



**QUOTATION NO.: SC 2121/2020**

**SUPPLY, DELIVER AND INSTALL NEW SHADES FOR HAWSTON DAY CAMP**

**PROCUREMENT DOCUMENT**

|   |  |
|---|--|
| <b>NAME OF BIDDER:</b>                          |  |
| <b><u>Refer to Pricing Schedule on p.25</u></b> |  |

**SEPTEMBER 2020**

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**PREPARED AND ISSUED BY:**

Directorate: Finance:  
Supply Chain Management Unit  
Overstrand Municipality  
PO Box 20 / 1 Magnolia Avenue  
Hermanus  
7200

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**1. MBD 1 – INVITATION TO BID**
**YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE OVERSTRAND MUNICIPALITY**

|   |   |  |            |  |                                   |                        |     |
|---|---|--|------------|--|-----------------------------------|------------------------|-----|
| FQ Number   | SC2121/2020   | Closing Date   | 02/10/2020 | Closing Time   | 12H00                             | CIDB Grading Required: | N/A |
| Compulsory Information Session Details  | Date  | 23/09/2020   | Time       | 10H00  | Address                           | Hawston Camp site      |     |
| BID Response Documents May Be Deposited In Bid Box Number   | 2   | @ Overstrand Municipality, 1 Magnolia Avenue, Hermanus |            |  | Validity period from closing date | At least 60 days       |     |
| Bid response documents may also be scanned and e-mailed to:   | <a href="mailto:scmquotations@overstrand.gov.za">scmquotations@overstrand.gov.za</a><br>If the e-mail is larger than 2MB, it must be emailed to <a href="mailto:scmquotations@overstrand.gov.za">scmquotations@overstrand.gov.za</a> by making use of the large file upload link: <a href="http://196.15.210.117/lift/">http://196.15.210.117/lift/</a> |  |            |  |                                   |                        |     |
| The successful bidder will be required to sign a written contract form (MBD7).                                      |   |  |            |  |                                   |                        |     |
| <b>NAME OF BIDDER</b>   |   |  |            |  |                                   |                        |     |
| <b>LEGAL NAME OF ORGANISATION</b>   |   |  |            |  |                                   |                        |     |
| <b>TRADE NAME (if different from legal name)</b>  |   |  |            |  |                                   |                        |     |
| <b>POSTAL ADDRESS</b>   |   |  |            |  |                                   |                        |     |
| <b>STREET ADDRESS</b>   |   |  |            |  |                                   |                        |     |
| <b>NAME OF CONTACT PERSON</b>   |   |  |            |  |                                   |                        |     |
| <b>TELEPHONE NUMBER</b>   |   |  |            | <b>CELL NUMBER</b>   |                                   |                        |     |
| <b>E-MAIL ADDRESS</b>   |   |  |            |  |                                   |                        |     |
| <b>COMPANY REGISTRATION NUMBER</b>  |   |  |            |  |                                   |                        |     |
| <b>OVERSTRAND MUNICIPALITY SUPPLIER DATABASE REGISTRATION NUMBER</b>  |   |  |            |  |                                   |                        |     |
| <b>TAX CLEARANCE STATUS PIN</b>   |   |  |            |  |                                   |                        |     |
| <b>TAX CLEARANCE EXPIRY DATE</b>  |   |  |            |  |                                   |                        |     |
| <b>INCOME TAX NUMBER</b>  |   |  |            |  |                                   |                        |     |
| <b>VAT REGISTRATION NUMBER</b>  |   |  |            |  |                                   |                        |     |
| ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES /WORKS OFFERED? If YES, enclose proof |   |  |            |  |                                   | Yes                    | No  |
| ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES /WORKS OFFERED? If YES, answer part B.3                    |   |  |            |  |                                   | Yes                    | No  |
| <b>BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO THE SUPPLY CHAIN MANAGEMENT UNIT</b>                              |   |  |            |  |                                   |                        |     |
| <b>CONTACT PERSON</b>   | L du Preez  | <b>TELEPHONE NUMBER</b>                                |            | 028 313 8147   |                                   |                        |     |
|   |   | <b>E-MAIL ADDRESS</b>                                  |            | <a href="mailto:ldupreez@overstrand.gov.za">ldupreez@overstrand.gov.za</a>   |                                   |                        |     |
| <b>CONTACT PERSON</b>   | J Aplon   | <b>TELEPHONE NUMBER</b>                                |            | 028 313 5021   |                                   |                        |     |
|   |   | <b>E-MAIL ADDRESS</b>                                  |            | <a href="mailto:japlon@overstrand.gov.za">japlon@overstrand.gov.za</a>       |                                   |                        |     |
| <b>TECHNICAL INFORMATION REGARDING THIS QUOTATION MAY BE OBTAINED FROM:</b>   |   |  |            |  |                                   |                        |     |
| <b>CONTACT PERSON</b>   | R Pieterse  | <b>TELEPHONE NUMBER</b>                                |            |  |                                   |                        |     |
|   |   | <b>E-MAIL ADDRESS</b>                                  |            | <a href="mailto:rpieterse@overstrand.gov.za">rpieterse@overstrand.gov.za</a> |                                   |                        |     |

**2. MBD 1 – 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. <b>All bids must be submitted on the official forms provided–(not to be re-typed)</b>   |     |  |    |  |
| 1.3. This bid is subject to the Preferential Procurement Policy Framework Act and the Preferential Procurement Regulations, 2017, the National Treasury General Conditions of Contract (GCC) (2010) 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 <a href="http://www.sars.gov.za">www.sars.gov.za</a>   |     |  |    |  |
| 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)?   | Yes |  | No |  |
| 3.2. Does the entity have a branch in the RSA?   | Yes |  | No |  |
| 3.3. Does the entity have a permanent establishment in the RSA?  | Yes |  | No |  |
| 3.4. Does the entity have any source of income in the RSA?   | Yes |  | No |  |
| 3.5. Is the entity liable in the RSA for any form of taxation?   | Yes |  | No |  |
| <b>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.</b>   |     |  |    |  |
| <b>4. SUPPLIER DATABASE OF THE OVERSTRAND MUNICIPALITY</b>   |     |  |    |  |
| 4.1. Are you registered as a supplier/services provider on the Supplier Database of the Overstrand Municipality?   | Yes |  | No |  |
| 4.2. If so, please provide you Supplier Database Registration number with the Overstrand Municipality  |     |  |    |  |
| 4.3. If not, please note that you will be required to be registered on the Supplier Database of the Overstrand Municipality before any award can be made to you. Please find a copy of the Supplier Database Registration forms at:<br><a href="https://www.overstrand.gov.za/en/documents/supply-chain-management/registration-on-the-accredited-supplier-database">https://www.overstrand.gov.za/en/documents/supply-chain-management/registration-on-the-accredited-supplier-database</a> |     |  |    |  |

|   |  |
|---|--|
| <b>CAPACITY UNDER WHICH THIS BID IS SIGNED</b>    |  |
| NAME OF PERSON DULY AUTHORISED TO SIGN THIS OFFER |  |
| SIGNATURE   |  |
| DATE  |  |

