



## **INVITATION TO SUBMIT FORMAL WRITTEN PRICE QUOTATIONS**

<b>RFQ NO.:</b>	<b>RFQ/DMS/2019-20/156</b>
<b>DESCRIPTION OF GOODS / SERVICES :</b>	<b>REFURBISHMENT OF NAHOON POINT FENCE</b>

**For publication on the Buffalo City Metropolitan Municipality Website and Supply Chain Management Unit Noticeboard**

<b>NAME OF BIDDER:</b>	
<b>BCMM SUPPLIER DATABASE REGISTRATION NO.:</b>	
<b>STREET ADDRESS:</b>	
<b>POSTAL ADDRESS:</b>	
<b>TEL NO.:</b>	<b>CELL PHONE NO.:</b>
<b>EMAIL ADDRESS:</b>	<b>FAX NO.:</b>
<b>TOTAL QUOTATION AMOUNT:</b>	<b>R</b>

<b>Issued by:</b>	<b>Prepared by:</b>
The City Manager c/o The General Manager: Supply Chain Management Unit Buffalo City Metropolitan Municipality 80 Phillip Frame Road Chiselhurst East London	Department of Municipal Services: East London Aquarium: Queens Park Buffalo City Metropolitan Municipality

## **INVITATION TO SUBMIT FORMAL WRITTEN PRICE QUOTATIONS**

Buffalo City Metropolitan Municipality requests your quotation for the goods and/or services listed hereunder in this RFQ document. Bidders are requested to furnish all information requested and return their quotation submission on the date stipulated in this invitation and the RFQ advertisement. Late and incomplete submissions will invalidate the quotation submitted.

<b>RFQ NO.:</b>	RFQ/DMS/2019-20/156
<b>DESCRIPTION OF GOODS / SERVICES</b>	REFURBISHMENT OF NAHOON POINT FENCE
<b>MINIMUM THRESHOLD(S) FOR LOCAL PRODUCTION AND CONTENT:</b>	100%
<b>ADVERT DATE:</b>	22 OCTOBER 2019
<b>CLOSING DATE:</b>	29 OCTOBER 2019
<b>CLOSING TIME:</b>	12:00PM
<b>COMPULSORY BRIEFING MEETING DATE &amp; TIME:</b> <b>VENUE:</b>	VENUE: NAHOON POINT TIME: 10:00 DATE: 24 OCTOBER 2019
<b>RFQ DOCUMENTS ARE OBTAINABLE FROM:</b>	The BCMM Website – <a href="http://www.buffalocitymetro.gov.za/tenders">www.buffalocitymetro.gov.za/tenders</a>  OR:  Request by sending email to <a href="mailto:cassandrar@buffalocity.gov.za">cassandrar@buffalocity.gov.za</a> ; <a href="mailto:sibongilesa@buffalocity.gov.za">sibongilesa@buffalocity.gov.za</a> ; <a href="mailto:sitatun@buffalocity.gov.za">sitatun@buffalocity.gov.za</a> ; <a href="mailto:bonganimn@buffalocity.gov.za">bonganimn@buffalocity.gov.za</a> ;
<b>SUBMISSION OF RFQs:</b>	<u>Informal</u> Tender Box Supply Chain Management Unit, BCMM 80 Phillip Frame Road Chiselhurst East London
<b>TECHNICAL ENQUIRIES:</b>	Name: Siani Tinley Tel: 082 328 1121 Email: <a href="mailto:siani@elaquarium.co.za">siani@elaquarium.co.za</a>
<b>PROCEDURAL ENQUIRIES:</b>	Yolisa Myoli / Abrina du Plessis Tel: (043) 705 9284 / (043) 705 9263 Email: <a href="mailto:yolisam@buffalocity.gov.za">yolisam@buffalocity.gov.za</a> <a href="mailto:abrinad@buffalocity.gov.za">abrinad@buffalocity.gov.za</a>

**NB: NO SUBMISSIONS WILL BE CONSIDERED FROM PERSONS IN THE SERVICE OF THE STATE (as defined in Regulation 1 of the Local Government: Municipal Supply Chain Management Regulations)**

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## **1.1 GENERAL CONDITIONS OF THE REQUEST FOR QUOTATIONS (RFQ)**

**BIDDERS ARE REQUIRED TO FAMILIARISE THEMSELVES WITH THE TENDERING CONDITIONS AND PROCEDURES AS DOCUMENTED BELOW.**

1. For the purposes of this RFQ document, the words 'bidder' and 'tenderer', and 'RFQ' and 'tender' shall bear the same meaning.
2. 'BCMM,' where referred to in this document means Buffalo City Metropolitan Municipality'.
3. No quotation will be considered unless submitted on this RFQ document.
4. The whole original RFQ document, as issued by BCMM must be submitted. A quotation will be considered invalid and will not be accepted, if any part of this RFQ document is not submitted.
5. Bidders must submit one RFQ offer only, either as a single tendering entity or as a member of a joint venture.
6. Telephonic, telegraphic, telex, facsimile or emailed RFQ submissions will not be accepted.
7. Any portion of the RFQ document not completed will be interpreted as 'not applicable'. Notwithstanding the afore-going, failure to complete any compulsory portion of the RFQ document will result in the RFQ submission being declared non-responsive.
8. **Quotations must be properly received and deposited, on or before the closing date and on or before 12:00pm, in the Informal Tender Box at the BCMM Supply Chain Management Unit ('SCMU') situated at 80 Phillip Frame Road, Chiselhurst, East London. If the quotation submission is too large to fit in the allocated box, please enquire at the reception for assistance.**
9. **BCMM accepts no responsibility for ensuring that quotations are placed in the correct tender box, and should a quotation be placed in the incorrect tender box, it will be not be accepted.**
10. **BCMM reserves the right to accept:**
  - 10.1 the whole quotation or part of a quotation or any item or part of any item, or to accept more than one quotation (in the event of a number of items being offered), and BCMM is not obliged to accept the lowest or any quotation;
  - 10.2 a quotation which is not substantially or materially different from the RFQ specifications.
11. BCMM shall not consider quotations that are received after the closing date and time, as specified in the RFQ advertisement.
12. BCMM will not be held responsible for any expenses incurred by bidders in preparing and submitting quotations.
13. BCMM may, after the RFQ closing date, request additional information or clarification of submitted quotations, in writing.
14. A quotation may be rejected as non-responsive if the bidder fails to provide any clarification requested by BCMM within the time for submission stated in the written request for such clarification.
15. A bidder may request in writing, after the closing date, that its quotation be withdrawn. Such withdrawal will be permitted or refused at the sole discretion of BCMM after consideration of the reasons for the withdrawal, which shall be fully set out by the bidder in such written request for withdrawal.
16. The RFQ document must be signed by a person duly authorised to do so.
17. Quotations submitted by joint ventures, consortia, partnerships shall be accompanied by a joint venture, consortium, partnership agreement, in which it is defined precisely the conditions under which the joint

venture, consortium or partnership will function, its period of duration, the persons authorised to represent and obligate it, the participation of the several firms of which it is formed, and any other information necessary to permit a full appraisal of its functioning.

18. **Once the RFQ is awarded, all purchases will be made through an official BCMM Purchase Order. Therefore no goods must be delivered or services rendered before an official Purchase Order has been forwarded to the successful bidder. The successful bidder must then deliver or render service upon receiving an official **signed** Purchase Order from BCMM.**

19. **Evaluation of RFQs**

- 19.1 **Quotations will be evaluated in accordance with the evaluation criteria set out in the Special Conditions of the Request for Quotations.**

- 19.2 Quotations will be evaluated for price and preference using the 80/20 preference points system as follows –

Price	80
BBBEE	20

- 19.3 Unless otherwise stated in the Special Conditions, a contract will be concluded with the bidder who complies with the evaluation criteria, and scores the highest total price and BBBEE points.

- 19.4 Bidders may quote with or without VAT depending upon whether or not they are VAT vendors. In the calculation of price points, VAT shall be removed from the quotation amount of bidders who are registered as VAT vendors, so that financial offers can be evaluated on a comparative basis as a price advantage cannot be afforded to bidders who are not VAT vendors.

20. **Test for Responsiveness**

20.1 **Invalid Submissions**

Quotations shall be invalid if:

- (a) The quotation submission is not sealed when submitted into the tender box.
- (b) The quotation submission is not completed in non-erasable ink.
- (c) The form of offer has not been completed.
- (d) The bidder has been listed on the National Treasury's Register for Tender Defaulters in terms of the Prevention and Combating of Corrupt Activities Act, No. 12 of 2004, or has been listed on the National Treasury's List of Restricted Suppliers and who is therefore prohibited from doing business with the public sector.
- (e) The bidder is prevented from doing business with BCMM in terms of Regulation 38 and 44 of the Supply Chain Management Regulations (MFMA).

