



NOTICE NO:108/2013	
HIRING OF GRADER	
Closing Date	27 September 2013 @ 12:00
Name of tendering firm:	
Contact Person (<i>Full Names</i>):	
Tel No.:	Cell No.:
Fax No.:	
Email:	
Supplier Database No.:	
Signature of Tenderer:	
Issued By:	
KOUGA LOCAL MUNICIPALITY	
PO Box 21	
JEFFREYS BAY , 6330	
Contact Person: Mr. W. Botha at Tel: 042 2008300, email:wbotha@kouga.gov.za	

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

PLEASE TAKE NOTE OF ALL LISTED INSTRUCTIONS AND COMMENTS

- NB: PLEASE ENSURE THAT YOU FAMILIARIZE YOURSELF WITH THE COMPLETE DOCUMENT AND 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.
- HAND IN THIS TERMS OF REFERENCE DOCUMENT WITH THE COMPULSORY REQUIRED DOCUMENTATION.
- DO NOT RE-TYPE THE PRICING SCHEDULE.
- DO NOT USE CORRECTION FLUID IN THE DOCUMENT. IF ANY MISAKES ARE MADE, PLEASE DRAW A LINE THROUGH IT AND INITIAL NEXT TO IT.

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

FAILURE TO COMPLY MAY RESULT IN NON ACCEPTANCE

	<p>COMPANY REGISTRATION DOCS/ FORMAL REGISTRATION DOCUMENTS/JV AGREEMENTS/ CONSORTIA/PARTNERSHIP AGREEMENTS- APPLICABLE TO ALL REGISTERED ENTITIES (ie. COMPANIES, PUBLIC/PRIVATE ENTITIES, PARTNERSHIPS AND TRUST'S AND JOINT VENTURES</p>
	<p>V.A.T. REGISTRATION CERTIFICATE IF NOT INDICATED ON ORIGINAL TAX CLEARANCE CERTIFICATE</p>
	<p>ORIGINAL AND VALID SARS TAX CLEARANCE CERTIFICATE</p>
	<p>B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE FOR ANY PREFERENCE POINTS TO BE CLAIMED (CERTIFIED COPY OF THE VALID CERTIFICATE MUST BE SUBMITTED)</p>
	<p>CERTIFIED IDENTIFICATION DOCUMENTS OF DIRECTORS/MEMBERS/PARTNERS/SOLE PROPRIETOR ATTACHED- FOR CLARIFICATION: NAMES ADDED TO POINT 1.3 OF PERSONAL INFORMATION AND POINT 4 OF DECLARATION OF INTEREST. A SOLE PROPRIETOR MUST SUBMIT A CERTIFIED ID COPY</p>
	<p>LATEST MUNICIPAL BILLING CERTIFICATE - LAST 3 MONTHS</p>
	<p>ORIGINAL PROOF OF BANKING-REFER TO PAGE 5 OF THIS DOCUMENT</p>

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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

.....

.....

.....

4. CONTACT DETAILS

4.1 TELEPHONE NUMBERS

Business: Code

Cell:

4.2 Facsimile Number: Code

4.3 Email address:

5. COMPANY RESOLUTION (THIS IS NOT APPLICABLE TO A SOLE PROPRIETOR)

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.

6. BANK DETAILS (FOR FUTURE ELECTRONIC BANK TRANSFERS) – PLEASE

SUBMIT A RECENTLY (PAST 3MONTHS) ORIGINAL STAMPED LETTER FROM THE BANK CONFIRMING ACCOUNT DETAILS OR AN ORIGINAL CANCELLED CHEQUE WILL SUFFICE

NAME OF BANK	ACCOUNT NAME	BRANCH CODE NO.	BANK A/C NO.

CERTIFICATION:

I declare that the information in this annexure is true and correct in all respects.

SIGNATURE: _____ CAPACITY: _____

KOUGA MUNICIPALITY

GOVERNMENT PROCUREMENT:

General Conditions of Contract- applicable to this contract- please refer to www.treasury.gov.za

NOTICE NO: 108 OF 2013

HIRING OF GRADER

Special Conditions/ Specifications

1. SCOPE

This specification covers the hiring of a grader with an engine capacity not less than 143KW for the grading of roads including the removal of all windrows.

