



K O U G A
local municipality
Prosperity through vision

TERMS OF REFERENCE DOCUMENT

| | |
|---|-------------------------|
| NOTICE 238 OF 2010 | |
| CONTRACT S11 | |
| SUPPLY AND DELIVERY OF SABS STS PRE-PAIDMETERS WITH BASE | |
| CLOSING DATE | 29 DECEMBER 2010 |
| 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 | |

NB: PLEASE TAKE OF THE LISTED INSTRUCTIONS OR COMMENTS.

- **Please Note that the General Conditions of Contract applies to all Municipal Tenders/Quotations**
- **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.****
- Please ensure that you familiarize yourself with the complete document and initial all the pages of the document as well as sign 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 Retype 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

| | |
|--------------------------|---|
| <input type="checkbox"/> | COMPANY REGISTRATION NO/ FORMAL REGISTRATION DOCUMENTS/JV AGREEMENTS |
| <input type="checkbox"/> | V.A.T REGISTRATION NO. |
| <input type="checkbox"/> | ORIGINAL AND VALID SARS TAX CLEARANCE CERTIFICICATE |
| <input type="checkbox"/> | CERTIFIED IDENTIFICATION DOCUMENTS OF SHAREHOLDING ATTACHED |
| <input type="checkbox"/> | HAVE ALL PAGES BEEN INITIALED AND SIGNED |

CONTRACTS S11 OF 2010

SUPPLY AND DELIVERY OF SABS APPROVED STST PREPAID METERS WITH BASE

1. An SABS / NRCS certificate must be submitted.
2. The STS Pre-paid Meter with Base offer must comply with the following :-

- Continuous voltage supply :- Maximum:265v
Minimum:184v
- Maximum withstand voltage :- 415v
- Rated Voltage :- 230v (-20% +15%)
- Frequency 50hz +/-5hz
- Accuracy Class 2
- Basic current (Ib) 20A
- Maximum current (Imax) 80A
- Minimum load current 50mA
- Maximum creep current 20mA
- Power consumption :- <1W
- User Interface :- 12 digit keypad with audio feedback

7 character, 7 segment LCD low

credit warning: display flashing

- Rate indicator :- LED 1000 pulses / kWh
- Status indicator :- LED power on
- Installation :- Standard plug in base
- Disconnection device :- Contactor
- Operating temperature range :- 10°C
- Limit temperature range of operation :- 80°C
- Humidity operating range :- 95% RH
- IP rating :- IP 54

- Meter weight :- 0,820 kg
- Dimension s (L*W*H) :- 260mm*148mm*52mm (excluding base)
- Product life :- 15 years

Contact Person: Mr. E Felix at 0422002284 or 0718621716

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

PRICE SCHEDULE PER UNIT

| <u>ITEM NO</u> | <u>ITEM DESCRIPTION</u> | <u>UNIT</u> | <u>PRICE EXCL VAT</u> | <u>VAT</u> | <u>PRICE INCL VAT</u> |
|-----------------|---|-------------|-----------------------|------------|-----------------------|
| | <u>SABS APPROVED STS PREPAID METER WITH BASE</u> | | | | |
| <u>1</u> | PREPAID METER WITH BASE | | | | |
| | | | | | |
| | | | | | |
| | | | | | |

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

AUTHORISING SIGNATURE.....

ON BEHALF OF COMPANY.....

DELIVERY**DAYS/WEEKS AFTER ORDER**

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.