

“ The City of Heritage ”



BID NO. 12/2023/2024.

ANNUAL REVIEW OF INTEGRATED DEVELOPMENT PLAN

Name of bidder	
Telephone/Cellphone No.:	
Fax No:	
Address:	
Tender sum in rands:	
Tender sum in words:	

ULUNDI LOCAL MUNICIPALITY

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INVITATION TO BID

**UMASIPALA
WASOLUNDI**

Private Bag 17
Ulundi
3838

“ The City of Heritage ”



ULUNDI MUNICIPALITY

Tel: 035 874 5100
Fax: 035 874 5206

ULUNDI LOCAL MUNICIPALITY BID NOTICE AND INVITATION TO TENDER

Bids are hereby invited from suitable service providers of the following Ulundi Municipality projects:

12/2023/2024	Service provider to review of an integrated waste management plan (IWMP) and development of climate change adaptation plan for a period of 3 years	Black>7 Women>5 Youth>5 Disability>3 Total =20 Points	22/03/2024	100 points	Mrs. T. A. Ntombela	035 874 5100
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Only service providers registered in the Ulundi Municipality suppliers' database and registered with Central Supplier Database (CSD) will be considered.

Bid documents may be obtained on the **Ulundi Municipal Website at www.ulundi.gov.za**. Bid documents must be submitted in a sealed envelope clearly marked with the bid number, closing date and, dropped off in the tender box at

SCMU, Ulundi Municipality, Corner of Princess Magogo and King Zwelithini Street, Ulundi, 3838 by no later **12H00 of the above stated closing dates**. The bid box is generally open from 07h30 to 16h30 Monday to Thursday and 07h30 to 15h15 Friday. All quotes must be submitted on the official forms – (Not to be retyped). This bid is subject to the general conditions of contract (GCC) and any other special conditions of contract.

THE FOLLOWING ARE MANDATORY: CSD summary report, valid tax clearance or SARS login pin, a certified copy of the most recent municipal account in which the business is registered, copies of ID of members of the entity, CIPRO, and relevant Business certificates. Bidders are requested to sign where necessary and initial each page on the Bid Documents. **The tender is valid for 90 days.**

The Bids will be evaluated using 80/20 Preferential Procurement Point system where 80 points are for the price, and 20 are for specific goals according to the PPPFA 2000 Act no. 5 of 2000 and SCM Regulation 2022.

Where there's functionality two stage evaluation process will be followed, first evaluate functionality and only tenders that score the minimum threshold for functionality will be advancing to the second stage of evaluation on point for price and specific goal.

Late tenders will not be accepted, and the Ulundi Municipality reserved the right not to make an award. Failure to comply with the above conditions will invalidate your offer.

Kindly note that the successful bidder will be subjected to a screening process prior to the bid being awarded, should it be discovered that a successful bidder provided misleading information he/she will be disqualified with immediate effect.

SCM related enquires: Miss N.V.D Hlabe (035 874 5100)

Mr. S.M. KHOMO

.....

MUNICIPAL MANAGER

“ The City of Heritage “



SPECIFICATION AND SCOPE OF WORK

SCOPE OF WORK:

1. INTRODUCTION

1.1 Invitation to submit proposals

1.1.1 Proposals are invited from suitably qualified and experienced Professional Consultants and Service Providers to review the Integrated Waste Management Plan (IWMP) for the Ulundi Local Municipality (ULM) in terms of the National Environment: Waste Act, No. 59 of 2008. The IWMP optimises general waste management by, inter alia, maximising efficiency in waste sorting and separation at source and/or at disposal facility, collection, recycling and reuse, and minimising environmental impacts, social impacts and financial costs of waste.

1.1.2 It is important that service providers familiarise themselves with local conditions within Ulundi Local Municipality and take them into account in preparing the proposal.

1.1.3 Please note that (i) the costs of preparing the proposal and of negotiating the contract are not reimbursable as a direct cost of the Evaluation; (ii) Ulundi Municipality is not bound to accept any of the Proposals submitted; (iii) the decision to award a contract is based on the requirements contained in the Procurement Policy of Ulundi Local Municipality. Again, service providers must familiarise themselves with the content of the Procurement Policy.

