

## **TWK 2 CLOSED QUOTATION**

# LP 03/2025/26 - LEASING OF A 1-TON MINI EXCAVATOR TO GRABOUW SPORTSFIELD

CLOSING DATE: 07 November 2025		CLOSING TIME	: 12:00
NAME OF BIDDER*	:		
ADDRESS*	:		
TEL NUMBER*	:		
FAX NUMBER*			
E MAIL*			
QUOTATION AMOUNT (VAT INCLUDED) *	·		

Prepared by:
Theewaterskloof Municipality
6 Plein Street
P.O.Box 24
Caledon
7230

Telephone: +27 (28) 2143300 Fax: +27 (28) 2141289 Website: www.twk.gov.za



P.O. BOX 24 CALEDON 7230 TEL: 028 – 214 3300

Dear Sir / Madam

# REQUEST FOR FORMAL WRITTEN PRICE QUOTATIONS QUOTATION NUMBER: LP 03/2025/26

Kindly provide us with a written quotation for:

#### LEASING OF A 1-TON MINI EXCAVATOR TO GRABOUW SPORTSFIELD

The detailed project description and schedules are attached or can be obtained from **Mr. L. Parnell** at Tel: **028 214 3300** or e-mail: lesterpa@twk.gov.za, as well as technical enquiries.

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: **Mr. L. Parnell**, **QUOTATION NO: LP 03/2025/26** 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**, 07 **November 2025**, immediately after which the quotations will be opened, and the opening results will be published within 3 days after the closing date on the Theewaterskloof Municipality's website.(www.twk.gov.za).

#### 1. Standard Conditions of Quotation:

#### The following conditions will apply:

- a) Quotations must be completed in handwriting with black ink.
- b) Prices must be valid for at least sixty (60) days from the date of your offer.
- c) Price(s) quoted must be firm and must be inclusive of VAT, clearly indicating Price, VAT and Total Price.
- d) The construction machinery must be delivered within three (3) days 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 2022 and for this purpose the MBD 2, MBD 4, MBD 6.1,MBD 8 & MBD 9 forms which are available on the Municipal Website <a href="www.twk.gov.za">www.twk.gov.za</a> must be completed and submitted together with your quotation subject to the test for administrative compliance.
- 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 / Lease Agreement must be attached to your quotation subject to the test for administrative compliance.
- 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) General Conditions of Contract will apply.
- I) Calculation errors will be corrected by the Municipality by using the unit prices.
- m) If a valid certified B-BBEE certificate, EME or QSE affidavit 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 certified B-BBEE certificate, EME or QSE affidavit is attached and points are not claimed in terms of the 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 certified 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).

#### 2.1.1 Pricing Instruction

 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 to declare compliance.

#### 2.1.2 Special Conditions of Contract

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

#### 2.1.3 Specifications

• In order to be considered for a contract in terms of this quotation, bidders must sign and declare compliance by **Schedule 2.** 

#### 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 responsiveness 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 certified B-BBEE certificate, EME or QSE
  affidavit, whereas points were claimed, and a copy of certificate or affidavit was
  supplied, a certified copy of the B-BBEE certificate, EME or QSE affidavit may be
  requested.

DATE: 31 October 2025

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

### **SCHEDULE OF SERVICES REQUIRED**

		(A) 2	X (B)		= (A) X (B)	
NO.	DESCRIPTION	ESTIMATED QUANTITY	UNIT PRICE		PRICE	
			R	С	R	С
1	1-Ton Mini Excavator (Wet Rate)	80hrs.				
	Establishment & De – establishment	each				
			Sub	Total		
			VAT @	) 15%		
			ESTIMATED T	OTAL		

\*NB: Prices must be inclusive of all associated costs.

**<u>DELIVERY ADDRESS:</u>** Theewaterskloof Municipality

**Grabouw Sportsfield** 

7160

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: LP 03/2025/26 – LEASING OF A 1-TON MINI EXCAVATOR TO GRABOUW SPORTSFIELD, has been based.

My/our total Contract Price for this world	k and above items (Total) is (in words)
SIGNED ON BEHALF OF BIDDER:	·······
NAME OF BIDDER:	
DATE:	•

### SCHEDULE 1: SPECIAL CONDITIONS OF CONTRACT

#### 1. DELIVERY TIME

The Contractor will be given an official order for the exact number of hrs. required of the plant required in advance and the contractor must deliver the required plant within 3 working days from date of order to the site. If the Contractor cannot deliver the plant within specified time or cannot deliver at all, the municipality must be notified immediately in writing upon receipt of official order stating reason/s for non-delivery and the municipality will decide whether reason/s is valid or not.

#### 2.1 BREAKAGES

In the event of a breakdown, a mechanic must be on site within 6 hours or the plant must be replaced within 8hours immediately thereafter at the supplier's cost.

#### 2.2 FUEL SHORTAGES

It is expected by the supplier in cases of fuel shortage that sufficient fuel is available at all times. No standing time for such cases shall be claimed.

#### 2. DELIVERY ACCEPTANCE

No deliveries of plant will be acknowledged for which the Contractor cannot produce a logbook.

Contractor must off-load Plant themselves and must wear and use protective clothing and equipment when doing so. All necessary resources must be accompanied when off-loading occurs.

Address of delivery unless otherwise stated is in Grabouw.

#### 3. STANDING TIME

Tenderer will be liable for all costs that the municipality will be held liable for with reference to standing time

#### 4. PRICE ALL INCLUSIVE

The prices tendered must price an all-inclusive for all costs involved.

#### 5. INSURANCE CLAIMS, ETC.

The Municipality shall not be liable in respect of any claims, damage, accidents, etc. to persons, properties, vehicles, rights, etc., which may arise from the carrying out of this contract.

The Contractor shall insure all laborers, drivers and all plant involved in the fulfillment of this contract and shall indemnify the Municipality against all risks and claims.

#### 6. PAYMENTS

Payments will be made to the Contractor no later than 30 days after receiving of tax invoice for work done up to date.

The invoice rendered to the Municipality shall be checked in comparison with the duplicate of the logbook and no payment whatsoever shall be made in respect of any plant on the account unless the amount for hours has been verified in this manner to the satisfaction of the Contract Manager.

#### 10. PROCUREMENT FROM OTHER SUPPLIERS

The Municipality may procure plant in terms of this contract, from another supplier. This Contract therefore does not bind the Municipality to procure plant from adjudicated bidder / supplier.

#### 11. DRIVER/OPERATORS

Contractor /Supplier must ensure that operators/drivers is in possession of a valid certificate for operating the plant.

#### 12. GENERAL CONDITIONS

- The construction vehicles provided must comply with Regulation 23 of the Construction Regulation of 2014.
- All vehicle/operators must have a logbook on site and must be signed when vehicle starts working and be signed off when vehicle stops working by an authorized municipal official.
- No time will be deducted for travelling time. Only physical hours worked on site will account to the required working hours.
- Minimum working hours will be considered as 6 working hours per day.
- Establishment fee must include de-establishment fee.

#### 13. LETTER OF GOOD STANDING

In terms of Section 80(3) of the Act, an employer is obliged to register with the Compensation Fund within seven (7) days from date on which the first employee(s) was/were appointed. If the bidder is the successful bidder, Theewaterskloof Municipality needs to ensure compliance with section 80(3).

#### 14. PUBLIC LIABILITY INSURANCE

Prior to contract signature the successful bidder must proof of having Public Liability Assurance and must be submitted to the value requested.

If the bidder fails to sign this schedule, it will be interpreted that the bidder does not comply with the special conditions of contract and therefore will be regarded as being not eligible.

I hereby declare that I comply with the special conditions of contract.

Name of Bidder	Signature on Behalf of Tenderer	Date

# SCHEDULE 2: SPECIFICATIONS

#### Minimum specifications for mini excavator:

• Operating Weight: ~1000 kg

Engine Power: ~7.6 kW (10.2 HP)
 Bucket Capacity: ~0.025 to 0.09m³

• **Dimensions (L x W x H):** ~2174 mm x 850 mm x 2250 mm

Maximum Digging Depth: ~1700 mm
 Maximum Digging Height: ~2800 mm

Digging Force: ~26.5 KN
 Track Width: ~300 mm
 Track Material: Steel

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							
YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE THEEWATERSKLOOF MUNICIPALITY							
Bid Number:	LP 03/2025/26	Closing Date:	07 Nover	mber 20	25 Closin	g Time	e: <b>12:00</b>
Description:	LEASING OF A 1-TON						
	THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (CONTRACT FOR THE RENDERING OF SERVICES)						
	cuments may be Deposited in	the Bid Box NO. 2 situate	ed at:				
	MUNICIPAL HEAD OFFICE						
CALEDON	6 PLEIN STREET						
7230							
SUPPLIER INFO	RMATION						
NAME OF BIDDE	R						
CONTACT PERS	ON						
POSTAL ADDRE	SS						
STREET ADDRE	SS				T	г—	
TELEPHONE NU	MBER	CODE			NUMBER		
CELLPHONE NU	MBER					Ι	
FACSIMILE NUM	BER	CODE			NUMBER		
E-MAIL ADDRES	S						
VAT REGISTRAT	ION NUMBER			1	<u> </u>		
TAX COMPLIANO	E STATUS	TCS PIN:		OR	CSD No:		
	LEVEL VERIFICATION	☐Yes			E STATUS	ПΥ	⁄es
CERTIFICATE [TICK APPLICABI	_E BOX1	_		LEVEI   AFFID	L SWORN DAVIT		
-	-	No	ORN A	FFIDA)	VIT (FOR FMF)	1 <u> </u>	
	[A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE/ SWORN AFFIDAVIT (FOR EMES & QSEs) MUST BE SUBMITTED IN ORDER TO QUALIFY FOR PREFERENCE POINTS FOR B-BBEE]						
					ARE YOU A		
4 ADE VOLLE	IE ACOBEDITED				FOREIGN BASE	)	
1. ARE YOU TH	TATIVE <b>IN SOUTH</b>				SUPPLIER FOR THE GOODS		
	R THE GOODS	∏Yes □	No	l l	SERVICES		□Yes □No
	WORKS OFFERED?		7110	l l	WORKS		
,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,		[IF YES ENCLOSE PRO	OF]	l l	OFFERED?		[IF YES, ANSWER PART B:3]
3. TOTAL NUM OFFERED	IBER OF ITEMS			4.	TOTAL BID PRIC	ÈΕ	R
	OF BIDDER					-	
	JNDER WHICH THIS BID			6.	DATE		
IS SIGNED		DIDEATED TO			INICODE A TRACT		DE DIDEATED TO
	DURE ENQUIRIES MAY BE						BE DIRECTED TO:
DEPARTMENT	ON	SCM Bulban Andrias			PERSON		Lester Parnell
CONTACT PERS TELEPHONE NU		Ruhan Andries 028 214 3300			E NUMBER NUMBER		)28 214 3300 N/A
FACSIMILE NUM		028 212 1229		AIL ADD			esterpa@twk.gov.za

ruhanan@twk.gov.za

E-MAIL ADDRESS

# PART B TERMS AND CONDITIONS FOR BIDDING

1.	BID SUBMISSION:		
1.1.	BIDS MUST BE DELIVERED BY THE STIPULATED TIME TO THE CORRECT ADDRE CONSIDERATION.	SS. LATE BIDS WILL NOT BE ACCEPTED FOR	
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 FF PROCUREMENT REGULATIONS, 2022, THE GENERAL CONDITIONS OF CONTRA SPECIAL CONDITIONS OF CONTRACT.		
	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 taxpayer's profile and tax status.	by sars to enable the organ of state to view the	
2.3	Application for the tax compliance status (tcs) certificate or pin may also be made via eneed to register with sars as e-filers through the website <a href="www.sars.gov.za">www.sars.gov.za</a> .	filing. In order to use this provision, taxpayers will	
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		
	QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS  IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)?	☐ YES ☐ NO	
3.1.		☐ YES ☐ NO ☐ YES ☐ NO	
3.1. 3.2.	IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)?		
3.1. 3.2. 3.3.	IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)?  DOES THE ENTITY HAVE A BRANCH IN THE RSA?	☐ YES ☐ NO	
3.1. 3.2. 3.3. 3.4.	IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)?  DOES THE ENTITY HAVE A BRANCH IN THE RSA?  DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA?	YES NO	
3.1. 3.2. 3.3. 3.4. 3.5.	IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)?  DOES THE ENTITY HAVE A BRANCH IN THE RSA?  DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA?  DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA?	YES NO YES NO YES NO YES NO YES NO REGISTER FOR A TAX COMPLIANCE STATUS	
3.1. 3.2. 3.3. 3.4. 3.5.	IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)?  DOES THE ENTITY HAVE A BRANCH IN THE RSA?  DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA?  DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA?  IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION?  HE ANSWER IS "NO" TO ALL OF THE ABOVE, THEN IT IS NOT A REQUIREMENT TO	YES NO YES NO YES NO YES NO YES NO REGISTER FOR A TAX COMPLIANCE STATUS TREGISTER AS PER 2.3 ABOVE.	
3.1. 3.2. 3.3. 3.4. 3.5.	IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)?  DOES THE ENTITY HAVE A BRANCH IN THE RSA?  DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA?  DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA?  IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION?  HE ANSWER IS "NO" TO ALL OF THE ABOVE, THEN IT IS NOT A REQUIREMENT TO TEM PIN CODE FROM THE SOUTH AFRICAN REVENUE SERVICE (SARS) AND IF NO  NB: FAILURE TO PROVIDE ANY OF THE ABOVE PARTICULARS MAY RENDER	YES NO YES NO YES NO YES NO YES NO REGISTER FOR A TAX COMPLIANCE STATUS TREGISTER AS PER 2.3 ABOVE.	

## 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. 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-Filers through the website <a href="https://www.sars.gov.za">www.sars.gov.za</a>
- 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.

1. Tax Reference Number	
2. Tax Compliance Status Pin	
3. Tax Clearance Certificate Number:	

- 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

- No bid will be accepted from persons in the service of the state¹.
- 2. Any person, having a kinship with persons in the service of the state, including a blood relationship, may make an offer or offers in terms of this invitation to bid. In view of possible allegations of favouritism, should the resulting bid, or part thereof, be awarded to persons connected with or related to persons in service of the state, it is required that the bidder or their authorised representative declare their position in relation to the evaluating/adjudicating authority.

In sul	order to give effect to the above, the following questionnaire must be completed a bmitted with the bid.	and
3.1	Full Name of bidder or his or her representative:	
3.2	Identity Number:	
3.3	Position occupied in the Company (director, trustee, hareholder²):	
3.4	Company Registration Number:	
3.5	Tax Reference Number:	
3.6	VAT Registration Number:	
3.7	The names of all directors / trustees / shareholders members, their individual identity numbers and state employee numbers must be indicated in paragraph 4 below.	
3.8	Are you presently in the service of the state?	
	3.8.1 If yes, furnish particulars.	
	ş	

- <sup>1</sup>MSCM Regulations: "in the service of the state" means to be
  - (a) a member of -

3

- (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 y	you been in the service of the state for the past twelve months?	YES / NO
	3.9.1	If yes, furnish particulars	
3.10	in the s	u have any relationship (family, friend, other) with persons service of the state and who may be involved with aluation and or adjudication of this bid?	YES / NO
	3.10.1	If yes, furnish particulars.	
0.44			······
	any oth	u, aware of any relationship (family, friend, other) between her bidder and any persons in the service of the state who hinvolved with the evaluation and or adjudication of this bid?	YES / NO
	3.11.1	If yes, furnish particulars	
		······································	99999
			•••••
3.12 l	Are any principle	y of the company's directors, trustees, managers, e shareholders or stakeholders in service of the state?	YES / NO
	3.12.1	If yes, furnish particulars.	
0.40	•		
į	grandpa in-law o	r spouse, domestic partner, dependent child or relative living in a com arent, parent, nondependent child, grandchild, brother or sister, a pare or a sister-in-law of the company's directors trustees, managers, principlers in service of the state?	ent-in-law, a brother
;	3.13.1	If yes, furnish particulars.	
		55.u56565	
		\$00-W-0-E-0-8000	
3.14 [	Do you e	or any of the directors, trustees, managers, principle shareholders, or	stakeholders of this
C	omnan	y have any interest in any other related companies or	
		1 () () () () () () () () () () () () ()	YES / NO
b	ousiness	s whether or not they are bidding for this contract.  If yes, furnish particulars:	
b	ousiness	s whether or not they are bidding for this contract.	
b	ousiness	s whether or not they are bidding for this contract.  If yes, furnish particulars:	z
b	ousiness	s whether or not they are bidding for this contract.  If yes, furnish particulars:	

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

Full Name	Identity Number	State Employee Number
=======================================		
		1
ignature	Date	80 · · · 00 · · ·
apacity	Name of Bidder	aa

## 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

#### 1. 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 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 To be completed by the organ of state

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.

#### 2. **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).

#### 3. FORMULAE FOR PROCUREMENT OF GOODS AND SERVICES

#### 3.1. POINTS AWARDED FOR PRICE

#### 3.1.1 THE 80/20 OR 90/10 PREFERENCE POINT SYSTEMS

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

 $Ps = 80\left(1-rac{Pt-P\,min}{P\,min}
ight)$  or  $Ps = 90\left(1-rac{Pt-P\,min}{P\,min}
ight)$ 

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:

 $Ps = 80\left(1 + rac{Pt-P\,max}{P\,max}
ight)$  or  $Ps = 90\left(1 + rac{Pt-P\,max}{P\,max}
ight)$ 

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 90/10 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 90/10 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 90/10 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 90/10 and 80/20 preference point system.

#### POINTS AWARDED FOR B-BBEE STATUS LEVEL OF CONTRIBUTOR

B-BBEE status level of contributor	Number of points allocated in terms of B- BBEE score card	Points claimed by the bidder (bidder to indicate
1	10	5
2	9	4.5
3	8	4
4	6	2.5
5	4	2
6	3	1.5
7	2	1
8	1	0.5
Non-Compliant contributor	0	0

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

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 and proof thereof attached)
BBBEE (10)	LEVEL POINTS ÷ 2	
	(For example, Level 1 = 20 Points ÷ 2 = 10)	
LOCALITY (10)  (Latest Municipal account/ Lease agreement in the name of the company must be attached to claim points)	Within the boundaries of Theewaterskloof Municipality  10  Within the boundaries of Overberg District  6	
	Within the boundaries of Western Cape	
	4	
	Outside of the boundaries of Western Cape	
	0	

POINTS WILL BE ALLOCATED AS FOLLOWS BETWEEN R 30 000 – R 300 000		POINTS CLAIMED
	POINTS	
PRICE	80	
SPECIFIC PARTICIPATION GOALS		
Within the boundaries of Theewaterskloof Municipality	10	
Within the boundaries of Overberg District	6	
Within the boundaries of Western Cape	4	
Outside of the boundaries of Western Cape 0		
BBBEE SCORE CARD		
BBBEE points	10	
Total	100	

### **DECLARATION WITH REGARD TO COMPANY/FIRM**

4.3.	Name of company/firm	
4.4.	Company registration number:	
4.5.	TYPE OF COMPANY/ FIRM	
	<ul> <li>□ Partnership/Joint Venture / Consortium</li> <li>□ One-person business/sole propriety</li> <li>□ Close corporation</li> </ul>	

	<ul> <li>□ Public Company</li> <li>□ Personal Liability Company</li> <li>□ (Pty) Limited</li> <li>□ Non-Profit Company</li> <li>□ State Owned Company</li> <li>[TICK APPLICABLE BOX]</li> </ul>
4.6.	Sub-Contractor
4.6.1 W	/ill any portion of the contract be sub-contracted?
	[TICK APPLICABLE BOX]  YES   NO
4.6.2 If	yes, indicate:
	i) What percentage of the contract will be sub-contracted
	iii)The B-BBEE status level of the sub-contractor
	iv) Whether the sub-contractor is an EME or QSE
	[TICK APPLICABLE BOX]

- 4.7. 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;

NO

YES

- 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;
  - 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:		

#### MBD 8 - DECLARATION OF BIDDER'S PAST SUPPLY CHAIN MANAGEMENT PRACTICES

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

4.1	Question  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).	Yes Yes	No No
	The Database of Restricted Suppliers now resides on the National Treasury's website ( <a href="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.		
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 ( <a href="https://www.treasury.gov.za">www.treasury.gov.za</a> ) 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:			
			· ·	
4.2		y / municipal entity, or to	Yes Yes	No No
4.4.	1 If so, furnish particulars:			
4.5	entity or any other organ of state terminated on account of failure to perform on or comply	during the past five years	Yes	No
4.5.	1 If so, furnish particulars:			
	CERTI	FICATION		
	UNDERSIGNED (FULL NAME)			COPPECT
I ACC	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.			
Signat	ture	Date		
Positi	on	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.
- 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.
- 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;
  - 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.
- 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.
- 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>&</sup>lt;sup>1</sup> Includes price quotations, advertised competitive bids, limited bids and proposals.

<sup>&</sup>lt;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

the undersigned, in submitting the accompanying bid:	
(Bid Number and Description)	
n response to the invitation for the bid made by:	
(Name of Municipality / Municipal Entity)	
o hereby make the following statements that I certify to be true and complete in every resp	ect:
certify, on behalf of:t	that:
(Name of Bidder)	

- 1. I have read and I understand the contents of this Certificate:
- I understand that the accompanying bid will be disqualified if this Certificate is found not to be true and complete in every respect;
- I am authorized by the bidder to sign this Certificate, and to submit the accompanying bid, on behalf of the bidder;
- 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;
  - 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.
- 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>&</sup>lt;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.

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.

I am aware that, in addition and without prejudice to any other remedy provided to combat any

Signature	Date
Position	Name of Bidder

10.