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LOCAL MUNICIPALITY

REQUEST FOR FORMAL WRITTEN PRICE QUOTATIONS

GOODS

(R 30,000 to R 200,000)

SUPPLY AND DELIVERY OF PERSONAL PROTECTIVE GEAR FOR EMERGENCY SERVICES

Kindly furnish me with a written quote for the supply of the goods as detailed in the enclosed schedule.

The following conditions will apply:

- Price(s) quoted must be valid for at least ninety (90) days from date of your offer.
- Price(s) quoted must be firm.
- A firm delivery period must be indicated.
- This quotation will be evaluated in terms of the 80/20 preference point system as prescribed in the Preferential Procurement Policy Framework Act (No 5 of 2000) and for this purpose the enclosed forms MBD 1, MBD 2, MBD 3.1, MBD 4, MBD 6.1, MBD 8 and MBD 9 must be scrutinized, completed and submitted together with your quotation.
- The successful provider will be the one scoring the highest points.
- The Council is not bound to accept the lowest or any quote.

Failure to comply with these conditions may invalidate your offer.

Yours faithfully

S.M. MNGUNI
ACTING MUNICIPAL MANAGER

INDEX

- 1. MBD 1: Request for written price quotation – Firm Fixed Price**
- 2. Specifications**
- 3. MBD 2: Tax Clearance Certificate**
- 4. MBD 3.1: Pricing Schedule – Firm Prices (Purchases)**
- 5. MBD 4: Declaration of Interest**
- 6. MBD 6.1: Preference Certificate**
- 7. MBD 7.1: Contract form for purchase of goods / works**
- 8. MBD 8: Declaration of bidder's past supply chain management practices**
- 9. MBD 9: Certificate of Independent Bid Determination**
- 10. General Conditions of Contract**

MBD 1: REQUEST FOR A FORMAL WRITTEN PRICE QUOTATION – FIRM FIXED PRICE

(Over R10 000.00 up to a transaction value of R200 000.00 VAT included)

**YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE
STEVETSHWETELOCALMUNICIPALITY**

BID NUMBER: Q21.07.16 CLOSING DATE: 02/08/2016 CLOSING TIME: 12H00.

DESCRIPTION: Supply and delivery of Personal Protective Gear for Emergency Services

The successful bidder will be required to fill in and sign a written Contract Form (MBD 7.1)

Bid documents must be delivered to:

The Deputy Director: Emergency Services
Ndondo Mampane Fire Station
Lilian Ngoyi str.
Middelburg
Mpumalanga

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

The receipt of bids will generally be open 7H30 TO 16H00 hours Monday to Thursday and 07H30 to 13H00 on Fridays.

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

THIS BID IS SUBJECT TO THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER SPECIAL CONDITIONS OF CONTRACT

THIS BID WILL BE EVALUATED AND ADJUDICATED ACCORDING TO THE FOLLOWING CRITERIA:

1. Relevant specifications
2. Value for money
3. Capability to execute the contract
4. PPPFA and B-BBEE Status

NB: NO QUOTATIONS WILL BE CONSIDERED FROM PERSONS IN THE SERVICE OF THE STATE

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

Name of Bidder:

Postal Address:

Street Address:

Telephone Number:

Code:Number:

Cellphone Number:.....

Facsimile Number:

Code Number.....

Vat Registration Number:

Has an original tax clearance certificate been attached (MBD 2)? Yes/No

Are you the accredited representative in South Africa for the services offered by you? Yes/No

SIGNATURE OF BIDDER:

DATE:

CAPACITY UNDER WHICH THIS BID IS SIGNED:

TOTAL BID PRICE CARRIED OVER FROM MBD 3.1: R:.....

ANY ENQUIRIES REGARDING THE BIDDING PROCEDURE MAY BE DIRECTED TO:

Municipality: Steve Tshwete Local Municipality.

Department: Finance – Supply Chain Management

Contact Person: Mr. P van der Merwe

Tel:(013) 249 7000

Mobile:

Fax: (013) 243 2550

ANY ENQUIRIES REGARDING TECHNICAL INFORMATION MAY BE DIRECTED TO:

Contact Person: Mr. E.E James

Department: Emergency Services

Tel: [013-2497270](tel:013-2497270)

Email: elwinj@stlm.gov.za

SPECIFICATIONS

1. Description of the goods required

Supply and delivery of personal protective gear for structural fire fighting for emergency personnel.

2. Specifications

The following specifications indicate the minimum requirements for the personal protective gear required. All deviations must be clearly indicated and supported by the necessary certifications. Samples of all items should be made available on request by this department.