**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.**

### 3. 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 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 of bidder or his or her representative  |     |    |  |  |
| 3.2.    | Identity number   |     |    |  |  |
| 3.3.    | Position occupied in the company (director, shareholder <sup>2</sup> etc.)  |     |    |  |  |
| 3.4.    | Company registration number   |     |    |  |  |
| 3.5.    | Tax reference number  |     |    |  |  |
| 3.6.    | VAT registration number   |     |    |  |  |
| 3.7.    | Are you presently in the service of the state?  | YES | NO |  |  |
| 3.7.1.  | If so, furnish particulars:   |     |    |  |  |
|         |   |     |    |  |  |
| 3.8.    | Have you been in the service of the state for the past twelve months?   | YES | NO |  |  |
| 3.8.1.  | If so, furnish particulars:   |     |    |  |  |
|         |   |     |    |  |  |
| 3.9.    | 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 |  |  |
| 3.9.1.  | If so, furnish particulars:   |     |    |  |  |
|         |   |     |    |  |  |
| 3.10.   | 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 |  |  |
| 3.10.1. | If so, furnish particulars:   |     |    |  |  |
|         |   |     |    |  |  |
| 3.11.   | Are any of the company's directors, managers, principal shareholders or stakeholders in the service of the state?   | YES | NO |  |  |
| 3.11.1. | If so, 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.



|         |   |                 |                            |   |  |
|---------|---|-----------------|----------------------------|---|--|
| 3.12.   | Is any spouse, child or parent of the company's directors, managers, principal shareholders or stakeholders in the service of the state?  | YES             |                            | NO  |  |
| 3.12.1. | If so, furnish particulars:   |                 |                            |   |  |
|         |   |                 |                            |   |  |
| 3.13.   | Do you or any of the directors, trustees, managers, principal 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  |  |
| 3.13.1. | If so, furnish particulars:   |                 |                            |   |  |
|         |   |                 |                            |   |  |
| 3.14.   | Please provide the following information on ALL directors / shareholders / trustees /members below:   |                 |                            |   |  |
|         | full name and surname   | identity number | personal income tax number | Provide State <sup>3</sup> employee number<br>(Only to be completed if in the service of the State) |  |
|         |   |                 |                            |   |  |
|         |   |                 |                            |   |  |
|         |   |                 |                            |   |  |

**NB:**

- PLEASE ATTACH CERTIFIED COPY(IES) OF ID DOCUMENT(S)
- PLEASE PROVIDE PERSONAL INCOME TAX NUMBERS FOR ALL DIRECTORS / SHAREHOLDERS / TRUSTEES / MEMBERS, ETC.

**4. DECLARATION**

I, the undersigned (name) \_\_\_\_\_, certify that the information furnished in paragraph 3 above is correct.

I accept that the state may act against me should this declaration prove to be false.

|                   |  |      |  |
|-------------------|--|------|--|
| SIGNATURE         |  | DATE |  |
| NAME OF SIGNATORY |  |      |  |
| POSITION          |  |      |  |
| NAME OF COMPANY   |  |      |  |

<sup>3</sup> **MSCM Regulations: "in the service of the state" means to be –**

1. a member of –
  - 1.1.1. any municipal council;
  - 1.1.2. any provincial legislature; or
  - 1.1.3. the National Assembly or the National Council of Provinces;
2. a member of the board of directors of any municipal entity;
3. an official of any municipality or municipal entity;
4. 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);
5. a member of the accounting authority of any national or provincial public entity; or
6. an employee of Parliament or a provincial legislature.
- 7.



**4. MBD 6.1 – PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL PROCUREMENT REGULATIONS**

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:
  - 1.1.1. the 80/20 system for requirements with a Rand value of up to R50 000 000 (all applicable taxes included); and
  - 1.1.2. the 90/10 system for requirements with a Rand value above R50 000 000 (all applicable taxes included).
- 1.2. The value of this bid is estimated to not exceed R50 000 000 (all applicable taxes included) and therefore the 80/20 preference point system shall be applicable.
- 1.3. Preference points for this bid shall be awarded for:
  - 1.3.1. Price; and
  - 1.3.2. B-BBEE Status Level of Contribution.
- 1.4. The maximum points for this bid are allocated as follows:

|  | POINTS     |
|--|------------|
| <b>PRICE</b>   | 80         |
| <b>B-BBEE STATUS LEVEL OF CONTRIBUTION</b>               | 20         |
| <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**

- 2.1. **“B-BBEE”** means broad-based black economic empowerment as defined in section 1 of the Broad-Based Black Economic Empowerment Act;
- 2.2. **“B-BBEE status level of contributor”** means the B-BBEE status received by a measured entity based on its overall performance using the relevant scorecard contained in the Codes of Good Practice on Black Economic Empowerment, issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act;
- 2.3. **“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 services, works or goods, through price quotations, advertised competitive bidding processes or proposals;
- 2.4. **“Broad-Based Black Economic Empowerment Act”** means the Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003) as amended by Act No 46 of 2013;
- 2.5. **“EME”** means an Exempted Micro Enterprise as defined by Codes of Good Practice issued in terms of section 9 (1) of the Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003);
- 2.6. **“functionality”** means the ability of a tenderer to provide goods or services in accordance with specifications as set out in the tender documents;
- 2.7. **“prices”** includes all applicable taxes less all unconditional discounts;
- 2.8. **“proof of B-BBEE status level of contributor ”** means:
  - 2.8.1. Original B-BBEE Status level certificate issued by an authorized body or person or a certified copy thereof;
  - 2.8.2. An original sworn affidavit as prescribed by the B-BBEE Codes of Good Practice;
  - 2.8.3. Any other requirement prescribed in terms of the B-BBEE Act;
- 2.9. **“QSE”** means a Qualifying Small Enterprise as defined by Codes of Good Practice issued in terms of



section 9 (1) of the Broad-Based Black Economic Empowerment Act,

- 2.10. “**rand value**” means the total estimated value of a contract in South African currency, calculated at the time of bid invitations, and includes all applicable taxes and excise duties;
- 2.11. “**sub-contract**” means the primary contractor’s assigning, leasing, making out work to, or employing.

