

CHIEF ALBERT LUTHULI MUNICIPALITY



**APPOINTMENT OF A PROFESSIONAL SERVICE PROVIDER FOR ANNUAL
FINANCIAL STATEMENTS
QUALITY REVIEW
Contract No. ALMT39/2020**

Chief Albert Luthuli Municipality PO Box 24 CAROLINA 1185 Contact for Administration: Name: Mr J.A Nkosi Telephone. (017) 843 4025	Chief Albert Luthuli Municipality PO Box 24 CAROLINA 1185 Contact for Technical: Name: Mr GTM Mnisi Telephone. (017) 843 4000
Tenderer	
Tender Amount	
Tender Amount in words	
.....	
.....	

**CLOSING DATE & TIME: 09 JUNE 2021
@ 12H00**

CONTENTS

1. BID INVITATION (MBD1)
2. TERMS OF REFERENCE
 - 2.1 General Information
 - 2.2 Project Objectives
 - 2.3 Scope of Works\Deliverables
 - 2.4 Methodology
 - 2.5 Required Expertise, Skills and Formal Qualifications of Team Members
 - 2.6 Evaluation criteria
 - 2.7 Project Duration
 - 2.8 Terms & Conditions of a Service Provider
 - 2.9 Format & Submission of the Proposal
3. SPECIAL CONDITIONS OF CONTRACT
4. BID FORMS
 - 4.1 TAX CLEARANCE (MBD 2)
 - 4.2 PRICING SCHEDULE (MBD 3.3)
 - 4.3 DECLARATION OF INTEREST (MBD 4)
 - 4.4 PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL PROCUREMENT REGULATIONS (MBD 6.2)
 - 4.5 PREFERENCE POINTS CLAIM IN TERMS OF THE PREFERENTIAL PROCUREMENT REGULATIONS 2001- PROMOTION OF SMALL BUSINESSES (MBD 6.3)
 - 4.6 PROVINCIAL (MPUMALANGA BASED) BUSINESS (MBD 6.9)
 - 4.7 REGIONAL (GERT SIBANDE DISTRICT) BASED BUSINESS (MBD 6.10)
 - 4.8 DECLARATION OF BIDDER'S PAST SUPPLY CHAIN MANAGEMENT PRACTICES (MBD 8)

1. INVITATION TO BID

APPOINTMENT OF A PROFESSIONAL SERVICE PROVIDER FOR ANNUAL FINANCIAL STATEMENTS QUALITY REVIEW

APPOINTMENT OF A PROFESSIONAL SERVICE PROVIDER FOR ANNUAL FINANCIAL STATEMENT QUALITY REVIEW

BID NUMBER: ALMT39/2020

CLOSING DATE: 09 JUNE 2021 @ 12H00

DESCRIPTION: APPOINTMENT OF A PROFESSIONAL SERVICE PROVIDER FOR ANNUAL FINANCIAL STATEMENTS QUALITY REVIEW

The successful bidder will be required to fill in and sign a written Contract Form (MBD 7).

BID DOCUMENTS MAY BE

DEPOSITED IN THE BID BOX SITUATED AT:

- the ground floor in the Chief Albert Luthuli Municipality Head Office in CAROLINA

Bidders should ensure that bids are delivered timeously to the correct address. If the bid is late, it will not be accepted for consideration.

- The bid box is generally open during normal office hours from 07h30 to 16h15.

The following conditions will apply:

- Price(s) of the bid must be valid for at least ninety (90) days from date of your offer.
- Price(s) of the bid must be firm and must be inclusive of VAT.
- Submission of an Original Valid Tax Clearance Certificate or SARS Pin.
- This bid 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 4, MBD 6.2, MBD6.3, MBD 6.9, MBD 6.10, and MBD 6.11 must be scrutinized, completed and submitted together with your bid. **Please refer to Bid Forms numbered 9.4. to 9.9 in this document.**

The onus lies with applicant to supply proof for any of the criteria in the abovementioned forms. Please note that if no information is supplied, the bidder will score “0” for the applicable section.

- The successful service provider will be the one scoring the highest points.
- No telegraphic or facsimile proposals will be considered.
- The service providers must provide clearance from the municipality where they are based indicating that they are not in arrears with regard to their respective municipal services accounts.

