

Mossel Bay Municipality

**CLOSED QUOTATION**  
**G53-07/10: SUPPLY AND DELIVERY OF 6m<sup>3</sup> STEEL BULK REFUSE**  
**CONTAINERS**

|                            |                     |
|----------------------------|---------------------|
| CLOSING DATE: 30 JULY 2010 | CLOSING TIME: 12:00 |
|----------------------------|---------------------|

NAME OF BIDDER\* .....

ADDRESS\* .....

.....

.....

.....

TEL NUMBER\* .....

FAX NUMBER\* .....

MBM DATABASE REG NO\* .....

QUOTATION AMOUNT, INCL VAT\* .....

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Prepared by:  
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## SECTION 1.1: INVITATION TO QUOTE

### G53-07/10: SUPPLY AND DELIVERY OF 6m<sup>3</sup> STEEL BULK REFUSE CONTAINERS

CLOSING DATE: 30 JULY 2010

CLOSING TIME: 12:00

Closed written quotations are hereby invited for the supply and mounting of 6m<sup>3</sup> steel (stackable) bulk (skip) refuse containers. Quotations are requested for 1 x 6m<sup>3</sup> container and per unit if five (5) or more containers are required.

The refuse containers must be delivered at the Hartenbos and KwaNonqaba transfer stations, Mossel Bay. Quotations must be submitted on the original documents and remain valid for ninety (90) days after the closing date of the quotation. Enquiries about the quotation and the completion of the documents can be addressed to Ms Lanese Hesselman at telephone (044) 606-5151.

A set of quotation documents can be obtained from Ms Megan Lewis at telephone (044) 606-5143. Documents can also be e-mailed on request.

A set of quotation documents can also be obtained on our website at [www.mosselbaymun.co.za](http://www.mosselbaymun.co.za). (Follow the Procurement-link on the left hand side).

Fully completed documents must be placed in a sealed envelope and placed in the **tender box on the Lower Ground floor (seaside) at the Municipality, Marsh Street, Mossel Bay by not later than 12:00 on Friday, 30 July 2010** or be mailed to reach the **Tender Box, Mossel Bay Municipality, PO Box 25, Mossel Bay, 6500** before the specified closing date and time. The envelopes must be endorsed clearly with the title and closing date of the quotation as above.

In terms of the Preference Points system prescribed by the Preferential Procurement Policy Framework Act 5 of 2000, the Municipality will award a maximum of 8 points for service providers located in the Mossel Bay Municipal Area.

Receipts will be issued at request only for tenders handed in during office hours from Mondays to Fridays. Receipts will not be issued for tenders placed in the tender box after hours or which are received by mail.

The tender box will be emptied just after 12:00 on the closing date where after all bids will be opened in public. Late tenders or tenders submitted by e-mail or fax will under no circumstances be accepted.

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

It is expected of all prospective service providers who are not yet registered on the Municipality's Accredited Supplier Database to register without delay by completing the prescribed form. The Municipality reserves the right not to award tenders to prospective suppliers who are not registered on the Database.

**DR M GRATZ**  
**MUNICIPAL MANAGER**

## **SECTION 1.2: CONDITIONS AND INFORMATION**

### **1.2.1 Completion of Documents**

(a) The original document must be completed fully in black ink and signed by the authorised signatory to validate the quotation. Section 5: DECLARATION must be completed and signed by the authorised signatory and returned. Failure to do so will result in the disqualification of the quotation.

(b) Documents may not be retyped. Retyped documents will result in the disqualification of the quotation.

(c) The complete original document must be returned. Missing pages will result in the disqualification of the quotation.

(d) No unauthorised alteration of this set of documents will be allowed. Any unauthorised alteration will disqualify the quotation automatically. Any ambiguity has to be cleared with contact person for the quotation before the closure date and time.

