



QUOTATION NO.: SC 2172/2020

LEASE OF STANDS AND/OR BEACH STALLS/ KIOKS

PROCUREMENT DOCUMENT

NAME OF BIDDER:	
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<u>Pricing Schedule on Page 19:</u>	
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DECEMBER 2020

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	SC2172/2020	Closing Date	11/12/2020	Closing Time	12H00	CIDB Grading Required:	N/A
Compulsory Information Session Details	Date	N/A	Time	N/A	Address	N/A	
BID Response Documents May Be Deposited In Bid Box Number	7	@ Overstrand Municipality, 1 Magnolia Avenue, Hermanus			Validity period from closing date	At least 90 days	
Bid response documents may also be scanned and e-mailed to:	scmquotations@overstrand.gov.za 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/						
The successful bidder will be required to sign a written contract form (MBD7).							
NAME OF BIDDER							
LEGAL NAME OF ORGANISATION							
TRADE NAME (if different from legal name)							
POSTAL ADDRESS							
STREET ADDRESS							
NAME OF CONTACT PERSON							
TELEPHONE NUMBER				CELL NUMBER			
E-MAIL ADDRESS							
COMPANY REGISTRATION NUMBER							
OVERSTRAND MUNICIPALITY SUPPLIER DATABASE REGISTRATION NUMBER							
TAX CLEARANCE CERTIFICATE NUMBER AND / OR PIN							
TAX CLEARANCE EXPIRY DATE							
INCOME TAX NUMBER							
VAT REGISTRATION NUMBER							
ONE OF THE FOLLOWING MUST BE SUBMITTED IN ORDER TO QUALIFY FOR PREFERENCE POINTS IN TERMS OF B-BBEE:							
ORIGINAL B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE ISSUED BY A SANAS ACCREDITED AGENCY; OR							
A CERTIFIED COPY OF A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE ISSUED BY A SANAS ACCREDITED AGENCY							
ORIGINAL EME OR QSE SWORN AFFIDAVIT OR A CERTIFIED COPY THEREOF							
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
BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO THE SUPPLY CHAIN MANAGEMENT UNIT							
CONTACT PERSON	Accountant: SCM, L du Preez			TELEPHONE NUMBER	028 313 8147		
CONTACT PERSON	Accountant: SCM, J Aplon			TELEPHONE NUMBER	028 313 5021		
TECHNICAL INFORMATION REGARDING THIS QUOTATION MAY BE OBTAINED FROM:							
CONTACT PERSON	Administrative Officer; M Moolman			TELEPHONE NUMBER	028 313 8141 mmoolman@overstrand.gov.za		



2. MBD 1 – PART B – TERMS AND CONDITIONS FOR BIDDING

1. BID SUBMISSION:				
1.1. Bids must be delivered by the stipulated time to the correct address. Late bids will not be accepted for consideration.				
1.2. All bids must be submitted on the official forms provided–(not to be re-typed)				
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.				
2. TAX COMPLIANCE REQUIREMENTS				
2.1 Bidders must ensure compliance with their tax obligations.				
2.2 Bidders are required to submit their unique personal identification number (pin) issued by SARS to enable the organ of state to view the taxpayer's profile and tax status.				
2.3 Application for the tax compliance status (TCS) certificate or pin may also be made via e-filing. In order to use this provision, taxpayers will need to register with SARS as e-filers through the website www.sars.gov.za				
2.4 Foreign suppliers must complete the pre-award questionnaire in part B.3.				
2.5 Bidders may also submit a printed TCS certificate together with the bid.				
2.6 In bids where consortia / joint ventures / sub-contractors are involved, each party must submit a separate TCS certificate / pin / CSD number.				
2.7 Where no TCS is available but the bidder is registered on the central supplier database (CSD), a CSD number must be provided.				
3. QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS				
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	
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.				
4. SUPPLIER DATABASE OF THE OVERSTRAND MUNICIPALITY				
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: https://www.overstrand.gov.za/en/documents/supply-chain-management/registration-on-the-accredited-supplier-database				

CAPACITY UNDER WHICH THIS BID IS SIGNED	
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 state¹.
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 ² 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:				

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.