Structural Fire Fighting Suit (Jacket and Trousers)

1. Standard Design:

- 1.1 The complete suit shall comply fully with all relevant standards as set in the NFPA 1971 Standard on Protective Ensemble for Structural Fire Fighting, 2007 edition, codes.
- 1.2 The suit shall consist of a tunic and trousers
- 1.3 The minimum overlap between the tunic and trousers shall be 250 mm.
- 1.4 Each garment shall consist of a composite of an outer shell, vapour barrier, thermal barrier and lining.
 - 1.4.1 Current and valid certificates of compliance issued by an accredited test house, certifying that the outer shell, vapour barrier and thermal barrier comply fully with NFPA1971, Standard on Protective Ensemble for Structural Fire Fighting, 2007 edition, must be included with the tender. **Failure to do so will render the tender null and void**
- 1.5 The vapour barrier, thermal barrier and lining shall form the inner shell and shall be detachable from the outer shell.
- 1.6 The suits shall be made in six (6) sizes labeled: Small, Medium, Large, X-Large, XX-Large and XXX-Large. Special size suits shall be made to fit for individual personnel, where standard sizes will not fit and protect adequately.

2. Fabric and Garment Requirements:

2.1 **Outer Material (Shell):**

- 2.1.1 Aramatic Polyamide fibre enriched with 60% Kevlar (para-aramid) and 40 % Nomex (meta-aramid). Material to be in Rip-stop weaves.
- 2.1.2 The colour of the material will be black
- 2.1.3 The fabric shall withstand at least 350 cycles on the Taber Abrasion Machine without the material holing (90% of material weight retained).
- 2.1.4 The TPP (Thermal Protective Performance) shall be no less than 43 cal/cm² on the composite of the material on offer.
- 2.1.5 Degradation temperature to be no less than 1050°F (565.6°C)
- 2.1.6 The tensile strength of the outer material after 5 seconds TTP exposure shall not be less than 75 lb (34,5 kg) in warp and fill.
- 2.1.7 The garments shall comply with the NFPA 1971(2007) standards for :
 - Seam Strength,
 - High visibility,
 - Hardware and
 - Label legibility.
- 2.1.8 Only yarns guaranteed by the manufacturer to 360° C and SABS /NFPA/EN shall be used.
- 2.1.9 Yarns to be of same colour as outer material
- 2.1.10 All raw edges and seams shall be over locked by using at least five (5) strands of yarn.
- 2.1.11 Seam strength to be at least 200 N.

2.1.12 **Proof of the certification must be included**

2.2 **Vapour Barrier:**

2.2.1 Bi-component Polyurethane laminated to Nomex E89 fabric

2.2.2 The fabric shall have NFPA 1971 (2007) approval for:

- Flame resistance
- Heat resistance
- Water resistance
- Liquid resistance
- Viral resistance (Bacteriophage)
- Strength

2.2.3 Resistance to penetration by fire ground chemicals.

2.2.4 **Proof of the certificate (UL) must be included**

2.3 **Thermal barrier and Lining**

2.3.1 Thermal barrier – 100% Aramid Batt/ Quilted. Lining – 100% Nomex face cloth/ quilted. Thermal liner consists of Nomex face cloth (the liner) and a non-woven aramid batt, and these two layers are quilted together with Nomex thread. Total weight indeed 9,3 oz./sq. yd. Thermal barrier-liner combination would be integrated.

2.3.2 The fabric shall have NFPA 1971 (2007) approval for:

- Flame Resistance
- Heat resistance
- Thermal resistance
- Cleaning shrinkage
- Strength

2.3.3 **Proof of the certificate (UL) must be included**

3. **Requirements for Protective Tunic:**

3.1 The outer shell shall be of a single layer construction throughout.

3.2 All seams shall be double stitched

3.3 The coat shall have a double closure front with 50mm Velcro and a heavy duty zip. The zip shall comply with the standards as set in NFPA 1971(2000)

3.4 There shall be no seams on the shoulders. Sleeves shall be constructed in such a way as afford maximum movement.

3.5 The sleeve cuffs shall be reinforced.

3.6 The arms of the tunic shall be designed to facilitate the maximum amount of free arm movement.

3.7 Elbow and shoulder padding is required. The padding shall consist of polymer-coated Kevlar with a heat resistant material sandwiched between the shell and the Kevlar. The padding shall be stitched onto the outer shell using double stitching.

3.8 The vapour barrier, thermal barrier and lining together shall form the inner garment.

3.9 The inner jacket shall be attached to the outer jacket by means of a heavy-duty zip and Velcro with snaps at the arms.

3.10 The inner jacket shall be equipped with wristlets and thumb loops in accordance with the NFPA 1971 (2007) standards.

3.11 The jacket shall include inverted pleats. The two pleats shall be set in the back of the outer shell

3.12 The tunic must be available in both traditional and bunny jacket styles

3.13 Pockets:

3.13.1 Two (2) pleated waterproof side pockets shall be fitted to the tunic. The size of these pockets shall be 275 mm x 225 mm with a 75 mm pocket-flap held down by two (2) Velcro squares. Pockets on bunny jacket style to be 220 x 180 mm.

3.13.2 A radio pocket shall be fitted onto the left chest. The pocket shall be so positioned not to hinder the Breathing Apparatus shoulder straps. The pocket shall feature a pocket flap with an insertion for the antenna. The pocket flap shall be closed with a Velcro square.

3.13.3 All pockets shall be of the same material as the outer shell

3.13.4 A pocket shall be placed on each side on the inside of the inner shell. These pockets shall be constructed of the same material as the inner shell.

3.14 Collar:

The collar shall be of a double layer of the same material as the outer shell and shall have a layer of the quilted thermal barrier in the middle thereof.

A storm-flap constructed the same as the collar shall be fitted in such a way as to ensure a "Dry Suit". The area over the chin shall have a layer of Nomex Knit.

4. Requirements for Protective Trousers

4.1 The trouser shall be shaped in such a way that it will provide a tailored fit.

4.2 The trousers shall extend no less than 150 mm above the waist.

4.3 Super heavy-duty suspenders shall be permanently fitted to the trousers. A mechanism to prevent the straps from sliding from the shoulders shall be incorporated into the suspenders. Reflective to be weaved into suspenders.

4.4 The main body of the suspenders shall be constructed of non-elastic webbing.

4.5 The suspenders shall be no less than 50 mm wide.

4.6 The suspenders shall be equipped with two non-slip thermoplastic slide fasteners for adjustment.

4.7 On the back 50 mm wide elastic webbing shall be stitched to the non-elastic webbing. The left and right suspender belt shall be connected with 50 mm elastic webbing at the back.

4.8 Provision shall be made for a fly flap in the trousers. This fly flap shall be fastened with Velcro along the entire length. The fly flap shall taper from top to bottom.

4.9 The cuff area of the trousers shall be reinforced.

4.10 The leg ends shall be wide enough to fit over the bunker boots. The bottom leg seam of the inner shell shall be fitted with an elastic band.

4.11 The knee area shall be reinforced with polymer coated Kevlar squares.

5. Reflective Trim (Tunic and trousers)

5.1 Retro-reflective fluorescent trims in accordance with the NFPA 1971 (2000) shall be fitted to the suit.

5.2 All trims shall be 3M type 9487

5.3 The trims shall be 76.2 mm wide throughout.

5.4 All trims shall be double stitched

5.5 The colour of the trims shall be lime-yellow with a silver strip in the centre.

5.6 The trims shall be positioned as specified.

6. Marking:

Each Tunic and each pair of trousers must have a white woven cotton label of a nominal size of 60 mm x 40 mm. All cut edges must be turned in and the label securely sewn centrally to the inside of the back of the inner shell at the top of both the tunic and trousers. The label must provide the following information printed in legible block letters.

(a) The manufacturers name or trade mark or both

(b) The composition of the materials

(c) All materials NFPA compliant

(d) The year of manufacture

(e) Washing instructions

7. Name Tag

Each jacket shall be embroidered with the surname of the wearer on the right chest no rubberizing.

8. General

- 8.1 The garment shall have no metal clips or rivets.
- 8.2 The manufacturer must undertake to do repairs on a material cost basis.
- 8.3 The suit shall be constructed in such a way that damaged panels can be replaced. All layers must be designed to allow for this.
- 8.4 It is a condition that all bidders submit a SABS Manufacturing Capability Report Certificate which is not older than twelve (12) months, which certifies the capability to manufacture the specific items. **Failure to submit this report will render the bid null and void**

