

PART A INVITATION TO BID

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE (NAME OF MUNICIPALITY/ MUNICIPAL ENTITY)					
BID NUMBER:	TEDA: PPM: BID 08/01/2020	CLOSING DATE:	27 FEBRUARY 2019	CLOSING TIME:	11:00 am
DESCRIPTION	APPOINTMENT OF AN EXPERIENCED PROFESSIONAL FOR THE TOWNSHIP ESTABLISHMENT OF TSHWANE AUTOMOTIVE SEZ PHASE 2.				
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)					
TSHWANE ECONOMIC DEVELOPMENT AGENCY (TEDA)					
3 RD FLOOR					
LAKE VIEW BUILDING					
1277 MIKE CRAWFORD ROAD					
CENTURION MALL					
SUPPLIER INFORMATION					
NAME OF BIDDER					
POSTAL ADDRESS					
STREET ADDRESS					
TELEPHONE NUMBER	CODE		NUMBER		
CELLPHONE NUMBER					
FACSIMILE NUMBER	CODE		NUMBER		
E-MAIL ADDRESS					
VAT REGISTRATION NUMBER					
TAX COMPLIANCE STATUS	TCS PIN:		OR	CSD No:	
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
[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]
TOTAL NUMBER OF ITEMS OFFERED			TOTAL BID PRICE		R
SIGNATURE OF BIDDER		DATE		
CAPACITY UNDER WHICH THIS BID IS SIGNED					
BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO:			TECHNICAL INFORMATION MAY BE DIRECTED TO:		
DEPARTMENT	TEDA		CONTACT PERSON	John Nkuna	
CONTACT PERSON	Richard Ramolemi		TELEPHONE NUMBER	012 358 6525	
TELEPHONE NUMBER	012-358 6539		FACSIMILE NUMBER	N/A	
FACSIMILE NUMBER	N/A		E-MAIL ADDRESS	johnNk@TSHWANE.GOV.ZA	
E-MAIL ADDRESS	richardra@TSHWANE.GOV.ZA				

PART B TERMS AND CONDITIONS FOR BIDDING

1. BID SUBMISSION:
<p>1.1. BIDS MUST BE DELIVERED BY THE STIPULATED TIME TO THE CORRECT ADDRESS. LATE BIDS WILL NOT BE ACCEPTED FOR CONSIDERATION.</p> <p>1.2. ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS PROVIDED– (NOT TO BE RE-TYPED) OR ONLINE</p> <p>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.</p>
2. TAX COMPLIANCE REQUIREMENTS
<p>2.1 BIDDERS MUST ENSURE COMPLIANCE WITH THEIR TAX OBLIGATIONS.</p> <p>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.</p> <p>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.</p> <p>2.4 FOREIGN SUPPLIERS MUST COMPLETE THE PRE-AWARD QUESTIONNAIRE IN PART B:3.</p> <p>2.5 BIDDERS MAY ALSO SUBMIT A PRINTED TCS CERTIFICATE TOGETHER WITH THE BID.</p> <p>2.6 IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED, EACH PARTY MUST SUBMIT A SEPARATE TCS CERTIFICATE / PIN / CSD NUMBER.</p> <p>2.7 WHERE NO TCS IS AVAILABLE BUT THE BIDDER IS REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD), A CSD NUMBER MUST BE PROVIDED.</p>
3. QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS
<p>3.1. IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)? <input type="checkbox"/> YES <input type="checkbox"/> NO</p> <p>3.2. DOES THE ENTITY HAVE A BRANCH IN THE RSA? <input type="checkbox"/> YES <input type="checkbox"/> NO</p> <p>3.3. DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA? <input type="checkbox"/> YES <input type="checkbox"/> NO</p> <p>3.4. DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA? <input type="checkbox"/> YES <input type="checkbox"/> NO</p> <p>3.5. IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION? <input type="checkbox"/> YES <input type="checkbox"/> NO</p> <p>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.</p>

**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:

TERMS OF REFERENCE FOR THE APPOINTMENT OF AN EXPERIENCED PROFESSIONAL FOR THE TOWNSHIP ESTABLISHMENT OF TSHWANE AUTOMOTIVE SEZ PHASE 2.

1. Purpose

- 1.1 An invitation to the experienced Bidders or Professional team for the Township Establishment of Tshwane Automotive SEZ phase 2. In addition, the successful Bidder or Professional will be required to enter into a formal contract and service level agreement with Tshwane Economic Development Agency (TEDA).

2. Background

- 2.1 TEDA is a wholly owned municipal entity of the City of Tshwane (CoT) established in terms of section 9 of the Companies Act 71, 2008 (Act 71 of 2008) with registration number 2006/019396/07. Its mandate includes stimulation of economic activities, a key driver in accelerating economic growth, sustainable livelihoods and job creation within the Tshwane area.
- 2.2 The National Department of Trade and Industry (the dti) are the regulator and incentive authority on the SEZ. The dti also administers funding support for the land improvements and critical infrastructure within the SEZ demarcation. The dti also issues special economic zone licenses to applicants.

The Gauteng Provincial Department of Economic Development (GDED) along with its subsidiary companies; Gauteng Growth and Development Agency (GGDA) and Gauteng Industrial Development Zone (GIDZ) are the current license holders of OR Tambo IDZ.

City of Tshwane (CoT) is the land owner where the OR Tambo IDZ extension has been identified to be located. The strategic positioning of the extension is centered on the automotive sector. CoT has mandated its agency, Tshwane Economic Development Agency (TEDA) to lead development in CoT portion of the project. Particularly, land development and sweating of the land parcel which includes Township Establishment and bulk installations in favour of the SEZ project.

- 2.3 The proposed development will strive to create an environment which facilitates the expansion and transformation of the automotive industry whilst also inviting global investment. The SEZ is a project which is far bigger than simply increasing the output of vehicles by automotive firms in the City of Tshwane. The automotive SEZ offer a diversity of appropriate land uses and other economic activities which spans over 224 hectares that includes 3 potential development phases:

- Phase 1A & 1B on 81.6 hectares of Tshwane Owned Land for the development of a Supplier Park;
- And **Phase 2 on 81 hectares of Tshwane Owned Land for the development of mix use Industrial, Retail and Residential space;**

The Department of Trade and Industry formally provided commitments for the ORTIA/GIDZ licence to be used as a mechanism to accelerate the Automotive (Silverton/Waltloo) SEZ development

2.4 The Key drivers that support the establishment of the Tshwane SEZ include the following:

- a) Long term sustainable market demand. The Automotive industry outlook portrays a long-term increase in demand for off-take for locally produced components;
- b) Increased local content drivers including the minimum local content requirement of the automotive procurement programme.
- c) Minimising threats from imported automotive components through the use of existing import duties.
- d) There are supporting clusters in, or planned, for the region, e.g. the Tshwane Automotive City; the Rosslyn Automotive Supplier Park, the Innovation Hub, CSIR, SABS, Gerotek and Universities.
- e) Support services and other related industry activities could also benefit from the Tshwane SEZ's shared facilities and location;
- f) The attractiveness of the Tshwane SEZ in the Gauteng will be significantly enhanced with the consolidation of material, technology and service suppliers in an industrial park
- g) Tshwane is well serviced through a comprehensive network of good major roads, good rail infrastructure and the Wonderboom Airport. This transport network provides Tshwane with direct and ready linkages to regional and international markets, making exports to Southern African Development Community (SADC) especially attractive.

3. Development Context

3.1 The proposed Township Establishment development application is exclusively for Phase 2 on 81 hectares of Portion 3 of the farm the Willows 340JR (City of Tshwane Owned Land) for the development of mix use Industrial, Retail and Residential space.

3.2 The Property is surrounded by the following areas that will be most impacted by the development:

3.2.1 Ward 38 – Mamelodi Sun Valley (X 13 and X14)

3.3.1 Ward 41 – Bellievue, Meyerspark, Murrayfield, Salieshoek, Silverton and Val de Grace

3.4.1 Ward 43 – Disptach, Eersterust, Silverton (North of Pretoria Avenue) Silvertonedale and Waltloo

3.5.1 Ward 67 – Mamelodi

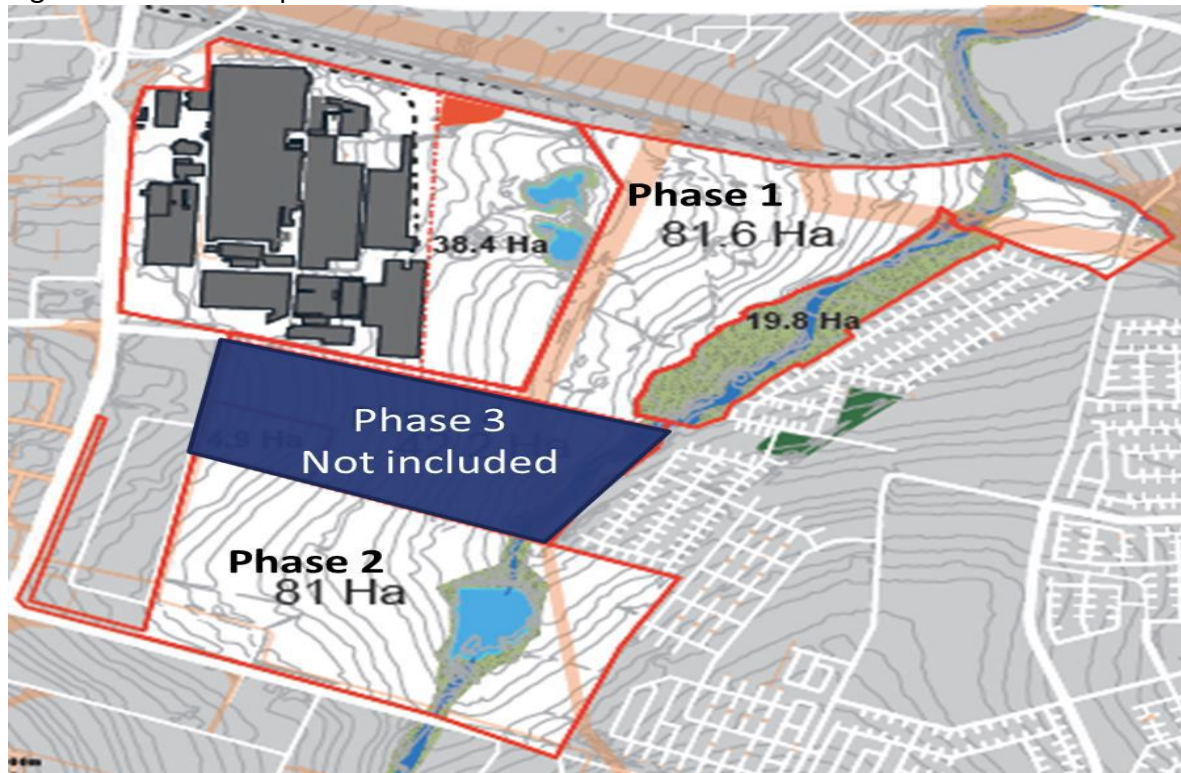
3.6.1 Ward 86 – Nellmapius, Samcor Park, Willow Brase and Willow Park and Willow Park Manor

3.7.1 Ward 87 – Derdepoort AH, Eersterust, Jan Niemand Park, Kameeldrift East AH and Montana Park/Gardens.

3.3 The study area is shown in figure 1 below.

The Township Establishment will cover the 81 hectares of Portion 3 of the farm the Willows 340JR.

Figure 1: Phase 2 Map



Source: CoT GIS

4 Key legislation considerations and CoT documents

4.2 The following are some of the legislation to consider for the Township Establishment development:

- Municipal Finance Management Act 56 of 2003.
- Municipal Systems Act 32 of 2000.
- Municipal Asset Transfer Regulations,
- Spatial Planning and Land Use Management Act 16 of 2013.
- Gauteng Provincial Environmental Management Framework, 2014.
- National Environment Management Act of 1998
- National Environmental Waste Act of 2008
- Region 3 Spatial Development Framework
- Tshwane Open Space Framework, 2005 and
- Any other legislation, by-laws, policies applicable.

5 Special Conditions

- 5.1 The following Special Conditions of Contract shall supplement the General Conditions of Contract. Whenever there is a conflict, the provisions herein shall prevail over those in the General Conditions of Contract and SLA entered into.
- 5.2 This bid and all contracts emanating there from will be subject to the General Conditions of Contract (GCC). The Special Conditions are supplementary to that of the General Conditions of Contract. Where, however the Special Conditions of Contract are in conflict with General Conditions of Contract, the Special Conditions of the Contract prevail.
- 5.3 **Bidders who are in the employ of the State shall automatically be disqualified.**
- 5.4 Bidders who has disputed Municipal rates and taxes and or services towards the municipality or other services suppliers in respect of which payment is overdue for more than 30 days shall automatically be disqualified.
- 5.5 Municipal account submitted may be verified with the relevant municipality. Only municipal accounts less than 3 months will be accepted.

Should the bidder be renting in a leased property, both lessor and the lessee's agreement must be furnished together with the landlord's municipal account or statement Municipal account must be submitted together with the bid documents.

Municipal account requirements are applicable to sub-contracting companies and joint-ventures. ***(Failure to comply with the above requirement will lead to disqualification).***

- 5.6 **The original bid documents and two copies of the tender document must be submitted by enclosing them in a sealed envelopes bearing the applicable tender heading and bid reference number, as well as the closing date and time.**
- 5.7 TEDA reserves the right to enter into negotiations with the recommended services provider(s)
- 5.8 Shortlisted bidders may be invited for a presentation.
- 5.9 The methodology criteria of the functionality assessment must outline the approach and plan with realistic timelines of the proposer and is critical to convince the BID evaluation team on the appreciation of the work required. It will also form as part of the basis for service level agreement content and related negotiations.
- 5.10 **Where bidders are registered/incorporated joint ventures or consortium etc., this relationship should be disclosed. A consortium agreement should be submitted. Equally, where bidder will partner or sub-consult with other firm using one lead firm, they must attach a relevant agreement (e.g. sub-consulting, strategic alliance or partnership agreement).**
- 5.11 No service may be rendered without an official order.

5.12 Failure to comply with any of the conditions and special conditions will lead to disqualification.

5.13 Bidders that scores less than **75** points on functionality will not be evaluated further on Price and BEE.

5.14 Late bids

5.15 Bids received late shall not be considered.

5.16 All Bidders must continuously monitor amendments that may be made on TEDA the e Tender and TEDA website for the above bid. TEDA will not be held liable/responsible in the event that Tenderers do not view responses to questions/queries/comments which were posted on the e-Tender portal and TEDA website.

6 Scope of Service

6.2 The scope of services expected in terms of this bid is detailed below as follows:

- a. Motivating Memorandum.
- b. Draft list of properties adjoining the development site.
- c. Draft Annexure T
- d. Draft amendment scheme map
- e. Draft statement of conditions
- f. Develop the locality plan
- g. Develop site plan & township layout plan
- h. Obtain zoning certificate
- i. Obtain registered Title Deeds
- j. Township Name Reservation with CoT
- k. Issue conveyancer and the land surveyor certificates
- l. Develop Environmental Impact Assessment report
- m. Develop WULA report
- n. Drafting of the geo-technical report
- o. Conduct and finalise the Transport Impact Report
- p. Draft application to the Department Mineral Recourses or compliance with section 54 of Act 28 of 2002
- q. Develop the urban and landscape design guidelines
- r. Drafting of services reports
- s. Submission and input consolidation of the Township Establishment application to CoT and departments in other spheres of government.
- t. Stakeholder engagements and public participation process throughout the project value chain.

7 Team Composition

- 7.1 The primary support team will be led by a Professional Planner registered in terms of the Planning Professions Act 36 of 2002, and it is expected that the methodology must cover the resources to be deployed to the project in line with the deliverables.
- 7.2 The secondary support team entails the following professionals:
- a. Environmental Science Specialist
 - b. Registered Engineer
 - c. Quantity Surveyor
 - d. Urban Designer/Architect

8 Guidelines for Submission of Proposal

- 8.2 The proposals for the envisaged project should be submitted to TEDA before the closing date, at the physical address; 1277 Mike Crawford, Lake View Building ground floor, Centurion, 0157.

8.3 Project deliverables should comprise of the following:

- 8.3.1 Executive summary detailing the purpose, vision and objectives of the plan;
- 8.3.2 Motivation Memorandum;
- 8.3.3 List of properties adjoining the development site;
- 8.3.4 Annexure T;
- 8.3.5 Amendment scheme map;
- 8.3.6 Statement of conditions;
- 8.3.7 Detailed locality plan;
- 8.3.8 Site plan & township layout plan;
- 8.3.9 Zoning certificate;
- 8.3.10 Registered Title Deeds;
- 8.3.11 Registered township Name;
- 8.3.12 Conveyancer and the land surveyor certificates;
- 8.3.13 Environmental Impact Assessment report;
- 8.3.14 The WULA report;
- 8.3.15 The geo-technical report;
- 8.3.16 Waste management plan ;
- 8.3.17 Wetland management plan
- 8.3.18 The Transport Impact Assessment Report;
- 8.3.19 Application to the Department Mineral Recourses or compliance with section 54 of Act 28 of 2002;
- 8.3.20 The urban and landscape design guidelines ;
- 8.3.21 The Services reports; to prelim design extent and for purposes of EIA and WULA
- 8.3.22 Submission and input consolidation of the Township Establishment application to CoT and departments in other spheres of government;
- 8.3.23 Township establishment approval;
- 8.3.24 Section 101 Certificate (in terms of the CoT Land Use Management by-laws, 2016);
- 8.3.25 Opening of Township Register;

- 8.3.26 Township proclamation;
- 8.3.27 Section 82 Certificate (Certification by CoT that all conditions have been met);
- 8.3.28 And Stakeholder engagements and public participation process throughout the project value chain;

8.4 Submission requirements

Final submission must include the following:

- 8.4.1 Township Establishment Application (files of 15 copies)
- 8.4.2 A set of maps in GIS and PDF format including all shapefiles for the project.
- 8.4.3 A final presentation in MS PowerPoint format.
- 8.4.4 Datasets must be handed over to the client as well as the City's Corporate GIS.
- 8.4.5 A Digital 3D model on a flash disc (USB) and not DVD.
- 8.4.6 Three unbound colour printed copies of the final document in either A3 or A4 format and electronic copies.

9 Duration of Contract

- 9.1 The project will commence when all conditions or requirements are satisfied and the contract will be signed for a period not more than 24 months.

10 Information

- 10.1 Additional information as may be deemed appropriate must be submitted.

11 Time-frames

- 11.1 Time frame for deliverables will be as per the Terms of Reference or the approved Project plan and any extension to the scope or time frame must be approved by TEDA through the client representative.

12 Adding Value

- 12.1 It is expected that potential service providers will critique the brief with the purpose of adding value where possible in the proposal to be submitted. Thus the onus is on the service provider to add value to the brief in terms of their special competencies with regard to the project.

13 Cost of Submission of Proposal

- 13.1 TEDA is not responsible for any costs incurred by the service providers in the process of developing the proposals. The submitted budget for this project must incorporate all expenses to be incurred by the service provider.

14 Ownership of Intellectual Property Rights

- 14.1 The ownership of all Intellectual Property Rights associated with this work will be vested within the TEDA, for its exclusive use, or for use by the TEDA, City of Tshwane or relevant stakeholders.

15 Criteria for Selection of Service Providers

- 15.1 The tender will be evaluated in terms of the Preferential Procurement Policy Framework Act using the 80/20 points system, whereas 80 is price and 20 is BEE.

- 15.2 A functionality component will be used as a prequalification for further evaluation on 80/20.

- 15.3 Functionality points will be evaluated as follows:

See below components, evidence and weight which will serve as the basis of evaluation:

Components of Tender to be evaluated	Evidence	Weighting
Leading Professional Pr PL	Professional registration in terms of the Planning Professions Act (Act 36 of 2002) and emphasis is placed on the number of years post registration: Non-registration is awarded zero points. Over 2 years and less than 5 years post registration: <i>(Scale –5 points)</i> Over 5 years and less than 7 years post registration: <i>(Scale – 10 points)</i> Over 7 years and less than 10 years post registration: <i>(Scale – 15 points)</i> Over 10 years post registration <i>(Scale – 20 points)</i>	20
Secondary Professionals	Team composition of the supporting professionals: a. Environmental Science Specialist (EAP or Pr Sci Nat) <i>(3 points)</i> b. ECSA Professional Registered Technologist/Engineers Civil (7 points) c. ECSA Professional Registered Technologist/Engineers Electrical (7 points) d. Registered professional Land surveyor (1 point) e. Registered Professional Quantity Surveyor (1 point) f. Urban Designer/Architect (1 point)	20

PREVIOUS EXPERIENCE (<i>refers to Bidder's past experience in delivering similar projects</i>)	At least 6 references from Clients in their letter head (Testimonial letter) of relevant or similar type of service as stated in paragraph 4 under scope of service: Less than three references (0 points) Three references (5 points) Four references (10 points) Five references (15 points) Six references (20 points)	20
Business Location	Location in Tshwane (Business Address) ➤ 10 points for Tshwane Business locality ➤ 05 points for Gauteng Business Locality, outside Tshwane ➤ 0 points for outside Tshwane and Gauteng Province	10
Methodology Demonstration of understanding key Project demands/complexities – Methodology and Approach which includes an implementation plan that accommodates the socio-economic objectives of the Project	30 points – Excellent ➤ The approach and methodology details innovative, creative and efficient ways to achieve the Township Establishment outcomes and quality of the outputs. 20 points – Good ➤ The approach and methodology details ways to achieve the Township Establishment outcomes and quality of the outputs. 15 points - Satisfactory ➤ The approach and methodology adequately addresses the scope of the work required. 5 point – Not responsive ➤ The technical approach and/or methodology is poor/ is unlikely to satisfy precinct plan objectives or requirements. 0 points – non submission ➤ No methodology	30
TOTAL		100

15.4 Special condition: Bidders that scores less than 75 points on functionality will not be evaluated further on Price and BBBEE.

16 Compliance

- 16.1 The proposal must either conform to the minimum requirements as set out in this document, or it must be stated clearly how it deviates from these requirements and why. Proposals strictly sticking to specifications are preferred. Offers exceeding the minimum requirements of the specifications are acceptable. Minor deviations may be considered.
- 16.2 This document will be a binding contract between the successful service provider and TEDA once the proposal has been accepted by the organization.
- 16.3 Service providers are at liberty to discuss any aspect of this request for proposal with the entity and enquiries must be referred to:

Technical enquiries:

Mr. John Nkuna
Tel: 012 358 6525
E-mail: johnnk@tshwane.gov.za

Bid enquiries:

Mr. Richard Ramolemi
Tel: 012 358 5967
E-mail: RichardRa@tshwane.gov.za

17 Payments

- 17.1 Payment shall be made on rendering of a professional satisfactory service and submission of the required report.
- 17.2 Payment shall be made into the service provider's bank account after the receipt of an acceptable invoice. (Banking details MUST be submitted for payment to be effected.)
- 17.3 Based on the Project deliverables, TEDA reserves the right to effect payment according to phases completed satisfactorily.

18 Non-Compliance with Delivery Terms

- 18.1 As soon as it becomes known to TEDA that the incumbent will not be able to render services within the expected period and/or against the quoted price and/or as specified, TEDA must be given immediate written notice to this effect. In instances of non-compliance with certain sections of the contract by the service provider, TEDA reserves the right to terminate the agreement.

19 Confidentiality

- 19.1 This proposal and all information in connection therewith shall be held in strict confidence by bidders and usage of such information shall be limited to the preparation of the bid. Bidders shall undertake to limit the unauthorised numbers of copies of this document. All bids are bound by confidentiality agreement preventing the unauthorised disclosure of any information regarding TEDA or of its activities to any other organisation or individual. The bidders may not disclose any information, documentation or products to other clients without written approval of TEDA.

20 Copyright

- 20.1 Copyrights of all documentation (reports) etc. in relation to this bid belong to TEDA. The successful bidder may not disclose any information, documentation or products to other clients without written approval of TEDA.

21 Award of a contract

- 21.1 A contract may, on reasonable and justifiable grounds, be awarded to a bidder that did not score the highest number of points.
- 21.2 Only a bidder who has completed and signed the declaration part of the preference points claim form will be considered for preference points.
- 21.3 Before a bid is adjudicated or at any time, it may be required from a bidder to substantiate claims it has made with regard to preference points claimed.
- 21.4 Points scored will be rounded off to the nearest 2 decimals. In the event that two or more bids have scored equal total points, the contract will be awarded to the bidder scoring the highest number of points for the specified goals.

22 Non-commitment

- 22.1 TEDA is not bound to accept any of the bids submitted. TEDA reserves the right to withdraw or amend these terms of reference by notice in writing to all parties who have received the terms of reference prior to the closing date. The cost of preparing of bids will not be reimbursed.

23 Fraud and Corruption

- 23.1 All prospective service providers are to take note of the implications of contravening the Prevention and Combating of Corrupt Activities Act, Act No 12 of 2004 and any other Act applicable.

24 Review process

24.1 Compliance with requirements:

- (i) In order to evaluate and adjudicate bids effectively, it is imperative that bidders submit responsive bids. To ensure that a bid is regarded as responsive it is imperative to comply with all conditions and to state whenever there are deviations.
- (ii) Documents submitted on time by bidders shall not be returned and shall remain the property of TEDA.

25 Reasons for Rejection

25.1 TEDA reserves the right to return late bid submissions unopened. TEDA reserves the right to disqualify bids that are not according to specification/Terms of Reference. Bidders must clearly indicate compliance or non-compliance with specification/Terms of Reference.

25.2 Bidders shall not contact TEDA on any matter pertaining to their bid from the time the bids are closed to the time the bid has been awarded. Any effort by a bidder to influence the bid evaluation, bid comparisons or bid award decisions in any matter, may result in rejection of the bid concerned. TEDA shall reject a submission if the bidder has committed a proven corrupt or fraudulent act in competing for a particular contract.

25.3 TEDA may disregard any submission or cancel an existing contract if that bidder, or any of its directors or have:

- (i) Abused the Supply Chain Management (SCM) system of any organ of state.
- (ii) Committed proven fraud or any other improper conduct in relation to such system.
- (iii) Failed to perform on any previous contract and the proof thereof exists.
- (iv) Is restricted from doing business with the public sector if such a supplier obtained preferences fraudulently or if such supplier failed to perform on a contract based on the specific goals.

26 Pricing

26.1 All prices must be in South African Rand value and must be inclusive of VAT. Fees will be payable in South African Rands, on satisfactory completion of the assignment and or deliverables. Tshwane Economic Development Agency reserves the right to negotiate the cost of deliverables reflected where deemed necessary.

26.2 Bidders are required to prepare the responses on the basis of the Price taking into account the scope of work.

26.3 Payment and the Price will be according to deliverables completed. Bidders are therefore required to indicate in respect of each deliverable in the scope of work in relation to payment to be made by TEDA.

27 Parties not affected by waiver or breaches

27.1 The waiver (whether express or implied) by any Party of any breach of the terms or conditions of this contract by the other Party shall not prejudice any remedy of the waiving party in respect of any continuing or other breach of the terms and conditions hereof. No favour, delay, relaxation or indulgence on the part of any Party in exercising any power or right conferred on such Party in terms of this contract shall operate as a waiver of such power or right nor shall any single or partial exercise of any such power or right under this agreement.

28 Termination for default

28.1 TEDA, without prejudice to any other remedy for breach of contract, by written notice of default sent to the bidder may terminate this contract in whole or in part:

- a) if the bidder fails to deliver any or all of the services within the period(s) specified in the contract, or within any extension thereof granted by TEDA pursuant to GCC Clause 21.2;
- b) if the bidder fails to perform any other obligation(s) under the contract;
- c) if the bidder, in the judgment of TEDA has engaged in corrupt or fraudulent practices in competing for or in executing the contract.

28.2 In the event TEDA terminates the contract in whole or in part, Tshwane Economic Development Agency may procure, upon such terms and in such manner as it deems appropriate, services similar to those undelivered, and the bidder shall be liable to TEDA for any excess costs for such similar services. However, the bidder shall continue performance of the contract to the extent not terminated.

29 Retention

29.1 On termination of this agreement, the bidder shall, on demand hand over all documentation provided as part of the project and all deliverables, etc., without the right of retention, to TEDA.

29.2 No agreement to amend or vary a contract or order or the conditions, stipulations or provisions thereof shall be valid and of any force and effect unless such agreement to amend or vary is entered into in writing and signed by the contracting parties. Any waiver of the requirement that the agreement to amend or vary shall be in writing, shall also be in writing.

30 Screening and Vetting

30.1 Acceptance of this bid may be subject to the condition that both the contracting bidder and its personnel providing the service must be cleared by the appropriate authorities to the level of **Confidential/Secret/ Top Secret**.

30.2 All bidders shall be vetted through National Treasury and any defaulters will be disqualified.

31 Client Base

- 31.1 Bidders must have specific experience in the delivery of the required service and must submit recent references or client base reflecting the entity where a similar service (Precinct Plans with Environmental or nature reserve elements included in the precinct). TEDA reserves the right to contact references during the evaluation and adjudication process to obtain confirmation.

32 Company profile, Central Supplier Database report and BEE shareholding certificate

- 32.1 Bidders must submit company profile.
32.2 Bidders to submit BBBEE certification with Commissioner of Oath.
32.3 The service provider must be registered on National Treasury CSD.

33 Registrations

- 33.1 Proof of company registration must be submitted in a form of copies of the relevant registration documents e.g. CC/CK, PTY (Ltd). It is the responsibility of the bidder to ensure that their CIPC annual returns are in order and the registration remains valid throughout the contract tenure.

34 Tax Clearance Certificate

- 34.1 A valid Tax Clearance Certificate **with a unique pin** issued by the South African Revenue services (SARS) certifying that the taxes of the bidder are in order must be submitted together with the bid document. It is the responsibility of the bidder to ensure that their SARS annual returns are in order and the registration remains valid throughout the contract.

35 Evaluation Basis and Process

- 35.1 Bids will be evaluated on 4 categories:
- (i) Compliance with minimum requirements of the bid,
 - (ii) Technical content (functionality), (75 points) Minimum
 - (iii) Comparative evaluation based on Price
 - (iv) BEE.
- 35.2 Bids will be evaluated in accordance with the pre-scripts of the Preferential Procurement Policy Framework Act (PPPFA), which stipulate an **80/20** point split for requirements not exceeding R50 million

36 Project Leader

- 36.1 The project leader will be the end-user for the unit that has requested the service.

37 Late bids

- 37.1 Bids received late shall not be considered.

Pricing schedule**(Professional Services)****MBD3.3**

Name of Bidder.....

Bid Number:

Closing Time: **11:00 AM**

Closing Date: 27 February 2020

OFFER TO BE VALID FOR (90) DAYS FROM THE CLOSING DATE OF BID.

SERVICE DESCRIPTION: PRICING SCHEDULE FOR THE APPOINTMENT OF AN EXPERIENCED PROFESSIONAL FOR THE TOWNSHIP ESTABLISHMENT OF TSHWANE AUTOMOTIVE SEZ PHASE 2.

1. The accompanying information must be used for the formulation of proposals.
2. Bidders are required to indicate a ceiling price based on the total estimated time for completion of all phases and including all expenses inclusive of all applicable taxes for the project.

(Additional information may be provided separately)

3. DELIVERABLES ACCORDING TO WHICH THE PROJECT WILL BE UNDERTAKEN, FEES PER DELIRABLE AND RELEVANT TIME LINES

DELIVERABLES	PRICE PER DELIVERABLE
1. Inception Report	R
2. Motivation Memorandum	R
3. List of properties' zoning and land use adjoining the development site	R
4. Annexure T and Amendment scheme map	R
5. Statement of conditions;	R
6. Detailed locality plan	R
7. Site plan & township layout plan	R
8. Zoning certificate	R
9. Registered Title Deeds	R
10. Registered township Name	R
11. Conveyancer and the land surveyor certificates	R
12. Environmental Impact Assessment report	R
13. The WULA report	R
14. The geo-technical report	R
15. The Transport Impact Assessment Report;	R
16. Application to the Department Mineral Recourses or compliance with section 54 of Act 28 of 2002	R
17. The urban and landscape design guidelines	R
18. Waste management plan	R
19. Bulk infrastructure costing	R
20. Wetland management plan	R
21. The Services reports to prelim design extent and for purposes of EIA and WULA	R
22. Submission and input consolidation of the Township Establishment application to CoT and departments in other spheres of government	R
23. Township establishment approval	R
24. Section 101 Certificate (as per CoT Land Use Management by-laws, 2016);	R
25. Opening of Township Register	R
26. Township proclamation	R
27. Section 82 Certificate (Certification by CoT that all conditions have been met)	R
28. Stakeholder engagements and public participation	R
VAT at 15%	R
TOTAL BID PRICE	R

APPOINTMENT OF AN EXPERIENCED PROFESSIONAL FOR THE TOWNSHIP ESTABLISHMENT OF TSHWANE AUTOMOTIVE SEZ PHASE 2.

4. Period required for commencement with project after acceptance of bid.....
5. Estimated duration to complete the Project as per the Project Plan.....
6. Are the rates quoted firm for the full period of contract?*YES/ NO
7. If not firm for the full period, provide details of the basis on which adjustments will be applied for, for example consumer price index
8. ***Does your offer comply with the terms of reference or not (*YES/ NO) if not, state the extent of deviation on a separate sheet.***

SDL- FORM

SUPPLIER DEVELOPMENT AND LOCALISATION UNDERTAKING FORM

The Tshwane Economic Development Agency (TEDA) requires bidders to submit a supplier development and localisation undertaking as per the specified targets regarding the various supplier development and localisation initiatives.

The supplier development and localisation undertaking requires bidders to commit to various supplier development and localisation objectives such as job creation, skills development, donations, etc.

The supplier development and localisation undertaking is required as a returnable document and incorporated as a condition of the contract.

Bidders who do not participate in the above initiative must submit a **Nil return**.

Note: The following elements (1, 2, 3, 4, 5 and 6) will form part of TEDA's objectives and will be negotiated with the successful supplier(s).

1. Localisation

TEDA prefers to do business with locally based suppliers and empower companies within the City of Tshwane municipal area. If you are a successful bidder, how do you intend to achieve this objective? Please demonstrate this.

2. Industrialisation

The successful bidder is encouraged to create opportunities within the industry for black youth-owned firms to be established in order to empower emerging black-owned firms in the industry. Where possible, the bidder is encouraged to assist informal businesses to set-up their own formal businesses by monitoring, training and incubating them with the intention of making them independent. These small businesses can be used as subcontractors or help to service smaller clientele in the industry. If you are a successful bidder, how do you intend to achieve this objective? Please demonstrate this.

3. Skills development

The successful bidder will be obligated to train **one** candidate for every **R3 million** accumulated through task orders, instructions or purchase orders awarded to the service provider. This obligation will be for the duration of the contract, however, the supplier(s) needs to demonstrate positive progress on a quarterly basis. The duration of the contract will not be linked with the supplier's obligation to train, therefore the service provider(s) will have to ensure that the skills required are successfully achieved as per the work allocated to them. Skills candidates shall be sourced from previously disadvantaged groups in South Africa, particularly at the site where the services will take place.

The purpose is to provide these candidates with skills and workplace experience in order to increase opportunities for them to be employable within the industry, as well as to assist those who are struggling financially during their schooling. If you are a successful bidder, how do you intend to achieve this objective? Please demonstrate this.

4. Job creation

The successful bidder will be encouraged to use the candidates that will be trained during the contract. This will assist the supplier(s) and TEDA to cut costs, save money and create permanent jobs. The supplier(s) shall propose the number of jobs to be created as a direct result of the contract. Supplier(s) will also propose the number of jobs to be retained as a direct result of this contract. The proposals may be recorded on the implementation schedule under contract award. If you are a successful bidder, how do you intend to achieve this objective? Please demonstrate this.

5. Supplier development

Incubating: The successful bidder will be required to use a small percentage of the contract value (e.g 5%) to incubate EMEs or QSEs that are 100%-owned. The successful supplier(s) will train, coach and mentor the entity until they graduate. Regular monitoring should be done and reported to TEDA’s contract management. If you are a successful bidder, how do you intend to achieve this objective? Please demonstrate this.

6. Donations

Bidders are encouraged to participate in social services, including but not limited to donating uniforms and/or shoes to school(s) to support needy students. The same may be done with any charity organisation of the bidder’s choice. If you are a successful bidder, how do you intend to achieve this objective? Please demonstrate this.

Declaration

Based on the terms laid out above, we (company name)

ACCEPT **REJECT**

The recommended bidder is therefore requested to indicate an initiative of choice and also to demonstrate how the above initiative will be achieved.

Name	Date
.....

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 Service (SARS) to meet the bidder's tax obligations.

- 1 In order to meet this requirement bidders are required to complete in full the attached form TCC 001 "Application for a Tax Clearance Certificate" and submit it to any SARS branch office nationally. The Tax Clearance Certificate Requirements are also applicable to foreign bidders / individuals who wish to submit bids.
- 2 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.
- 3 The original Tax Clearance Certificate must be submitted together with the bid. Failure to submit the original and valid Tax Clearance Certificate will result in the invalidation of the bid. Certified copies of the Tax Clearance Certificate will not be acceptable.
- 4 In bids where Consortia / Joint Ventures / Sub-contractors are involved, each party must submit a separate Tax Clearance Certificate.
- 5 Copies of the TCC 001 "Application for a Tax Clearance Certificate" form are available from any SARS branch office nationally or on the website www.sars.gov.za.
- 6 Applications for the Tax Clearance Certificates may also be made via eFiling. In order to use this provision, taxpayers will need to register with SARS as eFilers through the website www.sars.gov.za.

(All claims shall be considered as valid until such time that revised claim is submitted to TEDA)

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 2011

All claim made by the supplier/ service provider shall remain valid and binding until revised claim is submitted to TEDA

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, 2011.

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
- 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 Preference points for this bid shall be awarded for:
- (a) Price; and
 - (b) B-BBEE Status Level of Contribution.
- 1.4 The maximum points for this bid are allocated as follows:

	POINTS
PRICE	80
B-BBEE STATUS LEVEL OF CONTRIBUTION	20
Total points for Price and B-BBEE must not exceed	100

- 1.5 Failure on the part of a bidder to submit a 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 received by a measured entity based on its overall performance using the relevant scorecard contained in the Codes 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 services, works or goods, 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 as defines by Codes of Good Practice 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 service in accordance with specifications as set out in the tender documents.
- (g) **“prices”** include 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 in terms of the B-BBEE Code of Good Practice
 - 3) Any other requirement prescribed in terms of the B-BBEE Act
- (i) **“QSE”** means a Qualifying Small Enterprise as defines by Codes of Good Practice issued in terms of section 9 (1) of the Broad-Based Black Economic Empowerment Act;
- (j) **“rand revenue”** means the total estimated value of a contract in Rand, calculated at the time of bid invitation, and includes all applicable taxes;

3. POINTS AWARDED FOR PRICE

3.1 THE 80/20 OR 90/10 PREFERENCE POINT SYSTEMS

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

80/20

or

90/10

$$P_s = 80 \left(1 - \frac{P_t - P_{\min}}{P_{\min}} \right) \quad \text{or} \quad P_s = 90 \left(1 - \frac{P_t - P_{\min}}{P_{\min}} \right)$$

Where

P_s = Points scored for comparative price of bid under consideration

P_t = Comparative price of bid under consideration

P_{\min} = Comparative price of lowest acceptable bid

4. POINTS AWARDED FOR B-BBEE STATUS LEVEL OF CONTRIBUTION

- 4.1 In terms of Regulation 5 (2) and 6 (2) of the Preferential Procurement Regulations, preference points must be awarded to a bidder for attaining the B-BBEE status level of contribution in accordance with the table below:

B-BBEE Status Level of Contributor	Number of points (90/10 system)	Number of points (80/20 system)
1	10	20
2	9	18
3	8	16
4	5	12
5	4	8
6	3	6
7	2	4
8	1	2
Non-compliant contributor	0	0

5. BID DECLARATION

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

6. B-BBEE STATUS LEVEL OF CONTRIBUTION CLAIMED IN TERMS OF PARAGRAPHS 1.4 AND 4.1

- 6.1 B-BBEE Status Level of Contribution: = (maximum of 10 or 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 contributor)

7. SUB-CONTRACTING

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

(*Tick applicable box*)

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

- 7.1.1 If yes, indicate:

- i) What percentage of the contract will be subcontracted.....%
- ii) The name of the sub-contractor.....
- iii) The B-BBEE status level of the sub-contractor.....
- iv) Whether the sub-contractor is an EME or QSE.

(*Tick applicable box*)

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

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

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

8. DECLARATION WITH REGARD TO COMPANY/FIRM

8.1 Name of
company/firm:.....

8.2 VAT registration
number:.....

8.3 Company registration
number:.....

8.4 TYPE OF COMPANY/ FIRM

- ☐ Partnership/Joint Venture / Consortium
 - ☐ One person business/sole propriety
 - ☐ Close corporation
 - ☐ Company
 - ☐ (Pty) Limited
- [TICK APPLICABLE BOX]

8.5 DESCRIBE PRINCIPAL BUSINESS ACTIVITIES

.....
.....
.....
.....
.....

8.6 COMPANY CLASSIFICATION

- ☐ Manufacturer
 - ☐ Supplier
 - ☐ Professional service provider
 - ☐ Other service providers, e.g. transporter, etc.
- [TICK APPLICABLE BOX]

8.7 MUNICIPAL INFORMATION

Municipality where business is situated:

Registered Account Number:

Stand Number:.....

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

8.9 I/we, the undersigned, who is / are duly authorised to do so on behalf of the company/firm, certify that the points claimed, based on the B-BBE status level of contributor indicated in paragraphs 1.4 and 6.1 of the foregoing certificate, qualifies the company/ firm for the preference(s) shown and I / we acknowledge that:

- i) The information furnished is true and correct;
- ii) The preference points claimed are in accordance with the General Conditions as indicated in paragraph 1 of this form;
- iii) In the event of a contract being awarded as a result of points claimed as shown in paragraphs 1.4 and 6.1, the contractor may be required to furnish documentary proof to the satisfaction of the purchaser that the claims are correct;
- iv) If the B-BBEE status level of contributor has been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the purchaser may, in addition to any other remedy it may have –
 - (a) disqualify the person from the bidding process;
 - (b) recover costs, losses or damages it has incurred or suffered as a result of that person's conduct;
 - (c) cancel the contract and claim any damages which it has suffered as a result of having to make less favourable arrangements due to such cancellation;
 - (d) recommend that the bidder or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, be restricted by the National Treasury from obtaining business from any organ of state for a period not exceeding 10 years, after the *audi alteram partem* (hear the other side) rule has been applied; and
 - (e) forward the matter for criminal prosecution.

WITNESSES

1.

2.

.....
SIGNATURE(S) OF BIDDERS(S)

DATE:

ADDRESS

.....

.....

DECLARATION OF BIDDER'S PAST SUPPLY CHAIN MANAGEMENT PRACTICES

(All claim made by the supplier/ service provider shall remain valid and binding until revised claim is submitted to TEDA)

- 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	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 <i>audi alteram partem</i> rule was applied). The Database of Restricted Suppliers now resides on the National Treasury's website(www.treasury.gov.za) and can be accessed by clicking on its link at the bottom of the home page.	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.1.1	If so, furnish particulars:		
4.2	Is the bidder or any of its directors listed on the Register for Tender Defaulters in terms of section 29 of the Prevention and Combating of Corrupt Activities Act (No 12 of 2004)? 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

(All claim made by the supplier/ service provider shall remain valid and binding until revised claim is submitted to TEDA)

- 1 This Municipal Bidding Document (MBD) must form part of all bids¹ invited.
- 2 Section 4 (1) (b) (iii) of the Competition Act No. 89 of 1998, as amended, prohibits an agreement between, or concerted practice by, firms, or a decision by an association of firms, if it is between parties in a horizontal relationship and if it involves collusive bidding (or bid rigging).² Collusive bidding is a *pe se* prohibition meaning that it cannot be justified under any grounds.
- 3 Municipal Supply Regulation 38 (1) prescribes that a supply chain management policy must provide measures for the combating of abuse of the supply chain management system, and must enable the accounting officer, among others, to:
 - a. take all reasonable steps to prevent such abuse;
 - b. reject the bid of any bidder if that bidder or any of its directors has abused the supply chain management system of the municipality or municipal entity or has committed any improper conduct in relation to such system; and
 - c. cancel a contract awarded to a person if the person committed any corrupt or fraudulent act during the bidding process or the execution of the contract.
- 4 This MBD serves as a certificate of declaration that would be used by institutions to ensure that, when bids are considered, reasonable steps are taken to prevent any form of bid-rigging.
- 5 In order to give effect to the above, the attached Certificate of Bid Determination (MBD 9) must be completed and submitted with the bid:

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

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

CERTIFICATE OF INDEPENDENT BID DETERMINATION

I, the undersigned, in submitting the accompanying bid:

(Bid Number and Description)

in response to the invitation for the bid made by:

(Name of Municipality / Municipal Entity)

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

I certify, on behalf of: _____ that:

(Name of Bidder)

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

6. The bidder has arrived at the accompanying bid independently from, and without consultation, communication, agreement or arrangement with any competitor. However communication between partners in a joint venture or consortium³ will not be construed as collusive bidding.
7. In particular, without limiting the generality of paragraphs 6 above, there has been no consultation, communication, agreement or arrangement with any competitor regarding:
 - (a) prices;
 - (b) geographical area where product or service will be rendered (market allocation)
 - (c) methods, factors or formulas used to calculate prices;
 - (d) the intention or decision to submit or not to submit, a bid;
 - (e) the submission of a bid which does not meet the specifications and conditions of the bid; or
 - (f) bidding with the intention not to win the bid.
8. In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications and conditions or delivery particulars of the products or services to which this bid invitation relates.
9. The terms of the accompanying bid have not been, and will not be, disclosed by the bidder, directly or indirectly, to any competitor, prior to the date and time of the official bid opening or of the awarding of the contract.

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

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

.....
Signature

.....
Date

.....
Position

.....
Name of Bidder