

**AMAJUBA DISTRICT MUNICIPALITY**  
**DB2016/17/1**  
**INVITATION TO REGISTER ON THE DATABASE**  
**ELECTRICAL REPAIRS OF EQUIPMENT AND APPLIANCES AT THE WATER**  
**PLANTS, PUMPSTATIONS AND RESERVOIRS OF AMAJUBA DISTRICT**  
**MUNICIPALITY**

Amajuba District Municipality hereby invites suitable qualified service providers registered with CIDB grade of 4EC or higher construction works to submit applications to be registered into the database for electrical repairs of equipment and appliances for a period of three years.

Interested service providers must collect the **application forms and Terms of Reference** at Amajuba District Municipality Offices during normal working hours, B9356, Amajuba Building, Section1, Madadeni, 2951 or download it from the website [www.amajuba.gov.za](http://www.amajuba.gov.za).

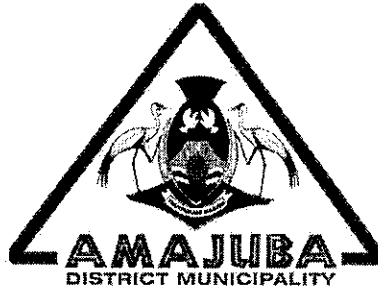
Completed applications in sealed envelopes endorsed "**DB2016/17/1**" must be deposited in the Municipality's tender box located at the Reception of the Amajuba District Municipality on or before the closing date, whereby applications will be opened in the public. Applications that are not marked, received after the due date and time will not be considered.

All technical enquiries should be directed to **Simo Mbuthuma** on 034 3297200 or by email: [simom@amajuba.gov.za](mailto:simom@amajuba.gov.za) and for enquiries regarding the Supply Chain Management procedures, kindly contact **Nokwazi Nzimande** on the same number or by email: [nokwazin@amajuba.gov.za](mailto:nokwazin@amajuba.gov.za).

.....  
**Closing date: Friday, 02 September 2016 @12h00 noon**

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**MR L. AFRICA**  
**MUNICIPAL MANAGER**





**TERMS OF REFERENCE FOR AN ELECTRICAL REPAIRS OF EQUIPMENT AND APPLIANCES AT THE PLANTS, PUMPSTATIONS AND RESERVOIRS OF AMAJUBA DISTRICT MUNICIPALITY**

**1. BACKGROUND**

Amajuba District Municipality is in a process of compiling a database for the service providers for electrical repairs of equipment and appliances at all its plants, pump stations and reservoirs. The request is hereby made for the submission of service provider profile for registration on the Amajuba Electrical Equipment and Appliances Repairs database.

**2. DURATION OF THE CONTRACT**

The validity of the service provider's existence on the database shall be for a period of 1 year with an option to renew thereafter for successive periods of 12 months up to a maximum of 3 years. The request is hereby made for the submission of service provider profile for registration on the Amajuba Mechanical and Electrical Equipment and Appliances Repairs database

**3. PURPOSE**

The purpose of this arrangement is to allow the Amajuba District Municipality's Engineering Services department to contract the repair services on when as required basis from the service providers listed on the database.

**3. LOCATION AND HOURS OF OPERATION**

The electrical and mechanical repairs and maintenance service will be performed at the Amajuba District Municipality facilities listed in Table 1 below.

**Table 1**

No	Description
1.	No. 2 Ejector Station, Durnacol Urban
2.	No. 3 Ejector Station, Durnacol Urban
3.	No. 7 Ejector Station, Durnacol Urban
4.	Pelandaba Ejector Station, Durnacol Urban
5.	DHR 29 Sewerage Pumpstation No.1, Dannhauser Rural
6.	Sewage pump station no.2 NDH
7.	Sub-section of Annandale, Dannhauser Rural, Borehole Pump

8.	Sewage pump station no.2 NDH
9.	NDH R28 Sewerage Pumpstation No.3, Dannhauser Rural
10.	Pumpstation on Farm Witteklip nut
11.	Tweediedale Waste Water Treatment Plant
12.	Durnacol Waste Water Treatment Plant
13.	Farm Nellie, Dannhauser Rural Pump, Dannhauser Rural (Buffalo Flats)
14.	Sub Riversbend Chelmsford
15.	Sub of Verdriet 8828, NDH rural pump
16.	Lot 181 sub of Vaal bank 154,Utrecht rural H20 Sub, Utrecht Water Works, Utrecht ponds
17.	Sub of Annie 3798 Danhouser rural pump station
18.	Wakkerstroom rural, sub of Groenvlei water supply
19.	Use pump station NDH
20.	Tweediedale water works NDH rural
21.	Durnacol water works no.2
22.	Durnacol Reservoirs
23.	Danhouser Reservoirs

3.1 The cost of health and safety measures to be taken in relation to the construction regulations of 2003. Compiling and maintenance of health and safety plans, risk assessments, safe work procedures and work method statements to be included.

The normal operation hours are Monday to Thursday from 07h30 to 16h15 Friday from 07h30 to 15h00.

#### **4 SCOPE OF WORK**

- 4.1 The Scope of works consists of the provision of all labour, spares and materials necessary to accomplish electrical repairs of equipment and appliances.
- 4.2 The contractor is expected to supply spares and parts required for repairs from specialized registered electrical and mechanical companies.
- 4.3 The services will normally be performed at, but are not limited to the Amajuba District Municipality facilities listed in Table 1 above.
- 4.4 At the completion of the contract the contractor shall return to the Municipality all drawings, provided or produced during the contract period.
- 4.5 Testing, re-commissioning and issuing certificates of compliance will be a requirement
- 4.6 All overload setting to be reset and a schedule of motor rating & overload setting to be submitted to the Municipality.
- 4.7 The Contractors will be expected to give workmanship guarantees of not less than 6 months for all repairs and maintenance work completed and not less than 12 months for new work done.

### **5.1 THE CONTRAL WILL COVER THE FOLLOWING:**

- Wastewater Treatment Works
- Sewer pump Stations
- Water Treatment Works
- Water Pump
- stations
- Reservoirs and pressure

### **5.2 THE EQUIPMENTS THAT REQUIRE MAINTENANCE ARE THE FOLLOWING:**

- Pumps
- Screens (Mechanical)
- Clarifiers
- Control Valves
- Isolating Valves
- Blowers
- Clarifies
- Electrical panels
- Motors
- Chlorinators
- Bulk Meters

The scope of the minor and major servicing is explained in the following section. This shows the works that must be done including the breakdowns in the various parts of the water and wastewater system.

### **5.3 WASTE WATER TREATMENT WORKS, SEWER PUMP STATIONS, WATER BOOSTER PUMP STATIONS**

#### **a) Minor Services**

#### **PUMPS**

- Inspection on the base of the pump to ensure no vibration, if vibration is detected, the contractor to troubleshoot and repair it.
- Inspection on the coupling to detect the lining of the pump, if the pump is not in the right position, the contractor to align the motor again.
- Measure the bearing temperatures, if the temperature is too high, the contractor to switch off the motor for the purpose of replacing bearings

#### **MOTORS**

- Replacement of bearings
- Replacement of dust seals
- Blow- out the motor remove the dust inside
- Re-assemble the motor
- Do performance test and provide Performance Test certificate

## c) EMERGENCY BREAKDOWNS

### ELECTRICAL PANELS

- Inspect the main and control circuits operation, repair them if faulty.
- Inspect the PLC or SCADA system, repair them if faulty.
- Inspect the loose connection and repair them.
- Inspect overloads rate settings if correct, if not sort.
- Inspect all emergency stop if they are working safely.
- Inspect panels are working safe; repair them if any fault is found.

### MOTORS

- Wash and bake the motor as or when required
- If the Contractor is sub- contracting the above mentioned service, a proof of Sub-Contractor's invoice to be submitted plus a profit of the Main Contractor to the Municipality.
- Re-wind the motor as or when required  
If the contractor is sub-contracting the above mentioned service, a proof of Sub-Contractor's invoice to be submitted plus a profit of the Main Contractor to the Municipality

### RESERVOIRS AND PRESSURE

#### a) MINOR SERVICES

- Calibration of telemetry system

## 6. DOCUMENTS REQUIRED

Service providers are required to submit the following documents:

- 6.1 Successful Service provider shall be expected to submit qualifications of the skilled personnel to perform the required repairs and service, trade test certificate for artisans, (electricians and millwrights) and all certificates for staff that will be part of the teams.
- 6.2 Traceable references must be attached.
- 6.3 Business registration certificate
- 6.4 Original tax clearance certificate
- 6.5 BEE Certificate (not compulsory)
- 6.6 For an electrical repairs grade 4EC is required.

**All copies of the above certificates must be certified not older than three months.**

TERMS OF REFERENCE APPROVED / ~~NOT APPROVED~~

  
\_\_\_\_\_  
MR L AFRICA  
MUNICIPAL MANAGER



**AMAJUBA DISTRICT MUNICIPALITY**

**Application for Supplier Database Registration Form**

(Also available at: [www.amajuba.gov.za](http://www.amajuba.gov.za))

Kindly forward the completed registration form together with the relevant documentation clearly marked

**SUPPLY CHAIN MANAGEMENT UNIT to:**

Amajuba District Municipality  
B9356 Amajuba Building, Section 1  
Madadeni

Or

Private Bag 6615  
Newcastle  
2940

**No faxed registration forms will be accepted**

For more information please telephone the Supply Chain Management Unit  
(034) 329 7200

Or e-mail address: [nokwazin@amajuba.gov.za](mailto:nokwazin@amajuba.gov.za)

**Amaiuba District Municipality Service Provider Database**  
**Application for Registration**

Database Registration Number



**1. Business Particulars**

**1.1 Name of business as registered with Registrar of Companies/Close Corporations**

**1.2 Name of business used for trading purposes, if different from 1.1 or Name of Business if not registered with the Registrar of Companies/Close Corporation**

**1.3 Type of Business\***

Please tick the appropriate box

Public Company Ltd	<input type="checkbox"/>
Private Company (Pty) Ltd	<input type="checkbox"/>
Close Corporation CC	<input type="checkbox"/>
Sole Proprietor	<input type="checkbox"/>
Partnership	<input type="checkbox"/>
Trust	<input type="checkbox"/>
Cooperative	<input type="checkbox"/>
Voluntary Associations	<input type="checkbox"/>

**1.4 Registration Number as registered with the Registrar of Companies/Close Corporations (if applicable)**

**1.5 Unemployment Insurance Fund No. (if applicable) \***

\*Please attach copy of Registration Form. If you are unable to do so, kindly provide an explanation

**1.6 Compensation Commissioner Registration No. (if applicable) \***

\*Please attach copy of Registration Form. If you are unable to do so, kindly provide an explanation

1.7 Income Tax Reference No. and VAT number\*

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\*Insert personal tax number if a one person business (sole proprietor) or personal income tax number of all partners in a partnership.

1.8 P.A.Y.E. Number (if applicable)

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1.9 Postal Address

Postal Code	

1.10 Physical Address (if different to postal address)

Postal Code		

Telephone No		Fax No.	
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Cell No.

Email Address (if applicable)

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Web Address:

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Preferred Method of Communication

Email  Fax  Post

1.11 Contact Person

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1.12 Physical Location of Head Office (if applicable)

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4. Values of following items dependent on most recent Financial Statement

Item	Value
Total Fixed Assets @ Book Value (land, buildings, plant, vehicles)	R
Vehicles @ Book Value	R
Number of Vehicles	
Average stock on hand	R
Cost of Goods Produced Annually	R
Quantity Produced Annually	
Units of Measure (tons, kilolitres)	
Total Current Assets (e.g. stock, debtors, cash)	R
Total Current Liabilities (e.g. creditors, overdraft)	R
Total full time equivalent of paid employees	
No. of Previously Disadvantaged Individuals	
Total Annual Turnover	R
Total Gross Asset Value (excl. Fixed Property)	R

5. Previous Business Information

5.1 Did your business exist under a previous name?

Yes

No

5.2 If "Yes", what was the previous business name?

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5.3 Reasons for name change

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5.4 Previous Names of Owners, Partners, Members or Shareholders

Name	Title

**6. Proprietors/Shareholders/Partners/Sole Proprietors/Trustees/Owners**

Please list all owners (as listed above) and, where applicable, provide proof of disability by a recognised related institution. If insufficient space, kindly attach a copy of this page signed by the person who signs on behalf of the business.

Name	ID No.	Disability Institution	Shareholding

**7. Previous Experience (If applicable)**

Please list the municipal contracts awarded to you over the last 5 years or other previous experience related to your core business.

Employer/Department	Contact Person and Telephone No.	Contract Value in Rands	Completed Successfully (Yes/No)	Year

**8. Please indicate any Owner who has a Controlling Ownership Interest in Another Business**

Name of Owner	Name and Address of Other Business	Position Held	Business Type	% of Ownership

9. Verification of information supplied relating to references that the Applicant/Business may apply for.

I/we, the undersigned, who warrants that I/we are duly authorised to do so on

behalf of the supplier, certifies that the information supplied in terms of this

document including the Annexure(s) with additional information, is correct and accurate and acknowledges that:

1. The supplier will be required to furnish documentary proof of the information relating to preferences, if requested to do so.

2. If the information supplied is found to be incorrect, then Amajuba District Municipality may, in addition to any remedies it may have:

(i) Disqualify the supplier/contractor for a particular bid/contract/project it may be considered for, or which had been awarded to the supplier/contractor;

(ii) Recover from the supplier/contractor for all costs, losses or damages incurred or sustained by Amajuba District Municipality as a result of breach of contract;

(iii) Cancel the contract and claim any damages which Amajuba District Municipality may suffer by favourable arrangements after such cancellation and/or;

(iv) Deregister the supplier registered on the Supplier Database

Signed on this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_ at \_\_\_\_\_

\_\_\_\_\_  
Before the Commissioner of Oaths

\_\_\_\_\_  
Signature of Authorised Representative

\_\_\_\_\_  
Name in Block Letters

\_\_\_\_\_  
Supplier's Name

Signed and affirmed to, before me at \_\_\_\_\_

on this \_\_\_\_\_ day of \_\_\_\_\_ year \_\_\_\_\_ by the deponent who has acknowledged that he/she knows and understands, the contents of this document, and he/she has acknowledged that he/she has no objection to affirming, that he/she regards the affirmation to be binding on his/her conscience.

\_\_\_\_\_  
Commissioner of Oaths

Full Name

Capacity

Business Address

Area

**Annexure 2 Certified Banking Details Form**

This form needs to be completed, certified by the appropriate Banking Institution and attached to the registration form.

Name of Banking Institution

Branch Name

Branch Code

Town/City

Banking Account Number

Name of Account Holder (Name under which Account is Operated)

\_\_\_\_\_  
Please place Bank stamp here

**Received and Stamped By (Name in Block Letters)**

**Signature of Recipient**

**Date of Receipt**

**Annexure 3 Required Documentation Checklist**

Please ensure that all listed documentation below is attached (where applicable) to the registration form

1. Successful Service provider shall be expected to submit qualifications of the skilled personnel to perform the required repairs and service, trade test certificate for artisans, (electricians and millwrights) and all certificates for staff that will be part of the teams.
2. Traceable references must be attached.
3. Business registration certificate
4. Original tax clearance certificate
5. BBBEE Certificate (not compulsory)- certified copies or original
6. For an electrical repairs grade 4EC is required.

**All copies of the above certificates must be certified not older than three months.**



MBD 1

## INVITATION TO BID

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

**BID NUMBER:** DB2016/17/1

**CLOSING DATE:** 02 SEPTEMBER 2016

**CLOSING TIME:** 12H00

**DESCRIPTION:** DATABASE – ELECTRICAL REPAIRS OF EQUIPMENT AND APPLIANCES AT THE WATER PLANTS, PUMPSTATIONS AND RESERVOIRS FOR ADM

**The successful bidder will be required to fill in and sign a written Contract Form (MBD 7).**

BID DOCUMENTS MUST BE DEPOSITED IN THE TENDER BOX SITUATED AT:

The Reception  
B 9356 Amajuba Building,  
Section 1  
Madadeni

**Bidders should ensure that bids are delivered timeously to the correct address. If the bid is late, it will not be accepted for consideration.**

The bid box is generally open from 07h30 to 16h15 during working hours and between 07h30 and 15h00 on Fridays

**ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS – (NOT TO BE RE-TYPED)**

THIS BID IS SUBJECT TO THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER SPECIAL CONDITIONS OF CONTRACT

THIS BID WILL BE EVALUATED AND ADJUDICATED ACCORDING TO THE FOLLOWING CRITERIA:

1. Relevant specifications
2. Value for money
3. Capability to execute the contract
4. PPPFA & associated regulations

**NB: NO BIDS WILL BE CONSIDERED FROM PERSONS IN THE SERVICE OF THE STATE (see definition on MBD 4 attached)**

**THE FOLLOWING PARTICULARS MUST BE FURNISHED  
(FAILURE TO DO SO MAY RESULT IN YOUR BID BEING DISQUALIFIED)**

NAME OF BIDDER .....

POSTAL ADDRESS .....

STREET ADDRESS .....

TELEPHONE NUMBER CODE.....NUMBER.....

CELLPHONE NUMBER .....

FACSIMILE NUMBER CODE ..... NUMBER.....

VAT REGISTRATION NUMBER .....

**HAS A VALID ORIGINAL TAX CLEARANCE CERTIFICATE BEEN ATTACHED (MBD 2)?** YES/NO  
(if no – please complete the following)  
**Income Tax Reference number:** .....

**TACC Pin** .....

**ARE YOU THE ACCREDITED REPRESENTATIVE  
IN SOUTH AFRICA FOR THE SERVICES OFFERED BY YOU?** YES/NO/NOT APPLICABLE  
(IF YES ENCLOSE PROOF)

SIGNATURE OF BIDDER .....

DATE .....

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

TOTAL BID PRICE:..... NUMBER OF ITEMS:.....

**ANY ENQUIRIES REGARDING THE BIDDING PROCEDURE MAY BE DIRECTED TO:**

**Municipality: Amajuba District Municipality**

**Finance Department: Nokwazi Nzimande**  
**Telephone: 034 329 7200**  
**Fax: 086 690 4133**

**ANY ENQUIRIES REGARDING TECHNICAL INFORMATION MAY BE DIRECTED TO:**

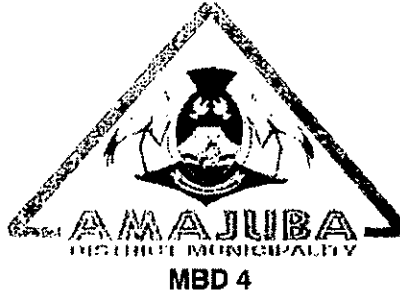
**Contact Person: Simo Mbuthuma**  
**Telephone: 034 329 7200**  
**Fax: 0343143785**

## TAX CLEARANCE CERTIFICATE REQUIREMENTS

It is a condition of bid that the taxes of the successful bidder must be in order, or that satisfactory arrangements have been made with South African Revenue Service (SARS) to meet the bidder's tax obligations.

- 1 In order to meet this requirement bidders are required to complete in full the attached form TCC 001 "Application for a Tax Clearance Certificate" and submit it to any SARS branch office nationally. The Tax Clearance Certificate Requirements are also applicable to foreign bidders / individuals who wish to submit bids.
- 2 SARS will then furnish the bidder with a Tax Clearance Certificate that will be valid for a period of 1 (one) year from the date of approval.
- 3 The original Tax Clearance Certificate must be submitted together with the bid. Failure to submit the original and valid Tax Clearance Certificate will result in the invalidation of the bid. Certified copies of the Tax Clearance Certificate will not be acceptable.
- 4 In bids where Consortia / Joint Ventures / Sub-contractors are involved, each party must submit a separate Tax Clearance Certificate.
- 5 Copies of the TCC 001 "Application for a Tax Clearance Certificate" form are available from any SARS branch office nationally or on the website [www.sars.gov.za](http://www.sars.gov.za).
- 6 Applications for the Tax Clearance Certificates may also be made via eFiling. In order to use this provision, taxpayers will need to register with SARS as eFilers through the website [www.sars.gov.za](http://www.sars.gov.za).





**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 position in relation to the evaluating/adjudging 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, shareholder<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 / shareholders members, their individual identity numbers and state employee numbers must be indicated in paragraph 4 below.

**(Please Tick /Mark the correct option in the following questions)**

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 directors 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**



MBD 6.1

**PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL  
PROCUREMENT REGULATIONS 2001**

**PURCHASES**

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 90/10 system for requirements with a Rand value above R1000 000; and

1.2 The value of this bid is estimated to exceed R1000 000 and therefore the 90/10 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>90</b>
<b>1.3.1.2 B-BBEE STATUS LEVEL OF CONTRIBUTION</b>	<b>10</b>
<b>Total points for Price and B-BBEE must not exceed</b>	<b>100</b>

Separate Preference Points Claim Forms will be used for the promotion of the specific goals for which points have been allocated in paragraph 1.3.1.2 (b) above.

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 respects, the award shall be decided by the drawing of lots.

### 4. POINTS AWARDED FOR PRICE

#### 4.1 THE 90/10 PREFERENCE POINT SYSTEMS

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

**90/10**

$$P_s = 90 \left( 1 - \frac{P_t - P_{\min}}{P_{\min}} \right)$$

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 (90/10 system)
1	10
2	9
3	8
4	5
5	4
6	3
7	2
8	1
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

- 6.1 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 AND 5.1**

7.1 B-BBEE Status Level of Contribution: ..... = ..... (maximum of 10 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 company/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 Total number of years the company/firm has been in business? .....

9.8 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-BBE 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-BBE 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 audi alteram partem (hear the other side) rule has been applied; and
  - (e) forward the matter for criminal prosecution

**WITNESSES:**

1. ....

2. ....

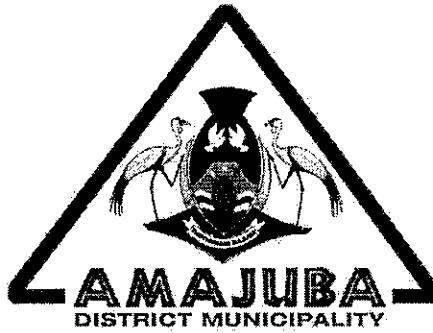
<p>.....</p> <p><b>SIGNATURE(S) OF BIDDER(S)</b></p>
--

DATE:.....

ADDRESS:.....

.....

.....



## DECLARATION OF BIDDER'S PAST SUPPLY CHAIN MANAGEMENT PRACTICES

- 1 This Municipal Bidding Document must form part of all bids invited.
- 2 It serves as a declaration to be used by municipalities and municipal entities in ensuring that when goods and services are being procured, all reasonable steps are taken to combat the abuse of the supply chain management system.
- 3 The bid of any bidder may be rejected if that bidder, or any of its directors have:
  - a. abused the municipality's / municipal entity's supply chain management system or committed any improper conduct in relation to such system;
  - b. been convicted for fraud or corruption during the past five years;
  - c. willfully neglected, reneged on or failed to comply with any government, municipal or other public sector contract during the past five years; or
  - d. been listed in the Register for Tender Defaulters in terms of section 29 of the Prevention and Combating of Corrupt Activities Act (No 12 of 2004).
- 4 In order to give effect to the above, the following questionnaire must be completed and submitted with the bid.

Item	Question	Yes	No
4.1	<p>Is the bidder or any of its directors listed on the National Treasury's database as a company or person prohibited from doing business with the public sector?</p> <p><b>(Companies or persons who are listed on this database were informed in writing of this restriction by the National Treasury after the <i>audi alteram partem</i> rule was applied).</b></p>	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>(To access this Register enter the National Treasury's website, <a href="http://www.treasury.gov.za">www.treasury.gov.za</a>, click on the icon "Register for Tender Defaulters" or submit your written request for a hard copy of the Register to facsimile number (012) 3265445).</b>	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:		
<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.**

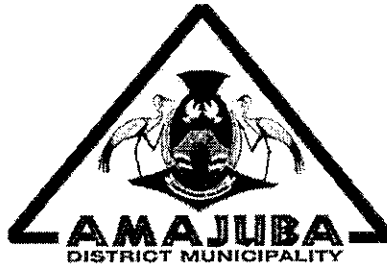
**I ACCEPT THAT, IN ADDITION TO CANCELLATION OF A CONTRACT, ACTION  
MAY BE TAKEN AGAINST ME SHOULD THIS DECLARATION PROVE TO BE  
FALSE.**

.....  
**Signature**

.....  
**Date**

.....  
**Position**

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



**MBD 9**

## **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.
- 3 Municipal Supply Regulation 38 (1) prescribes that a supply chain management policy must provide measures for the combating of abuse of the supply chain management system, and must enable the accounting officer, among others, to:
  - a. take all reasonable steps to prevent such abuse;
  - b. reject the bid of any bidder if that bidder or any of its directors has abused the supply chain management system of the municipality or municipal entity or has committed any improper conduct in relation to such system; and
  - c. cancel a contract awarded to a person if the person committed any corrupt or fraudulent act during the bidding process or the execution of the contract.
- 4 This MBD serves as a certificate of declaration that would be used by institutions to ensure that, when bids are considered, reasonable steps are taken to prevent any form of bid-rigging.
- 5 In order to give effect to the above, the attached Certificate of Bid Determination (MBD
- 9) must be completed and submitted with the bid:

<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:

**DB2016/17/1: DATABASE – ELECTRICAL REPAIRS OF EQUIPMENT AND APPLIANCES AT THE WATER PLANTS, PUMPSTATIONS AND RESERVOIRS**

(Bid Number and Description)

in response to the invitation for the bid made by:

**AMAJUBA DISTRICT MUNICIPALITY**

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

## **MBD 9**

6. The bidder has arrived at the accompanying bid independently from, and without consultation, communication, agreement or arrangement with any competitor. However communication between partners in a joint venture or consortium<sup>3</sup> will not be construed as collusive bidding.
7. In particular, without limiting the generality of paragraphs 6 above, there has been no consultation, communication, agreement or arrangement with any competitor regarding:
  - (a) prices;
  - (b) geographical area where product or service will be rendered (market allocation)
  - (c) methods, factors or formulas used to calculate prices;
  - (d) the intention or decision to submit or not to submit, a bid;
  - (e) the submission of a bid which does not meet the specifications and conditions of the bid; or
  - (f) bidding with the intention not to win the bid.
8. In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications and conditions or delivery particulars of the products or services to which this bid invitation relates.
9. The terms of the accompanying bid have not been, and will not be, disclosed by the bidder, directly or indirectly, to any competitor, prior to the date and time of the official bid opening or of the awarding of the contract.

<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.**

**MBD 9**

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**

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**Name of Bidder**