Boots

Heights	15' (Internal)
Colour	Black/Yellow
Type of construction	Vulcanized Rubber Upper and Sole
3rd Party Certification	UL Classified 86 JF SATRA, UK CSA, CANADA
Compliance	NFPA - National Fire Protection Assoc. 1971 Standard on Protective Ensemble for Structural Fire Fighting 2000 Edition ANSI - American National Standard Z41PT99 OSHA - Occupational Safety Health Admin. 1988 European Standard, CE Approved - EN 345-2:1996 CSA - Canadian Standards Association
Air pressure applied for water leakage testing	50kPa
Upper	Cut Resistance - meets both NFPA and 345-2
Lining Material	Leg Lining : Kevlar Weight (min) 160g/m ² , Thickness (min) 1.50mm
Rubber Components	Upper : Black in Colour, 65% Natural Rubber, 30% Styrene Butadiene Rubber and 5% Chloroprene Rubber Foxing : Yellow in Colour, 65% Natural Rubber, 30% Styrene Butadiene Rubber and 5% Chloroprene Rubber
Thickness of Upper and Fabric Combined	1.80mm (Minimum)
Sole / Heel	Black in Colour, 60% Chloroprene Rubber, 30% Nitrile Rubber & 10% Natural Rubber Oil Resistant - Immersion in iso-octane (22 hours at 22°C) 12% max change in volume Abrasion Resistant - DIN 53516 : 250mm ³ max Hardness Shore A : 65 ± 5
Outsole Pattern	NJV, Black Moulded Sole
Sole Protection	Electric Shock Resistant - Meets CSA-Z195-M92 Resistance to Hot Contact - Meets both NFPA and EN345-2 Energy absorption - Meets EN345-2
Insole	Sponge Insole and removeable high density polyurethane insole
Steel Toe	Meets EN 345 Impact and Compression
Steel Shank	Thickness - 1.20mm. Tripple Ribbed
Chemical Resistant	Upper - Resistant towards mild acids and alkaline. Sole - Resistant towards mild acids
Finishing	Hypalon Lacquer
Packing	Polybag 6 pair / carton

Balaclava

MATERIAL	CONTENT	CONSTRUCTION	WEIGHT	COLOR(s)
P-84[®]	40% P-84 [®] / 55% Rayon FR [®] / 5% Kevlar	1 x 1 Circular Knit	Approx. 8.2 oz. / sq. yd.	Yellow (Standard), also Red, Navy Blue, Black, and Grey

HEAD DESIGN

LAYERS: 2 ply
 LENGTH: From top of head to neck: 13 inches
 WIDTH: Back seam to top of face: 9 inches
 Back seam to bottom of head: 11 inches
 From top of head to shoulder: 15 inches

BIB DESIGN

LAYERS: 2 ply
 LENGTH: 8 inches (front and back)
 NOTCHED SHOULDER DESIGN:

OVERALL HOOD LENGTH:

From top of head to bottom of apron: 21 inches

SIZING:

One size fits all (universal size). Do not modify, change, or alter your protective hood in any manner.

FACE OPENING MEASUREMENTS

RELAXED: 5 inches (UL requirement 4.7-5.7 inches) STRETCHED: 15 inches
 Face opening is sewn with ½ inch elastic.

CONSTRUCTION

SEAMS: All seams are merrow stitched then top and bottom covered with a 5-thread cover stitch for extended durability. All bottom edges are bound with binding.
 THREAD: 100% Nomex[®]

WARRANTY INFORMATION

All warranties must be clearly indicated by the supplier.

CERTIFICATION

Meets or exceeds NFPA 1971-2007 Edition and must be UL Certified. Meets or exceeds Cal/OSHA Standards.

STRUCTURAL FIRE HELMET

The helmet must be manufactured from advance materials and quality components that provide complete head protection and long lasting durability.

The structural fire helmet must meet or exceed the following requirements:

1. Thermoplastic outer shell.
2. Urethane foam impact liner.
3. Black inner shell
4. Sure-lock ratchet head band
5. Rip -stop Nomex ear/neck protector
6. Six-point crown strap assembly
7. Fire resistant cotton brow pad
8. Minimum 8 inch face shield
9. Nomex chin strap with quick-release buckle and postman's slide fastener
10. Leather ratchet cover
11. Three position height adjuster
12. Quick attach Blade system

Helmet must comply with helmets currently used in the department. Colors must include red, yellow, white and black.

STRUCTURAL FIREFIGHTING GLOVES

The gloves must comply with NFPA 1971-2007 editions and meet or exceed the following requirements:

1. Sueded goat leather
 2. Advance multi-layer design providing thermal protection and cut/puncture resistance
 3. Flexible six layer knuckle guard
 4. Five varied layering for superior dexterity
 5. The ring and middle finger suede and cut independently
 6. Intricate stitching on outer palm layers for efficient grip.
 7. Glove inner liner must be sewn in at each finger tip
 8. The gloves must be long enough to extend the glove body for maximum protection.
 9. Kevlar wrapped debris blocker inside of cuff edge
 10. Fully knitted 100% Modacrylic inner liner
 11. Double layer breathable polymer liner for blood born pathogen/liquid resistance
- Gloves must be quoted on all sizes.

