



TERMS OF REFERENCE DOCUMENT

NOTICE NO.72/2011	
AIR CONDITIONING UNITS FOR LIBRARY	
CLOSING DATE:	26 July 2011 at 12:00
Name of tendering firm:	
Contact Person (<i>Full Names</i>):	
Tel No.:	Cell No.:
Fax No.:	
Supplier Database No.:	
Signature of Tenderer:	
Issued By:	
KOUGA LOCAL MUNICIPALITY	
PO Box 21	
JEFFREYS BAY , 6330	
CONTACT PERSON: Ms.L. Jack at 042 2002 200 AT EXT 2172	

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

INDEX

PAGE NO.

List of documents to hand in	3
Personal details of bidder	4
Special conditions of contract	7
Price schedule	8
Form of offer and acceptance	9
Details of contact for purpose of this contract	11
Declaration of interest	12
Authority of signatory	15
Indemnity agreement	16
Consumer account details	17
MBD9	18
Point Allocation	21
Ownership declaration	22
Declaration of Bidders Past Supply Chain Management Practices	25
Form of tender	27
Previous experience of bidder	29

PLEASE TAKE NOTE OF ALL LISTED INSTRUCTIONS AND COMMENT

- NB: PLEASE ENSURE THAT YOU FAMILIARIZE YOURSELF WITH THE COMPLETE DOCUMENT AND INITIAL ALL THE PAGES OF THE DOCUMENT AS WELL AS SIGN ALL PAGES WHERE IT IS REQUIRED TO DO SO.
- ALL FORMS IN THIS DOCUMENT MUST BE COMPLETED AND SUBMITTED WITH THE RELEVANT DOCUMENTATION REQUIRED.
- DO NOT RE-TYPE THE PRICING SCHEDULE.
- THE GENERAL CONDITIONS OF CONTRACT WILL APPLY TO THIS CONTRACT (can be requested from the Supply Chain office)
- **IF YOUR DATABASE REGISTRATION WITH KOUGA MUNICIPALITY IS CURRENTLY VALID AND UP TO DATE YOU NEED NOT SUBMIT THE REQUIRED DOCUMENTATION, BUT IF YOU WANT TO CLAIM PREFERENCE POINT YOU MUST HAND IN THE BEE CERTIFICATE.**

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

FAILURE TO COMPLY WILL RESULT IN NON ACCEPTANCE OF TENDER

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

PERSONAL DETAILS OF THE TENDERER

PLEASE PROVIDE THE FOLLOWING DETAILS:

Name of Company/Close Corporation/Partnership/Sole Trader/Private Person

.....

(Clearly state whether your business is a Company/Close Corporation/
Partnership/Sole Trader or if you are an individual)

Company/Close Corporation's Registration No.

1.2 Value Added Tax Registration No.

OR

Income Tax Reference No.

1.3 Name(s) and details of Shareholders and Directors

Name	% Shareholding	Director (Y/N)	ID Number

IT IS COMPULSORY IN THE CASE OF A FEMALE DIRECTOR / MEMBER OR PARTNER TO ALSO FURNISH HER MAIDEN NAME, AND IF APPLICABLE, ALL HER PREVIOUS MARRIED NAMES

1.4 The Tenderer’s Representative for the purpose of this Tender is:

.....

2. STREET ADDRESS OF REGISTERED OFFICES

Street address, which address the Tenderer chooses as it’s domicilium citandi et executandi for all purposes of this Tender.

.....

.....

3. POSTAL ADDRESS

.....

.....

.....

2. CONTACT DETAILS

4.1 TELEPHONE NUMBERS

Business: Code

Cell:

Email address:

4.2 FACSIMILE NUMBER Code

5. COMPANY RESOLUTION

5.1 A copy of the recorded Resolution taken by the Board of Directors, members, partners or trustees authorizing the representative to submit this Tender on the Tenderer's behalf must be attached to the Tender Document on submission of same.

5.2 A Tender shall be eligible for consideration only if it bears the signature of the Tenderer or of some person duly and lawfully authorized to sign it for and on behalf of the Tenderer.

