

Mossel Bay Municipality

CLOSED QUOTATION

**G82-10/10: SUPPLY AND DELIVERY OF BEDDING FOR DE BAKKE CHALETS,
MOSSSEL BAY**

CLOSING DATE: 22 OCTOBER 2010	CLOSING TIME: 12:00
--------------------------------------	----------------------------

NAME OF BIDDER*

ADDRESS*
.....
.....
.....

TEL NUMBER*

FAX NUMBER*

MBM DATABASE REG NO*

QUOTATION AMOUNT, INCL VAT*

(* TO BE COMPLETED BY BIDDER)

Prepared by:
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Mossel Bay Municipality

INVITATION TO SUBMIT CLOSED QUOTATION

CLOSING DATE: 22 OCTOBER 2010

CLOSING TIME: 12:00

G82-10/10: SUPPLY AND DELIVERY OF BEDDING FOR DE BAKKE CHALETS, MOSSEL BAY

Closed written quotations are hereby invited for the supply and delivery of bedding for De Bakke Chalets, Mossel Bay.

Written quotations must be submitted on original documents and remain valid for 90 days after the closing date of the quotation. Enquiries about the quotation can be addressed to Mr Errol van Rensburg at telephone (044) 606-5118.

A set of quotation documents can also be obtained free of charge on our website at www.mosselbaymun.co.za (follow the Procurement link on the left hand side).

Fully completed quotations must be placed in a sealed envelope and placed in the **tender box on the Lower Ground floor (seaside) at the Municipality by not later than 12:00 on Friday, 22 October 2010** or be mailed to reach the **Tender Box, Mossel Bay Municipality, PO Box 25, Mossel Bay, 6500** before the specified closing date and time. The envelope must be endorsed clearly with the name and closing date of the invitation to quote as above. A certified copy of their most recent account of the municipality in which the business is registered must also accompany the quotation.

Receipts will be issued at request only for documents handed in during office hours from Mondays to Fridays. Receipts will not be issued for documents placed in the tender box after hours or which are received by mail.

In terms of the Preference Points system prescribed by the Preferential Procurement Policy Framework Act 5 of 2000, the Municipality will award a maximum of 8 points for suppliers located in the Mossel Bay Municipal Area.

The tender box will be emptied just after 12:00 on the closing date, after which all quotations will be opened in public. Late quotations or quotations submitted by e-mail or fax will under no circumstances be accepted.

For transactions with a value of more than R30 000, VAT included, the Municipality's preferential procurement policy becomes applicable. In terms of the policy a certain number of points are awarded for price and a certain amount if the prospective supplier meets certain criteria in terms of the policy or as predetermined by the Accounting Officer of the Municipality. More information on this can be obtained from the Head: Supply Chain Management at telephone (044) 606-5000.

The Municipality reserves the right to withdraw any invitation to quote and/or to readvertise or to reject any quotation or to accept a part of it. The Municipality does not bind itself to accepting the lowest quotation.

It is expected of all prospective service providers who are not yet registered on the Municipality's Accredited Supplier Database to register without delay on the prescribed form. The Municipality reserves the right not to accept quotations from prospective suppliers who are not registered on the Database.

DR M GRATZ
MUNICIPAL MANAGER

SECTION 1.2: CONDITIONS AND INFORMATION

1.2.1 Completion of Documents

- (a) The original document must be completed fully in black ink and signed by the authorised signatory to validate the quotation. Section 5: DECLARATION must be completed and signed by the authorised signatory and returned. Failure to do so will result in the disqualification of the quotation.
- (b) Documents may not be retyped. Retyped documents will result in the disqualification of the quotation.
- (c) The complete original document must be returned. Missing pages will result in the disqualification of the quotation.
- (d) No unauthorised alteration of this set of documents will be allowed. Any unauthorised alteration will disqualify the quotation automatically. Any ambiguity has to be cleared with contact person for the quotation before the closure date and time.

1.2.2 Compulsory Documentation

1.2.2.1 Tax Clearance Certificate

- (a) A valid original Tax Clearance Certificate must accompany the bid documents unless the bidder is registered on the Accredited Supplier Database of the Municipality and the Municipality has a valid original Tax Clearance Certificate for the bidder on record. The onus is on the bidder to ensure that the Municipality has an original Tax Clearance Certificate on record. If the South African Revenue Services (SARS) cannot Provide a valid original Tax Clearance Certificate; the bidder must submit a letter from SARS on an original SARS letterhead that their tax matters are in order.
- b) In the case of a Consortium/Joint Venture every member must submit a separate Tax Clearance Certificate with the bid documents unless the member is registered on the Accredited Supplier Database of the Municipality and the Municipality has a valid original Tax Clearance Certificate for the member on record.
- (c) If a bid is not supported by a valid original Tax Clearance Certificate, either as an attachment to the bid documents or on record in the case of suppliers registered on the Supplier Database of the Municipality, the Municipality reserves the right to obtain such document after the closing date to verify that the bidder's tax matters are in order. If no such document can be obtained within a period as specified by the Municipality, the bid will be disqualified

