



K O U G A
local municipality
Prosperity through vision

TERMS OF REFERENCE DOCUMENT

NOTICE 231 OF 2010	
CONTINUATION OF EXISTING WATER MANAGEMENT SYSTEM	
Name of tendering firm:	
Contact Person (<i>Full Names</i>):	
Tel No.:	Cell No.:
Fax No.:	
Supplier Database No.:	
Signature of Tenderer:	
Issued By:	
KOUGA LOCAL MUNICIPALITY	
PO Box 21	
JEFFREYS BAY , 6330	

- **Please note that this quotation will be evaluated on the 80/20 point scoring system.**
- In order to claim preference points a valid **BEE Certificate** from an **ABVA registered member** must be submitted to validate the claim. **In the absence of a BEE certificate no points can be claimed.**

NB: PLEASE TAKE OF THE LISTED INSTRUCTIONS OR COMMENTS.

- PLEASE ENSURE THAT YOU FAMILIARIZE YOURSELF WITH THE COMPLETE DOCUMENT AND INITIAL ALL THE PAGES OF THE DOCUMENT AS WELL AS SIGN ALL PAGES WHERE IT IS REQUIRED TO DO SO.
- ALL FORMS IN THIS DOCUMENT MUST BE COMPLETED AND SUBMITTED WITH THE RELEVANT DOCUMENTATION REQUIRED.
- HAND IN THIS TERMS OF REFERENCE DOCUMENT WITH THE COMPULSORY REQUIRED DOCUMENTATION.
- DO NOT RE-TYPE THE PRICING SCHEDULE.
- **IF YOU HAVE ENSURED THAT YOUR DATABASE REGISTRATION IS CURRENTLY VALID AND UP TO DATE YOU NEED NOT SUBMIT THE REQUIRED DOCUMENTATION.**

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

FAILURE TO COMPLY WILL RESULT IN NON ACCEPTANCE OF QUOTATION

	COMPANY REGISTRATION NO/ FORMAL REGISTRATION DOCUMENTS/JV AGREEMENTS
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	V.A.T REGISTRATION NO.
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	ORIGINAL AND VALID SARS TAX CLEARANCE CERTIFICcate
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	CERTIFIED IDENTIFICATION DOCUMENTS OF SHAREHOLDING ATTACHED
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	HAVE ALL PAGES BEEN INITIALED AND SIGNED
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SPECIAL CONDITIONS OF CONTRACT

1. PURPOSE

The terms of reference (TOR) is to give service providers guidelines to submit proposals for:

- **A water management system** – a combined management system for all the towns within the Kouga Local Municipality.

2. PROJECT DISCRPTION

Kouga comprises of the towns of Jefferys Bay, Humansdorp, Hankey, Patensie, Thornhill, Lorie St Francis, Cape St Francis and Oyster Bay. The objective is to improve the management of water supply in Kouga and to develop a management tool that could assist in the operations of water supply and the management there off.

3. Scope of Services

The services of a professional engineering consultancy are required to set – up and maintain a water management system for the entire Kouga Municipality, water loss investigations could also form part of this appointment but would be defined at a later stage.

Project objective

To establish and maintain for a year a water management system for Kouga Municipality and to conduct water loss control in areas as directed by the Engineer.

Proposed Project Stages

- 1) Develop a water management model – need to be in MS Excel
- 2) Monthly population of model – and regular reporting.
- 3) Water loss investigations as instructed by the Engineer – this work will be on a time and cost basis.

4. General requirements - successful Tenderer

(Tenderers should note that the project will be a consultative process and keep the following in mind)

- The services provider will consult the Kouga Local Municipality staff to ascertain the priorities, specific requirements and programming of the project.
- The service provider shall be responsible for organising collaborative planning sessions with Kouga Local Municipality staff to be held at each stage of the planning process.

The date and time for submission of proposals will be as specified in the bid advertisement. Proposals may not be faxed or e- mailed.

5. Required documentation for submission

Proposals need to be deposit at the date and time ad per the advertisement.

Letter of Interest

The cover letter shall briefly summarise the firm's qualifications and past experience relevant to the scope. A principal of the firm authorized to execute contracts or other documents on the firm's behalf must sign the letter.

Relevant Experience

An outline of the firm's experience on the scope of the works

Description of the firm's overall approach, including organisation and work tasks necessary to accomplish the objectives.

Identification of the professional team the Tenderer anticipates using for this project, including specific roles and outline of relevant experience and key personnel and CV's.

Detail of quality control process to be followed

Fee Proposal

Costing of the services provider to manage the project through the various stages as per the proposed project approach.

Costing need to be in the form of a work breakdown structure clearly indicating staff required for the task, time and hourly tariff.

The costing is merely an indication of cost and will form the basis of negotiation with the successful services provider to fix cost once a final project approach has been agreed upon.

6. Attachments

A list of client references, governmental and institutional clients are especially important.

Supplementary documentation.

7. Submission requirements

All the requirements as requested in the Kouga Local Municipality procurement documentation shall be met. All submissions remain the property of the Kouga Local Municipality and will not be returned. One original and one copy along with a PDF of the entirety of the submission.

The Kouga Local Municipality will not remunerate service providers for any cost incurred to submit proposals.

The service provider will present the final project proposal if required to the Kouga Local Municipality council.

8. Evaluation criteria

Firms will be evaluated based on their qualifications and experience to perform the work as in their submission and the relevant procurement documentation of the Kouga Local Municipality.

9. Details of Contact Person

Mr. Reg Botha

Tel (042) 295 – 1155

rbotha@ec108.org.za

NB: Please complete/ Sign for your quote to be considered

The offered total of Price for the Continuation of Existing Water Management System **inclusive of Value-Added Tax** is:

.....

.....

.....Rand (In Words)

..... Rand (in Figures)

Please sign this section as acknowledgement that the prices quoted above are correct.

Authorising Signature:.....

On behalf of Company:.....

Date:.....

DECLARATION OF INTEREST

1. No bid will be accepted from persons in the service of the state*. (see definition for 'in the service of the state' at end of this section)

2. Any legal person, having a kinship with persons employed by the state, including a blood relationship, may make an offer or offers in terms of this invitation to bid. In view of possible allegations of favouritism, should the resulting bid, or part thereof, be awarded to persons connected with or related to persons in the service of the state, it is required that the bidder or their authorised representative declare their position in relation to the evaluating/adjudicating authority and/or take an oath declaring his/her interest.

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

3.1 Full Name

3.2 Identity number.....

3.3 Company Registration Number.....

3.4 Tax Reference Number.....

3.5 VAT Registration Number.....

3.6 CIDB Registration NumberGrading:.....

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

3.7.1 If so, furnish particulars.

.....

.....

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

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

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

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

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

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

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

3.11.1 If so, state particulars.
.....
.....

3.12 Are any of the company's directors, managers, principle shareholders or stakeholders in service of the state? **YES / NO**

3.12.1 If so, furnish particulars.

.....
.....

3.13 Are any spouse, child or parent of the company's directors, managers, principle shareholders or stakeholders in service of the state? **YES / NO**

3.13.1 If so, furnish particulars.

.....
.....

DECLARATION

I, THE UNDERSIGNED (NAME)

CERTIFY THAT THE INFORMATION FURNISHED ON THIS DECLARATION FORM IS CORRECT.

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

.....

Signature

.....

Position

.....

Date

.....

Name of bidder

*Definition: In the service of the state means to be ;
a) A member of any municipal council , any provincial legislature or 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

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.

