

# Sedibeng District Municipality



## BID DOCUMENT

<b>Tender No.</b>	8/2/15-2021
<b>Closing Date and Time</b>	Thursday, 9 December 2021 @ 12H00
<b>Description</b>	<b>APPOINTMENT OF A PANEL OF ATTORNEYS TO ASSIST SEDIBENG DISTRICT MUNICIPALITY WITH LEGAL RELATED MATTERS ON AN AD HOC BASIS</b>
<b>Contractor / Bidder</b>	
<b>Bid amount</b>	R
<b>Physical address</b>	
<b>Contact person</b>	
<b>Telephone no.</b>	
<b>Fax no.</b>	
<b>Cell no.</b>	
<b>Email address</b>	
<b>Central Supplier Database No.</b>	
<b>*****SUBMIT TWO COPIES (02) MARKED CLEARLY :“ ORIGINAL” AND “COPY”</b>	

1 Appointment Of A Panel Of Attorneys To Assist Sedibeng District Municipality With Legal Related Matters On An Ad Hoc Basis

Bid no.:8/2/2/15-2021

Initial here



## CONDITIONS OF TENDER

1. The prospective bidder's attention is drawn to the following list of forms, attached to this document and other documents that **shall** be completed and submitted with his/her bid documents:
  - a) Tender Form
  - b) Form of Offer
  - c) Declaration of interest
  - d) Certificate of independent Bid Determination
  - e) Bidders are requested to submit their Tax Clearance Pin provided by SARS to verify that the Tax Matters are in order.
  - f) A current account or proof that utilities account (municipal rates and taxes, water and lights account) of the bidder is up to date. (Not in arrears for more than 3 months).
  - g) Proof of registration for VAT (if applicable).
  - h) Valid B-BBEE Certificate Certified copy
  - i) Central Supplier Database (CSD) Registration Number.

In terms of Section 112 (1)I of the Local Government Municipal Finance Management Act, (Act 56 of 2003), persons who were convicted of fraud or corruption or who willfully neglected, reneged on or failed to comply with a government tender during the past 5 years, or whose tax matters are not cleared by the South African Revenue Services may not participate in the tendering process and the Tenderer shall submit a sworn statement to this effect.

2. **The official tender form shall be completed in BLACK ink and any corrections to the official tender form must also be made in BLACK ink and signed by the bidder. Any tender documents received with correction fluid (Tippex) corrections shall be disqualified.**
3. Bids shall be sealed and endorsed (with bid number and bid description) and must be deposited at Sedibeng District Municipality's tender box (Ground Floor, outside the main building).
4. Sedibeng District Municipality's Supply Chain Management Policy shall apply.
5. Late, Telexed, faxed or emailed tenders will not be accepted.
6. The Council does not bind itself to accept the lowest or any tender and reserves the right to accept any tender in whole or in part.
7. Persons in the service of the state are not allowed to bid.
8. In the event that you are awarded a tender the strict compliance with terms have to observed and in so doing within a period (3 days) (\*after an order is issued) a confirmation letter must be forwarded by you in terms of which you need to indicate whether or not you will be in a position to source the items per the tender and



deliver same by the due date.

9. In the event that you do not furnish us with the said letter as requested and fail to comply as per the tender the Sedibeng District Municipality reserves in terms of rights to cancel this tender automatically after 3 days on the basis of your non-compliance and furthermore should you fail to deliver said goods which may necessitate the allocation of a new supplier the Sedibeng District Municipality may impose any further penalty or charges against you.
10. **In the case where all MBD Documents are not completely filled and returned, your quotation will be disqualified.**
11. **The 80/20 Preferential Procurement System will be used to evaluate all the Formal Written Quotations.**
12. Bidders must ensure that, the company status is “in business” with the **Company and Intellectual Property Commission (CIPC)**.
13. Bidders who are not registered on the Central Supplier Database are requested to contact National Treasury at [csd@treasury.gov.za](mailto:csd@treasury.gov.za) or 012 406 9222 for any assistance.
14. Exempted Micro Enterprises can submit a letter from the accounting officer; and
15. A trust, consortium or joint venture must submit a consolidated B-BBEE Status Level Verification.
16. Bidder must be registered with the legal practice authority
17. Compulsory site inspection

**Sedibeng District Municipality**  
**RFQ Number: 8/2/2/15-2021**

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**PART A  
INVITATION TO BID**

**YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE SEDIBENG DISTRICT MUNICIPALITY**

BID NUMBER:	8/2/2/15 - 2021	CLOSING DATE:	Thursday, 9 December 2021	CLOSING TIME:	12:00
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DESCRIPTION	<b>APPOINTMENT OF A PANEL OF ATTORNEYS TO ASSIST SEDIBENG DISTRICT MUNICIPALITY WITH LEGAL RELATED MATTERS ON AN AD HOC BASIS</b>
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**THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (MBD7).**

**BID RESPONSE DOCUMENTS MAY BE DEPOSITED IN THE BID BOX SITUATED AT (STREET ADDRESS**

**MUNICIPAL BUILDING  
GROUND FLOOR  
CORNER BEACONSFIELD AND LESLIE  
VEREENIGING**

**SUPPLIER INFORMATION**

NAME OF BIDDER					
POSTAL ADDRESS					
STREET ADDRESS					
TELEPHONE NUMBER	CODE		NUMBER		
CELLPHONE NUMBER					
FACSIMILE NUMBER	CODE		NUMBER		
E-MAIL ADDRESS					
TAX COMPLIANCE STATUS	TCS PIN:		CSD No:		
B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE [TICK APPLICABLE BOX]	<input type="checkbox"/> Yes  <input type="checkbox"/> No		B-BBEE STATUS LEVEL SWORN AFFIDAVIT	<input type="checkbox"/> Yes	

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			<input type="checkbox"/> No
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**[AN ORIGINAL B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE/ SWORN AFFIDAVIT (FOR EMES & QSEs) MUST BE SUBMITTED IN ORDER TO QUALIFY FOR PREFERENCE POINTS FOR B-BBEE]**

<p>ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES /WORKS OFFERED?</p> <p><input type="checkbox"/> Yes                      <input type="checkbox"/> No</p> <p>[IF YES ENCLOSE PROOF]</p>	<p>ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES /WORKS OFFERED?</p> <p><input type="checkbox"/> Yes      <input type="checkbox"/> No</p> <p>[IF YES, ANSWER PART B:3 ]</p>
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<b>TOTAL NUMBER OF ITEMS OFFERED</b>		<b>TOTAL BID PRICE</b>	<b>R</b>
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<b>SIGNATURE OF BIDDER</b>	.....	<b>DATE</b>	
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<b>CAPACITY UNDER WHICH THIS BID IS SIGNED</b>	
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<b>BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO:</b>	<b>TECHNICAL INFORMATION MAY BE DIRECTED TO:</b>
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DEPARTMENT	Supply Chain Management	DEPARTMENT	Legal department
CONTACT PERSON	Madikgomo Ramonana	CONTACT PERSON	Mr L. Ngake
TELEPHONE NUMBER	016 450 3225/3000	TELEPHONE NUMBER	<b>016) 450 3176/3000</b>
E-MAIL ADDRESS	<a href="mailto:madikgomor@sedibeng.gov.za">madikgomor@sedibeng.gov.za</a>	E-MAIL ADDRESS	<a href="mailto:lebsN@sedibeng.gov.za">lebsN@sedibeng.gov.za</a>



**PART B  
TERMS AND CONDITIONS FOR BIDDING**

**1. BID SUBMISSION:**

- 1.1. BIDS MUST BE DELIVERED BY THE STIPULATED TIME TO THE CORRECT ADDRESS. LATE BIDS WILL NOT BE ACCEPTED FOR CONSIDERATION.
- 1.2. **ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS PROVIDED– (NOT TO BE RE-TYPED) OR ONLINE**
- 1.3. THIS BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT AND THE PREFERENTIAL PROCUREMENT REGULATIONS, 2017, THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER SPECIAL CONDITIONS OF CONTRACT.

**2. TAX COMPLIANCE REQUIREMENTS**

- 2.1 BIDDERS MUST ENSURE COMPLIANCE WITH THEIR TAX OBLIGATIONS.
- 2.2 BIDDERS ARE REQUIRED TO SUBMIT THEIR UNIQUE PERSONAL IDENTIFICATION NUMBER (PIN) ISSUED BY SARS TO ENABLE THE ORGAN OF STATE TO VIEW THE TAXPAYER’S PROFILE AND TAX STATUS.
- 2.3 APPLICATION FOR THE TAX COMPLIANCE STATUS (TCS) CERTIFICATE OR PIN MAY ALSO BE MADE VIA E-FILING. IN ORDER TO USE THIS PROVISION, TAXPAYERS WILL NEED TO REGISTER WITH SARS AS E-FILERS THROUGH THE WEBSITE WWW.SARS.GOV.ZA.
- 2.4 FOREIGN SUPPLIERS MUST COMPLETE THE PRE-AWARD QUESTIONNAIRE IN PART B: 3.
- 2.5 BIDDERS MAY ALSO SUBMIT A PRINTED TCS CERTIFICATE TOGETHER WITH THE BID.
- 2.6 IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED, EACH PARTY MUST SUBMIT A SEPARATE TCS CERTIFICATE / PIN / CSD NUMBER.
- 2.7 WHERE NO TCS IS AVAILABLE BUT THE BIDDER IS REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD), A CSD NUMBER MUST BE PROVIDED.

**3. QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS**

- 3.1. IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)?  YES  NO
- 3.2. DOES THE ENTITY HAVE A BRANCH IN THE RSA?  YES  NO
- 3.3. DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA?  YES  NO
- 3.4. DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA?  YES  NO
- 3.5. IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION?  YES  NO

**IF THE ANSWER IS “NO” TO ALL OF THE ABOVE, THEN IT IS NOT A REQUIREMENT TO REGISTER FOR A TAX COMPLIANCE STATUS SYSTEM PIN CODE FROM THE SOUTH AFRICAN REVENUE SERVICE (SARS) AND IF NOT REGISTER AS PER 2.3 ABOVE.**

**NB: FAILURE TO PROVIDE ANY OF THE ABOVE PARTICULARS MAY RENDER THE BID INVALID.**

**NO BIDS WILL BE CONSIDERED FROM PERSONS IN THE SERVICE OF THE STATE**

SIGNATURE OF BIDDER: .....

CAPACITY UNDER WHICH THIS BID IS SIGNED: .....

**DATE:.....**



**ATTACH SARS TAX CLEARANCE CERTIFICATE/PIN HERE**

MIBD2:  
DISCONTINUED  
MIFMA CIRCULAR  
NO.90







## DEPARTMENT: SUPPLY CHAIN MANAGEMENT

Sedibeng District Municipality  
P.O. Box 471  
Vereeniging, 1930  
Republic of South Africa  
Tel: +27 16 450 3110  
Fax: +27 86 682 9820

### CLEARANCE CERTIFICATE FOR WATER & LIGHTS

Section 38 (d) (i) of Municipal Supply Chain Regulations requires that the municipality must reject a bidder whose municipal rates and taxes are in arrears for more than three months.

The purpose of this form is to obtain prove that municipal services, rates and taxes of the service provider are not more than three months in arrears with the relevant municipality / landlord in the municipal area where the service provider conduct his / her business. **This form is to be completed only if the service provider's rates and taxes are not in arrears for more than three months.**

**EACH BIDDER MUST COMPLETE THE BELOW CHECKLIST (Please tick with X where appropriate):**

QUESTIONS	YES	NO
1. Is your municipal rates and taxes account up to date/current (not in arrears for more than three months)?		
2. If yes, please submit proof in the form of the <b>original or certified copy</b> of the bidder's municipal rates and taxes account.		
3. Does the bidder lease/rent the property where the business is situated?		
4. If yes provide the contact name and contact number of the lessor/landlord:		
<b>Contact Name:</b>	<b>Contact Number:</b>	
5. Please attach the copy of the lease agreement signed by the Landlord/ lessor and the tenant/lessee as proof.		

I (FULL NAMES), \_\_\_\_\_ OF (PHYSICAL ADDRESS) \_\_\_\_\_ being a Director / principal shareholder, owner of company<sup>1</sup> (COMPANY NAME):

Hereby confirms that, the information submitted in this form is accurate, to the best of my knowledge.

\_\_\_\_\_  
Signature

**NB: IF YOU FAIL TO COMPLETE THIS FORM, PLEASE REGARD YOUR BID AS NON RESPONSIVE!**

<sup>9</sup> Appointment Of A Panel Of Attorneys To Assist Sedibeng District Municipality With Legal Related Matters On An Ad Hoc Basis



**ATTACH UTILITIES ACCOUNT HERE**



**TERMS OF REFERENCE:  
APPOINTMENT OF A PANEL OF ATTORNEYS TO ASSIST SEDIBENG DISTRICT  
MUNICIPALITY WITH LEGAL RELATED MATTERS ON AN AD HOC BASIS**

**Bid Number: 8/2/2/15-2021**

**1. Introduction**

Sedibeng District Municipality (Municipality) requires the services of appropriately qualified legal service providers to render specialized services which are not available in house, on an as and when required basis. It is the objective of this call for proposals to identify specialists within specific fields of competence and qualification whose services can be utilized by the Municipality.

In terms of the Municipal Finance Management Act 1 of 1999(as amended) and related Supply Chain Management Policy, the Municipality is obliged to follow a competitive bidding process to appoint a supplier of services.

The request for proposal is put out in an open and transparent manner to afford all professionals and entities an equal opportunity to perform specialized legal services for the Municipality. From this process, the Municipality will appoint a panel of specialists to render specific specialized services on an as and when required basis. Appointed bidders in the same area of skill will be utilized on a rotational basis. The said panel will consist of only twenty (20) legal service providers.

**2. General Qualification**

To be considered, the service/entity must be in possession of a relevant qualification or in the case of a company or joint venture must have relevant qualifications amongst its employees. If the specialized field requires the practitioner to have admission as an attorney, such proof and membership of the Legal Practice Council must be provided. Proof of qualification and/or registration must therefore be submitted in respect of each bidder or employees within a company or joint venture that submits this bid. **Bidders are required to submit a letter of good standing from the relevant Legal Practice Council.**

Certified copies will be accepted provided the Municipality can insist on having the original documents submitted for verification purposes. **Failure to submit the required proof with the bid documents will result in rejection of such bid irrespective whether such bidders are indeed qualified or registered.**

If at any time for the duration of this panel being valid and in operation, an appointed service provider and/or



entity is struck off the roll or disbarred, the appointment of such a practitioner will also be terminated and all instructions held by that practitioner will be cancelled and recalled.

### 3. Nature of Services Required

The nature of the services required are the following but not limited to:

- Local government law
- Legal opinions in general matters
- Contract law/Service Level Agreements
- Planning and Environmental law
- Property law / Conveyancing
- Litigation (Magistrate & High Court)
- MFMA and its Regulations
- Supply Chain Management and Procurement Law
- Labour Law, Dispute Resolution and Disciplinary Hearings
- Constitutional & Administrative Law
- Commercial and Corporate law
- Construction Industry Development Board Act and its Regulations
- Forensic and Fraud Investigations

### 4. Qualifications And Experience Required:

#### 4.1 Qualifications

The bidder, in the case of an individual, must be in possession of a relevant degree or qualification. In the case of a firm or company or consortium submitting a bid, a list of persons indicating their relevant degree or qualification must be provided. Only individuals whose names appear on the list will be used for purposes of this bid. **Failure to submit proof of admission will result in such individual / firm not being considered.**

#### 4.2 Experience

All individuals, or individuals forming part of a firm, company or consortium, submitting a bid, should indicate for which specific specialized services they are bidding. In addition, a list of names of individuals who have appropriate experience in the specified specialized field should be submitted.

A list of companies / local authorities / Provincial departments for whom similar type work for which the bidder submitted has been done in the past 2 years, must be provided with the most recently serviced company / local authority / provincial departments being mentioned first with the same sequence being followed and specifying the nature and value of all work done.

#### 4.3 Capacity

A clear commitment of the availability of the individuals as provided in the list of names mentioned above should be given.

### 5. Schedule of Fees

A "Schedule of Fees", for typical work carried out by the bidder has to be completed and submitted by



prospective bidders.

**6. Duration**

The contract is for a period of one (1) Year with an option to renew for another 2 years subject to performance review and budget availability.

**7. Bidders Evaluation**

Bidders will be evaluated in terms of the prevailing supply chain policy applicable to the Municipality. The panel will be operated and utilized on a rotational basis to ensure fairness.

The selection of the qualifying proposal will be at the Municipality’s sole discretion. The Municipality does not bind itself to accept any particular bid/proposal, and reserves the right not to appoint any bidders. All decisions of the Municipality in respect of the appointment or non-appointment of bidders are final. The successful bidders will be selected to form part of the panel of legal service providers of the Municipality.

**7.1 Evaluation Criteria:**

The evaluation of proposals is directly related to the required content of the proposal as detailed in this RfP, as well as the requirements of Municipality’s Supply Chain Management policy.

ASPECT	DESCRIPTION	SCORE	VALUE	SCORE= WEIGHT X VALUE	COMMENTS
<b>Track Record</b>	<b>Number of years in existence</b> >10 years = 5 Points 8<10 Years= 4 points 6<8 Years=3 Points 4< 6 Years =2 Points 2<4 Year ....=1 Point < 2 years = 0 Point	30			
<b>Capacity and Capability</b>	<b>Human Resources</b> • CV’s of individuals with relevant Degrees. • Appropriate Experience in local government law, MFMA and its regulations, Contract law / Service level Agreements, etc	35			
<b>Experience</b>	<b>Reference Letters in similar Projects.</b> 5 Letters = 5 Points 4 letters = 4 Points 3 letters =3 points 2 letters =2 Points 1 Letter =1Point 0 Letter = 0 Point	35			
<b>Total</b>		<b>100</b>			



Proposals submitted to the Municipality will be evaluated in accordance with the 80/20 principle and the following evaluation criteria will be applied:

<b>1<sup>st</sup> Stage of Bid Evaluation</b>	Functionality Total Score : 100%
	Threshold (minimum score required) : 70%
<b>2<sup>nd</sup> Stage of Bid Evaluation</b>	Price : 80 points
	B-BBEE = 20 points

**7.2 Functionality Evaluation:**

The following criteria will be used in the evaluation process for the functionality of the bidders:

VALUE	DESCRIPTION
5 – Excellent	Meets and exceed the functionality requirements
4 – Very Good	Above average compliance to the requirements
3 – Good	Satisfactory and should be adequate for stated element
2 – Average	Compliance to the requirements
1 – Poor	Unacceptable, does not meet set criteria
0	None submission

**8. Minimum Requirements**

- Registered on Central Supplier Database (CSD) Tax compliant status/ Tax compliance status pin (to enable the municipality to verify the bidder’s tax compliance status).
- Utilities account not more than 90 days due or a Lease Agreement.
- Letter of Good Standing from the Legal Practice Council.
- Membership from the Legal Practice Council.

**9. Note to Bidders**

- Preference will be given to local based law firms.
- Payment to be made within 30 days after submission of invoices as per MFMA.
- **Failure to complete the tender document in full will result in disqualification**

**10. Evaluation Criteria**

All submissions that comply with the requirements will be evaluated on the criteria indicated below:

AREAS OF EVALUATION	POINTS
Price	80
Broad based black economic empowerment	20
Total	100

**11. Specification and Additional Conditions of Tender**



1. Appointment to the panel is subject to the fee structure of the Municipality and the Tariff of Fees applicable to Attorneys in terms of the law.
2. Account may not exceed the fee structure which is permitted by law and the Municipality in its sole discretion will permit the fee structure to be exceeded subject to the following factors being taken into account:
  - a. The importance, significance, complexity and expertise of the legal services required;
  - b. The seniority and experience of the legal practitioner concerned
  - c. The volume of work required and time spent in respect of the legal services rendered; and
  - d. The financial implications of the matter at hand
3. Proof of registration with the relevant Legal Practice Council (certified copies) must be submitted together with the bid documents, failing which the bidder will automatically disqualified.
4. The bidder must in writing confirm that at the time of submitting the bid no disciplinary matter is pending before the relevant Legal Practice Council. If so, full particulars must be provided.
5. Bidders must have an e-mail address and internet capacity as to ensure proper and convenient communications.
6. The Municipality reserves the right not to include any firm of attorneys on the Municipality's panel of attorneys and further reserves the right to appoint a firm for matters according to their area of expertise.
7. The Municipality further reserves the right to appoint a firm of attorneys outside the approved panel of attorneys.
8. The Municipality reserves the right to refer the account of any law firm for taxation if the Municipality deems it necessary in the circumstances.
9. Account to be paid within a period of thirty (30) days from the date of submission.
10. The bidder undertakes not to become involved in any matter against the Municipality or its Municipal entities or in any way prejudice the rights and interests of the Municipality.
11. The bidder must submit proof that all its municipal accounts are up to date, failing which the bidder will be disqualified.
12. Furthermore; the scoring dispensation of 80/20 is merely used for comparative benchmarking of the received bids but should by no means be interpreted as any form of guarantee that a successful applicant/bidder will indeed receive instructions up to the threshold amounts or more or any at all. Continued, instructions will be monitored for performance and the Municipality reserves the right to withhold instructions due to unsatisfactorily performance of an enlisted firm/applicant/bidder.
13. The municipality reserves the right to terminate the contract in the event that there is a clear evidence of poor or non -performance on the part of the bidder.
14. All bidders must submit tax a clearance certificate with their bid and must ensure that for the duration of the contract such a certificate is updated.



15. The bidder will be held responsible for payment of legal costs in the event of default judgment obtained due to non-performance, which costs will be automatically deducted from outstanding fees due to the bidder.
16. The firms of attorneys may not cede or assign any part of its agreement with the Municipality nor subcontract any part of the assignment assigned to them without the prior written authorization of the Municipality.
17. The firms of attorneys must declare any interest it has in an assignment as well as declare any possible conflict of interest with the Municipality in the pursuance of the proposed assignment.
18. Bidders are required to identify and to disclose as soon as possible any conflict of interest or potential conflict of interest to the Municipality. Bidders should contact the Municipality for clarity on whether a conflict of interest actually exists or not. The existence of a conflict of interest or a failure by a bidder to timeously disclose any such conflict or part conflict, may result in the bidder's bid being disqualified.

**SCHEDULE 1**

**ATTACH PROOF OF ADMISSION AND MEMBERSHIP FROM THE RELEVANT LEGAL PRACTICE COUNCIL**

**SCHEDULE 2**

**ATTACH A LETTER OF GOOD STANDING FROM THE RELEVANT LEGAL PRACTICE COUNCIL**

**SCHEDULE 3**

**ATTACH LIST OF QUALIFIED MEMBERS AS IN CASE OF FIRM/CONSORTIUM**

**SCHEDULE 4**

**ATTACH QUALIFICATIONS OF LIST OF MEMBERS AS IN SCHEDULE 4**

**SCHEDULE 5**

**ATTACH CENTRAL SUPPLIER DATABASE (CSD) SUMMARY REPORT**





**SCHEDULE 6**

**RESOLUTIONS WHERE THE BIDDER IS NOT A NATURAL PERSON**

**SCHEDULE 7**

**ATTACH A COPY OF THE VALID TAX CLEARANCE CERTIFICATE**

**Contact Details**

Technical Queries	<p><b>Mrs. Refilwe Mhlwatika – (016) 450 3096/3000</b>  <b>E-mail: <a href="mailto:refilwem@sedibeng.gov.za">refilwem@sedibeng.gov.za</a></b>  <b>or</b>  <b>Mr. MaleboNgake –(016) 450 3176/3000</b>  <b>E-mail: <a href="mailto:lebsN@sedibeng.gov.za">lebsN@sedibeng.gov.za</a></b></p>
SCM Related Queries	<p><b>Ms. Madikgomo Ramonana – (016) 4503000</b>  <b>E-mail: <a href="mailto:mmadikgomor@sedibeng.gov.za">mmadikgomor@sedibeng.gov.za</a></b></p>

**MBD 3.3**

**PRICING SCHEDULE (Professional Services)**

**Name of Bidder:**.....

**Bid Number:** .....

**Closing Time:** ..... **Closing Date** .....

**OFFER TO BE VALID FOR ..... DAYS FROM THE CLOSING DATE OF BID.**

**ITEM DESCRIPTION BID PRICE IN RSA CURRENCY NO \*\* (ALL APPLICABLE TAXES INCLUDED)**

**PRICE CLARIFICATION**

Bidders are required to submit a pricing schedule for litigious and non-litigious legal services as follows:

**1. Litigious matters**

1.1 With reference to the party and party tariff published from time to time by the Rules Board under section 6 of the Rules Board for Courts of Law Act, 1985 (Act no 107 of 1985), bidders are required to specify the **percentage above (if any)** the party and party tariffs at which they will charge the

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municipality on an attorney and own client scale. Currently the applicable party and party tariffs are those published in the Government Gazette no. 43592 dated the 7<sup>th</sup> August 2020, which came into effect on 11 September 2020.

For instance, the applicable party and party tariff for a consultation with a client in a High Court matter is currently R328.00 per quarter of an hour or part thereof by an attorney. If a bidder specifies 0% it will mean the bidder is prepared to render services at the applicable party/party tariff (plus VAT). If the bidder specifies 50% it will mean the bidder is prepared to render services at the party and party tariff **plus 50%**. In the example, this means the bid will be R328.00 plus 50% (R164.00), totaling R492.00 (plus VAT) per quarter of an hour or part thereof for a consultation with the client by an attorney.

- 1.2 The commencement of Section 35 of the Legal Practice Act, No 28 of 2014 (“The Act”), which deals with fees, has not yet been proclaimed. Bidders should be aware that the South African Law Reform Commission is investigating the fee structure of legal practitioners and in terms of section 35(6) of the Act, the Minister may by notice in the Gazette determine maximum tariffs payable to legal practitioners who are instructed by Local Government in any matter. While the outcome of the investigation is unknown and cannot be predicted, bidders should bear in mind that legislation may affect the prices in future.

## 2. **Non-litigious matters**

Bidders are required to submit bids bearing in mind the recommended tariffs published by the Legal Practice Council from time to time in respect of conveyancing and notarial work.

### 2.1 Conveyancing and notarial work

Bidders are required to submit a bid indicating the percentage of **discount** with reference to the recommended tariffs referred to above that the bidder is prepared to give. For instance, if the bidder specifies a 0% discount the recommended tariff will apply. If the bidder specifies 10%, the bidder is prepared to render services at 10% less than the recommended tariff.

### 2.2 Legal opinions and drafting of contracts

Bidders are required to submit a bid indicating the **hourly tariff** (excluding VAT) at which they are prepared to consult, research, draft and debate a legal opinion or contract.



**PRICING SCHEDULE – FIRM PRICES (PURCHASES)**

**NOTE: ONLY FIRM PRICES WILL BE ACCEPTED. NON-FIRM PRICES (INCLUDING PRICES SUBJECT TO RATES OF EXCHANGE VARIATIONS) WILL NOT BE CONSIDERED**

IN CASES WHERE DIFFERENT DELIVERY POINTS INFLUENCE THE PRICING, A SEPARATE PRICING SCHEDULE MUST BE SUBMITTED FOR EACH DELIVERY POINT

Name of Bidder..... Bid Number: **8/2/2/15 -2021**

Closing Time: **12H00** Closing Date: **Thursday, 9 December 2021**

OFFER TO BE VALID FOR 90 DAYS FROM THE CLOSING DATE OF BID.

---

ITEM QUANTITY DESCRIPTION BID PRICE IN RSA CURRENCY  
 NO.  
 \*\*(ALL APPLICABLE TAXES INCLUDED)

- Required by: .....
- At: .....
- Brand and Model .....
- Country of Origin .....
- Does the offer comply with the specification(s)? \*YES/NO
- If not to specification, indicate deviation(s) .....
- Period required for delivery .....
- \*Delivery: Firm/Not firm
- Delivery basis .....

Note: All delivery costs must be included in the bid price, for delivery at the prescribed destination.

\*\* “all applicable taxes” includes value- added tax, pay as you earn, income tax, unemployment insurance fund contributions and skills development levies

\*Delete if not applicable



**PRICING SCHEDULE  
(Professional Services)**

Name of Bidder:.....Bid Number: 8/2/15-2021

Closing Time: ..... Closing Date .....

**OFFER TO BE VALID FOR .....DAYS FROM THE CLOSING DATE OF BID.**

**ITEM NO DESCRIPTION BID PRICE IN RSA CURRENCY  
\*\*(ALL APPLICABLE TAXES INCLUDED)**

- 1. The accompanying information must be used for the formulation of proposals.
- 2. Bidders are required to indicate a ceiling price based on the total estimated time for completion of all phases and including all expenses inclusive of all applicable taxes for the project.

R.....

**3. PERSONS WHO WILL BE INVOLVED IN THE PROJECT AND RATES APPLICABLE (CERTIFIED INVOICES MUST BE RENDERED IN TERMS HEREOF)**

**4. PERSON AND POSITION HOURLY RATE DAILY RATE**

-----	R-----
-----	R-----
-----	R-----
-----	R-----
-----	R-----

**5. PHASES ACCORDING TO WHICH THE PROJECT WILL BE COMPLETED, COST PER PHASE AND MAN-DAYS TO BE SPENT**

-----	R-----
----- days	R-----
-----	R-----
----- days	R-----
-----	R-----
----- days	R-----
-----	R-----
----- days	R-----

**5.1** Travel expenses (specify, for example rate/km and total km, class of airtravel, etc). Only actual costs are recoverable. Proof of the expenses incurred must accompany certified invoices.

**AMOUNT DESCRIPTION OF EXPENSE TO BE INCURRED RATE QUANTITY**



R.....  
 R.....  
 R.....  
 R.....

**\*\*“all applicable taxes” includes value-added taxes, pay as you earn, income tax, unemployment insurance fund contributions and skills development levies.**

5.2 Other expenses, for example accommodation (specify, eg. Three star hotel, bed and breakfast, telephone cost, reproduction cost, etc.). On basis of these particulars, certified invoices will be checked for correctness. Proof of the expenses must accompany invoices.

AMOUNT	DESCRIPTION OF EXPENSE TO BE INCURRED	RATE	QUANTITY
.....	R.....	.....	.....
.....	R.....	.....	.....
.....	R.....	.....	.....
.....	R.....	.....	.....
<b>TOTAL: R.....</b>			

6. Period required for commencement with project after acceptance of bid  
 .....

7. Estimated man-days for completion of project  
 .....

8. Are the rates quoted firm for the full period of contract?  
 .....\*YES/ NO.

9. If not firm for the full period, provide details of the basis on which adjustments will be applied for, for example consumer price index  
 .....  
 .....  
 .....  
 .....



**DECLARATION OF INTEREST**

- 1. No bid will be accepted from persons in the service of the state<sup>1</sup>.
- 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 positioning 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 of bidder or his or her representative:.....

3.2 Identity Number: .....

3.3 Position occupied in the Company (director, trustee, hareholder<sup>2</sup>):.....

3.4 Company Registration Number: .....

3.5 Tax Reference Number:.....

3.6 VAT Registration Number: .....

3.7 The names of all directors / trustees / shareholder members, 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. ....

<sup>1</sup>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.

<sup>2</sup> 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, Principle shareholders or stakeholders in 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 director's trustees, managers, principle shareholders or stakeholders in service of the state? **YES / NO**

3.13.1 If yes, furnish particulars.

.....  
 .....

3.14 Do you or any of the directors, trustees, managers, Principle shareholders or stakeholders of this company have any interest in any other related companies or business whether or not they are bidding for this contract. **YES / NO**

3.14.1 If yes, furnish particulars:

.....

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

Full Name	Identity Number	State Employee Number

.....  
**Signature**

.....  
**Date**

.....  
**Capacity**

.....  
**Name of Bidder**



**PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL PROCUREMENT REGULATIONS 2017**

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 R50 000 000 (all applicable taxes included); and
- 1.2 The value of this bid is estimated not to exceed R50 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:

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

- 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 respect, the award shall be decided by the drawing of lots.

### 4. POINTS AWARDED FOR PRICE

#### 4.1 THE 80/20 PREFERENCE POINT SYSTEMS

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

**80/20**

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

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 (80/20 system)
1	20
2	18
3	16
4	12
5	8



6	6
7	4
8	2
Non-compliant contributor	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

- 1.1 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

*27 Appointment Of A Panel Of Attorneys To Assist Sedibeng District Municipality With Legal Related Matters On An Ad Hoc Basis*



**AND**

7.1 B-BBEE Status Level of Contribution: ..... = .....(maximum of 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 (delete which is not applicable)

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-BBEE 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 *audialteram'partem* (hear the other side) rule has been applied; and
  - (e) forward the matter for criminal prosecution



**WITNESSES:**

1. ....

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

2. ....

DATE:.....

ADDRESS:.....

.....

.....

**ATTACH BBB-EE CERTIFICATE / SWORN AFFIDAVIT  
HERE**

---

<sup>31</sup> *Appointment Of A Panel Of Attorneys To Assist Sedibeng District Municipality With Legal Related Matters On An Ad Hoc Basis*



## CONTRACT FORM - PURCHASE OF GOODS/WORKS

**THIS FORM MUST BE FILLED IN DUPLICATE BY BOTH THE SUCCESSFUL BIDDER (PART 1) AND THE PURCHASER (PART 2). BOTH FORMS MUST BE SIGNED IN THE ORIGINAL SO THAT THE SUCCESSFUL BIDDER AND THE PURCHASER WOULD BE IN POSSESSION OF ORIGINALLY SIGNED CONTRACTS FOR THEIR RESPECTIVE RECORDS.**

### PART 1 (TO BE FILLED IN BY THE BIDDER)

1. I hereby undertake to supply all or any of the goods and/or works described in the attached bidding documents to (name of institution)..... in accordance with the requirements and specifications stipulated in bid number..... 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);
    - Technical Specification(s);
    - 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 and/or works 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. 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 fulfilment of this contract.
  
5. I declare that I have no participation in any collusive practices with any bidder or any other person regarding this or any other bid.
  
6. I confirm that I am duly authorised to sign this contract.

NAME (PRINT) .....

CAPACITY .....

SIGNATURE .....

NAME OF FIRM .....

DATE .....

<b>WITNESSES</b>	
1	.....
2.	.....





## 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	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?  (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>audialterampartem</i> rule was applied).  <b>The Database of Restricted Suppliers now resides on the National Treasury’s website(<a href="http://www.treasury.gov.za">www.treasury.gov.za</a>) and can be accessed by clicking on its link at the bottom of the home page.</b>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.1.1	If so, furnish particulars:		
4.2	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)?  <b>The Register for Tender Defaulters can be accessed on the National Treasury’s website (<a href="http://www.treasury.gov.za">www.treasury.gov.za</a>) by clicking on its link at the bottom of the home page.</b>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.2.1	If so, furnish particulars:		
34.2	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?  Bid no.: 8/2/15-2021	Yes <input type="checkbox"/>	No <input type="checkbox"/>

Initial here



4.3.1	If so, furnish particulars:		
<b>Item</b>	<b>Question</b>	<b>Yes</b>	<b>No</b>
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"/>
4.7.1	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**

Js367bW





**DEPARTMENT: SUPPLY CHAIN  
MANAGEMENT**

Sedibeng District Municipality  
P.O. Box 471  
Vereeniging, 1930  
Republic of South Africa  
Tel: +27 16 450 3110  
Fax: +27 86 682 9892

**Please provide at least 3 references**

1. Name:.....  
Company:.....  
Position Held:.....  
Contact Number (s) work.....  
Mobile.....
2. Name:.....  
Company:.....  
Position Held:.....  
Contact Number (s) work.....  
Mobile.....
3. Name:.....  
Company:.....  
Position Held:.....  
Contact Number (s) work.....  
Mobile.....
4. Name:.....  
Company:.....  
Position Held:.....  
Contact Number (s) work.....  
Mobile.....
5. Name:.....  
Company:.....  
Position Held:.....  
Contact Number (s) work.....  
Mobile.....

**PLEASE NOTE THAT THIS IS COMPULSORY\*\*\***



**ATTACH ADDITIONAL  
LETTERS OF REFERENCE  
(IF APPLICABLE)  
HERE**



DESCRIPTION	YES (√)	NO (X)
1. All pages are completely filled and signed by the authorized person:		
2. Bidders are requested to submit their Tax Clearance Pin provided by SARS to verify that the Tax Matters are in order.		
3. Original BBEE Certificate or Sworn Affidavit for exempted micro enterprise signed and stamped by Commissioner of Oaths. A trust, consortium or joint venture must submit a consolidated B-BEE Status Level Verification.		
4. Original current account of water and lights/Rates and Taxes obtainable from any Local or Metropolitan Municipality has been attached		
5. In a case of Joint Ventures (JV)/Consortium, the JV agreement has been attached		
6. The bidder has provided at least three contactable references		
7. Company registration documents e.g. CK document has been attached, in a case of a Private/Public company, shareholding information e.g. share certificate, has been attached		
8. Central Supplier Database summary report.		
9. CIDB Grading 1GB		
10. Two Copies		



**ATTACH COMPANY  
REGISTRATION DOCUMENTS  
HERE**



**ATTACH CENTAL SUPPLIER DATABASE  
REGISTRATION  
HERE**



**CERTIFICATE OF INDEPENDENT BID DETERMINATION**

1 This Municipal Bidding Document (MBD) must form part of all bids<sup>1</sup> 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).<sup>2</sup> Collusive bidding is a *pe se* prohibition meaning that it cannot be justified under any grounds.

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:

<sup>1</sup> Includes price quotations, advertised competitive bids, limited bids and proposals.

<sup>2</sup> 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

<sup>41</sup> *Appointment Of A Panel Of Attorneys To Assist Sedibeng District Municipality With Legal Related Matters On An Ad Hoc Basis*



1. 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 consortium<sup>3</sup> will not be construed as collusive bidding.
2. 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.
3. 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.
4. 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.

<sup>3</sup> 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.



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

Js9141w 4



**FORM OF OFFER AND ACCEPTANCE**

**OFFER**

The Employer, identified in the acceptance signature block, has solicited offer to enter into a Contract in respect of the following service:

**TENDER No: 8/2/15-2021**

The tenderer, identified in the offer signature block has examined the documents listed in the tender data and addenda thereto as listed in the tender schedules, and by submitting this offer has accepted the Conditions of Tender.

By the representative of the tenderer, deemed to be duly authorized, signing this part of this form of offer and acceptance, the tenderer offer 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 for an amount of R..... be determined in accordance with the conditions of contract identified in the Conditions of Contract.

**THE OFFERED PRICE IS R..... (INCLUSIVE OF VAT)**

This offer may be accepted by the Employer by signing the Acceptance part of this form of offer and acceptance and returning one copy of this document to the Tenderer before the end of the period of validity stated in the Conditions of Tender, whereupon the Tenderer becomes the party named as the Service Provider in the Condition of Contract.

Signature(s):.....  
.....

Name(s):.....  
.....

Capacity for the Tenderer:  
.....

Name and address of organization).....

Name and Signature of Witness:.....

Date:.....



**ACCEPTANCE**

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 identified in the contract that is the subject of this agreement.

Deviations from and amendments to the documents listed in the tender data and any addenda thereto as listed in the tender scheduled as well as any changes to the terms of the offer agreed by the tenderer and the Employer during this process of offer and acceptance, are contained in the schedule of deviations attached to, and forming part of this agreement. No amendments to or deviations from said documents are valid unless contained in this schedule, which must be signed by the authorized representative(s) of both parties.

The tenderer shall within two weeks after receiving a completed copy of this agreement, including the schedule of deviations (if any), contact the Employer's agent (whose details are given in the contract data) to arrange the delivery of any bonds, guarantees, proof of insurance and any other documentation to be provided in terms of the conditions of contract identified in the Contract Data at, or just after, the date this agreement comes into effect. Failure to fulfill any of these obligations in accordance with those terms shall constitute a repudiation of this agreement.

Notwithstanding anything contained herein, this agreement comes into effect on the date when the tenderer receives one fully completed original copy of this document, including the schedule of deviations (if any). Unless the tenderer (now Service Provider) within five days of the date of such receipt notifies the Employer in writing of any reason why he cannot accept the contents of this agreement shall constitute a binding between the parties.

Signature(s):

.....

Name(s):

.....  
.....

Capacity for the Employer:

.....

(Name and address of organization).....

.....

Name and Signature of

Witness:.....

Date:.....



**CREDIT ORDER INSTRUCTION**

It is the policy of the Sedibeng District Municipality to pay all creditors by means of direct bank transfers. Please complete this information and acquire your banker’s confirmation.

Name of Firm Account Holder

.....

Address:.....

.....  
.....

Name of Bank: .....

Name of Branch:.....

Branch Code:.....

Account Number:.....

Type of Account:.....

I/we hereby requested and authorize the Sedibeng District Municipality to pay any amounts that may accrue to me/us to the credit of my/our bank account.

I/we understand that a payment advice will be supplied by the Sedibeng District Municipality in the normal way that will indicate the date on which funds will be available in my/our bank account and details of payment.

I/we further undertake to inform the Sedibeng District Municipality in advance of any change in my/our bank details and accept that this authority may only be cancelled by me/us by giving thirty days’ notice by prepaid registered post.

.....  
Initials and Surname

.....  
Authorized Signature

Date:.....

**FOR BANK USE ONLY**

I/We hereby certify that the details of our clients bank account as indicated on the credit order instruction is correct:

.....  
**AUTHORISED SIGNATURE(S)**

**OFFICIAL DATE STAMP**