1.2.3 Other Documentation

1.2.3.1 Municipal Rates, Taxes and Charges

- (a) A certified copy of the bidder's municipal account (for the Municipality where the bidder pays his account) for the month preceding the quotation closure date must accompany the tender documents. If such a certified copy does not accompany the bid document of the successful bidder, the Municipality reserves the right to obtain such documents after the closing date to verify that their municipal accounts are in order.

(b) Any bidder which is or whose directors are in arrears with their municipal rates and taxes or municipal charges due to any Municipality or any of its entities for more than three months and have not made an arrangement for settlement of same before the bid closure date will be unsuccessful.

(c) If a bidder rents their premises, proof must be submitted that the rental includes their municipal rates and taxes or municipal charges and that their rent is not in arrears.

1.2.4 Authorised Signatory

(a) A copy of the recorded Resolution taken by the Board of Directors, members, partners or trustees authorising the representative to submit this bid on the bidder's behalf must be attached to the Bid Document on submission of same.

(b) A bid shall be eligible for consideration only if it bears the signature of the bidder or of some person duly and lawfully authorised to sign it for and on behalf of the bidder.

(c) If such a copy of the Resolution does not accompany the bid document of the successful bidder, the Municipality reserves the right to obtain such document after the closing date to verify that the signatory is in order.

1.2.5 Quantities of Specific Items

If quotations are called for a specific number of items, Council reserves the right to change the number of such items to be higher or lower. The successful bidder will then be given an opportunity to evaluate the new scenario and inform the Municipality if it is acceptable. If the successful bidder does not accept the new scenario, it will be offered to the second-placed bidder. The process will be continued to the Municipality's satisfaction.

1.2.6 Site / Information Meetings

(a) Site or information meetings, if specified, are compulsory. Bids will not be accepted from bidders who have not attended compulsory site or information meetings. Bidders that arrive 15 minutes or more after the advertised time the meeting starts will not be allowed to attend the meeting or to sign the attendance register. If a bidder is delayed, he must inform the contact person before the meeting commence and will only be allowed to attend the meeting if the chairperson of the meeting as well as all the other bidders attending the meeting, give permission to do so.

(b) All partners or the leading partner of a Joint Venture must attend the compulsory site or information meeting.

1.2.7 Submission of Quotation

(a) The quotation must be placed in a sealed envelope, or envelopes when the two-envelope system is specified, clearly marked with the quotation title as well as closing date and time and

- placed in the **tender box on the Lower Ground floor (seaside) at the Municipality by not later than 12:00 on 22 October 2010.**

OR

- be mailed to reach the **Tender Box, Mossel Bay Municipality, PO Box 25, Mossel Bay, 6500** before the specified closing date and time.

(b) Faxed, e-mailed and late quotations will not be accepted. Quotations may be delivered by hand, by courier, or posted at the bidder's risk and must be received by the deadline specified above, irrespective of how they are sent or delivered.

1.2.8 Expenses Incurred in Preparation of Quotation

The Municipality shall not be liable for any expenses incurred in the preparation and submission of the quotation.

1.2.9 Contact with Municipality after Closure Date

Bidders shall not contact the Mossel Bay Municipality on any matter relating to their bid from the time of the opening of the bid to the time the contract is awarded. If a bidder wishes to bring additional information to the notice of the Mossel Bay Municipality, it should do so in writing to the Mossel Bay Municipality. Any effort by the firm to influence the Mossel Bay Municipality in the bid evaluation, bid comparison or contract award decisions may result in the rejection of the bid.

1.2.10 Opening, Recording and Publications of Quotations Received

(a) Quotations will be opened on the closing date immediately after the closing time specified in the documents. If requested by any bidder present, the names of the bidders, and if practical, the total amount of each bid and of any alternative bids will be read out aloud.

(b) Details of quotations received in time will be published on the Municipality's website as well as recorded in a register which is open to public inspection.

1.2.11 Evaluation of Quotations

Quotations will be evaluated in terms of their responsiveness to the quotation specifications and requirements as well as such additional criteria as set out in this set of documents.

1.2.12 Procurement Policy

Bids will be awarded in accordance with the Preferential Procurement Regulations, 2001 pertaining to the Preferential Procurement Policy Framework Act, No 5 of 2000 as well as the Municipality's Supply Chain Management Policy.

