



TERMS OF REFERENCE DOCUMENT

NOTICE NO.55/2011 HOME THEATRE SYSTEM AND DVD PLAYER FOR LIBRARY	
CLOSING DATE:	23 May 2011 at 12:00
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: Ms. L. Jack at 042 2002 200 EXT 2172	

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

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

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

1. 1 x HOME THEATRE SYSTEM

- 5.1 HDMI
- 350W Power output
- Plays all formats
- DivX Playback
- USB Port

2. 1 x DVD PLAYER

- Compatible to disk:
 - ✓ DVD
 - ✓ DVD-R/W
 - ✓ CD
 - ✓ MP3
- AV Output
- USB Port

PRICING SCHEDULE – NOTICE NO.55/2011

ITEM DESCRIPTION	UNIT	TOTAL PRICE EXCL VAT	VAT	TOTAL PRICE INCL VAT
1 x Home Theatre Systems	1 OFF			
1 x DVD Player	1 OFF			

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

Total Amount : R..... (INCL VAT) AMOUNT IN FIGURES

Total amount:

.....

.....(INCL VAT)AMOUNT IN WORDS

AUTHORISING SIGNATURE..... DATE:.....

ON BEHALF OF COMPANY.....

DATE OF COMPLETION

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 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 **YES / NO**
shareholders or stakeholders in service of the state?

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.		

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

communication between partners in a joint venture or consortium³ will not be construed as collusive bidding.

7. In particular, without limiting the generality of paragraphs 6 above, there has been no consultation, communication, agreement or arrangement with any competitor regarding:

- (a) prices;
- (b) geographical area where product or service will be rendered (market allocation)
- (c) methods, factors or formulas used to calculate prices;
- (d) the intention or decision to submit or not to submit, a bid;
- (e) the submission of a bid which does not meet the specifications and conditions of the bid; or
- (f) bidding with the intention not to win the bid.

8. In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications and conditions or delivery particulars of the products or services to which this bid invitation relates.

9. The terms of the accompanying bid have not been, and will not be, disclosed by the bidder, directly or indirectly, to any competitor, prior to the date and time of the official bid opening or of the awarding of the contract.

10. I am aware that, in addition and without prejudice to any other remedy provided to combat any restrictive practices related to bids and contracts, bids that are suspicious will be reported to the Competition Commission for investigation and possible imposition of administrative penalties in terms of section 59 of the Competition Act No. 89 of 1998 and or may be reported to the National Prosecuting Authority (NPA) for criminal investigation and or may be restricted from conducting business with the public sector for a period not exceeding ten (10) years in terms of the Prevention and Combating of Corrupt Activities Act No. 12 of 2004 or any other applicable legislation.

.....
Signature

.....
Date

.....
Position

.....
Name of Bidder

³ 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.

KOUGA MUNICIPALITY

FORM OF TENDER

HOME THEATRE SYSTEM AND DVD PLAYER FOR LIBRARY

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
A	Price	80	90
B	Preference Points		
	i) HDI	8	4
	ii) female	4	2
	iii) disability	4	2
	iv) Located in a Kouga Area	4	2
	POINTS	100	100