### **1.2.2 Compulsory Documentation**

#### **1.2.2.1 Tax Clearance Certificate**

(a) A valid original Tax Clearance Certificate must accompany the bid documents unless the bidder is registered on the Accredited Supplier Database of the Municipality and the Municipality has a valid original Tax Clearance Certificate for the bidder on record. The onus is on the bidder to ensure that the Municipality has an original Tax Clearance Certificate on record. If the South African Revenue Services (SARS) cannot Provide a valid original Tax Clearance Certificate; the bidder must submit a letter from SARS on an original SARS letterhead that their tax matters are in order.

(b) If a bid is not supported by a valid original Tax Clearance Certificate, either as an attachment to the bid documents or on record in the case of suppliers registered on the Supplier Database of the Municipality, the Municipality reserves the right to obtain such document after the closing date to verify that the bidder's tax matters are in order. If no such document can be obtained within a period as specified by the Municipality, the bid will be disqualified

### **1.2.3 Other Documentation**

#### **1.2.3.1 Municipal Rates, Taxes and Charges**

(a) A certified copy of the bidder's municipal account (for the Municipality where the bidder pays his account) for the month preceding the quotation closure date must accompany the tender documents. If such a certified copy does not accompany the bid document of the successful bidder, the Municipality reserves the right to obtain such documents after the closing date to verify that their municipal accounts are in order.

(b) Any bidder which is or whose directors are in arrears with their municipal rates and taxes or municipal charges due to any Municipality or any of its entities for more than three months and have not made an arrangement for settlement of same before the bid closure date will be unsuccessful.

(c) If a bidder rents their premises, proof must be submitted that the rental includes their municipal rates and taxes or municipal charges and that their rent is not in arrears.

#### 1.2.4 Authorised Signatory

(a) A copy of the recorded Resolution taken by the Board of Directors, members, partners or trustees authorising the representative to submit this bid on the bidder's behalf must be attached to the Bid Document on submission of same.

(b) A bid shall be eligible for consideration only if it bears the signature of the bidder or of some person duly and lawfully authorised to sign it for and on behalf of the bidder.

(c) If such a copy of the Resolution does not accompany the bid document of the successful bidder, the Municipality reserves the right to obtain such document after the closing date to verify that the signatory is in order.

#### 1.2.5 Quantities of Specific Items

If quotations are called for a specific number of items, Council reserves the right to change the number of such items to be higher or lower. The successful bidder will then be given an opportunity to evaluate the new scenario and inform the Municipality if it is acceptable. If the successful bidder does not accept the new scenario, it will be offered to the second-placed bidder. The process will be continued to the Municipality's satisfaction.

#### 1.2.6 Submission of Quotation

(a) The quotation must be placed in a sealed envelope, or envelopes when the two-envelope system is specified, clearly marked with the quotation title as well as closing date and time and

- placed in the **tender box on the Lower Ground floor (seaside) at the Municipality by not later than 12:00 on 30 July 2010**

OR

- be mailed to reach the **Tender Box, Mossel Bay Municipality, PO Box 25, Mossel Bay, 6500** before the specified closing date and time.

(b) Faxed, e-mailed and late quotations will not be accepted. Quotations may be delivered by hand, by courier, or posted at the bidder's risk and must be received by the deadline specified above, irrespective of how they are sent or delivered.

#### 1.2.7 Expenses Incurred in Preparation of Quotation

The Municipality shall not be liable for any expenses incurred in the preparation and submission of the quotation.

### **1.2.8 Contact with Municipality after Closure Date**

Bidders shall not contact the Mossel Bay Municipality on any matter relating to their bid from the time of the opening of the bid to the time the contract is awarded. If a bidder wishes to bring additional information to the notice of the Mossel Bay Municipality, it should do so in writing to the Mossel Bay Municipality. Any effort by the firm to influence the Mossel Bay Municipality in the bid evaluation, bid comparison or contract award decisions may result in the rejection of the bid.

### **1.2.9 Opening, Recording and Publications of Quotations Received**

(a) Quotations will be opened on the closing date immediately after the closing time specified in the documents. If requested by any bidder present, the names of the bidders, and if practical, the total amount of each bid and of any alternative bids will be read out aloud.

(b) Details of quotations received in time will be published on the Municipality's website as well as recorded in a register which is open to public inspection.