1.2 The tender should include the following:

- 1) Fuel
- 2) Operator Cost
- 3) Establishment
- 4) All Maintenance on Grader
- 5) Value Added Tax- If registered

1.3. HEALTH AND SAFETY

1.3.1. Occupational Health and Safety Act 1994 (Act No. 85 of 1993)

1.3.1.1. The Service Provider shall comply with the Occupational Health and Safety Act 1994 (Act no. 85 of 1993) and in particular with its Construction Regulations of 2003.

1.3.1.2. All the works included in this Contract shall, for the purpose of complying with the OHS Act and the Construction regulation, be deemed to be "construction work".

1.3.1.3. It should be noted that, with a few exception, the Standard Specifications and the Project Specifications are "end product specifications" and not "method specifications". Detailed safety requirements applicable to all the operations to be carried out on Site are not provided in the project documentation. The Service Provider shall apply all the relevant safety requirements to the work methods and materials used.

1.3.2. Factories, Machinery and Building Work Act of 1941

All equipment provided and used and all work carried out under this Contract shall meet the requirements of the Occupational Health Safety Act and those

Regulations under the Factories, Machinery and Building Work Act of 1941 still remaining in force.

1.4. VEHICLES, PLANT and EQUIPMENT

1.4.1. Roadworthy, license and identification

- 1.4.1.1. All vehicles to be used for this contract are to be roadworthy and licensed for use on public roads at all times and must make provisions for the safe and lawful transportation of workers. Those vehicles used to transport debris removed from sewers must be able to do so in a safe and non-offensive manner and must have the Service Providers name and telephone number prominently displayed. All vehicles to be used for this contract must conform to the Road Traffic Act RTA, Act 93 of 1996.
- 1.4.1.2. All vehicles, plant, machinery, equipment and containers used on this contract must be in a serviceable condition and must be readily available for inspection to ensure that it is to specification and must meet with the approval of the employer.
- 1.4.1.3. The vehicle and equipment shall bear the Service Provider's name and contract details.
- 1.4.1.4. Extreme care must be taken to prevent any spillage and suitable tools shall be available to immediately clean up any spillage.

1.5. STANDARD OF WORKMANSHIP

1.5.1. Previous experience

Tenders will only be considered from Service Providers who have had adequate previous experience in comparable works. **The Tendered shall attach a comprehensive list of projects of work of a similar nature previously executed to his/her terms of reference document for evaluation purposes failing which the tender will not be evaluated further**

1.6. GENERAL

1.6.1. Awarding of tender

The municipality may award the tender separately to more than one contractor or as a whole to one contractor

1.6.2. Supply all equipment

Service Providers are to supply all equipment required to undertake and complete the work as specified and no additional payments will be entertained.

1.6.3. Damage to infrastructure

The apparatus and methods used shall not cause any damage to pipes, manholes, property or fixtures and any damage as may be caused will be repaired by the Council at the Service Provider's expense.

1.6.4. Cease work

The Council's representative may instruct the Service Provider to cease work if the operational method is deemed to be unsatisfactory, a danger or inconvenience to the public.

1.6.5. Communication

The Service Provider is to provide his supervisory and operational staff with cellular phone for communication and contact purposes for the duration of the contract.

1.6.6. Identification

The service Provider shall provide all his/her staff with uniforms for identification purposes. Identification cards or tags would be an added benefit for monitoring purposes.

1.6.7. Office Hours

Site office hours are 07h30-16h15 on weekdays for administration purposes.

1.6.8. Subcontract

No subcontracting will be allowed.

1.6.9. Signing off of task

The Service Provider shall, prior to departure from site, advise the relevant Council representative of completion of the task. The Council representative will have sole discretion if the work has been completed satisfactorily and will be required to sign off the worksheet for the task. Proof of licensing and registration must be provided on appointment.

1.7. COMMENCEMENT OF WORK

1.7.1. No work may start without an official **order** notification for the type of work to be done by the service provider (except after hours – official order to be provided within 3 working days by Manager: Technical Services)

1.7.2. The appointed service providers will be required to have all resources (labour, plant and equipment) on site **within one (1) day** after the issuing of an official order – **scheduled maintenance** (see Schedule 1 of pricing schedule).