**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:

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

80/20                      or                      90/10

Where:-

- P<sub>s</sub>* = Points scored for comparative price of bid under consideration
- P<sub>t</sub>* = Comparative price of bid under consideration
- P<sub>min</sub>* = Comparative price of lowest acceptable bid.

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

- 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:

|        |   |  |
|--------|---|--|
| 5.1.1. | <b>B-BBEE STATUS LEVEL OF CONTRIBUTION CLAIMED IN TERMS OF PARAGRAPHS 1.4 AND 4.1</b> |  |
| 5.1.2. | B-BBEE Status Level of Contributor  |  |
| 5.1.3. | Points claimed in respect of Level of Contribution (maximum of 10 or 20 points)       |  |

- 5.2. (Points claimed in respect of paragraphs 5.1 and 6.1 must be in accordance with the table reflected in paragraph 4.1 and must be substantiated by means of a B-BBEE certificate issued by a Verification Agency accredited by SANAS, or an original sworn affidavit where applicable.)

**6. SUB-CONTRACTING**

|      |  |     |  |    |  |
|------|--|-----|--|----|--|
| 6.1. | <b>Will any portion of the contract be sub-contracted? (Tick applicable box)</b> | Yes |  | No |  |
|      | 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 |  | No |  |



| v. Specify, by ticking the appropriate box, if sub-contracting 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 |
|   |   | √   | √   |
| a.  | Black people  |     |     |
| b.  | Black people who are youth  |     |     |
| c.  | Black people who are women  |     |     |
| d.  | Black people with disabilities                                    |     |     |
| e.  | Black people living in rural or underdeveloped areas or townships |     |     |
| f.  | Cooperative owned by black people                                 |     |     |
| g.  | Black people who are military veterans                            |     |     |
| <b>OR</b>   |   |     |     |
| h.  | Any EME   |     |     |
| i.  | Any QSE   |     |     |

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

|      |   |   |  |
|------|---|---|--|
| 7.1. | Name of company/firm  |   |  |
| 7.2. | VAT registration number                                     |   |  |
| 7.3. | Company registration number                                 |   |  |
| 7.4. | TYPE OF COMPANY/FIRM<br>(Tick applicable box)               | Partnership / Joint Venture / Consortium        |  |
|      |   | One person business / sole proprietor           |  |
|      |   | Close Corporation (CC)                          |  |
|      |   | Company ((Pty) Ltd. / Ltd.)                     |  |
|      |   | Company (Ltd.)                                  |  |
| 7.5. | Describe principal business activities                      |   |  |
|      |   |   |  |
|      |   |   |  |
| 7.6. | Company Classification<br>(Tick applicable box)             | Manufacturer                                    |  |
|      |   | Supplier  |  |
|      |   | Professional service provider                   |  |
|      |   | Other service providers, e.g. transporter, etc. |  |
| 7.7. | <b>Municipal information</b>                                |   |  |
| i.   | Municipality where business is situated                     |   |  |
| ii.  | Registered municipal account number                         |   |  |
| iii. | Stand number  |   |  |
| 7.8. | Total number of years the company/firm has been in business |   |  |

7.9. 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-BBEE status level of contributor indicated in paragraphs 1.4 and 5.1 of the foregoing certificate, qualifies the company/ firm for the preference(s) shown and I / we acknowledge that:

- 7.9.1. The information furnished is true and correct;
- 7.9.2. The preference points claimed are in accordance with the General Conditions as indicated in paragraph 1 of this form;
- 7.9.3. In the event of a contract being awarded as a result of points claimed as shown in paragraphs 1.4 and 5.1, the contractor may be required to furnish documentary proof to the satisfaction of the purchaser that the claims are correct;
- 7.9.4. 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 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.

|                         |  |            |  |
|-------------------------|--|------------|--|
| SIGNATURE OF BIDDER(S): |  |            |  |
| WITNESS 1:              |  | WITNESS 2: |  |
| DATE:                   |  |            |  |
| ADDRESS:                |  |            |  |
|                         |  |            |  |
|                         |  |            |  |

## 6. MBD 6.2. – DECLARATION CERTIFICATE FOR LOCAL PRODUCTION AND CONTENT FOR DESIGNATED SECTORS

### Introduction

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

Before completing this declaration, bidders must study the:

- General Conditions,
- Definitions,
- Directives applicable in respect of Local Content as prescribed in the Preferential Procurement Regulations, 2017; and
- South African Bureau of Standards (SABS) approved technical specification number SATS 1286:2011 (Edition 1)<sup>4</sup> and the Guidance on the Calculation of Local Content together with the Local Content Declaration Templates
  - Annexure C- Local Content Declaration: Summary Schedule,
  - Annexure D- Imported Content Declaration: Supporting Schedule to Annex C and
  - Annexure E- Local Content Declaration: Supporting Schedule to Annex C.

### 1. General Conditions

- 1.1 Preferential Procurement Regulations, 2017 (Regulation 8) makes provision for the promotion of local production and content.
- 1.2 Regulation 8.2) prescribes that in the case of designated sectors, where in the award of bids local production and content is of critical importance, such bids must be advertised with the specific bidding condition that only locally produced goods, services or works or locally manufactured goods, with a stipulated minimum threshold for local production and content will be considered.
- 1.3 Where necessary, for bids referred to in paragraph 2.1 above, a two stage bidding process may be followed, where the first stage involves a minimum threshold for local production and content and the second stage price and B-BBEE.
- 1.4 A person awarded a contract in relation to a designated sector, may not sub-contract in such a manner that the local production and content of the overall value of the contract is reduced to below the stipulated minimum threshold.
- 1.5 The local content (LC) expressed as a percentage of the bid price must be calculated in accordance with the

SABS approved technical specification number SATS 1286: 2011 as follows:

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

Where

*x* is the imported content in Rand

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

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

1.6 A bid may be disqualified if:

- (a) this Declaration Certificate and the Annex C (Local Content Declaration: Summary Schedule) are not submitted as part of the bid documentation; and
- (b) the bidder fails to declare that the Local Content Declaration Templates (Annex C, D and E) have been audited and certified as correct.