### **1.2.10 Evaluation of Quotations**

Quotations will be evaluated in terms of their responsiveness to the quotation specifications and requirements as well as such additional criteria as set out in this set of documents.

### **1.2.11 Procurement Policy**

Bids will be awarded in accordance with the Preferential Procurement Regulations, 2001 pertaining to the Preferential Procurement Policy Framework Act, No 5 of 2000 as well as the Municipality's Supply Chain Management Policy.

### **1.2.12 Contract**

The successful bidder will be expected to sign an agreement/contract within 7 days of the date of notification by the Mossel Bay Municipality that his/her bid has been accepted. The Municipality, at its discretion, may also request the signing of an additional Service Level Agreement, which, together with the signed quotation document, will constitute the full agreement between the Municipality and the successful bidder.

### **1.2.13 Stamp and Other Duties**

The successful bidder will be liable for all duties and costs on legal documents resulting in the establishment of a contract and for the surety and retentions.

### **1.2.14 Wrong Information Furnished**

Where a contract has been awarded on the strength of the information furnished by the bidder which, after the conclusion of the relevant agreement, is proved to have been incorrect, the Municipality may, in addition to any other legal remedy it may have, recover from the contractor all costs, losses or damages incurred or sustained by the Municipality as a result of the award of the contract.

### **1.2.15 Past Practices**

(a) The bid of any bidder may be rejected if that bidder or any of its directors have abused the municipality's supply chain management system or committed any improper conduct in relation to such system.

(b) The bid of any bidder may be rejected if it is or has been found that that bidder or any of its directors influenced or tried to influence any official or councillor with this or any past tender.

(c) The bid of any bidder may be rejected if it is or has been found that that bidder or any of its directors offered, promised or granted any official or any of his/her close family members, partners or associates any reward, gift, favour, hospitality or any other benefit in any improper way, with this or any past tender.

### **1.2.16 Enquiries**

Enquiries in connection with this quotation, prior to the closure date, may be addressed to Ms Lanese Hesselman at telephone (044) 606-5151.

## SECTION 2.1: SPECIFICATIONS

- 2.1.1 Stackable 6m<sup>3</sup> bins.
- 2.1.2 Four (4) machine lifting lugs on the sides.
- 2.1.3 Tipping bars at the base of each bin – 40mm in diameter.
- 2.1.4 Five (5) full length inverted angles one space welded to the base of the bin.
- 2.1.5 Drain holes located in the four corners of the bin.
- 2.1.6 Container material 4,5mm mild steel.

### 2.1.4 GENERAL

- (a) Prices should include VAT and delivery costs.
- (b) The refuse containers must be delivered to the transfer stations, as arranged with Head: Pollution and Waste.

**SECTION 3.1: MBD1: BID FOR THE REQUIREMENTS OF THE MUNICIPALITY OF MOSSEL BAY**

|  |                     |
|--|---------------------|
| CLOSED QUOTATION: G53-07/10: SUPPLY AND DELIVERY OF 6m <sup>3</sup> STEEL BULK REFUSE CONTAINERS |                     |
| CLOSING DATE: 30 JULY 2010   | CLOSING TIME: 12:00 |

Bid documents, placed in a sealed envelope and clearly marked with the bid number on the outside, may be posted to:

The Tender Box  
Mossel Bay Municipality  
Private Bag X29  
MOSSEL BAY  
6500

or

deposited in the tender box situated on the Lower Ground Floor, Municipal Building, 101 Marsh Street, Mossel Bay

Please note:

- **Bidders must ensure that bids are delivered timeously to the correct address. If the bid is late, it will not be accepted for consideration.**
- All bids must be submitted on the official forms. Forms may not be retyped.
- This bid is subject to the General Conditions of Contract (GCC) and, if applicable, any other special conditions of contract included in this document.
- The successful bidder will be required to fill in and sign a written Contract Form (MBD7).

**THE FOLLOWING PARTICULARS MUST BE FURNISHED. FAILURE TO DO SO MAY RESULT IN YOUR BID BEING NOT BEING ACCEPTED.**

MUNICIPAL SUPPLIER DATABASE REGISTRATION NO: .....