1.8. PENALTIES

- 1.8.1. Scheduled maintenance - should the Service Provider fail to respond within the times as set out above, a penalty equal to 10% of the total cost of the work will be deducted from any monies due, for each day in breach.
- 1.8.2. Emergency cleaning - should the Service Provider fail to respond within the times as set out above, a penalty equal to 10% of the total cost of the work will be deducted from any monies due, for each hour in breach.

1.9. SUBMISSION OF INVOICES

1.9.1. Invoices

The invoice must clearly state the municipal order number, location where service was provided and be accompanied by a copy of the signed off work sheet by the Council representative, failing which no payment will be made.

1.10. PRICING INSTRUCTIONS

- 1.10.1. All prices shall be quoted including VAT.
- 1.10.2. All prices shall be quoted in accordance with the units specified in this schedule.
- 1.10.3. All prices quoted must include all expenses, disbursements and costs (e.g. transport, overheads, accommodation etc) that may be required in and for the execution of the work described in the Specification, and shall cover the cost of all general risks, liabilities and obligations set forth or implied in the Contracts as well as overhead charges and profit (in the event that the tender is successful). All prices will be final and binding.
- 1.10.4. The bidder will be paid the hourly rate from the time of arrival on site until completion of the work as specified. (travelling costs must be included by the bidder in the quoted rates)
- 1.10.5. Bidder to quote on all items as per the pricing schedule.
- 1.10.6 The quotation shall remain valid for 90 days.

1.11 CONTRACT PERIOD

The contract period shall be from the date of appointment.

NOTICE NO: 108 OF 2013**HIRING OF GRADER****Pricing Schedule****NOTE:**

1. All delivery costs **MUST** be included in the bid price, for delivery at the prescribed destination.
2. Document **MUST** be completed in non-erasable black ink and
3. **NO** correction fluid/tape may be used.
4. Tenderers must include value added tax (VAT) as well as any other tax which may be applicable

Area A: St. Francis Bay and Cape St. Francis & Oyster Bay

<u>ITEM NO</u>	<u>ITEM DESCRIPTION</u>	<u>PRICE EXCL. VAT</u> <u>Rate per Hour</u>	<u>VAT</u>	<u>PRICE INCL. VAT</u> <u>Rate per Hour</u>
1.1	Normal working day 07h30 to 13h00/13h30 to 16h00			

Area B: Jeffreys Bay (including Paradise beach), Aston Bay

<u>ITEM NO</u>	<u>ITEM DESCRIPTION</u>	<u>PRICE EXCL. VAT</u> <u>Rate per Hour</u>	<u>VAT</u>	<u>PRICE INCL. VAT</u> <u>Rate per Hour</u>
1.2	Normal working day 07h30 to 13h00/13h30 to 16h00			

Area C: Humansdorp

<u>ITEM NO</u>	<u>ITEM DESCRIPTION</u>	<u>PRICE EXCL. VAT</u> <u>Rate per Hour</u>	<u>VAT</u>	<u>PRICE INCL. VAT</u> <u>Rate per Hour</u>
1.3	Normal working day 07h30 to 13h00/13h30 to 16h00			

Area D: Thornhill, Loerie, Hankey & Patensie

<u>ITEM NO</u>	<u>ITEM DESCRIPTION</u>	<u>PRICE EXCL. VAT</u> <u>Rate per Hour</u>	<u>VAT</u>	<u>PRICE INCL. VAT</u> <u>Rate per Hour</u>
1.4	Normal working day 07h30 to 13h00/13h30 to 16h00			

DELIVERY PERIOD.....IN DAYS/WEEKS

NAME OF TENDERER: _____

AUTHORIZED SIGNATURE: _____

DATE: _____

Form of Offer

NOTICE NO: 108 /2013

HIRING OF GRADER

1. I hereby undertake to render services/goods described in the attached bidding documents to Kouga Local Municipality in accordance with the requirements and specifications stipulated in bid number: 108/2013 at the price/s quoted. My offer/s remain binding upon me and open for acceptance by the purchaser during the validity period indicated and calculated from the closing time of bid.

2. The following documents shall be deemed to form and be read and construed as part of this agreement:
 - (i) Bidding documents, viz
 - Invitation to bid;
 - Tax clearance certificate;
 - Pricing schedule(s);
 - Filled in task directive/proposal;
 - Preference claims for Broad Based Black Economic Empowerment Status Level of Contribution in terms of the Preferential Procurement Regulations 2011;
 - Declaration of interest;
 - Declaration of Bidder's past SCM practices;
 - Certificate of Independent Bid Determination;
 - Special Conditions of Contract;
 - (ii) General Conditions of Contract; and
 - (iii) Other (specify)

3. 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 goods 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.

4. **THE OFFERED TOTAL OF THE PRICES FOR THE HIRING OF A GRADER INCLUSIVE OF VALUE ADDED TAX AS QUOTED ON THE PRICING SCHEDULES ON PAGE TEN TO ELEVEN (10-11) IS CORRECT.**

5. 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 fulfillment of this contract.

6. I declare that I have no participation in any collusive practices with any bidder or any other person regarding this or any other bid.

7. I confirm that I am duly authorized to sign this contract.

NAME (PRINT)

CAPACITY

SIGNATURE

NAME OF FIRM

DATE

WITNESSES	
1

DECLARATION OF INTEREST

1. No bid will be accepted from persons in the service of the state*.
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.
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 Position occupied in the Company(Director, trustee, shareholder).....

3.4 Company Registration Number:

3.5 Tax Reference Number:

3.6 VAT Registration Number:

3.7 The names of all the directors/ trustees/shareholders member, their individual identity numbers and state employee numbers must be indicated in paragraph 4 below.

3.8 Are you presently in the service of the state* **YES / NO**

3.8.1 If yes, furnish particulars.....

* 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.

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.

.....
.....

3.9. Have you been in the service of the state for the past twelve months? **YES / NO**

3.9.1 If yes, furnish 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 evaluation and or adjudication of this bid? **YES / NO**

3.10.1 If yes, furnish particulars.

.....
.....

3.11 Are you, aware of any relationship (family, friend, other) between any other 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**

3.11.1 If yes, furnish particulars

.....
.....

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

YES / NO

3.12.1 If yes, furnish particulars.

.....
.....

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

YES / NO

3.13.1 If yes, furnish particulars.

.....
.....

3.14 Do you or any directors, trustees, managers, principal shareholders Or stakeholders of this company have any interest in other related companies or business whether or not they are bidding for this contract?

YES / NO

3.14.1 If yes, furnish particulars.

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

4. Full details of directors/ trustees/ members/ shareholders.

Full Name	Identity Number	State Employee Number

.....

Signature

.....

Date

.....

Capacity/ Name of Bidder.

PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL PROCUREMENT REGULATIONS 2011

This preference form must form part of all bids invited. It contains general information and serves as a claim form for preference points for Broad-Based Black Economic Empowerment (B-BBEE) Status Level of Contribution

NB: BEFORE COMPLETING THIS FORM, BIDDERS MUST STUDY THE GENERAL CONDITIONS, DEFINITIONS AND DIRECTIVES APPLICABLE IN RESPECT OF B-BBEE, AS PRESCRIBED IN THE PREFERENTIAL PROCUREMENT REGULATIONS, 2011.

1. GENERAL CONDITIONS

1.1 The following preference point systems are applicable to all bids:

- the 80/20 system for requirements with a Rand value of up to R1 000 000 (all applicable taxes included); and
- the 90/10 system for requirements with a Rand value above R1 000 000 (all applicable taxes included).

1.2 The value of this bid is estimated to not exceed R1 000 000 (all applicable taxes included) and therefore the 80/20 system shall be applicable.

1.3 Preference points for this bid shall be awarded for:

- (a) Price; and
- (b) B-BBEE Status Level of Contribution.

1.3.1 The maximum points for this bid are allocated as follows:

	POINTS
1.3.1.1 PRICE	80
1.3.1.2 B-BBEE STATUS LEVEL OF CONTRIBUTION	20
Total points for Price and B-BBEE must not exceed	100

1.4 Failure on the part of a bidder to fill in and/or to sign this form and submit a B-BBEE Verification Certificate from a Verification Agency accredited by the South African Accreditation System (SANAS) or a Registered Auditor approved by the Independent Regulatory Board of Auditors (IRBA) or an Accounting Officer as contemplated in the Close

Corporation Act (CCA) together with the bid, will be interpreted to mean that preference points for B-BBEE status level of contribution are not claimed.

- 1.5. The purchaser reserves the right to require of a bidder, either before a bid is adjudicated or at any time subsequently, to substantiate any claim in regard to preferences, in any manner required by the purchaser.

2. DEFINITIONS

- 2.1 **“all applicable taxes”** includes value-added tax, pay as you earn, income tax, unemployment insurance fund contributions and skills development levies;
- 2.2 **“B-BBEE”** means broad-based black economic empowerment as defined in section 1 of the Broad -Based Black Economic Empowerment Act;
- 2.3 **“B-BBEE status level of contributor”** means the B-BBEE status received by a measured entity based on its overall performance using the relevant scorecard contained in the Codes of Good Practice on Black Economic Empowerment, issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act;
- 2.4 **“bid”** means a written offer in a prescribed or stipulated form in response to an invitation by an organ of state for the provision of services, works or goods, through price quotations, advertised competitive bidding processes or proposals;
- 2.5 **“Broad-Based Black Economic Empowerment Act”** means the Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003);
- 2.6 **“comparative price”** means the price after the factors of a non-firm price and all unconditional discounts that can be utilized have been taken into consideration;
- 2.7 **“consortium or joint venture”** 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;
- 2.8 **“contract”** means the agreement that results from the acceptance of a bid by an organ of state;
- 2.9 **“EME”** means any enterprise with an annual total revenue of R5 million or less .
- 2.10 **“Firm price”** means the price that is only subject to adjustments in accordance with the actual increase or decrease resulting from the change, imposition, or abolition of customs or excise duty and any other duty, levy, or tax, which, in terms of the law or regulation, is binding on the contractor and demonstrably has an influence on the price of any supplies, or the rendering costs of any service, for the execution of the contract;
- 2.11 **“functionality”** means the measurement according to predetermined norms, as set out in the bid documents, of a service or commodity that is designed to be practical and useful, working or operating, taking into account, among other factors, the quality, reliability, viability and durability of a service and the technical capacity and ability of a bidder;
- 2.12 **“non-firm prices”** means all prices other than “firm” prices;

- 2.13 **“person”** includes a juristic person;
- 2.14 **“rand value”** means the total estimated value of a contract in South African currency, calculated at the time of bid invitations, and includes all applicable taxes and excise duties;
- 2.15 **“sub-contract”** means the primary contractor’s assigning, leasing, making out work to, or employing, another person to support such primary contractor in the execution of part of a project in terms of the contract;
- 2.16 **“total revenue”** bears the same meaning assigned to this expression in the Codes of Good Practice on Black Economic Empowerment, issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act and promulgated in the *Government Gazette* on 9 February 2007;
- 2.17 **“trust”** means the arrangement through which the property of one person is made over or bequeathed to a trustee to administer such property for the benefit of another person; and
- 2.18 **“trustee”** means any person, including the founder of a trust, to whom property is bequeathed in order for such property to be administered for the benefit of another person.

3. ADJUDICATION USING A POINT SYSTEM

- 3.1 The bidder obtaining the highest number of total points will be awarded the contract.
- 3.2 Preference points shall be calculated after prices have been brought to a comparative basis taking into account all factors of non-firm prices and all unconditional discounts;.
- 3.3 Points scored must be rounded off to the nearest 2 decimal places.
- 3.4 In the event that two or more bids have scored equal total points, the successful bid must be the one scoring the highest number of preference points for B-BBEE.
- 3.5 However, when functionality is part of the evaluation process and two or more bids have scored equal points including equal preference points for B-BBEE, the successful bid must be the one scoring the highest score for functionality.
- 3.6 Should two or more bids be equal in all respects, the award shall be decided by the drawing of lots.

4. POINTS AWARDED FOR PRICE

4.1 THE 80/20 OR 90/10 PREFERENCE POINT SYSTEMS

A maximum of 80 or 90 points is allocated for price on the following basis:

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

Where

P_s = Points scored for comparative price of bid under consideration

P_t = Comparative price of bid under consideration

P_{\min} = Comparative price of lowest acceptable bid

5. Points awarded for B-BBEE Status Level of Contribution

5.1 In terms of Regulation 5 (2) and 6 (2) of the Preferential Procurement Regulations, preference points must be awarded to a bidder for attaining the B-BBEE status level of contribution in accordance with the table below:

B-BBEE Status Level of Contributor	Number of points (90/10 system)	Number of points (80/20 system)
1	10	20
2	9	18
3	8	16
4	5	12
5	4	8
6	3	6
7	2	4
8	1	2
Non-compliant contributor	0	0

- 5.2 Bidders who qualify as EMEs in terms of the B-BBEE Act must submit a certificate issued by an Accounting Officer as contemplated in the CCA or a Verification Agency accredited by SANAS or a Registered Auditor. Registered auditors do not need to meet the prerequisite for IRBA's approval for the purpose of conducting verification and issuing EMEs with B-BBEE Status Level Certificates.
- 5.3 Bidders other than EMEs must submit their original and valid B-BBEE status level verification certificate or a certified copy thereof, substantiating their B-BBEE rating issued by a Registered Auditor approved by IRBA or a Verification Agency accredited by SANAS.
- 5.4 A trust, consortium or joint venture, will qualify for points for their B-BBEE status level as a legal entity, provided that the entity submits their B-BBEE status level certificate.
- 5.5 A trust, consortium or joint venture will qualify for points for their B-BBEE status level as an unincorporated entity, provided that the entity submits their consolidated B-BBEE scorecard as if they were a group structure and that such a consolidated B-BBEE scorecard is prepared for every separate bid.
- 5.6 Tertiary institutions and public entities will be required to submit their B-BBEE status level certificates in terms of the specialized scorecard contained in the B-BBEE Codes of Good Practice.
- 5.7 A person will not be awarded points for B-BBEE status level if it is indicated in the bid documents that such a bidder intends sub-contracting more than 25% of the value of the contract to any other enterprise that does not qualify for at least the points that such a bidder qualifies for, unless the intended sub-contractor is an EME that has the capability and ability to execute the sub-contract.
- 5.8 A person awarded a contract may not sub-contract more than 25% of the value of the contract to any other enterprise that does not have an equal or higher B-BBEE status level than the person concerned, unless the contract is sub-contracted to an EME that has the capability and ability to execute the sub-contract.

6. BID DECLARATION

- 6.1 Bidders who claim points in respect of B-BBEE Status Level of Contribution must complete the following:

7. B-BBEE STATUS LEVEL OF CONTRIBUTION CLAIMED IN TERMS OF PARAGRAPHS 1.3.1.2 AND 5.1

7.1 B-BBEE Status Level of Contribution: =(maximum of 10 or 20 points)

(Points claimed in respect of paragraph 7.1 must be in accordance with the table reflected in paragraph 5.1 and must be substantiated by means of a B-BBEE certificate issued by a Verification Agency accredited by SANAS or a Registered Auditor approved by IRBA or an Accounting Officer as contemplated in the CCA).

8 SUB-CONTRACTING

8.1 Will any portion of the contract be sub-contracted? YES / NO

8.1.1 If yes, indicate:

(i) what percentage of the contract will be subcontracted?%

(ii) the name of the sub-contractor?

(iii) the B-BBEE status level of the sub-contractor?

(iv) whether the sub-contractor is an EME? YES / NO (delete which is not applicable)

9 DECLARATION WITH REGARD TO COMPANY/FIRM

9.1 Name of firm :.....

9.2 VAT registration number :.....

9.3 Company registration number :.....

9.4 TYPE OF COMPANY/ FIRM

Partnership/Joint Venture / Consortium

- One person business/sole propriety
- Close corporation
- Company
- (Pty) Limited

[TICK APPLICABLE BOX]

9.5 DESCRIBE PRINCIPAL BUSINESS ACTIVITIES

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.....

