



## STEVE TSHWETE LOCAL MUNICIPALITY

QUOTATION NO. Q23.10.20

CALLING FOR QUOTATIONS FOR SERVICES  
( R 30 000 TO R 200 000.00 )

SUPPLY AND DELIVERY OF A1 2021 CALENDERS FOR STEVE TSHWETE  
LOCAL MUNICIPALITY

|                      |                     |             |              |
|----------------------|---------------------|-------------|--------------|
| <b>CLOSING DATE:</b> | <b>27/ 10/ 2020</b> | <b>TIME</b> | <b>12H00</b> |
|----------------------|---------------------|-------------|--------------|

|                                  |      |
|----------------------------------|------|
| NAME OF COMPANY                  |      |
| TOTAL AMOUNT (MBD 3.1)           |      |
| CENTRAL SUPPLIER DATABASE NUMBER | MAAA |
| TAX COMPLIANCE STATUS PIN        |      |
| CONTACT PERSON                   |      |
| TELEPHONE NUMBER                 |      |
| FAX NUMBER                       |      |

|  |                     |  |                     |
|--|---------------------|--|---------------------|
| <b>ENQUIRIES REGARDING QUOTATION PROCEDURES</b>                        |                     | <b>TECHNICAL ENQUIRIES</b>             |                     |
| <b>DIRECTORATE FINANCIAL SERVICES<br/>SUPPLY CHAIN MANAGEMENT UNIT</b> |                     | <b>DIRECTORATE: CORPORATE SERVICES</b> |                     |
| <b>KENNETH MAHLANGU</b>  |                     | <b>PRUDENCE MAGUTLE</b>                |                     |
| <b>CHIEF DEMAND AND ACQUISITION<br/>MANAGER</b>                        |                     | <b>ASST. DIR. COMMUNICATIONS</b>       |                     |
| <b>TEL. NUMBER</b>   | <b>013 249 7702</b> | <b>TEL. NUMBER</b>                     | <b>013 249 7053</b> |
| <b>QUOTATION ISSUED BY</b>   |                     |  |                     |
| <b>BONGANI TSHABALALA</b>  |                     | <b>SUPPLY CHAIN MANAGEMENT UNIT</b>    |                     |
| <b>BUYER</b>   |                     | <b>TEL. NUMBER</b>                     | <b>013 249 7733</b> |
| <b>STEVE TSHWETE LOCAL MUNICIPALITY</b>                                |                     | <b>P.O. BOX 14, MIDDELBURG, 1050</b>   |                     |

**QUOTATION DETAILS**

|                                  |  |   |                                |            |                   |            |
|----------------------------------|--|---|--------------------------------|------------|-------------------|------------|
| <b>QUOTATION NUMBER</b>          | <b>Q23.10.20</b>   |   |                                |            |                   |            |
| <b>TENDER TITLE</b>              | <b>SUPPLY AND DELIVERY OF A1 2021 CALENDERS FOR STEVE TSHWETE LOCAL MUNICIPALITY</b>                                     |   |                                |            |                   |            |
| <b>CLOSING DATE</b>              | <b>27 OCTOBER 2020</b>   |   | <b>CLOSING TIME</b>            |            | <b>12H00</b>      |            |
| <b>SITE MEETING</b>              | <b>DATE</b>  | <b>N/A</b>                                      | <b>TIME</b>                    | <b>N/A</b> | <b>COMPULSORY</b> | <b>N/A</b> |
| <b>SITE MEETING ADDRESS</b>      | <b>N/A</b>   |   |                                |            |                   |            |
| <b>CIDB GRADING REQUIRED</b>     | <b>N/A</b>   |   | <b>LEVEL AND CATEGORY</b>      |            | <b>N/A</b>        |            |
| <b>QUOTATION DOCUMENT FEE</b>    | <b>FREE OF CHARGE</b>  |   | <b>PREFERENCE POINT SYSTEM</b> |            | <b>N/A</b>        |            |
| <b>QUOTATION BOX SITUATED AT</b> | <b>Demand and Acquisition Offices, CNR Protea &amp; Walter Sisulu Street Middelburg</b>                                  |   |                                |            |                   |            |
| <b>OPERATING HOURS</b>           | <b>The bid box is open during office hours, Monday to Thursdays from 08h00 to 16h00 and Fridays from 08h00 to 13h00.</b> |   |                                |            |                   |            |
| <b>OFFER TO BE VALID FOR</b>     | <b>90</b>  | <b>DAYS FROM THE CLOSING DATE OF QUOTATION.</b> |                                |            |                   |            |

**PLEASE NOTE:**

1. Prospective suppliers must be registered on CSD prior to submitting quotation and copy of said document must be attached to quotation.
2. Quotations that are deposited in the incorrect box will not be considered.
3. This quotation is subject to the Preferential Procurement Policy Framework Act and the Preferential Procurement Regulations, 2017, the General Conditions of contract (GCC) and, if applicable, any other special conditions of contract.
4. Mailed, telegraphic, telex, or faxed quotations will not be accepted.
5. No late quotations after closing date and time will be accepted.
6. Quotations not clearly marked and unamend will not be accepted.
7. Quotations may only be submitted on the quotation documentation provided by the municipality. No awards will be made to a person:
  - i. Who is in the service of the state,
  - ii. If that person is not a natural person, of which any director, manager, principal shareholder or stakeholder is a person in the service of the state
  - iii. Who is an advisor or consultant contracted with the municipality or municipal entity.