20.2 **Non-responsive Submissions**

Quotations will be declared as non-responsive and eliminated from further evaluation in the following circumstances –

- (a) The submission has not achieved the minimum score for functionality as set out in the evaluation criteria, where functionality is applicable.
- (b) Where there are material deviations or qualifications to the RFQ which in BCMM's opinion would –
  - (i) Detrimentially affect the scope, quality or performance of the works, services or supply identified in the scope of works;
  - (ii) Significantly change BCMM's or the bidder's risks and responsibilities under the contract, or

- (iii) Affect the competitive position of the bidder, or other bidders presenting responsive submissions, if it were to be rectified.
- (c) The submission will be declared non-responsive if the bidder fails to adhere to a written request (within the specified period set out in such request) to –
  - (i) Comply with the general conditions applicable to RFQs as contained in the BCMM Supply Chain Management Policy;
  - (ii) Complete and/or sign any declarations and/or authorisations;
  - (iii) Submit items 2 - 3 of the list of returnable documents in Part 2 (section 2.1) of this bid document.
- (d) **The bid will be declared non-responsive in the event that the bidder's tax matters, as verified on the government Central Supplier Database, are shown not be in order, and the bidder fails to ensure that its tax matters are in order within such timeframe as may be required by BCMM in writing.**

**21. Clarification of quotation after submission**

The bidder must provide clarification of its submission in response to a request to do so from BCMM during the evaluation process. This may include providing a breakdown of rates or prices and correction of arithmetical errors by the adjustment of certain rates or item prices (or both). No change in the competitive position of bidders or substance of the submission may be sought, offered, or permitted.

**22. Provide other material**

The bidder shall provide, on request by BCMM, any other material that has a bearing on the RFQ submission, the tenderer's commercial position (including notarized joint venture agreements), or samples of materials, considered necessary by BCMM for the purpose of a full and fair risk assessment. Should the bidder not provide the material, or a satisfactory reason as to why it cannot be provided, by the time for submission stated in BCMM's request, BCMM may regard the RFQ submission as non-responsive.

**23. Inspections, tests and analysis**

The bidder shall, at the request of BCMM, provide access during working hours to its business premises for any inspections, tests and analyses as required for the RFQ.

**24. Securities, bonds, policies, etc**

If required, the bidder must submit for BCMM's acceptance before formation of the contract, all securities, bonds, guarantees, policies and certificates of insurance required in terms of the conditions of contract.

**25. BCMM supplier database**

**25.1 Bidders must be registered on the BCMM Supplier Database, or meet the listing criteria set out in the BCMM Supply Chain Management Policy, in order to be considered responsive to the RFQ.**

25.2 Bidders must be registered within 7 days of being requested to do so, failing which its submission shall be declared to be non-responsive.

25.3 It is each bidder's responsibility to keep all the information on the BCMM Supplier Database updated. If any information required (e.g. tax clearance certificate, CIDB certificate, etc) is not valid or has expired, all transactions with the vendor may, in the sole discretion of BCMM, be suspended until such time as the correct, verified information is received.

**26. Tax compliance status**

**26.1 No award shall be made to a person whose tax matters have not been declared to be in order by the South African Revenue Service (SARS).**

26.2 **Each party to a consortium, joint venture or partnership must comply with the above.**

**27. Declarations and authorisation**

Bidders are required to complete all statutory declarations and authorisations in the schedules attached to this RFQ document, failing which the submission may be declared non-responsive.

**28. Samples**

If the specifications require a bidder to provide samples, these shall be provided strictly in accordance with the instructions set out in the special conditions of the RFQ below.

**29. Alterations to tender document**

Bidders may not make any alterations or additions to the RFQ document, except to comply with instructions issued by BCMM, or as are necessary to correct errors made by the bidder. All signatories to the RFQ submission shall initial all such alterations. Erasures and the use of masking fluid are prohibited.

**30. Objections, Complaints, Queries and Disputes / Appeals in terms of Section 62 of the Systems Act**

**30.1 Objections, complaints, queries and disputes**

Persons aggrieved by decisions or actions taken by BCMM in the implementation of the supply chain management system or any matter arising from a contract awarded in terms of the supply chain management system may, within 14 days of the decision or action, lodge a written objection or compliant or query or dispute against the decision or action.

**30.2 Section 62 Appeals**

- (a) In terms of section 62 of the Systems Act, a person whose rights are affected by a decision taken by a political structure, political office bearer, councillor or staff member of a municipality in terms of a power or duty delegated or sub-delegated by a delegating authority, may appeal against that decision by giving written notice of the appeal and reasons to the Accounting Officer within 21 days of the date of notification of the decision.
- (b) An appeal shall contain the following:
  - (i) The reasons and/or grounds for the appeal;
  - (ii) The manner in which the appellant's rights have been affected;
  - (iii) The remedy sought by the appellant.

**30.3 Lodging of appeals, objections, complaints, queries and disputes relating to this tender**

Appeals, objections, complaints, requests for information, queries and disputes must be submitted in writing to the Office of the Municipal Manager, 10<sup>th</sup> Floor, Trust Centre Building, Cnr of Oxford & North Streets, East London, OR by email, [thandokazin@buffalocity.gov.za](mailto:thandokazin@buffalocity.gov.za).

## 1.2 SPECIAL CONDITIONS OF THE REQUEST FOR QUOTATIONS (RFQ)

The special conditions qualify, or are in addition to the general conditions in section 1.1 above. In the event of any ambiguity or inconsistency between the general conditions and the special conditions, the latter shall have precedence.

These special conditions, the general conditions, and the returnable schedules are only required for evaluation purposes, and shall not form part of any contract arising from the invitation to tender.

<b>General Conditions Clause No.</b>	<b>Additions or Variations to General Conditions</b>
<b>Clause 13 &amp; 21 CLARIFICATION OF RFQ SUBMISSION</b>	Where a bidder is requested to provide additional information or clarification of its submission, this shall not be an opportunity for the bidder to bolster its submission in any way, so as to afford it an unfair competitive advantage.
<b>Clause 16 AUTHORITY OF SIGNATORY</b>	The bidding entity must submit a letter of authority on its letterhead authorising the signatory to this RFQ to sign all documents in connection with the RFQ, and any contract which may arise therefrom, on behalf of the bidding entity.  The letter of authority must be attached to Schedule A.
<b>Clause 18</b>	After the Service provider has been notified of the Award and signs Letter of Award, the bidder will have to wait for an official signed Purchase Order before commencing with the delivery or rendering of services appointed for.
<b>Clause 19 EVALUATION OF RFQs</b>	RFQs will be evaluated in accordance with the evaluation criteria set out on page 8 of this document.
<b>Clause 23 INSPECTION, TESTS AND ANALYSES</b>	No inspections, tests and analyses shall be required for this RFQ.

**RFQ EVALUATION CRITERIA**

Functionality points will be awarded to the maximum of 100 points. Bidders scoring less than 70 points will not be considered. Bidders are required to comply with the following eligibility requirements of the tender to advance to be evaluated further on price and BBBEE –

- a) Bidders, as well as any contractors that are subcontracted to perform the work, shall have a CIDB grading of 1 SQ with specific experience in Security Fencing.
- b) Only companies with prior experience in small or big building and security fencing works shall be considered. Bidders to submit proof of prior experience in the form of certified copies of previous (1) Award Letters and (2) Completion Certificates for work done. Letters of Award and Completion Certificates for similar work are not to be older than 5 (five) years. Contactable references, as per the letters of award, to be included and be attached to the RFQ. It is expected that the bidder is to have knowledge and experience in security fencing and maintenance of public facilities and fencing.
- c) Bidders must submit an appropriate 1-page relevant work plan for execution of the work to be carried out; explaining the manner and methods that will be used during the time the contractor is on site including requirements to adhere to in terms of the Health and Safety Act and compliance requirements.
- d) Bidders to supply proof of ownership of all, or ability to hire plant and equipment, necessary to complete the task

**FUNCTIONALITY TABLE (Refer to Schedule E)**

DESCRIPTION OF FUNCTIONALITY	SCORING	SCORE
Schedule D.1 - CIDB Grading of 1SQ Bidder and any subcontractors employed by the bidder.	Requirement	
Schedule D.2 - Prior experience. Bidder to attach similar contracts awarded Similar projects refer to Security Fencing. 12 points will be awarded per contract to maximum of 60 points	12 points per contract up to maximum of 75 points	60
Schedule D.3 - relevant work plan for execution of the work to be carried out clearly explaining the manner and methods that will be used during the time the contractor is on site including requirements to adhere to in terms of the Health & Safety Act and compliance requirements	Detailed schedule of Activities, Duration, Sequence and CPM – 10 points Method of Installation – 5 points Public Health and Safety – 5 points	20
Schedule D.4 - Ownership of plant and equipment. Bidder to indicate ownership of plant and equipment more than R3000.00 per item specific to this project	4 points will be scored per item up to a maximum of 20 points	20
Total		100

No quotation shall be considered if the above requirements are not complied with.