NAME OF BIDDER: .....

POSTAL ADDRESS: .....

.....

STREET ADDRESS : .....

.....

TELEPHONE: AREA CODE: ..... NUMBER.....

FACSIMILE: AREA CODE: ..... NUMBER.....

E-MAIL ADDRESS (IF AVAILABLE): .....

NAME OF CONTACT PERSON: .....

CELL PHONE NUMBER OF CONTACT PERSON: .....

Has a valid original tax clearance certificate been submitted YES / NO

Income Tax Number .....

Name of taxpayer .....

Identity number of taxpayer (if applicable) .....

Employer's PAYE registration number (if applicable) .....

Is a CIDB certificate enclosed? YES / NO / NOT APPLICABLE

Company or CC Registration No

Are you the accredited representative in South Africa for the goods / services offered by you? YES / NO / NOT APPLICABLE

AUTHORISED SIGNATURE: .....

NAME: .....

CAPACITY: .....

DATE: .....

TOTAL BID PRICE: .....

TOTAL BID PRICE IN WORDS: .....

DELIVERY BASIS:

|   |                           |
|---|---------------------------|
| Is the delivery period firm?  | YES / NO                  |
| Period required for delivery after receipt of order (days)                          |                           |
| Is the price (inclusive of VAT) firm?   | YES / NO                  |
| Discount offered:   | Conditional/Unconditional |
| If conditional, state condition:  |                           |
| Is offer strictly to specification/terms of reference                               | YES / NO                  |
| If not to specification/terms of reference. Please state deviation(s) if any: ..... |                           |
| .....   |                           |

BANK DETAILS (IF APPLICABLE):

|                 |               |
|-----------------|---------------|
| BANK NAME:      |               |
| BRANCH:         | BRANCH CODE:  |
| ACCOUNT HOLDER: |               |
| ACCOUNT NUMBER: | ACCOUNT TYPE: |

**SECTION 4.1 MBD4: DECLARATION OF INTEREST**

1. Any legal person or persons having a relationship with persons employed by the State (see definition below), 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 a person or persons having such a kinship with persons employed by the State, it is required that the bidder or his/her authorised representative declare his/her position in relation to the evaluating/adjudicating authority and/or take an oath declaring his/her interest, where -

- the legal person on whose behalf the bidding document is signed, has a relationship with persons / a person who are/is involved in the evaluation and or adjudication of the bid(s), or where it is known that such a relationship exists between the person or persons for or on whose behalf the declarant acts and person who are involved with the evaluation and or adjudication of the bid.

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

2.1 Are you or any person connected with the bidder, employed by the State? YES/NO

2.1.1 If so, please state particulars:

.....  
.....

2.2 Do you, or any person connected with the bidder, have any relationship (family, friend, other) with a person employed by the State and who may be involved with the evaluation and or adjudication of this bid? YES/NO

2.2.1 If so, please state particulars:

.....  
.....

2.3 Are you, or any person connected with the bidder, aware of any relationship (family, friend, other) between the bidder and any person employed by the State who may be involved with the evaluation and or adjudication of this bid? YES/NO

2.3.1 If so, please state particulars:

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

DECLARATION

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

CERTIFY THAT THE INFORMATION FURNISHED IN PARAGRAPHS 2.1 TO 2.3.1 ABOVE IS CORRECT. I ACCEPT THAT THE STATE MAY ACT AGAINST ME SHOULD THIS DECLARATION PROVE TO BE FALSE.

.....  
Signature Date

.....  
Position Name of Bidder

\* DEFINITION

**“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;

**SECTION 4.2 MBD6.1: PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL PROCUREMENT REGULATIONS, 2001**

This form contains general information and serves as a claim form for Historically Disadvantaged Individual (HDI) preference points as well as a summary for preference points claimed for attainment of other specified goals.

