



K O U G A
local municipality
Prosperity through vision

TERMS OF REFERENCE DOCUMENT

NOTICE NO.26/2011	
PROCURVE SWITCHES	
CLOSING DATE:	08 MARCH 2011
Name of tendering firm:	
Contact Person (<i>Full Names</i>):	
Tel No.:	Cell No.:
Fax No.:	
Supplier Database No.:	
Signature of Tenderer:	
Issued By:	
KOUGA LOCAL MUNICIPALITY	
PO Box 21	
JEFFREYS BAY , 6330	
CONTACT PERSON : MR.A. MAKOMO AT 042 2002 200 EXT136	

NB: THIS TENDER WILL BE EVALUATED ON THE 80/20 POINT SCORING SYSTEM

PLEASE TAKE NOTE OF ALL LISTED INSTRUCTIONS AND COMMENT

- NB: PLEASE ENSURE THAT YOU FAMILIARIZE YOURSELF WITH THE COMPLETE DOCUMENT AND INITIAL ALL THE PAGES OF THE DOCUMENT AS WELL AS SIGN ALL PAGES WHERE IT IS REQUIRED TO DO SO.
- ALL FORMS IN THIS DOCUMENT MUST BE COMPLETED AND SUBMITTED WITH THE RELEVANT DOCUMENTATION REQUIRED.
- DO NOT RE-TYPE THE PRICING SCHEDULE.

N.B. THESE DOCUMENTS (IF APPLICABLE TO YOUR ENTITY) MUST BE ADDED TO EACH CONTRACT SUBMITTED.

FAILURE TO COMPLY WILL RESULT IN NON ACCEPTANCE OF TENDER

<input type="checkbox"/>	PROOF THAT THE BIDDER COMPLIES WITH THE OCCUPATIONAL HEALTH AND SAFETY ACT AND IS REGISTERED FOR WORKMEN COMPENSATION PURPOSES.
<input type="checkbox"/>	COMPANY REGISTRATION NO/ FORMAL REGISTRATION DOCUMENTS/JV AGREEMENTS
<input type="checkbox"/>	V.A.T REGISTRATION NO.
<input type="checkbox"/>	ORIGINAL AND VALID SARS TAX CLEARANCE CERTIFICcate
<input type="checkbox"/>	BEE CERTIFICATE FOR ANY PREFERENCE POINTS TO BE CLAIMED
<input type="checkbox"/>	CERTIFIED IDENTIFICATION DOCUMENTS OF SHAREHOLDING ATTACHED
<input type="checkbox"/>	HAVE ALL PAGES BEEN INITIALED AND SIGNED
<input type="checkbox"/>	MUNICIPAL BILLING CERTIFICATE FOR COMPANY AND FOR EACH MEMBER OF OWNERSHIP (MEMBER. DIRECTOR. SOLE PROPRIETOR)

PLEASE TAKE NOTE: IF YOUR DATABASE REGISTRATION IS CURRENT AND UP TO DATE, BIDDER NEED NOT SUBMIT THE REQUIRED DOCUMENTATION, **EXCEPT FOR THE MUNICIPAL BILLING CERTIFICATES WHICH IS COMPULSORY.** PLEASE ENSURE THAT DATABASE IS UP TO DATE BEFORE SUBMITTING YOUR QUOTATION.

SPECIAL CONDITIONS OF CONNDITIONS

SPECIFICATION

1. REQUIREMENTS

- 1.1 The work covered by this specification shall be carried out in accordance with the Council's General Conditions of Tender.
- 1.2 The requirements are for the following:
 - A. Procurve Switch 3500yl-24 PWR Intel Edge X1
 - B. Procurve Switch 3500yl-48 PWR Intel Edge X3
- 1.3 The switches has to be compatible with the current IT system.

PRICING SCHEDULE – NOTICE NO 26/2010

ITEM DESCRIPTION	PRICE EXCL VAT	VAT	PRICE INCL VAT
A. Procurve Switch 3500yl-24 PWR Intel Edge X1			
B. Procurve Switch 3500yl-48 PWR Intel Edge X3			

ADD EXTRA ROWS, IF NEEDED

PLEASE SIGN THIS SECTION AS ACKNOWLEDGEMENT THAT PRICE QUOTED ABOVE ARE CORRECT

Total Amount: (INCL VAT) Amount in words:

..... (INCL VAT)

AUTHORISING SIGNATURE.....

ON BEHALF OF COMPANY.....

DATE OF COMPLETION

DATE.....

To avoid confusing please provide the contact details we the municipality will have to contact regarding this project.

NAME OF PERSON RESPONSIBLE FOR HANDLING OF THIS PROJECT:

NAME :

ADDRESS:

.....