Evaluation on Local Production and Content

RFQs will be evaluated in accordance with local production and content. Submissions that do not meet the stipulated minimum thresholds for each of the items as indicated below will be held to be non-responsive -

Item	Description	Minimum Threshold
1.	Steel components – Wire Products	100%

Only locally manufactured furniture with the minimum thresholds for local production and content as indicated above, will be considered.

Bidders must note that –

- (i) The exchange rate to be used for the calculation of local production and content must be the exchange rate published by the South African Reserve Bank ('SARB') at 12.00 on the date of advertisement of this tender
- (ii) Only the South African Bureau of Standards (SABS) approved technical specification number SATS 1286: 2011 must be used to calculate local content.

SATS 1286: 2011 and the Guidance on the Calculation of Local Content together with the Local Content declaration templates – ANNEXURE C (Local Content Declaration: Summary Schedule); ANNEXURE D (Imported Content Declaration: Supporting Schedule to Annexure C); and ANNEXURE E (Local Content Declaration: Supporting Schedule to Annexure C) **are not attached to this tender document, but are accessible from the DTI website <http://www.thedti.gov.za> at no cost.**

Local content, expressed as a percentage of the bid price, must be calculated in accordance with the following formula –

$$LC = (1 - x/y) \times 100$$

**Where:**

**X is the imported content in Rand**

**Y is the bid price in Rand excluding value added tax (VAT)**

- (i) Prices referred to in the determination of x must be converted to Rand (ZAR) by using the exchange rate published by the SARB at 12.00 on the date of advertisement of this tender.

**FAILURE OF A BIDDER TO MEET THE STIPULATED MINIMUM THRESHOLDS FOR LOCAL PRODUCTION AND CONTENT WILL RENDER THE BID NON-RESPONSIVE.**

Bidders must note that it is MANDATORY for –

The **declaration certificate for local production and content provided in this tender document (MBD 6.2)** together with **ANNEXURE C (Local Content Declaration: Summary Schedule)** is to be completed, signed and submitted with the bid proposal by the closing date and time of this bid invitation.

The rates of exchange quoted by the bidder in Paragraph 4.1 of the Declaration Certificate (MDB 6.2) will be verified for accuracy.

### 1.3 RETURNABLE DOCUMENTS

In addition to the requirements stipulated in this tender, tenderers are required to submit the documentation listed below.

Failure to submit a BBBEE certificate will result in no points being allocated to the bidder for BBBEE.

ITEM NO.	RETURNABLE DOCUMENT	AVAILABLE (TICK ✓)
1.	Original or certified copy of BBBEE certificate or sworn affidavit; if points are claimed (a copy of a certified certificate will not be accepted)	
1.1	A sworn affidavit confirming annual total revenue and level of black ownership, if bidder is an Exempted Micro Enterprise (EME) or Qualifying Small Enterprise (QSE)	
1.2	Original or certified copy of BBBEE certificate, if bidder is a Trust, Joint Venture or Consortium that is a legal entity	
1.3	Original or certified copy of consolidated BBBEE scorecard, if bidder is a Trust, Joint Venture or Consortium that is an unincorporated entity	
2.	Certified copy of Joint Venture or Consortium Agreement; if bidder is a Joint Venture or Consortium	
3.	Original Municipal debt clearance certificate / bidders' business premises lease agreement.	
4.	Certified ID copies of directors	
5.	Print-out of Tax Clearance Certificate or PIN CODE ( MBD 2-Form)	
6.	Current Central Supplier Database printout	

In the event that the bidding entity is a joint venture, consortium, or partnership, each partner must supply the above information.

#### **NOTE:**

**Bidders' Tax Compliance Status before award of Formal Written Quotation will be verified on Central Supplier Database. Therefore bidders are required to ensure that they are registered on the database (CSD) upon submission of this RFQ.**

## 1.4 RETURNABLE SCHEDULES

All returnable schedules below must be completed by the bidding entity, save for those schedules which are not applicable to it in which case the bidder must indicate which schedules are not applicable. Should the bidder fail to complete all applicable and compulsory schedules, its quotation submission shall be deemed to be non-responsive in accordance with clause 20.2 (d) (ii) of the general conditions.

The schedules required to be completed are as listed below –

Schedule A	Letter of Authority for Signatory	
Schedule B	Confirmation of Registration of Bidder on Central Supplier Database (CSD)	
Schedule C	Municipal Bidding Documents	
	MBD 4	Declaration of Interest
	MBD 6.1	Preference points Claim Form in terms of the Preferential Procurement Regulations 2011
	MBD 8	Declaration of Bidder's Past Supply Chain Management Practises
	MBD 9	Certificate of Independent Bid Determination
Schedule D	Functional Assessment Documents and Scoring Criteria	
	D.1	CIBD Grading
	D.2	Prior Experience :Declaration of similar projects completed
	D.3	Relevant work plan, method statement including requirements to adhere to in terms of the Act and compliance requirements
	D.4	Ownership of Plant plus Equipment
	D.5	Certificate of Attendance of Site Inspection Meeting

**SCHEDULE A – LETTER OF AUTHORITY FOR SIGNATORY**

Indicate the status of the bidder by ticking the appropriate box hereunder with an x.

COMPANY	CLOSE CORPORATION	PARTNERSHIP	JOINT VENTURE	SOLE PROPRIETORSHIP

**NOTE:**

**BIDDERS MUST ATTACH A LETTER OF AUTHORITY TO THIS PAGE, AUTHORIZING THE SIGNATORY TO THIS RFQ TO SIGN ALL DOCUMENTS IN CONNECTION WITH THE RFQ AND ANY CONTRACT WHICH MAY ARISE THEREFROM, ON BEHALF OF THE BIDDING ENTITY.**

BIDDER'S SIGNATURE.....

**SCHEDULE B – CONFIRMATION OF REGISTRATION OF BIDDER ON THE CENTRAL SUPPLIER DATABASE (CSD)**

NAME OF BIDDER	REGISTERED ON CSD? (YES/NO)	CSD SUPPLIER NUMBER

Bidders are required to register as suppliers on the government Web-based Central Supplier Database (CSD) prior to submission of this RFQ, and provide their CSD supplier number in the table above. If not registered on submission of this RFQ, bidders will be required to register on the CSD within such timeframe as stipulated by BCMM.

It is the responsibility of a bidder to ensure that this requirement is complied with. In the case of Joint Ventures and Consortia, this requirement will apply to each party to the Joint Venture or Consortium.

**BIDDER'S SIGNATURE:** .....

**SCHEDULE C – MUNICIPAL BIDDING DOCUMENTS****MBD 4****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.

3.1 Full Name of bidder or his or her representative:.....

3.2 Identity Number: .....

3.3 Position occupied in the Company (director, trustee, shareholder<sup>2</sup>):

.....

3.4 Company Registration Number: .....

3.5 Tax Reference Number: .....

3.6 VAT Registration Number: .....

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

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

3.8.1 If yes, furnish particulars.....

.....

<sup>1</sup> MSCM Regulations: "in the service of the state" means to be –

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

<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.

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

3.9.1 If yes, furnish particulars.....

.....

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

3.10.1 If yes, furnish particulars .....

.....

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

3.11.1 If yes, furnish particulars.....

.....

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

3.12.1 If yes, furnish particulars.....

.....

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

3.13.1 If yes, furnish particulars.....

.....

3.14 Do you or any of the directors, trustees, managers, principle shareholders, or stakeholders of this company have any interest in any other related companies or business whether or not they are bidding for this contract. **YES / NO**

3.14.1 If yes, furnish particulars.....

.....



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

Full Name	Identity Number	State Employee Number

.....  
**Signature**

.....  
**Date**

.....  
**Capacity**

.....  
**Name of Bidder**

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

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

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

### 1. GENERAL CONDITIONS

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

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

1.2

a) The value of this bid is estimated to **not exceed** R50 000 000 (all applicable taxes included) and therefore the 80/20 preference point system shall be applicable; or

b) **90/10** preference point system will be applicable to this tender

1.3 Points for this bid shall be awarded for:

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

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

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

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

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

### 2. DEFINITIONS

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

### 3. POINTS AWARDED FOR PRICE

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

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

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

Where

Ps = Points scored for price of bid under consideration

Pt = Price of bid under consideration

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

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

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

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

## 5. BID DECLARATION

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

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

- 6.1 B-BBEE Status Level of Contributor: . = .....(maximum of 10 or 20 points)

(Points claimed in respect of paragraph 7.1 must be in accordance with the table reflected in paragraph 4.1 and must be substantiated by relevant proof of B-BBEE status level of contributor.