1.2.13 Contract

The successful bidder will be expected to sign an agreement/contract within 7 days of the date of notification by the Mossel Bay Municipality that his/her bid has been accepted. The Municipality, at its discretion, may also request the signing of an additional Service Level Agreement, which, together with the signed quotation document, will constitute the full agreement between the Municipality and the successful bidder.

1.2.14 Wrong Information Furnished

Where a contract has been awarded on the strength of the information furnished by the bidder which, after the conclusion of the relevant agreement, is proved to have been incorrect, the Municipality may, in addition to any other legal remedy it may have, recover from the contractor all costs, losses or damages incurred or sustained by the Municipality as a result of the award of the contract.

1.2.15 Past Practices

(a) The bid of any bidder may be rejected if that bidder or any of its directors have abused the municipality's supply chain management system or committed any improper conduct in relation to such system.

(b) The bid of any bidder may be rejected if it is or has been found that that bidder or any of its directors influenced or tried to influence any official or councillor with this or any past closed quotation.

(c) The bid of any bidder may be rejected if it is or has been found that that bidder or any of its directors offered, promised or granted any official or any of his/her close family members, partners or associates any reward, gift, favour, hospitality or any other benefit in any improper way, with this or any past closed quotation.

1.2.16 Enquiries

Enquiries in connection with this quotation, prior to the closure date, may be addressed to Mr Errol van Rensburg at telephone (044) 606-5118.

SECTION 2.1 SPECIFICATIONS & PRICING SCHEDULE

ITEM NUMBER	QUANTITY	DESCRIPTION	PRICE INCL. VAT
1	100	Sheets, single bed, flat, standard size, 160cm x 230cm	
2	100	Sheets, single bed, fitted, standard size, 91cm	
3	100	Slips, pillow, standard size, 45cm x 71cm	
4	12	Sheets, double bed, flat, standard size, 230cm x 250cm	
5	12	Sheets, double bed, fitted, standard size 137cm	
6	40	Duvet inners, single bed, non-allergenic filling (380gm), boxed construction.	
7	80	Duvet covers, single bed, 130cm x 200cm.	
8	32	Pillows, Non-allergenic, fully washable hollow fibre blend filling (300gm), Polly-cotton cover	

2.1.1 General

- (a) All sheets and pillow slips to be Hunters green in colour (50/50 Polly-cotton mix) with the duvet covers colour scheme to match.
- (b) Any proposed changes to the specified colour must be cleared with the Superintendent (Mr Errol van Rensburg) before delivery.
- (c) Prices should be inclusive of delivery costs, to De Bakke Chalets.

SECTION 3.1: MBD1: BID FOR THE REQUIREMENTS OF THE MUNICIPALITY OF MOSSEL BAY

CLOSED QUOTATION: G82-10/10: SUPPLY AND DELIVERY OF BEDDING FOR DE BAKKE CHALETS, MOSSEL BAY	
CLOSING DATE: 22 OCTOBER 2010	CLOSING TIME: 12:00

Bid documents, placed in a sealed envelope and clearly marked with the bid number on the outside, may be posted to:

The Tender Box
Mossel Bay Municipality
Private Bag X29
MOSSEL BAY
6500

or

deposited in the tender box situated on the Lower Ground Floor, Municipal Building, 101 Marsh Street, Mossel Bay

Please note:

- **Bidders must ensure that bids are delivered timeously to the correct address. If the bid is late, it will not be accepted for consideration.**
- All bids must be submitted on the official forms. Forms may not be retyped.
- This bid is subject to the General Conditions of Contract (GCC) and, if applicable, any other special conditions of contract included in this document.
- The successful bidder will be required to fill in and sign a written Contract Form (MBD7).

THE FOLLOWING PARTICULARS MUST BE FURNISHED. FAILURE TO DO SO MAY RESULT IN YOUR BID BEING NOT BEING ACCEPTED.

MUNICIPAL SUPPLIER DATABASE REGISTRATION NO:

NAME OF BIDDER:

POSTAL ADDRESS:

.....

STREET ADDRESS :

.....

TELEPHONE: AREA CODE: NUMBER.....

FACSIMILE: AREA CODE: NUMBER.....

E-MAIL ADDRESS (IF AVAILABLE):

NAME OF CONTACT PERSON:

CELL PHONE NUMBER OF CONTACT PERSON:

Has a valid original tax clearance certificate been submitted YES / NO

Income Tax Number

Name of taxpayer

Identity number of taxpayer (if applicable)

Employer's PAYE registration number (if applicable)

Is a CIDB certificate enclosed? YES / NO / NOT APPLICABLE

Company or CC Registration No

Are you the accredited representative in South Africa for the goods / services offered by you? YES / NO / NOT APPLICABLE

DELIVERY BASIS:

Is the delivery period firm?	YES / NO
Period required for delivery after receipt of order (days)	
Is the price (inclusive of VAT) firm?	YES / NO
Discount offered:	Conditional/Unconditional
If conditional, state condition:	
Is offer strictly to specification/terms of reference	YES / NO
If not to specification/terms of reference. Please state deviation(s) if any:	
.....	