### 2. Definitions

- 2.1 “**bid**” includes written price quotations, advertised competitive bids or proposals;
- 2.2 “**bid price**” price offered by the bidder, excluding value added tax (VAT);
- 2.3 “**contract**” means the agreement that results from the acceptance of a bid by an organ of state;
- 2.4 “**designated sector**” means a sector, sub-sector or industry that has been designated by the Department of Trade and Industry in line with national development and industrial policies for local production, where only locally produced services, works or goods or locally manufactured goods meet the stipulated minimum threshold for local production and content;
- 2.5 “**duly sign**” means a Declaration Certificate for Local Content that has been signed by the Chief Financial Officer or other legally responsible person nominated in writing by the Chief Executive, or senior member / person with management responsibility (close corporation, partnership or individual).
- 2.6 “**imported content**” means that portion of the bid price represented by the cost of components, parts or materials which have been or are still to be imported (whether by the supplier or its subcontractors) and which costs are inclusive of the costs abroad (this includes labour and intellectual property costs), plus freight and other direct

<sup>4</sup> The SABS approved technical specification number SATS 1286:2011 is accessible on [http://www.thedti.gov.za/industrial\\_development/ip.jsp](http://www.thedti.gov.za/industrial_development/ip.jsp) at no cost.



importation costs, such as landing costs, dock duties, import duty, sales duty or other similar tax or duty at the South African port of entry;

2.7 “**local content**” means that portion of the bid price which is not included in the imported content, provided that local manufacture does take place;

2.8 “**stipulated minimum threshold**” means that portion of local production and content as determined by the Department of Trade and Industry; and

2.9 “**sub-contract**” means the primary contractor’s assigning, leasing, 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.

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

| #  | Description of services, works or goods | Stipulated minimum threshold as a % |
|----|---|-------------------------------------|
| 1. | Steel products                          | 100%                                |

**4. Does any portion of the services, works or goods offered have any imported content? (Tick applicable box)**

|     |  |    |  |
|-----|--|----|--|
| YES |  | NO |  |
|-----|--|----|--|

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

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

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

| Currency       | Rates of exchange |
|----------------|-------------------|
| US Dollar      |                   |
| Pound Sterling |                   |
| Euro           |                   |
| Yen            |                   |
| Yuan           |                   |
| Other          |                   |

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

**5. Were the Local Content Declaration Templates (Annexure C, D and E) audited and certified as correct?**

(Tick applicable box)

|     |  |    |  |
|-----|--|----|--|
| YES |  | NO |  |
|-----|--|----|--|

5.1 If yes, provide the following particulars:

|                               |  |
|-------------------------------|--|
| a) Full name of auditor:      |  |
| b) Practice number:           |  |
| c) Telephone and cell number: |  |
| d) Email address:             |  |

**(Documentary proof regarding the declaration will, when required, be submitted to the satisfaction of the Accounting Officer)**

**6. Where, after the award of a bid, challenges are experienced in meeting the stipulated minimum threshold for local content the dti must be informed accordingly in order for the dti to verify and in consultation with the Accounting Officer provide directives in this regard.**

|                         |  |            |  |
|-------------------------|--|------------|--|
| SIGNATURE OF BIDDER(S): |  |            |  |
| WITNESS 1:              |  | WITNESS 2: |  |
| DATE:                   |  |            |  |
| ADDRESS:                |  |            |  |



**LOCAL CONTENT DECLARATION**

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

**In respect of Tender No. SC 2121/2020, issued by Overstrand Municipality**

**NB**

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

I, the undersigned, \_\_\_\_\_ (full names),

do hereby declare, in my capacity as \_\_\_\_\_,

of \_\_\_\_\_,

(name of bidder entity), the following:

1. The facts contained herein are within my own personal knowledge.
2. I have satisfied myself that
  - a) the goods/services/works to be delivered in terms of the above-specified bid comply with the minimum local content requirements as specified in the bid, and as measured in terms of SATS 1286:2011; and
  - b) the declaration templates have been audited and certified to be correct.
3. The local content percentages (%) indicated below has been calculated using the formula given in clause 3 of SATS 1286:2011, the rates of exchange indicated in paragraph 3.1 above and the information contained in Declaration D and E which has been consolidated in Declaration C;

|   |   |
|---|---|
| <b>Bid price (Excluding VAT) (y)</b>                                      | R |
| <b>Imported content (x), as calculated in terms of SATS 1286:2011</b>     | R |
| <b>Stipulated minimum threshold for local content (paragraph 3 above)</b> |   |
| <b>Local content %, as calculated in terms of SATS 1286:2011</b>          |   |

**If the bid is for more than one product, the local content percentages for each product contained in Declaration C shall be used instead of the table above. The local content percentages for each product has been calculated using the formula given in clause 3 of SATS 1286:2011, the rates of exchange indicated in paragraph 4.1 above and the information contained in Declaration D and E.**

4. I accept that the Municipality has the right to request that the local content be verified in terms of the requirements of SATS 1286:2011.
5. I understand that the awarding of the bid is dependent on the accuracy of the information furnished in this application. I also understand that the submission of incorrect data, or data that are not verifiable as described in SATS 1286:2011, may result in the Municipality imposing any or all of the remedies as provided for in Regulation 13 of the Preferential Procurement Regulations, 2017 promulgated under the Preferential Policy Framework Act (PPPFA), 2000 (Act No. 5 of 2000).

|                   | <b>SIGNATURE</b> | <b>DATE</b> |
|-------------------|------------------|-------------|
| <b>TENDERER</b>   |                  |             |
| <b>WITNESS 1:</b> |                  |             |
| <b>WITNESS 2:</b> |                  |             |





**7. 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.

|       |  |     |    |
|-------|--|-----|----|
| 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?<br><i>(Companies or persons who are listed on this database were informed in writing of this restriction by the National Treasury after the audi alteram partem rule was applied).</i>  | Yes | No |
| 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)?<br><i>(To access this Register enter the National Treasury’s website, <a href="http://www.treasury.gov.za">www.treasury.gov.za</a>, 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).</i> | Yes | No |
| 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 | No |
| 4.3.1 | If so, furnish particulars:  |     |    |
| 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 | No |
| 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 | No |
| 4.5.1 | If so, furnish particulars:  |     |    |

**5. 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:    |  | NAME (PRINT): |  |
| CAPACITY:     |  | DATE:         |  |
| NAME OF FIRM: |  |               |  |



**8. MBD 9 – CERTIFICATE OF INDEPENDENT BID DETERMINATION**

1. This Municipal Bidding Document (MBD) must form part of all bids<sup>5</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>6</sup> Collusive bidding is a *per 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:
  - 3.1. take all reasonable steps to prevent such abuse;
- 3.2. 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
- 3.3. 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:

**CERTIFICATE OF INDEPENDENT BID DETERMINATION:**

In response to the invitation for the bid made by:

**OVERSTRAND MUNICIPALITY**

I, the undersigned, in submitting the accompanying bid, hereby make the following statements that I certify to be true and complete in every respect:

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>7</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.
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    |  | NAME (PRINT) |  |
| CAPACITY     |  | DATE         |  |
| NAME OF FIRM |  |              |  |

<sup>5</sup> Includes price quotations, advertised competitive bids, limited bids and proposals.

<sup>6</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.

<sup>7</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.



