

Sedibeng District Municipality



BID DOCUMENT

Tender No.	8/2/11-2023
Closing Date and Time	Thursday, 16 November 2023@12H00
Description	Appointment of additional members on the Panel of Attorneys to Assist Sedibeng District Municipality with Legal Related Matters on An Ad Hoc Basis.
Contractor / Bidder	
Bid amount	R
Physical address	
Contact person	
Telephone no.	
Fax no.	
Cell no.	
Email address	
Central Supplier Database No.	
*****SUBMIT TWO COPIES (02) MARKED CLEARLY:“ ORIGINAL” AND “COPY”	

1 Appointment of additional members on the Panel of Attorneys to assist SDM with Legal Related Matters on An Ad Hoc Basis

Bid no.:8/2/11-2023

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 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. Letter of Good standing from the Legal Practise Council
17. Membership from the Legal Practise Council
18. Preference will be given to local based law firms
19. Payments to be made within 30 days after submission of the invoices as per MFMA
20. Failure to complete the tender document in full will result in disqualification
21. Compulsory Briefing Session

Sedibeng District Municipality
RFQ Number: 8/2/2/11-2023

DOCUMENT	
INVITATION TO BID	MBD 1
CLEARANCE CERTIFICATE FOR WATER & LIGHTS	
TERMS OF REFERENCE/SPECIFICATIONS	
PRICING SCHEDULE – PROFESSIONAL SERVICES	MBD 3.3
DECLARATION OF INTEREST	MBD 4
PREFERENCE POINTS CLAIM FORM	MBD 6.1
CONTRACT FORM – PURCHASE OF GOODS	MBD 7
DECLARATION OF BIDDER’S PAST SUPPLY CHAIN MANAGEMENT PRACTICES	MBD 8
CERTIFICATE OF INDEPENDENT BID DETERMINATION	MBD 9
FORM OF OFFER AND ACCEPTANCE	
CREDIT ORDER INSTRUCTION	

**PART A
INVITATION TO BID**

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

BID NUMBER:	8/2/2/11-2023	CLOSING DATE:	Thursday, 16 November 2023	CLOSING TIME:	12:00AM
DESCRIPTION	Appointment of additional members on the Panel of Attorneys to Assist Sedibeng District Municipality with Legal Related Matters on An Ad Hoc Basis				

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 <input type="checkbox"/> No		

[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

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ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES /WORKS OFFERED?	<input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES ENCLOSE PROOF]	ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES /WORKS OFFERED?	<input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES, ANSWER PART B:3]
TOTAL NUMBER OF ITEMS OFFERED		TOTAL BID PRICE	R
SIGNATURE OF BIDDER	DATE	
CAPACITY UNDER WHICH THIS BID IS SIGNED			
BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO:		TECHNICAL INFORMATION MAY BE DIRECTED TO:	
DEPARTMENT	Supply Chain Management	DEPARTMENT	Corporate Services
CONTACT PERSON	Madikgomo Ramonana	CONTACT PERSON	Mr. Lebs Ngake
TELEPHONE NUMBER	066 472 7253	TELEPHONE NUMBER	082 888 4820
E-MAIL ADDRESS	madikgomor@sedibeng.gov.za	E-MAIL ADDRESS	lebsn@sedibeng.gov.za

**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 N/A
- 3.2. DOES THE ENTITY HAVE A BRANCH IN THE RSA? YES NO N/A
- 3.3. DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA? YES NO N/A
- 3.4. DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA? YES NO N/A
- 3.5. IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION? YES NO N/A

If the answer is “NO” to all 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 66 472 7253

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 original or certified copy 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:		
Contact Name:	Contact Number:	
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 company¹ (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!

ATTACH UTILITIES ACCOUNT HERE



Appointment of additional members on the Panel of Attorneys to assist SDM with Legal Related Matters on An Ad Hoc Basis.

BID NO: 8/2/11-2023

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.

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	COMMENT S
Track Record	Number of years in existence >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			
Capacity and Capability	Human Resources • CV’s of individuals with relevant Degrees. • Appropriate Experience in local government law, MFMA and its regulations, Contract law / Service level Agreements, etc	35			

Experience	Reference Letters in similar Projects. 5 Letters = 5 Points 4 letters = 4 Points 3 letters =3 points 2 letters =2 Points 1 Letter =1Point 0 Letter = 0 Point	35			
Total		100			

The bid will be based on Point System 80:20 point system.

1ST STAGE	FUNCTIONALITY TOTAL SCORE : 100%
	THRESHOLD (MINIMUM SCORE REQUIRED = 70%)

2nd stage		POINTS
PRICE		80
SPECIFIC GOALS		20
Youth	4 points (100%) 2 Points (50%) 1 points (25%)	
<i>Disability (medical certificate needed)</i>	4 points (100%) 2 Points (50%) 1 points (25%)	
Locality/township	4 points (100%) 2 Points (50%) 1 points (25%)	
Women	4 points (100%) 2 Points (50%) 1 points (25%)	
51 % black owned	4 points (100%) 2 Points (50%) 1 points (25%)	
Total points for Price and SPECIFIC GOALS		100

CONTACT DETAILS:

<u>Contact Person:</u>	
<u>Technical Enquiries</u>	Mr. Lebs Ngake Lebsn@sedibeng.gov.za

	Cell: 082 888 4820
<u>Supply Chain Enquiries</u>	Ms. Madikgomo Ramonana madikgomor@sedibeng.gov.za Cell: 066 472 7253

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 of 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**

A compulsory briefing session will be as follows:

Date : Monday, 23 October 2023

Time : 10:00

Venue : Vestibule Hall

10. Evaluation Criteria

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

AREAS OF EVALUATION	POINTS
Price	80
Specific Goals	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

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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 AND THEIR QUALIFICATIO S AS IN CASE OF FIRM/CONSORTIUM

SCHEDULE 4

ATTACH CENTRAL SUPPLIER DATABASE (CSD) SUMMARY REPORT

SCHEDULE 5

RESOLUTIONS WHERE THE BIDDER IS NOT A NATURAL PERSON

SCHEDULE 6

ATTACH A COPY OF THE VALID TAX CLEARANCE CERTIFICATE

Contact Details

Technical Queries	Mr. MaleboNgake – 082 888 4820 E-mail: lebsN@sedibeng.gov.za
SCM Related Queries	Ms. Madikgomo Ramonana – 066 472 7253 E-mail: mmadikgomor@sedibeng.gov.za

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 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 7th 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
(Professional Services)

Name of Bidder..... Bid Number: **8/2/11-2023**

Closing Time: **12H00** Closing Date: **Thursday, 16 November 2023**

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

ITEM NO TAX	DESCRIPTION	BID PRICE IN RSA CURRENCY INCLUSIVE OF VALUE ADDED
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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 VAT 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-----

5. PHASES ACCORDING TO WHICH THE PROJECT WILL BE COMPLETED, COST PER PHASE AND MANDAYS TO BE SPENT

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

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

DESCRIPTION OF EXPENSE TO BE INCURRED	RATE	QUANTITY	AMOUNT
.....		R.....
TOTAL: R.....			

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.

DESCRIPTION OF EXPENSE TO BE INCURRED	RATE	QUANTITY	AMOUNT
.....		R.....
TOTAL: R.....			

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?.....

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

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

DECLARATION OF INTEREST

- 2. No bid will be accepted from persons in the service of the state¹.
- 3. 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.
- 4. **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, hareholder²):.....

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?

Please ✓ one option:			
YES	<input type="checkbox"/>	NO	<input type="checkbox"/>

3.8.1 If yes, furnish particulars.

¹MSCM 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.

² 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?

Please ✓ one option:			
YES	<input type="checkbox"/>	NO	<input type="checkbox"/>

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?

Please ✓ one option:			
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?

Please ✓ one option:			
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?

Please ✓ one option:			
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?

Please ✓ one option:			
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?

Please ✓ one option:			
YES		NO	

3.14.1 If yes, furnish particulars:

.....

--

3.15 Please provide full details of directors / trustees / members / shareholders.
**** THIS IS COMPULSORY****

Full Name	Identity Number	State Employee Number (if applicable)

.....
Signature

.....
Date

.....
Capacity

.....
Name of Bidder

--

PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL PROCUREMENT REGULATIONS 2022

This preference form must form part of all tenders invited. It contains general information and serves as a claim form for preference points for specific goals.

NB: BEFORE COMPLETING THIS FORM, TENDERERS MUST STUDY THE GENERAL CONDITIONS, DEFINITIONS AND DIRECTIVES APPLICABLE IN RESPECT OF THE TENDER AND PREFERENTIAL PROCUREMENT REGULATIONS, 2022

1. GENERAL CONDITIONS

1.1 The following preference point systems are applicable to invitations to tender:

- the 80/20 system for requirements with a Rand value of up to R50 000 000 (all applicable taxes included); and
- the 90/10 system for requirements with a Rand value above R50 000 000 (all applicable taxes included).

1.2 To be completed by the organ of state

- a) The applicable preference point system for this tender is the 80/20 preference point system.
- b) The 80/20 preference point system will be applicable in this tender. The lowest/ highest acceptable tender will be used to determine the accurate system once tenders are received.

1.3 Points for this tender (even in the case of a tender for income-generating contracts) shall be awarded for:

- (a) Price; and
- (b) Specific Goals.

1.4 To be completed by the organ of state:

The maximum points for this tender are allocated as follows:

	POINTS
PRICE	80
SPECIFIC GOALS	20
Total points for Price and SPECIFIC GOALS	100

1.5 Failure on the part of a tenderer to submit proof or documentation required in terms of this tender to claim points for specific goals with the tender, will be interpreted to mean that preference points for specific goals are not claimed.

1.6 The organ of state reserves the right to require of a tenderer, either before a tender is adjudicated or at any time subsequently, to substantiate any claim in regard to preferences, in any manner required by the organ of state.

2. DEFINITIONS

- (a) **“tender”** means a written offer in the form determined by an organ of state in response to an invitation to provide goods or services through price quotations, competitive tendering process or any other method envisaged in legislation;

--

- (b) “**price**” means an amount of money tendered for goods or services, and includes all applicable taxes less all unconditional discounts;
- (c) “**rand value**” means the total estimated value of a contract in Rand, calculated at the time of bid invitation, and includes all applicable taxes;
- (d) “**tender for income-generating contracts**” means a written offer in the form determined by an organ of state in response to an invitation for the origination of income-generating contracts through any method envisaged in legislation that will result in a legal agreement between the organ of state and a third party that produces revenue for the organ of state, and includes, but is not limited to, leasing and disposal of assets and concession contracts, excluding direct sales and disposal of assets through public auctions; and
- (e) “**the Act**” means the Preferential Procurement Policy Framework Act, 2000 (Act No. 5 of 2000).

3. FORMULAE FOR PROCUREMENT OF GOODS AND SERVICES

3.1. POINTS AWARDED FOR PRICE

3.1.1 THE 80/20 OR 90/10 PREFERENCE POINT SYSTEMS

A maximum of 80 or 90 points is allocated for price on the following basis:

$$\begin{array}{ccc}
 \mathbf{80/20} & \mathbf{or} & \mathbf{90/10} \\
 \\
 Ps = 80 \left(1 - \frac{Pt - P_{min}}{P_{min}} \right) & \mathbf{or} & Ps = 90 \left(1 - \frac{Pt - P_{min}}{P_{min}} \right)
 \end{array}$$

Where

Ps = Points scored for price of tender under consideration

Pt = Price of tender under consideration

Pmin = Price of lowest acceptable tender

3.2. FORMULAE FOR DISPOSAL OR LEASING OF STATE ASSETS AND INCOME GENERATING PROCUREMENT

3.2.1. POINTS AWARDED FOR PRICE

A maximum of 80 or 90 points is allocated for price on the following basis:

$$\begin{array}{ccc}
 \mathbf{80/20} & \mathbf{or} & \mathbf{90/10} \\
 \\
 Ps = 80 \left(1 + \frac{Pt - P_{max}}{P_{max}} \right) & \mathbf{or} & Ps = 90 \left(1 + \frac{Pt - P_{max}}{P_{max}} \right)
 \end{array}$$

Where

Ps = Points scored for price of tender under consideration

Pt = Price of tender under consideration

Pmax = Price of highest acceptable tender

4. POINTS AWARDED FOR SPECIFIC GOALS

- 4.1. In terms of Regulation 4(2); 5(2); 6(2) and 7(2) of the Preferential Procurement Regulations, preference points must be awarded for specific goals stated in the tender. For the purposes of this tender the tenderer will be allocated points based on the goals stated in table 1 below as may be supported by proof/ documentation stated in the conditions of this tender:

4.2. In cases where organs of state intend to use Regulation 3(2) of the Regulations, which states that, if it is unclear whether the 80/20 or 90/10 preference point system applies, an organ of state must, in the tender documents, stipulate in the case of—

- (a) an invitation for tender for income-generating contracts, that either the 80/20 or 90/10 preference point system will apply and that the highest acceptable tender will be used to determine the applicable preference point system; or
- (b) any other invitation for tender, that either the 80/20 or 90/10 preference point system will apply and that the lowest acceptable tender will be used to determine the applicable preference point system,

then the organ of state must indicate the points allocated for specific goals for both the 90/10 and 80/20 preference point system.

Table 1: Specific goals for the tender and points claimed are indicated per the table below.

(Note to organs of state: Where either the 90/10 or 80/20 preference point system is applicable, corresponding points must also be indicated as such.

Note to tenderers: The tenderer must indicate how they claim points for each preference point system.)

The specific goals allocated points in terms of this tender	Number of points allocated (80/20 system) (To be completed by the organ of state)	Number of points claimed (80/20 system) (To be completed by the tenderer)
Youth	4 points (100%) 2 Points (50%) 1 points (25%)	
Disability (medical certificate needed)	4 points (100%) 2 Points (50%) 1 points (25%)	
Locality/township	4 points (100%) 2 Points (50%) 1 points (25%)	
Women	4 points (100%) 2 Points (50%) 1 points (25%)	
% Black owned	4 points (100%) 2 Points (50%) 1 points (25%)	

DECLARATION WITH REGARD TO COMPANY/FIRM

4.3. Name of company/firm.....

4.4. Company registration number:

4.5. TYPE OF COMPANY/ FIRM

- Partnership/Joint Venture / Consortium
 - One-person business/sole propriety
 - Close corporation
 - Public Company
 - Personal Liability Company
 - (Pty) Limited
 - Non-Profit Company
 - State Owned Company
- [TICK APPLICABLE BOX]

4.6. I, the undersigned, who is duly authorised to do so on behalf of the company/firm, certify that the points claimed, based on the specific goals as advised in the tender, qualifies the company/ firm for the preference(s) shown and I 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 paragraphs 1.4 and 4.2, the contractor may be required to furnish documentary proof to the satisfaction of the organ of state that the claims are correct;
- iv) If the specific goals have been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the organ of state may, in addition to any other remedy it may have –
 - (a) disqualify the person from the tendering 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) recommend that the tenderer or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, be restricted from obtaining business from any organ of state for a period not exceeding 10 years, after the *audi alteram partem* (hear the other side) rule has been applied; and
 - (e) forward the matter for criminal prosecution, if deemed necessary.

.....

SIGNATURE(S) OF TENDERER(S)

SURNAME AND NAME:

DATE:

ADDRESS:

.....

.....

.....

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

CONTRACT FORM - RENDERING OF SERVICES

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

PART 1 (TO BE FILLED IN BY THE SERVICE PROVIDER)

1. I hereby undertake to render services described in the attached bidding documents to (name of the institution **SEDIBENG DISTRICT MUNICIPALITY** in accordance with the requirements and task directives / proposals specifications stipulated in Bid Number **8/2/2/11-2023** 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 date of the bid.

2. The following documents shall be deemed to form and be read and construed as part of this agreement:
 - (i) Bidding documents, viz
 - Invitation to bid;
 - Tax clearance certificate;
 - Pricing schedule(s);
 - Filled in task directive/proposal;
 - Preference claims for Broad Based Black Economic Empowerment Status Level of Contribution in terms of the Preferential Procurement Regulations 2011;
 - Declaration of interest;
 - Declaration of Bidder's past SCM practices;
 - Certificate of Independent Bid Determination;
 - Special Conditions of Contract;
 - (ii) General Conditions of Contract; and
 - (iii) Other (specify)

3. I confirm that I have satisfied myself as to the correctness and validity of my bid; that the price(s) and rate(s) quoted cover all the services 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 fulfillment 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

WITNESSES

1

2

CONTRACT FORM - RENDERING OF SERVICES

PART 2 (TO BE FILLED IN BY THE PURCHASER)

1. I..... in my capacity as..... accept your bid under reference number **8/2/2/11-2023** datedfor the rendering of services indicated hereunder and/or further specified in the annexure(s).
2. An official order indicating service delivery instructions is forthcoming.
3. I undertake to make payment for the services rendered in accordance with the terms and conditions of the contract, within 30 (thirty) days after receipt of an invoice.

<i>DESCRIPTION OF SERVICE</i>	PRICE (ALL APPLICABLE TAXES INCLUDED)	COMPLETION DATE	B-BBEE STATUS LEVEL OF CONTRIBUTION	MINIMUM THRESHOLD FOR LOCAL PRODUCTION AND CONTENT (if applicable)

4. I confirm that I am duly authorised to sign this contract.

SIGNED AT ON

NAME (PRINT)

SIGNATURE

OFFICIAL STAMP

WITNESSES

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). The Database of Restricted Suppliers now resides on the National Treasury’s website(www.treasury.gov.za) and can be accessed by clicking on its link at the bottom of the home page.	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)? The Register for Tender Defaulters can be accessed on the National Treasury’s website (www.treasury.gov.za) by clicking on its link at the bottom of the home page.	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"/>
4.7.1	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 BBBEE 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-BBEE 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. Letter of Good standing from Legal Practice Council		
10. Membership from the Legal Practice Council		
11. Preference will be given to local based law firms		
12. Payments to be made within 30 days after submission of invoices as per MFMA		
13. Compulsory Briefing Session		
14. Submitted 2 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 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.

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:

Appointment of additional members on the Panel of Attorneys to Assist Sedibeng District Municipality with Legal Related Matters on An Ad Hoc Basis (Bid Number 8/2/11-2023

in response to the invitation for the bid made by:

SEDIBENG DISTRICT MUNICIPALITY

(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

--

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: 8/2/2/11-2023

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 ALL APPLICABLE TAXES)

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 the 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