



**TERMS OF REFERENCE DOCUMENT**

<b>NOTICE NO.57/2011</b>	
<b>WATERWORKS OPERATION AND MAINTENANCE MANUAL</b>	
<b>CLOSING DATE:</b>	<b>13 May 2011</b>
Name of tendering firm:	
Contact Person ( <i>Full Names</i> ):	
Tel No.:	Cell No.:
Fax No.:	
Supplier Database No.:	
Signature of Tenderer:	
<hr/>	
Issued By:	
KOUGA LOCAL MUNICIPALITY	
PO Box 21	
JEFFREYS BAY , 6330	
CONTACT PERSON: MR.R.BOTHA at 042 2002 200 EXT 2242	

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

## PERSONAL DETAILS OF THE TENDERER

PLEASE PROVIDE THE FOLLOWING DETAILS:

### Name of Company/Close Corporation/Partnership/Sole Trader/Private Person

.....

(Clearly state whether your business is a Company/Close Corporation/  
Partnership/Sole Trader or if you are an individual)

Company/Close Corporation's Registration No. ....

1.2 Value Added Tax Registration No. ....

OR

Income Tax Reference No. ....

### 1.3 Name(s) and details of Shareholders and Directors

Name	% Shareholding	Director (Y/N)	ID Number


**IT IS COMPULSORY IN THE CASE OF A FEMALE DIRECTOR / MEMBER OR PARTNER TO ALSO FURNISH HER MAIDEN NAME, AND IF APPLICABLE, ALL HER PREVIOUS MARRIED NAMES**

1.4 The Tenderer’s Representative for the purpose of this Tender is:

.....

**2. STREET ADDRESS OF REGISTERED OFFICES**

Street address, which address the Tenderer chooses as it’s domicilium citandi et executandi for all purposes of this Tender.

.....

.....

**3. POSTAL ADDRESS**

.....

.....

.....

**2. CONTACT DETAILS**

**4.1 TELEPHONE NUMBERS**

Business: Code ..... ..

Cell: .....

**4.2 FACSIMILE NUMBER Code ..... ..**

**5. COMPANY RESOLUTION**

5.1 A copy of the recorded Resolution taken by the Board of Directors, members, partners or trustees authorizing the representative to submit this Tender on the Tenderer's behalf must be attached to the Tender Document on submission of same.

5.2 A Tender shall be eligible for consideration only if it bears the signature of the Tenderer or of some person duly and lawfully authorized to sign it for and on behalf of the Tenderer.

# **SPECIAL CONDITIONS OF CONDITIONS**

## **SPECIFICATION**

### **THE DEVELOPMENT OF WATERWORKS OPERATION AND MAINTENANCE MANUAL (WO&MM)**

#### **SECTION 1: DETAILS**

**Province:** Eastern Cape

**Municipality:** Kouga Municipality

**Project Name:** Development of Waterworks Operation and  
Maintenance Manual for Water Managers and  
Operators

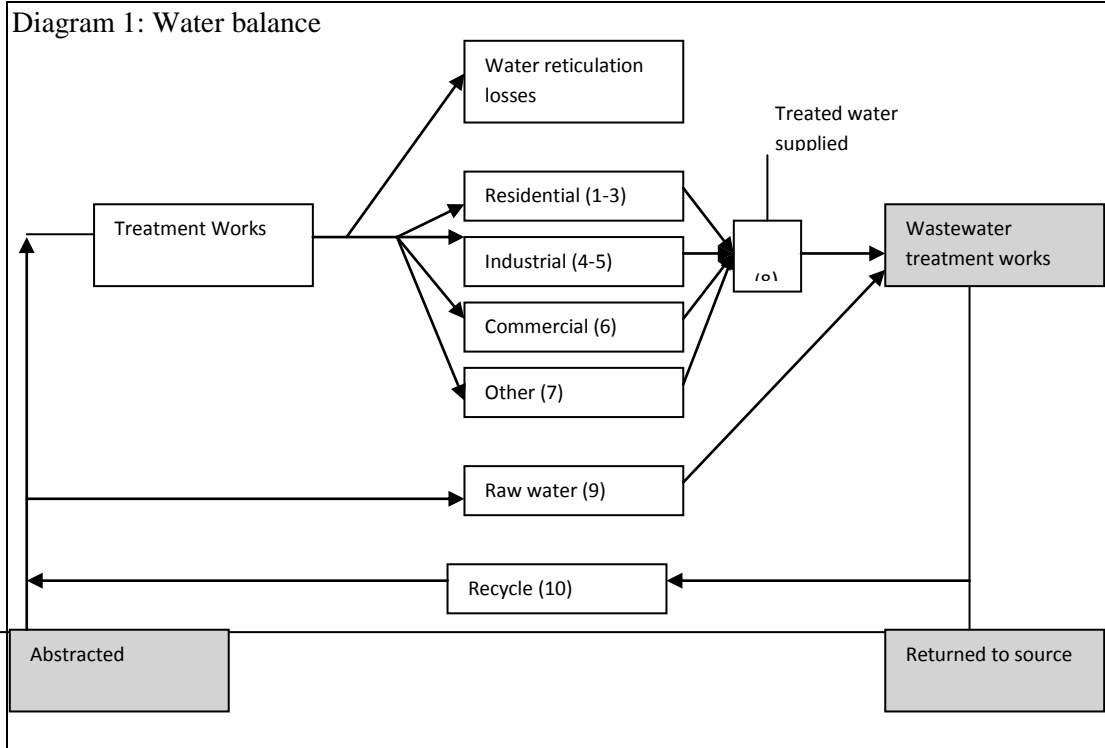
**Notice No:** 57/2011

#### **SECTION 2: SUMMARY OF THE BRIEF**

The bidder is expected, after technical assessment of the existing waterworks and plants as Kouga Municipality's assets, develop an Operation and Maintenance Manual which will offer the municipality and accountable personnel with the most in-depth, step-by-step procedures and processes available in the water sector in South Africa in accordance with DWA norms and standards read with other pieces of legislation on water allocation for ender users and customers.

The proposals are requested from Manual Development providers to develop the Operation and Maintenance Manual covering, *inter alia*, water treatment plant planning and design, predesigned reports, problem definition, site selection; review key issues such as raw water intake, screening, aeration, conveyance, flow measurement, pumping, coagulation, flocculation, precipitation, sedimentation, filtration, disinfection, and fluoridation; aesthetic issues such as color, taste, and odor control; techniques for residuals management; a guide to instrumentation and control; a review of non-conventional processes; and a troubleshooting guide for avoiding key design errors.

The Manual will be used by Kouga Municipality as a reference in the overall operation and maintenance of the waterworks systems. Thus, the manual must contain, *inter alia*, the necessary O&M procedures, work sheets, and record keeping forms, safety and emergency procedures, and testing and monitoring procedures. As a training tool for the engineering unit of Kouga Municipality, the Manual must be design in such a manner that it reflect the state- of- the- art in the water sector and easily updated from time to time. This must also take into account the need for water balance as in Diagram 1. Below,



### SECTION 3: PROJECT DESCRIPTION

#### SECTION 3.1. Kouga Municipality as a Water Services Authority

Kouga Municipality is a Water Services Authority (WSA) which covers Humansdorp, Jeffrey’s Bay, Hankey, Cape St. Francis / St. Francis Bay and Patensie. Kouga Municipality in partnership with the Department of Water Affairs (DWA) has an executive responsibility to implement and regulate waterworks operation and maintenance in pursuit with the provisions of the Water Services Act, 1997; and National Water Act, 1998. Accordingly, the WSA must have a well designed step-by-step waterworks operation and maintenance manual to assist water managers and operators in Kouga Municipality. This means that the Bidders must conduct a technical analysis of the existing waterworks in Kouga Municipality, taking into account the future infrastructure, development and planning at Kouga Municipality, and its water users, the bidders must ensure that the Manual is developed and designed in such a manner that it becomes a tool over a reasonable period of time. Ultimately, the O&M Manual as a tool will address, *inter alia*:

- Limited technical operation and maintenance water managers and operators ;



- Attraction and retention of technical and engineering personnel;
- Focus on legislative compliance on water quality and water treatment plants and systems; and
- Insufficient financial resources to operate and maintain the current systems without an updated manual in terms of the contemporary technology.

Notwithstanding the above, Kouga Municipality must also comply with sector specific and cross-cutting legislation, indicated in Table .1.

**Table 1 – Sector Specific and Cross-cutting Legislation**

<b>Sector</b>	<b>Legislation</b>
Water and Sanitation	Water Services Act, 1997 (Act No. 108 of 1997) (“Water Services Act”)
	National Water Act, 1998 (Act No. 108 of 1998) (“NWA”)
Electricity	Electricity Act, 1987 (Act No. 41 of 1987) (“EA”)
	Electricity Distribution Industry Restructuring Bill, 2003 (“EDIRA”)
Roads and Storm- water	National Land Transport Transition Act, 2000 (Act No. 22 of 2000) (“NLTTA”)
	Urban Transport Act, 1977 (Act No. 78 of 1977) (“UTA”)
Waste Management	National Environmental Management Act, 1998 (Act No. 107 of 1998) (“NEMA”)
	Environment Conservation Act, 1989 (Act No. 73 of 1989) (“ECA”)

Cross-cutting	Occupational Health and Safety Act, 1993 (Act No. 85 of 1993) (“OHSA”)
	NEMA and ECA (see above)
	Government Immovable Asset Management Bill, 2006
	Construction Supply Chain Management Regulations, 2006 (CIDB)
	Housing Act

In addition to the regulations supporting these Acts, Kouga Municipality must further comply with an extensive range of specifications and guidelines, such as water drinking standards (SANS 241: 2005), DWA Minimum Requirements for Disposal by Landfill, standards for electricity generation and distribution (NERS 047 and 048). Thus, an updatable, yet appropriate Waterworks Operation and Maintenance Manual (WO&MM) for Kouga Municipality is a prerequisite for sustainable water business, integrated planning, and, future infrastructure development

### **SECTION 3.2 - Scope of Work**

The scope of work shall include the followings:

3.2.1. Technical analysis of the existing waterworks, technological details, gaps and new requirements to respond to new water demands for ever growing Kouga Municipality population and its limited water sources and resources

3.2.2. Develop an appropriate and updatable WO&MM. This further include, *inter alia*:

- Water treatment plants: planning, design, and operations—in depth.
- The in-depth, start-to-finish guide to water treatment planning, design, and operations
- Easy-to-apply design criteria, procedures, and concepts
- Units layout, yard piping’s, hydraulic profile, instrumentation, control, and more
- Equipment specification, selection, and maintenance

- Raw water intake, screening, and aeration
- Conveyance, flow measurement, and pumping
- Coagulation, flocculation, precipitation, sedimentation, filtration, disinfection, and fluoridation
- Complete process trains demonstrating the interrelationships amongst key processes
- Practical, real-world techniques for selecting equipment and manufacturers
- Nonconventional treatment processes: removing specific constituents that conventional treatment leaves behind

In addition to the above, the WO&MM must cover as far as possible the following topics and themes: Waterworks and site details, System Identification and Ownership , Introduction and Overview, Responsibilities of Personnel, Regulatory Agency(s) and Regulations, General System Description, System Operation and Control, Testing, Maintenance, Spare Parts, Supplies, and Chemicals , Records and Reports, Emergency Preparedness and Response, Procedures, Utilities, Equipment Technical Data and Drawings, Operations and Maintenance , Preventive Maintenance and Manufacturer's Instructions, Operation and Maintenance Forms and Reports, Testing Schedule, Procedures, Forms, and Reports, Spare Parts, Supplies, and Chemicals, Operator Training Certificates, Well Driller's Report and DOTD Registration, Water System Maps, Drawings, etc.

#### **SECTION 4 - Methodology**

The bidders submitting the bids must clearly indicate how they propose undertaking the works as listed above. The proposal should clearly describe how the Bidder intends to develop the WO&MM. The Bidder should also include a program me showing how the company will undertake a rapid assessment of the existing waterworks and development of the WO&MM with milestones indicated and highlighted.

#### **SECTION 5 - Experiences and Expertise**

The Bidder will be a professional company with the relevant expertise and experience in waterworks, water treatment plants, wastewater treatment plants, manual development

in engineering and technical field, accredited training for water managers and operators. The Bidder has the capacity, and list only experts or specialists to be used in this project. The Bidder must also provide the panel with the overview of how the required expertise will be addressed. Experience in various waterworks technological options, and implementation of bulk infrastructure will be an advantage.

## **SECTION 6 - Deliverables**

- Detailed work plan using Logframe (Initial Phase, Implementation Phase and Closing Phase)
- Status *Quo* on the Waterworks treatment plans, operations and systems
- State of the Art and Updatable WO&MM
- Training programme and mentorship plan aligned to SAQA minimum standards
- Monthly Progress Report
- WO&MM as reference in the overall Kouga Municipality waterworks treatment plants and systems
- An updatable WO&MM with the necessary O&M procedures, work sheets and record keeping forms, safety and emergency procedures, and testing and monitoring procedures
- Definitions of Terms, Table of Contents and Appendixes
- Final and Approved WO&MM by DWA and Kouga Municipality Council

## **SECTION 8 - Project Steering Committee**

A successful Bidder will report to the Project Steering Committee established for the purpose of this project and the Project Manager at Kouga Municipality. This appointment will be supervised by WSA-DWA officials responsible for the Water Service Function under the **contract management of Mr. R. Botha**: Technical Services Kouga Local Municipality. Verbal and written reports will be presented at each session of the designated task team. The frequency of such reports shall be decided by the task team, but allowance should be made to report monthly.

## **SECTION 9 - Project Costs and Payment Milestones**

The Bidders shall complete the Pricing Schedule indicating their bid offer per item in the bid document. The prices and rates to be in the Schedule of Quantities are to be the full inclusive of the prices of the Employer (excluding VAT, which is added on the end) for the work described under the several items. Such prices shall cover all costs and

expenses that may be required for the works described, and shall cover the costs of all general risks, liabilities, and obligations set forth or implied in the documents on which the bid is based. The Bidder should price the bid to ensure that, in addition to the tasks required to deliver the outputs, it can:

- Empower the water managers and operators about the topics and their operational implications
- Provide the water managers and operators with WO&MM contents per theme or area of specialization
- Ensure that claims arising from the actions of the work are inclusive in the budget

Payment claims may be submitted when and as any of the items in Section 6 (Project Deliverables, namely Assessment and Manual Development) are irreversibly accomplished. Supporting documents shall fully indicate the progress per bill item submitted for payment. The Employer (Kouga Municipality) shall have 7 days to verify the correctness of the invoice before processing invoice for payment.

**SECTION 10: Evaluation Criteria**

Tenders will be evaluated according to the municipal supply chain management policy.

The 80/20 system Evaluation Criteria will apply to this Bid. The Price and Functionality will be evaluated as follows:

<b>Item</b>	<b>Criteria</b>	<b>Weighting</b>
1	Price	80
2	Preference Points	20
	<b>Total</b>	<b>100</b>

**Functionality Requirements:**

**Bidders must attain a functionality score of 80% to qualify for further consideration**

<b>Item</b>	<b>Criteria</b>	<b>Weight</b>
1	Experience	30
2	Expertise	30
3.	Methodology	40
	<b>Formula: Total weighing x 16 over 100</b>	<b>100</b>

**10.1 Experience (of the Company)**

<b>Item</b>	<b>Criteria</b>	<b>Weight</b>
1	How many contactable references on the past experience on similar project does the Bidder indicate?	16
2	What were the values of the individual projects indicated?	8
3.	How long has the company operated in the waterworks, operation and maintenance of infrastructure and asset management, training and development	6
<b>Total</b>		<b>30</b>

**10.2. Expertise (of the proposed team as a whole)**

<b>Item</b>	<b>Criteria</b>	<b>Weighting</b>
	What are the qualifications of the Bidder's Team Leader	5

	What is the total experience (years) of the project leader in similar projects	3
	What disciplines are contained within the Bidder's team	6
	How comprehensive and relevant are the disciplines in the Bidder's team?	6
	What is the overall qualifications and experience of the support staff?	5
	Does the Proposal satisfactory indicate that the team will be able to cope with the scale of work expected?	5
<b>Total</b>		<b>30</b>

### 10.3. Methodology (of the proposed work)

<b>Item</b>	<b>Criteria</b>	<b>Weighting</b>
	Does the methodology reflect understanding of the requirements	2
	Does the methodology achieve the desired outcomes in the work plan or throughout the implementation plan of the project and project design thereof?	6
	Is an acceptable programme to transfer skills to the municipality highlighted and/or planned?	4
	Does the Bidder indicate sufficient resources tom cope with the scale of the expected works?	3
	Does the Bidder indicate satisfactory control over expenditure on intangible	6

	cost items?	
	Is the Bidder an accredited trainer in the water sector and manual development?	2
	Is the Bidder amiable to work in partnership or Joint Venture?	2
	Is the Bidder prepared that one's rate of output be dictated by a 3 <sup>rd</sup> party Services Provider?	2
	Does the Bidder able to deliver on the assessment of the waterworks systems and develop a modern, yet upgradeable WO&MM as per deliverables of this project?	4
	How the Bidder's overall methodology is fits with the project description?	5
	Does the methodology indicate that the Bidder can keep within the timeframe of the project?	4
<b>Total</b>		<b>40</b>

#### 10.4 Historically Disadvantaged Individuals(PREFERENCE POINTS)

Item	Criteria	Weight
1	HDI	8
2	Women	4
3	People Living with Disabilities	4
4	Locality(Kouga Office)	4
<b>Total</b>		<b>20</b>



Bidders should take note of the above technical (quality) evaluation criteria.

- (a) all the necessary documentation must be submitted for the Evaluation Panel to make an informed evaluation. Evaluation of the Technical (Quality) Requirements will be based on the information provided by the Bidder.

[i] **Experience:** The experience annexure must be completed. Only list projects of a similar nature undertaken.

lii] **Expertise:** The qualifications and capacity of the company/team to undertake the work must be provided for evaluation purposes

[iii] **Methodology:** The Bidder must clearly demonstrate how the contract will be managed, detailing a work plan with timeframes and clearly explaining how the works will be implemented

- (b) Bids that do not meet a minimum of 60% for each of the criteria listed above will not be considered further

- (c) a minimum total score of 24 points out of 40 must be obtained in order for the Bid to proceed to the Financial Evaluation

- (d) Bids that do not meet the Technical (Quality) Assessment will not advance to the Financial Assessment

- (e) The Bid must include a valid Tax Clearance Certificate

## 11. Bill of Quantities

Bidders should include in their proposal a simple bill of quantities. This will be used as a management tool for the implementation of the appointment.

**PRICING SCHEDULE – NOTICE NO.57/2011**

<b>ITEM DESCRIPTION</b>	<b>UNIT</b>	<b>TOTAL PRICE EXCL VAT</b>	<b>VAT</b>	<b>TOTAL PRICE INCL VAT</b>


**Form of Offer and Acceptance  
(AGREEMENT)**

**NOTICE NO 57/2011  
WATERWORKS OPERATIONAL AND MAINTENANCE MANUAL**

**OFFER / ACCEPTANCE (TENDERER)**

The Employer, identified in the Acceptance signature block, has solicited offers to enter into a contract to appoint a service provider to a waterworks operation and maintenance manual.

The Tenderer, identified in the Offer signature block below, has examined the documents listed in the Tender and by submitting this Offer has accepted the Conditions of Tender.

By the representative of the Tenderer, deemed to be duly authorized, signing this part of this Form of Offer and Acceptance, the Tenderer offers to perform all of the obligations and liabilities of the Service Provider under the Contract including compliance with all its terms and conditions according to their true intent and meaning.

I /we ..... (name of bidder) hereby

acknowledge that all prices quoted for the waterworks operation and maintenance manual on the schedule of price (page 18 to 19 ) are firm and correct as per price schedule.

**THE OFFERED TOTAL OF THE PRICES INCLUSIVE OF VALUE ADDED TAX**

**IS**.....

.....

.....**RAND** (in words);

**R**..... (in figures)

Tenderer Signature(s) \_\_\_\_\_

Tenderer Name(s) \_\_\_\_\_

\_\_\_\_\_

Capacity \_\_\_\_\_

\_\_\_\_\_  
(Name and address of organisation)

**ACCEPTANCE (EMPLOYER)**

By signing this part of this Form of Offer and Acceptance, the Employer identified below accepts the Tenderer's Offer. In consideration thereof, the Employer shall pay the Service Provider the amount due in accordance with the, Conditions of Contract. Acceptance of the Tenderer's Offer shall form an agreement, between the Employer and the Tenderer.

