



**UBUHLEBEZWE MUNICIPALITY**  
**CHIEF FINANCIAL OFFICE**  
**SUPPLY CHAIN MANAGEMENT UNIT**  
Tel: 039 834 7700  
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Email: [scm.procurement@ubuhlebezwe.gov.za](mailto:scm.procurement@ubuhlebezwe.gov.za)

REF: 2607  
QUOTE NO: UBU-Q-08/10/19  
Date: 16 October 2019

Dear Sir / Madam

**REQUEST FOR A FORMAL WRITTEN PRICE QUOTATION FOR AN ACCREDITED SERVICE PROVIDER TO UNDERTAKE THE SOCIAL FACILITATION, COMPILATION AND SUBMISSION OF A COMPREHENSIVE TOWN PLANNING APPLICATION AND ALL SURVEYING & CONVEYANCING PROCEDURES NEEDED FOR MUNICIPAL ROADS.**

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 "TOWN PLANNING APPLICATION" - UBU-Q-08/10/19" not later than 25 October 2019 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.

**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
	<ul style="list-style-type: none"><li>- REQUEST FOR A FORMAL WRITTEN PRICE QUOTATION FOR AN ACCREDITED SERVICE PROVIDER TO UNDERTAKE THE SOCIAL FACILITATION, COMPILATION AND SUBMISSION OF A COMPREHENSIVE TOWN PLANNING APPLICATION AND ALL SURVEYING &amp; CONVEYANCING PROCEDURES NEEDED TO EXTRACT ALL MUNICIPAL ROADS WITHIN THE IXOPO TOWN AREA, UBUHLEBEZWE LOCAL MUNICIPALITY.</li></ul>	
	<ul style="list-style-type: none"><li>- <b>COMPULSORY BRIEFING MEETING</b></li></ul>	
	<ul style="list-style-type: none"><li>- <b>DATE:</b> 22 October 2019 (Tuesday)</li></ul>	
	<ul style="list-style-type: none"><li>- <b>TIME:</b> 10h30</li></ul>	
	<ul style="list-style-type: none"><li>- <b>VENUE:</b> Peace Initiative hall (boardroom)</li></ul>	
	<ul style="list-style-type: none"><li>- ALL AMOUNTS TO INCLUDE VAT</li></ul>	

**Delivery Address**  
**29 Margaret Street**  
**Ixopo**  
**3276**

**PART A  
INVITATION TO BID**

<b>YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE</b> (NAME OF MUNICIPALITY/ MUNICIPAL ENTITY)			
<b>BID NUMBER:</b>	UBU-Q-08/10/19	<b>CLOSING DATE:</b>	25 October 2019
<b>CLOSING TIME:</b>	12H00	<b>DESCRIPTION</b> TOWN PLANNING APPLICATION	
<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
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IXOPO
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3276
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**SUPPLIER INFORMATION**

NAME OF BIDDER	
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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:
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B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE [TICK APPLICABLE BOX]	<input type="checkbox"/> Yes	B-BBEE STATUS LEVEL SWORN AFFIDAVIT	<input type="checkbox"/> Yes
	<input type="checkbox"/> No		<input type="checkbox"/> No

**[A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE/ SWORN AFFIDAVIT (FOR EMES & QSEs) MUST BE SUBMITTED IN ORDER TO QUALIFY FOR PREFERENCE POINTS FOR B-BBEE]**