## 7. SUB-CONTRACTING

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

(**Tick applicable box**)

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

- 7.1.1 If yes, indicate:

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

(**Tick applicable box**)

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

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

Designated Group: An EME or QSE which is at least 51% owned by:	EME √	QSE √
Black people		
Black people who are youth		
Black people who are women		
Black people with disabilities		
Black people living in rural or underdeveloped areas or townships		
Cooperative owned by black people		
Black people who are military veterans		
<b>OR</b>		
Any EME		
Any QSE		

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

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

8.2 VAT \_\_\_\_\_ registration  
number:.....

8.3 Company \_\_\_\_\_ registration  
number:.....

**8.4 TYPE OF COMPANY/ FIRM**

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

[TICK APPLICABLE BOX]

**8.5 DESCRIBE PRINCIPAL BUSINESS ACTIVITIES**

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

**8.6 COMPANY CLASSIFICATION**

- ☐ Manufacturer  
☐ Supplier  
☐ Professional service provider  
☐ Other service providers, e.g. transporter, etc.

[TICK APPLICABLE BOX]

**8.7 MUNICIPAL INFORMATION**

**Municipality where business is situated:**

.....

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

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

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

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

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

WITNESSES

1. ....

2. ....

.....

SIGNATURE(S) OF BIDDERS(S)

DATE: .....

## DECLARATION CERTIFICATE FOR LOCAL PRODUCTION AND CONTENT FOR DESIGNATED SECTORS

This Municipal Bidding Document (MBD) must form part of all bids invited. It contains general information and serves as a declaration form for local content (local production and local content are used interchangeably).

Before completing this declaration, bidders must study the General Conditions, Definitions, Directives applicable in respect of Local Content as prescribed in the Preferential Procurement Regulations, 2017, the South African Bureau of Standards (SABS) approved technical specification number SATS 1286:2011 (Edition 1) and the Guidance on the Calculation of Local Content together with the Local Content Declaration Templates [Annex C (Local Content Declaration: Summary Schedule), D (Imported Content Declaration: Supporting Schedule to Annex C) and E (Local Content Declaration: Supporting Schedule to Annex C)].

### 1. General Conditions

- 1.1. Preferential Procurement Regulations, 2017 (Regulation 8) make provision for the promotion of local production and content.
- 1.2. Regulation 8.(2) prescribes that in the case of designated sectors, organs of state must advertise such tenders with the specific bidding condition that only locally produced or manufactured goods, with a stipulated minimum threshold for local production and content will be considered.
- 1.3. Where necessary, for tenders referred to in paragraph 1.2 above, a two stage bidding process may be followed, where the first stage involves a minimum threshold for local production and content and the second stage price and B-BBEE.
- 1.4. A person awarded a contract in relation to a designated sector, may not sub-contract in such a manner that the local production and content of the overall value of the contract is reduced to below the stipulated minimum threshold.
- 1.5. The local content (LC) expressed as a percentage of the bid price must be calculated in accordance with the SABS approved technical specification number SATS 1286: 2011 as follows:

$$LC = [1 - x / y] * 100$$

Where

x is the imported content in Rand

y is the bid price in Rand excluding value added tax (VAT)

Prices referred to in the determination of x must be converted to Rand (ZAR) by using the exchange rate published by South African Reserve Bank (SARB) at 12:00 on the date of advertisement of the bid as indicated in paragraph 4.1 below.

**The SABS approved technical specification number SATS 1286:2011 is accessible on [http://www.thedti.gov.za/industrial development/ip.jsp](http://www.thedti.gov.za/industrial%20development/ip.jsp) at no cost.**

1.6. A bid may be disqualified if this Declaration Certificate and the Annex C (Local Content Declaration: Summary Schedule) are not submitted as part of the bid documentation;

**2. The stipulated minimum threshold(s) for local production and content (refer to Annex A of SATS 1286:2011) for this bid is/are as follows:**

<u>Description of services, works or goods</u>	<u>Stipulated minimum threshold</u>
_____	_____ %
_____	_____ %
_____	_____ %

**3. Does any portion of the goods or services offered have any imported content?**

(Tick applicable box)

YES		NO	
-----	--	----	--

**3.1** If yes, the rate(s) of exchange to be used in this bid to calculate the local content as prescribed in paragraph 1.5 of the general conditions must be the rate(s) published by SARB for the specific currency at 12:00 on the date of advertisement of the bid.

The relevant rates of exchange information is accessible on [www.reservebank.co.za](http://www.reservebank.co.za)

Indicate the rate(s) of exchange against the appropriate currency in the table below (refer to Annex A of SATS 1286:2011):

<b>Currency</b>	<b>Rates of exchange</b>
US Dollar	
Pound Sterling	
Euro	
Yen	
Other	

NB: Bidders must submit proof of the SARB rate (s) of exchange used.

**3.** Where, after the award of a bid, challenges are experienced in meeting the stipulated minimum threshold for local content the DTI must be informed accordingly in order for the DTI to verify and in consultation with the AO/AA provide directives in this regard.



**LOCAL CONTENT DECLARATION**  
**(REFER TO ANNEX B OF SATS 1286:2011)**

**LOCAL CONTENT DECLARATION BY CHIEF FINANCIAL OFFICER OR OTHER LEGALLY RESPONSIBLE PERSON NOMINATED IN WRITING BY THE CHIEF EXECUTIVE OR SENIOR MEMBER/PERSON WITH MANAGEMENT RESPONSIBILITY (CLOSE CORPORATION, PARTNERSHIP OR INDIVIDUAL)**

**IN RESPECT OF BID NO. ....**

**ISSUED BY:** (Procurement Authority / Name of Institution):

.....  
 NB

- 1 The obligation to complete, duly sign and submit this declaration cannot be transferred to an external authorized representative, auditor or any other third party acting on behalf of the bidder.
- 2 Guidance on the Calculation of Local Content together with Local Content Declaration Templates (Annex C, D and E) is accessible on <http://www.thdti.gov.za/industrialdevelopment/ip.jsp>. Bidders should first complete Declaration D. After completing Declaration D, bidders should complete Declaration E and then consolidate the information on Declaration C. **Declaration C should be submitted with the bid documentation at the closing date and time of the bid in order to substantiate the declaration made in paragraph (c) below.** Declarations D and E should be kept by the bidders for verification purposes for a period of at least 5 years. The successful bidder is required to continuously update Declarations C, D and E with the actual values for the duration of the contract.

I, the undersigned, ..... (full names),  
 do hereby declare, in my capacity as .....  
 of ..... (name of bidder  
 entity), the following:

- (a) The facts contained herein are within my own personal knowledge.
- (b) I have satisfied myself that:
  - (i) the goods/services/works to be delivered in terms of the above-specified bid comply with the minimum local content requirements as specified in the bid, and as measured in terms of SATS 1286:2011; and
- (c) The local content percentage (%) indicated below has been calculated using the formula given in clause 3 of SATS 1286:2011, the rates of exchange indicated in paragraph 4.1 above and the information contained in Declaration D and E which has been consolidated in Declaration C:

Bid price, excluding VAT (y)	R
Imported content (x), as calculated in terms of SATS 1286:2011	R
Stipulated minimum threshold for local content (paragraph 3 above)	
Local content %, as calculated in terms of SATS 1286:2011	

**If the bid is for more than one product, the local content percentages for each product contained in Declaration C shall be used instead of the table above.**

**The local content percentages for each product has been calculated using the formula given in clause 3 of SATS 1286:2011, the rates of exchange indicated in paragraph 4.1 above and the information contained in Declaration D and E.**

- (d) I accept that the Procurement Authority / Institution has the right to request that the local content be verified in terms of the requirements of SATS 1286:2011.
- (e) I understand that the awarding of the bid is dependent on the accuracy of the information furnished in this application. I also understand that the submission of incorrect data, or data that are not verifiable as described in SATS 1286:2011, may result in the Procurement Authority / Institution imposing any or all of the remedies as provided for in Regulation 14 of the Preferential Procurement Regulations, 2017 promulgated under the Preferential Policy Framework Act (PPPFA), 2000 (Act No. 5 of 2000).

**SIGNATURE:** \_\_\_\_\_

**DATE:** \_\_\_\_\_

**WITNESS No. 1** \_\_\_\_\_

**DATE:** \_\_\_\_\_

**WITNESS No. 2** \_\_\_\_\_

**DATE:** \_\_\_\_\_

## DECLARATION OF BIDDER'S PAST SUPPLY CHAIN MANAGEMENT PRACTICES

- 1 This Municipal Bidding Document must form part of all bids invited.
- 2 It serves as a declaration to be used by municipalities and municipal entities in ensuring that when goods and services are being procured, all reasonable steps are taken to combat the abuse of the supply chain management system.
- 3 The bid of any bidder may be rejected if that bidder, or any of its directors have:
  - a. abused the municipality's / municipal entity's supply chain management system or committed any improper conduct in relation to such system;
  - b. been convicted for fraud or corruption during the past five years;
  - c. willfully neglected, reneged on or failed to comply with any government, municipal or other public sector contract during the past five years; or
  - d. been listed in the Register for Tender Defaulters in terms of section 29 of the Prevention and Combating of Corrupt Activities Act (No 12 of 2004).
- 4 **In order to give effect to the above, the following questionnaire must be completed and submitted with the bid.**

Item	Question	Yes	No
4.1	Is the bidder or any of its directors listed on the National Treasury's Database of Restricted Suppliers as companies or persons prohibited from doing business with the public sector?  (Companies or persons who are listed on this Database were informed in writing of this restriction by the Accounting Officer/Authority of the institution that imposed the restriction after the <i>audi alteram partem</i> rule was applied).  <b>The Database of Restricted Suppliers now resides on the National Treasury's website (<a href="http://www.treasury.gov.za">www.treasury.gov.za</a>) and can be accessed by clicking on its link at the bottom of the home page.</b>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.1.1	If so, furnish particulars:		
4.2	Is the bidder or any of its directors listed on the Register for Tender Defaulters in terms of section 29 of the Prevention and Combating of Corrupt Activities Act (No 12 of 2004)? <b>The Register for Tender Defaulters can be accessed on the National Treasury's website (<a href="http://www.treasury.gov.za">www.treasury.gov.za</a>) by clicking on its link at the bottom of the home page.</b>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.2.1	If so, furnish particulars:		

4.3	Was the bidder or any of its directors convicted by a court of law (including a court of law outside the Republic of South Africa) for fraud or corruption during the past five years?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.3.1	If so, furnish particulars:		
<b>Item</b>	<b>Question</b>	<b>Yes</b>	<b>No</b>
4.4	Does the bidder or any of its directors owe any municipal rates and taxes or municipal charges to the municipality / municipal entity, or to any other municipality / municipal entity, that is in arrears for more than three months?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.4.1	If so, furnish particulars:		
4.5	Was any contract between the bidder and the municipality / municipal entity or any other organ of state terminated during the past five years on account of failure to perform on or comply with the contract?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.7.1	If so, furnish particulars:		

### CERTIFICATION

**I, THE UNDERSIGNED (FULL NAME) .....  
CERTIFY THAT THE INFORMATION FURNISHED ON THIS  
DECLARATION FORM IS TRUE AND CORRECT.**

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

.....  
**Signature**

.....  
**Date**

.....  
**Position**

.....  
**Name of Bidder**

**CERTIFICATE OF INDEPENDENT BID DETERMINATION**

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

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

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

**CERTIFICATE OF INDEPENDENT BID DETERMINATION**

I, the undersigned, in submitting the accompanying bid:

---

(Bid Number and Description)

in response to the invitation for the bid made by:

---

(Name of Municipality / Municipal Entity)

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

I certify, on behalf of: \_\_\_\_\_ that:  
(Name of Bidder)

1. I have read and I understand the contents of this Certificate;
2. I understand that the accompanying bid will be disqualified if this Certificate is found not to be true and complete in every respect;
3. I am authorized by the bidder to sign this Certificate, and to submit the accompanying bid, on behalf of the bidder;
4. Each person whose signature appears on the accompanying bid has been authorized by the bidder to determine the terms of, and to sign, the bid, on behalf of the bidder;
5. For the purposes of this Certificate and the accompanying bid, I understand that the word "competitor" shall include any individual or organization, other than the bidder, whether or not affiliated with the bidder, who:
  - (a) has been requested to submit a bid in response to this bid invitation;
  - (b) could potentially submit a bid in response to this bid invitation, based on their qualifications, abilities or experience; and
  - (c) provides the same goods and services as the bidder and/or is in the same line of business as the bidder

**MBD 9**

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

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

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

.....  
Signature

.....  
Date

.....  
Position

.....  
Name of Bidder



## SCHEDULE D – FUNCTIONAL CRITERIA

### SCHEDULE D.1: CIDB GRADING OF 1SQ WITH SPECIFIC EXPERIENCE IN SECURITY FENCING

The tenderer shall **attach to this page** a valid copy of company CIDB Grading registration from the Construction Industry Development Board.

The Tender will be declared non-responsive if the proof company's CIDB grading registration is not attached.

**SIGNED ON BEHALF OF TENDERER:**

.....

## SCHEDULE D.2 : DECLARATION OF SIMILAR PROJECTS COMPLETED

Service Providers are to list any similar projects that have been executed in the last five years. **Must have the letters of Award and Completion Certificates or Final Certificate attached to this page**

Name and Nature of Project	Name of Employer and Details	Monetary Value of Project	Date of Appointment	Est. end date of Appointment

Should there be insufficient space provided above, the Bidder must attach the remainder of the information to this document.

Note: Where Joint Ventures/ Consortia are undertaken, the information as requested above is to be provided by each partner firm

.....

SIGNED ON BEHALF OF TENDERER

## **SCHEDULE D – FUNCTIONAL CRITERIA**

### **SCHEDULE D.3: RELEVANT WORK PLAN AND METHOD STATEMENT OR REQUIREMENTS IN TERMS OF REGULATIONS FOR WORK TO BE PERFORMED**

The tenderer shall append their proposed appropriate one-page relevant work plan to this Schedule.

The relevant work plan must indicate the approach, separate activities, durations and sequence of the Works to be executed.

The methodology that the tenderer intends following to ensure good building practise and long life of the fence and ancillary works.

Public health and safety approach to be followed to ensure that Works comply with regulations required.

The work plan must show that the tenderer has appreciated the Scope of Work and has good insight as to what actions or activities are required in order to comply with the Employer's objectives. Tenderers should however endeavour to keep their submissions in this regard to a maximum of 1 page.

**SIGNED ON BEHALF OF TENDERER:**

.....

## SCHEDULE D – FUNCTIONAL CRITERIA

**SCHEDULE D.4: OWNERSHIP OF PLANT AND EQUIPMENT**

The tenderer shall state below what plant and equipment (more than R3 000.00 in value) are available for use on this project and whether they are currently owned/licensed by the tenderer or are available through other means. Typical plant to refer to Truck, LDV, Concrete Mixer, Plate Compacter, Electric Generator etc.

<b>PLANT AND EQUIPMENT (&gt; R3000.00 PER ITEM) OWNED AND AVAILABLE FOR USE</b>		
<b>MAKE / MODEL / YEAR OF PLANT OR EQUIPMENT</b>	<b>DESCRIPTION VALUE OF PLANT OR EQUIPMENT</b>	<b>CURRENTLY OWNED/ LICENCED OR OTHER</b>

Proof to be supplied in the form of receipts for purchase or hire agreements, service records or in the case of plant vehicle registration papers.

**SIGNED ON BEHALF OF TENDERER:**

.....

## SCHEDULE D – FUNCTIONAL CRITERIA

### SCHEDULE D.5: Certificate of Attendance of Site Inspection Meeting

This is to certify that I,

.....

Representative of

(respondent) .....

of (address).....

.....

.....

Telephone number (.....).....

Fax number (.....).....

In the company of (*Employer's Representative*) .....

Visited and examined the site on (*date*) .....

Having previously studied the Tender Documents, I carefully examined the site. I have made myself familiar with all local conditions likely to influence the work.

I further CERTIFY that I am satisfied with the description of the work and the explanations given by the said Employer's Representative and that I understand perfectly the work to be done, as specified and implied, in the execution of this Contract.

TENDERER'S REPRESENTATIVE

.....  
(*Signature*)

Name (*Print*) .....

Company (*Print*) .....

EMPLOYER'S REPRESENTATIVE

.....  
(*Signature*)

Name (*Print*) .....

## 2.1 AGREEMENT & CONTRACT DATA

### 2.1.1 FORM OF OFFER AND ACCEPTANCE

#### PART 1 (OFFER TO BE COMPLETED BY THE BIDDER)

1. Buffalo City Metropolitan Municipality has solicited offers to enter into a contract for the procurement of :

#### REFURBISHMENT OF NAHOON POINT FENCE

2. I, the Bidder, hereby undertake to supply and deliver all or any of the goods and/or works; OR render the services described in the attached bidding documents to BCMM in accordance with the requirements and specifications stipulated in RFQ number **RFQ/DMS/2019-20/156** at the price/s quoted. My offer/s remains binding upon me and open for acceptance by the purchaser during the validity period indicated and calculated from the closing time of RFQ.
3. The following documents shall be deemed to form and be read and construed as part of this Agreement:
  - (i) The Scope of Work;
  - (ii) This RFQ document, viz
    - Scope of Services;
    - The Pricing Data;
    - This Form of Offer & Acceptance;
  - (iii) Bidder's RFQ submission;
  - (iv) The Special Conditions of Contract;
  - (v) The General Conditions of Contract; and
  - (vi) Any Service Level Agreement that may be concluded by the appointed bidder and BCMM.
4. I confirm that I have satisfied myself as to the correctness and validity of my quote; that the price(s) and rate(s) quoted cover all the goods and/or works specified in the RFQ document; 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.
5. I accept full responsibility for the proper execution and fulfilment of all obligations and conditions devolving on me under this agreement as the principal liable for the due fulfillment of this contract.
6. I declare that I have no participation in any collusive practices with any bidder or any other person regarding this or any other bid.
7. I confirm that I am duly authorized to sign this contract.

The **TOTAL QUOTATION AMOUNT** inclusive of value-added tax (where applicable) is

.....  
 ..... Rand  
 (in words); R ..... (in figures)

This offer may be accepted by the authorised BCMM representative signing the acceptance part of this form of offer and acceptance, and returning one copy of this document to the bidder before the end of the period of validity stated in the tender conditions, whereupon the bidder becomes the party named as the appointed service provider in terms of the conditions of contract identified in the contract data.

NAME (PRINT) .....  
 CAPACITY .....  
 SIGNATURE .....  
 NAME OF FIRM .....  
 DATE .....

WITNESSES:	
1	.....
2	.....
DATE: .....	

**FAILURE BY THE BIDDER TO SIGN OR FILL IN THIS FORM SHALL DISQUALIFY ITS SUBMISSION.**

**PART 2 (ACCEPTANCE TO BE COMPLETED BY BCMM)**

By signing this part of this form of offer and acceptance, BCMM accepts the bidder's offer. In consideration thereof, BCMM shall pay the appointed service provider the amount due in accordance with PART 1 of this offer and acceptance. Acceptance of the bidder's offer shall form an agreement between BCMM and the bidder upon the terms and conditions contained in this agreement and in the contract that is the subject of this agreement.

1. I..... in my capacity as **AGM: SUPPLY CHIN MANAGEMENT** accept your bid under reference number **RFQ/DMS/2019-20/156** dated **29 OCTOBER 2019** for the supply or the rendering of services indicated hereunder and/or further specified in the annexure(s).
2. An official order indicating service delivery instructions is forthcoming.
3. I undertake to make payment for the services rendered in accordance with the terms and conditions of the contract, within 30 (thirty) days after receipt of an invoice.

DESCRIPTION OF SUPPLY/ SERVICE	PRICE (ALL APPLICABLE TAXES INCLUDED)	COMPLETION DATE	B-BBEE STATUS LEVEL OF CONTRIBUTION	MINIMUM THRESHOLD FOR LOCAL PRODUCTION AND CONTENT (if applicable)
REFURBISHMENT OF NAHOON POINT FENCE				

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

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

NAME (PRINT) .....

SIGNATURE .....

OFFICIAL STAMP



WITNESSES

1 .....

2 .....

DATE: .....



## 2.1.2 CONTRACT DATA

### GENERAL CONDITIONS OF CONTRACT

The contract will be administered in terms of the **General Conditions of Contract 2015** as issued by National Treasury.

A copy of the General Conditions of Contract may be obtained from the National Treasury website – [www.treasury.gov.za](http://www.treasury.gov.za)

## **2.2 PRICING DATA**

### **2.2.1 PRICING INSTRUCTIONS**

- (i) The rates and prices submitted by the bidder must be entered into the pricing schedule below.
- (ii) The quotation amount must be inclusive of VAT, where the bidder is a registered VAT vendor.
- (iii) Bidders must provide rates that are fixed for the duration of the contract and not subject to adjustment except as provided for in the conditions of contract.
- (iv) Bidders are required to pay attention to clause 25 of the general conditions (imbalance in quoted rates).
- (v) Should there be a discrepancy between the total quotation amount in the pricing schedule, and that in the form of offer; the price in the form of offer will take precedence. Where there is a discrepancy between the amount in figures and the amount in words, the amount in words will govern.
- (vi) The pricing sheet is to be signed and stamped by the prospective company.

**2.2.2 PRICING SCHEDULE****Bill of Quantities**

No	Item Description	Unit	Quant	Rate	Total
	<b>Scheduled Items</b>				
1	Supply and deliver welded mesh / hinged mesh fence as per specification. The fence is 1.8m high with 100 x 150mm square openings as per specification of material. The fence come in 100m rolls. This is a material only rate.	m	500		
2	Labour rate to erect and fasten fence as detailed in Specifications.	m	500		
3	Remove existing fence carefully without damaging posts or intermediate posts (droppers). Posts and Intermediate posts to be used again to fasten New Fence	m	500		
	<b>Extra Over Items</b>				
<b>4</b>	<b>Corner Post</b>				
4.1	Supply and deliver material for Corner Post 150mm machined 2.4m long post x3 Horizontal Stay 75mm machined x 1.5 m long x2 All posts CCA H4 treated Straining / Binding wire 1.8mm High Galvanizing	No	1		
4.2	Concrete 15 MPa (350 x 350 x 750). This includes excavation and backfill	m3	0.3		
4.3	Labour to erect and fasten Corner Post and to cast concrete	No	1		
<b>5</b>	<b>Intermediate Post (Dropper)</b>				
5.1	Supply and deliver material for Intermediate Post 75mm x 1.8m long	No	1		
5.2	Labour to fasten fence to dropper + binding wire 1.8mm	No	1		

<b>SUB-TOTAL</b>		
<b>Add Contingencies (Works must be approved in writing by BCMM representative before commencement)</b>	<b>10%</b>	
<b>VAT (15%)</b>		
<b>TOTAL TENDER PRICE (to be carried over to form of offer page)</b>		

Name of Tenderer .....

Date ..... Signature .....

Company Stamp:



## 2.3 SCOPE OF WORK

### 2.3.1 Scope of Supply or Services

Buffalo City Metropolitan Municipality calls for informal written price quotations for the supply, delivery and installation of a welded mesh/hinged mesh fence 1.8 metre high, specifically catering for dogs and medium range game. The purpose is to keep out hunting dogs and locals from hunting small to medium game in the reserve.

Secondly is to provide a safe environment for small to medium game in the reserve without impeding on their free-range movement in search of food and their normal grazing habitat.

There is an existing fence erected (Type Bonox Fence). The intention is to dismantle the existing fence and remove it from site. The existing timber corner posts, straining posts, stays and droppers to remain and be reused. The new fence shall be fixed to the existing structure. It is therefore important that the existing profile be matched.

Photos below indicates existing fence.

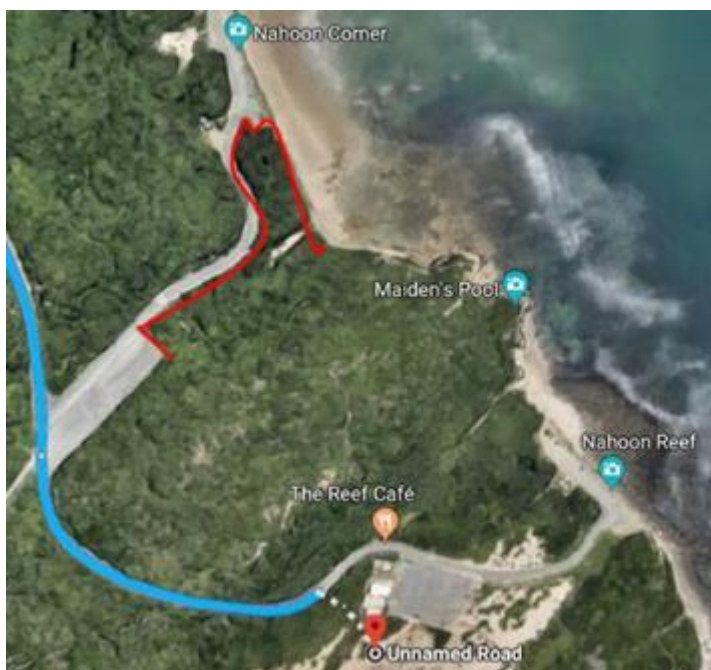




Although this contract makes allowance for replacing the fence only, remedial work is required to safeguard and protect the fence against scouring and erosion of soil. That will be dealt with in a separate contract.

This contract makes provision for the replacement of roughly 500m of fence 1.8m high. The tenders received will be evaluated against value for money to ensure that public funding is spent wisely. This is in terms of the Municipal Finance Act to ensure value for money to the municipality, and that the product is affordable and market related.

Indicated below is the typical layout of the fence to be removed and replaced with a new fence as per specifications and detail mentioned in the Tender Document.



The red line depicts fence to be replaced.

### 2.3.1 **Material Specification**

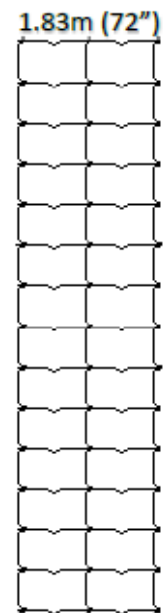
#### **Fence Type**

The welded/hinged mesh shall be equally spaced horizontal line wire hinge joint fence, designed specifically for African Game 1.8 metre high. Horizontal line wire spacing shall be 100mm high, and the vertical line wire spacing shall be 152mm apart (wide).

The horizontal line wire shall be not less than 2mm diameter high tensile steel with breaking strain of 415 kg. The wire shall be high grade galvanizing specifically for coastal areas. Written compliance of the corrosion protection is required.

The alternative to the special treated wire mesh is a 3.2mm diameter wire also of high-grade galvanizing specifically for coastal zone

The vertical stay wire shall be not less than 2mm diameter mild steel with breaking strain of 220 kg. The wire shall be high grade galvanizing specifically for coastal areas. Written compliance of the corrosion protection is required.



The alternative to the special treated wire mesh is a 3.2mm diameter wire also of high-grade galvanizing specifically for coastal zone.

#### **Corner and Straining posts**

Corner and Straining posts shall be treated timber poles with a minimum diameter of 150 mm at the thin end and comply with the requirements of SABS 457. The timber posts shall be machine turned to 150mm thickness with domed tops and CCA H4 treated. The horizontal stay shall be 75mm thick. The posts shall be planted to depth of at least 750mm in concrete 350 x 350x 750mm deep.

#### **Intermediate Posts (Droppers)**

Usually 75mm diameter posts treated CCA H4.

#### **Bolts**

Type of bolts – Galvanised M8 & M10

#### **Site**

The site shall be cleaned, levelled and all foreign material removed as well as any weeds.



### 2.3.2 Installation Specification

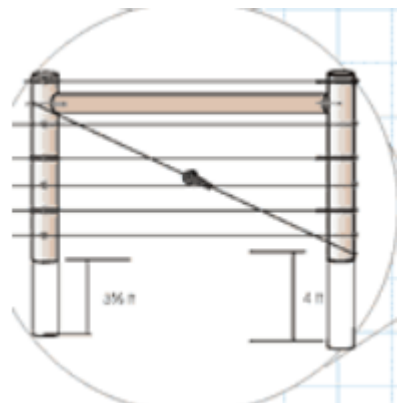
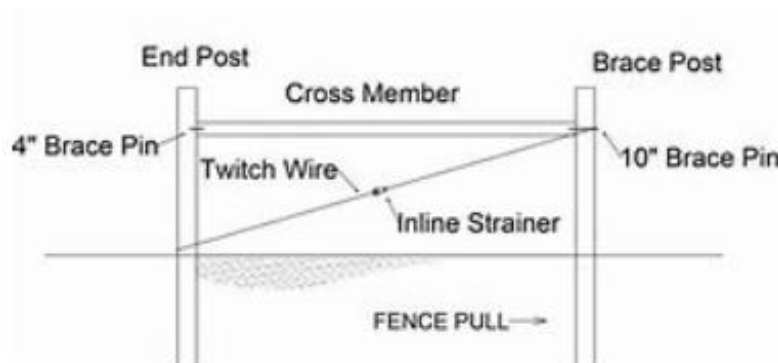
#### Erection of fence

Mesh fence is erected in much the same way as ordinary line wire fencing except that all the line wires are strained simultaneously with the aid of a clamp bar and two or three wire strainers.

#### Corner and Straining Posts

Straining posts shall be erected at all ends, corners and bends in the line of fences and at all junctions with other fences. Straining posts shall not be placed further apart than 98 metres. The length of posts above ground shall be such that the correct clearance between the lowest wire and the ground can be obtained.

Usually 120 - 150mm timber posts are used as corner or straining posts as indicated in sketches below



Cross member or stay is a typical 75mm treated timber post. Straining cross wire is normally 1.8mm mild steel galvanized. Place posts **98m** apart or where the ground contour changes or the fence changes direction.



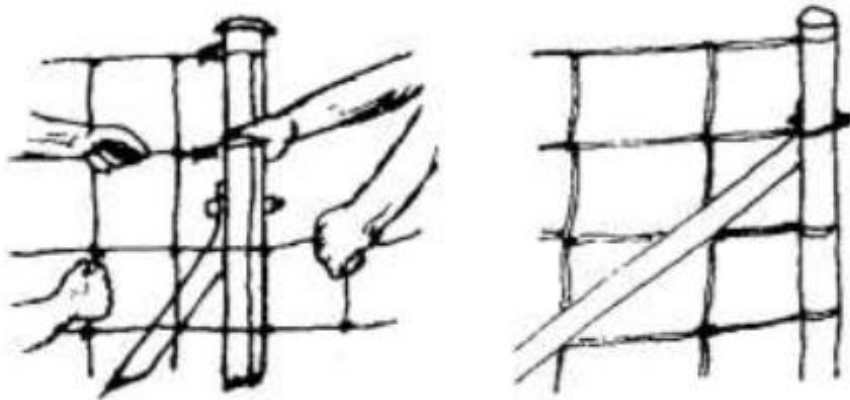
**Intermediate Posts (Droppers)**

Space according to expected pressure on fence at maximum of 10m apart. In uneven terrain posts are not necessarily placed at equal spacing but rather at the centre of rises and depressions. This will ensure that bottom strand of wire remains always near the ground.

**Straining**

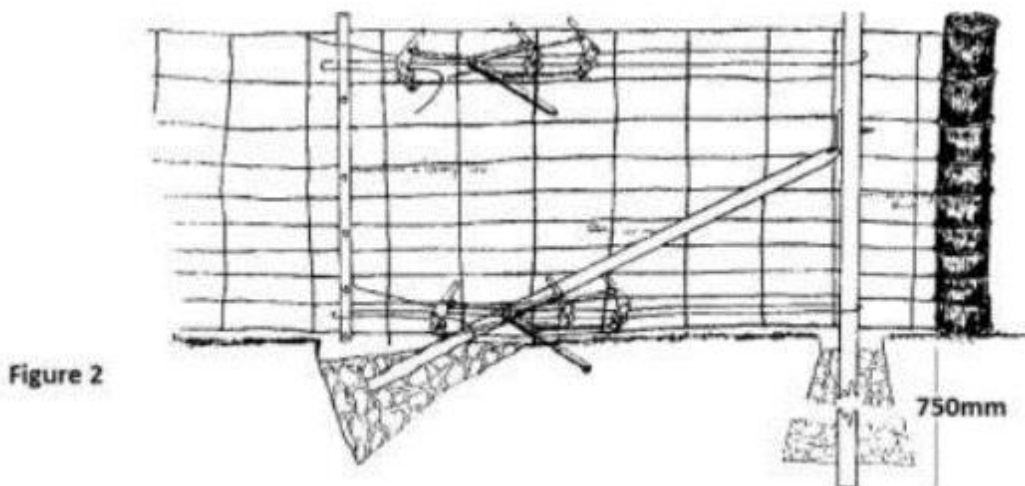
A clamp bar is required for the erection/installation of mesh wire. The Contractor must indicate that they possess such a clamp bar or could access one for the duration of contract.

Remove the first 2 or 3 vertical wires from the end of the fence freeing enough wire to go around the straining post and leaving enough to tie the fence with (Fig 1)



**Figure 1**

Vertical wires should be parallel with the straining post. Beginning from the bottom of the straining post, tie each of the line wires evenly around the post to ensure that fence will pull up squarely and neatly. Place the clamp bar 1.5m from the second straining post ensuring that all line wires are securely clamped (Fig 3).



Attach two three strainers between clamp bar and second straining post (Fig 2+4). Strain entire fence until tension curves in line wires start pulling straight. Now fasten fence to the second straining post. Remove clamp bar and wire strainers. Tie the top bottom and every 2<sup>nd</sup> line wire to standards (Fig 5)

#### How to attach the clamp bar.

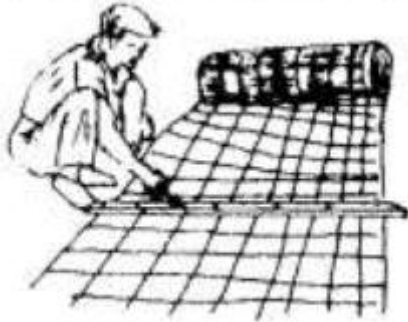


Figure 3

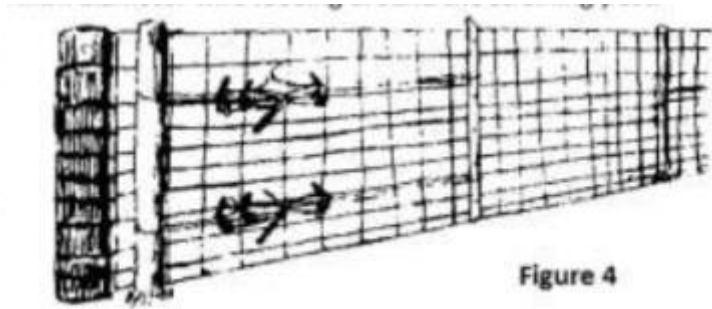


Figure 4



Figure 5

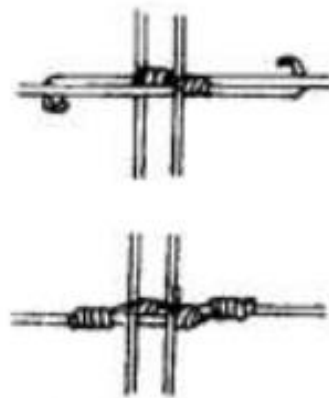


Figure 6

#### Joining

Place the last horizontal wire of the 1<sup>st</sup> roll on top of the first stay wire on the second roll. Twist each loose end of the line wires around the corresponding strands on the other section with a splicing tool (Fig 6 & 7)

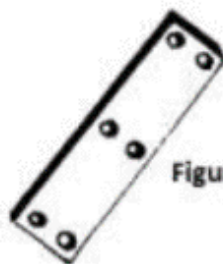
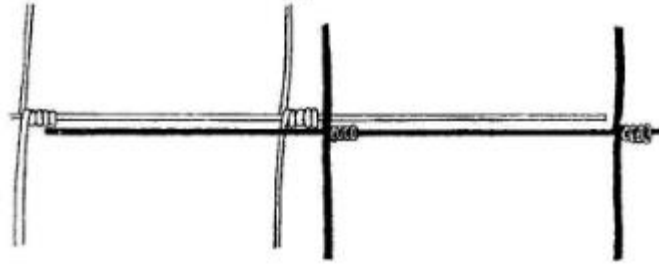
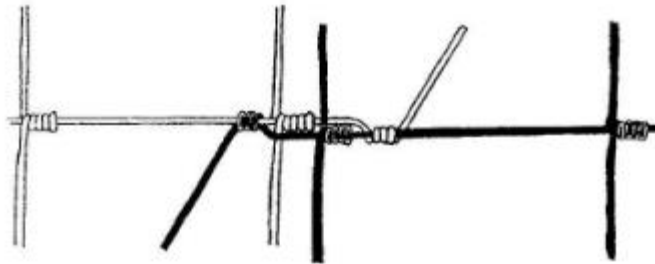


Figure 7

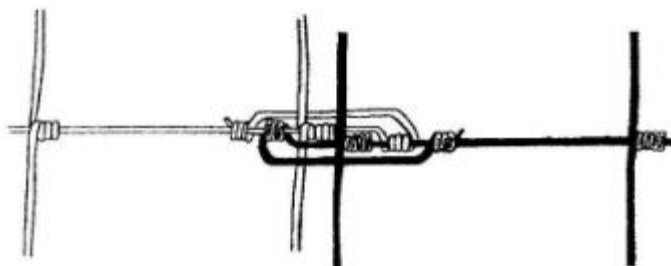
Step 1.



Step 2.

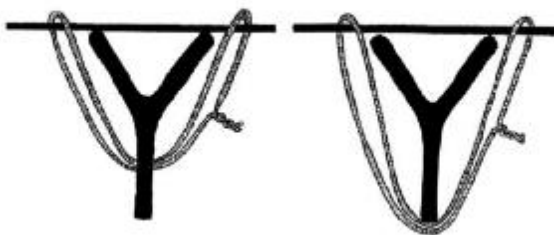


Step 3.

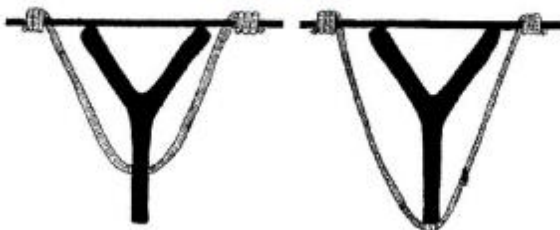


### Joining fence to a dropper or Y standard

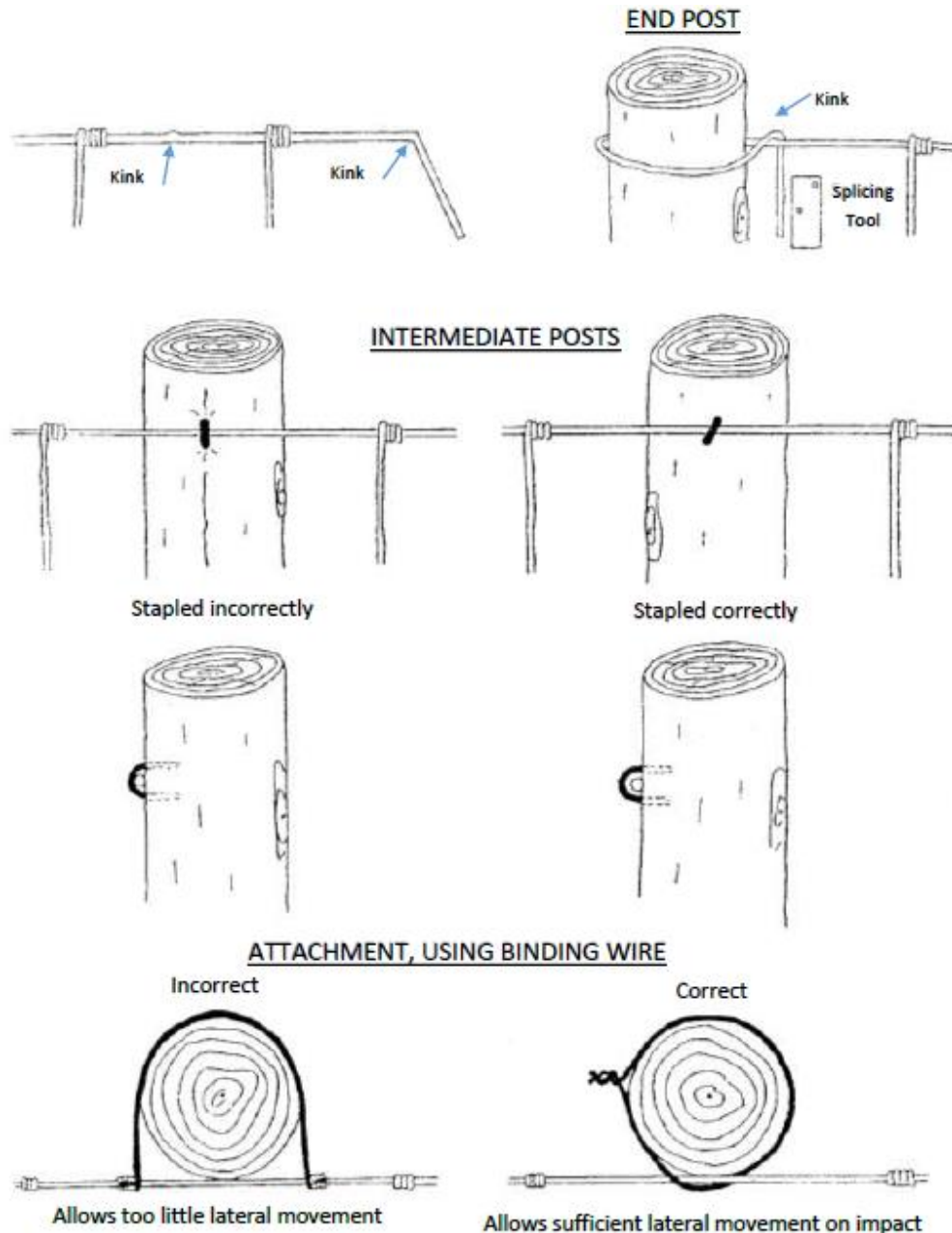
Correct Method



Incorrect Method



## Joining Fence to Straining Posts



### 2.3.3 Tolerances

The erected fence shall follow the general contour of the ground and the Contractor shall grade any surface irregularities in order to achieve this. The bottom of the fence shall be located a uniform distance above the ground line in accordance with the drawings.

### 2.3.4 Testing

Materials shall, where ordered, be tested in accordance with the relevant prescribed SABS tests or form compliance with any other specification as described in the Contract.

**2.3.5 Measurement and Payment**

The measurement of all scheduled fencing shall be the development length along the centreline of the fence in lineal metres.

**Scheduled Items****Fence (Type stated) ..... Unit: m**

The tendered rate for fencing shall include for the supply of all materials and the provision of all plant and labour required for the erection of the fencing in accordance with the required lines, levels and specifications.

The tendered rate shall include for the adjustment of the fence to a flowing alignment including additional lengths of posts required and any joining to existing fences, gates, hedges and walls.

The tendered rate shall also include for the erection and removal of temporary fences

**Removal of Existing Fence and Disposal ..... Unit: m**

The type of fencing which is to be moved shall be stated.

The tendered state shall include for the taking down, cleaning of site, and disposal of old fence to suitable site for reclamation or disposal of fencing.

**Extra Over Items****Corner and Straining Posts (As per specification) ..... Unit: No**

The tendered rate shall include for all materials, plant and labour required to install the gates to the satisfaction of the Engineer.

Straining Timber Post treated CCA H4 150mm machined 1.4m long x2

Horizontal cross stay treated CCA H4 75mm machined 1.2m long x1

Straining posts planted in 350 x 350 x 750mm deep 15/19 MPa concrete

Straining wire 1.8mm Mild steel as per Corner Post detail

**Intermediate posts (Droppers) (as per specifications) ..... Unit: No**

The tendered rate shall include for all materials, plant and labour required to install the gates to the satisfaction of the Engineer.

Intermediate Timber Post treated CCA H4 75mm 1.8m long

Refer to Bill of Quantities and Sketches captured above which specifies size, dimensions, quality and building specifications

**A COMPULSORY SITE MEETING IS REQUIRED**

