



**PART A
REQUEST FOR QUOTATION**

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE MAKHADO LOCAL MUNICIPALITY

QUOTE NUMBER:	MAK48/ 2024	CLOSING DATE:	28 JUNE 2024	CLOSING TIME:	12H00
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DESCRIPTION	PROVISION OF HEALTH CARE RISK WASTE COLLECTION AND TREATMENT SERVICES FOR THE PERIOD OF THREE MONTHS
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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

POSTAL ADDRESS:

PRIVATE BAG X 2596, MAKHADO, 0920

STREET ADDRESS

CIVIC CENTRE, 83 KROGH STREET, MAKHADO.0920

SUPPLIER INFORMATION

NAME OF BIDDER

POSTAL ADDRESS

STREET ADDRESS

TELEPHONE NUMBER	CODE	NUMBER
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CELLPHONE NUMBER

FACSIMILE NUMBER	CODE	NUMBER
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E-MAIL ADDRESS

VAT REGISTRATION NUMBER

TAX COMPLIANCE STATUS	TCS PIN:	OR	CSD No:
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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
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[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 THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES /WORKS OFFERED?	<input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES ENCLOSE PROOF]	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]
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TOTAL NUMBER OF ITEMS OFFERED	TOTAL BID PRICE	R
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SIGNATURE OF BIDDER	DATE
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CAPACITY UNDER WHICH THIS BID IS SIGNED

BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO: TECHNICAL INFORMATION MAY BE DIRECTED TO:

DEPARTMENT	BUDGET AND TREASURY	CONTACT PERSON	MS M.B MOROTOBA
CONTACT PERSON	MS P MUDAU	TELEPHONE NUMBER	015 519 3001
TELEPHONE NUMBER	015 519 3044	FACSIMILE NUMBER	015 516 6145
FACSIMILE NUMBER	015 516 6145	E-MAIL ADDRESS	
E-MAIL ADDRESS	phophimu@makhado.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, 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.
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:

DATE:

MAKHADO MUNICIPALITY

QUOTE NO. MAK48/2024

PROVISION OF HEALTH CARE RISK WASTE COLLECTION AND TREATMENT SERVICES FOR THE PERIOD OF THREE MONTHS

Suitable and qualified service providers are invited to quote for Provision of Health Care Risk Waste Collection and Treatment Services for the period of three months.

NB: Compulsory Briefing session will be held on 21 June 2024 at 10:00 at Makhado Municipality, Council Chamber.

TERMS OF REFERENCE

1.PURPOSE

Makhado Local Municipality (hereafter referred to as “the Municipality”) hereby extends an invitation to all service providers with relevant experience in similar projects, supported by recommendation/ reference and appointment letters (from service recipients) to submit a detailed proposal/ specification for the provision of safe, effective and efficient Health Care Risk Waste (HCRW) management in all Makhado municipal female toilets for a period of three (3) months.

2.OBJECTIVES

The Health Care Waste must be managed to:

- To avoid and/or reduce the impact of HCW on the environment and human health;
- To reduce costs of managing HCW; and
- Ensure compliance with legislation.

3.BACKGROUND

The National Environmental Management: Waste Act (Act No. 59, 2008) prescribes that every producer of waste must manage that waste from the point of generation to the point of disposal. The Municipality as one of the generators of HCRW is inviting prospective bidders to submit bids for the collection of HCRW in the municipal toilets in four regions namely Makhado region, Luvuvhu region, Waterval region and Dzanani region.

4.WASTE MANAGEMENT PRINCIPLES

There are principles that inform good HCRW management standards:

- The Duty of Care that places the onus on any organization that generates the HCW to dispose of the waste safely;
- The Polluter Pays principle that requires an organization causing the pollution to pay the costs incurred;
- The Precautionary Principle that assumes that all waste generated is hazardous “until it can be proven otherwise”; and
- The principle of Segregation at Source HCRW to ensure that all the HCW is treated in accordance with the risk that it poses.

5.APPLICABLE LEGISLATION

The bidder/s must ensure compliance with the minimum standards set out in the latest versions of the following standards and legislation (plus any other relevant statute that may come into effect during the service period):

- South African Constitution (Act 108 of 1996) (specifically Section 24: the health and well-being of all involved and Section 32: Access to information);
- National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008);
- Waste Classification and Management Regulations, 2013;
- The National Waste Management Strategy, 2020;
- National Environmental Management Act (Act 107 of 1998);
- National Environmental Management: Air Quality Act, 2004 (Act 39 of 2004);
- National Water Act, 1998 (Act 36 of 1998);
- Occupational Health and Safety Act (Act 85 of 1993), and Regulations;
- Draft Health Care Risk Waste Management regulation;
- National norms and standards for the assessment of waste for landfill disposal; and
- National norms and standards for disposal of waste to landfill.

6.SCOPE OF WORK

The service provider is expected to perform the following duties:

ITEM NO	DESCRIPTION	QUANTITY
1.	Removal of the SHE bin content twice a week for three months	37
2.	Supply and delivery of additional SHE BIN (Once off) Price per Bin	39
3.	Replace, Supply and delivery of disposal bags and liners and servicing of all SHE Bins (Price Per Month)	76
4.	Legal disposal of the SHE Bin content (Disposal certificate to be provided)	76

NB: The scope is to ensure that all the SHE Bins throughout the municipal female toilets are kept in the hygienic condition in line with the legislation. The twice a week collection and disposal must be confirmed by a disposal certificate.

Bidders for the provision of HCRW contract to which this tender document relates must note that the SHE bins already exist in some of the offices, the service provider will be required to supply and deliver 39 additional SHE bins for the toilets that currently does not have SHE Bins.

Table 1: List of the areas to be serviced

The scope of this request for bids includes the collection, removal, transportation, treatment, and disposal of Health Care Risk Waste from all municipal female toilets for a period of three (3) months from the date of appointment. This will involve emptying and disposal of the contents in the SHE bins, two times a month (Every two weeks) at areas indicated on table 1 below or any amended list, which may be necessitated by operational demands.

ITEM NO	DESCRIPTION	QUANTITY	ADDITIONAL
1.	Makhado Civic Centre	23	2
2.	Makhado Library	3	-
3.	Workshop	-	3
4.	Municipal Stores	-	6

ITEM NO	DESCRIPTION	QUANTITY	ADDITIONAL
5.	Makhado Driving License Testing Centre (DLTC)	-	12
6.	Dzanani Regional Office	4	4
7.	Dzanani Driving License Testing Centre (DLTC)	2	2
8.	Luvuvhu Regional Office	-	3
9.	Waterval Regional Office	5	7
TOTAL		37	39

7.SUPPLY CONDITIONS

- Supply and delivery of additional SHE bins as and when the need arises;
- The service provider to supply heavy-duty hands free 12L pedal sanitary bin/s with liners to each female toilet mentioned in the list above;
- The service provider must ensure that the heavy-duty hands-free sanitary bins provided have tightly fitted and secured lids that keep the environment free of odour;
- Foot pedal operation, limits direct contact with the bin;
- The sanitary bin must be slim line that can fits easily next to any toilet;
- The bin is discreet. A flute chute and a front opening lid, prevents the user from seeing the contents of the bin;
- The sanitary bins must be checked regularly by the service provider and must be kept at an acceptable condition;
- Faulty bins must be immediately replaced by the service provider at no cost to the municipality;
- The service provide must service these bins according to the below mentioned SHE bin servicing procedure;
- The service provider must collect sanitary waste fortnightly and ensure it is disposed of according to the set standards;
- Sanitary Waste Disposal service will be rendered during working hours from Monday to Friday excluding weekends and holidays unless otherwise specified;
- A safe disposal certificate must be issued;

- No sub- contracting will be allowed; and
- Colour should be white.

7.1 SHE Bin Service Frequency

- Bins to be changed/ serviced as per estimated service frequency during weekdays;
- Bins to be washed and disinfected on a monthly basis;
- Any bin which reaches full capacity prior to servicing day will be exchanged upon request;
- The service provider must assign two (2) people who are properly trained in hygiene services and on the procedures to be followed when changing/ servicing sanitary bins;
- The assigned persons must report to waste management officer's before commencing with the rounds;
- The service provider must provide an equally competent person (s) in the event that the assigned person (s) is sick or on leave at no cost to the municipality;
- The assigned persons must carry registers to record the place and the number of bins serviced. These registers will also indicate work done as per below servicing procedure;
- The register must be signed by municipality official to validate authenticity;
- Quantities of sanitary bins serviced shall be verified by the waste management officer; and
- The verified original service registers shall be used monthly for reconciliation with the claims for the month.

7.2 SHE Bin Changing/ Service Procedure

- Remove the liner with the waste when service is due;
- The sanitary bin must be cleaned and de- contaminated with the appropriate disinfectant each time after every service;
- Line the sanitary bin with a fresh liner after de- contaminating;
- The lid of the bin must be secured tightly after every servicing;
- Check if the bin is not faulty, pedal is working, lid closes properly and its not broken.
- The service provider must ensure that faulty bins are replaced immediately;
- A fragranced disinfectant spray must be sprayed in the area after every servicing; and
- The removed content of the sanitary bins must be disposed of by the service provider at the company's cost.

8 ROLES AND RESPONSIBILITIES OF THE SERVICE PROVIDER

- During the collection process the service provider must ensure that designated / appointed official/representative of the municipality witnesses and sign off the collection of HCRW by the service provider from every facility;
- HCRW manifest must be available whenever HCRW is collected at the facilities, with every copy fully completed, legibly and signed by the municipal official/representative and the Service Provider;
- The service provider has the responsibility to ensure that the HCRW manifest is completed in full and signed, before submitting the manifest to the municipality;
- Should the manifests be submitted incomplete and not signed by all relevant parties, the manifest shall be regarded as non-compliant and not considered for payment;
- Payment will be calculated on the fully completed manifests as received from the service provider as per paragraph above;
- Monthly payment will only be made based on the submitted report and manifests;
- Security management compliance at all facilities from the point of entry until point of exit;
- The service provider shall provide the municipality with a signed service level agreement between themselves and the treatment plants and disposal landfill sites;
- The service provider shall submit certificate of disposal by the 7th of every subsequent month assuring the municipality that waste has been disposed in accordance with the legislation;
- The municipality would not be held responsible in any way for the damages, losses, theft of the equipment or any valuables of the service provider or injuries of his/her staff while on site or while executing their duties;
- The service provider will be held responsible for damages of items caused by them at Municipal offices; and
- The contract would be entered into subject to the signing of the Service Level Agreement by both parties.

9 GENERAL REQUIREMENTS

- Safety precautions as set out in the Occupational Health and Safety Act (Act 85/1993) as amended from time to time, shall be strictly adhered to;
- All prices quoted for shall be inclusive of VAT (if applicable);
- Bidders who do not possess sufficient expertise as required will not be considered;
- In case of a joint venture/ consortium an indication must be made on how the company is going to split work, the percentage involved of each company in the joint venture. All parties to the joint venture must submit their tax compliance status obtainable from SARS;
- The same services may be required timeously as and when the need arises to service the other municipal buildings; and

- The service provider will be paid as per the deliverables;
- The service provider must attend to site HCRW issues within 24 Hours of notice given by the municipality; and
- Records of cleaning and disinfection process of sanitary bins to be supplied to the municipality on a monthly basis.

10 SPECIAL REQUIREMENTS

- Attach certified copy of Authorization certificate for the service provider to handle and transport Health Care Risk Waste (HCRW);
- Attach agreement letter from the Health Care Risk Waste treatment (Incinerator) Facility that the appointed service provider will bring Health Care Risk Waste (HCRW) for disposal;
- Attach certified copy of certificate of an authorization vehicle to be used to transport Health Care Risk Waste from the Municipal building to the point of treatment/ incineration; and
- Attach at least two (02) previously successfully projects with contract value (attach appointments with completion certificates or referral).

11 TENDER REQUIREMENTS

PLEASE NOTE THAT FAILURE TO MEET ANY OR ALL OF THESE REQUIREMENTS WILL LEAD TO DISQUALIFICATION

- a) The Bidder must complete the tender document in FULL;
- b) The use of correction fluid or any erasable ink (e.g., pencil) is not allowed;
- c) The Maximum delivery period shall be specified by the Contractor. Failure to meet specified delivery period will lead to penalties deducted from the contract value;
- d) The Bill of Quantities shall be completed in full;
- e) Bidder shall submit BBBEE Compliance Certificate;
- f) Tax Clearance Certificate;
- g) A copy of Company Registration Certificate/ CK;
- h) Certified copy/ copies of Company owner (s) ID Book (s). Not more than three (03) months.
- i) Company should have an experience in similar work (provide an appointment letter and reference/ testimonial letter of the similar successful project with full client's contact);
- j) Latest Municipal Rates Account; and
- k) Declaration of Interest.

12 PROJECT COST

The payments will be as follows:

- a) Three equal monthly payment after the service has been rendered; and
- b) Servicing of SHE Bins, ensuring all bins are not broken and SHE Bin content legally disposed will be the main activity to ensure legal compliance in terms of the legislation.

ITEM	DESCRIPTION	QUANTITY	UNIT PRICE	AMOUNT
1.	Removal of the SHE bin content twice a week for three months	76	R	R
2.	Supply and delivery of additional SHE BIN (Once off) Price per Bin	39	R	R
3.	Replace, supply and delivery of disposal bags and liners and servicing of all SHE Bins (Price Per Month)	76	R	R
4.	Legal disposal of the SHE Bin content (Disposal certificate to be provided)	76	R	R
Sub Total				R
VAT (15%) (only if applicable)				R
Total Amount (Incl. VAT)				R

SIGNATURE

DATE

REQUIREMENTS

- Valid Tax compliance status pin issued
- A copy of Company Registration Certificate/ CK
- Attach certified copy of Authorization certificate for the service provider to handle and transport Health Care Risk Waste (HCRW);
- Attach agreement letter from the Health Care Risk Waste treatment (Incinerator) Facility that the appointed service provider will bring Health Care Risk Waste (HCRW) for disposal;
- Attach certified copy of certificate of an authorization vehicle to be used to transport Health Care Risk Waste from the Municipal building to the point of treatment/ incineration; and
- Attach at least two (02) previously successfully projects with contract value (attach appointments with completion certificates or referral).
- Certified copy/copies of company owner(s) ID Book(s). Not later than three (03) months.
- Attach Proof of payment of Municipal Bill/ Rates accounts/ Formal Lease Agreement, Letter from the Traditional Authority for both entity and directors of the company
- Company should have an experience in similar work (provide an appointment letter and reference/ testimonial letter of the similar successful project with full client's contact

Quotations must be as follows:

1. Be signed by an authorized person of the supplier
2. Be valid for a period of Ninety (90) days from the closing date
3. clearly indicate the price charged vat inclusive (if applicable)
4. Be accompanied by fully completed MBD 6.1 and MBD 4 obtainable from the municipality or can be downloaded from municipal website www.makhado.gov.za.

Quotations received will be assessed in accordance with the Municipal Supply Chain Management Regulations, 2005 read with Council's Supply Chain Management Policy and **80/20** Evaluation Criteria. Preference points will be allocated as follows.

- **80 Points for Price**
- **20 Points for Specific goals**

NB: Specific goals will be allocated as follows:

- **10 Points is for Company that is 100% owned by black people (Attach recent CSD full report)**
- **05 Points is for a Company that is 100% owned by women (Attach recent CSD full report)**
- **05 Points is for a Company that is owned by people with disability (Attach Disability letter from a Doctor)**

Please Note:

1. No quotation by facsimile or by e-mail will be accepted.
2. Enquiries in this regard must be directed to **Ms Morotoba M.B** at contact number: **076 705 2993** during office hours.
3. Council reserves the right not to accept lowest or any quotation or to accept part of a quotation only.
4. All Service Provider doing business with Makhado municipality are required to register on the CSD (**Central Supplier Database**)
5. Admin enquiries can be directed to **Ms TP Ntsieni** or **Mr M Ramabulana** at **015 519 3179/3024**

Civic Centre
83 Krogh Street
LOUIS TRICHARDT
0920

File no: 8/3/2/1
MR KM NEMANAME
MUNICIPAL MANAGER

DECLARATION OF INTEREST

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

- 3.1 Full Name of bidder or his or her representative:.....
- 3.2 Identity Number:
- 3.3 Position occupied in the Company (director, trustee, hareholder²):.....
- 3.4 Company Registration Number:
- 3.5 Tax Reference Number:.....
- 3.6 VAT Registration Number:
- 3.7 The names of all directors / trustees / shareholders members, their individual identity numbers and state employee numbers must be indicated in paragraph 4 below.
- 3.8 Are you presently in the service of the state? **YES / NO**
 3.8.1 If yes, furnish particulars.

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

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

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

- 3.9 Have you been in the service of the state for the past twelve months?**YES / NO**
 3.9.1 If yes, furnish particulars.....

- 3.10 Do you have any relationship (family, friend, other) with persons in the service of the state and who may be involved with

the evaluation and or adjudication of this bid? **YES / NO**

3.10.1 If yes, furnish particulars.

.....
.....

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

3.11.1 If yes, furnish particulars

.....
.....

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

3.12.1 If yes, furnish particulars.

.....
.....

3.13 Are any spouse, child or parent of the company's directors trustees, managers, 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

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

(delete whichever is not applicable for this tender).

- a) The applicable preference point system for this tender is the 90/10 preference point system.
- b) The applicable preference point system for this tender is the 80/20 preference point system.
- c) Either the 90/10 or 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:

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

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:

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

80/20 **or** **90/10**

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.

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

(Note to organs of state: Where either the 90/10 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 (90/10 system) (To be completed by the organ of state)	Number of points allocated (80/20 system) (To be completed by the organ of state)	Number of points claimed (90/10 system) (To be completed by the tenderer)	Number of points claimed (80/20 system) (To be completed by the tenderer)
100% Black ownership (attach CSD detail report)	N/A	10	N/A	
100% Woman Ownership (attach CSD detail report or Certified ID copy)	N/A	05	N/A	
Disability (Attach Disability letter from a Doctor)	N/A	05	N/A	

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 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 <i>audi alteram partem</i> rule was applied).</p> <p>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.</p>	<p>Yes</p> <input type="checkbox"/>	<p>No</p> <input type="checkbox"/>
4.1.1	If so, furnish particulars:		

4.2	Is the bidder or any of its directors listed on the Register for Tender Defaulters in terms of section 29 of the Prevention and Combating of Corrupt Activities Act (No 12 of 2004)? 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 <input type="checkbox"/>	No <input type="checkbox"/>
4.2.1	If so, furnish particulars:		
4.3	Was the bidder or any of its directors convicted by a court of law (including a court of law outside the Republic of South Africa) for fraud or corruption during the past five years?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.3.1	If so, furnish particulars:		
Item	Question	Yes	No
4.4	Does the bidder or any of its directors owe any municipal rates and taxes or municipal charges to the municipality / municipal entity, or to any other municipality / municipal entity, that is in arrears for more than three months?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.4.1	If so, furnish particulars:		
4.5	Was any contract between the bidder and the municipality / municipal entity or any other organ of state terminated during the past five years on account of failure to perform on or comply with the contract?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.7.1	If so, furnish particulars:		

CERTIFICATION

I, THE UNDERSIGNED (FULL NAME)

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

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

.....
Signature

.....
Date

.....
Position

.....
Name of Bidder

CERTIFICATE OF INDEPENDENT BID DETERMINATION

- 1 This Standard Bidding Document (SBD) must form part of all bids¹ invited.

- 2 Section 4 (1) (b) (iii) of the Competition Act No. 89 of 1998, as amended, prohibits an agreement between, or concerted practice by, firms, or a decision by an association of firms, if it is between parties in a horizontal relationship and if it involves collusive bidding (or bid rigging).² Collusive bidding is a *pe se* prohibition meaning that it cannot be justified under any grounds.

- 3 Treasury Regulation 16A9 prescribes that accounting officers and accounting authorities must take all reasonable steps to prevent abuse of the supply chain management system and authorizes accounting officers and accounting authorities to:
 - a. disregard the bid of any bidder if that bidder, or any of its directors have abused the institution’s supply chain management system and or committed fraud or any other improper conduct in relation to such system.
 - b. cancel a contract awarded to a supplier of goods and services if the supplier committed any corrupt or fraudulent act during the bidding process or the execution of that contract.

- 4 This SBD 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 (SBD 9) must be completed and submitted with the bid:

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

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

CERTIFICATE OF INDEPENDENT BID DETERMINATION

I, the undersigned, in submitting the accompanying bid:

(Bid Number and Description)

in response to the invitation for the bid made by:

(Name of Institution)

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

I certify, on behalf of: _____ that:

(Name of Bidder)

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

6. The bidder has arrived at the accompanying bid independently from, and without consultation, communication, agreement or arrangement with any competitor. However communication between partners in a joint venture or consortium³ will not be construed as collusive bidding.

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

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

MBD 9

10. I am aware that, in addition and without prejudice to any other remedy provided to combat any restrictive practices related to bids and contracts, bids that are suspicious will be reported to the Competition Commission for investigation and possible imposition of administrative penalties in terms of section 59 of the Competition Act No 89 of 1998 and or may be reported to the National Prosecuting Authority (NPA) for criminal investigation and or may be restricted from conducting business with the public sector for a period not exceeding ten (10) years in terms of the Prevention and Combating of Corrupt Activities Act No 12 of 2004 or any other applicable legislation.

.....
Signature

.....
Date

.....
Position

.....
Name of Bidder