Failure to comply with these conditions will invalidate your offer.

NB: No bids will be considered from persons in the service of the state¹

ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS – (NOT TO BE RE-TYPED)

¹ * 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.

THE FOLLOWING PARTICULARS MUST BE FURNISHED
(FAILURE TO DO SO WILL RESULT IN YOUR BID BEING DISQUALIFIED)

NAME OF BIDDER

POSTAL ADDRESS
..... CODE:

STREET ADDRESS
..... CODE:

TELEPHONE NUMBER: (CODE) (NUMBER)
.....

CELLPHONE NUMBER

FACSIMILE NUMBER: (CODE) (NUMBER)

VAT REGISTRATION NUMBER:

HAS AN ORIGINAL TAX CLEARANCE CERTIFICATE BEEN ATTACHED (MBD 2)?
YES/NO

ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS/
SERVICES OFFERED BY YOU?
YES/NO

(IF YES ENCLOSE PROOF)

SIGNATURE OF BIDDER:

DATE:

CAPACITY UNDER WHICH THIS BID IS SIGNED:

ANY ENQUIRIES REGARDING THE BIDDING PROCEDURE MAY BE DIRECTED TO:

Municipality/ Municipal Entity: Chief Albert Luthuli Local Municipality

Department: Supply Chain Management Unit

Contact Person: Mr J.A Nkosi

Tel: 017 843 4025

Fax: 017 843 4001

ANY EQUIRIES REGARDING TECHNICAL INFORMATION MAY BE DIRECTED TO:

Contact Person: Mr. GTM Mnisi

Tel: 017 843 4000

Fax: 017 843 4001

2. TERMS OF REFERENCE (TOR)

PROSPECTIVE BIDDERS ARE HEREBY INVITED TO SUBMIT PROPOSALS APPOINTMENT OF A PROFESSIONAL SERVICE PROVIDER FOR ANNUAL FINANCIAL STATEMENTS QUALITY REVIEW

2.1 General Information:

Purpose

The Municipality is soliciting proposals for the Appointment of a professional service provider for annual financial statements quality review.

Background

Every municipality and every municipal entity must for each financial year prepare annual financial statements which fairly presents the state of affairs of the municipality or entity, its performance against its budget, its management of revenue, expenditure, assets and liabilities, its business activities, its financial results, and its financial position as at the end of the financial year; and disclose the information required in terms of sections 123, 124 and 125. A municipality which has sole control of a municipal entity, or which has effective control within the meaning of the Municipal Systems Act of a municipal entity which is a private company, must in addition to complying with subsection (1), prepare consolidated annual financial statements incorporating the annual financial statements of the municipality and of such entity. Such consolidated annual financial statements must comply with any requirements as may be prescribed

Type of contract

The contract will be for 36 months and The successful bidder will be expected to sign contract/SLA with the municipality.

Submission of proposals

A single Envelope System will be used. Bidders must submit technical and financial proposals in two envelopes marked clearly **MUNICIPAL MANAGER, CHIEF ALBERT LUTHULI MUNICIPALITY, BID ALMT39/2020, “APPOINTMENT OF A PROFESSIONAL SERVICE PROVIDER FOR ANNUAL FINANCIAL STATEMENTS QUALITY REVIEW)”**

The sealed tenders must be deposited in the Tender Box of the Municipality on or before the closing date of 09 June 2021 at 12:00 where after they will be opened in public. Late proposals will not be accepted/considered as well as those submitted via facsimile or email.

Proposals must be accompanied by:

- completed tender documents
- a company profiles,
- curriculum vitae of proposed members of the team,
- Original valid tax clearance certificate/ SARS Pin
- Municipal Rates
- B-BBEE status level Verification Certificates
- Company's Certificate
- Company's Profile
- Proof of CSD

Failure to submit all required documents will lead to disqualification of the tender.

Proposals must be signed by an authorized agent to bind the service provider to its provisions.