**NB.** BEFORE COMPLETING THIS FORM, BIDDERS MUST STUDY THE GENERAL CONDITIONS, DEFINITIONS AND DIRECTIVES APPLICABLE IN RESPECT OF EQUITY OWNERSHIP BY HISTORICALLY DISADVANTAGED INDIVIDUALS (HDI'S), AS PRESCRIBED IN THE PREFERENTIAL PROCUREMENT REGULATIONS, 2001

**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 R500 000; and
  - the 90/10 system for requirements with a Rand value above R500 000.
- 1.2 The estimated value of this bid is estimated to not exceed R500 000, including VAT, and therefore the 80/20 system shall be applicable. Should the lowest bid be more than R500 000, including VAT, the quotation will be cancelled in terms of Section 10 of the Preferential Procurement Regulations, 2001, and the quotation reissued if deemed necessary.
- 1.3 Preference points for this bid shall be awarded for:
- a) Price; and
  - b) Specific contract participation goals, as specified in the attached forms.
- 1.3.1 The points for this bid will be allocated as follows:

| CATEGORY  | POINTS 80/20 |
|---|--------------|
| 1.3.1.1 PRICE   | 80           |
| 1.3.1.2 SPECIFIC CONTRACT PARTICIPATION GOALS   |              |
| Historically Disadvantaged Individuals  | 8            |
| (i) who had no franchise in national elections before the 1983 and 1993 Constitutions (Maximum 8 points (80/20 system)) (See 2.10 below for HDI definition) |              |
| (ii) who is a female  | 2            |
| (iii) who has a disability  | 2            |
| 1.3.1.3 OTHER SPECIFIC GOALS  |              |
| Promotion of local enterprise (Maximum 8 points (80/20))  |              |
| - Mossel Bay-based (Maximum 8 points (80/20))   | 8            |
| - Rest of Eden District Municipality Area (Maximum 4 points (80/20))  | 4            |
| - Western Cape (Maximum 2 points (80/20))   | 2            |
| <b>TOTAL POINTS</b>   | <b>100</b>   |

(\* Maximum points for price will be awarded for the lowest price, and the points of other bidders be calculated according to the formula in Paragraph 5.)

Separate Preference Points Claim Forms (see enclosed) must be completed for the promotion of the specific goals for which points have been claimed above

1.4 **Failure on the part of a bidder to fill in and/or to sign this form may be interpreted to mean that preference points are not claimed.**

1.5 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. GENERAL DEFINITIONS

2.1 "Acceptable bid" means any bid which, in all respects, complies with the specifications and conditions of bid as set out in the bid document.

2.2 "Bid" means a written offer in a prescribed or stipulated form in response to an invitation by an organ of State for the provision of goods, works or services.

2.3 "Comparative price" means the price after the factors of a non-firm price and all unconditional discounts that can be utilised have been taken into consideration.

2.4 "Consortium or joint venture" means an association of persons for the purpose of combining their expertise, property, capital, efforts, skills and knowledge in an activity for the execution of a contract.

2.5 "Contract" means the agreement that results from the acceptance of a bid by an organ of State.

2.6 "Specific contract participation goals" means the goals as stipulated in the Preferential Procurement Regulations 2001.

2.6.1 In addition to abovementioned goals, the Regulations (12.(1)) also make provision for organs of State to give particular consideration to procuring locally manufacture products.

2.7 "Control" means the possession and exercise of legal authority and power to manage the assets, goodwill and daily operations of a business and the active and continuous exercise of appropriate managerial authority and power in determining the policies and directing the operations of the business.

2.8 "Disability" means, in respect of a person, a permanent impairment of a physical, intellectual, or sensory function, which results in restricted, or lack of, ability to perform an activity in the manner, or within the range, considered normal for a human being.

2.9 "Equity Ownership" means the percentage ownership and control, exercised by individuals within an enterprise.

