ELIAS MOTSOALEDI
LOCAL MUNICIPALITY

EMLM 02/26/27

CIDB REFERENCE: 100120910

APPOINTMENT OF SERVICE PROVIDER FOR SUPPLY, DELIVER AND INSTALL 150M CONCRETE PALISADE FENCE AND INSTALLATION (ONLY) OF STEEL GATE AT ROOSSENEKAL LANDFILL SITE

CLOSING DATE:	11 SEPTEMBER 2026	TIME	11H00

NAME OF TENDERER	
TOTAL AMOUNT	
CENTRAL SUPPLIER DATABASE NUMBER	MAAA-
TOTAL SPECIFIC GOAL POINTS	
CONTACT PERSON	
TELEPHONE NUMBER	
EMAIL ADDRESS	

ENQUIRIES REGARDING BID PROCEDURES		TECHNICAL ENQUIRIES	
DIRECTORATE: BUDGET AND TREASURY		DIRECTORATE: COMMUNITY SERVICES	
H MASEMOLA		M MOKHULWANE	
MANAGER SUPPLY CHAIN		MANAGER: WASTE AND ENVIRONMENTAL SERVICES	
TEL. NUMBER	TEL.013 262 3056	TEL. NUMBER	013 262 3056
TENDER ISSUED BY			
SUPPLY CHAIN MANAGEMENT UNIT			
ELIAS MOTSOALEDI LOCAL MUNICIPALITY		P.O. BOX 48, GROBLERSDAL, 0470	

NB: ANY OBJECTIONS OR COMPLAINTS IN RESPECT WITH THIS TENDER SHOULD BE LODGED WITHIN 14 DAYS OF THE ADVERTISEMENT

ELIAS MOTSOALEDI LOCAL MUNICIPALITY

TENDER DETAILS						
TENDER NUMBER	**EMLM 02/26/27**					
TENDER TITLE	**APPOINTMENT OF SERVICE PROVIDER FOR SUPPLY, DELIVER AND INSTALL 150M CONCRETE PALISADE FENCE AND INSTALLATION (ONLY) OF STEEL GATE AT ROOSSENEKAL LANDFILL SITE**					
CLOSING DATE	**11 SEPTEMBER 2026**		CLOSING TIME		**11H00**	
SITE MEETING	DATE	N/A	TIME	N/A	N/A	N/A
SITE MEETING ADDRESS	**N/A**					
CIDB GRADING REQUIRED	**2SQ**		LEVEL AND CATEGORY		**2**	
TENDER DOCUMENT FEE	**R1 000.00 (if collecting from the Municipality)** **Free when uploading from e-tender portal**		PREFERENCE POINT SYSTEM		**80/20**	
BID BOX SITUATED AT	**MAIN OFFICES, 2ND GROBLER AVENUE**, Elias Motsoaledi Local Municipality					
OPERATING HOURS	The bid box is open during office hours, Monday to Thursday 07h30 to 16h30 Friday from 07h30 to 13h30.					
OFFER TO BE VALID FOR	90	DAYS FROM THE CLOSING DATE OF TENDER.				

PLEASE NOTE:

1. Prospective suppliers must be registered on CSD prior to submitting bid (open tender)
2. Tenders that are deposited in the incorrect box will not be considered.
3. Mailed, telegraphic, telex, or faxed tenders will not be accepted.
4. No late bids after closing date and time will be accepted.
5. Bids not clearly marked and unamend will not be accepted.
6. Bids may only be submitted on the bid documentation provided by the municipality.
7. No awards will be made to a person:
   - i. Who is in the service of the state,
   - ii. If that person is not a natural person , of which any director, manager, principal shareholder or stakeholder is a person in the service of the state
   - iii. Who is an advisor or consultant contracted with the municipality or municipal entity

BIDDER'S TENDER DOCUMENTATION DECLARATION CERTIFICATION

I, the undersigned certify that the information furnished on this declaration form is correct, completed and submitted.	
NAME OF REPRESENTATIVE	
POSITION / DESIGNATION	
SIGNATURE	
DATE	

ELIAS MOTSOALEDI
LOCAL MUNICIPALITY

T1.1 TENDER NOTICE & INVITATION
ELIAS MOTSOALEDI LOCAL MUNICIPALITY
TENDER NO: EMLM 02/26/27
CLOSING DATE: 11 SEPTEMBER 2026 AT 11H00

In terms of Section 110 of the Municipal Finance Management Act, 2003 (No. 56 of 2003), tenders are hereby invited for **APPOINTMENT OF SERVICE PROVIDER FOR SUPPLY, DELIVER AND INSTALL 150M CONCRETE PALISADE FENCE AND INSTALLATION (ONLY) OF STEEL GATE AT ROOSSENEKAL LANDFILL SITE** Tender documents and specifications are available and can be obtained from CASHIERS OFFICE IN THE MAIN OFFICES, 2nd Grobler Avenue Groblersdal, P.O. Box 48, Groblersdal, 0470 (Tel: [013] 262 3056, at a non-refundable deposit of **R1000.00** when the bidder request/need a document from the municipality and it is free of charge when downloaded from the e-Tender Portal. Payments can be made through cash payable to the Elias Motsoaledi Local Municipality.