.....

.....

TELEPHONE NO.:

FAX NO. :

EMAIL ADDRESS:

Please state the geographical Area In Which The Company's Business Premises Are Situated. (e.g.Humansdorp, Jeffreys Bay, Port Elizabeth, Uitenhage, etc.) in the space below.

DECLARATION OF INTEREST

1. No bid will be accepted from persons in the service of the state*(please see definition of "person in the service of the state at bottom of this section).

2. Any legal person, having a kinship with persons employed by 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 the service of the state, it is required that the bidder or their authorised representative declare their position in relation to the evaluating/adjudicating authority and/or take an oath declaring his/her interest.

3. In order to give effect to the above, the following questionnaire must be completed and submitted with the bid.

3.1 Full Name

3.2 Identity number.....

3.3 Company Registration Number.....

3.4 Tax Reference Number.....

3.5 VAT Registration Number.....

3.6 CIDB Registration NumberGrading:.....

3.7 Are you presently in 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 **YES / NO**
twelve months?

3.8.1 If so, furnish particulars
.....
.....

3.9 Are you connected with any persons in the service of **YES / NO**
the state?

3.9.1 If so, state particulars.
.....
.....

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

3.10.1 If so, state particulars.
.....
.....

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

3.11.1 If so, state particulars.

.....
.....

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

YES / NO

3.12.1 If so, furnish particulars.

.....
.....

3.13 Are any spouse, child or parent of the company's directors, managers, principle shareholders or stakeholders in service of the state?

YES / NO

3.13.1 If so, furnish particulars.

.....
.....

DECLARATION

I, THE UNDERSIGNED (NAME)

CERTIFY THAT THE INFORMATION FURNISHED ON THIS DECLARATION FORM

IS CORRECT.

I ACCEPT THAT THE STATE MAY ACT AGAINST ME SHOULD THIS DECLARATION PROVE TO BE FALSE.

Signature.....

Date

***Definition: in the service of the state means to be:**

a) a member of

- I. any municipal council
- II. any p the National Assembly or the national council of Provinces

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

c) any official of any municipality or municipal entity

d) any employee of any national or provincial department

rovincial legislature ; or

KOUGA MUNICIPALITY

AUTHORITY FOR SIGNATORY

Companies submitting tenders must provide evidence that the person who signed the tender document has authority to do so, by attaching a copy of the relevant resolution of the Board of Directors, duly signed and dated, to this form. Alternatively this form may be completed by competent authority.

By resolution of the Board of Directors at a meeting held on

Mr/Ms

Has been duly authorised to sign all documents in connection with this Tender on behalf of:

.....
.....
.....

SIGNED OF BEHALF OF COMPANY:.....

IN HIS CAPACITY AS:

SIGNATURE OF SIGNATORY:.....

COMPANY STAMP:

INDEMNITY AGREEMENTS (A)
CONTRACTORS

"I the undersigned, having been given permission by the Municipal Manager to enter the property of the Municipality for purposes of contractual work and having recognised the inherent hazards that exist in premises of this nature, hereby acknowledge that I enter the said property entirely at my own risk and that I shall have no claim against the Municipality or any of its employees, agents or mandataries for any loss, damage or injury whether fatal or otherwise, whether or not same is a result of any negligent act or omission on the part of the Municipality or any of its employees or other independent contractors or is as a result of the use of defective materials or equipment supplied by the Municipality or by way of any human or mechanical error, default or failure occurring on the said property or by way of any other cause, nothing at all excepted. Further, I hereby hold the Municipality blameless for any damage, injury or loss suffered by any person or such person's dependants as a result of the said contractual work and I undertake to compensate fully the Municipality for any loss sustained by it through and by way of such contractual work".

SIGNED:

DATE:.....

WITNESS:

DATE:

WITNESS:.....

DATE:

KOUGA MUNICIPALITY**CONSUMER ACCOUNT
(RATES AND SERVICES)****DECLARATION**

I, the undersigned, hereby declare that the municipal account of my business as well as the members' municipal accounts are paid up or that acceptable arrangements have been made with the Office of the City Treasurer to settle overdue accounts. **Please attach latest municipal billing certificate of company.**

NAME OF COMPANY	ADDRESS	MUNICIPAL A/C NO.

<i>NAME OF MEMBER</i>	ADDRESS	MUNICIPAL A/C NO.
1.		
2.		
3.		
4.		

5.		

I confirm that the above information is correct.

SIGNATURE OF TENDERER:

CAPACITY (OWNER/PARTNER/MANAGER, ETC.):

COMPANY STAMP:

MBD 9

CERTIFICATE OF INDEPENDENT BID DETERMINATION

1 This Municipal Bidding Document (MBD) must form part of all bids¹ 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).² Collusive bidding is a *pe se* prohibition meaning that it cannot be justified under any grounds.