SPECIFICATIONS AND PRICING

1. PURPOSE

1. To ensure that the Annual Financial Statements are of exceptional quality
2. We require services of a reputable accounting firm to provide quality assurance services on the Annual Financial Statements and Audit Files, these services include the following:
 - The adequacy of the application of accounting standards
 - The adequacy of the disclosure in the Annual Financial Statements
 - The adequacy of information contained in the audit files;
 - The consistency of accounting policies in the Annual Financial Statements with the standard adopted by the municipality.
3. Compilation of the Audit File
4. Attend to audit findings

2. Methodology

The service provider will be required to specify the methodology, process and approach to undertake this work.

3. Project Management

The service provider will be expected to provide progress reports on a monthly basis to the MUNICIPALITY and attend a monthly Project Steering Committee meeting, where progress as well as challenges will be discussed. The service provider will designate one member of its team as a Project Manager who will be the single point of contact for the MUNICIPALITY on a regular basis.

4.Required expertise, skills and formal qualifications of team members

- **Qualification and skills based on project personnel's CVs**
- **Chartered Accountant**
- **Reference on performance for similar work.**
- **Quality of process plan and content of audit file to be reviewed.**
- **Methodology in reviewing AFS to review.**
- **Capacitating of municipal financial officials.**

5.Evaluation criteria

- **Prequalification Criteria (Compliance)**
- **Functionality**
- **Price**
- **B-BBEE Status Level**

5.1 First Stage of Evaluation

Prequalification Criteria (Compliance)

The following documents must be fully completed and be returned together with the bid Document:

- All MDB forms must be fully completed and signed
- Form of Offer must filled and signed

The following documents must accompany the Tender Document

- Original or Certified copy B-BBEE Status Level Verification Certificates
- Original Tax Clearance Certificate or Copy of tax certificate with TCS with pin code
- Certified copy of company registration documents
- municipal rates and taxes account not in arrears more than three months and not older than 90 days
- Company Profile
- Proof of registration with relevant authorities
- Table contactable References
- Proof CSD Registration
- Curriculum vitae of proposed members of the team,
- Certified ID copies of Company Directors
- Table of contactable References

Failure to submit all required documents will lead to disqualification of the tender.

5.2 Second Stage of Evaluation

Assessment on Functionality of functionality with a minimum overall threshold of 70% that must be attained by the bidder before the bid can be taken to the next stage of the evaluation.

Values: 0 – Poor; 1 – Acceptable; 2 – Good; 3 – Very Good; 4 – Excellent.

No	Element	Criteria	Weight (A)	Values (B)	Weight Score A X B 4
1	Financial Strength	Bidder to submit Bank rating certificate/letter	20	4 = Rating A 3 = Rating B 2 = Rating C 1 = Rating D & below 0 = No Rating	
2	Similar Work	Attach certified copies of appointment Letters with contactable references	40	4 = 4 Appointment Letters & Above 3 = 3 Appointment Letters 2 = 2 Appointment Letters 1 = 1 Appointment Letter 0 = 0 Appointment Letter	
3	Qualifications of Personnel	Qualified Chartered Accounted with more than five years experience and the qualified team (Attached Certified copies of Qualifications & CV's with contactable references)	40	4 = Two Chartered Accountant with two or more qualified tem members (BCom Degree & 5 years experience) 3 = One Chartered Accountant with two or more qualified tem members (BCom Degree & 3 years experience)	

Bidder who scores less than 70% (70 Points) on functionality will not be considered for further

Terms & Conditions of a Service Provider

The service provider will be expected to sign a Service Level Agreement (SLA) with the Municipality prior to commencement of the service.

Format & Submission of the Proposal

- All the forms (MBD) that are included in the bid document must be completed in all respects by bidders. Failure to comply will invalidate a bid.

3. SPECIAL CONDITIONS OF CONTRACT

1. Tenders are hereby invited to submit proposals for APPOINTMENT OF A PROFESSIONAL SERVICE PROVIDER FOR ANNUAL FINANCIAL STATEMENTS QUALITY REVIEW
2. Price(s) of the bid, which must be firm and VAT inclusive, must be valid for at least ninety (90) days from date of your offer.
3. The successful service provider, who must be registered as a service provider with the applicable professional body, will be the one scoring the highest points.
4. The successful service providers must provide clearance from the where municipality they are based indicating that they are not in arrears with regard to their respective municipal services accounts.
5. Bidders must initial all the pages of the Bid document and sign the Bidder particulars page in full.
6. Bidders must complete the original Bid document in black ink, and notice must be taken that tip-ex may not be used in the document.