TOTAL BID PRICE IN WORDS:

BANK NAME:	
BRANCH:	BRANCH CODE:
ACCOUNT HOLDER:	
ACCOUNT NUMBER:	ACCOUNT TYPE:

.....
SIGNATURE: AUTHORISED BANK OFFICIAL

DATE:

SECTION 4.1 MBD4: DECLARATION OF INTEREST

1. Any legal person or persons having a relationship with persons employed by the State (see definition below), 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 a person or persons having such a kinship with persons employed by the State, it is required that the bidder or his/her authorised representative declare his/her position in relation to the evaluating/adjudicating authority and/or take an oath declaring his/her interest, where -

- the legal person on whose behalf the bidding document is signed, has a relationship with persons / a person who are/is involved in the evaluation and or adjudication of the bid(s), or where it is known that such a relationship exists between the person or persons for or on whose behalf the declarant acts and person who are involved with the evaluation and or adjudication of the bid.

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

2.1 Are you or any person connected with the bidder, employed by the State? YES/NO

2.1.1 If so, please state particulars:

.....
.....

2.2 Do you, or any person connected with the bidder, have any relationship (family, friend, other) with a person employed by the State and who may be involved with the evaluation and or adjudication of this bid? YES/NO

2.2.1 If so, please state particulars:

.....
.....

2.3 Are you, or any person connected with the bidder, aware of any relationship (family, friend, other) between the bidder and any person employed by the State who may be involved with the evaluation and or adjudication of this bid? YES/NO

2.3.1 If so, please state particulars:

.....
.....

.....

DECLARATION

I, THE UNDERSIGNED (NAME)

CERTIFY THAT THE INFORMATION FURNISHED IN PARAGRAPHS 2.1 TO 2.3.1 ABOVE IS CORRECT. I ACCEPT THAT THE STATE MAY ACT AGAINST ME SHOULD THIS DECLARATION PROVE TO BE FALSE.

.....
Signature

.....
Date

.....
Position

.....
Name of Bidder

* DEFINITION

"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;

SECTION 4.2 MBD6.1: PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL PROCUREMENT REGULATIONS, 2001

This form contains general information and serves as a claim form for Historically Disadvantaged Individual (HDI) preference points as well as a summary for preference points claimed for attainment of other specified goals.

NB. BEFORE COMPLETING THIS FORM, BIDDERS MUST STUDY THE GENERAL CONDITIONS, DEFINITIONS AND DIRECTIVES APPLICABLE IN RESPECT OF EQUITY OWNERSHIP BY HISTORICALLY DISADVANTAGED INDIVIDUALS (HDI'S), AS PRESCRIBED IN THE PREFERENTIAL PROCUREMENT REGULATIONS, 2001

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 R500 000; and
- the 90/10 system for requirements with a Rand value above R500 000.

1.2 The estimated value of this bid is estimated to not exceed R500 000, including VAT, and therefore the 80/20 system shall be applicable. Should the lowest bid be more than R500 000, including VAT, the quotation will be cancelled in terms of Section 10 of the Preferential Procurement Regulations, 2001, and the quotation reissued if deemed necessary.

1.3 Preference points for this bid shall be awarded for:

- a) Price; and
- b) Specific contract participation goals, as specified in the attached forms.

1.3.1 The points for this bid will be allocated as follows:

CATEGORY	POINTS 80/20
1.3.1.1 PRICE	80
1.3.1.2 SPECIFIC CONTRACT PARTICIPATION GOALS	
Historically Disadvantaged Individuals (i) who had no franchise in national elections before the 1983 and 1993 Constitutions (Maximum 8 points (80/20 system) OR maximum 4 points (90/10 system)) (See 2.10 below for HDI definition)	8
(ii) who is a female	2
(iii) who has a disability	2
1.3.1.3 OTHER SPECIFIC GOALS	
Promotion of local enterprise (Maximum 8 points (80/20) OR max 4 points (90/10))	
- Mossel Bay-based (Maximum 8 points (80/20) OR max 4 points (90/10))	8
- Rest of Eden District Municipality Area (Maximum 4 points (80/20) OR max 2 points (90/10))	4
- Western Cape (Maximum 2 points (80/20) OR max 1 point (90/10))	2
TOTAL POINTS	100

(* Maximum points for price will be awarded for the lowest price, and the points of other bidders be calculated according to the formula in Paragraph 5.)