3 Municipal Supply Regulation 38 (1) prescribes that a supply chain management policy must provide measures for the combating of abuse of the supply chain management system, and must enable the accounting officer, among others, to:

- a. take all reasonable steps to prevent such abuse;
- b. reject the bid of any bidder if that bidder or any of its directors has abused the supply chain management system of the municipality or municipal entity or has committed any improper conduct in relation to such system; and
- c. cancel a contract awarded to a person if the person committed any corrupt or fraudulent act during the bidding process or the execution of the contract.

4 This MBD serves as a certificate of declaration that would be used by institutions to ensure that, when bids are considered, reasonable steps are taken to prevent any form of bid-rigging.

5 In order to give effect to the above, the attached Certificate of Bid Determination (MBD

9) must be completed and submitted with the bid:

¹ Includes price quotations, advertised competitive bids, limited bids and proposals.

² Bid rigging (or collusive bidding) occurs when businesses, that would otherwise be expected to compete, secretly conspire to raise prices or lower the quality of goods and / or services for purchasers who wish to acquire goods and / or services through a bidding process. Bid rigging is, therefore, an agreement between competitors not to compete.

CERTIFICATE OF INDEPENDENT BID DETERMINATION

I, the undersigned, in submitting the accompanying bid:

(Bid Number and Description)

in response to the invitation for the bid made by:

(Name of Municipality / Municipal Entity)

do hereby make the following statements that I certify to be true and complete in every respect:

I certify, on behalf of : _____ that:
(Name of Bidder)

1. I have read and I understand the contents of this Certificate;
2. I understand that the accompanying bid will be disqualified if this Certificate is found not to be true and complete in every respect;
3. I am authorized by the bidder to sign this Certificate, and to submit the accompanying bid, on behalf of the bidder;
4. Each person whose signature appears on the accompanying bid has been authorized by the bidder to determine the terms of, and to sign, the bid, on behalf of the bidder;
5. For the purposes of this Certificate and the accompanying bid, I understand that the word "competitor" shall include any individual or organization, other than the bidder, whether or not affiliated with the bidder, who:
 - (a) has been requested to submit a bid in response to this bid invitation;
 - (b) could potentially submit a bid in response to this bid invitation, based on their qualifications, abilities or experience; and
 - (c) provides the same goods and services as the bidder and/or is in the same line of business as the bidder
6. The bidder has arrived at the accompanying bid independently from, and without consultation, communication, agreement or arrangement with any competitor. However

KOUGA MUNICIPALITY

FORM OF TENDER

PROCURVE SWITCHES

The Municipal Manager
P O Box 21
JEFFREY'S BAY
6330

**THIS FORM MUST BE COMPLETED OTHERWISE
TENDER WILL BE INVALID**

Dear Sir,

.....the undersigned, having examined the tender documents, hereby offer to supply and deliver in sound condition and free from all other charges of whatsoever kind or render services to the Kouga Municipality the requirements as tendered by us in strict accordance with the attached schedule relating thereto for the price set out in such schedules.

.....undertake that the whole of the material supplied by or services rendered shall be in strict accordance with the Kouga Municipality specification and all the conditions of this tender.

.....undertake, in the event of the acceptance of this offer either wholly or in part, to enter into a formal contract, if required, and to provide good and sufficient sureties for the due fulfilment of the contract to the satisfaction of the Kouga Municipality.

.....undertake that this offer shall not be retracted or withdrawn for and during ninety (90) days from the date on which it is to be lodged and may be accepted at any time during the period of ninety (90) days. (Bid validity).

.....acknowledge that this tender will not qualify for consideration unless all municipal rental, services or rates accounts are paid up to date or alternatively that satisfactory arrangements have been made with the C F O to settle such accounts for purposes of this clause. In case of an artificial person, includes every member of the tenderer.

The CFO reserves the right to deduct monies from contract payments in terms of a reasonable arrangement with the debtor.

NAME OF FIRM (TENDERER):

V.A.T. REGISTRATION NO:

PHONE NUMBER:FAX NO:

ADDRESS:

SIGNATURE:DATE:

POINT ALLOCATION

***PLEASE SEE HIGHLIGHTED SECTION FOR POINT SCORING CRITERIA.**

		UP TO R500 000	ABOVE R500 000
		80/20	90/10
A	Price	80	90
B	HDI		
	i) no franchise	8	4
	ii) female	4	2
	iii) disability	4	2
	iv) Located in a Kouga Area	4	2
	POINTS	100	100