SPECIAL CONDITIONS OF CONTRACT

SPECIFICATION

Supply, deliver and installation of air conditioners for library

- 3 x 60 000 BTU air conditioner
- Under ceiling split unit
- Cooling / Heating with auto airsweep
- Remote Controls
- Anti Corrosion treatment

PRICING SCHEDULE – NOTICE NO.72/2011

ITEM DESCRIPTION	PRICE EXCL VAT PER UNIT	VAT	PRICE INCL VAT PER UNIT
1 OFF BTU AIR CONDITIONER WITH REMOTE CONTROL			

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

Total Amount FOR THREE (3) UNITS: R..... (INCL VAT) AMOUNT IN FIGURES

Total amount FOR THREE (3) UNITS:

.....

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

AUTHORISING SIGNATURE.....

ON BEHALF OF COMPANY.....

DATE.....

**Form of Offer and Acceptance
(AGREEMENT)**

**NOTICE NO 72/2011
SUPPLY, DELIVERY AND INSTALLATION OF AIR CONDITIONING UNITS
FOR LIBRARY**

OFFER / ACCEPTANCE (TENDERER)

The Employer, identified in the Acceptance signature block, has solicited offers to enter into a contract to appoint a service provider to supply, delivery and installation of air conditioning units for library.

The Tenderer, identified in the Offer signature block below, has examined the documents listed in the Tender and by submitting this Offer has accepted the Conditions of Tender.

By the representative of the Tenderer, deemed to be duly authorized, signing this apart of this Form of Offer and Acceptance, the Tenderer offers to perform all of the obligations and liabilities of the Service Provider under the Contract including compliance with all its terms and conditions according to their true intent and meaning.

I /we (name of bidder) hereby acknowledge that all prices quoted for the supply, delivery and installation of air conditioning units for library on the schedule of price (page 8) are firm and correct as per price schedule.

**THE OFFERED TOTAL OF THE PRICES INCLUSIVE OF VALUE ADDED TAX FOR 3 X 60
000 BTU AIR CONDITIONERS**

IS.....

.....**RAND (in words); R**..... (in figures)

Tenderer Signature(s) _____

Tenderer Name(s) _____

Capacity_____

(Name and address of organisation)

ACCEPTANCE (EMPLOYER – KOUGA MUNICIPALITY)

By signing this part of this Form of Offer and Acceptance, the Employer identified below accepts the Tenderer's Offer. In consideration thereof, the Employer shall pay the Service Provider the amount due in accordance with the, Conditions of Contract. Acceptance of the Tenderer's Offer shall form an agreement, between the Employer and the Tenderer.

Notwithstanding anything contained herein, this Agreement comes into effect on the date when the Tenderer receives an appointment letter from Kouga Municipality. Unless the Tenderer (now Contractor) within five working days of the date of such receipt notifies the Employer in writing of any reason why he cannot accept the contents of this Agreement, this Agreement shall constitute a binding contract between the parties.

Employer Signature(s) _____

Employer Name(s) _____

Capacity _____

(Name and address of organisation)

To avoid confusion please provide the contact details of the person we the municipality will have to contact regarding this project.

NAME OF PERSON RESPONSIBLE FOR HANDLING OF THIS PROJECT:

NAME :

ADDRESS:
.....
.....
.....

TELEPHONE NO.:

FAX NO. :

EMAIL ADDRESS:

Please state the geographical Area In Which The Company's Business Premises Are Situated. (e.g.Humansdorp, Jeffreys Bay, Port Elizabeth, Uitenhage, etc.) in the space below.

DECLARATION OF INTEREST

1. No bid will be accepted from persons in the service of the state*(please see definition of "person in the service of the state at bottom of this section).

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

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

3.1 Full Name

3.2 Identity number.....

3.3 Company Registration Number.....

3.4 Tax Reference Number.....

3.5 VAT Registration Number.....

3.6 CIDB Registration NumberGrading:.....

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

3.7.1 If so, furnish particulars.
.....
.....

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

3.8.1 If so, furnish particulars

.....
.....

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

3.9.1 If so, state 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 adjudication of this bid? **YES / NO**

3.10.1 If so, state particulars.

.....
.....

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

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 **YES / NO**
directors, managers, principle shareholders or stakeholders in service of the state?

3.13.1 If so, furnish particulars.

.....
.....

DECLARATION

I, THE UNDERSIGNED (NAME)

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

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

Signature.....

Date

***Definition: in the service of the state means to be:**

a) a member of

- I. any municipal council
- II. any p the National Assembly or the national council of Provinces

b) a member of the board of directors of any municipal entity

c) any official of any municipality or municipal entity

d) any employee of any national or provincial department

Provincial legislature ; or

KOUGA MUNICIPALITY

AUTHORITY FOR SIGNATORY

Companies submitting tenders must provide evidence that the person who signed the tender document has authority to do so, by attaching a copy of the relevant resolution of the Board of Directors, duly signed and dated, to this form. Alternatively this form may be completed by competent authority.

By resolution of the Board of Directors at a meeting held on

Mr/Ms

Has been duly authorised to sign all documents in connection with this Tender on behalf of:

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

SIGNED OF BEHALF OF COMPANY:.....

IN HIS CAPACITY AS:

SIGNATURE OF SIGNATORY:.....

COMPANY STAMP:

INDEMNITY AGREEMENTS (A)

CONTRACTORS/ INSTALLATIONS/ DELIVERIES

"I the undersigned, having been given permission by the Municipal Manager to enter the property of the Municipality for purposes of contractual work/installations/deliveries and having recognised the inherent hazards that exist in premises of this nature, hereby acknowledge that I enter the said property entirely at my own risk and that I shall have no claim against the Municipality or any of its employees, agents or mandataries for any loss, damage or injury whether fatal or otherwise, whether or not same is a result of any negligent act or omission on the part of the Municipality or any of its employees or other independent contractors or is as a result of the use of defective materials or equipment supplied by the Municipality or by way of any human or mechanical error, default or failure occurring on the said property or by way of any other cause, nothing at all excepted. Further, I hereby hold the Municipality blameless for any damage, injury or loss suffered by any person or such person's dependants as a result of the said contractual work/installations/deliveries and I undertake to compensate fully the Municipality for any loss sustained by it through and by way of such contractual work".

SIGNED:

DATE:.....

WITNESS:

DATE:

WITNESS:.....

DATE:

KOUGA MUNICIPALITY

**CONSUMER ACCOUNT
(RATES AND SERVICES)**

DECLARATION

I, the undersigned, hereby declare that the municipal account of my business as well as the members' municipal accounts are paid up or that acceptable arrangements have been made with the Office of the City Treasurer to settle overdue accounts. **Please attach latest municipal billing certificate of company.**

NAME OF COMPANY	ADDRESS	MUNICIPAL A/C NO.
<i>NAME OF MEMBER</i>	ADDRESS	MUNICIPAL A/C NO.
1.		
2.		
3.		

I confirm that the above information is correct.

SIGNATURE OF TENDERER:

CAPACITY (OWNER/PARTNER/MANAGER, ETC.):

COMPANY STAMP:

MBD 9

CERTIFICATE OF INDEPENDENT BID DETERMINATION

1 This Municipal Bidding Document (MBD) must form part of all bids¹ invited.

2 Section 4 (1) (b) (iii) of the Competition Act No. 89 of 1998, as amended, prohibits an agreement between, or concerted practice by, firms, or a decision by an association of firms, if it is between parties in a horizontal relationship and if it involves collusive bidding (or bid rigging).² Collusive bidding is a *pe se* prohibition meaning that it cannot be justified under any grounds.

3 Municipal Supply Regulation 38 (1) prescribes that a supply chain management policy must provide measures for the combating of abuse of the supply chain management system, and must enable the accounting officer, among others, to:

- a. take all reasonable steps to prevent such abuse;
- b. reject the bid of any bidder if that bidder or any of its directors has abused the supply chain management system of the municipality or municipal entity or has committed any improper conduct in relation to such system; and
- c. cancel a contract awarded to a person if the person committed any corrupt or fraudulent act during the bidding process or the execution of the contract.

4 This MBD serves as a certificate of declaration that would be used by institutions to ensure that, when bids are considered, reasonable steps are taken to prevent any form of bid-rigging.

5 In order to give effect to the above, the attached Certificate of Bid Determination (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.

POINT ALLOCATION

		UP TO R500 000	ABOVE R500 000
		80/20	90/10
A	Price	80	90
B Preference points			
	i) HDI	8	4
	ii) female	4	2
	iii) disability	4	2
	iv) Located in a Kouga Area	4	2
	POINTS	100	100

AGENT: NAME(S) OF SUPPLIER: _____

DISTRIBUTOR: NAME(S) OF SUPPLIER: _____

CONTRACTOR: _____

D. DETAILS OF PREVIOUS CONTRACT WORKS:

CONTACT REFERENCE	FOR WHOM	CONTACT PERSON (NAME/TEL. NO.	CONTRACT AMOUNT

E. BANK DETAILS (FOR FUTURE ELECTRONIC BANK TRANSFERS)

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

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

SIGNATURE: _____ CAPACITY: _____

ADDRESS: _____

TEL. NO.: _____ FAX NO.: _____

TO BE SIGNED BY COMMISSIONER OF OATHS

I DECLARE THAT THE ABOVE DECLARATION WAS MADE BEFORE ME.

NAME OF COMMISSIONER: _____ I.D. NO.: _____

SIGNATURE: _____

FALSIFICATION OF INFORMATION FURNISHED, WILL RESULT IN DISQUALIFICATION OF TENDER

(REFER MUNICIPAL PROCUREMENT POLICY, PARAGRAPH 8 ITEM 10 AND PARAGRAPH 9 ITEM 11)

NOTE : THIS PAGE REQUIRES FULL SIGNATURES BY BOTH THE DEPONENT AND THE COMMISSIONER OF OATHS.

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 as a company or person 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 National Treasury after the <i>audi alteram partem</i> rule was applied).</p>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
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>(To access this Register enter the National Treasury's website, www.treasury.gov.za, click on the icon "Register for Tender Defaulters" or submit your written request for a hard copy of the Register to facsimile number (012) 3265445).</p>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
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 NAMES)CERTIFY THAT THE INFORMATION FURNISHED ON THIS DECLARATION FORM IS 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
FORM OF TENDER
AIR CONDITIONERS FOR LIBRARY

The Municipal Manager
P O Box 21
JEFFREY'S BAY
6330

**THIS FORM MUST BE COMPLETED OTHERWISE
TENDER WILL BE INVALID**

Dear Sir,

.....the undersigned, having examined the tender documents, hereby offer to supply and deliver in sound condition and free from all other charges of whatsoever kind or render services to the Kouga Municipality the requirements as tendered by us in strict accordance with the attached schedule relating thereto for the price set out in such schedules.

.....undertake that the whole of the material supplied by or services rendered shall be in strict accordance with the Kouga Municipality specification and all the conditions of this tender.

.....undertake, in the event of the acceptance of this offer either wholly or in part, to enter into a formal contract, if required, and to provide good and sufficient sureties for the due fulfilment of the contract to the satisfaction of the Kouga Municipality.

.....undertake that this offer shall not be retracted or withdrawn for and during ninety (90) days from the date on which it is to be lodged and may be accepted at any time during the period of ninety (90) days. (Bid validity).

.....acknowledge that this tender will not qualify for consideration unless all municipal rental, services or rates accounts are paid up to date or alternatively that satisfactory arrangements have been made with the C F O to settle such accounts for purposes of this clause. In case of an artificial person, includes every member of the tenderer.

The CFO reserves the right to deduct monies from contract payments in terms of a reasonable arrangement with the debtor.

NAME OF FIRM (TENDERER):

V.A.T. REGISTRATION NO:

PHONE NUMBER:FAX NO:

ADDRESS:

SIGNATURE:DATE:

**KOUGA MUNICIPALITY
SUPPLY, DELIVERY AND INSTALLATION OF AIR CONDITIONING UNIT FOR
LIBRARY**

SCHEDULE OF PREVIOUS WORK CARRIED OUT BY THE TENDERER

The Tenderer shall list below the contracts/previous work undertaken by him during the past five (5) years, or contracts at present under construction

Employer /Department	Contact Person	Contact Telephone number	Value of Work (R)	Completed successful	Year completed

SIGNED OF BEHALF OF THE TENDERER: