



**UBUHLEBEZWE MUNICIPALITY  
CHIEF FINANCIAL OFFICE  
SUPPLY CHAIN MANAGEMENT UNIT**

**Tel : 039 834 7700**

**Fax: 039 834 2978**

**Email:scm.procurement@ubuhlebezwe.gov.za**

**REF: 2829**

**QUOTE NO: UBU-Q-02/11/19**

**Date: 28 January 2020**

Dear Sir / Madam

**REQUEST FOR A FORMAL WRITTEN PRICE QUOTATION FOR A SERVICE PROVIDER TO UNDERTAKE SURVEYING FOR GOLF COURSE HIGH –INCOME RESIDENTIAL DEVELOPMENT PROJECT. (RE-ADVERT)**

Kindly furnish me with a written quotation for the supply of the goods/services as detailed in the enclosed schedule. The quotation must be submitted on the letterhead of your business and must be submitted in a sealed envelope to the Tender BOX. The envelope must be clearly marked “SURVEYING FOR GOLF COURSE HIGH INCOME RESIDENTIAL DEVELOPMENT” - UBU-Q-02/11/19” not later than 07 February 2020 at 12h00 to: 29 Margaret Street, Ixopo 3276.

The following conditions will apply:

- Price(s) quoted must be valid for at least sixty (60) days from date of your offer.
- Price(s) quoted must be firm and must be inclusive of VAT.
- The quote must be submitted on a separate page containing the letterhead of your business.
- This quotation will be evaluated in terms of the 80/20 preference point system as prescribed in the Preferential Procurement Policy Framework Act (No 5 of 2000) and for this purpose the enclosed forms MBD 1, MBD 4, MBD 6.1, MBD 8 & MBD 9 must be scrutinized, completed and submitted together with your quotation.
- Valid Tax Clearance Certificate & Tax compliance status with verification pin
- Detailed proof of registration in the Central supplier database
- **A valid certified copy of BBBEE Certificate with SANAS logo or sworn affidavit**
- Copy of Company Registration Document
- Copies of ID for Company Directors or Members
- Letter/Statement confirming status of municipal accounts (i.e. rates, water) not older than 2 months or an Affidavit signed by Commissioner of Oath if you do not pay municipal accounts or a valid lease agreement with a letter from the landlord stating that rent is up to date.
- Attach proof of CIDB Grading 1 SQ

**NB: No quotations will be considered from persons in the service of the state.**

The council does not bind itself to accept the lowest or any quotation and reserves the right to accept the quotation as whole or in part, at the rates quoted.

*If the price offered by tenderer is not market related, the municipality may not award the contract to that tenderer and may negotiate for market related price with the tenderer, failing which negotiate with the net highest scoring tenderer or the tender may be cancelled.*

Failure to comply with these conditions may invalidate your offer.

Yours faithfully

Mr G M Sineke

MUNICIPAL MANAGER

QUANTITY	DESCRIPTION	PRICES INCL VAT
	<b>Request for surveying for golf course high income residential development.</b>	
	- Briefing Tuesday 4 February 2020 10am @ PI Hall Boardroom 2	
	<b>ALL AMOUNTS TO INCLUDE VAT SERVICES PROVIDERS TO ATTACH CIDB GRADING 1 SQ</b>	
	<b>For 29 Margaret street road, Ixopo, 3276</b>	

**Delivery Address  
29 Margaret Street  
Ixopo  
3276**

**PART A  
INVITATION TO BID**

<b>YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE (NAME OF MUNICIPALITY/ MUNICIPAL ENTITY)</b>			
<b>BID NUMBER:</b>	UBU-Q-02/11/19	<b>CLOSING DATE:</b>	07 February 2020
<b>CLOSING TIME:</b>	12H00	<b>DESCRIPTION</b>	
SURVEYING OF GOLF COURSE HIGH INCOME RESIDENTIAL DEVELOPMENT			
<b>THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (MBD7).</b>			

BID RESPONSE DOCUMENTS MAY BE DEPOSITED IN THE BID BOX SITUATED AT (STREET ADDRESS

29 MARGARET STREET			
IXOPO			
3276			
<b>SUPPLIER INFORMATION</b>			
NAME OF BIDDER			
POSTAL ADDRESS			
STREET ADDRESS			
TELEPHONE NUMBER	CODE	NUMBER	
CELLPHONE NUMBER			
FACSIMILE NUMBER	CODE	NUMBER	
E-MAIL ADDRESS			
VAT REGISTRATION NUMBER			
TAX COMPLIANCE STATUS	TCS PIN:	OR	CSD No:
B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE [TICK APPLICABLE BOX]	<input type="checkbox"/> Yes <input type="checkbox"/> No	B-BBEE STATUS LEVEL SWORN AFFIDAVIT	<input type="checkbox"/> Yes <input type="checkbox"/> No
<b>[A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE/ SWORN AFFIDAVIT (FOR EMES &amp; QSEs) MUST BE SUBMITTED IN ORDER TO QUALIFY FOR PREFERENCE POINTS FOR B-BBEE]</b>			
ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES /WORKS OFFERED?	<input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES ENCLOSE PROOF]	ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES /WORKS OFFERED?	<input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES, ANSWER PART B:3 ]
TOTAL NUMBER OF ITEMS OFFERED		TOTAL BID PRICE	R
SIGNATURE OF BIDDER	.....	DATE	
CAPACITY UNDER WHICH THIS BID IS SIGNED			
<b>BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO:</b>		<b>TECHNICAL INFORMATION MAY BE DIRECTED TO:</b>	
DEPARTMENT		CONTACT PERSON	
CONTACT PERSON		TELEPHONE NUMBER	
TELEPHONE NUMBER		FACSIMILE NUMBER	
FACSIMILE NUMBER		E-MAIL ADDRESS	
E-MAIL ADDRESS			

## PART B TERMS AND CONDITIONS FOR BIDDING

<b>1. BID SUBMISSION:</b>	
1.1.	BIDS MUST BE DELIVERED BY THE STIPULATED TIME TO THE CORRECT ADDRESS. LATE BIDS WILL NOT BE ACCEPTED FOR CONSIDERATION.
1.2.	ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS PROVIDED-(NOT TO BE RE-TYPED) OR ONLINE
1.3.	THIS BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT AND THE PREFERENTIAL PROCUREMENT REGULATIONS, 2017, THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER SPECIAL CONDITIONS OF CONTRACT.
<b>2. TAX COMPLIANCE REQUIREMENTS</b>	
2.1	BIDDERS MUST ENSURE COMPLIANCE WITH THEIR TAX OBLIGATIONS.
2.2	BIDDERS ARE REQUIRED TO SUBMIT THEIR UNIQUE PERSONAL IDENTIFICATION NUMBER (PIN) ISSUED BY SARS TO ENABLE THE ORGAN OF STATE TO VIEW THE TAXPAYER'S PROFILE AND TAX STATUS.
2.3	APPLICATION FOR THE TAX COMPLIANCE STATUS (TCS) CERTIFICATE OR PIN MAY ALSO BE MADE VIA E-FILING. IN ORDER TO USE THIS PROVISION, TAXPAYERS WILL NEED TO REGISTER WITH SARS AS E-FILERS THROUGH THE WEBSITE WWW.SARS.GOV.ZA.
2.4	FOREIGN SUPPLIERS MUST COMPLETE THE PRE-AWARD QUESTIONNAIRE IN PART B:3.
2.5	BIDDERS MAY ALSO SUBMIT A PRINTED TCS CERTIFICATE TOGETHER WITH THE BID.
2.6	IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED, EACH PARTY MUST SUBMIT A SEPARATE TCS CERTIFICATE / PIN / CSD NUMBER.
2.7	WHERE NO TCS IS AVAILABLE BUT THE BIDDER IS REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD), A CSD NUMBER MUST BE PROVIDED.
<b>3. QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS</b>	
3.1.	IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)? <span style="float: right;"><input type="checkbox"/> YES <input type="checkbox"/> NO</span>
3.2.	DOES THE ENTITY HAVE A BRANCH IN THE RSA? <span style="float: right;"><input type="checkbox"/> YES <input type="checkbox"/> NO</span>
3.3.	DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA? <span style="float: right;"><input type="checkbox"/> YES <input type="checkbox"/> NO</span>
3.4.	DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA? <span style="float: right;"><input type="checkbox"/> YES <input type="checkbox"/> NO</span>
3.5.	IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION? <span style="float: right;"><input type="checkbox"/> YES <input type="checkbox"/> NO</span>
IF THE ANSWER IS "NO" TO ALL OF THE ABOVE, THEN IT IS NOT A REQUIREMENT TO REGISTER FOR A TAX COMPLIANCE STATUS SYSTEM PIN CODE FROM THE SOUTH AFRICAN REVENUE SERVICE (SARS) AND IF NOT REGISTER AS PER 2.3 ABOVE.	

**NB: FAILURE TO PROVIDE ANY OF THE ABOVE PARTICULARS MAY RENDER THE BID INVALID.  
NO BIDS WILL BE CONSIDERED FROM PERSONS IN THE SERVICE OF THE STATE.**

SIGNATURE OF BIDDER: .....

CAPACITY UNDER WHICH THIS BID IS SIGNED: .....

DATE: .....

# TERMS OF REFERENCE

## APPOINTMENT OF A SERVICE PROVIDER TO UNDERTAKE THE SURVEYING PROCESSES NEEDED FOR THE GOLF COURSE HIGH-INCOME RESIDENTIAL DEVELOPMENT PROJECT, UBUHLEBEZWE LOCAL MUNICIPALITY

### 1. INTRODUCTION

- 1.1. The purpose of the Terms of Reference is to clearly state and guide the service provider when developing proposals for the project.
- 1.2. To achieve the establishment of High-Income Residential Development for the residents of Ixopo Town.
- 1.3. The municipality accordingly invites interested parties to submit proposals, in order to be considered for the appointment as a service provider to undertake all applicable surveying processes and ensure registration at the Office of the Surveyor General needed for the Golf Course High-Income Housing Development.
- 1.4. The service provider must comply with all Legislative and Government policies and be registered with applicable professional body for land surveying.
- 1.5. The service provider will have to ensure compliance with conditions of approval subject to approval of the land use application.
- 1.6. The service provider will work under the supervision of the appointed consultant to undertake the resubmission of a land use application, overseeing surveying processes and facilitating all conveyancing procedures for the Golf Course High-Income Housing Development.

### 2. BACKGROUND INFORMATION

#### 2.1. GEOGRAPHICAL LOCATION – PROJECT AREA

UBuhlebezwe Local Municipality (ULM) is one of the four (4) local municipalities that constitute the Harry Gwala District Municipality (HGDM). The ULM is characterised as a small urban centre as well as large agricultural, plantations, natural vegetation and traditional authority land. The main administrative centre of the municipality is the town of Ixopo; it is located approximately 85km from the City of Pietermaritzburg at the intersection of two national routes R56 and R612. Apart from the Ixopo Town the settlement patterns of the ULM reflect one that is predominantly rural. The ULM has a population of about 181 346 people spread out throughout the area with the majority of its population residing in the rural areas.

UBuhlebezwe, like any given municipality accommodates a hierarchy of nodes which shows the relative intensity of development anticipated for the various nodes and the dominant nature and activity of the nodes;

- Primary Node (Main Hub - Ixopo) - Administrative and Economic Centre
- Secondary Node (Support Centre - Highflats) - Distribution and co-ordination point
- Tertiary Node (Smaller Centres - Mahehle, Nokweja, Jolivet, Hlokozi) - Delivery of supplementary services.

2.1.1. Beneficiary : Ixopo Town, Ward 2 and 4

2.1.2. Contracting Authority : uBuhlebezwe Local Municipality

## 2.2. PURPOSE OF THE PROJECT

The municipality had previously done a land use application for the Golf Course High-Income Residential Development project within the urban area but the survey registration as well as related deed registration processes were not completed in order for the Municipality to have a title deed confirming ownership of the Golf Course area. The land use application was done and got approved with conditions of approval issued in the year 2007. The subject property description is known as Portion 1 of erf 175 Stuartstown and owned by the (Province of KwaZulu-Natal). As much as the ownership is confirmed it should be noted that the actual title deed for the subject property was not done. Some progress regarding the proposed development on the subject property is provided hereunder:

- The proposal is for high-income residential development.
- Electricity for the development is currently underway and infrastructure is being laid out in terms of the approved "old" layout plan, attached herein, project is near completion.
- Roads infrastructure has been completed and infrastructure is being laid out in terms of the approved "old" layout plan, attached herein. However, road construction has slightly deviated from the old layout in terms of length and width.
- Open Space sites were catered for as part of the development.
- The approved "old" layout plan might change based on the road and electricity infrastructural that has been constructed. The service provider will work under the supervision of the appointed consultant to undertake the resubmission of a land use application, overseeing surveying processes and facilitating all conveyancing procedures for the Golf Course High-Income Housing Development.
- Ultimately the projects will need a Registered Land Surveyor to undertake surveying processes and ensure registration at the Office of the Surveyor General.
- The development also includes sites dedicated for high density housing development as part of the proposed development therefore minimum development controls should be maintained as per the uBuhlebezwe Land Use Scheme, 2016.

### **2.3. HISTORICAL BACKGROUND:**

- The planning processes were previously done with the approval dating back as far back as 2007; the land surveyor as well as the Municipality had receipt of the planning approval. The land use application was done in terms of the Town Planning Ordinance and as such was approved by COGTA.
- After the land use application was approved, the next phase entailed correct capturing of the approved information and coordinates in the form of registration at the Office of the Surveyor General. This had to take place before conveyancing process could take place.
- All the surveying processes and registration at the Office of the Surveyor General were done; please see the attached mapping for clarity.
- The conveyancing processes could not take place over the years due to the fact that all the conditions of approval were not met, in particular those relating to Water and Electrical infrastructure.
- The lack of compliance with the necessary conditions resulted in the conditional approval time-frame (in terms of the Ordinance) lapsing, hence the requirement for the Municipality to re-start the land use application with surveying and conveyancing processes in terms of the current applicable legislation.
- This project therefore serves as a way for the Municipality to re-do the land use application, surveying and ultimately conveyancing processes in order to be in a position to register the development with Deeds Office and get the necessary title deed for its Golf Course High Income Residential Development. This will enable the Municipality to develop and sell properties to generate much needed income for the Municipality.