The closing time for receipt of tenders is **11 SEPTEMBER 2026 at 11H00.** Telegraphic, telephonic, telex, facsimile, e-mail, unmarked and **late tenders** will under no circumstances be considered and accepted. The tender box will be emptied just after closing time on the closing date. Hereafter all bids will be open in public.

Any technical enquiries relating to the tender document may be directed to **Community Services: Manager Waste and Environmental Services (Ms. M Mokhulwane)** at mmokhulwane@emlm.gov.za or 013 262 3056 for technical assistance. Fully completed tender documents, clearly marked **" APPOINTMENT OF SERVICE PROVIDER FOR SUPPLY, DELIVER AND INSTALL 150M CONCRETE PALISADE FENCE AND INSTALLATION (ONLY) OF STEEL GATE AT ROOSSENEKAL LANDFILL SITE** with "**NAME of TENDERER**" must be placed in a sealed envelope and placed in the **tender box No: 03** on the **2nd Grobler Avenue**, Elias Motsoaledi Local Municipality, Main Offices, Groblersdal, **by no later than 11 SEPTEMBER 2026 at 11H00.** The envelope must be endorsed with number, title and closing date as indicated above.

Bidders will be evaluated on functionality whereby **70 points (70%)** has to be attained before financial proposals can be looked at. A preferential point system shall apply whereby a contract will be allocated to a tenderer in accordance with the Preferential Procurement Policy Framework Act, Act No. 5 of 2000 and as defined in the Conditions of Tender in the tender document, read in conjunction with the Supply Chain Management Policy of Elias Motsoaledi Local Municipality where **80 points** will be allocated in respect of price and **20 points** in respect of specific goals.

No awards will be made to a person:

- Who is not registered on the Central Supplier Database;
- Who is in the service of the state;
- If that person is not a natural person , of which any director, manager, principal shareholder or stakeholder is a person in the service of the state; and/or
- Who is an advisor or consultant contracted with the municipality or municipal entity.

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

ELIAS MOTSOALEDI

LOCAL MUNICIPALITY

TERMS OF REFERENCE

FOR

APPOINTMENT OF SERVICE PROVIDER FOR SUPPLY, DELIVER AND INSTALL 150M CONCRETE PALISADE FENCE AND INSTALLATION (ONLY) OF STEEL GATE AT ROOSSENEKAL LANDFILL SITE

INTRODUCTION

EMLM requires the services of a qualified service provider for **APPOINTMENT OF SERVICE PROVIDER FOR SUPPLY, DELIVER AND INSTALLATION OF 150M CONCRETE PALISADE FENCE AND INSTALLATION (ONLY) OF STEEL GATE AT ROOSSENEKAL LANDFILL SITE**

1. SCOPE OF WORK

1.1 Workmanship and finish General

- All concrete elements shall be manufactured from sound concrete, free of structural defects, complying with a sample previously submitted to the Client for approval. All elements shall have off-shutter finish on three sides, with the fourth side having a wood floated finish.

1.2 Shape & Dimension

- All elements shall retain the required shape and be true to the respective and specified dimensions.

1.3 Performance Requirements (Strength)

- The required concrete compressive strength in all pre-stressed elements shall be a minimum of 30 MPa at 28 days, determined in accordance with SANS method 863.

1.4 Curing

- All concrete elements shall be cured in accordance with the recommendations given SANS method 863

1.5 Reinforcement

- All steel used for reinforcements in pre-fabricated element shall be yield steel with minimum characteristics strength of 410 MPa, and shall be free of rust, loose scale, flux, grease or oil substances and shall in general comply with SANS 920 and BS 4482.

1.6 Pre-Stressing Steel

- All wires shall be of the crimped variety and shall be free of rust, loose scale, flux, grease or oil substances and shall in general comply with BS 5896.

1.7 Post

- The poles shall be 3.0m long and sotted, to take the horizontal load bearing rails. The front edge shall be curved. The back section shall be 100mm wide tapering to the front to 60mm. The thickness of the post shall be 165 mm. Posts shall be spaced at 2.0m centre.
- The posts shall be pre-stressed with 4 x 4mm wire graded 1550/1700 MPa, stressed to 75% of the U.T.S. (Ultimate Tensile Strength). Pre-stressed wires shall be cut at the surface level and sealed. The top and bottom of the post shall be angled at 45°.

1.8 Poles

- The poles shall be 2.4m (measured above ground) long with two 10mm holes to take 8mm carriage type bolts. The front edges shall be curved. The back section shall be 70mm wide tapering to the front to 60mm. The thickness of the poles shall be 55mm. Poles are spaced at ± 160mm centres.
- The poles shall be pre-stressed with two 4mm wires grade 1550 / 1700 MPa, stressed to 75% of the U.T.S. (Ultimate Tensile Strength). Pre-stressed wires shall be cut at surface level and sealed. The top and bottom of the poles shall be angled at 45°.

1.9 Rails

- The rails shall be 1.98m long with nine x 10mm holes to take carriage 8mm type bolts. The rails shall be 125mm wide and 55mm deep. All rails are to be grouted into posts.
- The rails shall be pre-stressed with four 4mm wires graded 1550 / 1700 MPa, stressed to 75% of the U.T.S. (Ultimate Tensile Strength). Pre-stressed wire shall be cut at surface level.

1.10 Bolts

- All bolts used for the erection of the fence shall have their ends burred over. The holes shall be filled with cement mortar.
- All nuts, bolts and washers used for the erection of the fence shall be electro-galvanized (Zinc and chrome passivated).

1.11 Erection

- Each post shall be embedded to full depth in concrete in a foundation hole of at least 460mm and a depth of 600mm. (The sizes specified are for firm soils and it may be necessary to increase these sizes for softer yielding soils)
- Foundation shall be a minimum of 15 MPa at 28 days.

1.12 Sliding gate

- Install 1.8 x 6 m sliding steel gate at main entrance **(the service provider will be required to avail all necessary equipment's for the gate installation.**

2. General Notes

- All work to comply with national building regulations and Building Standard Act SANS 64601996, local council requirements and all specification and codes.

3. CONTRACT PERIOD

- This contract will be once-off.

4.1 EVALUATION CRITERIA

MINIMUM-QUALIFYING REQUIREMENTS

RETURNABLE TENDER DOCUMENTS MUST BE COMPILED WITH CLEAR FILES DIVIDERS IN NUMERICAL ORDER AS PER THE BELOW MINIMUM REQUIREMENTS

Minimum Qualifying Requirements / Compulsory Returnable Documents:

1) Fully complete and sign MBD Forms **(1; 4; 6.1; 8 & 9)** with relevant information using black ink.
2) Attach CSD registration report ***(Detailed). (NB: Not Summary).***
3) Valid copy of CIPC registration certificate
4) Any alteration on the tender document must be signed ***(NB: Not Initialed).***
5) Every page on the tender documents must be signed ***(NB: Not Initialed).***
6) Valid CIPC Abridged Certificate for Annual returns ***(Figures / Amount page) (NB applicable to entities that are in business for more than 12 months and must be paid within 30 days after the anniversary of the company's incorporation date)***
7) Company Profile ***(Detailing; Name of Client; Service Provided; Award Amount; Contact Person and Contact Number).***
8) CIDB grade **(2 SQ or Higher)**
9) Original Certified copies of ID's of the Director(s) **(Certification not older than 6 months before the closing date).**
10) Letter of good standing **(Compensation for Occupational Injuries and Disease Act (COIDA))** from Department of Labour OR any company accredited by the Department of Labour.
11) Proof of Municipal rates and taxes or services charges:
    - Of the company and all of its directors not in arrears for more than 90 days or
    - Confirmation from the municipality if municipal rates and taxes are not levied (for the company and all its director(s)) as per address on the CIPC registration certificate or
    - If leasing, a signed lease agreement by the lessor and the lessee and Municipal rates in the name of the lessor for both company and all its directors.
12) **In case of a Joint Venture**, Association or Consortium a formal contract agreement must be signed by both parties and be attached and the following must be adhered to:
    a. All of the above requirements must be for the both entities.

4.2 FUNCTIONALITY

BIDDER EVALUATION CRITERIA FOR FUNCTIONALITY	CRITERIA	POINTS ALLOCATIONS (MAX)
COMPANY EXPERIENCE (CONCRETE PALISADE FENCE) *Attached Appointment letters / Purchase Orders corresponding with stamped & signed Reference letters for supply and delivery of Concrete Palisade Fence from previous or current clients*	Points will be allocated per purchase order or appointment letter with corresponding reference letters signed and stamped by the clients **= 10 points per letter.**	**50**
PROJECT MANAGEMENT TEAM *(Attach Curriculum Vitae and certified copies of qualification and ID)* *Certification not older than 6 months before the closing date*	**Attach Project Management Team (Organogram) with the following relevant names to the project:** - **Project Manager:** (National Diploma or N6 Certificate in Civil Engineering or Higher with 3 years or more experience) **= 15 Points** - **Foreman:** (National Diploma or N6 Certificate in Civil Engineering or Higher, with 2 years or more experience) **= 10 Points** - **Safety Officer:** (Certificate in safety management with 2 years or more experience) **= 05 Points** ***NB: Failure to attach all relevant names and qualifications points will not be allocated***	**30**
OCCUPATIONAL HEALTH & SAFETY	**Attach signed SHE policy** (Safety, Health and Environment)	**20**
MINIMUM QUALIFYING SCORE (70%) 70 POINTS		**100**

5. BILL OF QUANTITY

ITEM	DESCRIPTION	UNIT PRICE	TOTAL PRICE
Concrete palisades	Total length = 1.8m high (Above ground) x 150m	**R**	**R**
Sliding gate (installation only)	1.8m x 6m steel sliding gate (12m Rail, 3 x Supporting poles)	**R**	**R**
TOTAL AMOUNT			**R**
VAT@ (15%) if applicable			**R**
TOTAL AMOUNT (VAT inclusive)			**R**

NB: Please note that prospective service providers that did not achieve at least 70 points will not be considered for further evaluation.

CONCLUSION

Any false information given by the Prospective Service Provider and not meeting the minimum qualifying requirement, will lead to automatic disqualification of the PSP.

The council reserves the right to either accept the whole or part of any Bid, or not to appoint at all. **Faxes or e-mail are not acceptable**.

Bidders will be required to show compliance with the New Preferential Procurement policy Framework Act of 2022.

PHASE 2: <u>PRICE AND PREFERENTIAL POINTS ALLOCATIONS</u>

For quotes with a Rand value up to R50 000 000, the preference point system of 80/20 will apply, where 80 points will be for **(Price)** and 20 points will be for **Specific Goals** (Black, Women, Disability & people living in rural underdeveloped areas) in terms of section 2(1)(d) of the Preferential Procurement Policy Framework Act, 2000, (Act No 5 0f 2000)

Price	**=**	**80 Points**
Specific Goals	**=**	**20 Points**
Total	**=**	**100 Points**

The specific goals allocated points in terms of this tender	Number of points allocated (80/20 system) (To be completed by the organ of state)	Number of points claimed (80/20 system) (To be completed by the tenderer)
Local area of Supplier	**10**	
Within the area of Elias Motsoaledi Local Municipality	10	
Within the area of Sekhukhune District Municipality	6	
Within the area of Limpopo Province	4	
Within the Republic of South Africa	2	
Company which is at least 51% is owned by Black People	**10**	
TOTAL POINTS	**20**	

COMPULSORY MUNICIPAL BID DOCUMENTATION

a) MBD 1 : Invitation to tender
b) MBD 4 : Declaration of interest
c) MBD 6.1 : Preference points on terms of Preferential Procurement Regulation 2022
d) MBD 8 : Declaration of bidder's past supply chain management practices
e) MBD 9 : Certificate of Independent Bid Determination

APPROVAL BY MUNICIPAL MANAGER:
MRS. N. R. MAHLAKWANE, PR Tech Eng.
MUNICIPAL MANAGER
2nd GROBLER AVENUE
GROBLERSDAL

MBD 1

PART A

INVITATION TO BID

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE (ELIAS MOTSOALEDI LOCAL MUNICIPALITY)					
BID NUMBER:	**EMLM 02/26/27**	CLOSING DATE:	**11 SEPTEMBER 2026**	CLOSING TIME:	**11:00**
DESCRIPTION	**APPOINTMENT OF SERVICE PROVIDER FOR SUPPLY, DELIVER AND INSTALLATION OF 150M CONCRETE PALISADE FENCE AND INSTALLATION (ONLY) OF STEEL GATE AT ROOSSENEKAL LANDFILL SITE**				

THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (MBD7).