**9. SECTION 37(2) OF THE OCCUPATIONAL HEALTH AND SAFETY ACT, NO 85 OF 1993**

**INTRODUCTION**

In terms of section 16(1) of the Occupational Health and Safety Act, 1993 (Act 85 of 1993) the Chief Executive Officer is responsible as far as is reasonably practicable to ensure that the duties of his employer as contemplated in the Act are properly discharged. This responsibility is also, in terms of section 37(2) of the Act, extended to include a mandatory that performs work on behalf of the employer on his/her premises.

A "mandatory" is defined in the said Act as: - "Including an agent, contractor or subcontractor for work, but without derogating from his status in his own right as an employer or user"

In terms of Section 37(2), read with section 41, of the said Act, it is legally possible for an employer to indemnify himself from this responsibility or liability regarding the actions of the mandatory. Section 37(2) stipulates that

there should be a written agreement in place between the employer and the mandatory regarding the arrangements and procedures between them to ensure compliance by the mandatory with the provisions of the Occupational Health and Safety Act, 1993.

By ensuring that there is a written agreement in place, the management of Overstrand Municipality is acting in a responsible manner, so as to ensure that this requirement is indeed being met.

In order to ensure that this written agreement is honoured at all times, regular inspections of work that is in the process of being executed will be conducted and if found not to be in compliance with the said agreement, a notice of non-compliance will be issued. All work will be stopped, reasons for non-compliance must be given including the corrective action that will be taken to rectify the situation must be stipulated.

| COMPENSATION FOR OCCUPATIONAL INJURIES AND DISEASES ACT, 1993 (ACT 130 OF 1993)   |  |
|---|--|
| Overstrand Municipality has legal duty in terms of Section 89 of the said Act to ensure that all contractors with whom agreements are entered into for the execution of work are registered as employers in accordance with the provisions of this Act and that all the necessary assessments have been paid by the contractor. |  |
| In order to enter into this agreement, the following information is needed regarding the above-mentioned:   |  |
| Contractor's registration number with the office of the Compensation Commissioner:  |  |
| <b>NOTE: A copy of the latest receipt together with a copy of the relevant assessment OR a copy of a valid Letter of Good Standing to be handed in, in this regard.</b>   |  |

**WRITTEN AGREEMENT**

This is a written agreement between

**OVERSTRAND MUNICIPALITY**

And

(Name of the MANDATARY)

in terms Section 37(2) of the Occupational Health and Safety Act, 1993 (Act 85 of 1993) as amended.

I, \_\_\_\_\_, representing the MANDATARY do hereby acknowledge that \_\_\_\_\_

(mandatory) is an employer in its own right with duties as prescribed in the Occupational Health and Safety Act, 1993 (Act 85 of 1993) as amended and agree to ensure that all work that will be performed, any article or substance that will be produced, processed, used, handled, stored or transported and plant and machinery that will be used, will be done in accordance with the provisions of the said Act.

I furthermore agree to comply with the Health and Safety requirements and to liaise with the Municipality should I, for whatever reason, be unable to perform in terms of this Agreement.

| SIGNED ON BEHALF OF MANDATORY |        |
|-------------------------------|--------|
| DATE:                         | PLACE: |
| PRINT NAME:                   |        |
| CAPACITY:                     |        |
| SIGNATURE:                    |        |

| SIGNED ON BEHALF OF THE MUNICIPALITY |        |
|--------------------------------------|--------|
| DATE:                                | PLACE: |
| PRINT NAME:                          |        |
| CAPACITY:                            |        |
| SIGNATURE:                           |        |



**10. INDEMNITY**

Given by (name of company) \_\_\_\_\_

of (registered address of company) \_\_\_\_\_

a company with limited liability registration number \_\_\_\_\_

registered in terms of Laws of the Republic of South Africa (hereinafter the contractor), represented by (name of representative) \_\_\_\_\_

in his capacity as (designation) \_\_\_\_\_

of the contractor, and duly authorised by a resolution dated \_\_\_\_\_/20\_\_\_\_\_.

**WHEREAS** the contractor entered into a contract with the municipality dated \_\_\_\_\_/20\_\_\_\_\_.

**AND WHEREAS** the Municipality requires an indemnity from the contractor.

**NOW THEREFORE** the contractor hereby indemnifies and holds harmless the Municipality in respect of all loss and/or damage that may be incurred or sustained by the contractor by reason of or in any way arising out of or caused by operations that may be carried out by the contractor in connection with the aforementioned contract; and also in respect of all claims that may be instituted against the Municipality in consequence of such operations, by reason of or in any way arising out of any accidents or damage to life or property or any other cause whatsoever including all legal fees and costs that may be incurred by the Municipality in examining, resisting or settling any such claims.

|                          |  |
|--------------------------|--|
| SIGNATURE OF CONTRACTOR: |  |
| DATE:                    |  |

|                         |  |
|-------------------------|--|
| SIGNATURE OF WITNESS 1: |  |
| DATE:                   |  |
| SIGNATURE OF WITNESS 2: |  |
| DATE:                   |  |



**11. RESPONSIVENESS AND EVALUATION CRITERIA**

**1. GENERAL**

- 1.1 All bids must be submitted in **handwriting and in non-erasable (black or blue) ink** on the official forms supplied by the municipality.
    - 1.1.1 Under no circumstances, whatsoever may the bid forms be retyped or redrafted.
  - 1.2 Subject to the provisions of clause 1.3 of this document, no alterations / corrections to the information in the document (including pricing) may be performed by erasing or using masking fluid / tape (Tipp-Ex or similar) on any submitted page or by pasting another page over it with glue.
  - 1.3 Notwithstanding the provisions of clause 1.2 of this document, alterations and/or corrections may only be effected as follows:
    - 1.3.1 By striking a straight line in black ink through the incorrect information in such a manner that the information that has been struck through remains legible; writing, the altered or corrected information as appropriate (under, above or next to the information to be corrected), and initialling in the margin next to each and every alteration or correction.
  - 1.4 Bids submitted must be complete in all respects.
    - 1.4.1 The bidder is advised to check the number of pages and to satisfy himself that none are missing or duplicated.
  - 1.5 All bid prices will be final and binding.
  - 1.6 A bid will not be invalidated if the amount in words and the amount in figures do not correspond, in which case the amount in words shall be read out at the bid opening and shall be deemed to be the bid amount; therefore, where there is a discrepancy between the amount in figures and the amount in words, the amount in words shall apply
  - 1.7 Sealed bids, with the **“Bid Number and Title”** clearly endorsed on the envelope, must be deposited in the relevant **bid box** as indicated in the notice of the bid, **on or before the closing date and time** of the bid.
    - 1.7.1 Any bid received without the **“Bid Number and / or Title”** clearly endorsed on the envelope will not be opened and read out during the bid opening session and will not be considered
  - 1.8 The bid boxes are at the entrance of the Main Cash Hall, Hermanus Municipal Offices, 2 Magnolia Avenue, Hermanus.
  - 1.9 A specific bid box is provided for each bid to be deposited into and no bid will be considered which, subsequent to the closing date and time for that specific bid, is found in another box.
  - 1.10 The bid box deposit slot is 28cm x 2.5cm.
  - 1.11 Mailed, telegraphic or faxed bids **will not be accepted**.
  - 1.12 Any bid received after the appointed time for the closing of bids **shall not be considered** but shall be filed unopened with the other bids received, which bid(s) can be returned to the bidder at his request and cost.
- 2. EVALUATION AND ADJUDICATION CRITERIA:**
- 2.1 Relevant specifications;
  - 2.2 Value for money;
  - 2.3 Capacity and capability of bidders to execute the contract; and
  - 2.4 PPPFA & associated regulations.
- 3. REQUIREMENTS OF A VALID BID:**
- 3.1 The following duly completed documents and / or information must be submitted with the submission of the bid. Failure to comply with this requirement will invalidate the bid. The bid will