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## QUOTATION NOTICE & INVITATION



### STEVE TSHWETE LOCAL MUNICIPALITY

QUOTATION NO.: Q23.10.20

**CLOSING DATE: 27 OCTOBER 2020 AT 12H00**

#### SUPPLY AND DELIVERY OF A1 2021 CALENDERS FOR STEVE TSHWETE LOCAL MUNICIPALITY

In terms of Section 110 of the Municipal Finance Management Act, 2003 (No. 56 of 2003), reputable institutions with a clear track record of conducting this type of training are invited to submit quotation: Supply and Delivery of A1 2021 Calenders for Steve Tshwete Local Municipality.

Quotation documents and specifications are available on the municipal website ([www.stlm.gov.za](http://www.stlm.gov.za))

The closing time for receipt of quotations is **12:00hrs** on **27 October 2020**. Telegraphic, telephonic, telex, facsimile, e-mail, unmarked and **late quotations** will under no circumstances be considered and accepted. The quotation box will be emptied just after closing time on the closing date. Hereafter all quotations will be public.

Any technical enquiries relating to the quotation document may be directed to the **Error! Reference source not found.**, ASSISTANT DIRECTOR: COMMUNICATIONS on 013 249 7053 or via email.

Fully completed quotation documents, clearly marked "**Quote No. Q23.10.20: Supply and Delivery of A1 2021 Calenders for Steve Tshwete Local Municipality**" with "**NAME OF SUPPLIER**" must be placed in a sealed envelope and placed in the **quotation box** at **Error! Reference source not found.** **by no later than 12h00 on 27 October 2020**. The envelope must be endorsed with number, title and closing date as indicated above.

A preferential point system shall apply whereby a contract will be allocated to a tenderer in accordance with the Preferential Procurement Policy Framework Act, Act No. 5 of 2000 and as defined in the Conditions of Tender in the tender document, read in conjunction with the Supply Chain Management Policy of Steve Tshwete Local Municipality where 80 points will be allocated in respective of price and 20 points in repective of BBBEE.

No awards will be made to a person:

- Who is not registered on the Central Supplier Database
- Who is in the service of the state;
- If that person is not a natural person , of which any director, manager, principal shareholder or stakeholder is a person in the service of the state; and/or
- Who is an advisor or consultant contracted with the municipality or municipal entity.

The municipality reserves the right to withdraw any invitation to quote and/or to re-advertise or to reject any quote or to accept a part of it. The municipality does not bind itself to accepting the lowest quotation or award a contract to the bidder scoring the highest number of points.

**The following documents have to be attached (Bidders that fail to submit documents indicated as compulsory will be disqualified)**

- **Original certified copy of valid BBBEE Certificate (non-compulsory, failure to submit no points will be awarded) only SANAS accredited or Affidavits will be accepted.**
- **Copy of company registration certificate(CK) - Compulsory**
- **Valid Tax Clearance Certificate & SARS Pin reference pin issued- Compulsory**

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- **Copy of current municipal account (not older than 3 months) / copy of Lease Agreement accompanied by landloads municipal account – Compulsory**
- **CSD summary report – Non-compulsory**
- **All forms must be filled in full - Compulsory**

B.KHENISA  
MUNICIPAL MANAGER  
STEVE TSHWETE LOCAL MUNICIPALITY  
Municipal Civic Building  
Wanderers Avenue  
MIDDELBURG, 1050

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## C2 PRICING SCHEDULE

### C2.1 PRICING INSTRUCTIONS

- a) These pricing instructions provide the tenderer with guidelines and requirements with regard to the completion of the pricing schedule. These pricing instructions also describe the criteria and assumptions which will be assumed in the contract to have been taken into account by the tenderer when developing his prices.
- b) The pricing schedule shall be read with all the documents which form part of this contract.
- c) The following words have the meaning hereby assigned to them:

| Words/Abbreviation | Meaning |
|--------------------|---------|
| Example: M         | Meter   |
|                    |         |