Separate Preference Points Claim Forms (see enclosed) must be completed for the promotion of the specific goals for which points have been claimed above

1.4 **Failure on the part of a bidder to fill in and/or to sign this form may be interpreted to mean that preference points are not claimed.**

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

2. GENERAL DEFINITIONS

2.1 "Acceptable bid" means any bid which, in all respects, complies with the specifications and conditions of bid as set out in the bid document.

2.2 "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, works or services.

2.3 "Comparative price" means the price after the factors of a non-firm price and all unconditional discounts that can be utilised have been taken into consideration.

2.4 "Consortium or joint venture" means an association of persons for the purpose of combining their expertise, property, capital, efforts, skills and knowledge in an activity for the execution of a contract.

2.5 "Contract" means the agreement that results from the acceptance of a bid by an organ of State.

2.6 "Specific contract participation goals" means the goals as stipulated in the Preferential Procurement Regulations 2001.

2.6.1 In addition to abovementioned goals, the Regulations (12. (1)) also make provision for organs of State to give particular consideration to procuring locally manufacture products.

2.7 "Control" means the possession and exercise of legal authority and power to manage the assets, goodwill and daily operations of a business and the active and continuous exercise of appropriate managerial authority and power in determining the policies and directing the operations of the business.

2.8 "Disability" means, in respect of a person, a permanent impairment of a physical, intellectual, or sensory function, which results in restricted, or lack of, ability to perform an activity in the manner, or within the range, considered normal for a human being.

2.9 "Equity Ownership" means the percentage ownership and control, exercised by individuals within an enterprise.

2.10 "Historically Disadvantaged Individual (HDI)" means a South African citizen

1. who, due to the apartheid policy that had been in place, had no franchise in national elections prior to the introduction of the Constitution of the Republic of South Africa, 1983 (Act No. 110 of 1983) of the Constitution of the Republic of South Africa, 1993, (Act No. 200 of 1993) ("the interim Constitution"); and/or

2. who is a female; and/or
3. who has a disability;

Provided that a person who obtained South African citizenship on or after the coming to effect of the Interim Constitution, is deemed not to be a HDI;

- 2.11 "Management" means an activity inclusive of control and performed on a daily basis, by any person who is a principal executive officer of the company, by whatever name that person may be designated, and whether or not that person is a director.
- 2.12 "Owned" means having all the customary elements of ownership, including the right of decision making and sharing all the risks and profits commensurate with the degree of ownership interests as demonstrated by an examination of the substance, rather than the form of ownership arrangements.
- 2.13 "Person" includes reference to a juristic person.
- 2.14 "Rand value" means the total estimated value of a contract in Rand denomination that is calculated at the time of bid invitations and includes all applicable taxes and excise duties.
- 2.15 "Small, Medium and Micro Enterprises (SMME's) bears the same meaning assigned to this expression in the National Small Business Act, 1996 (No 102 of 1996).
- 2.16 "Sub-contracting" means the primary contractor's assigning or leasing or making out work to, or employing another person to support such primary contractor in the execution of part of a project in terms of the contract.
- 2.17 "Trust" means the arrangement through which the property of one person is made over to bequeath to a trustee to administer such property for the benefit of another person.
- 2.18 "Trustee" means any person, including the founder of a trust, to whom property is bequeathed in order for such property to be administered for the benefit of another person.

3. ESTABLISHMENT OF HDI EQUITY OWNERSHIP IN AN ENTERPRISE

- 3.1 Equity ownership shall be equated to the percentage of an enterprise which is owned by individuals classified as HDI's, or in the case of a company, the percentage shares that are owned by individuals classified as HDI's, who are actively involved in the management and daily business operations of the enterprise and exercise control over the enterprise, commensurate with their degree of ownership.
- 3.2 Where individuals are not actively involved in the management and daily business operations and do not exercise control over the enterprise commensurate with their degree of ownership, equity ownership may not be claimed.

4. ADJUDICATION USING A POINT SYSTEM

- 4.1 Although the contract will generally be awarded to the bidder scoring the highest number of points the Municipality reserves the right to award the contract at its sole discretion to any other bidder.
- 4.2 Preference points shall be calculated after prices have been brought to a comparative basis.
- 4.3 Points scored will be rounded off to 2 decimal places.

- 4.4 In the event of equal points scored, the bid will be awarded to the bidder scoring the highest number of points for specified goals.