- not be considered and no further correspondence will be entered into with regard to the following matters:
    - 3.1.1 The tender has not been completed in non-erasable handwritten ink,
    - 3.1.2 Non-submission of a valid Tax Clearance Certificate and / or PIN,
    - 3.1.3 Incomplete Pricing Schedule or Bill of Quantities,
    - 3.1.4 A Form of Offer not signed in non-erasable ink,
    - 3.1.5 Bid submissions with material alterations / corrections not in compliance with Clause 1.2 and 1.3 above will be rejected.
  - 3.2 The Municipality may, after the closing date, request additional information or clarification of tenders in writing, which will include the following:
    - 3.2.1 To complete the MBD 15 and to obtain copies of the most recent municipal account(s) from the recommended bidder(s)/owner(s)/director(s)/member(s)/shareholder(s);
    - 3.2.2 To clarify or verify pricing where the prices are unclear or an obvious mistake has been detected, e.g. a total price was given instead of a unit price or vice versa;
    - 3.2.3 To obtain the personal income tax number(s) from the recommended bidder;
    - 3.2.4 To obtain a valid Tax Clearance Certificate and / or PIN if the certificate has expired or become inactive after the closing date of the tender;
    - 3.2.5 To obtain a valid letter of good standing from the Workmen’s Compensation Commissioner, the latest assessment and proof of payment thereof;
    - 3.2.6 To obtain a valid and original B-BBEE certificate or sworn affidavit to verify preference points claimed by a bidder where the bidder submitted only a copy of the B-BBEE certificate or sworn affidavit with the bid submission.
      - 3.2.6.1 If a bidder fails to submit a B-BBEE certificate or a sworn affidavit with the bid submission, the Municipality will not request or allow the bidder to submit it afterwards.
- 4. TEST FOR RESPONSIVENESS:**
- 4.1 A Bid will be considered non-responsive if:
    - 4.1.1 the bid is not in compliance with the specifications;
    - 4.1.2 the bidder has not fully completed and signed where required, all the returnable documents as listed in the bid document; and/or
    - 4.1.3 the bidder has failed to clarify or submit any supporting documentation within 3 business days of being requested to do so in writing.
  - 4.2 The Municipality reserves the right to accept or reject:
    - 4.2.1 any variation, deviation, bid offer, or alternative bid offer; may cancel the bidding process and reject all bid offers at any time before the formation of a contract. The MUNICIPALITY shall not accept or incur any liability to a bidder for such cancellation and/or rejection, and will only provide written reasons for such action upon receipt of a written request to do so;.
    - 4.2.2 a bid offer which does not, in the Municipality’s opinion, materially and/or substantially deviate from the terms, conditions and specifications of the bid document.
    - 4.2.3 the whole bid or part of a bid or any item or part of any item, or to accept more than one bid (in the event of a number of items being offered), and the Municipality is not obliged to accept the lowest or any bid.

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4.3 The Municipality has the right to summarily disqualify any bidder who, either at the date of submission of a bid or at the date of its award, is indebted to the Municipality in respect of any municipal rates and taxes or municipal service charges for more than three months. However, an agreement signed by the bidder whereby the bidder agrees that a percentage or fixed amount at the discretion of the municipality, be deducted from payments due to him/her for this bid, until the debt is paid in full, will also be accepted by the Municipality.

**5. INCORRECT INFORMATION**

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

**6. WITHDRAWAL OF BID DURING AND AFTER THE SCM PROCESS:**

6.1 When a bidder withdraws his/her bid during the SCM bidding process, it must be in writing, prior to the award of the bid, of which Overstrand holds the right to accept or reject with or without a claim for any damages.

6.2 When a bidder withdraws or cancels the contract after award of the bid to the particular winner of the bid, the awarded bidder will be held responsible for any damages or administrative expenses incurred prior to the award of the bid.

**7. PRECEDENCE OF TERMS AND CONDITIONS**

7.1 Precedence of terms and conditions in documentation during the bidding process and after award, resulting in an formal agreement:

7.1.1 The following legislative and legal precedence will apply to documentation during the bidding process subsequent to the award of a bid to a bidder:

- (a) Municipal Financial Management Act 56 of 2003
- (b) Municipal Supply Chain Management Regulations
- (c) Supply Chain Management policy
- (d) Specifications of the bid document
- (e) Special Conditions of Contract – if any
- (f) General Conditions of Contract
- (g) Service Level Agreements/ Service Delivery Agreements – if any
- (h) Memorandum of Understanding/ Memorandum of Agreements – if any

7.2 The documents mentioned in paragraphs (b), (c) and (f) can be found on the following website:  
<https://www.overstrand.gov.za/en/documents/supply-chain-management/contract-documents>

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| <b>12. SPECIFICATIONS</b> |
|---------------------------|

**1. INTRODUCTION / BACKGROUND**

- 1.1. Overstrand Municipality require the service of a contractor to supply, deliver and install an estimate of 6 x wooden shadeport structures at Hawston campsite.
- 1.2. The Hawston campsite has been in operation for the past 50 years and is very popular over the festive season period. Shade ports are required to provide shade for day camp visitors.

**2. SCOPE**

Scope of this project entails the following but is not limited to:

- 2.1. 6 x wooden shadeport structures.
- 2.2. Each structure must be 9 metres in length (divided in sections of 3 metres), 3 metres in width and 2.4 metres in height.
- 2.3. Wooden gum poles must be concreted.
- 2.4. Gum poles must be attached to each other with coach screws.
- 2.5. Laths to be attached on poles to form a roof.
- 2.6. Photos included of similar structures.