2.10 "Historically Disadvantaged Individual (HDI)" means a South African citizen

1. who, due to the apartheid policy that had been in place, had no franchise in national elections prior to the introduction of the Constitution of the Republic of South Africa, 1983 (Act No. 110 of 1983) of the Constitution of the Republic of South Africa, 1993, (Act No. 200 of 1993) ("the interim Constitution); and/or

2. who is a female; and/or
3. who has a disability;

Provided that a person who obtained South African citizenship on or after the coming to effect of the Interim Constitution, is deemed not to be a HDI;

- 2.11 "Management" means an activity inclusive of control and performed on a daily basis, by any person who is a principal executive officer of the company, by whatever name that person may be designated, and whether or not that person is a director.
- 2.12 "Owned" means having all the customary elements of ownership, including the right of decision making and sharing all the risks and profits commensurate with the degree of ownership interests as demonstrated by an examination of the substance, rather than the form of ownership arrangements.
- 2.13 "Person" includes reference to a juristic person.
- 2.14 "Rand value" means the total estimated value of a contract in Rand denomination that is calculated at the time of bid invitations and includes all applicable taxes and excise duties.
- 2.15 "Small, Medium and Micro Enterprises (SMME's) bears the same meaning assigned to this expression in the National Small Business Act, 1996 (No 102 of 1996).
- 2.16 "Sub-contracting" means the primary contractor's assigning or leasing or making out work to, or employing another person to support such primary contractor in the execution of part of a project in terms of the contract.
- 2.17 "Trust" means the arrangement through which the property of one person is made over to bequeath to a trustee to administer such property for the benefit of another person.
- 2.18 "Trustee" means any person, including the founder of a trust, to whom property is bequeathed in order for such property to be administered for the benefit of another person.

### **3. ESTABLISHMENT OF HDI EQUITY OWNERSHIP IN AN ENTERPRISE**

- 3.1 Equity ownership shall be equated to the percentage of an enterprise which is owned by individuals classified as HDI's, or in the case of a company, the percentage shares that are owned by individuals classified as HDI's, who are actively involved in the management and daily business operations of the enterprise and exercise control over the enterprise, commensurate with their degree of ownership.
- 3.2 Where individuals are not actively involved in the management and daily business operations and do not exercise control over the enterprise commensurate with their degree of ownership, equity ownership may not be claimed.

**4. ADJUDICATION USING A POINT SYSTEM**

- 4.1 Although the contract will generally be awarded to the bidder scoring the highest number of points the Municipality reserves the right to award the contract at its sole discretion to any other bidder.
- 4.2 Preference points shall be calculated after prices have been brought to a comparative basis.
- 4.3 Points scored will be rounded off to 2 decimal places.
- 4.4 In the event of equal points scored, the bid will be awarded to the bidder scoring the highest number of points for specified goals.

**5. POINTS AWARDED FOR PRICE**

**5.1 THE 80/20 OR 90/10 PREFERENCE SYSTEMS**

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

**80/20**

$$\text{Price} = 80 (1 - ((\text{Pt}-\text{Ptmin})/\text{Ptmin}))$$

**OR**

$$\text{Price} = 90 (1 - ((\text{Pt}-\text{Ptmin})/\text{Ptmin}))$$

Where

Ps = Points scored for price of bid under consideration

Pt = Rand value of bid under consideration

Pmin = Rand value of lowest acceptable bid

**6. POINTS AWARDED FOR HISTORICALLY DISADVANTAGED INDIVIDUALS**

- 6.1 In terms of Regulation 13(2) preference points for HDI's are calculated on their percentage shareholding in a business, provided that they are actively involved in and exercise control over the enterprise. The following formula is prescribed in Regulation 13(5)(x):

$$\text{NEP} = \text{NOP} (\text{EP}/100)$$

Where

NEP = Points awarded for equity ownership by an HDI

NOP = The maximum number of points awarded for equity ownership by an HDI in that specific category

EP = The percentage of equity ownership by an HDI within the enterprise or business, determined in accordance with the definition of HDI's.

6.2 Equity claims for a trust will only be allowed in respect of those persons who are both trustees and beneficiaries and who are actively involved in the management of the trust.

6.3 Documentation to substantiate the validity of the credentials of the trustees contemplated above must be submitted.

6.4 Public companies and tertiary institutions do not qualify for HDI preference points.

6.5 A consortium or joint venture may, based on the percentage of the contract value managed or executed by their HDI-members, be entitled to preference points in respect of an HDI.