9.6 COMPANY CLASSIFICATION

- Manufacturer
- Supplier
- Professional service provider
- Other service providers, e.g. transporter, etc.

[TICK APPLICABLE BOX]

9.7 MUNICIPAL INFORMATION

Municipality where business is situated

Registered Account Number

Stand Number

9.8 TOTAL NUMBER OF YEARS THE COMPANY/FIRM HAS BEEN IN BUSINESS?

.....

9.9 I/we, the undersigned, who is / are duly authorised to do so on behalf of the company/firm, certify that the points claimed, based on the B-BBE status level of contribution indicated in paragraph 7 of the foregoing certificate, qualifies the company/ firm for the preference(s) shown and I / we acknowledge that:

- (i) The information furnished is true and correct;
- (ii) The preference points claimed are in accordance with the General Conditions as indicated in paragraph 1 of this form.
- (iii) In the event of a contract being awarded as a result of points claimed as shown in paragraph 7, the contractor may be required to furnish documentary proof to the satisfaction of the purchaser that the claims are correct;
- (iv) If the B-BBEE status level of contribution has been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the purchaser may, in addition to any other remedy it may have –
 - (a) disqualify the person from the bidding process;
 - (b) recover costs, losses or damages it has incurred or suffered as a result of that person's conduct;
 - (c) cancel the contract and claim any damages which it has suffered as a result of having to make less favourable arrangements due to such cancellation;

- (d) restrict the bidder or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, from obtaining business from any organ of state for a period not exceeding 10 years, after the audi alteram partem (hear the other side) rule has been applied; and
- (e) forward the matter for criminal prosecution

WITNESSES:

- 1.
- 2.

..... SIGNATURE(S) OF BIDDER(S)

DATE:.....

ADDRESS:.....

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

POINT ALLOCATION

		UP TO	ABOVE
		R1 000 000	R1 000 000
		80/20	90/10
A	PRICE	80	90
B	PREFERENCE POINTS	20	10

KOUGA MUNICIPALITY

To be completed by all bidders or attach resolution re authority of signatory.

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:

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.

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.**

Item	Question	Yes	No
4.1	<p>Is the bidder or any of its directors listed on the National Treasury's Database of Restricted Suppliers as companies or persons prohibited from doing business with the public sector?</p> <p>(Companies or persons who are listed on this Database were informed in writing of this restriction by the Accounting Officer/Authority of the institution that imposed the restriction after the <i>audi alteram partem</i> rule was applied).</p> <p>The Database of Restricted Suppliers now resides on the National Treasury's website(www.treasury.gov.za) and can be accessed by clicking on its link at the bottom of the home page.</p>	<p>Yes</p> <p><input type="checkbox"/></p>	<p>No</p> <p><input type="checkbox"/></p>
4.1.1	If so, furnish particulars:		
4.2	<p>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)?</p> <p>The Register for Tender Defaulters can be accessed on the National Treasury's website (www.treasury.gov.za) by clicking on its link at the bottom of the home page.</p>	<p>Yes</p> <p><input type="checkbox"/></p>	<p>No</p> <p><input type="checkbox"/></p>

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 <input type="checkbox"/>	No <input type="checkbox"/>
4.3.1	If so, furnish particulars:		
Item	Question	Yes	No
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 <input type="checkbox"/>	No <input type="checkbox"/>
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 <input type="checkbox"/>	No <input type="checkbox"/>
4.5.1	If so, furnish particulars:		

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

.....
Date

.....
Position

.....
Name of Bidder

KOUGA MUNICIPALITY

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

Please attach latest municipal billing certificate of company.

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.

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:

KOUGA MUNICIPALITY
HIRING OF GRADER
NOTICE NUMBER: 108 /2013

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 present / ongoing contracts with contactable references

Employer (Contact Person)	Description of Project	Contact Telephone & E-mail	Value of Work Including of VAT	Date of completion scs

SIGNED OF BEHALF OF THE TENDERER: