



K O U G A
 local municipality
Prosperity through vision

NOTICE NO: 32/2016

APPOINTMENT OF ENVIRONMENTAL ASSESSMENT PRACTITIONERS FOR ADDITIONS & EXTENSIONS OF THE EXISTING MUNICIPAL LIBRARY ERF 1389 DIAZ ROAD JEFFREYS BAY

Closing Date	14 APRIL 2016 @ 12:00
Location of Bid	Supply Chain Office, St. Croix Street, JBAY
Name of tendering firm:	
Contact Person (Full Names):	
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 s N. Machelesi at Tel: 042 200 8300 ext: 8301, email: nomvulam@kouga.gov.za	

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 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 PRICE SCHEDULE
- PLEASE BE ADVISED THAT A COPY OF A CERTIFIED COPY DOES NOT CONSTITUTE A CERTIFIED COPY.
- DO NOT USE CORRECTION FLUID ON THE DOCUMENT. IF ANY MISTAKES ARE MADE, PLEASE DRAW A LINE THROUGH IT AND INITIAL NEXT TO IT.
- **PLEASE BE ADVISED IF YOUR DOCUMENTATION IS UP TO DATE ON THE SUPPLIER DATABASE THE BELOW MENTIONED LIST OF DOCUMENTATION DO NOT NEED TO BE SUBMITTED IF YOU HAVE A VALID REGISTRATION ON THE MUNICIPAL SUPPLIER DATABASE.**
- DOCUMENT TO BE COMPLETED IN BLACK INK.
- ALL OTHER DOCUMENTS TO BE SUBMITTED FROM BIDDER WITHIN 7 DAYS OF REQUEST. (**TIMEFRAME MAY BE REDUCED AS PER ARISING REQUIREMENT**)

NB. THESE DOCUMENTS MUST BE SUBMITTED. FAILURE TO COMPLY WILL RESULT IN NON ACCEPTANCE OF TENDER

1. Company Registration Documents/ Formal Registration Documentation/ JV Agreements/Consortia/ Partnerships and Trust's – Applicable to all entities (ie. Companies, Public & Private Entities, Partnerships and Joint Ventures)

- Please Note: A CM9/ Name Change Document will not suffice as Proof of Business Registration.

2. Authorised Signatory

- (a) A copy of the recorded Resolution taken by the Board of Directors, members, partners or trustees authorising the representative to submit this bid on the bidder's behalf must be attached to the Bid Document on submission of same.
- (b) A bid shall be eligible for consideration only if it bears the signature of the bidder or of some person duly and lawfully authorised to sign it for and on behalf of the bidder.

3. Original and valid SARS Tax Clearance Certificate must be submitted (for all entities and all partners of Joint Venture)

4. Latest Municipal Billing Certificate/ Copy of Municipal Account to be submitted.(If business premises is being rented a copy of the lease agreement must be submitted)

- Last 3 months up to tender closing date
- Subject to change to one calendar month if Bid Value exceeds R10million.

5. A Sole Proprietor must submit a certified ID copy.

6. For B-BBEE Status Level Contribution/ EME Certificate for any Preference Points to be claimed (Certified copy of the valid certificate to be submitted)

- A Joint Venture will only qualify for preference points if a consolidated B-BBEE/EME certificate has been submitted.

- If a certified copy is not submitted a 7day request will be issued after independent verification, no points will be awarded.

7. Any Special Conditions of Contract Documentation- Must be submitted as set out in tender contract.

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

4.3 Email address:

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.

6. BANK DETAILS (FOR FUTURE ELECTRONIC BANK TRANSFERS) – PLEASE SUBMIT A RECENTLY (PAST 3MONTHS) STAMPED LETTER FROM THE BANK CONFIRMING ACCOUNT DETAILS.

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

The Kouga Municipality Supply Chain Management policy will be applicable to the contract – please refer to www.kouga.gov.za

NOTICE NO: 32 OF 2016
Appointment of Environmental Assessment Practitioners for additions & extensions
of the existing Municipal Library Erf 1389 Diaz Road

Terms of Reference for Environmental Assessment Practitioners

Alterations and Additions to the existing Municipal Library situated in ERF1389, Diaz Road, Jeffreys Bay, Kouga Municipality, Eastern Cape

Scope of work

Brief Project Overview

The Kouga Local Municipality proposes to do alterations and additions to the existing Municipal Library.

ERF 1389 is situated within the 100m of High Water Mark (HWM) of the Sea under the current legislation (GN983, December 2014, & GN 985 December 2014) which may trigger (scheduled) listed activities in terms of these notices.

