

P.O. BOX 24 CALEDON 7230

TEL: 028 – 214 3300

Dear Sir / Madam

**REQUEST FOR FORMAL WRITTEN PRICE QUOTATIONS**

**QUOTATION NUMBER: JVN 02/2022/23**

Kindly furnish us with a written quotation for:

**THE SUPPLY AND DELIVERY OF ENERGY DEMAND METERS & MODEMS TO  
THEEWATERSKLOOF MUNICIPALITY CALEDON**

The detailed project description and schedules are attached or can be obtained from **Mr. Johannes van Niekerk** Tel: **028 214 3300** or e-mail: [johannesva@twk.gov.za](mailto:johannesva@twk.gov.za) as well as all technical queries.

A formal quotation must be submitted on the letterhead of your business and must have attached all relevant signed schedules and additional information as requested. Failure to do so will result in the quotation to be rejected. The quotation must be in a sealed envelope and clearly marked: **Tender Box No 2**, for attention: **JOHANNES VAN NIEKERK, QUOTATION NO: JVN 02/2022/23** and the service provider's name and address. Quotations will not be accepted if they don't comply with the marking instructions. Quotations must be placed in tender box **No. 2**, at the **Main Entrance** of Theewaterskloof Municipality, 6 Plein Street, Caledon by no later than **12:00 on Friday, 28 October 2022**, immediately after which the quotations will be opened in public in the Council Chambers. If posted, interested service providers to ensure that sufficient time are given for the post to reach us before the closing date and time. Council will not take responsibility for any delays.

**1. Standard Conditions of Quotation:**

**The following conditions will apply:**

- a) Quotations must be completed in hand written non-erasable black ink.
- b) Price(s) quoted must be valid for a period of 90 days from closing date.
- c) Price(s) quoted must be firm and must be inclusive of VAT, clearly indicating Price, VAT and Total Price.
- d) **The goods must be delivered after 2 weeks from date of official order.**
- e) This quotation will be evaluated in terms of the 80/20 preference point system as prescribed in the Preferential Procurement Regulations of 2017 and for this purpose **MBD 2, MBD 4, MBD 6.1, MBD 8 and MBD 9** forms which are available on the Municipal Website [www.twk.gov.za](http://www.twk.gov.za) must be completed and submitted together with your quotation.
- f) The successful provider will be the one scoring the highest points.
- g) A **Valid Tax Compliance Status Pin Certificate** and a copy of your **latest Municipal Account or Lease Agreement** should be attached to your quotation.
- h) **Council may accept a quotation in full, partially or not at all.**
- i) Payments will be made not later than 30 days, after the receipt of a tax invoice.
- j) Invoices must not be issued before goods / services have been supplied / rendered.
- k) The General Conditions of Contract will apply to this quotation inclusive of the mandatory Sec. 37(2) Agreement between client and bidder.
- l) Calculation errors will be corrected by the Municipality by using the unit prices.
- m) If a valid B-BBEE certificate or Sworn Affidavits is not attached, it will be interpreted that the preference points for B- BBEE status level or contribution are not claimed.
- n) If a valid B-BBEE certificate or Sworn Affidavits is attached and if points are not claimed in terms of MBD 6.1 it will be interpreted that the preference points for B- BBEE status level or contribution are not claimed.

- o) Please note that the Municipality will not request a valid B- BBEE certificate or Sworn Affidavits if such is not attached to the bidders tender at closing date of this tender.
- p) The municipality reserves the right to appoint the bidder scoring first, second and third highest preference points at any time during the duration of the contract. When the tenderer scoring the highest points cannot perform on the contract, the municipality has the right to purchase from the tenderer scoring the second highest points and if the second highest points scorer cannot perform on the contract, the municipality reserves the right to purchase from the tenderer scoring the third highest points.
- q) No Alternative offers will be accepted.

## **2. Bidders Obligations:**

### **2.1 Eligibility Criteria**

Only bidders who satisfy the following criteria are eligible to submit an offer: (This is a requirement on **submission** of bid)

#### **2.1.1 Pricing Instructions**

- In order to be considered for a contract in terms of this quotation, bidders are required to price on all items in the schedule of services required and sign.

#### **2.1.2 Specification Sheet**

- In order to be considered for a contract in terms of this quotation, the bidder must sign and declare compliance by **Schedule 1**.

## **3. The Employer's Undertakings**

### **3.1 Tests for Administrative Compliance**

Bidders may be found non-compliant if, inter alia: (these documents may be requested)

- The bidder has failed to complete and sign and attach requested information to all schedules not excluded in eligibility criteria;
- The bidder has failed to submit the MBD 2, MBD 4, MBD 8 and MBD 9 forms;
- The bidder has failed to submit a municipal account of where the head office of the company is registered or in case where the premise is leased, the bidder has failed to provide a copy of the lease of the premise;
- The bidder has failed to submit a valid Tax Compliance Status Pin Certificate, a valid Tax Compliance Status Pin Certificate may be requested; and
- The bidder has failed to submit a valid certified B-BBEE certificate or sworn affidavits, whereas points were claimed and a copy of certificate or affidavit was supplied, a certified copy of the B-BBEE certificate or sworn affidavit may be requested.
- The tenderer has failed to fully complete the MBD 6.2 schedule, it can be requested from the tenderer to fully complete and submit the schedule to the employer.

**NB: No quotations will be considered from persons in the service of the state**

Failure to comply with these conditions may invalidate your offer.

Yours faithfully

**SIGNATURE  
SUPPLY CHAIN MANAGEMENT**

**DATE: 21 October 2022**

**SCHEDULE OF SERVICES REQUIRED**

<u>NO</u>	<u>DESCRIPTION</u>	<u>QUANTITY</u>	<u>STORE ITEM CODE</u>	<u>UNIT PRICE</u>		<u>PRICE</u>	
				R	c	R	c
1	Industrial Energy Demand Meter & LTE Modems	6	0004862				
<b>NB:</b> <ul style="list-style-type: none"> <li>Please note that your total price must be inclusive of any other associated costs.</li> </ul>				Sub Total			
				Vat @ 15%			
				<b>Total</b>			

**DELIVERY ADDRESS:** Theewaterskloof Municipality  
 Caledon Store  
 Cemetery Road  
 Caledon  
 7230

I/We, the undersigned, do hereby declare that these are the properly priced Bill / Schedules of Quantities forming part of this Contract Document containing Pages in consecutive order upon which my/our Quotation No.

**JVN 02/2022/23- THE SUPPLY AND DELIVERY OF ENERGY DEMAND METERS & MODEMS TO THEEWATERSKLOOF MUNICIPALITY CALEDON**

has been based.

My/our total Contract Price for this work and above item (Total) is (in words)

.....

.....

\_\_\_\_\_  
**SIGNED ON BEHALF OF BIDDER:**

## SCHEDULE 1: SPECIFICATIONS

Bulk Industrial Demand Meter & Modem			
General			
<b>Nominal voltage Un:</b>			
3 x 58/100 to 69/120 V			
3 x 110/190 to 133/230 V			
3 x 220/380 to 240/415 V			
3 x 58/100 to 240/415 V			
Voltage range - 80 to 115%			
Nominal frequency fn - 50 or 60 Hz			
Frequency Tolerance - 2%			
Starting current IEC - 0.1% In			
Starting current Typical 0.07% In			
Starting power in single-phase - Nominal voltage x starting current			
Starting power in all phase - Nominal voltage x starting current x $\sqrt{3}$			
Nominal current In 1 A, 2 A, 5 A, 5  1 A			
Metrological for In = 1 A - 1.2 A, 2 A, 6 A, 10 A			
Metrological for In = 2 A - 2.4 A, 4 A			
Metrological for In = 5 A - 6 A, 10 A, 15 A, 20 A			
Metrological for In = 5  1 A - 6 A			
Overload for I <sub>max</sub> = 1.2 A ... 10 A 12 A			
Overload for I <sub>max</sub> = 15 A, 20 A 20 A			
Short-circuit current 0.5 s with 20 x I <sub>max</sub>			
Accuracy - Active energy, to IEC 62053-22 class 0.5 S			
Accuracy - Reactive energy, to IEC 62053-24 class 1 S			
Rated current In - 1.0 A, 5.0 A			
Minimum current I <sub>min</sub> - 0.01 A, 0.05 A			
Transitional current I <sub>tr</sub> - 0.05 A, 0.25 A			
Maximum current I <sub>max</sub> - 2.0 A, 10.0 A			
Measurement accuracy to EN 50470-3			
<b>Voltage failure (power-down):</b>			
Bridging time 0.5 s			
Data storage after another 0.2 s			
Switch off after approx. 2.5 s			
<b>Voltage restoration (power-up)</b>			
Function standby 3 phases after 2 s			
Function standby 1 phase after 5 s			
Detection of energy direction and phase voltage after 2 to 3 s			
<b>Power consumption per phase in voltage circuit, With communication unit, without auxiliary supply</b>			
3 x 58/100 to 69/120 V - 1.8 W 2.7 VA			
3 x 110/190 to 133/230 V - 1.8 W 3.5 VA			
3 x 220/380 to 240/415 V - 1.9 W 4.1 VA			
3 x 58/100 to 240/415 V - 1.9 W 4.1 VA			
<b>Power consumption per phase in current circuit:</b>			
Phase current	1 A	Active power (typical)	5 mW
	5 A		0.125 W
	10 A		0.5 W
Phase current	1 A	Apparent power (typical)	5 mVA
	5 A		0.125 VA
	10 A		0.5 VA
Temperature range to IEC 62052-11 - Metrological -40 °C to +70 °C			

-	Storage -40 °C to +85 °C	
Temperature coefficient:		
Range	-40 °C to +70 °C	
Average value (typical)	± 0.012% per K	
at cosφ=1 (from 0.05 Ib to Imax)	± 0.02% per K	
at cosφ=0.5 (from 0.1 Ib to Imax)	± 0.03% per K	
Ingress protection to IEC 60529 IP51		
Electrostatic discharges to IEC 61000-4-2	Air discharge 15 kV	
	Contact discharge 8 kV	
Electromagnetic RF fields to IEC 61000-4-3	80 MHz to 2 GHz 10 and 30 V/m	
Radio interference suppression according to IEC/CISPR 22		
Fast transient burst test IEC 61000-4-4	Current and voltage circuits	4 kV
	Auxiliary circuits > 40 V	2 kV
Surge test IEC 61000-4-5	Current and voltage circuits	4 kV
	Auxiliary circuits > 40 V	1 kV
Immunity to conducted disturbances IEC 61000-4-6:		
150 kHz to 80 MHz	10 V	
Insulation strength	4 kV at 50 Hz during 1 min.	
Impulse voltage 1.2/50 μs to IEC 62052-11		
Current and voltage circuits 8 kV		
Auxiliary circuits 6 kV		
Protection class II to IEC 62052-11		
Normal environmental conditions IEC 62052-31		
Overvoltage category	III	
Pollution degree	2	
Max. operating altitude	2000 m	
Calendar type Gregorian or Persian (Jalaali)		
Accuracy < 5 ppm		
Backup time (power reserve) meter:		
With supercapacitor	> 20 days	
Charging time for max. backup time	300 h	
With battery (optional)	10 years	
Battery type	CR-P2	
Battery temperature range	-40 °C to +55 °C	
Display Characteristics:		
Type	LCD (liquid crystal display)	
Digit size in value field	8 mm	
Number of digits in value field	up to 8	
Digit size in index field	6 mm	
Number of digits in index field	up to 8	
Inputs (passive) HLV, reinforced insulation by optocoupler:		
Number on base meter	3	
Number on extension board 420x	4	
Number on extension board 240x	2	
Control voltage Us	100 to 240 VAC	
Range	80 to 115 %	
Input current	< 0.8 mA at 230 VAC	
Inputs (passive) SELV, reinforced insulation by optocoupler		
Number on extension board 326x	3	
Control voltage Us	12 to 24 VDC	
Range	80 to 115 %	
Input current	< 1.5 mA at 24 VDC	
Inputs (active) SELV, reinforced insulation by optocoupler		
Active inputs, external closing contact required for activation (no control voltage necessary)		

Number on extension board 421x	4
Open circuit voltage (contact open)	< 5 V
Short-circuit current (contact closed)	< 5 mA
Max. contact resistance	< 500 Ohm
<b>Outputs (solid-state relay):</b>	
HLV or SELV, reinforced insulation by solid-state relay	
Voltage	12 to 240 VAC/DC
Max. current for each output	100 mA RMS
Max. switching frequency (pulse length 20 ms)	25 Hz
Contact resistance (typical)	13–18 Ohm
<b>Mechanical relay:</b>	
Number on extension board 326x	2
Number on extension board 421x	2
Max. voltage	250 VAC
Max. current for each relay	8 A
Max. current all relays together	8 A
Max. operations with $\cos\phi \sim 1$	100 000
Contact resistance (typical)	10 mΩ
Withstand across open contact	1000 V <sub>AC</sub>
Withstand between contacts	1500 V <sub>AC</sub>
<b>Communication interface:</b>	
Optical interface to IEC 62056-21	
Type	serial, asynchronous, half-duplex
Max. transmission rate	9600 bps
Protocols	IEC 62056-21 and DLMS
Exchangeable communication units for various applications	
<b>Additional power supply (optional):</b>	
HLV, reinforced insulation	
Nominal voltage range	100 to 240 V <sub>AC/DC</sub>
Tolerance	80 to 115% U <sub>n</sub>
Frequency	50 or 60 Hz
V <sub>IN</sub> = 80 V	- Max. power consumption 5.6 W / 8.4 VA
	- Max. current 105 mA
V <sub>IN</sub> = 276 V	- Max. power consumption 5.6 W / 12.4 VA
	- Max. current 45 mA
External dimensions	- Width 177 mm
	- Height (with standard terminal cover) 281.5 mm
	- Depth 75 mm
Housing material	- Polycarbonate, partly glass-fibre reinforced
<b>Connections:</b>	
Phase connections	- Type screw type terminals
	- Diameter 5.2 mm
	- Conductor cross-section 1.5 to 6 mm <sup>2</sup>
	- Screw head Pozidrive Combi No. 2
	- Screw dimensions M4 x 8
	- Screw head diameter ≤ 5.8 mm
	- Tightening torque (min...max) 1.0...1.7 Nm
Other connections	- Type screwless spring-type terminal
	- Max. current of voltage outputs 1 A

If the bidder fails to sign this schedule, it will be interpreted that the bidder does not comply with the Specifications and therefore will be regarded as being not eligible. I hereby declare that I comply with the Specifications.

\_\_\_\_\_  
Name of Bidder

\_\_\_\_\_  
Signature on Behalf of Tenderer

\_\_\_\_\_  
Date

# PART A

## INVITATION TO BID

<b>YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE THEEWATERSKLOOF MUNICIPALITY</b>					
Bid Number:	JVN 02/2022/23	Closing Date:	28 October 2022	Closing Time:	12:00
Description:	<b>THE SUPPLY AND DELIVERY OF ENERGY DEMAND METERS &amp; MODEMS TO THEEWATERSKLOOF MUNICIPALITY CALEDON</b>				
<b>THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (CONTRACT FOR THE RENDERING OF SERVICES)</b>					
Bid Response Documents may be Deposited in the Bid Box <b>NO. 2</b> situated at:					
<b>MUNICIPAL HEAD OFFICE</b>					
<b>06 PLEIN STREET</b>					
<b>CALEDON</b>					
<b>7230</b>					
<b>SUPPLIER INFORMATION</b>					
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:	
B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE [TICK APPLICABLE BOX]	<input type="checkbox"/> Yes  <input type="checkbox"/> No		B-BBEE STATUS LEVEL SWORN AFFIDAVIT  <input type="checkbox"/> Yes  <input type="checkbox"/> No		
<b>[A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE/ SWORN AFFIDAVIT (FOR EMES &amp; QSEs) MUST BE SUBMITTED IN ORDER TO QUALIFY FOR PREFERENCE POINTS FOR B-BBEE]</b>					
1. ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES /WORKS OFFERED?	<input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES ENCLOSE PROOF]		2. ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES /WORKS OFFERED?	<input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES, ANSWER PART B:3 ]	
3. TOTAL NUMBER OF ITEMS OFFERED			4. TOTAL BID PRICE	R	
5. SIGNATURE OF BIDDER	.....		6. DATE		
7. CAPACITY UNDER WHICH THIS BID IS SIGNED					
<b>BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO:</b>			<b>TECHNICAL INFORMATION MAY BE DIRECTED TO:</b>		
DEPARTMENT	SCM		CONTACT PERSON	Johannes Van Niekerk	
CONTACT PERSON	Zhané Parnell		TELEPHONE NUMBER	028 214 3300	
TELEPHONE NUMBER	028 214 3300		FACSIMILE NUMBER	N/A	
FACSIMILE NUMBER	028 212 1229		E-MAIL ADDRESS	<a href="mailto:johannesva@twk.gov.za">johannesva@twk.gov.za</a>	
E-MAIL ADDRESS	<a href="mailto:zhanepa@twk.gov.za">zhanepa@twk.gov.za</a>				

## PART B

### TERMS AND CONDITIONS FOR BIDDING

#### 1. BID SUBMISSION:

- 1.1. BIDS MUST BE DELIVERED BY THE STIPULATED TIME TO THE CORRECT ADDRESS. LATE BIDS WILL NOT BE ACCEPTED FOR CONSIDERATION.
- 1.2. **ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS PROVIDED--(NOT TO BE RE-TYPED) OR ONLINE**
- 1.3. THIS BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT AND THE PREFERENTIAL PROCUREMENT REGULATIONS, 2017, THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER SPECIAL CONDITIONS OF CONTRACT.

#### 2. TAX COMPLIANCE REQUIREMENTS

- 2.1 Bidders must ensure compliance with their tax obligations.
- 2.2 Bidders are required to submit their unique personal identification number (pin) issued by sars to enable the organ of state to view the taxpayer's profile and tax status.
- 2.3 Application for the tax compliance status (tcs) certificate or pin may also be made via e-filing. In order to use this provision, taxpayers will need to register with sars as e-filers through the website [www.sars.gov.za](http://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)? | <input type="checkbox"/> YES <input type="checkbox"/> NO |
| 3.2. DOES THE ENTITY HAVE A BRANCH IN THE RSA?                       | <input type="checkbox"/> YES <input type="checkbox"/> NO |
| 3.3. DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA?      | <input type="checkbox"/> YES <input type="checkbox"/> NO |
| 3.4. DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA?           | <input type="checkbox"/> YES <input type="checkbox"/> NO |
| 3.5. IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION?       | <input type="checkbox"/> YES <input type="checkbox"/> 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.**

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

SIGNATURE OF BIDDER:.....

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



## MBD 2 – 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 Services (SARS) to meet the bidder's tax obligations.

1. In order to meet this requirement, bidders are required to complete in full the TCC 0001 form, "Application for a Tax Clearance Certificate" and submit it to any SARS branch office nationally or on the website [www.sars.gov.za](http://www.sars.gov.za). The Tax Clearance Certificate Requirements are also applicable to foreign bidders / individuals who wish to submit bids.

2. Applications for the Tax Clearance Certificates may also be made via e-Filing. In order to use this provision, taxpayers will need to register with SARS as e-Fileers through the website [www.sars.gov.za](http://www.sars.gov.za)

3. 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.

4. In bids where Consortia / Joint Ventures / Sub-Contractors are involved, each party must submit a separate Tax Clearance Certificate.

5. Tax Compliance Status (TCS) Pin as of 18 April 2016

- a. In terms of the new Tax Compliance Status System implemented by SARS on 18 April 2016, taxpayers are now able to issue the municipality with a TCS Pin which can be used to verify a bidder's tax status online via SARS E-filing.
- b. The taxpayer must issue the municipality with the following:

Bidders who are not in possession of an original Tax Clearance Certificate must provide at least 2 of the 3 numbers listed below in order to verify the Tax Clearance Certificate via SARS e-filing.

<b>1. Tax Reference Number</b>	
<b>2. Tax Compliance Status Pin</b>	
<b>3. Tax Clearance Certificate Number:</b>	

c. If a bidder is registered on the Theewaterskloof Municipality Supplier's Database and the Municipality is already in possession of an original tax clearance certificate which is valid on closing date of bid, it MUST be indicated as such on this page, whereby the attaching of a new tax clearance certificate to this page will not be needed.

6. Should a Tax Clearance Certificate not be verifiable on the SARS e-filing system, the bidder will be afforded an opportunity to submit a valid, verifiable Tax Clearance Certificate. It will result in the invalidation of the bid, should the bidder fail to provide a valid, verifiable Tax Clearance Certificate.

**SCHEDULE 2:  
MBD 4 – DECLARATION OF INTEREST**

1. No bid will be accepted from persons in the service of the state<sup>1</sup>.
2. Any person, having a kinship with persons in the service of the state, including a blood relationship, may make an offer or offers in terms of this invitation to bid. In view of possible allegations of favouritism, should the resulting bid, or part thereof, be awarded to persons connected with or related to persons in service of the state, it is required that the bidder or their authorised representative declare their position in relation to the evaluating/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, shareholder<sup>2</sup>):.....

3.4 Company Registration Number: .....

3.5 Tax Reference Number:.....

3.6 VAT Registration Number: .....

3.7 The names of all directors / trustees / shareholders members, their individual identity numbers and state employee numbers must be indicated in paragraph 4 below.

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

3.8.1 If yes, furnish particulars. ....

.....

.....

<sup>1</sup>MSCM Regulations: "in the service of the state" means to be –

- (a) a member of –
  - (i) any municipal council;
  - (ii) any provincial legislature; or
  - (iii) the national Assembly or the national Council of provinces;
- (b) a member of the board of directors of any municipal entity;
- (c) an official of any municipality or municipal entity;
- (d) an employee of any national or provincial department, national or provincial public entity or constitutional institution within the meaning of the Public Finance Management Act, 1999 (Act No.1 of 1999);
- (e) a member of the accounting authority of any national or provincial public entity; or
- (f) an employee of Parliament or a provincial legislature.

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

3.9 Have you been in the service of the state for the past twelve months? **YES / NO**

3.9.1 If yes, furnish particulars.....  
.....

3.10 Do you have any relationship (family, friend, other) with persons in the service of the state and who may be involved with the evaluation and or adjudication of this bid? **YES / NO**

3.10.1 If yes, furnish particulars.  
.....  
.....

3.11 Are you, aware of any relationship (family, friend, other) between any other bidder and any persons in the service of the state who may be involved with the evaluation and or adjudication of this bid? **YES / NO**

3.11.1 If yes, furnish particulars  
.....  
.....

3.12 Are any of the company's directors, trustees, managers, principle shareholders or stakeholders in service of the state? **YES / NO**

3.12.1 If yes, furnish particulars.  
.....  
.....

3.13 Are any spouse, domestic partner, dependent child or relative living in a common household, a grandparent, parent, nondependent child, grandchild, brother or sister, a parent-in-law, a brother-in-law or a sister-in-law of the company's directors trustees, managers, principle shareholders or stakeholders in service of the state? **YES / NO**

3.13.1 If yes, furnish particulars.  
.....  
.....  
.....  
.....  
.....  
.....

3.14 Do you or any of the directors, trustees, managers, principle shareholders, or stakeholders of this company have any interest in any other related companies or business whether or not they are bidding for this contract. **YES / NO**

3.14.1 If yes, furnish particulars:  
.....  
.....  
.....  
.....

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

Full Name	Identity Number	State Employee Number

.....  
Signature

.....  
Date

.....  
Capacity

.....  
Name of Bidder

**MBD 6.1 – PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL  
PROCUREMENT REGULATIONS 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.

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	80
B-BBEE STATUS LEVEL OF CONTRIBUTOR	20
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) **“price”** 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;

## 3. FORMULAE FOR PROCUREMENT OF GOODS AND SERVICES

### 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 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**

- 5.1 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 (80/20 system)
1	20
2	18
3	14
4	12
5	8
6	6
7	4
8	2
<b>Non-compliant contributor</b>	0

**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 CONTRIBUTOR CLAIMED IN TERMS OF PARAGRAPHS 1.4 AND 5.1**

- 7.1 B-BBEE Status Level of Contributor: ..... = ..... (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 relevant proof of B-BBEE status level of contributor.

**8. SUB-CONTRACTING**

- 8.1 Will any portion of the contract be sub-contracted?

(Tick applicable box)

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

- 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 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		
<b>OR</b>		
Any EME		
Any QSE		

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 **MUNICIPAL INFORMATION**

**Municipality where business is situated:** .....

**Registered Account Number:** .....

**Stand Number:**.....

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



9.9 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 .....

.....

.....

## MBD 8 – 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 of Restricted Suppliers as companies or persons 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 Accounting Officer/Authority of the institution that imposed the restriction after the audi alteram partem rule was applied).</p> <p><b>The Database of Restricted Suppliers now resides on the National Treasury's website (<a href="http://www.treasury.gov.za">www.treasury.gov.za</a>) and can be accessed by clicking on its link at the bottom of the home page.</b></p>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.1.1	If so, furnish particulars:		
4.2	<p>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)?</p> <p><b>The Register for Tender Defaulters can be accessed on the National Treasury's website (<a href="http://www.treasury.gov.za">www.treasury.gov.za</a>) by clicking on its link at the bottom of the home page.</b></p>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.2.1	If so, furnish particulars:		
4.3	<p>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?</p>	Yes <input type="checkbox"/>	No <input type="checkbox"/>

4.3.1	If so, furnish particulars:		
<b>Item</b>	<b>Question</b>	<b>Yes</b>	<b>No</b>
4.4	Does the bidder or any of its directors owe any municipal rates and taxes or municipal charges to the municipality / municipal entity, or to any other municipality / municipal entity, that is in arrears for more than three months?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.4.1	If so, furnish particulars:		
4.5	Was any contract between the bidder and the municipality / municipal entity or any other organ of state terminated during the past five years on account of failure to perform on or comply with the contract?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.5.1	If so, furnish particulars:		

### CERTIFICATION

I, THE UNDERSIGNED (FULL NAME) .....

CERTIFY THAT THE INFORMATION FURNISHED ON THIS DECLARATION FORM TRUE AND CORRECT.

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

.....  
**Signature**

.....  
**Date**

.....  
**Position**

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

## MBD 9 – CERTIFICATE OF INDEPENDENT BID DETERMINATION

- 1 This Municipal Bidding Document (MBD) must form part of all bids<sup>1</sup> invited.
- 2 Section 4 (1) (b) (iii) of the Competition Act No. 89 of 1998, as amended, prohibits an agreement between, or concerted practice by, firms, or a decision by an association of firms, if it is between parties in a horizontal relationship and if it involves collusive bidding (or bid rigging).<sup>2</sup> Collusive bidding is a *pe se* prohibition meaning that it cannot be justified under any grounds.
- 3 Municipal Supply Regulation 38 (1) prescribes that a supply chain management policy must provide measures for the combating of abuse of the supply chain management system, and must enable the accounting officer, among others, to:
  - a. take all reasonable steps to prevent such abuse;
  - b. reject the bid of any bidder if that bidder or any of its directors has abused the supply chain management system of the municipality or municipal entity or has committed any improper conduct in relation to such system; and
  - c. cancel a contract awarded to a person if the person committed any corrupt or fraudulent act during the bidding process or the execution of the contract.
- 4 This MBD serves as a certificate of declaration that would be used by institutions to ensure that, when bids are considered, reasonable steps are taken to prevent any form of bid-rigging.
- 5 In order to give effect to the above, the attached Certificate of Bid Determination (MBD 9) must be completed and submitted with the bid:

<sup>1</sup> Includes price quotations, advertised competitive bids, limited bids and proposals.

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

## CERTIFICATE OF INDEPENDENT BID DETERMINATION

I, the undersigned, in submitting the accompanying bid:

---

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

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

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**