5. **POINTS AWARDED FOR PRICE**

5.1 **THE 80/20 OR 90/10 PREFERENCE SYSTEMS**

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

80/20

$$\text{Price} = 80 (1 - ((\text{Pt} - \text{Ptmin}) / \text{Ptmin}))$$

OR

$$\text{Price} = 90 (1 - ((\text{Pt} - \text{Ptmin}) / \text{Ptmin}))$$

Where

Ps = Points scored for price of bid under consideration

Pt = Rand value of bid under consideration

Pmin = Rand value of lowest acceptable bid

6. **POINTS AWARDED FOR HISTORICALLY DISADVANTAGED INDIVIDUALS**

- 6.1 In terms of Regulation 13(2) preference points for HDI's are calculated on their percentage shareholding in a business, provided that they are actively involved in and exercise control over the enterprise. The following formula is prescribed in Regulation 13(5) (x):

$$\text{NEP} = \text{NOP} (\text{EP}/100)$$

Where

NEP = Points awarded for equity ownership by an HDI

NOP = The maximum number of points awarded for equity ownership by an HDI in that specific category

EP = The percentage of equity ownership by an HDI within the enterprise or business, determined in accordance with the definition of HDI's.

- 6.2 Equity claims for a trust will only be allowed in respect of those persons who are both trustees and beneficiaries and who are actively involved in the management of the trust.
- 6.3 Documentation to substantiate the validity of the credentials of the trustees contemplated above must be submitted.
- 6.4 Public companies and tertiary institutions do not qualify for HDI preference points.

- 6.5 A consortium or joint venture may, based on the percentage of the contract value managed or executed by their HDI-members, be entitled to preference points in respect of an HDI.
- 6.6 A person awarded a contract as a result of preference for contracting with, or providing equity ownership to an HDI, may not subcontract more than 25% of the value of the contract to a person who is not an HDI or does not qualify for the same number or more preference for equity ownership.
7. **BID DECLARATION:**
- 7.1 Bidders who claim points in respect of equity ownership must complete the Bid Declaration at the end of this form.
8. **EQUITY OWNERSHIP CLAIMED IN TERMS OF PARAGRAPH 2.10 ABOVE. POINTS TO BE CALCULATED FROM INFORMATION FURNISHED IN PARAGRAPH 9.8**

Please note: Failure to complete the table below will result in no points being allocated to you.

OWNERSHIP	PERCENTAGE OWNED	POINTS CLAIMED
8.1 Equity ownership by HDI's		
8.2 Equity ownership by women		
8.3 Equity ownership by disabled persons*		

(* If points are claimed for disabled persons, indicate nature of impairment (see paragraph 2.8 above)

9. DECLARATION WITH REGARD TO EQUITY:

- 9.1 Name of firm:
- 9.2 VAT registration number:
- 9.3 Company registration number.....

9.4 **TYPE OF FIRM**

Partnership
 One person business/sole trader
 Close Corporation
 Company
 (Pty) Limited

(Mark where applicable)

9.5 **DESCRIBE PRINCIPAL BUSINESS ACTIVITIES**

.....

9.6 **COMPANY CLASSIFICATION**

Manufacturer
 Supplier
 Professional service provider
 Other service providers, eg. transporter, etc.
 (Mark where applicable)

9.7 **TOTAL NUMBER OF YEARS THE FIRM HAS BEEN IN BUSINESS?** years

9.8 **SHAREHOLDERS**

List all Shareholders by name, position, identity number citizenship, HDI status and ownership, as relevant. Information to be used to calculate the points claimed in paragraph 8 (attach on separate sheet if space is insufficient).

Name	Position	ID No	Date Citizenship obtained	RSA	HDI Status # YES / NO			% Ownership
					1	2	3	

Name	Position	ID No	Date RSA Citizenship obtained	HDI Status # YES / NO			% Ownership

Indicate YES or NO.

1 = No franchise prior to 1983 /1994 Constitutions; 2 = Women; 3 = Disabled

9.9 CONSORTIUM / JOINT VENTURE

9.9.1 In the event that preference points are claimed for HDI members by consortia / joint ventures, the following information must be furnished in order to be entitled to the points claimed in respect of the HDI member:

Name of HDI member (to be consistent with paragraph 9.8)	Percentage (%) of the contract value managed or executed by the HDI member

9.10 I/We, the undersigned, who warrant(s) that he/she/she is/are duly authorised to do so on behalf of the firm certify that points claimed, based on the equity ownership, indicated in paragraph 8 of the foregoing certificate, qualifies the firm for the preference(s) shown and I/we acknowledge that:

(i) The information furnished is true and correct.

(ii) The equity ownership claimed is in accordance with the General Conditions as indicated in paragraph 1 of this form.

- (iii) In the event of a contract being awarded as a result of points claimed as shown in paragraph 8, the contractor may be required to furnish documentary proof to the satisfaction of the purchaser that the claims are correct.
- (iv) If the claims are found to be incorrect, the purchaser may, in addition to any other remedy it may have:
 - (a) recover costs, losses or damages it has incurred or suffered as a result of that person's conduct, and
 - (b) 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.

SIGNATURE OF BIDDER(S).....

ADDRESS:

DATE:

WITNESSES

1.