The original Bid document must be submitted together with the Technical Proposal.

8. The transaction shall be subject to any stipulations in any Act, Ordinance or By-law pertaining thereto.
9. No proposals by any person that is not competent to enter into an agreement will be considered and if it is established that it is the case, the contract agreement in this regard will be considered null and void by Council.

Disputes must be settled by means of mutual consultation, mediation (with or without legal representation) or when unsuccessful, in a South African court of law on an attorney and client scale.

Should any legal action be deemed necessary to determine any aspect arising out of these conditions or to enforce any rights in terms of these conditions, then and in that event the parties hereto agree categorically to the jurisdiction of the Magistrate's Court to hear such action and to pass judgment notwithstanding the fact that the cause of action is beyond the jurisdiction of the Court: Provided always that Council shall have the right in its sole discretion to take action in any competent higher court in any matter exceeding the ordinary jurisdiction of the Magistrate's Court.

4. BID FORMS

4.1. MBD 2 - TAX CLEARANCE

TAX CLEARANCE REQUIREMENTS

IT IS A CONDITION OF BIDDING THAT –

1. The taxes of the successful bidder must be in order, or that satisfactory arrangements have been made with the Receiver of Revenue to meet his / her tax obligations.
2. The attached form “Application for Tax Clearance Certificate (in respect of bidders)”, must be completed in all respects and submitted to the Receiver of Revenue where the bidder is registered for tax purposes. The Receiver of Revenue will then furnish the bidder with a Tax Clearance Certificate that will be valid for a period of twelve (12) months from date of issue. This Tax Clearance Certificate must be submitted in the original together with the bid. Failure to submit the original and valid Tax Clearance Certificate may invalidate the bid.
3. In bids where Consortia / Joint Ventures / Sub-contractors are involved each party must submit a separate Tax Clearance Certificate. Copies of the Application for Tax Clearance Certificates are available at any Receiver’s Office.

**APPLICATION FOR TAX CLEARANCE CERTIFICATE
(IN RESPECT OF BIDDERS)**

4. Name of taxpayer
/bidder:

5. Trade name:

3. Identification number:

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

4. Company / Close Corporation registration number:

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

5. Income tax reference number:

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

6. VAT registration number (if applicable):

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

7. PAYE employer's registration number (if applicable):

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

Signature of contact person requiring Tax Clearance Certificate:
.....
.....

Name:

Telephone number: Code: Number:

Address:

.....

.....

DATE: 20____ / ____ / ____

PLEASE NOTE THAT THE COMMISSIONER FOR THE SOUTH AFRICAN REVENUE SERVICE (SARS) WILL NOT EXERCISE HIS DISCRETIONARY POWERS IN FAVOUR OF ANY PERSON WITH REGARD TO ANY INTEREST, PENALTIES AND / OR ADDITIONAL TAX LEVIABLE DUE TO THE LATE- OR UNDERPAYMENT OF TAXES, DUTIES OR LEVIES OR THE RENDITION RETURNS BY ANY PERSON AS A RESULT OF ANY SYSTEM NOT BEING YEAR 2000 COMPLIANT.

MBD 3.3 – PRICING SCHEDULE

ONLY FIRM PRICES WILL BE ACCEPTED, NON-FIRM PRICES (INCLUDING PRICES SUBJECT TO RATES OF EXCHANGE VARIATIONS) WILL NOT BE CONSIDERED

PRICING SCHEDULE

Name of Bidder:ALMT39/2020

Closing 09 June 2021

Closing Time 12H00

OFFER VALID FOR 90M DAYS FROM THE CLOSING DATE OF BID

TOTAL BID PRICE		AMOUNT
	SUBTOTAL	
	VAT @ 15%	
	TOTAL BID PRICE(To be transferred to the front page)	

MBD 4 - DECLARATION OF INTEREST

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

3.1 Full Name:

3.2 Identity Number:

3.3 Company Registration Number:

3.4 Tax Reference Number:

3.5 VAT Registration Number:

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

3.6.1 If so, furnish particulars.

.....
.....