In order to proceed with these developments a Basic Assessment Report (BAR) will have to be performed to assess the impact of the proposed extensions and alterations from an environmental perspective.

The proposed layout plan is attached as annexure 1; the Contour plan is attached as annexure 2

The development will include associated infrastructure and services, namely roads (5 to 12 meters wide), domestic water, effluent management, electricity and storm water management.

Annexure 1 and Annexure 2 indicated the proposed layout.

Environmental Legislative Context

On the 4 December 2014, and in terms of the National Environmental Management Act (Act no 107 of 1998), as amended (NEMA), the EIA regulations 2014 were published in Government Gazette 38282 and came into effect on the 8 December 2014. Government Notice R 982, 983, 984 and 985 lists activities that require a Basic Assessment or Full Scoping and Environmental Impact Assessment (S&EIR).

PLEASE TAKE NOTE OF THE NEW EIA REGULATIONS/TIMEFRAMES AS PUBLISHED IN GOVERNMENT GAZETTE NO 38282,

Based on the project information available at the time of this tender, a Basic Assessment is required as it triggers, but not limited to the activities in Listing Notice 1 (GNR 983) and Listing Notice 3 (GNR 985):

A detailed list of activities requiring environmental authorization must be identified by tenderers to the project and will inform, amongst others, the specialist studies to be undertaken during the assessment process.

THE SUBMISSION OF THE APPLICATION FORM TO THE COMPETENT AUTHORITY INITIATES A PERIOD OF 90 DAYS, WITHIN WHICH THE BASIC ASSESSMENT REPORT, WHICH HAS BEEN SUBJECT TO AT LEAST 30 DAYS I&AP CONSULTATION, MUST BE SUBMITTED TO THE COMPETENT AUTHORITY FOR DECISION MAKING. FAILURE TO COMPLY WITH THE TIMEFRAMES WILL RESULT IN THE FILE BEING CLOSED ON THE APPLICATION.

GENERAL REQUIREMENTS

1. These terms of reference have been compiled to facilitate and accomplish the following:

1.1 Supplement the requirements of the Environmental Impact Assessment (EIA) regulations with respect to environmental impact assessments conducted for Municipal Infrastructure Development Projects of the Kouga Municipality.

1.2 Ensure compliance of the Environmental Assessment Practitioner and the Kouga Municipality with the requirements of the Environmental Impact Assessment Regulations.

1.3 Ensure a high quality of environmental assessment and reporting on behalf of the Kouga Municipality.

1.4 Produce effective administration of environmental impact assessments conducted for Municipal Infrastructure Development Projects of the Kouga Municipality.

3. Where conflict or discrepancy exists between a specific procedure, requirement or definition contained in this document, with that of the EIA regulations, the latter will take precedence.

4. These terms of reference attempt to clarify the requirements of the municipality in relation to the EIA regulations to ensure adequate provision of information to facilitate speedy decision making.

PUBLIC AND STAKEHOLDER PARTICIPATION PROCESS IN TERMS OF THE EIA REGULATIONS

1. With respect to public participation, the EAP must, as a minimum, comply with regulations promulgated under Chapter 6 (regulations 39-44) of the EIA Regulations.
2. Public participation must be conducted by the EAP or an Independent Public Participation Practitioner (PPP) and/or specialist appointed by the EAP within the prescribed timeframes (regulations 3-4) of the EIA Regulations.
3. Public meetings, where deemed necessary, must be conducted directly by the EAP/PPP. It is not considered appropriate for ward Councillors or municipal representatives/officials to conduct public meetings with communities or to convey information relating to the Environmental Impact Assessment process, although they should attend public meetings and participate in instances which demand their input.
4. All interactions during public meetings must be between the EAP/PPP and the community. The proponent/municipal officials/ward Councillors should not conduct the meeting or make presentations. (Although they may be requested to provide input in terms of technical details related to the project)
5. Special attention must be paid to engaging, informing and consulting with previously disadvantaged and vulnerable communities who may be directly or indirectly affected by the proposed project.

INDEPENDENCE DURING THE EIA PROCESS

1. The EAP must comply with the "General Requirements of EAP' s and specialists" as contained in regulation 13 of the EIA Regulations (Government Gazette No 38282, 08 December 2015) and/or any other amendments thereto, as may be promulgated by Department of Environmental Affairs from time to time.
2. The EAP must be independent, and have no business, financial, personal or other interest (inclusive of project design and/or implementation) in the activity or application in respect of which the EAP has been appointed, other than remuneration for work performed in connection with the activity or application.
3. The objectivity of the EAP performing work under this appointment must not be compromised under any circumstances.