1.1.4 Service providers may request a clarification of any part of the Terms of Reference (TOR) documents up to close of business on proposal submission date. A request for clarification must be sent in writing by mail, facsimile, or electronic mail to the Ulundi Local Municipality.

1.1.5 Ulundi Municipality will respond by facsimile or electronic mail to such requests and will send copies of all responses to all service providers who registered to obtain copies of this TOR.

1.1.6 At any time before the submission of Proposals, Ulundi Municipality may, for any reason, whether at its own initiative or in response to a clarification requested by an invited firm, modify the

TOR documents by amendment. The amendment will be sent in writing by facsimile or electronic mail to all registered consultants and will be binding on them. Ulundi Municipality may at its discretion extend the deadline for the submission of Proposals.

1.1.7 The proposal should provide the following:

- I. A brief description of the firm's methodology to performing the tasks set forth in the Terms of Reference including a proposed work plan with clear deliverables and timeframes.
- II. A brief description of the firm's organization and an outline of recent experience on assignments of similar nature. For each assignment the outline should indicate inter alia the profiles and names of the staff provided, their qualifications and duration of the assignment contract amount and firms involvement.
- III. Any comments or suggestions on the Terms of Reference and on the data, services, and facilities to be provided by Ulundi Municipality.
- IV. CVs of the proposed professional staff and the authorized representative submitting the proposal. Key information should include number of years working for the firm/entity, and degree of responsibility held in various assignments during the last (10) years.
- V. The firms current make-up in terms of Previously Disadvantaged Individuals and its black empowerment goals and objectives in general and those specific to this project to be clearly spelt out.

2. FINANCIAL PROPOSAL

2.1 In preparing the financial proposal, services providers are expected to take account the requirements and conditions of the Terms of Reference documents. The financial proposal should list all costs associated with the project.

2.2 Proposals must remain valid for 90-days after the submission date. During this period, service providers are expected to keep available the professional staff proposed for the project. Ulundi Local Municipality will make its best effort to complete negotiations within this period.

3. TIME FRAME OF THE PROJECT

All work associated with this project in terms of the TOR requirements must be completed within a period of six (6) months from the date of contract acceptance or earlier. Proposals must include a work program implementation to ensure that project closure is ensured by this date.

4. NEGOTIATIONS

4.1 Negotiations to reach agreement on all points and signs a contract will be held at a time and place to be determined by the Ulundi Local Municipality.

4.2 Negotiations will include a discussion of the technical proposal the proposed work plan, staffing and any suggestions made by the firm to improve the Terms of Reference. The Ulundi

Local Municipality and the firm will then negotiate agreed final Terms of Reference will then be incorporated into the “Description of Services” and form part of the contract.

4.3 Special attention will be paid to optimizing the required outputs from the firm within the available budget and to clearly defining the inputs required from the Ulundi Local Municipality to ensure satisfactory implementation of the project.

4.4 Having selected the firm on the basis of, among other things, an evaluation of proposed key professional staff, the Ulundi Local Municipality expects that a contract is signed and a letter of acceptance is received within 14 working days. It is also expected that the experts named in the Proposal will actually provide services. In their Proposal, firms should provide assurances that the experts named will be available.

5. PURPOSE AND AIMS OF THE PROJECT

Integrated Waste Management Plan (IWMP) is a recognised tool in terms of national policy and legislation for the management of waste in order to protect human health and the environment. The main aims requiring to be met by on-going IWMP development, implementation, review and revision are outlined in the Act as including:

- To regulate waste management in order to protect health and the environment by providing reasonable measures for the prevention of pollution and ecological degradation and for securing ecologically sustainable development;
- To provide for institutional arrangements and planning matters;
- To provide for norms and standards for regulating the management of waste within the Local Municipality
- To provide for specific waste management measures applicable to the Local Municipality;
- To provide for the remediation of contaminated land;
- To provide for the Local Municipality waste information system; and
- To provide for waste management compliance and enforcement measures.

6. OBJECTIVES OF THE PROJECT

- The objective of this project is to review an Integrated Waste Management Plan for the Ulundi Local Municipality and the implementation plan to ensure provision of sustainable integrated waste management.
- The Integrated Waste Management Plan will include inter alia, provide for a waste management status quo and gap assessment, review of alternative waste management scenarios, a feasibility analysis, the development of a strategy, implementation plan, monitoring and evaluation framework and communication plan

7. OUTCOMES AND DELIVERABLES

Upon completion of the project, deliverables will comprise of:

- Review of Integrated Waste Management Plan for Ulundi Local Municipality.
- Review of waste by-laws
- Waste Management status quo baseline information report.
- The different options that can be followed by the Municipality to effect efficient waste management within the Local Municipality.
- Specific waste management guidelines, norms and standards for Local Municipality.
- The service provider shall deliver the four products stated above in (Microsoft) MS Word version, in Arial font, size 12 and with single line text spacing.
- The final Integrated Waste Management Plan document shall be in hard copies (3 bound copies) as well as in an electronic format.
- In addition to the following outcomes of the IWMP initiative.
- Best positioning of landfills, transfer stations depots etc.
- Optimal allocation and application of resources
- Co-ordination and integration of the various solid waste management functions of the various role players.
- Waste separation initiatives reclamation, recycling and composting possibilities.
- Community program for waste commercialization and awareness.
- Applicable by-laws and policies
- Capital expenditure, operation and maintenance requirements.
- Recommendations for implementation and monitoring.

The final document will be endorsed and accepted by the Ulundi Local Municipality and it shall be approved according to the relevant municipal management approval process including council approval.

8. GUIDELINES/ MAIN ACTIVITIES

The IWMP development process will comprise of five main components of work.

- 1) Project inception
- 2) Status Quo Assessment Study
- 3) Feasibility analysis
- 4) Integrated Waste Management Plan Review
- 5) Implementation strategy and reporting protocol.

8.1 PROJECT INCEPTION

Upon written acceptance of the appointment, the successful service provider shall meet with the relevant officials of the Ulundi Local Municipality as soon as possible to inter alia.

- Confirm administrative and contractual aspects of the appointment;

- Confirm the scope of work methodologies;
- Confirm itemized costing of the work;
- Agree on the time frames for the deliverables ;
- Establish a project steering committee (PSC);
- Agree on stakeholders groupings to be included in the consultation process; and
- Confirm communication channels between the service provider and Municipality, as well as with other internal and external stakeholders.
- Plan for road shows and workshops with stakeholders.

To this end, the service provider must compile and submit for approval by the Municipality, a Project Inception Report entailing aspects including those listed above.

8.2 STATUS QUO ASSESSMENT STUDY

This Study will comprise:

- Report on current situation in terms of waste generation sources, concentrations and characterisation within the District and each Local Municipality,
- Waste management service levels (including relevant waste types and statistics)
- Available Infrastructure and capacity (e.g. waste disposal sites and licensing thereof,
- Identification of existing (operational and non-operational) waste recycling and other Sustainable development initiatives;
- Socio – economic baseline considerations and environmental considerations (geographic area, demographics);
- It will also be useful to elaborate on the impacts of current waste management practices on society, on the environment, and implications of such impacts for the municipality operational and capital expenditure, revenue, etc.
- The status quo Gap Analysis shall then conclude with a prioritisation of the issues, gaps and needs, the setting of goals and objectives for the IWMP. It must take cognizance of, amongst other things, the short, medium and long-term objectives and principles of pertinent national, provincial and local policies, plans and relevant legislation.

8.3 FEASIBILITY STUDY ANALYSIS

- The study should outline the different waste management options that the municipality can follow and recommend the most feasible for the municipality (with motivation).
- The recommended option should then form the basis for modelling and development of the final IWMP.

8.4 INTEGRATED WASTE MANAGEMENT PLAN DEVELOPMENT

The IWMP review for the Local Municipality must be in line with the requirements in terms of the National Environment: Waste Act, No. 59 of 2008, and must seek to:

- Advise on the Ulundi Local Municipalities responsibilities and related consequences in terms of applicable legislation;
- Identify and analyse key sources of waste in the Local Municipality, its characteristics and impacts focusing on each Local Municipality, including past, on-going and planned activities;
- Waste characterization in respect of the types and amounts of waste streams generated ,collected, recycled, beneficiated (e.g. composting) and disposed of;
- Identification of waste classes and sources for which the implementation of waste reduction measures in the short-term is justified
- Identify measures and different options to improve waste management within the Local Municipality
- Develop innovative refuse collection programmes (low income and rural communities)
- Address the effects of industrial, domestic and waste from any other source
- Waste minimisation and recycling strategies.
- Infrastructure (e.g. landfills, transfer stations and depots, roads, etc.)
- Disposal issues (e.g. landfill practices, available airspace and estimated remaining lifespan based on rate of disposal statistics)
- Strategy to deal with e-waste, hazardous waste , condemned meat, health care risk waste and animal waste.
- Waste management service provision (including storage, collection vehicles/fleet, etc.)
- Current waste service levels per service area (per settlement) including areas not currently serviced.
- Tariff structures, revenue collection and payment for services.
- Determine the cost and financial viability of suggested / proposed waste collection, waste transportation, waste disposal and waste recycling or waste minimization proposals over a period of five (5) years.
- Environmental and social impact (occurring and potential), impact mitigation measures; and sustainable development initiatives.
- To provide for waste management compliance and enforcement measures. Give effect to best practice in waste management within the context of the Local Municipality
- In general, the Local Municipality shall be advised on training requirements, by- law and policy development.
- Develop and implement waste information system.

8.5 IMPLEMENTATION AND REPORTING

- Describe how the Ulundi Local Municipality will give effect to its IWWP (development of objectives, goals, strategies, actions plan and reporting) and comply with such other requirements as may be prescribed by the relevant MEC / Minister.
- The implementation strategy should describe:
 - I. Who will be responsible for the organisation, planning and implementation of the IWMP.
 - II. How the IWMP will be integrated into the IDP.
 - III. The IWMP project implementation programme.
 - IV. The introduction of partnerships
 - V. The Public participation programme
 - VI. The financing of the various projects within the IWMP (Financial management) and funding mechanisms.
 - VII. Legal aspects, such as the revision and development of new by-laws.
 - VIII. How the tariff structures will be developed.
 - IX. Estimate financial costs for implementation
 - X. A monitoring and review programme for the IWMP.

6. REPORTING REQUIREMENT

6.1 The service provider will act in close co-operation with Ulundi Local Municipality and will report to the Ulundi Local Municipality through the Community Services Director. The Department will assess and approve progress reports and related payments in terms of the contract.

6.2 The service provider will provide regular progress reports and sometimes at intervals determined by the Ulundi Local Municipality.

6.3 The service provider will report to the Municipal Manager of Ulundi Local Municipality when operating within their area of jurisdiction on this project.

6.4 An attendance register and minutes must be kept of all meetings and interactions with stakeholders and submitted to the Ulundi Local Municipality as part of the progress reports.

6.5 The service provider shall hold regular meetings, the frequency of which will be determined at the project inception meeting and may be on the basis of project milestones. However, meetings between the service provider and Municipality's project manager may be requested from time to time at venues determined by Ulundi Local Municipality.

The service provider shall provide the secretariat for all the meetings and workshop proceedings and minutes will be circulated.

7. COMPETENCY / EXPERTISE REQUIREMENTS

In order to complete the local Municipalities Integrated Waste Management Plan, the following expertise and competencies will be required from service providers submitting proposals:

- Waste/Environmental Management specialist
- Relevant post graduate qualifications from a recognised tertiary institution
- Understanding and knowledge of the legislative and policy framework relating to waste management on an international, national, provincial and local level
- Knowledge and experience in undertaking similar projects
- Communication and facilitation skills
- Research and analytical skills
- Strategic planning skills
- Ensure that the product developed is innovative and has practical applicability in the Local Municipality context
- Ability to work as part of a team and manage the complex integration of information
- Availability to start immediately and carry out the project on a sustained basis until completion, within the stipulated time
- Manage the project to achieve results described in this Terms of Reference document and the approved proposal within the specified time frames
- Prepare regular progress reports
- Ensure maximum stakeholders participation

8. PROJECT COST AND PAYMENT MILESTONES

The proposal must contain a recommendation for payment in accordance with certain milestones. The submitted proposal should detail expected cost per achievement of milestone together with the estimated time, with the final agreement on the percentage to be finalised on appointment.