Notwithstanding anything contained herein, this Agreement comes into effect on the date when the Tenderer receives an appointment letter from Kouga Municipality. Unless the Tenderer (now Contractor) within five working days of the date of such receipt notifies the Employer in writing of any reason why he cannot accept the contents of this Agreement, this Agreement shall constitute a binding contract between the parties.

Employer Signature(s) \_\_\_\_\_

Employer Name(s) \_\_\_\_\_

Capacity \_\_\_\_\_

\_\_\_\_\_  
(Name and address of organisation)

To avoid confusion please provide the contact details of the person 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 Number .....Grading:.....

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 the state? **YES / NO**

3.9.1 If so, state particulars.

.....  
.....

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

3.10.1 If so, state particulars.

.....  
.....

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

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 **YES / NO**  
directors, managers, principle shareholders or stakeholders in service of the state?

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

Provincial 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.

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

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 bids<sup>1</sup> invited.

2 Section 4 (1) (b) (iii) of the Competition Act No. 89 of 1998, as amended, prohibits an agreement between, or concerted practice by, firms, or a decision by an association of firms, if it is between parties in a horizontal relationship and if it involves collusive bidding (or bid rigging).<sup>2</sup> Collusive bidding is a *pe se* prohibition meaning that it cannot be justified under any grounds.

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

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

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

5 In order to give effect to the above, the attached Certificate of Bid Determination (MBD9) must be completed and submitted with the bid:

<sup>1</sup> Includes price quotations, advertised competitive bids, limited bids and proposals.

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

**CERTIFICATE OF INDEPENDENT BID DETERMINATION**

I, the undersigned, in submitting the accompanying bid:

\_\_\_\_\_ (Bid Number and Description)

in response to the invitation for the bid made by:

\_\_\_\_\_ (Name of Municipality / Municipal Entity)

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

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

1. I have read and I understand the contents of this Certificate;
2. I understand that the accompanying bid will be disqualified if this Certificate is found not to be true and complete in every respect;
3. I am authorized by the bidder to sign this Certificate, and to submit the accompanying bid, on behalf of the bidder;
4. Each person whose signature appears on the accompanying bid has been authorized by the bidder to determine the terms of, and to sign, the bid, on behalf of the bidder;
5. For the purposes of this Certificate and the accompanying bid, I understand that the word "competitor" shall include any individual or organization, other than the bidder, whether or not affiliated with the bidder, who:
  - (a) has been requested to submit a bid in response to this bid invitation;
  - (b) could potentially submit a bid in response to this bid invitation, based on their qualifications, abilities or experience; and
  - (c) provides the same goods and services as the bidder and/or is in the same line of business as the bidder
6. The bidder has arrived at the accompanying bid independently from, and without consultation, communication, agreement or arrangement with any competitor. However communication between partners in a joint venture or consortium<sup>3</sup> will not be construed as collusive bidding.
7. In particular, without limiting the generality of paragraphs 6 above, there has been no consultation, communication, agreement or arrangement with any competitor regarding:
  - (a) prices;
  - (b) geographical area where product or service will be rendered (market allocation)
  - (c) methods, factors or formulas used to calculate prices;



**KOUGA MUNICIPALITY**

**FORM OF TENDER**

**WATERWORKS OPERATION AND MAINTENANCE MANUAL**

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

		UP TO R500 000	ABOVE R500 000
		80/20	90/10
<b>A</b>	Price	80	90
<b>B</b>	HDI		
	i) HDI	8	4
	ii) female	4	2
	iii) disability	4	2
	iv) Located in a Kouga Area	4	2
	<b>POINTS</b>	100	100

**KOUGA MUNICIPALITY  
WATERWORKS OPERATION AND MAINTENANCE MANUAL**

**SCHEDULE OF WORK CARRIED OUT BY THE TENDERER**

The Tenderer shall list below the contracts undertaken by him during the past five (5) years, or contracts at present under construction

<b>Employer (Name, Tel No.)</b>	<b>Consulting Engineer or Responsible Official Name, Tel No.)</b>	<b>Nature of Work</b>	<b>Value of Work</b>	<b>Year Completed</b>

**SIGNED OF BEHALF OF THE TENDERER:**  
.....