**3. GENERAL****3.1. Compulsory clarification meeting/information session**

A compulsory clarification meeting/information session will take place on 23 September 2020 at 10h00 at Hawston camp site.

**3.2. Delivery address**

Hawston Campsite  
Marine Drive,  
Hawston  
7202.

**3.3. Contract period**

The contract period will be from date of first official order until 30 June 2021.

**3.4. Validity period of tender/quotation**

- 3.4.1. The quotation must remain valid, irrevocable and open for acceptance for a period of 60 days after closing date.
- 3.4.2. The validity period of a bid may be extended by the accounting officer, or his/her delegate, prior to the expiry of the validity period indicated in the bid document.

**3.5. COIDA**

The successful bidder must be COIDA compliant before the execution of any work in terms of the contractual obligations and for the duration of the contract. A letter of good standing in terms of COIDA or latest assessment and proof of payment thereof or proof of registration (only in cases of a new registration) will suffice.

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### 3.6. Submission of quotation

- 3.6.1 The duly completed document may be deposited into the box indicated on page 3 of this document. Alternatively, a scanned copy of the duly completed document may be e-mailed to scmquotations@overstrand.gov.za.
- 3.6.2 If the e-mail is larger than 2MB, it must be emailed to scmquotations@overstrand.gov.za by making use of the large file upload link: <http://196.15.210.117/lift/> It remains the responsibility of the bidder to ensure that all electronic bid submissions reach the inbox of the abovementioned address by 12H00 of the closing date of the quotation as indicated on page 3 of this bid document.
- 3.6.3 No late submissions will be considered.

## 4. PRE-QUALIFICATION CRITERIA

Pre-Qualification criteria for preferential procurement in terms of Regulation 4 of the Preferential Procurement Regulations 2017, is applicable, therefor only tenderers who are an Exempted Micro Enterprises(EME) and with a B-BBEE status level 1 or 2 contributor, may respond to this tender.

## 5. PROMOTION OF LOCAL LABOUR

- 5.1. It is a requirement of this tender that all unskilled labourers be sourced from the local labour market, i.e. labourers residing within the Overstrand municipal area.
- 5.2. The remuneration of the labour force must at least comply with minimum wages as determined by the Department of Labour for the respective sectors from time to time.

## 6. LOCAL CONTENT

- 6.1. Preferential Procurement Regulations, 2017 (Regulation 8) makes provision for the promotion of local production and content.
- 6.2. Regulation 8.2 prescribes that in the case of designated sectors, where in the award of bids local production and content is of critical importance, such bids must be advertised with the specific bidding condition that only locally produced goods, services or works or locally manufactured goods, with a stipulated minimum threshold for local production and content will be considered.
- 6.3. In terms of legislation, the bidder must complete MBD 6.2 included herein. In Annexure C of the said document, the Bidder's must confirm the local content of the following items:
- 6.3.1 Nail Wire Flat Head 48kg x 75mm – 100%
- 6.3.2 Coach screws 96 x 150mm x 10mm – 100%

## 7. EVALUATION AND ADJUDICATION

- 7.1. All items will be evaluated and awarded individually where applicable.
- 7.2. The estimated quantities will be used for evaluation purposes only and must not be seen as actual quantities to be awarded.

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## 8. ELIGIBILITY CRITERIA

8.1. The evaluation of tenders will be done in terms of compliance with the following criteria. Tenders that do not comply with all the criteria below will not be evaluated further.

| Description of Eligibility criteria |  | Please indicate with an "X" whether the offer complies with the requirements. |    |         |
|-------------------------------------|--|---|----|---------|
|                                     |  | YES   | NO | Comment |
| 8.1.1.                              | Bidders must submit at least 3 similar projects of previous work done in wooden structures and three (3) contactable references. |   |    |         |

## 9. TECHNICAL REQUIREMENTS

The following technical requirements apply:

| 9.1.   | Description of requirements   | Please indicate with an "X" whether the offer complies with the requirements. |    |         |
|--------|---|---|----|---------|
|        |   | Yes   | No | Comment |
| 9.1.1. | Wooden gum poles must be concreted                                  |   |    |         |
| 9.1.2. | Gum poles must be attached to each other with coach screws          |   |    |         |
| 9.1.3. | Chromated Copper Arsenate(CCA) Treated Gum Poles 48 x 3.6m x 120mm  |   |    |         |
| 9.1.4. | Chromated Copper Arsenate(CCA) Treated Gum Poles 78 x 3.0m x 100mm  |   |    |         |
| 9.1.5. | Chromated Copper Arsenate (CCA) Treated Laths 2400 x 3.0m x 15-35mm |   |    |         |
| 9.1.6. | Nail Wire Flat Head 75mm  |   |    |         |
| 9.1.7. | Coach screws 96 x 150mm x 10mm                                      |   |    |         |

## 10. Implementation Timetable

10.1. Suppliers must indicate the timeframe for job to be completed on a maximum of 3 working weeks.

## 11. INFORMATION TO BE PROVIDED BY THE BIDDER

11.1. Bidders must submit at least 3 similar projects of previous work done in wooden structures and three (3) contactable references.

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**13. PRICING SCHEDULE**

**NOTE:**

1. Only firm prices will be accepted. Non-firm prices will not be considered.
2. The Bidder **MUST** indicate whether he/she/the entity is a registered VAT Vendor or not.
  - a. In the case of the Bidder not being a registered VAT Vendor, both columns (amount/rate excluding AND including VAT) must reflect the same amount.

|   | INDICATE WITH AN 'X' |  |  |  |    |  |  |  |
|---|----------------------|--|--|--|----|--|--|--|
|   | YES                  |  |  |  | NO |  |  |  |
| Are you/is the firm a registered VAT Vendor |                      |  |  |  |    |  |  |  |
| If "YES", please provide VAT number         |                      |  |  |  |    |  |  |  |

I / We \_\_\_\_\_  
 (full name of Bidder) the undersigned in my capacity as \_\_\_\_\_  
 of the firm \_\_\_\_\_

hereby offer to Overstrand Municipality to render the services as described, in accordance with the specification and conditions of contract to the entire satisfaction of the Overstrand Municipality and subject to the conditions of tender, for the amounts indicated hereunder:

**PRICING SCHEDULE:**

| Item # | Description  | Quantity | Total per shade port (INCL 15% VAT) |
|--------|--|----------|-------------------------------------|
| 1.     | Supply, Deliver and Install New Shades at Hawston Day camp | 1        |                                     |

|  |  |
|--|--|
| <b>Completion time in weeks (maximum of 3 working weeks)</b> |  |
|--|--|

Please note:

1. The Overstrand Municipality does not bind itself to accept the lowest or any tender and reserves the right to accept any tender, as it may deem expedient.
2. The quantities as stated in paragraph 1 and 2 are only for tender evaluation purposes and must not be seen as actual.

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**14. SCHEDULE OF WORK EXPERIENCE OF THE BIDDER**

|    |                       | Employer (Name, Tel, Fax, Email) | Nature of work | Value of work (Incl. VAT) | Date started | Date completed |
|----|-----------------------|----------------------------------|----------------|---------------------------|--------------|----------------|
| 1. | <b>Name of entity</b> |                                  |                |                           |              |                |
|    | Contact Person        |                                  |                |                           |              |                |
|    | Tel                   |                                  |                |                           |              |                |
|    | Fax                   |                                  |                |                           |              |                |
|    | Email                 |                                  |                |                           |              |                |
| 2. | <b>Name of entity</b> |                                  |                |                           |              |                |
|    | Contact Person        |                                  |                |                           |              |                |
|    | Tel                   |                                  |                |                           |              |                |
|    | Fax                   |                                  |                |                           |              |                |
|    | Email                 |                                  |                |                           |              |                |
| 3. | <b>Name of entity</b> |                                  |                |                           |              |                |
|    | Contact Person        |                                  |                |                           |              |                |
|    | Tel                   |                                  |                |                           |              |                |
|    | Fax                   |                                  |                |                           |              |                |
|    | Email                 |                                  |                |                           |              |                |
| 4. | <b>Name of entity</b> |                                  |                |                           |              |                |
|    | Contact Person        |                                  |                |                           |              |                |
|    | Tel                   |                                  |                |                           |              |                |
|    | Fax                   |                                  |                |                           |              |                |
|    | Email                 |                                  |                |                           |              |                |

Attach more pages if necessary.

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**15. MBD 7.2 – CONTRACT FORM – RENDERING OF SERVICES**

**NOTES:**

1. This form must be completed by both the successful bidder (Part 1) and the purchaser (Part 2). The form must be signed in the original so that the successful bidder and the purchaser will be in possession of a signed contract for their respective records.
2. NO correction fluid/tape may be used.
3. In the event of a mistake having been made, it shall be crossed out in ink and be accompanied by an initial at each and every alteration.

**PART 1 (To be completed by the BIDDER)**

1. I hereby undertake to render services described in the attached bidding documents to **Overstrand Municipality**, in accordance with the requirements and task directives / proposals specifications stipulated in bid number: SC2121/2020, at the price(s) as per the pricing schedule.
2. My offer(s) remain(s) binding upon me and open for acceptance by the Purchaser during the validity period indicated and calculated from the closing date of the bid.
3. The following documents shall be deemed to form and be read and construed as part of this agreement:
  4. Bidding documents, viz
    - a) Invitation to bid
    - b) Tax clearance certificate
    - c) Pricing schedule(s)
    - d) Filled in task directive/proposal
    - e) Preference claims in terms of the Preferential Procurement Regulations 2017
    - f) Declaration of interest
    - g) Special Conditions of Contract;
    - h) General Conditions of Contract; and
    - i) Other (specify)
5. I confirm that I have satisfied myself as to the correctness and validity of my bid; that the price(s) and rate(s) quoted cover all the services specified in the bidding documents; that the price(s) and rate(s) cover all my obligations and I accept that any mistakes regarding price(s) and rate(s) and calculations will be at my own risk.
6. I accept full responsibility for the proper execution and fulfilment of all obligations and conditions devolving on me under this agreement as the principal liable for the due fulfilment of this contract.
7. I declare that I have no participation in any collusive practices with any bidder or any other person regarding this or any other bid.
8. I confirm that I am duly authorised to sign this contract.

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| SIGNATURE    |  | NAME (PRINT) |  |
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**CONTRACT FORM - RENDERING OF SERVICES**

**PART 2 (To be completed by OVERSTRAND MUNICIPALITY)**

1. I, \_\_\_\_\_, in my capacity as \_\_\_\_\_, accept your bid under reference number \_\_\_\_\_, dated \_\_\_\_\_, for the rendering of services indicated hereunder and/or further specified in the annexure(s).
2. An official order indicating service delivery instructions is forthcoming.
3. I undertake to make payment for the services rendered in accordance with the terms and conditions of the contract, within 30 (thirty) days after receipt of an invoice.
4. I confirm that I am duly authorised to sign this contract.

SIGNED AT \_\_\_\_\_ on this \_\_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_\_.

| <b>TO BE COMPLETED BY THE OVERSTRAND MUNICIPALITY</b> |  |                        |
|---|--|------------------------|
| NAME (PRINT):   |  |                        |
| SIGNATURE:  |  | <b>OFFICIAL STAMP:</b> |
| WITNESS 1:  |  |                        |
| WITNESS 2:  |  |                        |

|                        |
|------------------------|
| <b>16. DECLARATION</b> |
|------------------------|

|     |  |
|-----|--|
| 1   | I / We acknowledge that I / we am / are fully acquainted with the contents of the conditions of tender of this tender document.  |
| 2   | I / We declare that I / we have read, understand and accept the following documents as published on the Overstrand Municipality's Website, to form part of this agreement if and when concluded and that I / we accept the conditions in all respects:   |
| 2.1 | Invitation to bid (advertisement)  |
| 2.2 | Standard Conditions of Tender – CIDB – only applicable to construction related bids  |
| 2.3 | National Treasury General Conditions of Contract (2010)  |
| 3   | I / We agree that the laws of the Republic of South Africa shall be applicable to the contract resulting from the acceptance of my / our tender and that I / we elect <i>domicillium citandi et executandi</i> (physical address at which legal proceedings may be instituted) in the Republic at:   |
|     |  |
| 4   | I / We accept full responsibility for the proper execution and fulfilment of all obligations and conditions devolving in me / us under this agreement as the principal liable for the due fulfilment of this contract.   |
| 5   | I / We furthermore confirm I / we satisfied myself / ourselves as to the corrections and validity of my / our tender; that the price quoted cover all the work / items specified in the tender documents and that the price(s) cover all my / our obligations under a resulting contract and that I / we accept that any mistake(s) regarding price and calculations will be at my / our risk. |
| 6   | I / We furthermore confirm that my / our offer remains binding upon me / us and open for acceptance by the Purchases / Employer during the validity period indicated and calculated from the closing date of the bid.  |

|              |  |              |  |
|--------------|--|--------------|--|
| SIGNATURE    |  | NAME (PRINT) |  |
| CAPACITY     |  | DATE         |  |
| NAME OF FIRM |  |              |  |
| WITNESS 1    |  | WITNESS 2    |  |