9. PROPOSAL FORMAT

Proposals should entail aspects including the following:

- Understanding of project brief;
- Proposed methodology;
- Proposed project team (incl. their CVs);
- Work plan and project workflow diagram (e.g. Gantt Chart);
- Budget – a financial proposal with time based costing of activities/outputs, anticipated monthly cash flows, including disbursements and contingencies.
- Company profile, list of partners, proprietors and shareholders by name, identity number, citizenship and ownership (%) including supporting documentation.

10. COMPULSORY TURNABLE DOCUMENTS

The proposal must be accompanied with the following compulsory returnable documents (or certified copies thereof) form part of evaluation criteria, invalid or non-submission will immediately disqualify the proposal.

- a. Company registration
- b. Valid tax clearance
- c. Certified ID copies
- d. Business profile
- e. Fully completed declaration of interest
- f. Certified copy of partnership agreement (if tender is in a partnership/ joint venture)
- g. Vat registration (if registered)
- h. B- BBEE certified (for PPP points)

11. INSTRUCTIONS TO TENDERERS

11.1 Return of documents

- a. The completed and initiated proposal shall be sealed in an enveloped endorsed and delivered to:
The Municipal Manager
Ulundi Municipality
Private Bag X 17
Ulundi
3838

These documents must reach the above address not later than.....on the date shown in the advertisement.

11.2 Completion of documents

- b. The form of offer must be completed and signed.
- c. Tenders will make provision for all necessary equipment, staff and all non-incidents needed for the execution and completion of the contract in accordance with the specifications document.

CLIMATE CHANGE ADAPTATION PLAN

Ulundi Climate Change Objective

The main objective of developing Ulundi Local Municipality Climate Change is to integrate climate change strategy within, where possible, with services of the municipalities, in order to:

- Ensure adaptation to climate change, through provision of a local climate network involving a suite of communities of practice, workshops, pilot projects and technical assistance.
- Ensure the rural livelihood which is highly affected by the climate change is adapting to improved practices that promote environmental livelihood.
- To introduce the element of risk caused by climate variability.
- Enable the municipality to act with a better understanding by enhancing their supporting policy, planning and data infrastructure;
- Deal decisively with key vulnerabilities facing the municipality, in particular around the issues of natural resources, municipal finances and human capacity,
- Prioritizing infrastructure programmes which include sustainable land management planning, i.e. greening of schools and government institutions.
- Organize the provision of knowledge support and advisory services to governments and other stakeholders as required
- Ensure coordination and collaboration with other relevant networks and initiatives regionally and provincially, and build partnerships with key regional and national actors working on adaptation.

Scope of work

The role of the appointed service provider will be to develop Ulundi Local Municipality Climate Change Strategy.

Details of the scope of work are outlined below:

- Develop an implementable “Climate Change Strategy” in accordance with the National Guidelines.
- Align it with all national and provincial policies and strategies (i.e. National Climate Change Adaptation Strategy)
- Include element of risk evaluation and risk management for climate change within the Ulundi municipality.
- Ensure co-ordination and integration with other relevant plans within the municipality.
- Prioritize projects on climate change current global matters such as projects on carbon emissions and greening programmes etc
- Identify and draft business plan for major projects that require funding and identify possible funders

Ulundi Climate Change strategy shall be developed in a phased manner as follows:

- Phase 1 - Inception Phase

- Phase 2 - Status Quo Analysis
- Phase 3 - Gap Analysis and Needs Assessment;
- Phase 4 - Development of Goals, Objectives and Policies;
- Phase 5 - Draft Climate Change Strategy with possible projects;
- Phase 6 - Development of an Implementation Plan for the Strategy

Competence and Expertise

The appointed service provider tendering for this project will need to have Post graduate qualification in Environmental Management. Master's Degree will be advantageous / Environmental Law. The appointed service provider will need to have extensive knowledge of climate change. The service provider must have experience on the development of Environmental Management Planning tools and strategies.

Duration

Service providers must complete the project within 8 months from the date of appointment.

12 EVALUATION CRITERIA

The point scoring system will be as follows:

Functionality/quality: tender must achieve at least 70% in order to qualify for the second stage. The 80/20 scoring will apply. The points associated with the comprehensive proposal will be awarded as reflected in the following table.

Key aspects of criterion	Basis for the points allocation	Score	Max points	Verification
Relevant experience of the bidder	Three completed contracts	Good	30	List of contact
	Two completed contracts as per scope of work	Fair	10	List of contact
	One completed contract as per scope of work	Poor	05	List of contact
Qualification and experience of the project manager	Relevant project management certificate with three years relevant experience	Good	30	Certified copy of qualification
	Relevant project management certificate with two years relevant experience	Fair	10	Certified copy of qualification
	Relevant project management certificate with one year relevant experience	Poor	05	Certified copy of qualification
Methodology in relation to proposal execution. The method statement must include the following sub-headings: Approach method, Activities time frames, staff and equipment.	Method statement met all the requirements	Good	20	Brief summary
	Acceptable method statement. Only provided limited information	Fair	10	Brief summary
	No submission	Poor	0	Brief summary
STAGE 2				
	BBBEEE POINTS		20	
	PRICE		80	
	TOTAL		100	

PRICING SCHEDULE

Description	Price (Amount) R
Subtotal	
Vat (Only if you are registered as a vendor)	
Total	
Company stamp below	

Bidders Signature

TAX CLEARANCE CERTIFICATE

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 To meet this requirement bidders are required to complete in full form TCC 001 "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.
- 2 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.
- 3 Applications for the Tax Clearance Certificates may also be made via eFiling. To use this provision, taxpayers will need to register with SARS as eFilers through the website www.sars.gov.za.
- 4 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.
- 5 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.
- 6 In bids where Consortia / Joint Ventures / Sub-contractors are involved; each party must submit a separate Tax Clearance Certificate.
- 7 Copies of the TCC 001 "Application for a Tax Clearance" form are available from any SARS branch office nationally or on the website: www.sars.gov.za.

MBD 4

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 the 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.	To give effect to the above, the following questionnaire must be completed and submitted with the bid.
3.1	Full Name of bidder or his / her representative:
3.2	Identity number:
3.3	Position occupied in the Company (director, trustee, shareholder ²):
3.4	Company Registration Number:
3.5	Tax Reference Number:
3.6	VAT Registration Number:
3.7	The names of all directors / trustees / shareholders / members, their individual identity numbers, and state employee numbers (where applicable) must be indicated in paragraph 4 below.

<p>3.8</p> <p>3.8.1</p>	<p>Are you presently in the service of the state? *</p> <p>If yes, furnish the following particulars:</p> <p>Name of person / director / trustee / shareholder member:</p> <p>.....</p> <p>Name of state institution at which you or the person connected to the bidder is employed:</p> <p>.....</p> <p>Position occupied in the state institution:</p> <p>.....</p> <p>Any other particulars:</p> <p>.....</p>	<p>YES / NO</p>
<p>3.9</p>	<p>Have you been in the service of the state for the past twelve</p>	<p>YES / NO</p>
<p>3.9.1</p>	<p>months?</p> <p>If so, furnish particulars.</p> <p>.....</p> <p>.....</p>	

<p>3.10</p> <p>3.10.1</p>	<p>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?</p> <p>If yes, furnish the following particulars:</p> <p>Name of person:</p> <p>Name of state institution at which you or the person connected to the bidder is employed:</p> <p>.....</p> <p>Position occupied in the state institution:</p> <p>.....</p> <p>Any other particulars:</p> <p>.....</p>	<p>YES / NO</p>
<p>3.11</p> <p>3.11.1</p>	<p>Are you aware of any relationship (family, friend, other) between the bidder and any person in the service of the state who may be involved with the evaluation and or adjudication of this bid?</p> <p>If yes, furnish the following particulars:</p> <p>Name of person:</p> <p>Name of state institution at which you or the person connected to the bidder is employed:</p> <p>.....</p> <p>Position occupied in the state institution:</p> <p>Any other particulars:</p> <p>.....</p>	<p>YES / NO</p>
<p>3.12</p> <p>3.12.1</p>	<p>Are any of the company's directors, managers, principal shareholders, or stakeholders in the service of the state?</p> <p>If yes, furnish the following particulars:</p> <p>Name of person / director / trustee / shareholder / member:</p>	<p>YES / NO</p>

	<p>.....</p> <p>Name of state institution at which you or the person connected to the bidder is employed:</p> <p>.....</p> <p>Position occupied in the state institution:</p> <p>Any other particulars:</p> <p>.....</p>	
<p>3.13</p> <p>3.13.1</p>	<p>Is any spouse, child or parent of the company's directors, trustees, managers, principal shareholders, or stakeholders in the service of the state?</p> <p>If yes, furnish the following particulars:</p> <p>Name of person / director / trustee / shareholder / member:</p> <p>.....</p> <p>Name of state institution at which you or the person connected to the bidder is employed:</p> <p>.....</p> <p>Position occupied in the state institution:</p> <p>Any other particulars:</p> <p>.....</p>	<p>YES / NO</p>

3.14	Do you or any of the directors, trustees, managers, principal shareholders, or stakeholders of this company have any interest in any other related companies or business whether they are bidding for this contract?	YES / NO
3.14.1	If yes, furnish particulars: 	

4. Full details of directors / trustees / members / shareholders:
THE FOLLOWING INFORMATION IS COMPULSORY TO COMPLETE:

Full Name	Identity Number	Individual Tax Number for each Director	State Employee Number (where applicable)

5. The contract will be automatically cancelled if there is a conflict of interest which is not disclosed by the bidder.

.....
Signature

.....
Date

.....
Name of Bidder

..... Capacity

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

- (a) a member of –
 - (i) any municipal council.
 - (ii) any provincial legislature; or
 - (iii) the National Assembly or the National Council of Provinces.
- (b) a member of the board of directors of any municipal entity.
- (c) an official or 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 entity; or
- (f) an employee of Parliament or a provincial legislature.

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

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

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

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

1. GENERAL CONDITIONS

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

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

1.2 To be completed by the municipal entity.

(Delete whichever is not applicable for this tender).

- a) The applicable preference point system for this tender is the 90/10 preference point system.
- b) The applicable preference point system for this tender is the 80/20 preference point system.
- c) Either the 90/10 or 80/20 preference point system will be applicable in this tender. The lowest/ highest acceptable tender will be used to determine the accurate system once tenders are received.

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

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

1.4 To be completed by the organ of state:

The maximum points for this tender are allocated as follows:

	POINTS
PRICE	80
SPECIFIC GOALS	20
Black ownership with at least 51%	7
disabilities	3

women ownership with at least 30% ownership	5
youth ownership by at least 30%	5
Total points for Price and SPECIFIC GOALS	100

- 1.5 Failure on the part of a tenderer to submit proof or documentation required in terms of this tender to claim points for specific goals with the tender, will be interpreted to mean that preference points for specific goals are not claimed.
- 1.6 The organ of state reserves the right to require of a tenderer, either before a tender is adjudicated or at any time subsequently, to substantiate any claim regarding preferences, in any manner required by the organ of state.