2.

**SECTION 4.3: MBD 6.11 PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL
PROCUREMENT REGULATIONS 2001
PROMOTION OF ENTERPRISES LOCATED IN A SPECIFIC MUNICIPAL AREA**

NB. BEFORE COMPLETING THIS FORM, BIDDERS MUST STUDY THE GENERAL CONDITIONS, DEFINITIONS AND DIRECTIVES APPLICABLE IN RESPECT OF EQUITY OWNERSHIP BY HISTORICALLY DISADVANTAGED INDIVIDUALS (HDI'S), AS PRESCRIBED IN THE PREFERENTIAL PROCUREMENT REGULATIONS, 2001

1. Regulation 17(3) (g) of the Preferential Procurement Regulations makes provision for the promotion of enterprises located in a specific municipal area for work to be done or services to be rendered in that municipal area.
2. The promotion of this goal can be achieved by acquiring goods and services from enterprises located within the Mossel Bay Municipal area. This includes an enterprise whose head office may be situated in elsewhere, but has established a fully-fledged branch within this municipal area. Enterprises located outside the borders of this Municipality and who only appoint agents and/or commission warehouses in this municipal area are expressly excluded from claiming points for this goal.

SPECIFIC GOAL

POINTS ALLOCATED

The stimulation of the local economy by procuring from enterprises located within the borders of the Mossel Bay Municipal area.

Points will be allocated on the following scale:

Promotion of local enterprise (Maximum 8 points (80/20) <u>OR</u> max 4 points (90/10))	POINTS 80/20
- Mossel Bay-based (Maximum 8 points (80/20) <u>OR</u> max 4 points (90/10))	8
- Rest of Eden District Municipality Area (Maximum 4 points (80/20) <u>OR</u> max 2 points (90/10))	4
- Western Cape (Maximum 2 points (80/20) <u>OR</u> max 1 point (90/10))	2

3. BID DECLARATION

Bidders who wish to claim points in respect of this specific goal must complete the declaration part of this form.

4. POINTS CLAIMED

Bidder to indicate whether the point(s) allocated for local enterprises is/are claimed. Yes / No

5. DECLARATION WITH REGARD TO LOCALITY

State full particulars of locality of enterprise as well as that of Head Office:

Address of local enterprise:

Physical: Postal:

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

Telephone: Fax:

Municipal Account No: Stand No:

Address of Head Office:

Physical: Postal:

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

Telephone: Fax:

I/we, the undersigned, who warrants that he/she is duly authorised to do so on behalf of the enterprise certify that the enterprise is entitled to the points allocated in paragraph 2 of this form and I / we acknowledge that:

- (i) The information furnished is true and correct.
- (ii) In the event of a contract being awarded as a result of points claimed, the contractor may be required to furnish documentary proof to the satisfaction of the purchaser that the claim is correct.
- (iii) If the claim is found to be incorrect, the purchaser may, in addition to any other remedy it may have-
 - (a) recover all costs, losses or damages it has incurred or suffered as a result of wrong information furnished; and
 - (b) 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.

WITNESSES:

- 1.
- 2.

.....
SIGNATURE (S) OF BIDDER (S)
DATE:

**MBD PDS
MEDICAL CERTIFICATE FOR THE CONFIRMATION OF PERMANENT DISABLED
STATUS**

(To be completed in conjunction with MBD 6.1 if disability status is claimed)

I, _____ (*surname and
name*), Identity number, _____ do hereby

declare that I am a registered medical practitioner, with my practice number being

_____, practising at

_____ (*physical address*)

declare that I have examined Mr/Ms _____,

identity number _____ and have found said

person to be permanently disabled or having a recurring disability.

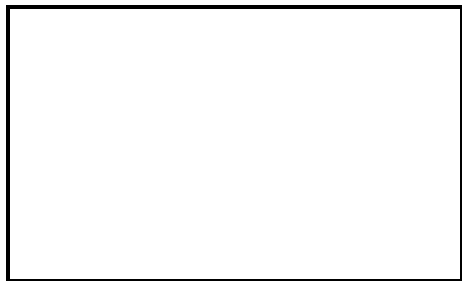
“Disability means, in respect of a person, a permanent impairment of a physical, intellectual, or sensory function, which results in restricted, or lack of, ability to perform an activity in the manner, or within the range, considered normal for a human being”. – as per Preferential Procurement Policy Framework Act, No 5 of 2000.