### **3. OBJECTIVES OF THE PROJECT**

- 3.1. The service provider to undertake all applicable surveying processes and ensure registration at the Office of the Surveyor General needed for the Golf Course High-Income Housing Development.
- 3.2. The service provider will have to ensure compliance with conditions of approval subject to approval of the land use application.
- 3.3. The service provider will work under the supervision of the appointed consultant to undertake the resubmission of a land use application, overseeing surveying processes and facilitating all conveyancing procedures for the Golf Course High-Income Housing Development.

#### 4. SCOPE OF THE WORK.

The municipality would like to appoint a service provider to undertake the surveying processes and ensure registration at the Office of the Surveyor General needed for the Golf Course High-Income Residential Development project. Furthermore, service provider will work under the supervision of the appointed consultant to undertake the resubmission of a land use application, overseeing surveying processes and facilitating all conveyancing procedures for the same project.

Suitably qualified service providers are invited to submit proposals with costing and must have the following expertise:

- Be able to undertake all surveying processes and ensure registration at the Office of the Surveyor General; and
- Project management and quality assurance

Past performance, documented track record of project implementation and proof of submission and proof of completion or approvals of this nature will be considered. The municipality is not obliged to accept the lowest or any other proposal.

Project Scope – Overview; *inter alia*, incorporating the following aspects:

- Undertake all surveying processes and ensure registration at the Office of the Surveyor General;
- Project management; and
- Close out report and way forward.

#### 5. PROPOSAL SUBMISSION REQUIREMENTS

##### 5.1. *List of Contents*

All proposals must cover the following aspects of importance:

##### 5.1.1. *Brief Company CV*

Including brief history, field of expertise, staff resources, where the main office is based as well as any other offices and a list of recently completed projects.

##### 5.1.2. *Proposed Methodology*

Service provider should come up with a sound and workable methods for the proposed development.

##### 5.1.3. *Proposed Cost Structure*

A detailed Breakdown of Proposed Fee Structure must be submitted.



#### 5.1.4. **Expertise Required:**

Proposals from suitable and qualified service providers with the following expertise:

- Be able to undertake all surveying processes and ensure registration at the Office of the Surveyor General; and
- Project management and quality assurance

All the required professional teams should be involved from the beginning of the projects.

#### 5.2. **Compulsory Terms and Conditions**

The service provider must comply with all legislative and government policies and be registered with related professional body for Land Surveying. Previous and documented track records of previous projects of this nature will be considered.

The proposal must include the name of the company, qualification and the expertise of the appointed person who will control the overall project on behalf of the organisation/consortium. A Joint Venture Agreement must be attached in cases where the Bidder is a Joint Venture. Proof of registration with Professional Bodies as well as a valid tax clearance certificate even for each of the partners in a JV must be supplied to validate the service provider's capability in:

1. Surveying processes; and
2. Registration procedures at the Office of the Surveyor General

A proposal will not be considered unless the service provider furnishes the uBuhlebezwe Local Municipality with the duly completed documents mentioned below. In the event that a proposal is submitted by a consortium/joint venture, each party, consultant and/or sub-consultant of such consortium/joint venture must provide each of the documents mentioned below;

- Ownership (valid proof)
- Consumer Account Declaration
- Declaration of Interests
- Tax Certificate
- Municipal Statements where the company is registered
- Valid tax clearance certificate for each company
- BBBEE certificate
- Joint venture agreement if the company has entered into a joint venture

## 6. DESCRPTION OF THE PROJECT

### APPOINTMENT OF A SERVICE PROVIDER TO UNDERTAKE THE SURVEYING PROCESSES NEEDED FOR THE GOLF COURSE HIGH-INCOME RESIDENTIAL DEVELOPMENT PROJECT, UBUHLEBEZWE LOCAL MUNICIPALITY

UBuhlebezwe Local Municipality hereby gives notice in a form of a formal request for a service provider to undertake surveying processes and ensure registration at the Office of the Surveyor General needed for the Golf Course High-Income Residential Development project. The Proposals are invited from competent service providers with appropriate knowledge, experience and expertise to assist the municipality in this regard.

Service providers must be sufficiently experienced and comprising of a competent team of professionals, specialised in Land Surveying. The successful service provider must be able to undertake surveying processes and ensure registration at the Office of the Surveyor General, and must have report writing skills, knowledge of the Municipal Systems Act, clear understanding of the Spatial Planning and Land Use Management Act (SPLUMA) and any other related Legislation as well as research skills required.

<b>Technical enquiries:</b>	Mrs. S. Ndebele	<b>Telephone no.</b>	: 039 834 7700
<b>SCM enquiries:</b>	Mrs. M. Mbatha	<b>Telephone no.</b>	: 039 834 7700

## 7. SCOPE OF WORKS

### APPOINTMENT OF A SERVICE PROVIDER TO UNDERTAKE THE SURVEYING PROCESSES NEEDED FOR THE GOLF COURSE HIGH-INCOME RESIDENTIAL DEVELOPMENT PROJECT, UBUHLEBEZWE LOCAL MUNICIPALITY

#### DESCRIPTION OF WORKS

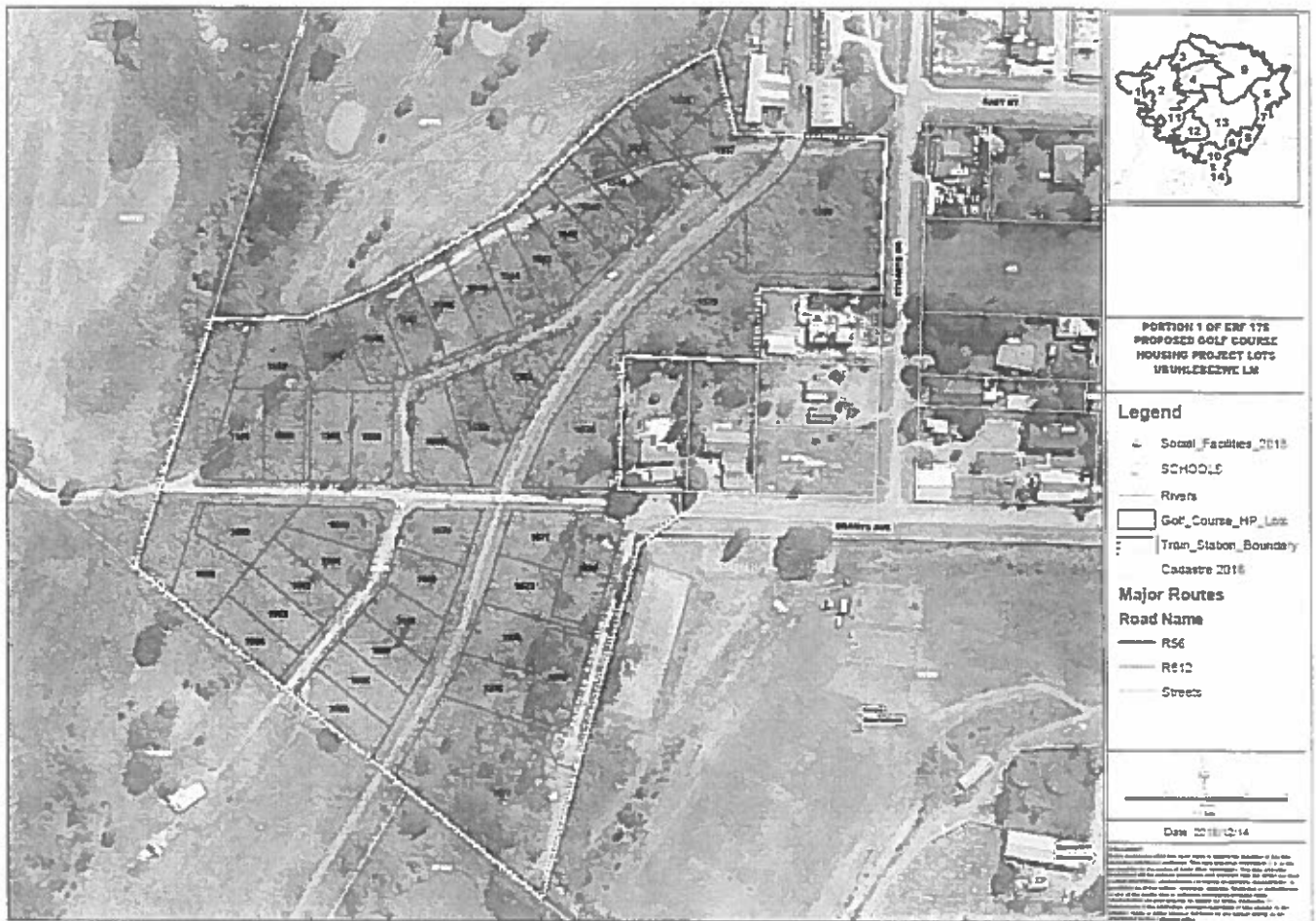
##### PROJECT DELIVERABLES

The service provider is to undertake surveying processes and ensure registration at the Office of the Surveyor General needed for the Golf Course High-Income Residential Development project. Furthermore, the service provider will work under the supervision of the appointed consultant to undertake the resubmission of a land use application, overseeing surveying processes and facilitating all conveyancing procedures for the same project.

The fulfilment of deliverables as contemplated as well as the following elements are to be covered;

- Undertake all surveying processes and ensure registration at the Office of the Surveyor General;
- Project management and quality assurance; and
- Close out report and way forward

The following maps indicates the above-mentioned subject site;



Portion 1 of ERF 175 Stuartstown – Proposed Golf Course High-income Development

## **8. APPROACH AND METHODOLOGY**

### **EXISTING STRATEGIC PLANS**

The planning approach and methodology will broadly entail site inspections, analysis, addressing comments from sector departments, surveying and ensure registration at the Office of the Surveyor General. The planning approach for the project will be based on the strategic plans and applicable sector plans that have been approved undertaken or in the process of being undertaken including, but not limited to, the following:

- Ubuhlebezwe Land Use Scheme and Rural Land Use Policy April 2016
- Ubuhlebezwe SDF and IDP

Other plans prepared by various government spheres, adjacent municipalities e.g. Harry Gwala District Municipality etc. and having an impact in the Local Municipality should also be taken into account.

### **PROJECT STAKEHOLDERS**

It is also the role of the service provider to also identify applicable stakeholders for the effectiveness of the compilation of this project.

## **9. TIME FRAMES AND VALIDITY PERIOD**

The Tender Validity Period will be 60 days. The contract between the Municipality and the successful bidder will be within the period 2018/2019 financial year. The successful bidder shall ensure and complete the projects within the time frames which will be required to be included in the proposal, failing which, the reasons for failing to meet time frames will be evaluated and the outcome of the evaluation may lead to either of the following decisions by the Municipality:

- Extension of Contract Period, or
- Termination of Contract

The Bidder is required to provide as part of his proposal the Implementation Plan / Programme illustrating time frames allocated to each outlined implementation item. The dates may not be specific as yet but may be expressed in days, weeks or months duration. The Implementation plan shall be based on the specified timeframe with the set Terms of reference. It should be noted that the Municipality urgently wants this project to be completed within the agreed timeframe.

The contract between uBuhlebezwe Local Municipality and the successful bidder shall officially commence from the date of signing the Service Level Agreement relating to the appointment of Service Providers which will be signed between the service provider and the Municipality.

## 10. REPORTING

The service provider will report to the official appointed by the Director: Infrastructure Planning and Development (IPD) and the internal staff. All work shall be done in line with the standard set by the respective professional body as well as the Municipality.

The uBuhlebezwe Local Municipality will also require the appointed Service Provider to attend progress meetings on a monthly basis, which shall also be deemed to be part of the normal scope of the work. In other words, the following shall apply;

- The appointed service provider must submit to the Municipality an Inception Report to ensure mutual understanding of the plan of action and timeframe for conducting the project.
- The professional service provider must submit to the Municipality monthly progress reports on performed activities for the PROJECT, which must include both financial and non-financial reporting requirements.
- Furthermore, the service provider must ensure submission of the Surveyor General (SG) Diagram to the Municipality.
- Upon completion of the Project the Service provider shall submit a close-out report to the Municipality.

Which shall include *inter alia*:-

- i. a Project overview;
- ii. an analysis of problems encountered;
- iii. a report on achievements, including an assessment of the Project against the Project objectives;
- iv. lessons learned;
- v. the way forward;
- vi. budgetary implications of the way forward

## 11. PROFESSIONAL STAFF / PERSONNEL

The Project Manager must be a registered Land Surveyor by profession and must bring through all relevant professional expertise that have experience ranging from GIS, understanding surveying procedures related to this type of development among other things.

The Curriculum Vitae, Roles and Responsibilities of all the team members who will be working with the Municipality during the contract period must be provided as part of the proposal. You are reminded that a suitably experienced and qualified person, professionally registered with Land Surveying professional body and must accept professional responsibility for the project. This person will also be required to sign all documentation in relation to the contract except if otherwise agreed with the Municipality. The municipality reserves the right not to award tender if it is not totally satisfied that staff is sufficiently competent and available to execute the duties on behalf of the Municipality. The staff provided in the proposal will influence the appointment of the bidder; as such it is a contractual obligation that the exact same team members are involved during execution except if otherwise agreed with the Municipality.

## RELEVANT SKILLS AND EXPERIENCE

Below is a summary of Mandatory requirements:

- Project Leader must be a Registered Land Surveyor, holding a *Tertiary Qualification in Land Surveying* which is recognized in terms of the South African Geomatics Council (SAGC) and a copy of valid certificate is to be attached.

Skills and abilities required in the team to execute the project include the following:

- Land Surveying;
- Understanding planning conditions of approval
- Conceptual planning/precinct planning
- Communication skills;
- Ability to think strategically; and
- Knowledge of expected process to be followed for land parcel registration/submission at the Office of the Surveyor General.

Should a team member withdraw from the project, a suitable alternative with the same requisite abilities as was scored in the tender adjudication process should be appointed with immediate effect.

The Team Leader (Land Surveyor) and the Team Secretary will be attending all the Steering Committee meetings and prepare minutes. Relevant team members that are directly involved in the project phase are expected to attend all progress report meetings.

The selected team members shall stay the same for the duration of the project and cannot be changed without prior discussions with and approval from the Project Steering Committee.

## 12. FEATURES REQUIRING SPECIAL ATTENTION

### 12.1. PROJECT STEERING COMMITTEE

The internal Municipality officials that forms part of project steering committee, will assist in forming a support system for the service provider during the course of the project. The project steering committee will consist of municipal officials from Planning Unit as well as other external stakeholders from relevant sector departments.

### 12.2. DELIVERABLES AND DOCUMENT FORMATS:

The deliverables should be submitted in all the following formats:

- Microsoft Office Word
- Adobe Reader PDF

### 13.3. NON-APPOINTMENT

The Ubuhlebezwe Local Municipality reserves the right not to make an appointment should it find that bidding parties do not meet the specified criteria.

### 13.4. COMPLETION

Project will not be taken over by the Employer or paid for unless the applicable reports have been correctly completed and submitted to the Employer.

### 13.5. COURTESY

In dealings with the municipal internal structures, the Professional Service Provider is required to deal with discussions and disputes with deliberate courtesy and understanding, in close liaison with the Employer.

### 13.6. GENERAL

- Awarding of the tender will be subject to the Service Provider's express acceptance of the Ubuhlebezwe Municipality Supply Chain Management general contract conditions.
- The Service Provider will sign a Service Level Agreement (SLA) with Ubuhlebezwe Municipality upon appointment.
- Staffing requirements will be confirmed during project initiation and shall remain unchanged for the duration of the project, unless prior written consent has been granted by the Steering Committee.
- All secretarial services such as arranging meetings, setting of agendas shall be the responsibility of the Municipality and the minutes taking to be done by the Service Provider.
- No material or information derived from the provision of the services under the contract may be used for any other purposes except for those of the Ubuhlebezwe Municipality except where duly authorized to do so in writing by the Ubuhlebezwe Municipality.
- The successful Service Provider agrees to keep all records and information of, or related to the project confidential and not disclose such records or information to any third party without the prior written consent of Ubuhlebezwe Local Municipality.
- Ubuhlebezwe Local Municipality reserves the right to terminate the contract in the event that there is clear evidence of non-performance and non-compliance with the contract.

The budget should be in keeping with the applicable phases of the project and the service provider is at liberty to suggest how the phases of the project should unfold. This will then be finalised and agreed by all stakeholders. *All costs such as travel accommodation and disbursements* should be consolidated into *single project budget estimate for the Project*. The Steering Committee will assume that all expenditure relating to the project is anticipated by the Service Provider and is

consolidated into the budget estimates for each phase. Only the consolidated and clearly allocated budget for each phase should be shown in the proposal submitted to Ubuhlebezwe Municipality.

#### 14. EVALUATION CRITERIA

As this is a Request for Qualifications leading to a Price-Based and BBBEE level contributor point system. The following criteria will also be used in particular as the criteria for appointment of the Service Provider.

CRITERIA	GUIDELINES FOR CRITERIA APPLICATION	DURATION	WEIGHT	TOTAL
1) EXPERIENCE OF THE TEAM	Project leader: <b>Must be qualified in Land Surveying</b>  <i>Comprehensive CV to be included reflecting positions, duration and duties conducted.</i>	More than 5 years' experience	20	20
		3 – 5 years' experience	10	
		1 – 2 years' experience	5	
2) REGISTRATION TO PROFESSIONAL BODIES for a team/project leader	Professional registration as a Land Surveyor		10	10
	Technical Registration as a Land Surveyor		5	
	Candidate Registration as a Land Surveyor		0	
	NB: Certified Proof of registration must be attached			
3) RELEVANT QUALIFICATION OF THE PROJECT LEADER	<i>Submission of relevant certified qualification e.g. Degree, Diploma etc. confirming qualification to be included.</i>	TERTARY QUALIFICATION OF THE PROJECT leader Honours/Masters level	20	20
		Degree AND/OR Btech level	10	
		National Diploma level	5	



	5 points per Letter of approvals from local authorities attached OR reference letters.		15	30
<b>TOTAL: 100</b>				

**NOTES:**

The tenderer shall submit a company profile explicitly showing the skills gained in previous projects with reachable references.

All proposals will be evaluated in terms of 80 points for Price and 20 points for preference status with maximum points at 100.

On evaluation, the tenders would be ranked in accordance with the points obtained, the tender scoring the highest points being ranked first and so on. In the event of a tie, the municipality will rank the tenderer whose company is majorly owned by HDI higher than the other one (s).

The ranking will qualify the tenderer to be considered for the award of the contract but would be expected to fulfill the last requirement. At this time, the municipality will prepare an agreement Contract, which will have to be agreed to by the successful tenderer for his signature.

<b>There minimum functionality score to qualify for further evaluation:</b>	<b>60 Points</b>
---	------------------

The tender submission may also be disqualified if the team included in the tender submission is viewed to be too inexperienced or not suitably qualified for the project.

**PREFERENCE POINTS STATUS**

Tenderers submitted by joint ventures shall provide information on the BBBEE Certificate of the principle members only. Provision is made in the schedule to nominate the percentage of work to be outsourced/sub-contracted.

**AWARD OF CONTRACT TO TENDERERS NOT SCORING THE HIGHEST NUMBER OF POINTS:**

Despite regulation 3(5),4.(5), 5(5), 6(5) and 8(8) of the Preferential Procurement regulations of 2001, a contract may, on reasonable and justifiable grounds, be awarded to a tenderer that did not score the highest number of points.

**ACCEPTANCE AND OFFER:**

Tender offers will only be accepted on condition that:

- a) The tender offer is signed by a person authorized to sign on behalf of the Tenderer
- b) A Tenderer who submitted tenders as joint venture has included an acceptable Joint Venture Agreement with his tender.
- c) The Tenderer or any of its principals, directors or managers is not employed in the service of the state or any municipality.

- d) A original tax clearance certificate is to be included with this tender.
- e) The Tenderer or any of its principles is not listed on the register of Tender Defaulters in terms of the Prevention and Combating of Corrupt Activities Act of 2004 as a person prohibited from doing business with public sector.
- f) The tenderer has not abused the Employers' Supply Chain Management System or has failed to perform on any previous contract and has been given a written notice to this effect; and
- g) The Employer is satisfied that the Tenderer or any of his principles has not influenced the tender offer and acceptance by the following criteria:
  - Having offered, or promised or given a bribe or other gift remuneration to any person in connection with the obtaining or execution of this Contract.
  - Having acted in fraudulent or corrupt manner in obtaining or executing of this contract.
  - Having approached an officer or employee of the Employer or the Employers' Agent with the objective of influencing the award of a Contract in the Tenders' favour;
  - Having entered into any agreement or arrangement, whether legally binding or not, with any other person, firm or company to refrain from Tendering for this Contract or as to the amount of the Tender to be submitted by either party; and
  - Having disclosed to any other person, firm or company other than the Employer, the exact or approximate amount of his proposed Tender.

In the event of any of the above, the Employer may, in addition to using any other legal remedies, repudiate the Tender offer and acceptance and declare the Contract invalid should it have been concluded already.

**FAILURE TO COMPLY WITH THE ABOVE CONDITIONS IN ALL RESPECTS WILL RESULT IN THE TENDER BEING DEEMED NON-RESPONSIVE**

**FURTHER NOTE:**

- The consortium submitting the proposal must declare any conflict of interests that it may have.
- The uBuhlebezwe Local Municipality reserve the rights, not to accept any proposals in part or in whole.
- The uBuhlebezwe local municipality reserve the rights to suggest partnerships or joint venture to be formed between bidders, or that the assignment must be awarded to an exclusive BEE firm.
- The uBuhlebezwe local municipality reserves the rights to amend any conditions, validity period, etc. in the event of material changes to the procedures, all parties will be duly notified and be dealt with transparently and equitable.
- Successful bidders will need to be prepared to commence work within 14 working days of being informed of the awarding of the tender.
- Failure to comply with these conditions will result in the invalidation of the proposal and subsequent expulsion/termination from the process.

- Successful bidder will be required to submit monthly progress reports to the Municipality.
- The guidelines contained in the uBuhlebezwe Local Municipality Supply Chain Management policy will apply.

## **15. DOCUMENTATION AND SUBMISSION**

The Proposal document submitted must include all the information deemed necessary to evaluate your submission on the bases stipulated in this document. The additional forms appended to this document must also be included in the submission.

This document may be detached and re-bound to ensure neatness and to also avoid the risk of accidentally losing of loose sheets. In the process of doing that, please be careful not to lose any of the pages of this document because should that be the case, your proposal may be regarded as incomplete.

### **15.1. SUBMISSION FORMAT**

All proposals must be in the form of an A4 bound documents, which is sealed in an envelope, clearly marked with the project name and contract number.

## 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, hareholder<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 ~~exceed~~ not exceed R50 000 000 (all applicable taxes included) and therefore the ..... preference point system shall be applicable; or
  - b) Either the 80/20 or 90/10 preference point system will be applicable to this tender (*delete whichever is not applicable for 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:

	<b>POINTS</b>
<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

$P_s$  = Points scored for price of bid under consideration

$P_t$  = Price of bid under consideration



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

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

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

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:

- i) What percentage of the contract will be subcontracted.....%
- ii) The name of the sub-contractor.....
- iii) The B-BBEE status level of the sub-contractor.....
- iv) Whether the sub-contractor is an EME or QSE  
 (Tick applicable box)

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

v) 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.

<p>WITNESSES</p> <p>1. ....</p> <p>2. ....</p>
--

<p>.....</p> <p>SIGNATURE(S) OF BIDDERS(S)</p> <p>DATE: .....</p> <p>ADDRESS .....</p> <p>.....</p> <p>.....</p>
--

## 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	<p>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?</p> <p>(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).</p> <p><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></p>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.1.1	If so, furnish particulars:		
4.2	<p>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)?</p> <p><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></p>	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 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

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

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