3. Warrantees required

Workmanship

The workmanship used in the manufacture and construction of the uniform covered by this specification, shall be of a consistently high standard and shall comply with ISO 9001/2. The manufacturer shall ensure that the high standard is maintained throughout the period of manufacture. All work must be guaranteed and the alteration of any uniform will be for the manufacturer.

Measurement

All measurement will be done by the supplier and the relevant records of the sizes must be kept by the supplier.

Delivery

All uniform must be delivered within 8-12 weeks from receipt of order. Alterations and repairs must be finished and returned within 2 weeks from receipt of faulty personal protective equipment and is the responsibility of the supplier. Extension of delivery time will only be allowed under certain circumstances and with the prior approval of the Deputy Director: Emergency Services.

4. Delivery of goods

Goods to be delivered to the Ndondo Mampane Fire Station, Lilian Ngoyi str. Middelburg.

5. Information to be provided with the bid

Detailed specifications of all products offered as well as proof of registration on Central Supplier Database.

6. Information that will be provided by the Municipality

Sizes, names and quantities will be provided once order have been finalised.

7. Pricing Guidelines

Attached pricing schedule should be used, failure to use pricing schedule will result in immediate disqualification of bid. All travelling costs must be considered by bidder and not indicated in the bid document.

MBD 2: TAX CLEARANCE CERTIFICATE REQUIREMENTS

It is a condition of bid that the taxes of the successful bidder must be in order, or that satisfactory arrangements have been made with South African Revenue Service (SARS) to meet the bidder's tax obligations.

1. In order to meet this requirement bidders are required to complete in full form TCC001 "Application for a Tax Clearance Certificate" and submit it to any SARS branch office nationally. The Tax Clearance Certificate Requirements are also applicable to foreign bidders / individuals who wish to submit bids. Copies of the TCC 001 "Application for a Tax Clearance Certificate" form are available from any SARS branch office nationally or on the website www.sars.gov.za.
2. SARS will then furnish the bidder with a Tax Clearance Certificate that will be valid for a period of 1 (one) year from the date of approval.
3. **The original Tax Clearance Certificate must be submitted together with the bid. Failure to submit the original and valid Tax Clearance Certificate will result in the invalidation of the bid. Certified copies of the Tax Clearance Certificate will not be acceptable.**
4. In bids where Consortia / Joint Ventures / Sub-contractors are involved, each party must submit a separate Tax Clearance Certificate.
5. Applications for the Tax Clearance Certificates 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.
6. Exemption to the provision of a Tax Clearance Certificate will be granted provided that:
 - a) The bidder is registered on the vendor database of the municipality and a valid tax clearance certificate was submitted together with the application for registration
 - b) If the closing date of the price quotation or bid falls within the expiry date of the tax clearance certificate that is in the municipality's possession.

MBD 3.1: PRICING SCHEDULE – FIRM PRICES (PURCHASES)**NOTE:**

ONLY FIRM PRICES WILL BE ACCEPTED. NON-FIRM PRICES (INCLUDING PRICES SUBJECT TO RATES OF EXCHANGE VARIATIONS) WILL NOT BE CONSIDERED

IN CASES WHERE DIFFERENT DELIVERY POINTS INFLUENCE THE PRICING, A SEPARATE PRICING SCHEDULE MUST BE SUBMITTED FOR EACH DELIVERY POINT

Name of Bidder:.....	Bid Number: Q21.07.16
Closing Time: 12:00	Closing Date: 02/08/2016

OFFER TO BE VALID FOR **90 DAYS** FROM THE CLOSING DATE OF BID

NO.	QUANTITY	ITEM	BRAND	BID PRICE IN RSA CURRENCY **(ALL APPLICABLE TAXES INCLUDED)
1	1	Bunker Gear (Jacket and trouser)		
2	1	Boots (pair)		
3	1	Helmet		
4	1	Balaclava		
5	1	Fire Gloves (pair)		
6	1	Rescue Gloves (pair)		
TOTAL CARRIED OVER TO MBD 1 (VAT INCLUSIVE)				

ITEM	COUNTRY OF ORIGIN	DOES OFFER COMPLY WITH SPECIFICATIONS? (YES/NO)	IF NOT TO SPECIFICATION, INDICATE DEVIATIONS	PERIOD REQUIRED FOR DELIVERY (WEEKS)
1				
2				
3				
4				
5				
6				
7				
8				
9				

Note: All delivery costs must be included in the bid price, for delivery at the prescribed destination

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

DECLARATION OF INTEREST

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

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

3.1 Full Name:

3.2 Identity Number:

3.3 Company Registration Number:

3.4 Tax Reference Number:

3.5 VAT Registration Number:

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

3.6.1 If so, furnish particulars.
.....
.....

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

3.7.1 If so, furnish particulars.
.....
.....
.....

*MSCM Regulations: "in the service of the state" means to be –

- (a) a member of –
 - (i) any municipal council;
 - (ii) any provincial legislature; or
 - (iii) the national Assembly or the national Council of provinces;
- (b) a member of the board of directors of any municipal entity;
- (c) an official of any municipality or municipal entity;
- (d) an employee of any national or provincial department, national or provincial public entity or constitutional institution within the meaning of the Public Finance Management Act, 1999 (Act No.1 of 1999);
- (e) a member of the accounting authority of any national or provincial public entity; or
- (f) an employee of Parliament or a provincial legislature.

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

3.8.1 If so, furnish particulars.

.....
.....

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

3.10.1 If so, furnish particulars.

.....
.....

3.11 Are any spouse, child or parent of the company's directors, managers, principal shareholders or stakeholders in service of the state? **YES / NO**

3.11.1 If so, furnish particulars.

.....
.....

CERTIFICATION

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

CERTIFY THAT THE INFORMATION FURNISHED ON THIS DECLARATION FORM IS CORRECT.

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

.....
Signature

.....
Date

.....
Position

.....
Name of Bidder

MBD 6.1

BROAD-BASED BLACK ECONOMIC EMPOWERMENT (B-BBEE) STATUS LEVEL CERTIFICATES

Bidders are required to submit original and valid B-BBEE Status Level Verification Certificates or certified copies thereof together with their bids, to substantiate their B-BBEE rating claims.

Bidders who do not submit B-BBEE Status T Level Verification Certificates or are non-compliant contributors to B-BBEE do not qualify for preference points for B-BBEE but should not be disqualified from the bidding process. They will score points for out of 90 or 80 for price only and zero points out of 10 or 20 for B-BBEE.

PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL PROCUREMENT REGULATIONS 2011

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, 2011.

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 R1 000 000 (all applicable taxes included); and
- the 90/10 system for requirements with a Rand value above R1 000 000 (all applicable taxes included).

1.2 The value of this bid is estimated to exceed/not exceed R1 000 000 (all applicable taxes included) and therefore the.....system shall be applicable.

1.3 Preference points for this bid shall be awarded for:

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

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

POINTS

1.3.1.1 **PRICE**

1.3.1.2 **B-BBEE STATUS LEVEL OF CONTRIBUTION**

Total points for Price and B-BBEE must not exceed 100

1.4 Failure on the part of a bidder to fill in and/or to sign this form and submit a B-BBEE Verification Certificate from a Verification Agency accredited by the South African Accreditation System (SANAS) or a Registered Auditor approved by the Independent Regulatory Board of Auditors (IRBA) or an Accounting Officer as contemplated in the Close Corporation Act (CCA) together with the bid, will be interpreted to mean that preference points for B-BBEE status level of contribution are not claimed.

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

2. DEFINITIONS

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

2.2 “**B-BBEE**” means broad-based black economic empowerment as defined in section 1 of the Broad-Based Black Economic Empowerment Act;

2.3 “**B-BBEE status level of contributor**” means the B-BBEE status received by a measured entity

based on its overall performance using the relevant scorecard contained in the Codes of Good Practice on Black Economic Empowerment, issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act;

- 2.4 “**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 services, works or goods, through price quotations, advertised competitive bidding processes or proposals;
- 2.5 “**Broad-Based Black Economic Empowerment Act**” means the Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003);
- 2.6 “**comparative price**” means the price after the factors of a non-firm price and all unconditional discounts that can be utilized have been taken into consideration;
- 2.7 “**consortium or joint venture**” 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;
- 2.8 “**contract**” means the agreement that results from the acceptance of a bid by an organ of state;
- 2.9 “**EME**” means any enterprise with an annual total revenue of R5 million or less;
- 2.10 “**Firm price**” means the price that is only subject to adjustments in accordance with the actual increase or decrease resulting from the change, imposition, or abolition of customs or excise duty and any other duty, levy, or tax, which, in terms of the law or regulation, is binding on the contractor and demonstrably has an influence on the price of any supplies, or the rendering costs of any service, for the execution of the contract;
- 2.11 “**functionality**” means the measurement according to predetermined norms, as set out in the bid documents, of a service or commodity that is designed to be practical and useful, working or operating, taking into account, among other factors, the quality, reliability, viability and durability of a service and the technical capacity and ability of a bidder;
- 2.12 “**non-firm prices**” means all prices other than “firm” prices;
- 2.13 “**person**” includes a juristic person;
- 2.14 “**rand value**” means the total estimated value of a contract in South African currency, calculated at the time of bid invitations, and includes all applicable taxes and excise duties;
- 2.15 “**sub-contract**” means the primary contractor’s assigning, leasing, making out work to, or employing, another person to support such primary contractor in the execution of part of a project in terms of the contract;
- 2.16 “**total revenue**” bears the same meaning assigned to this expression in the Codes of Good Practice on Black Economic Empowerment, issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act and promulgated in the *Government Gazette* on 9 February 2007;
- 2.17 “**trust**” means the arrangement through which the property of one person is made over or bequeathed to a trustee to administer such property for the benefit of another person; and
- 2.18 “**trustee**” means any person, including the founder of a trust, to whom property is bequeathed in order for such property to be administered for the benefit of another person.

3. ADJUDICATION USING A POINT SYSTEM

- 3.1 The bidder obtaining the highest number of total points will be awarded the contract.
- 3.2 Preference points shall be calculated after prices have been brought to a comparative basis taking into account all factors of non-firm prices and all unconditional discounts;
- 3.3 Points scored must be rounded off to the nearest 2 decimal places.
- 3.4 In the event that two or more bids have scored equal total points, the successful bid must be the one scoring the highest number of preference points for B-BBEE.
- 3.5 However, when functionality is part of the evaluation process and two or more bids have scored equal

points including equal preference points for B-BBEE, the successful bid must be the one scoring the highest score for functionality.

3.6 Should two or more bids be equal in all respects, the award shall be decided by the drawing of lots.

4. POINTS AWARDED FOR PRICE

4.1 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 comparative price of bid under consideration

P_t = Comparative price of bid under consideration

P_{\min} = Comparative price of lowest acceptable bid

5. Points awarded for B-BBEE Status Level of Contribution

5.1 In terms of Regulation 5 (2) and 6 (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	8	16
4	5	12
5	4	8
6	3	6
7	2	4
8	1	2
Non-compliant contributor	0	0

5.2 Bidders who qualify as EMEs in terms of the B-BBEE Act must submit a certificate issued by an Accounting Officer as contemplated in the CCA or a Verification Agency accredited by SANAS or a Registered Auditor. Registered auditors do not need to meet the prerequisite for IRBA's approval for the purpose of conducting verification and issuing EMEs with B-BBEE Status Level Certificates.

5.3 Bidders other than EMEs must submit their original and valid B-BBEE status level verification certificate or a certified copy thereof, substantiating their B-BBEE rating issued by a Registered Auditor approved by IRBA or a Verification Agency accredited by SANAS.

5.4 A trust, consortium or joint venture, will qualify for points for their B-BBEE status level as a legal entity, provided that the entity submits their B-BBEE status level certificate.

- 5.5 A trust, consortium or joint venture will qualify for points for their B-BBEE status level as an unincorporated entity, provided that the entity submits their consolidated B-BBEE scorecard as if they were a group structure and that such a consolidated B-BBEE scorecard is prepared for every separate bid.
- 5.6 Tertiary institutions and public entities will be required to submit their B-BBEE status level certificates in terms of the specialized scorecard contained in the B-BBEE Codes of Good Practice.
- 5.7 A person will not be awarded points for B-BBEE status level if it is indicated in the bid documents that such a bidder intends sub-contracting more than 25% of the value of the contract to any other enterprise that does not qualify for at least the points that such a bidder qualifies for, unless the intended sub-contractor is an EME that has the capability and ability to execute the sub-contract.
- 5.8 A person awarded a contract may not sub-contract more than 25% of the value of the contract to any other enterprise that does not have an equal or higher B-BBEE status level than the person concerned, unless the contract is sub-contracted to an EME that has the capability and ability to execute the sub-contract.

6. BID DECLARATION

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

7. B-BBEE STATUS LEVEL OF CONTRIBUTION CLAIMED IN TERMS OF PARAGRAPHS 1.3.1.2 AND 5.1

7.1 B-BBEE Status Level of Contribution: = (maximum of 10 or 20 points)
(Points claimed in respect of paragraph 7.1 must be in accordance with the table reflected in paragraph 5.1 and must be substantiated by means of a B-BBEE certificate issued by a Verification Agency accredited by SANAS or a Registered Auditor approved by IRBA or an Accounting Officer as contemplated in the CCA).

8 SUB-CONTRACTING

8.1 Will any portion of the contract be sub-contracted? YES / NO (delete which is not applicable)

8.1.1 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) weather the sub-contractor is an EME? YES / NO (delete which is not applicable)

9 DECLARATION WITH REGARD TO COMPANY/FIRM

9.1 Name of firm :.....

9.2 VAT registration number :.....

9.3 Company registration number :.....

9.4 TYPE OF COMPANY/ FIRM

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

[TICK APPLICABLE BOX]

9.5 DESCRIBE PRINCIPAL BUSINESS ACTIVITIES

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

9.6 COMPANY CLASSIFICATION

- Manufacturer
- Supplier
- Professional service provider
- Other service providers, e.g. transporter, etc.
- [TICK APPLICABLE BOX]

9.7 MUNICIPAL INFORMATION

Municipality where business is situated.....

Registered Account Number

Stand Number

9.8 TOTAL NUMBER OF YEARS THE COMPANY/FIRM HAS BEEN IN BUSINESS?

9.9 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 contribution indicated in paragraph 7 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 paragraph 7, 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 contribution 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) restrict the bidder or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, from obtaining business from any organ of state for a period not exceeding 10 years, after the audi alteram partem (hear the other side) rule has been applied; and
 - (e) forward the matter for criminal prosecution.

WITNESSES:

- 1.
- 2.

.....

SIGNATURE(S) OF BIDDER(S)

DATE:

ADDRESS:

.....

.....

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 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 <input type="checkbox"/>	No <input type="checkbox"/>
4.1.1	If so, furnish particulars:		
4.2	Is the bidder or any of its directors listed on the Register for Tender Defaulters in terms of section 29 of the Prevention and Combating of Corrupt Activities Act (No 12 of 2004)? The Register for Tender Defaulters can be accessed on the National Treasury's website (www.treasury.gov.za) by clicking on its link at the bottom of the home page.	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.2.1	If so, furnish particulars:		
4.3	Was the bidder or any of its directors convicted by a court of law (including a court of law outside the Republic of South Africa) for fraud or corruption during the past five years?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.3.1	If so, furnish particulars:		

Item	Question	Yes	No
4.4	Does the bidder or any of its directors owe any municipal rates and taxes or municipal charges to the municipality / municipal entity, or to any other municipality / municipal entity, that is in arrears for more than three months?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.4.1	If so, furnish particulars:		
4.5	Was any contract between the bidder and the municipality / municipal entity or any other organ of state terminated during the past five years on account of failure to perform on or comply with the contract?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.7.1	If so, furnish particulars:		

CERTIFICATION

I, THE UNDERSIGNED (FULL NAME)

CERTIFY THAT THE INFORMATION FURNISHED ON THIS DECLARATION FORM TRUE AND CORRECT.

I ACCEPT THAT, IN ADDITION TO CANCELLATION OF A CONTRACT, ACTION MAY BE TAKEN AGAINST ME SHOULD THIS DECLARATION PROVE TO BE FALSE.

.....
Signature

.....
Date

.....
Position

.....
Name of Bidder

CERTIFICATE OF INDEPENDENT BID DETERMINATION

- 1 This Municipal Bidding Document (MBD) must form part of all bids¹ invited.
- 2 Section 4 (1) (b) (iii) of the Competition Act No. 89 of 1998, as amended, prohibits an agreement between, or concerted practice by, firms, or a decision by an association of firms, if it is between parties in a horizontal relationship and if it involves collusive bidding (or bid rigging).² Collusive bidding is a *pe se* prohibition meaning that it cannot be justified under any grounds.
- 3 Municipal Supply Regulation 38 (1) prescribes that a supply chain management policy must provide measures for the combating of abuse of the supply chain management system, and must enable the accounting officer, among others, to:
 - a. take all reasonable steps to prevent such abuse;
 - b. reject the bid of any bidder if that bidder or any of its directors has abused the supply chain management system of the municipality or municipal entity or has committed any improper conduct in relation to such system; and
 - c. cancel a contract awarded to a person if the person committed any corrupt or fraudulent act during the bidding process or the execution of the contract.
- 4 This MBD serves as a certificate of declaration that would be used by institutions to ensure that, when bids are considered, reasonable steps are taken to prevent any form of bid rigging.
- 5 In order to give effect to the above, the attached Certificate of Bid Determination (MBD 9) must be completed and submitted with the bid:

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

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

MBD 9

CERTIFICATE OF INDEPENDENT BID DETERMINATION

I, the undersigned, in submitting the accompanying bid:

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

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

10. I am aware that, in addition and without prejudice to any other remedy provided to combat any restrictive practices related to bids and contracts, bids that are suspicious 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

Js9141w 4

GENERAL CONDITIONS OF CONTRACT

The General Conditions of Contract is not included in this document and may be downloaded from the following website:

<http://bit.ly/STLMGCC>