

**AMAJUBA DISTRICT MUNICIPALITY
INVITATION TO BID**

BID No.: T2017/05

**APPOINTMENT OF A SERVICE PROVIDER TO PLAN, IMPLEMENT AND
MONITOR ENERGY EFFICIENCY AND DEMAND SIDE MANAGEMENT
(EEDSM) PROJECT FOR A PERIOD OF THREE (3) YEARS**

Bids are hereby invited from professional service providers registered on the Central Supplier Database for planning, implementation, and monitoring energy efficiency and demand side management project for the period of three years renewable annually.

Bid documents with detailed information are obtainable from Amajuba District Municipality Offices during normal working hours, B9356, Amajuba Building, Section1, Madadeni, 2951; or can be downloaded from the website www.amajuba.gov.za

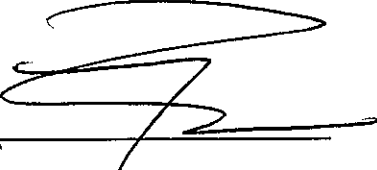
NB: This bid will be evaluated in terms of the 80/20 preference point system as prescribed in the Preferential Procurement Policy Framework Act (No 5 of 2000) and for this purpose the enclosed forms must scrutinized, completed and submitted together with your bid.

Bidders are required to submit original tax clearance certificate and original valid B-BBEE Status Level Verification Certificates, sworn affidavits or certified copies thereof together with their bids, to substantiate their B-BBEE rating claims. Failure to submit the proof of B-BBEE Certificate will result in forfeiting the points

Completed bid documents in sealed envelopes endorsed "**Bid number T2017/05: EEDSM Project**" must be deposited in the Municipality's tender box located in the reception of the Amajuba District Municipality B9356, Section 1, Madadeni on or before the closing date, whereby bids will be opened in public. Bid envelopes that are not sealed and numbered will not be considered. Late bids will not be accepted. The Amajuba District Municipality reserves the right not to award the lowest or any bid.

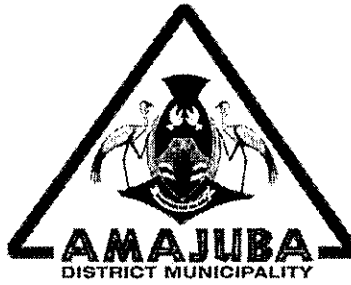
All technical enquiries should be directed to **Siphamandla Mabizela** on 034 329 7200 or by email siphamandlam@amajuba.gov.za regarding the bidding procedures, kindly contact **Nokwazi Nzimande** on 034 329 7200 or by email: nokwazin@amajuba.gov.za .

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Closing date: Friday, 23 June 2017 at 12h00 noon


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**MR S.R MATHOBELA KA ZWANE
ACTING MUNICIPAL MANAGER**





TERMS OF REFERENCE

Request for Proposals for the appointment of a Service Provider to plan, implement and monitor Energy Efficiency and Demand Side Management (EEDSM) project, as and when required, on behalf of Amajuba District Municipality for a period of 3 years.

1. Background

South Africa is facing a major energy crisis due to the country's ever increasing demand for electrical. The best short term solution to the energy crisis lies in the management of energy demand through effective energy management and installation of energy efficiency technologies. Energy efficiency is a way of managing and restraining the growth in municipal energy consumption.

In an attempt to reduce energy consumption in municipal infrastructure, Amajuba District Municipality has secured an Energy Efficiency and Demand Side Management (EEDSM) grant from the Department of Energy and National Treasury through section 5(b) of the Division of Revenue Act (DoRA) to measure and quantify the current energy consumption baseline and energy savings potential of the municipality. The measurement and quantification of energy consumption baseline are to be achieved through historical electricity bills, and the installation of smart meters, whilst energy savings will be achieved by the replacement of inefficient technologies with energy efficient technologies such as Light-emitting diode (LED) for buildings, public lighting and traffic signals; efficient Heating, Ventilation, and Air-Conditioning (HVAC) system; and efficient motors and variable speed drives for water services plants.

2. Introduction

The project will be implemented in the entire infrastructure of the Amajuba and within selected local municipalities within the District, and in accordance with the conditions of the Division of Revenue Act and relevant legislative framework, and guidelines from the Department of Energy. The EEDSM project shall be implemented in three phases, namely:

- (i) technical energy audits to determine energy consumption baseline; select energy efficient technologies and/or measures; and estimate the cost of each energy efficient technology to be installed;
- (ii) development of an energy efficiency project business plan with clear milestones, actual cost, and timelines for project management; implementation of energy efficiency interventions, skills development and capacity building of local technicians or artisans, and awareness campaigns; and

- (iii) actual implementation, once the activities in the business plan are approved by the Department of Energy.

The potential Bidders are expected to provide a resource plan with associated cost that will be used to implement the project. The Bidders are also required to provide the professional with the required skills necessary to implement the project.

3. Project Strategic Goal

The overall strategic goal of this EEDSM project is for Amajuba District Municipality and its local municipalities to reduce the electricity consumption by introducing energy management systems and install cost effect energy efficient technologies that will provide energy savings practices. The specific objectives are to:

- Reduce the municipality's electricity demand through the implementation of energy management systems;
- Increased awareness on energy efficiency; and
- Improve municipality's capabilities on energy management.

4. Expected Project Outputs

The project is expected to deliver the following outputs:

- Annual current energy consumption baseline (in MWh per annum) for buildings, public lighting and water services plants and traffic signals of Amajuba and selected local municipalities within the District;
- Number of facilities to be retrofitted;
- Number of inefficient technologies replaced with energy efficient technologies including projected and actual achieved energy savings (in MWh);
- Number of jobs created;
- Increased awareness of energy efficiency within municipality; and
- Enhanced capability of municipality to implement energy management systems.

5. Scope of Work

Bidders are expected to include in their proposals on how they will implement the following:

5.1 Energy audits of municipal infrastructure to determine energy consumption baseline for water services plants, street lighting, traffic signals and municipal buildings. The baseline calculation should be determined from all relevant information, such as operating conditions, measurements of various system equipment, log book trends, historical data, and any previous test reports on the existing operating conditions of the municipality.

5.2 List of energy efficient technologies and/or measures to be installed or implemented. The detailed energy audit carried out in 1.5.1 should also identify broad energy efficiency measures, and develop a set of energy efficiency projects to be executed during the next 3 financial years, from the beginning of 2017/18 until the end of 2019/20 financial year. The measures that have the best technical and economic potential will be funded

through the EEDSM grant allocated to the District for the 3 financial years, the grant allocation has been gazetted as SPECIFIC PURPOSE ALLOCATIONS TO MUNICIPALITIES (SCHEDULE 5, PART B): CURRENT GRANTS in the DORA is estimated as follows:

	2017/18	2018/19	2019/20
EEDMS grant allocated to ADM per Financial Year	R 6 000 000	R 5 000 000	R 5 000 000

5.3 Compile and provide an Energy Audit Report highlighting the energy efficient technologies and/or measures identified in 1.5.2. The energy audit report will assist the municipality to assess the energy savings and financial viability of the projects, and submit to the Department of Energy for approval.

5.4 It must be noted that this project has a duration of 3 years, but the contract will be reviewed annually based on service providers performance.

5.5 Bidders should include in the final energy audit report the following:

5.5.1 Executive summary

The session should provide a brief description of the systems and facilities covered overview of the existing conditions, measures evaluated analysis methodology, results and a summary table presenting the cost and savings estimates for each recommended energy efficiency measure. It should also include a summary of the recommended measures and costs.

5.5.2 Background

Extensive background about the municipality and project should be provided.

5.5.3 Facility description

Details of the existing facilities targeted within Amajuba District and selected local municipalities, such as water treatment and pumping, street lighting, traffic signals, and municipal buildings.

5.5.4 Energy scenario

Energy consumption details of all facilities included in the audit and their energy sources.

5.5.5 Inventories

This session should cover Inventories of all relevant systems, including water pumping, lighting, water treatment, traffic signals, and number of municipal buildings.

5.5.6 Baseline parameters and adjustments

Methodology followed in establishing the baseline parameters and the criteria to be followed in adjusting it. Provide all the baseline parameters and the calculation procedure in an annexure.

5.5.7 Data collection

List the various types of data collected and their sources. Include the data in the annex.

5.5.8 System mapping

Describe the methodology followed for system mapping and include the maps in the annexure.

5.5.9 List of energy efficiency potential projects

This session should list of all identified measures with estimates of the savings and payback periods on investments.

5.5.10 Review of current operation & maintenance practices

Provide detailed description of current operation and maintenance (O&M) practices within the Municipal infrastructure facilities. This should include discussion with operators, engineers and other staff, observing the day to day O&M and reviewing the log sheet during the field study. The Bidder has to identify areas for improvement and suggest the strategy and methodology for implementing it.

5.5.11 Location of Works

List the areas where the EEDSM projects will be executed.

5.6 Public Street Lighting Standards

All standards and specifications are subject to revision, and parties to agreements based on this specification are encouraged to investigate the possibility of applying the most recent editions of the documents listed below.

SANS 475:2006	Luminaries for interior lighting, street lighting and floodlighting - Performance requirements.
ARP 035: 2005	Guidelines for the installation and maintenance of street lighting.
SANS 1088: 2004	Luminaries' entries and spigots.
SANS 1250: 1991	Capacitors for use with fluorescent and other discharge lamp ballasts
SANS 1266: 2002	Ballasts for discharge lamps (excluding tubular fluorescent lamps)
SANS 1574: 2004	Electrical cables – flexible cords and flexible cables
SABS IEC 922:1989	Ballasts for discharge lamps (excluding tubular fluorescent lamps)
SABS 60923:2001	IEC Ballasts for discharge lamps Performance requirements
SABS IEC 926:1995	Starting devices: General and safety requirements
SABS IEC 60927:2005	Starting devices: Performance requirements
SANS 1507: 2002	Electric cables with extruded solid dielectric insulation for fixed Installations
SANS 529: 2001	Heat-resisting wiring cables
VC 8011:1999	lamp holders

SANS 1777:2004	photoelectric control units for lighting (PECUs)
SABS ISO 1461:2000	Hot dip galvanized coatings on fabricated iron and steel articles - Specifications and test methods
SANS 556-1:2004	Low-voltage switchgear Part 1: Circuit-breakers
BS 1490: 1988	Specification for aluminium and aluminium ingots and castings for general engineering purposes.

6. Guarantee

The installation and fittings carried out and supplied under the EEDSM project, shall be handed over in full working order and the best of their respective kinds, and shall be guaranteed for a period of six (6) months from the date of completion of the main contract and any faults or defects in materials or workmanship shall be made good free or charge during such period.

7. Bidder's Company and Team Experience

7.1 Bidder's Company Requirements

- Bidders must also provide an original letter of financial support from a registered bank or financial institution indicating the facility amount allocated to implement the EEDSM project.
- The Bidder's experience or track record in energy auditing, and implementation of energy projects must be supported by 5 reference signed letters for relevant projects with contact details of the clients as proof of the projects executed.
- A company profile of the service provider(s) must be provided and if more than one (1) company is involved with the proposal, profiles for all those companies must be submitted.
- Details of any joint venture (JV) if there is any should be provided including attaching the JV Agreement between the parties.
- Proposals should also indicate available or allocated human resources per project activities.

7.2 Bidder's Team Experience

The successful bidder shall provide Professional Consultants, whose experience and qualification should include but not limited to the following:

- Team leader must be a qualified and registered with South African Institute of Electrical Engineers (SAIEE) and 10 years' experience in implementing energy related projects. S/he should have led 3 projects that developed and implemented

an energy project. Contact details for reference checks in line with the 3 projects should be provided.

- At least one of the individual Team members should be Certified Energy Auditors/Measurement & Verification Professional with at least 5 years' experience in the measurement and verification of energy savings. Copies of certified Certificates should be attached.
- At least one of the individual Team Members Certificate or diploma in Project Management with at least 5 years' experience in managing energy related projects. Copies of certificate should be attached
- At least one of the individual Team Members Certificate or diploma in Project Management with at least 5 years' experience in managing energy related projects. Copies of certificate should be attached
- At least one individual team member must be a certified electrician with a Wireman's licence.
- Both team leader and team member(s) must be familiar with South African energy policy including the energy efficiency and carbon emissions reporting and monitoring processes.
- Brief CVs of the proposed project team leader and member(s) describing their relevant skills and experience, and roles in the proposed projects must be included in the proposal failure to attach, bidders will forfeit points. Each CV must not exceed 4 pages.

8. EVALUATION CRITERIA

The proposals will be evaluated in two phases:

Phase 1: Bidders will be evaluated based on functionality. The minimum threshold for functionality evaluation is 70 out of 100 points. Bidders who fail to meet the minimum threshold will not be further evaluated.

Phase 2: Bids will be evaluated on 80/20 preference point system as outlined in the Preferential Procurement Policy Framework Act (Act No. 5 of 2000) of 2000 and its regulations.

Phase 1: Functionality Evaluation

0= responsive; 1= poor; 2 = below satisfactory; 3 = satisfactory; 4 = good; 5 = excellent

No	Criteria (including weight)	Weight	Score
1	<p>Company Experience:</p> <p>The Bidder's experience or track record in energy auditing, and implementation of energy projects must be supported by 5 reference signed letters for relevant projects with contact details of the clients as proof of the projects executed.</p> <p>Note: If more than one of the listed relevant projects were undertaken for the same client, one letter from the client</p>	10	<p>None responsive = 0</p> <p>1 reference letter = 1</p> <p>2 reference letters = 2</p> <p>3 reference letters</p>

No	Criteria (Include or Exclude)	Weight	Score
	<p>listing all the projects will suffice. For example, if one client lists 3 relevant projects then the letter will be scored as 3 projects instead of 1 project if all 3 projects are relevant.</p> <p>IT SHOULD BE NOTED THAT PROPOSAL THAT ARE UNCLEAR AND NOT ADHERING TO THESE INSTRUCTIONS WILL FORFEIT POINTS.</p>		<p>= 3</p> <p>4 reference letters = 4</p> <p>≥ 5 reference letters = 5</p>
2	<p>Team leader:</p> <ul style="list-style-type: none"> Team leader must have a 5 years' experience in implementing energy related projects. S/he should have led 3 projects that developed and implemented an energy project. Contact details for reference checks in line with the 3 projects should be provided. At least one of the individual Team members should have 3 years' experience in the measurement and verification of energy savings. At least one of the individual Team members should have 3 years' experience in measurement and verification of energy savings. <p>NB: Copies of brief CVs of the proposed project team leader and member(s) describing their relevant skills and experience, and roles in the proposed projects must be included in the proposal failure to attach, bidders will forfeit points. Each CV must not exceed 4 pages.</p>	<p>20 (10)</p> <p>(5)</p> <p>(5)</p>	<p>< 5 years = 0 5 years' experience = 3 6-7years' experience = 4 >7 years' experience = 5</p> <p>< 3 years = 0 3 years' experience = 3 4-5years' experience = 4 >5years' experience = 5</p> <p>< 3 years = 0 3 years' experience = 3 4-5years' experience = 4 >5years' experience = 5</p>
3.	<p>Qualifications for Team Leader & Member(s):</p> <ul style="list-style-type: none"> Team leader must have been a qualified and registered Professional Electrical Engineer with at least a honours degree in electrical engineering. Certified copies of certificate should be attached. At least one of the individual Team members should have a certificate as a Certified Energy Auditors/Measurement & Verification Professional. Copies of certified Certificates should be attached. At least one of the individual Team members should have a Certificate or diploma in Project Management. Copies of certificate should be attached 	<p>30 (10)</p> <p>(5)</p> <p>(5)</p>	<p>None other than the below = 0 Honours Degree = 3 Master's degree = 4 PhD degree = 5</p> <p>None other than the below = 0 Energy Auditors/M&V Certificate = 3</p> <p>None certificate = 0 Energy Project Management Certificate = 3</p>

No	Criteria (include a rating scale)	Weight	Score
	<ul style="list-style-type: none"> At least one individual team member must have a B Degree in electrical engineering. Copies of certified certificates for both team leader and team member(s) must be attached to the proposal as proof, failure to attach, bidders will forfeit points. At least one individual team member should be a certified electrician with a Wireman's licence. Copies of certified certificates must be attached to the proposal as proof, failure to attach, bidders will forfeit points. 	(5) (5)	None other than the below = 0 Diploma = 2 B Degree = 3 Honours degree = 4 PhD degree = 5 None certificate = 0 Wireman's license = 3
4	Project Methodology & Plan: <ul style="list-style-type: none"> A clear methodology with milestones per financial year must be indicated in the proposal. The methodology must outline how the planned work will be carried out showing clearly how each task will logically lead to specific deliverables. Detailed work plans, including timetable for each deliverable. The stakeholder's management plan should be included identify all key stakeholders and how they will be engaged on the project (i.e. communication strategy and plan) should be part of the project plan NOTE: IT SHOULD BE NOTED THAT PROPOSAL THAT ARE UNCLEAR AND NOT ADHERING TO THESE INSTRUCTIONS WILL FORFEIT POINTS	40	Not meeting the criteria: (missing any of the elements) =0 Project plan with all criteria: (Project Methodology & Plan) within (36) months = 3 Project plan with all criteria: (Project Methodology & Plan) within (32) months = 4 Project plan with all criteria: (Project Methodology & Plan) within (28) months = 5
Total		100	


9. Price

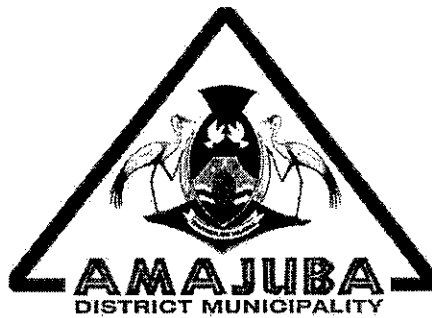
This tender will be evaluated using 80/20 evaluation, bidders must state the value of their fees as follows:

Item
Value in percentage of the total grant allocation the bidder will charge for his professional fees, this fee should cover the Design, Audit, Compiling Business plan, Project Monitoring, attending meetings and travelling.
A mark-up value in a percentage which the tender will charge for the supply of material during project implementation.

The bidder must ensure that both these percentages are inserted on the MDB 1 document. It must be noted that Amajuba District Municipality reserves the right not to award the lowest or any bid.

TERMS OF REFERENCE APPROVED/NOT APPROVED


..... 09/05/2017
MR S.R MATHOBELA KA-ZWANE
ACTING MUNICIPAL MANAGER



MBD 1

INVITATION TO BID

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

BID NUMBER: T2017/05

CLOSING DATE: 23 JUNE 2017

CLOSING TIME: 12H00

DESCRIPTION: APPOINTMENT OF A SERVICE PROVIDER TO PLAN, IMPLEMENT AND MONITOR ENERGY EFFICIENCY AND DEMAND SIDE MANAGEMENT PROJECT FOR A PERIOD OF THREE YEARS

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.....

EMAIL ADDRESS

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:
Security Pin
TCC Number

**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

MARK-UP VALUE IN PERCENTAGE %:.....

TOTAL PROFESSIONAL FEES AS PER MBD 3.3: R..... 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: Siphamandla Mabizela
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.
- 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.

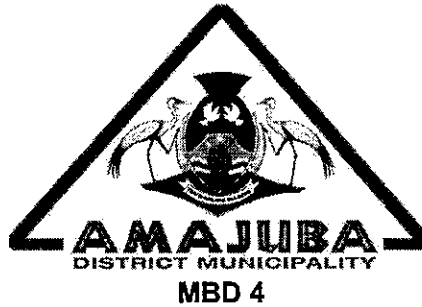


PRICING SCHEDULE
(Professional Services)

Name of Bidder:.....	Quotation Number: T2017/05
Closing Time: 12H00 NOON	Closing Date : 23 JUNE 2017

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

ITEM NO	DESCRIPTION	BID PRICE IN RSA CURRENCY INCLUSIVE OF VALUE ADDED TAX	
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-----	-----
	-----	R-----	-----
	-----	R-----	-----
	-----	R-----	-----
	-----	R-----	-----
5.	PHASES ACCORDING TO WHICH THE PROJECT WILL BE COMPLETED, COST PER PHASE AND MAN-DAYS TO BE SPENT		
	-----	R-----	----- days
	-----	R-----	----- days
	-----	R-----	----- days
	-----	R-----	----- days
5.1	Travel expenses (specify, for example rate/km and total km, class of airtravel, etc). Only actual costs are recoverable. Proof of the expenses incurred must accompany certified invoices.		
	DESCRIPTION OF EXPENSE TO BE INCURRED	RATE	QUANTITY AMOUNT
	----- R.....
	----- R.....
	----- R.....
	----- R.....
		TOTAL: R.....	



DECLARATION OF INTEREST

1. No bid will be accepted from persons in the service of the state¹.
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/adjudicating authority.
3. **In order to give effect to the above, the following questionnaire must be completed and submitted with the bid.**

3.1 Full Name of bidder or his or her representative:.....

3.2 Identity Number:

3.3 Position occupied in the Company (director, trustee, hareholder²):.....

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.

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 Shareholder² 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 5

DECLARATION FOR PROCUREMENT ABOVE R10 MILLION (ALL APPLICABLE TAXES INCLUDED)

For all procurement expected to exceed R10 million (all applicable taxes included), bidders must complete the following questionnaire:

1 Are you by law required to prepare annual financial statements for auditing?

1.1 If yes, submit audited annual financial statements for the past three years or since the date of establishment if established during the past three years. * Delete if not applicable
*YES / NO
.....
.....

2 Do you have any outstanding undisputed commitments for municipal services towards any municipality for more than three months or any other service provider in respect of which payment is overdue for more than 30 days?
*YES / NO

2.1 If no, this serves to certify that the bidder has no undisputed commitments for municipal services towards any municipality for more than three months or other service provider in respect of which payment is overdue for more than 30 days.

2.2 If yes, provide particulars.
.....
.....
.....

3 Has any contract been awarded to you by an organ of state during the past five years, including particulars of any material non-compliance or dispute concerning the execution of such contract?

3.1 If yes, furnish particulars

.....
.....

***YES / NO**

4. Will any portion of goods or services be sourced from outside the Republic, and, if so, what portion and whether any portion of payment from the municipality / municipal entity is expected to be transferred out of the Republic?

***YES / NO**

4.1 If yes, furnish particulars

.....
.....

CERTIFICATION

I, THE UNDERSIGNED (NAME)

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

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

.....
Signature

.....
Date

.....
Position

.....
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 80/20 system for requirements with a Rand value up to R50 000 000; and

1.2 The value of this bid is estimated not to exceed R50 000 000 and therefore the 80/20 system shall be applicable.

1.3 Preference points for this bid shall be awarded for:

- (a) Price; and
- (b) B-BBEE Status Level of Contribution

1.3.1 The maximum points for this bid are allocated as follows:

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

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

- 2.1.1 **“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 80/20 PREFERENCE POINT SYSTEMS

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

80/20

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

Where

P_s = Points scored for comparative price of bid under consideration

P_t = Comparative price of bid under consideration

P_{\min} = Comparative price of lowest acceptable bid

5. Points awarded for B-BBEE Status Level of Contribution

- 5.1 In terms of Regulation 5 (2) and 6 (2) of the Preferential Procurement Regulations, preference points must be awarded to a bidder for attaining the B-BBEE status level of contribution in accordance with the table below:

B-BBEE Status Level of Contributor	Number of points (80/20 system)
1	20
2	18
3	16
4	12
5	8
6	6
7	4
8	2
Non-compliant contributor	0

- 5.2 Bidders who qualify as EMEs in terms of the B-BBEE Act must submit a certificate issued by an Accounting Officer as contemplated in the CCA or a Verification Agency accredited by SANAS or a Registered Auditor. Registered auditors do not need to meet the prerequisite for IRBA's approval for the purpose of conducting verification and issuing EMEs with B-BBEE Status Level Certificates.
- 5.3 Bidders other than EMEs must submit their original and valid B-BBEE status level verification certificate or a certified copy thereof, substantiating their B-BBEE rating issued by a Registered Auditor approved by IRBA or a Verification Agency accredited by SANAS.
- 5.4 A trust, consortium or joint venture, will qualify for points for their B-BBEE status level as a legal entity, provided that the entity submits their B-BBEE status level certificate.
- 5.5 A trust, consortium or joint venture will qualify for points for their B-BBEE status level as an unincorporated entity, provided that the entity submits their consolidated B-BBEE scorecard as if they were a group structure and that such a consolidated B-BBEE scorecard is prepared for every separate bid.
- 5.6 Tertiary institutions and public entities will be required to submit their B-BBEE status level certificates in terms of the specialized scorecard contained in the B-BBEE Codes of Good Practice.
- 5.7 A person will not be awarded points for B-BBEE status level if it is indicated in the bid documents that such a bidder intends sub-contracting more than 25% of the value of the contract to any other enterprise that does not qualify for at least the points that such a bidder qualifies for, unless the intended sub-contractor is an EME that has the capability and ability to execute the sub-contract.
- 5.8 A person awarded a contract may not sub-contract more than 25% of the value of the contract to any other enterprise that does not have an equal or higher B-BBEE status level than the person concerned, unless the contract is sub-contracted to an EME that has the capability and ability to execute the sub-contract.

6. BID DECLARATION

- 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 20 points)

(Points claimed in respect of paragraph 7.1 must be in accordance with the table reflected in paragraph 5.1 and must be substantiated by means of a B-BBEE certificate issued by a Verification Agency accredited by SANAS or a Registered Auditor approved by IRBA or an Accounting Officer as contemplated in the CCA).

8 SUB-CONTRACTING

8.1 Will any portion of the contract be sub-contracted? YES / NO (delete which is not applicable)

8.1.1 If yes, indicate:

- (i) what percentage of the contract will be subcontracted?%
- (ii) the name of the sub-contractor?
- (iii) the B-BBEE status level of the sub-contractor?
- (iv) whether the sub-contractor is an EME? YES / NO (delete which is not applicable)

9 DECLARATION WITH REGARD TO COMPANY/FIRM

9.1 Name of 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-BBEE status level of contribution has been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the purchaser may, in addition to any other remedy it may have –
 - (a) disqualify the person from the bidding process;
 - (b) recover costs, losses or damages it has incurred or suffered as a result of that person’s conduct;
 - (c) cancel the contract and claim any damages which it has suffered as a result of having to make less favourable arrangements due to such cancellation;
 - (d) restrict the bidder or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, from obtaining business from any organ of state for a period not exceeding 10 years, after the 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>SIGNATURE(S) OF BIDDER(S)</p> <p>.....</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>(Companies or persons who are listed on this database were informed in writing of this restriction by the National Treasury after the <i>audi alteram partem</i> rule was applied).</p>	Yes <input type="checkbox"/>	No <input type="checkbox"/>

4.1.1	If so, furnish particulars:		
4.2	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)? (To access this Register enter the National Treasury's website, www.treasury.gov.za, click on the icon "Register for Tender Defaulters" or submit your written request for a hard copy of the Register to facsimile number (012) 3265445).	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.**

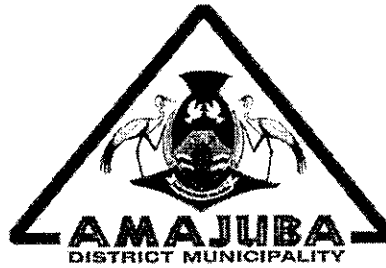
**I ACCEPT THAT, IN ADDITION TO CANCELLATION OF A CONTRACT, ACTION
MAY BE TAKEN AGAINST ME SHOULD THIS DECLARATION PROVE TO BE
FALSE.**

.....
Signature

.....
Date

.....
Position

.....
Name of Bidder



MBD 9

CERTIFICATE OF INDEPENDENT BID DETERMINATION

- 1 This Municipal Bidding Document (MBD) must form part of all bids¹ invited.
- 2 Section 4 (1) (b) (iii) of the Competition Act No. 89 of 1998, as amended, prohibits an agreement between, or concerted practice by, firms, or a decision by an association of firms, if it is between parties in a horizontal relationship and if it involves collusive bidding (or bid rigging).² Collusive bidding is a *pe se* prohibition meaning that it cannot be justified under any grounds.
- 3 Municipal Supply Regulation 38 (1) prescribes that a supply chain management policy must provide measures for the combating of abuse of the supply chain management system, and must enable the accounting officer, among others, to:
 - a. take all reasonable steps to prevent such abuse;
 - b. reject the bid of any bidder if that bidder or any of its directors has abused the supply chain management system of the municipality or municipal entity or has committed any improper conduct in relation to such system; and
 - c. cancel a contract awarded to a person if the person committed any corrupt or fraudulent act during the bidding process or the execution of the contract.
- 4 This MBD serves as a certificate of declaration that would be used by institutions to ensure that, when bids are considered, reasonable steps are taken to prevent any form of bid-rigging.
- 5 In order to give effect to the above, the attached Certificate of Bid Determination (MBD9) must be completed and submitted with the bid:

¹ Includes price quotations, advertised competitive bids, limited bids and proposals.

² Bid rigging (or collusive bidding) occurs when businesses, that would otherwise be expected to compete, secretly conspire to raise prices or lower the quality of goods and / or services for purchasers who wish to acquire goods and / or services through a bidding process. Bid rigging is, therefore, an agreement between competitors not to compete.

MBD 9

CERTIFICATE OF INDEPENDENT BID DETERMINATION

I, the undersigned, in submitting the accompanying bid:

**T2017/05: APPOINTMENT OF A SERVICE PROVIDER TO PLAN, IMPLEMENT
AND MONITOR ENERGY EFFICIENCY AND DEMAND SIDE MANAGEMENT
(EEDSM) PROJECT FOR A PERIOD OF THREE YEARS**

(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 consortium³ will not be construed as collusive bidding.
7. In particular, without limiting the generality of paragraphs 6 above, there has been no consultation, communication, agreement or arrangement with any competitor regarding:
 - (a) prices;
 - (b) geographical area where product or service will be rendered (market allocation)
 - (c) methods, factors or formulas used to calculate prices;
 - (d) the intention or decision to submit or not to submit, a bid;
 - (e) the submission of a bid which does not meet the specifications and conditions of the bid; or
 - (f) bidding with the intention not to win the bid.
8. In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications and conditions or delivery particulars of the products or services to which this bid invitation relates.
9. The terms of the accompanying bid have not been, and will not be, disclosed by the bidder, directly or indirectly, to any competitor, prior to the date and time of the official bid opening or of the awarding of the contract.

³ **Joint venture or Consortium means an association of persons for the purpose of combining their expertise, property, capital, efforts, skill and knowledge in an activity for the execution of a contract.**

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

Name of Bidder