6.6 A person awarded a contract as a result of preference for contracting with, or providing equity ownership to an HDI, may not subcontract more than 25% of the value of the contract to a person who is not an HDI or does not qualify for the same number or more preference for equity ownership.

**7. BID DECLARATION:**

7.1 Bidders who claim points in respect of equity ownership must complete the Bid Declaration at the end of this form.

**8. EQUITY OWNERSHIP CLAIMED IN TERMS OF PARAGRAPH 2.10 ABOVE. POINTS TO BE CALCULATED FROM INFORMATION FURNISHED IN PARAGRAPH 9.8**

| OWNERSHIP                                 | PERCENTAGE OWNED | POINTS CLAIMED |
|---|------------------|----------------|
| 8.1 Equity ownership by HDI's             |                  |                |
| 8.2 Equity ownership by women             |                  |                |
| 8.3 Equity ownership by disabled persons* |                  |                |

*(\* If points are claimed for disabled persons, indicate nature of impairment (see paragraph 2.8 above)*

.....  
 .....

**9. DECLARATION WITH REGARD TO EQUITY:**

9.1 Name of firm: .....

9.2 VAT registration number: .....

9.3 Company registration number.....

**9.4 TYPE OF FIRM**

- Partnership .....
- One person business/sole trader .....
- Close Corporation .....
- Company .....
- (Pty) Limited .....

(Mark where applicable)

**9.5 DESCRIBE PRINCIPAL BUSINESS ACTIVITIES**

.....

.....

.....

.....

**9.6 COMPANY CLASSIFICATION**

- Manufacturer .....
  - Supplier .....
  - Professional service provider .....
  - Other service providers, eg. transporter, etc. ....
- (Mark where applicable)

**9.7 TOTAL NUMBER OF YEARS THE FIRM HAS BEEN IN BUSINESS?** ..... years

**9.8 SHAREHOLDERS**

List all Shareholders by name, position, identity number citizenship, HDI status and ownership, as relevant. Information to be used to calculate the points claimed in paragraph 8 (attach on separate sheet if space is insufficient).

| Name | Position | ID No | Date RSA<br>Citizenship<br>obtained | HDI Status |   |   | % Ownership |
|------|----------|-------|-------------------------------------|------------|---|---|-------------|
|      |          |       |                                     | # YES / NO |   |   |             |
|      |          |       |                                     | 1          | 2 | 3 |             |
|      |          |       |                                     |            |   |   |             |
|      |          |       |                                     |            |   |   |             |
|      |          |       |                                     |            |   |   |             |

| Name | Position | ID No | Date RSA<br>Citizenship<br>obtained | HDI Status |     |    | %<br>Ownership |
|------|----------|-------|-------------------------------------|------------|-----|----|----------------|
|      |          |       |                                     | #          | YES | NO |                |
|      |          |       |                                     |            |     |    |                |
|      |          |       |                                     |            |     |    |                |
|      |          |       |                                     |            |     |    |                |
|      |          |       |                                     |            |     |    |                |
|      |          |       |                                     |            |     |    |                |
|      |          |       |                                     |            |     |    |                |
|      |          |       |                                     |            |     |    |                |
|      |          |       |                                     |            |     |    |                |

# Indicate YES or NO.  
1 = No franchise prior to 1983 /1994 Constitutions; 2 = Women; 3 = Disabled

**9.9 CONSORTIUM / JOINT VENTURE**

9.9.1 In the event that preference points are claimed for HDI members by consortia / joint ventures, the following information must be furnished in order to be entitled to the points claimed in respect of the HDI member:

| Name of HDI member (to be consistent with paragraph 9.8) | Percentage (%) of the contract value managed or executed by the HDI member |
|--|--|
|  |  |
|  |  |
|  |  |
|  |  |
|  |  |
|  |  |
|  |  |
|  |  |
|  |  |
|  |  |