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

3.7.1 If so, furnish particulars.

.....
.....

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

3.8.1 If so, furnish particulars.

.....
.....

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

3.9.1 If so, furnish particulars

.....
.....

3.10 Are any of the company's directors, managers, principle shareholders or stakeholders in service of the state?

3.10.1 If so, furnish particulars. YES/NO

.....
.....

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

3.11.1 If so, furnish particulars.

.....
.....

Full details of directors/ trustees/ members/ shareholders

Full Name	Identity Number	State Employee Number

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.....

Signature

.....

Date

.....

Capacity

.....

Name of Bidder

MBD 6.2

**PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL
PROCUREMENT REGULATIONS 2001**

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

1. GENERAL CONDITIONS

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

- the 80/20 system for the procurement of services with a Rand value of up to R1000 000; and
- the 90/10 system for the procurement of services with a Rand value above R1000 000.

1.2 The value of this bid is estimated to exceed R1000 000 and therefore the 90/10 system shall be applicable.

1.3 Preference points for this bid shall be awarded for:

- (a) Price (80 points)
- (b) Criteria as specified in the form. (20 points)

1.3.1 The points for this bid are allocated as follows:

1.3.1.2 Direct Preferencing

Points will be awarded to a Tenderer for attaining their B-BBEE status level contributor in accordance with the table below:

B-BBEE Status Level of Contributor	Number of Points
1	20
2	18
3	16
4	12
5	8
6	6
7	4

8	2
Non-Compliant Contributor	0

Total points for Price and B-BBEE status level must not exceed 100.

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

2. GENERAL DEFINITIONS

- 2.1 **“Acceptable bid”** means any bid which, in all respects, complies with the specifications and conditions of bid as set out in the bid document.
- 2.2 **“Bid”** means a written offer in a prescribed or stipulated form in response to an invitation by an organ of state for the provision of goods, works or services.
- 2.3 **“Comparative price”** means the price after the factors of a non-firm price and all unconditional discounts that can be utilized have been taken into consideration.
- 2.4 **“Consortium or joint venture”** means an association of persons for the purpose of combining their expertise, property, capital, efforts, skills and knowledge in an activity for the execution of a contract.
- 2.5 **“Contract”** means the agreement that results from the acceptance of a bid by an organ of state.
- 2.6 **“Specific contract participation goals”** means the goals as stipulated in the Preferential Procurement Regulations 2001.
 - 2.6.1 In addition to above-mentioned goals, the Regulations [12.(1)] also make provision for organs of state to give particular consideration to procuring locally manufactured products.
- 2.7 **“Control”** means the possession and exercise of legal authority and power to manage the assets, goodwill and daily operations of a business and the active and continuous exercise of appropriate managerial authority and power in determining the policies and directing the operations of the business.
- 2.8 **“Disability”** means, in respect of a person, a permanent impairment of a physical, intellectual, or sensory function, which results in restricted, or lack of, ability to perform an activity in the manner, or within the range, considered normal for a human being.

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

2.10 **“Historically Disadvantaged Individual (HDI)”** means a South African citizen

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

(2) who is a female; and/or

(3) who has a disability:

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

2.11 **“Management”** means an activity inclusive of control and performed on a daily basis, by any person who is a principal executive officer of the company, by whatever name that person may be designated, and whether or not that person is a director.

2.12 **“Owned”** means having all the customary elements of ownership, including the right of decision-making and sharing all the risks and profits commensurate with the degree of ownership interests as demonstrated by an examination of the substance, rather than the form of ownership arrangements.

2.13 **“Person”** includes reference to a juristic person.

2.14 **“Rand value”** means the total estimated value of a contract in Rand denomination that is calculated at the time of bid invitations and includes all applicable taxes and excise duties.

2.15 **“Small, Medium and Micro Enterprises (SMMEs)”** bears the same meaning assigned to this expression in the National Small Business Act, 1996 (No 102 of 1996).

2.16 **“Sub-contracting”** means the primary contractor’s assigning or leasing or making out work to, or employing another person to support such primary contractor in the execution of part of a project in terms of the contract.

2.17 **“Trust”** means the arrangement through which the property of one person is made over or bequeathed to a trustee to administer such property for the benefit of another person.