The nature of this disability is as follows”

Thus signed at _____ on this _____ day of _____ 20__

Signature

Date



OFFICIAL STAMP OF MEDICAL PRACTITIONER

SECTION 4.4: MBD8: 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 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 as a company or person 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 National Treasury after the audi alteram partem rule was applied).	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)? (To access this Register enter the National Treasury's website, www.treasury.gov.za, click on the icon "Register for Tender Defaulters" or submit your written request for a hard copy of the Register to facsimile number (012) 3265445).	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.2.1	If so, furnish particulars:		
4.3	Was the bidder or any of its directors convicted by a court of law (including a court of law outside the Republic of South Africa) for fraud or corruption during the past five years?	Yes <input type="checkbox"/>	No <input type="checkbox"/>

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

CERTIFICATION

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

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

.....
Signature

.....
Date

.....
Position

.....
Name of Bidder

SECTION 4.5: CERTIFICATE OF INDEPENDENT BID DETERMINATION

1. This Municipal Bidding Document (MBD) must form part of all bids¹ invited.
2. Section 4 (1) (b) (iii) of the Competition Act No. 89 of 1998, as amended, prohibits an agreement between, or concerted practice by, firms, or a decision by an association of firms, if it is between parties in a horizontal relationship and if it involves collusive bidding (or bid rigging).² Collusive bidding is a *pe se* prohibition meaning that it cannot be justified under any grounds.
3. Municipal Supply Regulation 38 (1) prescribes that a supply chain management policy must provide measures for the combating of abuse of the supply chain management system, and must enable the accounting officer, among others, to:
 - a. take all reasonable steps to prevent such abuse;
 - b. reject the bid of any bidder if that bidder or any of its directors has abused the supply chain management system of the municipality or municipal entity or has committed any improper conduct in relation to such system; and
 - c. cancel a contract awarded to a person if the person committed any corrupt or fraudulent act during the bidding process or the execution of the contract.
4. This MBD serves as a certificate of declaration that would be used by institutions to ensure that, when bids are considered, reasonable steps are taken to prevent any form of bid-rigging.
5. In order to give effect to the above, the attached Certificate of Bid Determination (MBD9) must be completed and submitted with the bid:

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

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

CERTIFICATE OF INDEPENDENT BID DETERMINATION

I, the undersigned, in submitting the accompanying bid:

(Bid Number and Description)

in response to the invitation for the bid made by:

(Name of Municipality / Municipal Entity)

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

I certify, on behalf of: _____ that:

(Name of Bidder)

1. I have read and I understand the contents of this Certificate;
2. I understand that the accompanying bid will be disqualified if this Certificate is found not to be true and complete in every respect;
3. I am authorized by the bidder to sign this Certificate, and to submit the accompanying bid, on behalf of the bidder;
4. Each person whose signature appears on the accompanying bid has been authorized by the bidder to determine the terms of, and to sign, the bid, on behalf of the bidder;
5. For the purposes of this Certificate and the accompanying bid, I understand that the word "competitor" shall include any individual or organization, other than the bidder, whether or not affiliated with the bidder, who:
 - (a) has been requested to submit a bid in response to this bid invitation;
 - (b) could potentially submit a bid in response to this bid invitation, based on their qualifications, abilities or experience; and
 - (c) provides the same goods and services as the bidder and/or is in the same line of business as the bidder
6. The bidder has arrived at the accompanying bid independently from, and without consultation, communication, agreement or arrangement with any competitor. However communication between partners in a joint venture or consortium³ will not be construed as collusive bidding.

7. In particular, without limiting the generality of paragraphs 6 above, there has been no consultation, communication, agreement or arrangement with any competitor regarding:
 - (a) prices;
 - (b) geographical area where product or service will be rendered (market allocation)
 - (c) methods, factors or formulas used to calculate prices;
 - (d) the intention or decision to submit or not to submit, a bid;
 - (e) the submission of a bid which does not meet the specifications and conditions of the bid; or
 - (f) bidding with the intention not to win the bid.

8. In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications and conditions or delivery particulars of the products or services to which this bid invitation relates.

9. The terms of the accompanying bid have not been, and will not be, disclosed by the bidder, directly or indirectly, to any competitor, prior to the date and time of the official bid opening or of the awarding of the contract.

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

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.

SECTION 5: DECLARATION

1. I hereby declare that I have read, understood, agree and comply with all of the sections below, if included, that it shall be deemed to form and be construed as part of this agreement:

- Invitation to Quote
- Conditions and Information
- Specifications
- Special conditions of contract
- Bid for Requirements of the Mossel Bay Municipality (Form MBD1)
- Declaration of Interest (Form MBD4)
- Preference Points Claim Form in Terms of the Preferential Procurement Regulations, 2001 (Form MBD6.1)
- Declaration of Bidder's Past Supply Chain Management Practices (Form MBD8)
- Any other sections that might be added to form part of this document.

2. I confirm that I am duly authorised to sign this document.

NAME (PRINT)

CAPACITY

SIGNATURE

NAME OF FIRM

DATE

WITNESSES

1

2.

DATE: