



**PRINCE ALBERT MUNICIPALITY
PRINS ALBERT MUNISIPALITEIT**

FORMAL WRITTEN PRICE QUOTATION (RFQ)

Provision of Professional Services: Appointment of an independent
investigator

RFQ 105 /2021

NAME OF BIDDER		
CONTACT NUMBER	PHONE:	
	FAX:	
QUOTATION CLOSING DATE	21 JULY 2021 @ 23H59	
B-BBEE STATUS LEVEL		
CSD REGISTRATION NUMBER		
BID AMOUNT (VAT Inclusive)	R _____.	

FOR OFFICE USE:	OFFICIAL STAMP:
Official 1: _____	
Official 2: _____	

INSTRUCTIONS

Prince Albert Municipality hereby invites quotations from bidders for the supply of the goods/ services as detailed in the enclosed schedule. The following conditions will apply:

1. Price(s) quoted must be valid for at least **thirty (30) days** from date of your offer.
2. Price(s) quoted must be firm and inclusive of VAT (if applicable).
3. This quotation 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 MBD 6.1 and MBD 6.2 (**Local content**) form must be scrutinized, completed and submitted together with your quotation.
4. **NB: No quotations will be considered from persons in the service of the state.** The Declaration of Interest (MBD 4) form must be completed.
5. **No awards will be made to persons whose tax affairs are not in order.** Please attach a valid tax clearance certificate obtained from SARS, and/or a tax status pin letter.
6. **To combat abuse of the supply chain management process, the bidder must complete the declaration of his/her past supply chain management practices (MBD 8).**
7. **To prevent collusion, the Certificate for Independent Bid Determination Form (MDB 9) must be completed.**
8. Quotations received after the closing date will not be considered and evaluated.
9. **To prevent collusion, the Certificate for Independent Bid Determination Form (MDB 9) must be completed.**
10. Quotations may only be submitted on the bid documentation that is issued. Failure to comply will result in the bid being non-responsive.
11. Should your offer be accepted, the contract will be governed by the General Conditions of Contract issued by National Treasury. You will also be required to be registered on the Central Supplier Database (www.csd.gov.za). Registration is free of charge and can be done online.
12. All municipal bidding documentation (MBD) forms are available on the municipality's website at www.pamun.gov.za, or can be requested from the Finance Department (Supply Chain Management Division).

13. Contact details for enquiries:

Technical/Specification Enquiries

Mr. George van der Westhuizen
Senior Operational Manager
Office: 023 541 1320
Cell: 074 303 7575
Email: george@pamun.gov.za

SCM Enquiries

Mr. David-Leigh Willemse
Office: 023 541 1036
Cell: 082 895 9261
Email: scm@pamun.gov.za

14. The Municipality reserves the right to withdraw any invitation to bid and/or re-advertise or to reject any bid or to accept a part of it. The Municipality does not bind itself to accept the lowest bid or to award a contract to the Bidder scoring the highest number of points.

15. Bidders may submit their quotations to Prince Albert Municipality using one of the following options:

- **Electronic submission (Email, no faxes allowed)**
Documentation to be emailed to the Supply Chain Management Unit
scm@pamun.gov.za

- **Hand-delivered submission** to the following address:
Supply Chain Management Unit (Finance Building)
23 Church Street
Prince Albert
6930

Yours faithfully,

ANNELEEN VORSTER
MUNICIPAL MANAGER
14 July 2021

CHECKLIST FOR COMPLETENESS OF BIDDING DOCUMENTATION

The bidder **MUST ENSURE** that the following checklist is completed, all necessary documentaton is attached to this bid and that all declarations are signed:

Mark with "X" where applicable

ITEMS TO BE CHECKED	YES / NO			
	Yes		No	
1. Completed invitation to bid (MBD 1), containing the details of the bidder	Yes		No	
2. Valid and original Tax Pin Status, attached to bid document (MBD2). <ul style="list-style-type: none"> ▪ An original valid Tax Status Pin must be attached to the bid document. Bidders must indicate their pin as provided by SARS to confirm validity of their tax status. 	Yes		No	
3. Adhering to the price instructions (MBD 3.1)	Yes		No	
4. Attached a quotation/pricing schedule on the official letterhead of the bidder's company.	Yes		No	
5. Completed and signed declaration of interest (MBD4).	Yes		No	
6. Preference points claimed and signed declarations (MBD 6.1), where applicable.	Yes		No	
7. Completed and signed declaration certificate for Local production and content (MBD 6.2), where applicable.	Yes		No	
8. Signed declaration of the bidder's past Supply Chain Management practices (MBD 8)	Yes		No	
9. Completed and signed Certificate of Independent Bid Determination (MBD 9).	Yes		No	
10. Attached a valid B-BBEE Certificate or Sworn Affidavit, where applicable.	Yes		No	
11. Attached registration at Construction Industry Development Board (CIDB), where applicable.	Yes		No	
12. Attached Central Supplier Database (CSD) report.	Yes		No	

CERTIFICATION

I, the undersigned (full name.....),

certify that the information furnished on this checklist is true and correct.

Signed: Date:

Name: Position:

Tenderer:

PRINCE ALBERT MUNICIPALITY
INVITATION TO BID
DETAILS OF TENDERER

NAME OF BIDDER:							
STREET ADDRESS:							
	City / Town					Postal Code	
POSTAL ADDRESS:							
	City / Town					Postal Code	
CONTACT PERSON							
ENTERPRISE REGISTRATION NUMBER			CIDB CRS NR (if applicable)				
TAX STATUS PIN			TELEPHONE NUMBER				
FACSIMILE NUMBER			CELLPHONE NUMBER				
EMAIL ADDRESS							

DECLARATION

I am duly authorised to represent the tenderer for the purpose of this tender and hereby tender to supply all or any of the goods and/or render all or any of the services described in the attached document to the Prince Albert Municipality on the terms and conditions stipulated in this tender document and in accordance with the specification stipulated in the tender document.

NAME (PRINT):			SIGNATURE:		
CAPACITY:			DATE:		

TAX CLEARANCE REQUIREMENTS

IT IS A CONDITION OF AN AWARD THAT -

1. The taxes of the successful awardee must be in order, or that satisfactory arrangements have been made with the Receiver of Revenue to meet his / her tax obligations.
2. The attached form “Information for Application for Tax Clearance Certificate”, must be completed in all respects and returned to the municipality. **If you are in possession of a valid tax clearance certificate, please attach a copy to speed up the process.**
3. In bids where Consortia / Joint Ventures / Sub-contractors are involved each party must submit a separate Tax Clearance Certificate. Copies of the Application for Tax Clearance Certificates are available at any Receiver’s Office.

**MUNISIPALITEIT
VAN
PRINS ALBERT**



Rig alle korrespondensie
aan:
DIE MUNISIPALE BESTUURDER
Privaatsak X53, Prins Albert, 6930
E-Pos / E-Mail: rekords@pamun.gov.za

**MUNICIPALITY
OF
PRINCE ALBERT**

Address all correspondence
to:
THE MUNICIPAL MANAGER
Private Bag X53, Prince Albert, 6930
Tel: 023-541 1320, Fax: 023-541 1321

14 JULY 2021

REQUEST FOR FORMAL WRITTEN PRICE QUOTATION (RFQ)
**PROVISION OF PROFESSIONAL SERVICES: APPOINTMENT OF AN
INDEPENDENT INVESTIGATOR**

Specifications:

1. GENERAL

Prince Albert Municipality is in need of an Labour Relations Expert / Legal Practitioner / Officer to conduct an investigation into alleged misconduct by Senior Management in terms of Section 5 (3)(a) of the Disciplinary Regulations for Senior Managers.

The Council specifically wishes to appoint a suitably qualified and experienced service provider to assist in gathering and assessing or analysing information or evidence with a view to establish whether there is reasonable cause to believe that an act of misconduct has been committed by any Senior Management official (s).

2. SERVICE PROVIDER APPOINTMENT REQUIREMENTS

Appointment requirements of the Initiator / Service Provider:

- 2.1) Chartered Human Resource Practitioner or Admitted Attorney with proven track record of at least 5 years on the following:
 - 2.1.1) Handling of disciplinary processes process against employees at a senior level of management.
 - 2.1.2) Knowledge of Rules of Evidence and Procedures
 - 2.1.3) Knowledge of disciplinary processes in the public sector
 - 2.1.4) Knowledge of Municipal Finance Management Act (MFMA), Treasury Regulations_including Regulations of Irregular Expenditure and wasteful and fruitless expenditure
 - 2.1.5) Service providers must provide a minimum of three contactable References.
 - 2.1.6) Comprehensive CV of Project Manager / Investigator must be submitted.

2.1.7) Service provider must be registered as a prospective supplier on the Central Supplier Database (CSD) as required in terms of National Treasury Circular NO. 3 of 2015/2016 and National Treasury SCM Instruction Note 4 of 2016/2017.

3. SCOPE OF WORK

- 3.1) Collating documents, interpreting legislation, analyse documents interview people and witnesses.
- 3.2) Preparing, Investigating and reporting on findings and substance of alleged misconduct.
- 3.3) Analyse the evidence and prepare investigation closure report.
- 3.4) Must within 30 days of appointment finalise the investigation and submit a report with recommendations to the Executive Mayor.

4. SPECIAL CONDITIONS

- 4.1) In order to qualify for appointment, the interested service providers must be able to demonstrate relevant experience relating to labour laws, disciplinary or misconduct matters. Proof of experience must be provided, failure to do so will result in disqualification.
- 4.2) Interest Service Providers / Bidders will be required to complete a conflict-of-interest declaration setting out all work performed for, or on behalf of the Prince Albert Municipality for the duration of the proceedings. Bidders are advised that their bids may be disregarded based on any conflict(s) of interest disclosed or subsequently identified, or based upon the nature of previous work performed for Prince Albert Municipality, either prior to any evaluation in terms of the Preferential Procurement Policy Framework Act of 2000 or the Regulations promulgated in terms thereof, or during the evaluation or adjudication processes, inter alia, to ensure independence, impartiality and objectivity in the envisaged disciplinary proceedings.

5. EVALUATION CRITERIA

- 5.1) Quotations of Service Providers will be assessed against the following functionality criteria to assess the technical capacity of the service provider to execute the work.
- 5.2) A prerequisite of 70% (70 out of 100 points) must be obtained for functionality in order to be deemed responsive.
- 5.3) The functionality points for this bid are allocated as indicated in table below:

EVALUATION CRITERIA		MAXIMUM POINTS ALLOCATED	POINTS SCORED BY BIDDER
Experience of Firm or Individual	5 points for every successfully completed similar project	20	
Experience in Local Government (Firm or Individual)	5 points for every successfully completed similar project	30	
Experience of key personnel			
Project Manager / Investigator	5 points for every 1 years of relevant experience	25	
Qualifications of key personnel:			
Project Manager/Investigator:	3-year degree or higher in Labour Relations or Legal	25	
TOTAL POINTS FOR FUNCTIONALITY		100	

6. ASSIGNMENT COST

- 6.1) This is a rates-based tender. Only fixed hourly rates will be accepted. A pricing schedule including the travel costs and accommodation must be submitted on a separate sheet for ease of evaluation.
- 6.2) Payment will be made on a time charge basis. A detailed pricing schedule inclusive of professional fees, travel and accommodation and VAT is to be provided by the service provider as an attachment.
- 6.3) Travel cost payment will be limited to maximum 450km for every visit / travel to Prince Albert and back to respective destination.

PRICING SCHEDULE

ITEM	DESCRIPTION	UNIT	RATE (EXCL. VAT)	AMOUNT (EXCL. VAT)
A	Professional Fees to conduct Investigation	Hour		
B	Travelling Costs	Km		
C	Accommodation and Subsistence allowance	Per day		
SUBTOTAL				
VAT @ 15%				
GRAND TOTAL				

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, shareholder²):

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.

3.8) Are you presently in the service of the state? **YES / NO**

If yes, furnish particulars.

.....

¹MSCM Regulations: "in the service of the state" means to be –

(a) a member of –

- (i) any municipal council;
- (ii) any provincial legislature; or
- (iii) the national Assembly or the national Council of provinces;

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

(c) an official of any municipality or municipal entity;

(d) an employee of any national or provincial department, national or provincial public entity or constitutional institution within the meaning of the Public Finance Management Act, 1999 (Act No.1 of 1999);

(e) a member of the accounting authority of any national or provincial public entity; or

(f) an employee of Parliament or a provincial legislature.

² Shareholder" means a person who owns shares in the company and is actively involved in the management of the company or business and exercises control over the company.

3.9) Have you been in the service of the state for the past twelve months? **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, principal 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, principal 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.....

.....

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

Full Name	Identity Number	State Employee Number

.....
Signature

.....
Date

.....
Capacity

.....
Name of Bidder

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

This preference form must form part of all bids invited. It contains general information and serves as a claim form for preference points for Broad-Based Black Economic Empowerment (B-BBEE) Status Level of Contribution

NB: BEFORE COMPLETING THIS FORM, BIDDERS MUST STUDY THE GENERAL CONDITIONS, DEFINITIONS AND DIRECTIVES APPLICABLE IN RESPECT OF B-BBEE, AS PRESCRIBED IN THE PREFERENTIAL PROCUREMENT REGULATIONS, 2017.

1. GENERAL CONDITIONS

1.1 The following preference point systems are applicable to all bids:

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

1.2 The value of this bid is estimated to **not exceed** R50 000 000 (all applicable taxes included) and therefore the **80/20** preference point system shall be applicable; or

1.3 Points for this bid shall be awarded for:

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

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

	POINTS
PRICE	
B-BBEE STATUS LEVEL OF CONTRIBUTOR	
Total points for Price and B-BBEE must not exceed	100

1.5 Failure on the part of a bidder to submit proof of B-BBEE Status level of contributor together with the bid, will be interpreted to mean that preference points for B-BBEE status level of contribution are not claimed.

1.6 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

- (a) “**B-BBEE**” means broad-based black economic empowerment as defined in section 1 of the Broad Based Black Economic Empowerment Act;
- (b) “**B-BBEE status level of contributor**” means the B-BBEE status of an entity in terms of a code of good practice on black economic empowerment, issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act;
- (c) “**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 goods or services, through price quotations, advertised competitive bidding processes or proposals;
- (d) “**Broad-Based Black Economic Empowerment Act**” means the Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003);
- (e) “**EME**” means an Exempted Micro Enterprise in terms of a code of good practice on black economic empowerment issued in terms of section 9 (1) of the Broad-Based Black Economic Empowerment Act;
- (f) “**functionality**” means the ability of a tenderer to provide goods or services in accordance with specifications as set out in the tender documents.
- (g) “**prices**” includes all applicable taxes less all unconditional discounts;
- (h) “**proof of B-BBEE status level of contributor**” means:
 - 1. B-BBEE Status level certificate issued by an authorized body or person;
 - 2. A sworn affidavit as prescribed by the B-BBEE Codes of Good Practice;
 - 3. Any other requirement prescribed in terms of the B-BBEE Act;
- (i) “**QSE**” means a qualifying small business enterprise in terms of a code of good practice on black economic empowerment issued in terms of section 9 (1) of the Broad-Based Black Economic Empowerment Act;
- (j) “**rand value**” means the total estimated value of a contract in Rand, calculated at the time of bid invitation, and includes all applicable taxes;

4. POINTS AWARDED FOR PRICE

a) **THE 80/20 OR 90/10 PREFERENCE POINT SYSTEMS**

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

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

Where

P_s = Points scored for price of bid under consideration

P_t = Price of bid under consideration

P_{\min} = Price of lowest acceptable bid

5. POINTS AWARDED FOR B-BBEE STATUS LEVEL OF CONTRIBUTOR

a) In terms of Regulation 6 (2) and 7 (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)	Number of points (80/20 system)
1	10	20
2	9	18
3	6	14
4	5	12
5	4	8
6	3	6
7	2	4
8	1	2
Non-compliant contributor	0	0

6. BID DECLARATION

Bidders who claim points in respect of B-BBEE Status Level of Contribution must complete the following:

6.1) B-BBEE STATUS LEVEL OF CONTRIBUTOR CLAIMED IN TERMS OF PARAGRAPHS 1.4 AND 4.1

a) B-BBEE Status Level of Contributor: = (maximum of 10 or 20 points)
 (Points claimed in respect of paragraph 7.1 must be in accordance with the table reflected in paragraph 4.1 and must be substantiated by relevant proof of B-BBEE status level of contributor.

7. SUB-CONTRACTING

7.1) Will any portion of the contract be sub-contracted?

(Tick applicable box)

YES	<input type="checkbox"/>	NO	<input type="checkbox"/>
-----	--------------------------	----	--------------------------

7.1)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 or QSE

(Tick applicable box)

YES	<input type="checkbox"/>	NO	<input type="checkbox"/>
-----	--------------------------	----	--------------------------

v) Specify, by ticking the appropriate box, if subcontracting with an enterprise in terms of Preferential Procurement Regulations, 2017:

Designated Group: An EME or QSE which is at least 51% owned by:	EME √	QSE √
Black people		
Black people who are youth		
Black people who are women		
Black people with disabilities		
Black people living in rural or underdeveloped areas or townships		
Cooperative owned by black people		
Black people who are military veterans		
OR		
Any EME		
Any QSE		

8. DECLARATION WITH REGARD TO COMPANY/FIRM

8.1) Name of company/firm:

8.2) VAT registration number:

8.3) Company registration number:

8.4) TYPE OF COMPANY/ FIRM

- Partnership/Joint Venture / Consortium
- One person business/sole propriety
- Close corporation
- Company
- (Pty) Limited

[TICK APPLICABLE BOX]

8.5) DESCRIBE PRINCIPAL BUSINESS ACTIVITIES

.....

8.6) COMPANY CLASSIFICATION

- Manufacturer
- Supplier
- Professional service provider
- Other service providers, e.g. transporter, etc.

[TICK APPLICABLE BOX]

8.7) MUNICIPAL INFORMATION

Municipality where business is situated:

.....

Registered Account Number:

Stand Number:.....

8.8) Total number of years the company/firm has been in business:.....

8.9) I/we, the undersigned, who is / are duly authorised to do so on behalf of the company/firm, certify that the points claimed, based on the B-BBE status level of contributor indicated in paragraphs 1.4 and 6.1 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 paragraphs 1.4 and 6.1, 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 contributor 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) recommend that the bidder or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, be restricted by the National Treasury 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.

.....
SIGNATURE(S) OF BIDDERS(S)
DATE:
ADDRESS
.....
.....

DECLARATION CERTIFICATE FOR LOCAL PRODUCTION AND CONTENT FOR DESIGNATED SECTORS

This Municipal Bidding Document (MBD) must form part of all bids invited. It contains general information and serves as a declaration form for local content (local production and local content are used interchangeably).

Before completing this declaration, bidders must study the General Conditions, Definitions, Directives applicable in respect of Local Content as prescribed in the Preferential Procurement Regulations, 2017, the South African Bureau of Standards (SABS) approved technical specification number SATS 1286:2011 (Edition 1) and the Guidance on the Calculation of Local Content together with the Local Content Declaration Templates [Annex C (Local Content Declaration: Summary Schedule), D (Imported Content Declaration: Supporting Schedule to Annex C) and E (Local Content Declaration: Supporting Schedule to Annex C)].

1. GENERAL CONDITIONS

- 1.1) Preferential Procurement Regulations, 2017 (Regulation 8) make provision for the promotion of local production and content.
- 1.2) Regulation 8(2) prescribes that in the case of designated sectors, organs of state must advertise such tenders with the specific bidding condition that only locally produced or manufactured goods, with a stipulated minimum threshold for local production and content will be considered.
- 1.3) Where necessary, for tenders referred to in paragraph 1.2 above, a two-stage bidding process may be followed, where the first stage involves a minimum threshold for local production and content and the second stage price and B-BBEE.
- 1.4) A person awarded a contract in relation to a designated sector, may not sub-contract in such a manner that the local production and content of the overall value of the contract is reduced to below the stipulated minimum threshold.
- 1.5) The local content (LC) expressed as a percentage of the bid price must be calculated in accordance with the SABS approved technical specification number SATS 1286: 2011 as follows:

$$LC = [1 - x / y] * 100$$

Where

x is the imported content in Rand

y is the bid price in Rand excluding value added tax (VAT)

Prices referred to in the determination of x must be converted to Rand (ZAR) by using the exchange rate published by South African Reserve Bank (SARB) at 12:00 on the date of advertisement of the bid as indicated in paragraph 4.1 below.

The SABS approved technical specification number SATS 1286:2011 is accessible on [http://www.thedti.gov.za/industrial development/ip.jsp](http://www.thedti.gov.za/industrial%20development/ip.jsp) at no cost.

1.6) A bid may be disqualified if this Declaration Certificate and the Annex C (Local Content Declaration: Summary Schedule) are not submitted as part of the bid documentation;

2. The stipulated minimum threshold(s) for local production and content (refer to Annex A of SATS 1286:2011) for this bid is/are as follows:

<u>Description of services, works or goods</u>	<u>Stipulated minimum threshold</u>
_____	_____ %
_____	_____ %
_____	_____ %

3. Does any portion of the goods or services offered have any imported content?

(Tick applicable box)

YES	<input type="checkbox"/>	NO	<input type="checkbox"/>
-----	--------------------------	----	--------------------------

3.1 If yes, the rate(s) of exchange to be used in this bid to calculate the local content as prescribed in paragraph 1.5 of the general conditions must be the rate(s) published by SARB for the specific currency at 12:00 on the date of advertisement of the bid.

The relevant rates of exchange information is accessible on www.reservebank.co.za

Indicate the rate(s) of exchange against the appropriate currency in the table below (refer to Annex A of SATS 1286:2011):

Currency	Rates of exchange
US Dollar	
Pound Sterling	
Euro	
Yen	
Other	

NB: Bidders must submit proof of the SARB rate (s) of exchange used.

4. Where, after the award of a bid, challenges are experienced in meeting the stipulated minimum threshold for local content the dti must be informed accordingly in order for the dti to verify and in consultation with the AO/AA provide directives in this regard.

LOCAL CONTENT DECLARATION
(REFER TO ANNEX B OF SATS 1286:2011)

LOCAL CONTENT DECLARATION BY CHIEF FINANCIAL OFFICER OR OTHER LEGALLY RESPONSIBLE PERSON NOMINATED IN WRITING BY THE CHIEF EXECUTIVE OR SENIOR MEMBER/PERSON WITH MANAGEMENT RESPONSIBILITY (CLOSE CORPORATION, PARTNERSHIP OR INDIVIDUAL)

IN RESPECT OF BID NO.

ISSUED BY: (Procurement Authority / Name of Institution):

PRINCE ALBERT MUNICIPALITY

NB

- 1 The obligation to complete, duly sign and submit this declaration cannot be transferred to an external authorized representative, auditor or any other third party acting on behalf of the bidder.
- 2 Guidance on the Calculation of Local Content together with Local Content Declaration Templates (Annex C, D and E) is accessible on http://www.thdti.gov.za/industrial_development/ip.jsp. Bidders should first complete Declaration D. After completing Declaration D, bidders should complete Declaration E and then consolidate the information on Declaration C. **Declaration C should be submitted with the bid documentation at the closing date and time of the bid in order to substantiate the declaration made in paragraph (c) below.** Declarations D and E should be kept by the bidders for verification purposes for a period of at least 5 years. The successful bidder is required to continuously update Declarations C, D and E with the actual values for the duration of the contract.

I, the undersigned, (full names), do hereby declare, in my capacity asof(name of bidder entity), the following:

- (a) The facts contained herein are within my own personal knowledge.
- (b) I have satisfied myself that:
 - (i) the goods/services/works to be delivered in terms of the above-specified bid comply with the minimum local content requirements as specified in the bid, and as measured in terms of SATS 1286:2011; and
- (c) The local content percentage (%) indicated below has been calculated using the formula given in clause 3 of SATS 1286:2011, the rates of exchange indicated in paragraph 4.1 above and the information contained in Declaration D and E which has been consolidated in Declaration C:

Bid price, excluding VAT (y)	R
Imported content (x), as calculated in terms of SATS 1286:2011	R
Stipulated minimum threshold for local content (paragraph 3 above)	
Local content %, as calculated in terms of SATS 1286:2011	

If the bid is for more than one product, the local content percentages for each product contained in Declaration C shall be used instead of the table above.

The local content percentages for each product has been calculated using the formula given in clause 3 of SATS 1286:2011, the rates of exchange indicated in paragraph 4.1 above and the information contained in Declaration D and E.

- (d) I accept that the Procurement Authority / Institution has the right to request that the local content be verified in terms of the requirements of SATS 1286:2011.
- (e) I understand that the awarding of the bid is dependent on the accuracy of the information furnished in this application. I also understand that the submission of incorrect data, or data that are not verifiable as described in SATS 1286:2011, may result in the Procurement Authority / Institution imposing any or all of the remedies as provided for in Regulation 14 of the Preferential Procurement Regulations, 2017 promulgated under the Preferential Policy Framework Act (PPPFA), 2000 (Act No. 5 of 2000).

SIGNATURE: _____

DATE: _____

WITNESS No. 1 _____

DATE: _____

WITNESS No. 2 _____

DATE: _____

DECLARATION OF BIDDER’S PAST SUPPLY CHAIN MANAGEMENT PRACTICES

This Municipal Bidding Document must form part of all bids invited.

- 1 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.

- 2 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).

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

Item	Question	Yes	No
4.1	Is the bidder or any of its directors listed on the National Treasury’s database as a company or person prohibited from doing business with the public sector? (Companies or persons who are listed on this database were informed in writing of this restriction by the National Treasury after the <i>audi alteram partem</i> rule was applied).	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

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 (MBD 9) must be completed and submitted with the bid:

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

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

CERTIFICATE OF INDEPENDENT BID DETERMINATION

I, the undersigned, in submitting the accompanying bid:

(Bid Number and Description)

in response to the invitation for the bid made by:

PRINCE ALBERT MUNICIPALITY

(Name of Municipality / Municipal Entity)

do hereby make the following statements that I certify to be true and complete in every respect:

I certify, on behalf of: _____ that:

(Name of Bidder)

1. I have read and I understand the contents of this Certificate;
2. I understand that the accompanying bid will be disqualified if this Certificate is found not to be true and complete in every respect;
3. I am authorized by the bidder to sign this Certificate, and to submit the accompanying bid, on behalf of the bidder;
4. Each person whose signature appears on the accompanying bid has been authorized by the bidder to determine the terms of, and to sign, the bid, on behalf of the bidder;
5. For the purposes of this Certificate and the accompanying bid, I understand that the word "competitor" shall include any individual or organization, other than the bidder, whether or not affiliated with the bidder, who:
 - (a) has been requested to submit a bid in response to this bid invitation;
 - (b) could potentially submit a bid in response to this bid invitation, based on their qualifications, abilities or experience; and
 - (c) provides the same goods and services as the bidder and/or is in the same line of business as the bidder

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.

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