2.18 **“Trustee”** means any person, including the founder of a trust, to whom property is bequeathed in order for such property to be administered for the benefit of another person.

3. ESTABLISHMENT OF HDI EQUITY OWNERSHIP IN AN ENTERPRISE

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

4. ADJUDICATION USING A POINT SYSTEM

- 4.1 The bidder obtaining the highest number of points will be awarded the contract.
- 4.2 Preference points shall be calculated after prices have been brought to a comparative basis.
- 4.3 Points scored will be rounded off to 2 decimal places.
- 4.4 In the event of equal points scored, the bid will be awarded to the bidder scoring the highest number of points for specified goals

5. POINTS AWARDED FOR PRICE

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

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

80/20 or 90/10

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

P_s = Points scored for price of bid under consideration

P_t = Rand value of bid under consideration

P_{\min} = Rand value of lowest acceptable bid

6. MUNICIPAL INFORMATION

Municipality where business is situated:

Registered Account No:

Stand No:

7. TOTAL NUMBER OF YEARS THE FIRM HAS BEEN IN BUSINESS?

.....

MBD 8

DECLARATION OF BIDDER’S PAST SUPPLY CHAIN MANAGEMENT PRACTICES

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

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

4.2	Is the bidder or any of its directors listed on the Register for Tender Defaulters in terms of section 29 of the Prevention and Combating of Corrupt Activities Act (No 12 of 2004)? (To access this Register enter the National Treasury’s website, www.treasury.gov.za, click on the icon “Register for Tender Defaulters” or submit your written request for a hard copy of the Register to facsimile number (012) 3265445).	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.2.1	If so, furnish particulars:		
4.3	Was the bidder or any of its directors convicted by a court of law (including a court of law outside the Republic of South Africa) for fraud or corruption during the past five years?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.3.1	If so, furnish particulars:		
Item	Question	Yes	No
4.4	Does the bidder or any of its directors owe any municipal rates and taxes or municipal charges to the municipality / municipal entity, or to any other municipality / municipal entity, that is in arrears for more than three months?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.4.1	If so, furnish particulars:		
4.5	Was any contract between the bidder and the municipality / municipal entity or any other organ of state terminated during the past five years on account of failure to perform on or comply with the contract?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.7.1	If so, furnish particulars:		

CERTIFICATION

I, THE UNDERSIGNED (FULL NAME)

CERTIFY THAT THE INFORMATION FURNISHED ON THIS DECLARATION FORM TRUE AND CORRECT.

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

.....
Signature

.....
Date

.....
Position

.....
Name of Bidder

MBD 9

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

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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 consortium¹ will not be construed as collusive bidding.
 7. In particular, without limiting the generality of paragraphs 6 above, there has been no consultation, communication, agreement or arrangement with any competitor regarding:
 - a) prices;
 - b) geographical area where product or service will be rendered (market allocation)
 - c) methods, factors or formulas used to calculate prices;
 - d) the intention or decision to submit or not to submit, a bid;
 - e) the submission of a bid which does not meet the specifications and conditions of the bid; or
 - f) Bidding with the intention not to win the bid.
 8. In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications and conditions or delivery particulars of the products or services to which this bid invitation relates.
 9. The terms of the accompanying bid have not been, and will not be, disclosed by the bidder, directly or indirectly, to any competitor, prior to the date and time of the official bid opening or of the awarding of the contract.
 10. I am aware that, in addition and without prejudice to any other remedy provided to combat any restrictive practices related to bids and contracts, bids that are suspicious will be reported to the Competition Commission for investigation and possible imposition of administrative penalties in terms of section 59 of the Competition Act No. 89 of 1998 and or may be reported to the National Prosecuting Authority (NPA) for criminal investigation and or may be restricted from conducting business with the public sector for a period not exceeding ten (10) years in terms of the Prevention and Combating of Corrupt Activities Act No. 12 of 2004 or any other applicable legislation.

Signature

Date

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Position

Name of Bidder

**MUNICIPAL RATES ACCOUNT
ATTACH HERE**

COMPANY REGISTRATION DOCUMENTS

ATTACHE HERE CK

PROOF OF CSD ATTACH HERE