SUBMISSION OF REPORTS

1. The EAP is responsible for ensuring that the relevant application forms (from DEDEAT) are completed in full and correct.

2. The EAP is responsible for providing copies of the following completed documentation (where relevant) to the Kouga Municipality

2.1 signed application forms,

2.2 exemption application forms (if applicable)

2.3 basic assessment reports (BAR's)

2.4 scoping reports

2.5 environmental management programs (EMP's)

2.6 environmental impact assessment reports (EIAR's)

2.7 Specialist studies

3. The EAP must deliver 2 copies of all reports/applications to the Kouga Municipality.

4. All reports (Basic Assessment, Exemption, Scoping, and Environmental Impact Assessment) submitted to DEDEAT in terms of the EIA regulations must:

4.1 Have a cover page containing the project name and EIA reference numbers as a minimum.

4.2 Contain the date of publication of the report for reference purposes.

4.3 Contain an executive summary which summarizes the assessment and its findings and conclusions.

4.4 Must contain the following information:

a) Assessment Number (reference number as issued by DEDEAT)

b) Department name (name of relevant municipal department i.e. the proponent)

c) Contact Person (contact person at the above department, usually the Project Manager)

d) Telephone numbers and E-mail details of the above person

5. Before the submission of a report (BAR, amended BAR, Scoping Report, Amended Scoping Report, Specialist Report, EIAR, draft EMP) compiled in terms of the EIA regulations to DEDEAT, the EAP must give registered interested and affected parties access to, and opportunity to comment on these reports in writing as per EIA Regulation requirements.

6. The EAP must inform the Kouga Municipality when reports are submitted to DEDEAT for authorization, inclusive of the following information:

6.1 details of the report/information submitted e.g. basic assessment report, scoping report etc.

6.2 date when the above-mentioned documents/reports were submitted.

7. The EAP must copy all correspondence received from DEDEAT to the Kouga Municipality.

8. The EAP must provide a copy of the Environmental Authorization / Record of Decision to the Kouga Municipality within 5(five) working days of being received.

9. The EAP must include the submission of monthly progress reports to the Project Manager and Kouga Municipality.

10. The EAP must advertise the Environmental Authorization and notify I & AP's of the authorization and associated conditions.

FUNCTIONALITY CRITERIA	POINTS
<ul style="list-style-type: none"> • Proven recent experience of similar projects (5 points per project, to a maximum of 4 projects) 	20
<ul style="list-style-type: none"> • Staff and Personnel Organization and support personnel resources in Eastern Cape Province 5 points each for any senior environmentalist, with more than 5 years relevant experience 1 point each for any junior environmentalist less than 5 years relevant experience 	10
<ul style="list-style-type: none"> • Project Team Leader experience with similar projects 1 – 5 years - 5 points 5 – 10 years - 15 points > 10 years - 20 points 	20
<ul style="list-style-type: none"> • Professional Bodies Registration of company with SACNASP 	5

5 points will be given for registration at South African Council for Natural Scientific Profession (SACNASP)	
<ul style="list-style-type: none"> Quality Assurance <p>Quality assurance systems which ensure compliance with stated employer's requirements</p> <p>5 points for ISO 9001: 2000 Certification/application</p>	5
TOTAL POINTS ON FUNCTIONALITY	60

Minimum requirement/score for Functionality **50**

Proven recent experience of similar projects

A detailed list of projects completed by the company including contactable references need to be submitted. (Proof of authorization granted could be requested)

Staff and Personnel

A detailed summary list must be provided with the Tender Submission, which must have sufficient detail to indicate how many qualified environmental staff which are in the full time employment of the Bidder, working from offices within the Eastern Cape Region, as the primary place of work, A clear indication must be given of their academic qualification as well as years of relevant experience. Bidders will be awarded 4 points each for any full time senior environmentalist with more than 5 years relevant experience and 1 point each for any full time junior environmentalist working in this field.

Project Team Leader Experience with similar projects

A detailed list of projects completed by the company including contactable references need to be submitted. (Proof of authorization granted could be requested)

Quality Assurance

Quality assurance systems employed by the Bidder in his office in order to ensure compliance with stated

Employer's requirements ISO 9001: 2000 Certification: Bidders who are certified as being compliant to the

International Organization for Standardization's ISO 9001: 2000 quality management standard will be awarded 5 points/ Proof of certification or application with evidence of previously started process must be attached in order to qualify for these points.