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 ]
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TOTAL NUMBER OF ITEMS OFFERED	TOTAL BID PRICE	R
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SIGNATURE OF BIDDER	DATE
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CAPACITY UNDER WHICH THIS BID IS SIGNED	
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<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)?	<input type="checkbox"/> YES <input type="checkbox"/> NO
3.2. DOES THE ENTITY HAVE A BRANCH IN THE RSA? NO	<input type="checkbox"/> YES <input type="checkbox"/> NO
3.3. DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA?	<input type="checkbox"/> YES <input type="checkbox"/> NO
3.4. DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA?	<input type="checkbox"/> YES <input type="checkbox"/> NO
3.5. IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION?	<input type="checkbox"/> YES <input type="checkbox"/> NO
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 SOCIAL FACILITATION, COMPILATION AND SUBMISSION OF A COMPREHENSIVE TOWN PLANNING APPLICATION AND ALL SURVEYING AND CONVEYANCING PROCEDURES NEEDED TO EXTRACT ALL MUNICIPAL ROADS WITHIN IXOPO TOWN AREA, 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 a proposal for the above-mentioned project.
- 1.2. To achieve social facilitation, compilation and submission of a comprehensive town planning application and facilitation of all surveying and conveyancing procedures needed to extract all municipal roads within Ixopo Town area.
- 1.3. The municipality accordingly invites interested parties to submit proposals, in order to be considered for the appointment as service provider to execute the above-mentioned project.
- 1.4. The service provider must comply with all Legislative and Government policies and be registered with applicable professional bodies for town planning with team member(s) registered as a land surveyor and a conveyancer.
- 1.5. The service provider will have to ensure compliance with all conditions of approval subject to approval of the town planning application.

#### **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 with 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 provincial 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 118 346 people spread 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 Town) - 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 purpose of the project is to assist the municipality in ensuring that all municipal roads within Ixopo Town are properly registered in terms of reflecting the right information at the Office of the Surveyor General. This is also to ensure that they are registered as separate entities at the Deeds Office and zoned accordingly in terms of uBuhlebezwe Land Use Scheme, 2016. The affected land parcels vest under municipal and public sector ownership as well as private ownership, being utilised by the broad public as municipal roads which encourage Split Zoning according to uBuhlebezwe Land Use Scheme. It is for this reason that the project has been seen as a need so that the issues of overlapping different land uses / zonings and cadastral lines can be rectified through this process. The municipality have identified 23 affected properties. It however important to note that the project is for all roads located within the Ixopo Town that will be found to be under private ownership by the service provider once appointed. The purpose of the project is to provide hereunder:

- Undertake social facilitation, compilation and submission of a comprehensive town planning application and all surveying and conveyancing procedures needed to extract all municipal roads.
- Ultimately the project will need a Registered Town and Regional Planner as a Project Leader to undertake social facilitation, compilation and submission of a comprehensive town planning application and ensure compliance with conditions of approval.
- Furthermore, the project team should consist of a Registered Land Surveyor and a Conveyancer to undertake all surveying and conveyancing procedures respectively.

## 3. OBJECTIVES OF THE PROJECT

- 3.1. Undertake social facilitation to negotiate with affected property owners on behalf of the uBuhlebezwe Local Municipality regarding donation of land parcels and processes to be followed.
- 3.2. Compilation and submission of a comprehensive town planning application for approval in terms of current planning statutory legislation and Municipal developmental

policies as well as to ensure compliance with all conditions of approval imposed by the ULM Municipal Planning Tribunal (MPT).

- 3.3. The service provider appointed to undertake the project will have to demonstrate sound project and programme management skills to ensure timeous and effective delivery of outcomes.
- 3.4. The service provider is to ensure that all the required surveying procedures are provided for registration at the Office of the Surveyor General and SG Diagrams are obtained accordingly on behalf of the Municipality.
- 3.5. Furthermore, the service provider is to ensure that all the required conveyancing procedures are provided for registration at the Deeds Office and Title Deeds are obtained accordingly on behalf of the Municipality.

## **1. SCOPE OF THE WORK.**

The municipality would like to appoint a service provider to undertake social facilitation, compilation and submission of a comprehensive town planning application and all surveying processes and conveyancing procedures needed to extract all municipal roads. The service provider will undertake all project management to ensure that social facilitation, town planning, all surveying and conveyancing procedures are conducted and implemented accordingly. Furthermore, the service provider will ensure compliance with all conditions of approval for the town planning application and comments and conditions imposed by relevant sector departments.

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

- Social facilitation;
- Town planning (compilation and submission a comprehensive town planning application, obtaining planning approval and ensure compliance with all the conditions of approval);
- Land audit and survey;
- Socio economic analysis;
- Engineering service;
- Project management and quality assurance;
- Undertake surveying procedures; and
- Undertake conveyancing procedures and title deed administration (transfer of ownership to the Municipality).

Past performance, documented track record of project implementation (completion certificate) 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:

- Social Facilitation;
- Town Planning;
- Surveying and Office of the Surveyor General registration procedures;
- Conveyancing and Deeds Office registration procedures;
- Project Management; and
- Submission of all the finalized documents to the municipality
- Close out report and way forward.

## **2. PROPOSAL SUBMISSION REQUIREMENTS**

### **2.1. *List of Contents***

All proposals must cover the following aspects of importance:

#### **2.1.1. *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 (completion certificate).

#### **2.1.2. *Proposed Methodology***

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

#### **2.1.3. *Proposed Cost Structure***

A detailed Breakdown of Proposed Fee Structure must be submitted.

#### **2.1.4. *Expertise Required:***

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

- Social facilitation;
- Town Planning;
- Surveying;
- Project management and quality assurance; and



- Conveyancing

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

## 2.2. *Compulsory Terms and Conditions*

The service provider must comply with all legislative and government policies and be registered with related professional bodies. Previous and documented track records of previous projects of this nature will be considered (completion certificate).

The proposal must include the name of the company, qualification and the expertise of the appointed person who will control the overall project (Project Leader) on behalf of the organisation/consortium. A Joint Venture Agreement must be attached in cases where the Bidder is a Joint Venture (JV). 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. Social Facilitation;
2. Town Planning;
3. All Surveying and Office of the Surveyor General registration procedures; and
4. All Conveyancing and Deeds Office registration procedures

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; and
- Joint venture agreement if the company has entered into a joint venture.

### **3. DESCRIPTION OF THE PROJECT**

**APPOINTMENT OF A SERVICE PROVIDER TO UNDERTAKE SOCIAL FACILITATION, COMPILATION AND SUBMISSION OF A COMPREHENSIVE TOWN PLANNING APPLICATION AND ALL SURVEYING AND CONVEYANCING PROCEDURES NEEDED TO EXTRACT ALL MUNICIPAL ROADS WITHIN IXOPO TOWN AREA, UBUHLEBEZWE LOCAL MUNICIPALITY**

UBuhlebezwe Local Municipality hereby gives notice in a form of a formal request for a service provider to undertake social facilitation, compilation and submission of a comprehensive town planning application and all surveying and conveyancing procedures needed to extract all municipal roads. 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 Social Facilitation, Town and Regional Planning, Surveying and Conveyancing. The successful service provider must be able to undertake social facilitation, compilation and submission of a comprehensive town planning application and all surveying and conveyancing procedures, and must have report writing skills, research skills, knowledge of the Municipal Systems Act, clear understanding of the Spatial Planning and Land Use Management Act, 2013 (Act No. 16 of 2013) (SPLUMA) and any other related Legislation.

### **4. SCOPE OF WORKS**

**APPOINTMENT OF A SERVICE PROVIDER TO UNDERTAKE SOCIAL FACILITATION, COMPILATION AND SUBMISSION OF A COMPREHENSIVE TOWN PLANNING APPLICATION AND ALL SURVEYING AND CONVEYANCING PROCEDURES NEEDED TO EXTRACT ALL MUNICIPAL ROADS WITHIN IXOPO TOWN AREA, UBUHLEBEZWE LOCAL MUNICIPALITY**

#### **DESCRIPTION OF WORKS**

##### **PROJECT DELIVERABLES**

A town planning application is to be prepared and submitted in line with the Spatial Planning and Land Use Management Act, 2013 (Act No. 16 of 2013); uBuhlebezwe Local Municipality Spatial Planning and Land Use Management By-law, 2016; and uBuhlebezwe Local Municipality Land Use Scheme, 2016.

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

- Social facilitation;
- Town planning (compilation and submission a comprehensive town planning application, obtaining planning approval and ensure compliance with conditions of approval);
- Land audit and survey;

- Socio economic analysis;
- Engineering service;
- Project management and quality assurance;
- Undertake surveying procedures; and
- Undertake conveyancing procedures and title deed administration (transfer of ownership to the Municipality).

The map below indicates some of the affected properties for the proposed project. Since it is expected that when conducting the study the service provider or the municipality may identify or discover additional roads that may require to be formalised.



## 5. APPROACH AND METHODOLOGY

### EXISTING STRATEGIC PLANS

The planning approach and methodology will broadly entail social facilitation, site inspections, analysis, sourcing and addressing comments from sector departments, comprehensive motivation and recommendations for the respective land use application. The planning approach for the project will be based on the strategic land use 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, 2016
- UBuhlebezwe SDF; and
- UBuhlebezwe 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 considered.

### PROJECT STAKEHOLDERS

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

## 6. 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 bodies 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 appointed service provider must also 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) Diagrams and Title Deeds 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

## 7. PROFESSIONAL STAFF / PERSONNEL

The Project Manager must be a registered planner by profession and must bring through all relevant professional expertise that have experience ranging from social facilitation, town and regional planning, understanding surveying processes related to this type of development and conveyancing procedures among other things.

The Curriculum Vitae (CV) as well as 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, registered with SACPLAN professional body 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 Planner, holding a *tertiary qualification in Town and Regional Planning* which is recognized in terms of the South African Council for Planners (SACPLAN) i.e. in terms of the Planning Profession Act, 2002 and a copy of valid certificate is to be attached.

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

- Town and Regional Planning;
- Vast knowledge of land surveying processes;
- Thorough understanding of LUMS and urban design;
- Conceptual planning/precinct planning;
- Communication skills;
- Presentation skills;
- Ability to think strategically; and
- Knowledge of expected process to be followed for land parcel registration/submission at the Deeds and Surveyor general Offices.

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 (Town Planner) and the Team Secretary will be attending all the Steering Committee meetings and take minutes and / or come with the minutes taker. 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.

## **8. FEATURES REQUIRING SPECIAL ATTENTION**

### **8.1. PROJECT STEERING COMMITTEE**

The internal Municipal members that forms part of the project steering committee, will assist in forming a support system for the service provider during the project. The project steering committee will consist of municipal officials from Planning Units as well as other external stakeholders from relevant sector departments and affected property owners.

### **8.2. DELIVERABLES AND DOCUMENT FORMATS:**

The deliverables should be submitted in all the following formats:

- Microsoft Office Word
- Adobe Reader PDF
- Shape Files applicable
- Hard copies

### **8.3. GIS DATA STANDARDS**

In order to promote the efficient management of all GIS data within the uBuhlebezwe Local Municipality, the following set of GIS data standards has been drawn up for GIS related works contracted by the Municipality.

The details of these standards are outlined below;

- 1) The format of delivery of the spatial data shall be in ArcView Shape File format
- 2) All spatial data that is provided to the uBuhlebezwe LM must be provided in the Projected WGS84 co-ordinates (meters) on the Hartebeeshoek 94 datum
- 3) The attribute data accompanying the spatial data should be delivered in DBASE IV (.dbf) file format.
- 4) All the Cad drawing must be done in 3D or in coordinates Space (WGS 84).

- 5) X and Y Coordinates must be provided in Decimal degrees
- 6) A completed metadata record must be provided for each spatial dataset delivered.
- 7) All the Spatial and attribute data be provided on CD-ROM or DVD in the above-mentioned format
- 8) An mxd with all the layer files must accompany the data (map package)

## **9. TERMS AND CONDITIONS OF THE PROPOSAL**

### **9.1. PROPOSALS AND FINANCIAL ISSUES**

Interested service providers should submit a proposal demonstrating an understanding of the brief and include methodology, timeframe breakdown and cost (budget) for the proposed work and this should be accompanied by a list of all team members that would work on the project as well as a Curriculum Vitae (CV) of each team member. Appointment will be made in terms of the uBuhlebezwe Council's Procurement Policy.

### **9.2. OWNERSHIP OF DOCUMENTS AND COPYRIGHTS ©**

All outputs prepared by the service provider in connection with the services to be rendered shall become the property of uBuhlebezwe Local Municipality upon the submission to and payment by the Municipality, who shall have full copyright therein. In the event of termination of this appointment the Municipality reserves the right to use all or any of the documentation for completion of the project.

### **9.3. 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.

### **9.4. COMPLETION**

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

### **9.5. 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.

### **9.6. 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 Local 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 Project Steering Committee.
- All secretarial services such as arranging meetings and setting of agendas shall be the responsibility of the Municipality. However, taking of minutes shall be the responsibility of 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 noncompliance 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 Local Municipality.

## 10. 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 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 Town and Regional Planning</b>	<b>More than 10 years' experience</b>	20	20
	<i>A comprehensive CV to be included reflecting positions,</i>	<b>More than 5 – 10 years' experience</b>	10	



	<i>duration and duties conducted.</i>	3 – 5 years' experience	5	
		1– 2 years' experience	0	
2) REGISTRATION TO PROFESSIONAL BODIES FOR A PROJECT LEADER	Professional registration as a Town Planner		10	10
	Technical Registration as a Town Planner		5	
	Candidate Registration as a Town Planner		0	
	NB: Certified Proof of registration must be attached			
3) RELEVANT QUALIFICATION OF THE PROJECT LEADER	TERTARY QUALIFICATION OF THE PROJECT LEADER  NB:Submission of relevant certified qualification e.g. Degree, Diploma etc. confirming qualification to be included.	Honours/Masters level	20	20
		Degree AND/OR B-Tech level	10	
		National Diploma level	5	
4)PROJECT METHODOLOGY	Detailed Proposed Methodology and the implementation plan that will cover the following aspects; <ul style="list-style-type: none"> <li>• Clear description of how the project will be conducted from beginning till end indicating thorough knowledge when it comes to social facilitation and compiling town planning applications</li> <li>• Experience in submission of approved cadastral</li> </ul>		20	

	<p>plans at the SG Office and registration at Deeds Office.</p> <ul style="list-style-type: none"> <li>• Clear reporting mechanism with each and every phase;</li> <li>• Project Plan – with Time frames in term of the applicable different stages related to each phase</li> </ul>			<b>20</b>
	<ul style="list-style-type: none"> <li>• Project Plan – with Time frame in term of the applicable different stages.</li> </ul>		10	
	<ul style="list-style-type: none"> <li>• All direct repetition of TOR without demonstrated core understanding.</li> </ul>		0	
<b>5)EXPERIENCE AND TRACK RECORD</b>	<p>List of relevant work completed by the company with proof (completion certificates or approval) in the following elements;</p> <ul style="list-style-type: none"> <li>• Social facilitation;</li> <li>• Compiling comprehensive town planning applications;</li> <li>• Undertake surveying processes; and</li> <li>• Undertake conveyancing procedures</li> </ul>			<b>30</b>
	5 points per appointment letter OR orders issued (Relevant experience)	15	30	
	5 points per reference letters(Relevant experience)	15		

**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>The 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.

## MBD 4

## DECLARATION OF INTEREST

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

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

3.2 Identity Number: .....

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

3.4 Company Registration Number: .....

3.5 Tax Reference Number:.....

3.6 VAT Registration Number: .....

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

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

3.8.1 If yes, furnish particulars. ....

.....

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

(a) a member of –

- (i) any municipal council;
- (ii) any provincial legislature; or
- (iii) the national Assembly or the national Council of provinces;

(b) a member of the board of directors of any municipal entity;

(c) an official of any municipality or municipal entity;

(d) an employee of any national or provincial department, national or provincial public entity or constitutional institution within the meaning of the Public Finance Management Act, 1999 (Act No.1 of 1999);

(e) a member of the accounting authority of any national or provincial public entity; or

(f) an employee of Parliament or a provincial legislature.

<sup>2</sup> Shareholder" means a person who owns shares in the company and is actively involved in the management of the company or business and exercises control over the company.

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

3.9.1 If yes, furnish particulars.....

.....

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

3.10.1 If yes, furnish particulars.

.....  
.....

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

3.11.1 If yes, furnish particulars

.....  
.....

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

3.12.1 If yes, furnish particulars.

.....  
.....

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

3.13.1 If yes, furnish particulars.

.....  
.....

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

3.14.1 If yes, furnish particulars:

.....  
.....

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

Full Name	Identity Number	State Employee Number

.....  
**Signature**

.....  
**Date**

.....  
**Capacity**

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

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

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

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

**1. GENERAL CONDITIONS**

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

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

1.2

- a) The value of this bid is estimated to ~~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:

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

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

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

## 2. DEFINITIONS

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

## 3. POINTS AWARDED FOR PRICE

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

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

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

Where

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

$P_t$  = Price of bid under consideration



Pmin = 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><b>WITNESSES</b></p> <p>1. ....</p> <p>2. ....</p>
---

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