² "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 ³ employee number (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			

³ **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 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? <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)? <i>(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).</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:			



5. MBD 9 – CERTIFICATE OF INDEPENDENT BID DETERMINATION

- | | |
|---|--|
| <p>1. This Municipal Bidding Document (MBD) must form part of all bids⁴ invited.</p> <p>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).⁵ Collusive bidding is a <i>per se</i> prohibition meaning that it cannot be justified under any grounds.</p> <p>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:</p> <p>3.1. take all reasonable steps to prevent such abuse;</p> | <p>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</p> <p>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.</p> <p>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.</p> <p>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:</p> |
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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:

- | | |
|--|--|
| <p>1. I have read and I understand the contents of this Certificate;</p> <p>2. I understand that the accompanying bid will be disqualified if this Certificate is found not to be true and complete in every respect;</p> <p>3. I am authorized by the bidder to sign this Certificate, and to submit the accompanying bid, on behalf of the bidder;</p> <p>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;</p> <p>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:</p> <p style="margin-left: 20px;">a. has been requested to submit a bid in response to this bid invitation;</p> <p style="margin-left: 20px;">b. could potentially submit a bid in response to this bid invitation, based on their qualifications, abilities or experience; and</p> <p style="margin-left: 20px;">c. provides the same goods and services as the bidder and/or is in the same line of business as the bidder</p> <p>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 consortium⁶ will not be construed as collusive bidding.</p> <p>7. In particular, without limiting the generality of paragraphs 6 above, there has been no consultation, communication, agreement or arrangement with any competitor regarding:</p> | <p style="margin-left: 20px;">a. prices;</p> <p style="margin-left: 20px;">b. geographical area where product or service will be rendered (market allocation)</p> <p style="margin-left: 20px;">c. methods, factors or formulas used to calculate prices;</p> <p style="margin-left: 20px;">d. the intention or decision to submit or not to submit, a bid;</p> <p style="margin-left: 20px;">e. the submission of a bid which does not meet the specifications and conditions of the bid; or</p> <p style="margin-left: 20px;">f. bidding with the intention not to win the bid.</p> <p>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.</p> <p>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.</p> <p>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.</p> |
|--|--|

SIGNATURE		NAME (PRINT)	
CAPACITY		DATE	
NAME OF FIRM			

⁴ Includes price quotations, advertised competitive bids, limited bids and proposals.

⁵ 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.

⁶ 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.



6. MBD 15 – DECLARATION OF PAYMENT OF MUNICIPAL SERVICES

DECLARATION IN TERMS OF PARAGRAPH 38(1)(d)(i) OF THE SUPPLY CHAIN MANAGEMENT POLICY OF THE OVERSTRAND MUNICIPALITY (To be signed in the presence of a Commissioner of Oaths)

I, _____, _____ (full name and ID no.), hereby acknowledge that the Municipality may reject the tender of the tenderer if any municipal rates and taxes or municipal service charges owed by the bidder or any of its directors/members/partners to the Overstrand Municipality, or to any other municipality or municipal entity, are in arrears for more than 3 (three) months.

I declare that I am duly authorised to act on behalf of _____ (name of the firm) and hereby declare, that to the best of my personal knowledge, neither the firm nor any director/member/partner of said firm is in arrears on any of its municipal accounts with any municipality in the Republic of South Africa, for a period longer than 3 (three) months.

I further hereby certify that the information set out in this schedule and/or attachment(s) hereto is true and correct. The bidder acknowledges that failure to properly and truthfully complete this schedule may result in the tender being disqualified, and/or in the event that the tenderer is successful, the cancellation of the contract.

PHYSICAL BUSINESS ADDRESS(ES) OF THE TENDERER	MUNICIPAL ACCOUNT NUMBER

Further details of the bidder’s director(s) / shareholder(s) / partner(s) / member(s), etc.:

Director / partner / member	Physical residential address of the director / partner / member	Municipal account number(s)

PLEASE NOTE:

1. Copies of all municipal accounts, not older than 3 months, to be submitted with the bid.
2. If the entity or any of its directors/shareholders/partners/members, etc. rents/leases premises a copy of the rental/lease agreement is to be submitted with this bid.

Signature	Position	Date

<p style="text-align: center;">COMMISSIONER OF OATHS</p> <p>Signed and sworn to before me at _____, on this _____ day of _____ 20____</p> <p>by the deponent, who has acknowledged that he/she knows and understands the contents of this affidavit, it is true and correct to the best of his/her knowledge and that he/she has no objection to taking the prescribed oath, and that the prescribed oath will be binding on his/her conscience.</p> <p>COMMISSIONER OF OATHS:- Signature: _____ Print name: _____ Position: _____ Address: _____ Tel: _____</p>	<p>Apply official stamp of authority on this page:</p>
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7. 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:	



8. 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

INITIALS	
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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.
- 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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9. SPECIFICATIONS

1. INTRODUCTION / BACKGROUND

- 1.1. The purpose of the formal quotation is to lease out stands and/or kiosks to bidders to render the service of selling refreshments/ or leasing beach umbrellas to the public at various beaches, and other public swimming areas in the Hermanus area from date of signing of the contract to 30 April 2021.

2. SCOPE

- 2.1. The formal quotation comprises of two (2) divisions with sub divisions and the bidder must tender for each sub division separately.
 - 2.1.1. Division A: Selling of refreshments
 - 2.1.2. Division B: Leasing of beach umbrellas and chairs and/or beach associated accessories

3. GENERAL

3.1. Contract period

The contract period will commence on the date of signing the contract and will end on 30 April 2021.

3.2. Validity period of tender/quotation

- 3.2.1. The tender/quotation must remain valid, irrevocable and open for acceptance for a period of 90 days after closing date.
- 3.2.2. 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.

3.3. 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.

- 3.4. The Municipality is not obligated to award the stand/kiosk to the highest bidder in terms of rental amount.

3.5. Administration of Immovable Property Policy

This formal quotation is in accordance with the Municipality's Administration of Immovable Property Policy relating to a competitive bidding process as per paragraphs 17.1; 18.4; 21 and 21.1 of the said policy.

3.6. Notes / Guidelines

- 3.6.1 Preference will be given to local residents (Overstrand)
- 3.6.2 A recent Overstrand municipal account needs to be attached to the tender as proof of residence.
- 3.6.3 If the trader does not have a municipal account due to renting a house and making use of pre-paid electricity, proof of residential address such as lease agreement of the Lessee.
- 3.6.4 The Municipality reserves the right to cancel, without payment of compensation, any permit/lease issued as a result of false information provided in support of the tender submission.
- 3.6.5 The Municipality reserves the right to relocate a bidder / withdraw an approval from the allocated stand/kiosk if and when necessary.

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4. EVALUATION AND ADJUDICATION

- 4.1. Two bidders will be identified for award ranked as per price received (Bidder A and Bidder B). In the event that the bidder with the highest price ("Bidder A") fails to comply with the lease agreement or fails to enter into a lease agreement, Bidder B will be used for the leasing of stand/kiosk. No rights will accrue to Bidder B as long as Bidder A performs.
- 4.2. The evaluation of the tender will be based on price, submission of documentation and attendance of the compulsory information session. The evaluation will be done per division per stand/kiosk.
- 4.3. In a case where the bidder submitted the highest offer in more than one stand/kiosk, the successful bidder will only be allocated one area, unless there is no other bidders for the other stand/kiosk.
- 4.4. The bidder must indicate with an "X" the Division of preference and if an offer for more than one (1) Division is submitted in order to determine which Division to be awarded.
- 4.5. The Municipality is not obligated to award the stand/kiosk to the highest bidder.
- 4.6. If two or more bidders offer the same price, than the award will be done in accordance with the preference as indicated.
- 4.7. If two or more bidders offer the same price and both bidders preference is the same, the award will be decided by the drawing of lots.

Division		Preference	
		1 st	2 nd
A	Selling of refreshments and/or beach associated accessories		
B	Leasing of beach umbrellas and chairs and/or beach associated accessories.		

Further to the above – bidders must indicate in the pricing schedule the preference for the sub-divisions (the area).

5. ELIGIBILITY CRITERIA

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 requirements		Please indicate with an "X" whether the offer complies with the requirements.		
		Yes	No	Comment
5.1.	Trader(s) are required to use the attached pricing schedule form as submission of the tender.			
5.2.	Traders must include a complete list of items to be sold/offered and illustrations with dimensions of the proposed stall/vehicle/trailer to be used were applicable.			
5.3.	A recent Overstrand municipal account needs to be attached to the tender as proof of residence. If the trader does not have a municipal account due to renting a house and making use of pre-paid electricity, proof of residential address and pre-paid account number needs to be attached to tender.			
5.4.	Trader(s) must submit proof of financial ability to manage and maintain the stall to its full potential for the duration of the tender e.g. bank account 1 month statement.			

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5.5.	Trader(s) must submit an undertaking that they will submit all relevant documents, including proof of payment for stand, and adhere to the guidelines and conditions as reflected in this tender.			
5.6.	Trader(s) must submit measures which they will put in place for their stall to protect the environment, e.g. no plastic			

6. Technical requirements

The following technical requirements apply:

Description of requirements	Please indicate with an "X" acceptance of these General Conditions		
	Yes = Accepted	No = Non Acceptance	Comment
6.1. Compliance with relevant Health & Safety legislation.			
6.2. Trading hours: Division A , B,: daily between 7:00 and 20:00 Division C: daily between 7:00 and 24:00 and on New Year's Eve 7:00 to 1:00.			
6.3. Approved traders may trade only on the stand/kiosk allocated to them.			
6.4. The allocated stand/kiosk must be kept clean and tidy at all times by the trader, and where applicable, mobile structures must be moved daily, unless prior written approval is given by the Area Manager's office.			
6.5. No open fires will be allowed.			
6.6. Only soft background music will be allowed.			
6.7. No generator will be allowed to be used unless prior written approval is given by the Area Manager's office.			
6.8. utilization of the allocated stand/kiosk are at own risk.			
6.9. An indemnity form must be filled in and signed, that indemnifies the Municipality against any claims.			
6.10. Should a trader be absent/not trade from the stand/kiosk for more than 3 consecutive days during this period, without a valid reason, the stand/kiosk will be forfeited. The Municipality may then allocate the stand/kiosk to another trader in order to ensure that the service is provided without any claims from the original awarded trader.			
6.11. Payment must be done as follows:			

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	After of signing of contract and before trading at the Overstrand Municipality. Receipt to be forwarded to mmoolman@overstrand.gov.za or submitted to the office of the Area Manager Hermanus.			
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11. 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'							
Are you/is the firm a registered VAT Vendor	YES			NO				
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:

PLEASE COMPLETE PRICING SCHEDULE ON NEXT PAGE:

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PRICING:


Stall Stand	Site/kiosk information	Total rental offered for period	Preference
2A1: SANDBAAI WESTERN BEACH			
	(approx. 3 x3m) Refreshments (including ice cream) Electricity to be arranged with electrical department at an additional cost and therefore must not include in the tender amount		
2A2: HAWSTON SWIMMING POOL KIOSK			
	Refreshments and/or ice cream and/or beach associated accessories. Electricity to be arranged with electrical department at an additional cost and therefore must not include in the tender amount		
2A3: GROTTTO MAIN BEACH			
	(approx. 2 x 6m) Refreshments (excluding ice cream) Electricity to be arranged with electrical department at an additional cost and therefore must not include in the tender amount.		

DIVISION A:

Selling of refreshments e.g. cold/hot drinks, pre-packed snacks, hot foods, salads, sandwiches, sweet treats, baked foods and/or beach associated accessories e.g. beach apparel, sunscreen/tanning lotion and beach toys. NO SELLING OF ALCHOL OR ANY OTHER PRODUCT CONTAINING ANY FORM OF MIND ALTERING SUBSTANCE WILL BE ALLOWED – Date of signing contract – 30 April 2021

DIVISION B:

Leasing of beach umbrellas and chairs and/or beach associated accessories e.g. beach apparel, sunscreen/tanning lotion, beach toys NO SELLING OF ALCHOL OR ANY OTHER PRODUCT CONTAINING ANY FORM OF MIND ALTERING SUBSTANCE WILL BE ALLOWED – Date of signing contract – 30 April 2021

Stall Stand	Site/kiosk information	Total rental offered for period	Preference
2B1: GROTTTO – BEACH AREA NEAR CHILDREN'S PLAY PARK			
	(approx. 3 x 5m) Leasing of beach umbrellas and chairs and/or beach associated accessories No electricity available		

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12. 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 SC 2172/2020, 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.

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

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 _____.

TO BE COMPLETED BY THE OVERSTRAND MUNICIPALITY	
NAME (PRINT):	
SIGNATURE:	OFFICIAL STAMP:
WITNESS 1:	
WITNESS 2:	

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13. DECLARATION

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	

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