- d) The rates to be inserted in the pricing schedule are to be full inclusive for the work described under the specification. Such rates shall cover all costs and expenses that may be required in and for the execution of the work described, and shall cover the cost of all general risks, liabilities, and obligations set forth or implied in the documents on which the tender is based, as well as overhead charges and profit.
- e) A rate is to be entered against each item in the Schedule of Fees and Disbursements. An item against which no rate is entered will be accepted as a rate of nil having been entered against such items and covered by the other prices or rates in the schedule.
- f) All rates and sums of money quoted in the pricing schedule shall be in Rands and whole cents. Fractions of a cent shall be discarded.
- g) All travelling costs, accommodation, meals and other incidental costs are to be included in the time based costs.
- h) Provisional amounts shall only be expended on the specific instruction of the Employer.
- i) All prices and rates entered in the pricing schedule must be **exclusive of Value Added Tax (VAT)**.
- j) If registered VAT is should be added at below the schedule. If not VAT registered indicate zero or “-“
- k) Only firm prices will be accepted. Non-firm prices (including prices subject to rates of exchange variations) will not be considered.
- l) In cases where different delivery points influence the pricing, a separate pricing schedule must be submitted for each delivery point.
- m) In cases of contract periods longer than 12 months and price adjustments is applicable, it will be based on CPI. If higher inflation is required indicate CPI + and number %.
- n) If the tender required firm (fixed prices) the amount indicated in Colum D will be the tender amount.
- o) If the tender amount is payable at end of contract on delivery of goods and services, Scratch out total per month with N/A or “-“
- p) If the tender amount is based on rates (Column B), the tender will be awarded to the rate and the total contract amount will only be used for evaluation purposes.

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**MBD 3.1 BID PRICE**

Bid Number: **Q23.10.20**

**(Note : Contract amount to be carried over to Form of Offer C1.1.1)**

| ITEM   | TASK / ITEM   | (A)<br>QUANTITY | (B)<br>UNIT RATE<br>(VAT EXCL) | UNIT RATE<br>MEASUREMENT<br>(C) | (D)<br>TOTAL COST (VAT<br>EXCL) (A*B*C) |
|--|---|-----------------|--------------------------------|---------------------------------|---|
| <b>1</b>   | <b>TIME BASED COSTS: (EXAMPLE)<br/>– FIXED</b>  | <b>1</b>        | <b>R100 000</b>                | <b>Per Item</b>                 | <b>Not applicable</b>                   |
|  | <b>TIME BASED COSTS - RATES</b>   | <b>4000</b>     | <b>R25,00</b>                  | <b>Per meter</b>                | <b>R100 000</b>                         |
| 1.1  | Supply A1 2021 Wall Calender full<br>Colour one side only, Gold Trimming<br>with hole, top and bottom | 10 000          | R                              | Each                            | R                                       |
| 1.2  |   |                 |                                |                                 |   |
| <b>2</b>   | <b>OTHER COSTS: (TO BE INDICATED BY TENDERER):</b>  |                 |                                |                                 |   |
| 2.1  |   |                 |                                |                                 |   |
| <b>SUB- TOTAL COST PER ANNUM (section1 – 2)</b>                  |   |                 |                                |                                 | R                                       |
| VAT at 15%   |   |                 |                                |                                 | R                                       |
| <b>TOTAL AMOUNT CARRIED FORWARD TO FORM OF OFFER (C1.1.1)</b>    |   |                 |                                |                                 | R                                       |
| <b>Inflation (if applicable per tender specification)</b>        |   |                 |                                |                                 | CPI                                     |
| Delivery period from date of signing agreement to transfer funds |   |                 |                                |                                 | Days                                    |

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

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## FORM OF ACCEPTANCE

By signing this part of this form of offer and acceptance, the employer identified below accepts the tenderer's offer. In consideration thereof, the employer shall pay the service provider / consultant the amounts due in accordance with the conditions of contract identified in the contract data. Acceptance of the tenderer's offers shall form an agreement between the employer and the tenderer upon the terms and conditions contained in this agreement and in the contract that is the subject of this agreement.

The terms of the contract, are contained in:

- Part C1 Agreements and contract data, (which includes this agreement)
- Part C2 Pricing data
- Part C3 Scope of work.
- Service Level of Agreement attached to this document (if any) as amended ( if applicable) and signed by the parties.

and documents or parts thereof, which may be incorporated by reference into Parts C1 to C3 above.

Deviations from and amendments to the Service Level Agreement and documents listed in the tender data and any addenda thereto as listed in the tender schedules, will only be valid if reduced to writing and signed by both parties.

The tenderer shall within two weeks after receiving a completed copy of this agreement, contact the employer's agent (whose details are given in the contract data) to arrange the delivery of any bonds, guarantees, proof of insurance and any other documentation to be provided in terms of the conditions of contract identified in the contract data. Failure to fulfill any of these obligations in accordance with those terms shall constitute a repudiation of this agreement.

Unless otherwise specified elsewhere in this bidding document or any subsequent written agreement entered into between the parties, this agreement comes into effect on the date when the Employer communicates the acceptance and/or conditions of acceptance of the tenderer's offer in writing or signs the acceptance part of the Offer and Acceptance, whichever occurs first.

| <b>Signature Block: Employer</b> |                                  |      |  |
|----------------------------------|----------------------------------|------|--|
| Signature                        |                                  | Date |  |
| Name                             |                                  |      |  |
| Capacity                         |                                  |      |  |
| Name of organization             | Steve Tshwete Local Municipality |      |  |
| Address of organization          | P.O. Box 14, Middelburg, 1050    |      |  |
| Signature of witness             |                                  | Date |  |
| Name of witness                  |                                  |      |  |

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**DECLARATION OF INTEREST**

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

| No.   | Information   | Please provide detail |    |
|-------|---|-----------------------|----|
| 3.1   | Full name of bidder or his or her representative  |                       |    |
| 3.2   | Identity number   |                       |    |
| 3.3   | Position occupied in the company (director, trustee, hareholder <sup>2</sup> )  |                       |    |
| 3.4   | Company registration number   |                       |    |
| 3.5   | Tax reference number  |                       |    |
| 3.6   | VAT registration number   |                       |    |
| Note  | <i>(The names of all directors / trustees / shareholders members, their individual identity numbers and state employee numbers must be indicated in paragraph 4 below.)</i> |                       |    |
| 3.7   | Are you presently in the service of the state?<br><br>If yes, please furnish particulars :  | Yes                   | No |
| 3.7.1 | Name of director  |                       |    |
| 3.7.2 | Service of state organization   |                       |    |

|        |  |     |    |
|--------|--|-----|----|
| 3.8    | Have you been in the service of the state for the past twelve months?<br>If yes, please furnish particulars :  | Yes | No |
| 3.8.1  | Name of director   |     |    |
| 3.8.2  | Service of state organization  |     |    |
| 3.9    | 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?<br>If yes, please furnish particulars :                               | Yes | No |
| 3.9.1  | Name of person in the service of state   |     |    |
| 3.9.2  | Relationship   |     |    |
| 3.10   | 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?<br>If yes, please furnish particulars : | Yes | No |
| 3.10.1 | Name of person in the service of state   |     |    |
| 3.10.2 | Relationship   |     |    |
| 3.11   | <i>Are any of the company's directors, trustees, managers, principle shareholders or stakeholders in service of the state?</i><br>If yes, please furnish particulars :   | Yes | No |
| 3.11.1 | Name of director   |     |    |
| 3.11.2 | Service of state organization  |     |    |
| 3.12   | Is any spouse, child or parent of the company's director trustees, managers, principle shareholders or stakeholders in service of the state?<br>If yes, please furnish particulars:  | Yes | No |
| 3.12.1 | Name of director   |     |    |
| 3.12.2 | Name of relative   |     |    |

|        |   |     |    |
|--------|---|-----|----|
| 3.12.3 | Relationship  |     |    |
| 3.13   | 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?<br><br>If yes, please furnish particulars:  | Yes | No |
| 3.13.1 | Name of director  |     |    |
| 3.13.2 | Related company   |     |    |
| Note:  | <p>SCM Regulations:</p> <p>"<sup>1</sup>In the service of the state" means to be –</p> <ul style="list-style-type: none"> <li>(a) a member of – <ul style="list-style-type: none"> <li>(i) any municipal council;</li> <li>(ii) any provincial legislature; or</li> <li>(iii) the national Assembly or the national Council of provinces;</li> </ul> </li> <li>(b) a member of the board of directors of any municipal entity;</li> <li>(c) an official of any municipality or municipal entity;</li> <li>(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);</li> <li>(e) a member of the accounting authority of any national or provincial public entity; or</li> <li>(f) an employee of Parliament or a provincial legislature.</li> </ul> <p>"<sup>2</sup> 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.</p> |     |    |

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

| Full Name | Identity Number | State Employee Number |
|-----------|-----------------|-----------------------|
|           |                 |                       |
|           |                 |                       |
|           |                 |                       |
|           |                 |                       |

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5. I, the undersigned 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. |   |
| <b>NAME OF REPRESENTATIVE</b>   | <b>AUTHORIZED SIGNATURE (UNDERSIGNED)</b> |
|   |   |
| <b>DATE</b>   | <b>CAPACITY</b>                           |

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**MBD 6.1**

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

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

**NB: BEFORE COMPLETING THIS FORM, BIDDERS MUST STUDY THE GENERAL CONDITIONS, DEFINITIONS AND DIRECTIVES APPLICABLE IN RESPECT OF B-BBEE, AS PRESCRIBED IN THE PREFERENTIAL PROCUREMENT REGULATIONS, 2017.**

**1. GENERAL CONDITIONS**

1.1 The following preference point systems are applicable to all bids:

- the 80/20 system for requirements with a Rand value of up to R50 000 000 (all applicable taxes included); and
- the 90/10 system for requirements with a Rand value above R50 000 000 (all applicable taxes included).

1.2

- a) The value of this bid is estimated to **not exceed** R50 000 000 (all applicable taxes included) and therefore the **80/20** preference point system shall be applicable; or
- b) The 80/20 preference point system will be applicable to this tender Points for this bid shall be awarded for:
  - (a) Price; and
  - (b) B-BBEE Status Level of Contributor.

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

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

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

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## 2. DEFINITIONS

- (a) **“B-BBEE”** means broad-based black economic empowerment as defined in section 1 of the Broad-Based Black Economic Empowerment Act;
- (b) **“B-BBEE status level of contributor”** means the B-BBEE status of an entity in terms of a code of good practice on black economic empowerment, issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act;
- (c) **“bid”** means a written offer in a prescribed or stipulated form in response to an invitation by an organ of state for the provision of goods or services, through price quotations, advertised competitive bidding processes or proposals;
- (d) **“Broad-Based Black Economic Empowerment Act”** means the Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003);
- (e) **“EME”** means an Exempted Micro Enterprise in terms of a code of good practice on black economic empowerment issued in terms of section 9 (1) of the Broad-Based Black Economic Empowerment Act;
- (f) **“functionality”** means the ability of a tenderer to provide goods or services in accordance with specifications as set out in the tender documents.
- (g) **“prices”** includes all applicable taxes less all unconditional discounts;
- (h) **“proof of B-BBEE status level of contributor”** means:
  - 1) B-BBEE Status level certificate issued by an authorized body or person;
  - 2) A sworn affidavit as prescribed by the B-BBEE Codes of Good Practice;
  - 3) Any other requirement prescribed in terms of the B-BBEE Act;
- (i) **“QSE”** means a qualifying small business enterprise in terms of a code of good practice on black economic empowerment issued in terms of section 9 (1) of the Broad-Based Black Economic Empowerment Act;
- (j) **“rand value”** means the total estimated value of a contract in Rand, calculated at the time of bid invitation, and includes all applicable taxes;

## 3. POINTS AWARDED FOR PRICE

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

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

$$\begin{array}{ccc} \mathbf{80/20} & \mathbf{or} & \mathbf{90/10} \\ P_s = 80 \left( 1 - \frac{P_t - P_{\min}}{P_{\min}} \right) & \mathbf{or} & P_s = 90 \left( 1 - \frac{P_t - P_{\min}}{P_{\min}} \right) \end{array}$$

Where

P<sub>s</sub> = Points scored for price of bid under consideration

P<sub>t</sub> = Price of bid under consideration

P<sub>min</sub> = Price of lowest acceptable bid

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

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

|           |  |  |  |  |  |
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8.7 **MUNICIPAL INFORMATION**

**Municipality where business is situated:** .....

**Registered Account Number:** .....

**Stand Number:**.....

8.8 Total number of years the company/firm has been in business:.....

8.9 I/we, the undersigned, who is / are duly authorised to do so on behalf of the company/firm, certify that the points claimed, based on the B-BBE status level of contributor indicated in paragraphs 1.4 and 6.1 of the foregoing certificate, qualifies the company/ firm for the preference(s) shown and I / we acknowledge that:

- i) The information furnished is true and correct;
- ii) The preference points claimed are in accordance with the General Conditions as indicated in paragraph 1 of this form;
- iii) In the event of a contract being awarded as a result of points claimed as shown in paragraphs 1.4 and 6.1, the contractor may be required to furnish documentary proof to the satisfaction of the purchaser that the claims are correct;
- iv) If the B-BBEE status level of contributor has been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the purchaser may, in addition to any other remedy it may have –
  - (a) disqualify the person from the bidding process;
  - (b) recover costs, losses or damages it has incurred or suffered as a result of that person's conduct;
  - (c) cancel the contract and claim any damages which it has suffered as a result of having to make less favourable arrangements due to such cancellation;
  - (d) recommend that the bidder or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, be restricted by the National Treasury from obtaining business from any organ of state for a period not exceeding 10 years, after the *audi alteram partem* (hear the other side) rule has been applied; and
  - (e) forward the matter for criminal prosecution.

WITNESSES

1. ....

2. ....

.....  
SIGNATURE(S) OF BIDDERS(S)

DATE: .....

ADDRESS .....

.....

.....

|           |        |         |          |         |  |
|-----------|--------|---------|----------|---------|--|
| Q23.10.20 |        |         |          |         |  |
|           | BIDDER | WITNESS | EMPLOYER | WITNESS |  |





**CERTIFICATE OF INDEPENDENT BID DETERMINATION**

- 1 This municipal bidding document (MBD) must form part of all bids<sup>1</sup> invited.
- 2 Section 4(1)(b)(iii) of the Competition Act No. 89 of 1998, as amended, prohibits an agreement between, or concerted practice by, firms, or a decision by an association of firms, if it is between parties in a horizontal relationship and if it involves collusive bidding (or bid rigging).<sup>2</sup> Collusive bidding is a *pe se* prohibition meaning that it cannot be justified under any grounds.
- 3 Municipal Supply Regulation 38(1) prescribes that a supply chain management policy must provide measures for the combating of abuse of the supply chain management system, and must enable the accounting officer, among others, to:
  - 3.1. take all reasonable steps to prevent such abuse;
  - 3.2. 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
  - 3.3. cancel a contract awarded to a person if the person committed any corrupt or fraudulent act during the bidding process or the execution of the contract.
- 4 This MBD serves as a certificate of declaration that would be used by institutions to ensure that, when bids are considered, reasonable steps are taken to prevent any form of bid rigging.
- 5 In order to give effect to the above, the attached Certificate of Bid Determination (MBD 9) must be completed and submitted with the bid:

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

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

|           |        |         |          |         |  |
|-----------|--------|---------|----------|---------|--|
| Q23.10.20 |        |         |          |         |  |
|           | BIDDER | WITNESS | EMPLOYER | WITNESS |  |

**MBD 9**

**CERTIFICATE OF INDEPENDENT BID DETERMINATION**

I, the undersigned, in submitting the accompanying bid:

**TENDER: Q23.10.20 : SUPPLY AND DELIVERY OF A1 2021 CALENDERS FOR STEVE TSHWETE LOCAL MUNICIPALITY**

in response to the invitation for the bid made by:

|  |
|--|
| STEVE TSHWETE LOCAL                            |
| <b>NAME OF MUNICIPALITY / MUNICIPAL ENTITY</b> |

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

I certify, on behalf of:

|                               |
|-------------------------------|
|                               |
| <b>NAME OF REPRESENTATIVE</b> |

that:

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.

|           |        |         |          |         |  |
|-----------|--------|---------|----------|---------|--|
| Q23.10.20 |        |         |          |         |  |
|           | BIDDER | WITNESS | EMPLOYER | WITNESS |  |

6. The bidder has arrived at the accompanying bid independently from, and without consultation, communication, agreement or arrangement with any competitor. However, communication between partners in a joint venture or consortium<sup>3</sup> will not be construed as collusive bidding.
7. In particular, without limiting the generality of paragraphs 6 above, there has been no consultation, communication, agreement or arrangement with any competitor regarding:
  - 7.1 Prices;
  - 7.2 Geographical area where product or service will be rendered (market allocation);
  - 7.3 Methods, factors or formulas used to calculate prices;
  - 7.4 The intention or decision to submit or not to submit a bid;
  - 7.5 The submission of a bid which does not meet the specifications and conditions of the bid;  
or
  - 7.6 Bidding with the intention not to win the bid.
8. In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications and conditions or delivery particulars of the products or services to which this bid invitation relates.
9. The terms of the accompanying bid have not been, and will not be, disclosed by the bidder, directly or indirectly, to any competitor, prior to the date and time of the official bid opening or of the awarding of the contract.

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

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

|                               |   |
|-------------------------------|---|
|                               |   |
| <b>NAME OF REPRESENTATIVE</b> | <b>AUTHORIZED SIGNATURE (UNDERSIGNED)</b> |
|                               |   |
| <b>DATE</b>                   | <b>CAPACITY</b>                           |



## RESOLUTION OF BOARD OF DIRECTORS

**Resolution** of a meeting of the Board of \*Directors / Members / Partners of:

|         |         |                   |
|---------|---------|-------------------|
|         |         | (Enterprise Name) |
| Held at |         |                   |
|         | (place) |                   |
| On      |         |                   |
|         | (date)  |                   |

**RESOLVED that:**

|   |   |                              |
|---|---|------------------------------|
| 1.  | The enterprise submits a bid / tender to the Steve Tshwete Local Municipality in respect of the following project:<br><b>QUOTATION NO. Q23.10.20: SUPPLY AND DELIVERY OF A1 2021 CALENDERS FOR STEVE TSHWETE LOCAL MUNICIPALITY</b> |                              |
| 2.  | Mr/Mrs/Ms   |                              |
|   | in his/her capacity a:  | (Position in the Enterprise) |
|   | and who will sign as follows:   | (Authorized Signature)       |
| be, and is hereby, authorized to sign the bid / tender, and any and all other documents and/or correspondence in connection with and relating to the bid /tender, as well as to sign any contract, and any and all documentation, resulting from the award of the bid / tender to the enterprise mentioned above. |   |                              |

**Directors / Members / Partners of:**

|   | Name | Capacity | Signature |
|---|------|----------|-----------|
| 1 |      |          |           |
| 2 |      |          |           |
| 3 |      |          |           |

**Note:**

1. \* Delete which is not applicable
2. **NB.** This resolution must be signed by all the Directors / Members / Partners of the Bidding Enterprise
2. Should the number of Directors / Members / Partners exceed the space available above, additional names and signatures must be supplied on a separate page

| ENTERPRISE STAMP |
|------------------|
|                  |

|           |        |         |          |         |  |
|-----------|--------|---------|----------|---------|--|
| Q23.10.20 |        |         |          |         |  |
|           | BIDDER | WITNESS | EMPLOYER | WITNESS |  |

## CLEARANCE CERTIFICATE FOR WATER & LIGHTS

Section 45(1)(d) of Municipal Supply Chain Regulations requires that the municipality must reject a bidder whose municipal rates and taxes are in arrears for more than three months.

The purpose of this schedule is to obtain proof that municipal services, rates and taxes of the service provider are not in arrears for more than three months, with the relevant municipality / landlord in the municipal area where the service provider conduct his / her business.

**Each bidder must complete the below checklist. Important: if you fail to complete this form, the bid will be non-responsive.** (Please tick with **X** where appropriate):

| QUESTIONS   |  | YES | NO |
|---|--|-----|----|
| 1.  | Do you own a property?   |     |    |
| 2.  | Do you receive a municipal rates account?  |     |    |
| 3.  | Is your municipal rates and taxes account up to date / current (not in arrears for more than three months)?  |     |    |
| 4.  | If yes, provide the following details:   |     |    |
| 4.1   | ▪ Municipality name  |     |    |
| 4.2   | ▪ Municipal account number   |     |    |
| 5.  | <b>If yes, please attach proof in the form of the original or certified copy of the bidder's municipal rates and taxes account not older than 3 months</b> |     |    |
| 6.  | Does the bidder lease / rent the property where the business is situated?  |     |    |
| 7.  | If yes, provide the following details:   |     |    |
| 7.1   | ▪ Landlord name  |     |    |
| 7.2   | ▪ Address property is situated   |     |    |
| 7.3   | ▪ Contact number of landlord   |     |    |
| 8.  | <b>Please attach the copy of the lease agreement signed by the landlord / lessor and the tenant / lessee as proof</b>                                      |     |    |
| I, (Insert full name)   |  |     |    |
| of (insert physical address)  |  |     |    |
| being a Director, Principal Shareholder, owner of company (Insert company name)                       |  |     |    |
|   |  |     |    |
| Hereby confirms that, the information submitted in this form is accurate, to the best of my knowledge |  |     |    |
| SIGNATURE   |  |     |    |

**\* IMPORTANT: IF YOU FAIL TO COMPLETE THIS FORM, PLEASE REGARD YOUR QUOTE AS NON RESPONSIVE**

|           |  |  |  |  |  |
|-----------|--|--|--|--|--|
| Q23.10.20 |  |  |  |  |  |
|-----------|--|--|--|--|--|

BIDDER

WITNESS

EMPLOYER

WITNESS

## MBD 7.2

### CONTRACT FORM - RENDERING OF SERVICES

**THIS FORM MUST BE FILLED IN BY BOTH THE SERVICE PROVIDER (PART 1) AND THE EMPLOYER / MUNICIPALITY (PART 2) AND SIGNED IN THE DUPLICATE.**

**PART 1 (TO BE FILLED IN BY THE SERVICE PROVIDER)**

- I hereby undertake to render the services as described in the attached bidding documents to Steve Tshwete Local Municipality in accordance with the requirements and task directives / proposals specifications stipulated in bid number **Q23.10.20** at the price/s quoted. My offer/s remains binding upon me and open for acceptance by the Employer / Municipality during the validity period indicated and calculated from the closing date of the bid.
1. The following documents shall be deemed to form and be read and construed as part of this agreement:
    - 2.1 Bidding documents, viz
      - Invitation to bid;
      - Tax clearance certificate;
      - Pricing schedule(s);
      - Filled in task directive/proposal;
      - 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;
      - Service Level Agreement
    - 1.2 General Conditions of Contract;
    - 1.3 Other (specify)
  2. 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 services 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.
  3. I accept full responsibility for the proper execution and fulfillment of all obligations and conditions devolving on me under this agreement as the principal liable for the due fulfillment of this contract.
  4. I declare that I have no participation in any collusive practices with any bidder or any other person regarding this or any other bid.
  5. I confirm that I am duly authorized to sign this contract.

|                               |   |
|-------------------------------|---|
|                               |   |
| <b>SIGNED AT</b>              | <b>AUTHORIZED SIGNATURE (UNDERSIGNED)</b> |
|                               |   |
| <b>DATE</b>                   | <b>NAME AND CAPACITY</b>                  |
| <b>WITNESSES: (SIGNATURE)</b> | <b>DATE</b>                               |
| 1.                            |   |
| 2.                            |   |

|           |         |          |         |  |  |
|-----------|---------|----------|---------|--|--|
| Q23.10.20 |         |          |         |  |  |
| BIDDER    | WITNESS | EMPLOYER | WITNESS |  |  |



## C1.2 CONTRACT DATA

### PART 1 - DATA PROVIDED BY THE EMPLOYER

The employer is the **Steve Tshwete Local Municipality.**

**The authorized and designated representative of the employer is:**

|       |   |
|-------|---|
| Name: | <b>Error! Reference source not found., Error! Reference source not found.</b> |
|-------|---|

|   |   |
|---|---|
| The address for receipt of communications is: | Steve Tshwete Local Municipality<br>Civic Centre<br>P.O. Box 14<br>Middelburg<br>1050 |
|---|---|

|            |              |
|------------|--------------|
| Telephone: | 013 249 7335 |
|------------|--------------|

|            |     |
|------------|-----|
| Facsimile: | N/A |
|------------|-----|

|        |  |
|--------|--|
| Email: | <a href="mailto:prudencem@stlm.gov.za">prudencem@stlm.gov.za</a> |
|--------|--|

|                 |   |
|-----------------|---|
| The project is: | SUPPLY AND DELIVERY OF A1 2021 CALENDERS FOR STEVE TSHWETE LOCAL MUNICIPALITY |
|-----------------|---|

**The service provider is**

Name

Address

Telephone:

Facsimile:

**The authorized and designated representative of the service provider is**

Name

The address for receipt of communications is

Telephone

Facsimile

Email

Address

### **C3 SCOPE OF WORKS / SPECIFICATIONS**

**1. INTRODUCTION AND BACKGROUND**

Supply and delivery of A1 2021 calenders for Steve Tshwete Local Municipality.

**2. TERMS OF REFERENCE**

The duties of the Service Provider (Key Performance Indicators) during the course of the assignment will be the following:

- A1 - 2021 Wall Calendars printed full colour – one side only
- 170 GSM Art Paper
- Art Matt, White
- Trim and rimmed at head and foot along the 420 mm with gold rims
- Quantity: 10 000
- Size: 841mm x 594mm

**3. INFORMATION THAT WILL BE PROVIDED BY THE MUNICIPALITY**

Clear detailed artwork on the softcopy.

**4. PAYMENTS**

Payment will be in accordance with the tendered pricing schedule and the Key Performance Indicators indicated in the Terms of Reference. All prices should be inclusive of VAT. A valid tax invoice must be submitted with all mandatory information and reporting as indicated in the scope of work.

Payment will be made within 30 working days from receipt of invoice by the finance department.

**5. ELIGIBILITY CRITERIA**

Only those tenderers who satisfy the following eligibility criteria are eligible to submit tenders:

- 5.1 The tenderer has in his or her possession an original valid tax clearance certificate issued by the South African Revenue Services.
- 5.2 The tenderer is not in arrears for more than 3 months with municipal rates and taxes and municipal service charges;
- 5.3 The tenderer or any of its directors is not listed on the Register of Tender Defaulters in terms of the Prevention and Combating of Corrupt Activities Act of 2004 as a person prohibited from doing business with the public sector; and
- 5.4 The tenderer has not:
  - Abused the Employer’s Supply Chain Management System; or
  - Failed to perform on any previous contract and has been given written notice to this effect.
  - It is considered that the performance of the services will not be compromised through any conflict of interest.)

**6. SERVICE LEVEL AGREEMENT**

A service level agreement will be entered into on appointment of the contract

**7. ACCEPTANCE OF OFFER**

The municipality reserves the right not to award the tender or any part of the tender subject to the availability of budgetary funds.

|           |        |         |          |         |  |
|-----------|--------|---------|----------|---------|--|
| Q23.10.20 |        |         |          |         |  |
|           | BIDDER | WITNESS | EMPLOYER | WITNESS |  |

8. **EVALUATION**

Tenders will be evaluated on functionality first. Only tenders who receives the minimum eligible points will be further evaluated on price and preference points.

9. **VALIDITY PERIOD**

The quotation shall be valid for 90 days from date of opening the quote.

**GENERAL CONDITIONS OF CONTRACT**

The General Conditions of Contract are not included in this document and may be downloaded from the following website – <http://www.treasury.gov.za/divisions/ocpo/sc/GeneralConditions/>

|           |        |         |          |         |  |
|-----------|--------|---------|----------|---------|--|
| Q23.10.20 |        |         |          |         |  |
|           | BIDDER | WITNESS | EMPLOYER | WITNESS |  |