2. DEFINITIONS

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

3. FORMULAE FOR PROCUREMENT OF GOODS AND SERVICES

3.1. POINTS AWARDED FOR PRICE

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

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

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

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

4. POINTS AWARDED FOR SPECIFIC GOALS

4.1. In terms of Regulation 4(2); 5(2); 6(2) and 7(2) of the Preferential Procurement Regulations, preference points must be awarded for specific goals stated in the tender. For the purposes of this tender the tenderer will be allocated points based on the goals stated in table 1 below as may be supported by proof/ documentation stated in the conditions of this tender:

4.2. In cases where organs of state intend to use Regulation 3(2) of the Regulations, which states that, if it is unclear whether the 80/20 or 90/10 preference point system applies, an organ of state must, in the tender documents, stipulate in the case of—

- (a) an invitation for tender for income-generating contracts, that either the 80/20 or 90/10 preference point system will apply and that the highest acceptable tender will be used to determine the applicable preference point system: or
- (b) any other invitation for tender, that either the 80/20 or 90/10 preference point system will apply and that the lowest acceptable tender will be used to determine the applicable preference point system,

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

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

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

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

The specific goals allocated points in terms of this tender	Number of points allocated (90/10 system) (To be completed by the organ of state)	Number of points allocated (80/20 system) (To be completed by the organ of state)	Number of points claimed (90/10 system) (To be completed by the tenderer)	Number of points claimed (80/20 system) (To be completed by the tenderer)
PRICE		80		
SPECIFIC GOALS		20		
Black ownership with at least 51%		7		
disabilities		3		
women ownership with at least 30% ownership		5		
youth ownership by at least 30%		5		
Total points for Price and SPECIFIC GOALS		100		

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 fulfilment 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:

WITNESSES

MBD 7.1

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

MBD 7.2

CONTRACT FORM - RENDERING OF SERVICES

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

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

1. I hereby undertake to render services described in the attached bidding documents to (name of the institution) in accordance with the requirements and task directives / proposals 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 date of the 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); - 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; (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 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.

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 fulfilments 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

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. wilfully 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 **To give effect to the above, the following questionnaire must be completed and submitted with the bid.**

Item	Question	Yes	No
4.1	<p>Is the bidder or any of its directors listed on the National Treasury’s database as a company or person prohibited from doing business with the public sector?</p> <p>(Companies or persons who are listed on this database were informed in writing of this restriction by the National Treasury after the <i>audi alteram partem</i> rule was applied).</p> <p>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.</p>	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"/>
4.5.1	If so, furnish particulars:		

MBD 9

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 To give effect to the above, the attached Certificate of Bid Determination (MBD9) must be completed and submitted with the bid:

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

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.

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.

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:

ULINDI LOCAL MUNICIPALITY

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 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. 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 bids invitation relates.
 9. The terms of the accompanying bid have not been, and will not be, disclosed by the bidder, directly or indirectly, to any competitor, prior to the date and time of the official bid opening or of the awarding of the contract.
 10. I am aware that, in addition and without prejudice to any other remedy provided to combat any restrictive practices related to bids and contracts, bids that are suspicious will be reported to the Competition Commission for investigation and possible imposition of administrative penalties in terms of section 59 of the Competition Act No. 89 of 1998 and or may be reported to the National Prosecuting Authority (NPA) for criminal investigation and or may be restricted from conducting business with the public sector for a period not exceeding ten (10) years in terms of the Prevention and Combating of Corrupt Activities Act No. 12 of 2004 or any other applicable legislation.

.....
Signature

.....
Date

.....
Position

.....
Name of Bidder

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 Cell
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.

.....

YES/ NO

.....

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?

3.8.1 If so, furnish particulars.

.....

YES /NO

.....

3.9 Are you, aware of any relationship (family, friend, other) between a bidder and any persons in? the service of the state who may be. involved with the evaluation and or adjudication of this. bid?

3.9.1 If so, furnish particulars

.....

YES /NO

.....

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

YES / NO

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

9. CHECKLIST

CHECK LIST

No	Description	Ticked by Bidder	Ticked by Municipal Representative
1	Initial/ Sign of all pages		
2	Form of bid completed		
3	Original Tax Clearance Certificate attached		
4	Preferential Points Claimed		
5	Preferential % Calculated and claimed		
6	All witnesses signed where it required		
7	Bid Declaration regarding Equity completed		
8	Particulars of Bidders Completed		
9	Bid Declaration of interest Completed		
10	Declaration of Bidders Past SCM Practice MBD Form 8 completed		
11	Certificate of Independent Bid Determination MBD Form 9 completed		