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

02 GROBLER AVENUE
GROBLERSDAL
0470

SUPPLIER INFORMATION					
NAME OF BIDDER					
POSTAL ADDRESS					
STREET ADDRESS					
TELEPHONE NUMBER	CODE		NUMBER		
CELLPHONE NUMBER					
FACSIMILE NUMBER	CODE		NUMBER		
E-MAIL ADDRESS					
VAT REGISTRATION NUMBER					
TAX COMPLIANCE STATUS	TCS PIN:		**OR**	CSD No:	
ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES /WORKS OFFERED?	☐Yes ☐No [IF YES ENCLOSE PROOF]		*ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES /WORKS OFFERED?*	☐Yes ☐No [IF YES, ANSWER PART B:3]	
TOTAL NUMBER OF ITEMS OFFERED			*TOTAL BID PRICE*	**R**	
SIGNATURE OF BIDDER	……		*DATE*		
CAPACITY UNDER WHICH THIS BID IS SIGNED					

BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO:		**TECHNICAL INFORMATION MAY BE DIRECTED TO:**	
CONTACT PERSON	H MASEMOLA	CONTACT PERSON	M MOKHULWANE
TELEPHONE NUMBER	013 262 3056	TELEPHONE NUMBER	013 262 3056
E-MAIL ADDRESS	hmasemola@emlm.gov.za	E-MAIL ADDRESS	mmokhulwane@emlm.gov.za

PART B

TERMS AND CONDITIONS FOR BIDDING

1. BID SUBMISSION:

1.1. BIDS MUST BE DELIVERED BY THE STIPULATED TIME TO THE CORRECT ADDRESS. LATE BIDS WILL NOT BE ACCEPTED FOR CONSIDERATION.

1.2. **ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS PROVIDED–(NOT TO BE RE-TYPED) OR ONLINE**

1.3. THIS BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT AND THE PREFERENTIAL PROCUREMENT REGULATIONS, 2022, THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER SPECIAL CONDITIONS OF CONTRACT.

2. TAX COMPLIANCE REQUIREMENTS

2.1 BIDDERS MUST ENSURE COMPLIANCE WITH THEIR TAX OBLIGATIONS.

2.2 BIDDERS ARE REQUIRED TO SUBMIT THEIR UNIQUE PERSONAL IDENTIFICATION NUMBER (PIN) ISSUED BY SARS TO ENABLE THE ORGAN OF STATE TO VIEW THE TAXPAYER'S PROFILE AND TAX STATUS.

2.3 APPLICATION FOR THE TAX COMPLIANCE STATUS (TCS) CERTIFICATE OR PIN MAY ALSO BE MADE VIA E-FILING. IN ORDER TO USE THIS PROVISION, TAXPAYERS WILL NEED TO REGISTER WITH SARS AS E-FILERS THROUGH THE WEBSITE WWW.SARS.GOV.ZA.

2.4 FOREIGN SUPPLIERS MUST COMPLETE THE PRE-AWARD QUESTIONNAIRE IN PART B:3.

2.5 BIDDERS MAY ALSO SUBMIT A PRINTED TCS CERTIFICATE TOGETHER WITH THE BID.

2.6 IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED, EACH PARTY MUST SUBMIT A SEPARATE TCS CERTIFICATE / PIN / CSD NUMBER.

2.7 WHERE NO TCS IS AVAILABLE BUT THE BIDDER IS REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD), A CSD NUMBER MUST BE PROVIDED.

3. QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS

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

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

3. Service Providers Declaration and Privacy Notice

3.1 I declare that I undertake to inform Elias Motsoaledi Local Municipality of any changes in my personal information.

3.2 I, as a Service Provider of the Municipality hereby consent that the Municipality may collect, use, distribute, process my personal information for its business purposes, which may include, but is not limited to,

- 3.2.1 internal administrative processes pertaining to services rendered or goods provided to the Municipality;
- 3.2.2 conducting service provider vetting; and
- 3.2.3 rendering services or providing goods to Elias Motsoaledi Local Municipality.

3.3 I also consent that the Municipality may share my personal information with the South African Revenue Service, Companies and Intellectual Property Commission, Department of Trade and Industry, Provincial Treasury, Black Economic Empowerment Commission, Competition Commission, South African Police Service, Banks, External Auditors, Suppliers Vetting Agencies, relevant governance structures, relevant government institutions and legal entities which may lawfully require such information for legal obligations.

3.4 I understand that in terms of the Protection of Personal Information Act (POPIA) and other laws of the country, there are instances where my express consent is not necessary to permit the processing of personal information, which may be related to investigations, litigation, compliance with legislative requirements or when personal information is publicly available.

3.5 I will not hold the Municipality responsible for any improper or unauthorised use of personal information that is beyond its reasonable control.

3.6 I confirm that I have read the notice and understand the contents.

NB: FAILURE TO PROVIDE ANY OF THE ABOVE PARTICULARS MAY RENDER THE BID INVALID. **NO BIDS WILL BE CONSIDERED FROM PERSONS IN THE SERVICE OF THE STATE**.

4. I, the undersigned certify that the information furnished on this declaration form is correct.

SIGNATURE OF BIDDER : ……

CAPACITY UNDER WHICH THIS BID IS SIGNED: ……

DATE :……

DECLARATION OF INTEREST

1. No bid will be accepted from persons in the service of the state[1].

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.

No.	Information	Please provide detail		
3.1	Full name of bidder or his or her representative			
3.2	Identity number			
3.3	Position occupied in the company (director, trustee, hareholder[2]			
3.4	Company registration number			
3.5	Tax reference number			
3.6	VAT registration number			
Note	*(The names of all directors / trustees / shareholders members, their individual identity numbers and state employee numbers must be indicated in paragraph 4 below.)*			
3.7	Are you presently in the service of the state?		Yes	No
	If yes, please furnish particulars :			
3.7.1	Name of director			
3.7.2	Service of state organization			
3.8	Have you been in the service of the state for the past twelve months?		Yes	No

	If yes, please furnish particulars :			
3.8.1	Name of director			
3.8.2	Service of state organization			
3.9	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
	If yes, please furnish particulars :			
3.9.1	Name of person in the service of state			
3.9.2	Relationship			
3.10	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
	If yes, please furnish particulars :			
3.10.1	Name of person in the service of state			
3.10.2	Relationship			
3.11	*Are any of the company's directors, trustees, managers,* principle shareholders or stakeholders in service of the state?		Yes	No
	If yes, please furnish particulars :			
3.11.1	Name of director			
3.11.2	Service of state organization			
3.12	Is any spouse, child or parent of the company's director trustees, managers, principle shareholders or stakeholders in service of the state?		Yes	No
	If yes, please furnish particulars:			
3.12.1	Name of director			
3.12.2	Name of relative			
3.12.3	Relationship			
3.13	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

	If yes, please furnish particulars:	
3.13.1	Name of director	
3.13.2	Related company	
Note:	SCM Regulations: "[1]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.	

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

Full Name	Identity Number	State Employee Number

5. Service Providers Declaration and Privacy Notice

5.1 I declare that all the personal information furnished by me on this form is true and correct, and I undertake to inform Elias Motsoaledi Local Municipality of any changes in my personal information.

5.2 I, as a Service Provider of the Municipality hereby consent that the Municipality may collect, use, distribute, process my personal information for its business purposes, which may include, but is not limited to,

5.2.1 internal administrative processes pertaining to services rendered or goods provided to the Municipality.

5.2.2 conducting service provider vetting; and

5.2.3 rendering services or providing goods to Elias Motsoaledi Local Municipality.

5.3 I also consent that the Municipality may share my personal information with the South African Revenue Service, Companies and Intellectual Property Commission, Department of Trade and Industry, Provincial Treasury, Black Economic Empowerment Commission, Competition Commission, South African Police Service, Banks, External Auditors, Suppliers Vetting Agencies, relevant governance structures, relevant government institutions and legal entities which may lawfully require such information for legal obligations.

5.4 I understand that in terms of the Protection of Personal Information Act (POPIA) and other laws of the country, there are instances where my express consent is not necessary to permit the processing of personal information, which may be related to investigations, litigation, compliance with legislative requirements or when personal information is publicly available.

5.5 I will not hold the Municipality responsible for any improper or unauthorised use of personal information that is beyond its reasonable control.

5.6 I confirm that I have read the notice and understand the contents.

6. I, the undersigned 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.	
NAME OF REP:_____	**SIGNATURE:**_____
DATE:_____	**CAPACITY:**_____

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

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

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

GENERAL CONDITIONS

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

- the 80/20 system for requirements with a Rand value of above R50 000 000 (all applicable taxes included).

1.2 To be completed by the organ of state

a) The applicable preference point system for this tender is the 80/20 preference point system.

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

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

(a) Price; and

(b) Specific Goals.

1.4 To be completed by the organ of state:

The maximum points for this tender are allocated as follows:

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

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

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

DEFINITIONS

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

(b) **"price"** means an amount of money tendered for goods or services, and includes all applicable taxes less all unconditional discounts;

(c) **"rand value"** means the total estimated value of a contract in Rand, calculated at the time of bid invitation, and includes all applicable taxes;

(d) **"tender for income-generating contracts"** means a written offer in the form determined by an organ of state in response

to an invitation for the origination of income-generating contracts through any method envisaged in legislation that will result in a legal agreement between the organ of state and a third party that produces revenue for the organ of state, and includes, but is not limited to, leasing and disposal of assets and concession contracts, excluding direct sales and disposal of assets through public auctions; and

(e) **"the Act"** means the Preferential Procurement Policy Framework Act, 2000 (Act No. 5 of 2000).

2. FORMULAE FOR PROCUREMENT OF GOODS AND SERVICES

3.1. POINTS AWARDED FOR PRICE

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

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

80/20 **or** **80/20**

$$Ps = 80\left(1 - \frac{Pt - P\,min}{P\,min}\right) \quad \text{or} \quad Ps = 90\left(1 - \frac{Pt - P\,min}{P\,min}\right)$$

Where

Ps = Points scored for price of tender under consideration

Pt = Price of tender under consideration

Pmin = Price of lowest acceptable tender

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

3.2.1. POINTS AWARDED FOR PRICE

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

80/20 **or** **80/20**

$$Ps = 80\left(1 + \frac{Pt - P\,max}{P\,max}\right) \quad \text{or} \quad Ps = 90\left(1 + \frac{Pt - P\,max}{Pmax}\right)$$

Where

Ps = Points scored for price of tender under consideration

Pt = Price of tender under consideration

Pmax = Price of highest acceptable tender

4. POINTS AWARDED FOR SPECIFIC GOALS

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

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

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

(b) any other invitation for tender, that either the 80/20 or 80/20 preference point system will apply and that the lowest acceptable tender will be used to determine the applicable preference point system,

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

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

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

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

The specific goals allocated points in terms of this tender	**Number of points allocated (80/20 system) (To be completed by the organ of state)**	**Number of points claimed (80/20 system) (To be completed by the tenderer)**
Local area of Supplier	**10**	
Within the area of Elias Motsoaledi Local Municipality	10	
Within the area of Sekhukhune District Municipality	6	
Within the area of Limpopo Province	4	
Within the Republic of South Africa	2	
Company which is at least 51% is owned by Black People	**10**	
TOTAL POINTS	**20**	

DECLARATION WITH REGARD TO COMPANY/FIRM

4.3. Name of company/firm…….

4.4. Company registration number: ……...

4.5. TYPE OF COMPANY/ FIRM

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

[TICK APPLICABLE BOX]

4.6. I, the undersigned, who is duly authorised to do so on behalf of the company/firm, certify that the points claimed, based on the specific goals as advised in the tender, qualifies the company/ firm for the preference(s) shown and I acknowledge that:

i) The information furnished is true and correct;

ii) The preference points claimed are in accordance with the General Conditions as indicated in paragraph 1 of this

form;

iii) In the event of a contract being awarded as a result of points claimed as shown in paragraphs 1.4 and 4.2, the contractor may be required to furnish documentary proof to the satisfaction of the organ of state that the claims are correct;

iv) If the specific goals have been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the organ of state may, in addition to any other remedy it may have –

(a) disqualify the person from the tendering process;

(b) recover costs, losses or damages it has incurred or suffered as a result of that person's conduct;

(c) cancel the contract and claim any damages which it has suffered as a result of having to make less favourable arrangements due to such cancellation;

(d) recommend that the tenderer or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, be restricted from obtaining business from any organ of state for a period not exceeding 10 years, after the *audi alteram partem* (hear the other side) rule has been applied; and

(e) forward the matter for criminal prosecution, if deemed necessary

.....

SIGNATURE(S) OF TENDERER(S)

SURNAME AND NAME : .....

DATE **:** .....

ADDRESS : .....

: .....

: .....

: .....

DECLARATION OF BIDDERS 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:

3.1 abused the municipality's / municipal entity's supply chain management system or committed any improper conduct in relation to such system;
3.2 been convicted for fraud or corruption during the past five years;
3.3 willfully neglected, reneged on or failed to comply with any government, municipal or other public sector contract during the past five years; or
3.4 been listed in the Register for Tender Defaulters in terms of section 29 of the Prevention and Combating of Corrupt Activities Act (No. 12 of 2004).

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

Item	Question	Yes	No
4.1	Is the bidder or any of its directors listed on the National Treasury's Database of Restricted Suppliers as companies or persons prohibited from doing business with the public sector? (Companies or persons who are listed on this database were informed in writing of this restriction by the accounting officer / authority of the institution that imposed the restriction after the *audi alteram partem* rule was applied). **The Database of Restricted Suppliers now resides on the National Treasury's website www.treasury.gov.za and can be accessed by clicking on its link at the bottom of the home page**	Yes	No
4.1.1	If so, furnish particulars:		
4.2	Is the bidder or any of its directors listed on the Register for Tender Defaulters in terms of section 29 of the Prevention and Combating of Corrupt Activities Act (No. 12 of 2004)? **The Register for Tender Defaulters can be accessed on the National Treasury's website www.treasury.gov.za by clicking on its link at the bottom of the home page.**	Yes	No
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	No
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	No
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	No
4.5.1	If so, furnish particulars:		

5. **Service Providers Declaration and Privacy Notice**

5.1 I declare that I undertake to inform Elias Motsoaledi Local Municipality of any changes in my personal information.

5.2 I, as a Service Provider of the Municipality hereby consent that the Municipality may collect, use, distribute, process my personal information for its business purposes, which may include, but is not limited to,

5.2.1 internal administrative processes pertaining to services rendered or goods provided to the Municipality;

5.2.2 conducting service provider vetting; and

5.2.3 rendering services or providing goods to Elias Motsoaledi Local Municipality.

5.3 I also consent that the Municipality may share my personal information with the South African Revenue Service, Companies and Intellectual Property Commission, Department of Trade and Industry, Provincial Treasury, Black Economic Empowerment Commission, Competition Commission, South African Police Service, Banks, External Auditors, Suppliers Vetting Agencies, relevant governance structures, relevant government institutions and legal entities which may lawfully require such information for legal obligations.

5.4 I understand that in terms of the Protection of Personal Information Act (POPIA) and other laws of the country, there are instances where my express consent is not necessary to permit the processing of personal information, which may be related to investigations, litigation, compliance with legislative requirements or when personal information is publicly available.

5.5 I will not hold the Municipality responsible for any improper or unauthorised use of personal information that is beyond its reasonable control.

5.6 I confirm that I have read the notice and understand the contents.

5.7 I, the undersigned certify that the information furnished on this declaration form is correct.

CERTIFICATION

I, the undersigned 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.

NAME OF REP: _____	**SIGNATURE: _____**
DATE: _____	**CAPACITY: _____**

CERTIFICATE OF INDEPENDENT BID DETERMINATION

1 This municipal bidding document (MBD) must form part of all bids[1] 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:

3.1. take all reasonable steps to prevent such abuse;

3.2. 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

3.3. 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:

_____

(Tender Number and Description)

in response to the invitation for the bid made by:

_____

(Name of Municipality / Municipal Entity)

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

I certify, on behalf of:_____that:

(Name of Bidder)

1. I have read and I understand the contents of this Certificate;
2. I understand that the accompanying bid will be disqualified if this Certificate is found not to be true and complete in every respect;
3. I am authorized by the bidder to sign this Certificate, and to submit the accompanying bid, on behalf of the bidder;
4. Each person whose signature appears on the accompanying bid has been authorized by the bidder to determine the terms of, and to sign, the bid, on behalf of the bidder;
5. For the purposes of this Certificate and the accompanying bid, I understand that the word "competitor" shall include any individual or organization, other than the bidder, whether or not affiliated with the bidder, who:

    (a) has been requested to submit a bid in response to this bid invitation;
    (b) could potentially submit a bid in response to this bid invitation, based on their qualifications, abilities or experience; and
    (c) provides the same goods and services as the bidder and/or is in the same line of business as the bidder

6. The bidder has arrived at the accompanying bid independently from, and without consultation, communication, agreement or arrangement with any competitor. However communication between partners in a joint venture or consortium[3] 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.

Service Providers Declaration and Privacy Notice

10. I declare that I undertake to inform Elias Motsoaledi Local Municipality of any changes in my personal information.
11. I, as a Service Provider of the Municipality hereby consent that the Municipality may collect, use, distribute, process my personal information for its business purposes, which may include, but is not limited to,
    - 11.1 internal administrative processes pertaining to services rendered or goods provided to the Municipality;
    - 11.2 conducting service provider vetting; and
    - 11.3 rendering services or providing goods to Elias Motsoaledi Local Municipality.
12. I also consent that the Municipality may share my personal information with the South African Revenue Service, Companies and Intellectual Property Commission, Department of Trade and Industry, Provincial Treasury, Black Economic Empowerment Commission, Competition Commission, South African Police Service, Banks, External Auditors, Suppliers Vetting Agencies, relevant governance structures, relevant government institutions and legal entities which may lawfully require such information for legal obligations.
13. I understand that in terms of the Protection of Personal Information Act (POPIA) and other laws of the country, there are instances where my express consent is not necessary to permit the processing of personal information, which may be related to investigations, litigation, compliance with legislative requirements or when personal information is publicly available.
14. I will not hold the Municipality responsible for any improper or unauthorised use of personal information that is beyond its reasonable control.
15. I confirm that I have read the notice and understand the contents.
16. I, the undersigned certify that the information furnished on this declaration form is correct.

[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.

17. 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**

GENERAL CONDITIONS OF CONTRACT

The General Conditions of Contract are not included in this document and may be downloaded from the following website – http://www.treasury.gov.za/divisions/ocpo/sc/GeneralConditions.