Note: Where the entity Tendering is a joint venture, provided one of these parties is ISO 9001: 2000 certified, and it has been indicated on the work plan submitted that the party will take responsibility for quality management and then the joint venture will be awarded 5 points in this respect.

Price schedule

Basic Assessment Report Process	Disbursements	Fees	Total Excluding Vat
Prepare and submit Pre-Application Consultation notice to DEDEAT for approval			
Site Visit and legislated photographs			
Liaison with specialists and specialist report review.			
Compile Draft Consultation BAR for Review, including comments received			
Compile Construction Phase and Operational Phase EMP			
Compile Consultation BAR for legislated 30 day review, including comments received			
Compile Application Form for Submission to DEDEAT (inclusive of application fee if applicable)			
Compile Final BAR and submit for decision making, including comments received.			
Project Management: Liaison with DEDEAT, client and juristic organs of state - includes DEDEAT site visit			
Sub Total 1			
Specialist Studies	Disbursements	Fees	Total Excluding

			VAT
Biophysical Site Assessment (fauna and flora)			
Phase 1 Heritage Assessment			
Phase 1 Archaeological Assessment			
Phase 1 Paleontological Assessment			
Aquatic Assessment			
Hydrology. 1:100 year flood line determination			
Traffic Impact Assessment			
Apply for Water Use License (s) (if deemed necessary)			
Sub Total 2			
Public Participation Process	Disbursements	Fees	Total Excluding Vat
Identification of I&AP's and database maintenance			
Pre-Application Consultation with I&AP's - Letter 1, Background Information			

Document and Comment Form			
Prepare and place newspaper Advert and register interest and effected parties			
Prepare and place site notice boards			
Draft Consultation BAR notice to I&AP's Letter 2 - executive summary and comment form			
Consultation BAR notice to I&AP's Letter 3 - executive summary and comment form			
Notice of Final BAR submission - Letter 4 to I&AP's			
Notice of Decision Making and Appeal - Letter 5 to I&AP's			
Sub Total 3			
SUB TOTALS : 1+2+3			
VAT			
TOTAL PROJECT COST			

ANNEXURE 1: PORPOSED LAYOUT WITHOUT AERIAL VIEW
(ATTACHED TO BACK OF DOC

Delivery Period.....days / weeks.

.....
Authorizing Signature

.....
Date

.....
On behalf of

.....
Name of bidder

Form of Offer

NOTICE NO: 32/2016

Appointment of Environmental Assessment Practitioners for additions & extensions of the existing Municipal Library Erf 1389 Diaz Road

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: 32/2016 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 Appointment of Environmental Assessment Practitioners for additions & extensions of the existing Municipal Library Erf 1389 Diaz Road to be delivered to Kouga Municipality inclusive of Value Added Tax as quoted on Page Fourteen - Sixteen (14-16) 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 Government 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

.....

.....

.....

.....

.....

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

KOUGA MUNICIPALITY

Please refer to instruction on Page 3 of the terms of reference document.

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 (MBD9) 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:

32/2016 Appointment of Environmental Assessment Practitioners for additions & extensions of the existing Municipal Library Erf 1389 Diaz Road Jeffreys Bay

in response to the invitation for the bid made by: Kouga Municipality_____

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

CERTIFICATE FOR PAYMENT OF MUNICIPAL SERVICES

DECLARATION IN TERMS OF CLAUSE 112(1) OF THE MUNICIPAL FINANCE MANAGEMENT ACT (NO.56 OF 2003) - (To be signed in the presence of a Commissioner of Oaths)

I, _____, _____ (full name and ID no.), hereby acknowledge that according to SCM Regulation 38(1)(d)(i), the Municipality may reject the tender of the tenderer if any municipal rates and taxes or municipal service charges owed by the Tenderer or any of its directors/members/partners to the Kouga Municipality, or to any other municipality or municipal entity, are in arrears for more than 3 (three) months.

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

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

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

FURTHER DETAILS OF THE BIDDER'S Director / Shareholder / Partners, etc.:

Director / Shareholder / partner	Physical address of the Business	Municipal Account number(s)	Physical residential address of the Director / shareholder / partner	Municipal Account number(s)

If the entity rents/leases premises, a copy of the rental/lease agreement must be submitted with this tender. Please refer Instruction sheet of this document

Signature	Position	Date

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

KOUGA MUNICIPALITY
**APPOINTMENT OF ENVIRONMENTAL ASSESSMENT PRACTITIONERS FOR ADDITIONS &
EXTENSIONS OF THE EXISTING MUNICIPAL LIBRARY ERF 1389 DIAZ ROAD JEFFREYS BAY**
NOTICE NUMBER: 32/2016

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:





