institute legal proceedings against third parties on behalf of the Municipality; To defend the Municipality in legal proceedings;
- c) To advise the Municipality in any legal proceedings;
- d) Any other service required by the Municipality in legal proceedings

1.2 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.

1.3. 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;
- e) Any other matter related to land issues.

1.4. 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;
- e) Any other labour matter.

1.5. 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;

- e. Any other dispute relating to general liability.

1.6. CONVEYANCING

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

Any other conveyancing related matter.

1.7. 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.

1.8. ANY OTHER LEGAL MATTER

Any other legal matter not specifically mentioned herein that the Municipality may requires assistance with.

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.

PRICING SCHEDULE

Cost Breakdown for:

MAGISTRATE COURT TARRIFS				
ITEM	DESCRIPTION	YEAR 1 FEES	YEAR 2 FEES	YEAR 3 FEES
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 Recovery of legal costs 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.	_____ % of the recovered legal costs R10 000 threshold must be used to quantify/ convert the percentages for purpose of evaluating the bid.		
	TOTAL (include vat)	R	R	

HIGH COURT TARRIFS				
ITEM	DESCRIPTION	YEAR 1 FEES	YEAR 2 FEES	YEAR 3 FEES
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 Recovery of legal costs 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	_____ % of the recovered legal costs R10 000 threshold must be used to quantify/ convert the percentages for purpose of evaluating the bid.		

LABOUR COURT TARRIFS				
ITEM	DESCRIPTION	YEAR 1 FEES	YEAR 2 FEES	YEAR 3 FEES
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 Recovery of legal costs 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.	_____ % of the recovered legal costs R10 000 threshold must be used to quantify/ convert the percentages for purpose of evaluating the bid.		
	TOTAL (include vat)	R	R	

LABOUR APPEAL COURT TARRIFS				
ITEM	DESCRIPTION	YEAR 1 FEES	YEAR 2 FEES	YEAR 3 FEES
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 Recovery of legal costs 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.	_____% of the recovered legal costs R10 000 threshold must be used to quantify/ convert the percentages		

		for purpose of evaluating the bid.		
	TOTAL (include vat)	R	R	

SUPREME COURT OF APPEAL TARRIFS				
ITEM	DESCRIPTION	YEAR 1 FEES	YEAR 2 FEES	YEAR 3 FEES
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 Parginating 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 Recovery of legal costs 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.	_____ % of the recovered legal costs R10 000 threshold must be used to quantify/ convert the percentages for purpose of evaluating the bid.		
	TOTAL (include vat)	R	R	

CONSTITUTIONAL COURT TARRIFS				
ITEM	DESCRIPTION	YEAR 1 FEES	YEAR 2 FEES	YEAR 3 FEES
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 Recovery of legal costs 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.	_____ % of the recovered legal costs R10 000 threshold must be used to quantify/ convert the percentages for purpose of evaluating the bid.		
	TOTAL (include vat)	R	R	

SUMMARY PRICING SCHEDULE

	YEAR 1	YEAR 2	YEAR 3
Total tariffs for Magistrate Court			
Total tariffs for High Court			
Total tariffs for Labour Court			
Total tariffs for Labour appeal Court			
Total tariffs for Supreme Court of appeal			
Total tariffs for Constitutional Court			
Sub Total			
VAT			
Total (VAT Inclusive)			
Grand Total for three (03) years			

MBD 3.3

**PRICING SCHEDULE
(Professional Services)**

Name of Bidder:..... Bid Number:

Closing Time: Closing Date

OFFER TO BE VALID FORDAYS FROM THE CLOSING DATE OF BID.

ITEM NO	DESCRIPTION	BID PRICE IN RSA CURRENCY *(ALL APPLICABLE TAXES INCLUDED)
------------	-------------	---

1. The accompanying information must be used for the formulation of proposals.
2. Bidders are required to indicate a ceiling price based on the total estimated time for completion of all phases and including all expenses inclusive of all applicable taxes for the project.

R.....

3. PERSONS WHO WILL BE INVOLVED IN THE PROJECT AND RATES APPLICABLE (CERTIFIED INVOICES MUST BE RENDERED IN TERMS HEREOF)

4. PERSON AND POSITION HOURLY RATE DAILY RATE

-----	R-----	-----
-----	R-----	-----
-----	R-----	-----
-----	R-----	-----
-----	R-----	-----

5. PHASES ACCORDING TO WHICH THE PROJECT WILL BE COMPLETED, COST PER PHASE AND MAN-DAYS TO BE SPENT

-----	R-----	days
-----	R-----	days
-----	R-----	days
-----	R-----	days

5.1 Travel expenses (specify, for example rate/km and total km, class of airtravel, etc). Only actual costs are recoverable. Proof of the expenses incurred must accompany certified invoices.

DESCRIPTION OF EXPENSE TO BE INCURRED	RATE	QUANTITY	AMOUNT
-----			R.....
-----			R.....
-----			R.....
-----			R.....

**“all applicable taxes” includes value-added taxes, pay as you earn, income tax, unemployment insurance fund contributions and skills development levies.

5.2 Other expenses, for example accommodation (specify, eg. Three star hotel, bed and breakfast, telephone cost, reproduction cost, etc.). On basis of these particulars, certified invoices will be checked for correctness. Proof of the expenses must accompany invoices.

DESCRIPTION OF EXPENSE TO BE INCURRED	RATE	QUANTITY	AMOUNT
-----			R.....
-----			R.....
-----			R.....
-----			R.....

TOTAL: R.....

6. Period required for commencement with project after Acceptance of bid
.....

7. Estimated man-days for completion of project
.....

8. Are the rates quoted firm for the full period of contract?
.....*YES/ NO.

9. If not firm for the full period, provide details of the basis on which adjustments will be applied for, for example consumer price index

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

*Delete if not applicable

MBD 4**DECLARATION OF INTEREST**

1. No bid will be accepted from persons in the service of the state¹.
2. Any person, having a kinship with persons in the service of the state, including a blood relationship, may make an offer or offers in terms of this invitation to bid. In view of possible allegations of favouritism, should the resulting bid, or part thereof, be awarded to persons connected with or related to persons in service of the state, it is required that the bidder or their authorised representative declare their position in relation to the evaluating/adjudicating authority.

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

3.1 Full Name of bidder or his or her representative:

3.2 Identity Number:

3.3 Position occupied in the Company (director, trustee, shareholder²):

3.4 Company Registration Number:

3.5 Tax Reference Number:

3.6 VAT Registration Number:

3.7 The names of all directors / trustees / shareholders members, their individual identity Numbers and state employee numbers must be indicated in paragraph 4 below.

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

3.8.1 If yes, furnish particulars.

¹MSCM Regulations: “in the service of the state” means to be –

(a) a member of –

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

(b) a member of the board of directors of any municipal entity;

(c) an official of any municipality or municipal entity;

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

(e) a member of the accounting authority of any national or provincial public entity; or

(f) an employee of Parliament or a provincial legislature.

² Shareholder” means a person who owns shares in the company and is actively involved in the management of the company or business and exercises control over the company.

3.9 Have you been in the service of the state for the past twelve months? **YES / NO**

3.9.1 If yes, furnish particulars.....

3.10 Do you have any relationship (family, friend, other) with persons in the service of the state and who may be involved with the evaluation and or adjudication of this bid? **YES / NO**

3.10.1 If yes, furnish particulars.

3.11 Are you, aware of any relationship (family, friend, other) between any other bidder and any persons in the service of the state who may be involved with the evaluation and or adjudication of this bid?
YES / NO

3.11.1 If yes, furnish particulars.....

3.12 Are any of the company's directors, trustees, managers, principle shareholders or stakeholders in service of the state? **YES / NO**

3.12.1 If yes, furnish particulars.....

3.13 Are any spouse, child or parent of the company's director's trustees, managers, principle shareholders or stakeholders in service of the state? **YES / NO**

3.13.1 If yes, furnish particulars.....

3.14 Do you or any of the directors, trustees, managers, principle shareholders, or stakeholders of this company have any interest in any other related companies or business whether or not they are bidding for this contract.

YES / NO

3.14.1 If yes, furnish particulars.....

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

[illegible]

.....
Signature

.....
Date

.....
Capacity

.....
Name of Bidder

MBD5: DECLARATION FOR PROCUREMENT ABOVE R10 MILLION (VAT INCLUDED)

For all procurement expected to exceed R10 million (VAT included), bidders must complete the following questionnaire:

1. Are you by law required to prepare annual financial statements for auditing? **YES/NO**

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.

.....

2. Do you have any outstanding undisputed commitments for Municipal services towards a municipality 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 a municipality or other service provider in respect of which payment is overdue for more than 30 days.

- 2.2 If yes, provider particulars.

.....

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 the particulars

.....

SIGNATURE:

DATE:

MBD 6.1**PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL PROCUREMENT REGULATIONS 2022**

This preference form must form part of all tenders invited. It contains general information and serves as a claim form for preference points for specific goals.

NB: BEFORE COMPLETING THIS FORM, TENDERERS MUST STUDY THE GENERAL CONDITIONS, DEFINITIONS AND DIRECTIVES APPLICABLE IN RESPECT OF THE TENDER AND PREFERENTIAL PROCUREMENT REGULATIONS, 2022

1. GENERAL CONDITIONS

1.1 The following preference point systems are applicable to invitations to tender:

- 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).

- a) The applicable preference point system for this tender is the 80/20 preference point system.
- b) 80/20 preference point system will be applicable in this tender. The lowest / highest acceptable tender will be used to determine the accurate system once tenders are received.

1.2 Points for this tender (even in the case of a tender for income-generating contracts) shall be awarded for:

- (a) Price; and
- (b) Specific Goals.

1.3 **To be completed by the organ of state:**

The maximum points for this tender are allocated as follows:

	POINTS
PRICE	80
SPECIFIC GOALS	20
Total points for Price and SPECIFIC GOALS	100

1.4 Failure on the part of a tenderer to submit proof or documentation required in terms of this tender to claim points for specific goals with the tender, will be interpreted to mean that preference points for specific goals are not claimed.

1.5 The organ of state reserves the right to require of a tenderer, either before a tender is adjudicated or at any time subsequently, to substantiate any claim in regard to preferences, in any manner required by the organ of state.

2. DEFINITIONS

- (a) “tender” means a written offer in the form determined by an organ of state in response to an invitation to provide goods or services through price quotations, competitive tendering process or any other method envisaged in legislation;
- (b) “price” means an amount of money tendered for goods or services, and includes all applicable taxes less all unconditional discounts;
- (c) “rand value” means the total estimated value of a contract in Rand, calculated at the time of bid invitation, and includes all applicable taxes;
- (d) “tender for income-generating contracts” means a written offer in the form determined by an organ of state in response to an invitation for the origination of income-generating contracts through any method envisaged in legislation that will result in a legal agreement between the organ of state and a third party that produces revenue for the organ of state, and includes, but is not limited to, leasing and disposal of assets and concession contracts, excluding direct sales and disposal of assets through public auctions; and
- (e) “the Act” means the Preferential Procurement Policy Framework Act, 2000 (Act No. 5 of 2000).

3. FORMULAE FOR PROCUREMENT OF GOODS AND SERVICES

3.1. POINTS AWARDED FOR PRICE

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

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

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

Where

- P_s = Points scored for price of tender under consideration
- P_t = Price of tender under consideration
- P_{min} = Price of lowest acceptable tender

3.2. FORMULAE FOR DISPOSAL OR LEASING OF STATE ASSETS AND INCOME GENERATING PROCUREMENT

3.2.1. POINTS AWARDED FOR PRICE

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

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

Where

- P_s = Points scored for price of tender under consideration
- P_t = Price of tender under consideration
- P_{max} = Price of highest acceptable tender

4. POINTS AWARDED FOR SPECIFIC GOALS

- 4.1 In terms of Regulation 4(2); 5(2); 6(2) and 7(2) of the Preferential Procurement Regulations, preference points must be awarded for specific goals stated in the tender. For the purposes of this tender the tenderer will be allocated points based on the goals stated in table 1 below as may be supported by proof/ documentation stated in the conditions of this tender:
- 4.2 In cases where organs of state intend to use Regulation 3(2) of the Regulations, which states that, if it is unclear whether the 80/20 or 90/10 preference point system applies, an organ of state must, in the tender documents, stipulate in the case of—
- (a) an invitation for tender for income-generating contracts, that either the 80/20 or 90/10 preference point system will apply and that the highest acceptable tender will be used to determine the applicable preference point system; or
 - (b) any other invitation for tender, that either the 80/20 or 90/10 preference point system will apply and that the lowest acceptable tender will be used to determine the applicable preference point system,

then the organ of state must indicate the points allocated for specific goals for both the 90/10 and 80/20 preference point system.

Table 1: Specific goals for the tender and points claimed are indicated per the table below.

(Note to organs of state: Where either the 90/10 or 80/20 preference point system is applicable, corresponding points must also be indicated as such.)

Note to tenderers: The tenderer must indicate how they claim points for each preference point system.)

The specific goals allocated points in terms of this tender	Number of points allocated (90/10 system) (To be completed by the organ of state)	Number of points allocated (80/20 system) (To be completed by the organ of state)	Number of points claimed (90/10 system) (To be completed by the tenderer)	Number of points claimed (80/20 system) (To be completed by the tenderer)
(Percentage %) Black Person owned as per CSD	02	04		
People or Businesses residing within Lepelle-Nkumpi Local Municipality as per proof of residence	02	04		
(Percentage %) owned by black people who are women as per CSD	02	04		

(Percentage %) owned by black people who are disabled as per CSD	02	04		
(Percentage %) owned by black people who are youth as per CSD	02	04		

DECLARATION WITH REGARD TO COMPANY/FIRM

4.3 Name of company/firm.....

4.4 Company registration number:

4.5 TYPE OF COMPANY/ FIRM (TICK APPLICABLE BOX)

- ☐ Partnership/Joint Venture / Consortium One-person business/sole propriety Close corporation
- ☐ Public Company
- ☐ Personal Liability Company (Pty) Limited
- ☐ Non-Profit Company State Owned Company

4.6 I, the undersigned, who is duly authorised to do so on behalf of the company/firm, certify that the points claimed, based on the specific goals as advised in the tender, qualifies the company/ firm for the preference(s) shown and I 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 4.2, the contractor may be required to furnish documentary proof to the satisfaction of the organ of state that the claims are correct;
- iv) If the specific goals have been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the organ of state may, in addition to any other remedy it may have –
 - (a) disqualify the person from the tendering 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 tenderer or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, be restricted 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, if deemed necessary.

Name and Surname:		Date:	
Signature:		Address:	

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 numberdated.....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 ATON.....

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). The Database of Restricted Suppliers now resides on the National Treasury's website(www.treasury.gov.za) and can be accessed by clicking on its link at the bottom of the home page.	Yes ☐	No ☐
4.1.1	If so, furnish particulars:		

4.2	Is the bidder or any of its directors listed on the Register for Tender Defaulters in terms of section 29 of the Prevention and Combating of Corrupt Activities Act (No 12 of 2004)? The Register for Tender Defaulters can be accessed on the National Treasury's website (www.treasury.gov.za) by clicking on its link at the bottom of the home page.	Yes ☐	No ☐
4.2.1	If so, furnish particulars:		
4.3	Was the bidder or any of its directors convicted by a court of law (including a court of law outside the Republic of South Africa) for fraud or corruption during the past five years?	Yes ☐	No ☐
4.3.1	If so, furnish particulars:		
Item	Question	Yes	No
4.4	Does the bidder or any of its directors owe any municipal rates and taxes or municipal charges to the municipality / municipal entity, or to any other municipality / municipal entity, that is in arrears for more than three months?	Yes ☐	No ☐
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 ☐	No ☐
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 bids¹ invited.

- 2 Section 4 (1) (b) (iii) of the Competition Act No. 89 of 1998, as amended, prohibits an agreement between, or concerted practice by, firms, or a decision by an association of firms, if it is between parties in a horizontal relationship and if it involves collusive bidding (or bid rigging).² Collusive bidding is a *pe se* prohibition meaning that it cannot be justified under any grounds.

- 3 Municipal Supply Regulation 38 (1) prescribes that a supply chain management policy must provide measures for the combating of abuse of the supply chain management system, and must enable the accounting officer, among others, to:
 - a. take all reasonable steps to prevent such abuse;
 - b. reject the bid of any bidder if that bidder or any of its directors has abused the supply chain management system of the municipality or municipal entity or has committed any improper conduct in relation to such system; and
 - c. cancel a contract awarded to a person if the person committed any corrupt or fraudulent act during the bidding process or the execution of the contract.

- 4 This MBD serves as a certificate of declaration that would be used by institutions to ensure that, when bids are considered, reasonable steps are taken to prevent any form of bid-rigging.

- 5 In order to give effect to the above, the attached Certificate of Bid Determination (MBD 9) must be completed and submitted with the bid:

¹ Includes price quotations, advertised competitive bids, limited bids and proposals.

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

CERTIFICATE OF INDEPENDENT BID DETERMINATION

I, the undersigned, in submitting the accompanying bid:

(Bid Number and Description)

in response to the invitation for the bid made by:

(Name of Municipality / Municipal Entity)

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

I certify, on behalf

of: _____ that:

(Name of Bidder)

1. I have read and I understand the contents of this Certificate;
2. I understand that the accompanying bid will be disqualified if this Certificate is found not to be true and complete in every respect;
3. I am authorized by the bidder to sign this Certificate, and to submit the accompanying bid, on behalf of the bidder;
4. Each person whose signature appears on the accompanying bid has been authorized by the bidder to determine the terms of, and to sign, the bid, on behalf of the bidder;
5. For the purposes of this Certificate and the accompanying bid, I understand that the word "competitor" shall include any individual or organization, other than the bidder, whether or not affiliated with the bidder, who:

(a) has been requested to submit a bid in response to this bid invitation;

- (b) could potentially submit a bid in response to this bid invitation, based on their qualifications, abilities or experience; and
- (c) provides the same goods and services as the bidder and/or is in the same line of business as the bidder

MBD 9

6. The bidder has arrived at the accompanying bid independently from, and without consultation, communication, agreement or arrangement with any competitor. However communication between partners in a joint venture or consortium³ will not be construed as collusive bidding.
7. In particular, without limiting the generality of paragraphs 6 above, there has been no consultation, communication, agreement or arrangement with any competitor regarding:
 - (a) prices;
 - (b) geographical area where product or service will be rendered (market allocation)
 - (c) methods, factors or formulas used to calculate prices;
 - (d) the intention or decision to submit or not to submit, a bid;
 - (e) the submission of a bid which does not meet the specifications and conditions of the bid; or
 - (f) bidding with the intention not to win the bid.
8. In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications and conditions or delivery particulars of the products or services to which this bid invitation relates.
9. The terms of the accompanying bid have not been, and will not be, disclosed by the bidder, directly or indirectly, to any competitor, prior to the date and time of the official bid opening or of the awarding of the contract.

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

MBD 9

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

.....
Signature

.....
Date

.....
Position

.....
Name of Bidder

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