9.10 I/We, the undersigned, who warrant(s) that he/she/she is/are duly authorised to do so on behalf of the firm certify that points claimed, based on the equity ownership, indicated in paragraph 8 of the foregoing certificate, qualifies the firm for the preference(s) shown and I/we acknowledge that:

- (i) The information furnished is true and correct.
- (ii) The equity ownership claimed is 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 paragraph 8, the contractor may be required to furnish documentary proof to the satisfaction of the purchaser that the claims are correct.
- (iv) If the claims are found to be incorrect, the purchaser may, in addition to any other remedy it may have:
  - (a) recover costs, losses or damages it has incurred or suffered as a result of that person's conduct, and
  - (b) 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.

SIGNATURE OF BIDDER(S).....

ADDRESS: .....

DATE: .....

WITNESSES

1. ....

2. ....

**SECTION 4.3 MBD 6.11 PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL PROCUREMENT REGULATIONS 2001**

**PROMOTION OF ENTERPRISES LOCATED IN A SPECIFIC MUNICIPAL AREA**

**NB.** BEFORE COMPLETING THIS FORM, BIDDERS MUST STUDY THE GENERAL CONDITIONS, DEFINITIONS AND DIRECTIVES APPLICABLE IN RESPECT OF EQUITY OWNERSHIP BY HISTORICALLY DISADVANTAGED INDIVIDUALS (HDI'S), AS PRESCRIBED IN THE PREFERENTIAL PROCUREMENT REGULATIONS, 2001

1. Regulation 17(3) (g) of the Preferential Procurement Regulations makes provision for the promotion of enterprises located in a specific municipal area for work to be done or services to be rendered in that municipal area.
2. The promotion of this goal can be achieved by acquiring goods and services from enterprises located within the Mossel Bay Municipal area. This includes an enterprise whose head office may be situated in elsewhere, but has established a fully-fledged branch within this municipal area. Enterprises located outside the borders of this Municipality and who only appoint agents and/or commission warehouses in this municipal area are expressly excluded from claiming points for this goal.

**SPECIFIC GOAL**

**POINTS ALLOCATED**

The stimulation of the local economy by procuring from enterprises located within the borders of the Mossel Bay Municipal area.

Points will be allocated on the following scale:

|  |                     |
|--|---------------------|
| Promotion of local enterprise (Maximum 8 points (80/20))             | <b>POINTS 80/20</b> |
| - Mossel Bay-based (Maximum 8 points (80/20))                        | 8                   |
| - Rest of Eden District Municipality Area (Maximum 4 points (80/20)) | 4                   |
| - Western Cape (Maximum 2 points (80/20))                            | 2                   |

**3. BID DECLARATION**

Bidders who wish to claim points in respect of this specific goal must complete the declaration part of this form.

**4. POINTS CLAIMED**

Bidder to indicate whether the point(s) allocated for local enterprises is/are claimed. Yes / No

**5. DECLARATION WITH REGARD TO LOCALITY**

State full particulars of locality of enterprise as well as that of Head Office:

Address of local enterprise:

Physical: ..... Postal: .....

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

Telephone: ..... Fax: .....

Municipal Account No: ..... Stand No: .....

Address of Head Office:

Physical: ..... Postal: .....  
.....  
.....  
.....

Telephone: ..... Fax: .....

I/we, the undersigned, who warrants that he/she is duly authorised to do so on behalf of the enterprise certify that the enterprise is entitled to the points allocated in paragraph 2 of this form and I / we acknowledge that:

- (i) The information furnished is true and correct.
- (ii) In the event of a contract being awarded as a result of points claimed, the contractor may be required to furnish documentary proof to the satisfaction of the purchaser that the claim is correct.
- (iii) If the claim is found to be incorrect, the purchaser may, in addition to any other remedy it may have-
  - (a) recover all costs, losses or damages it has incurred or suffered as a result of wrong information furnished; and
  - (b) 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.

**WITNESSES:**

1. ....  
  
2. ....

.....  
SIGNATURE (S) OF BIDDER (S)

DATE: .....

### SECTION 4.3:MBD8: 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. wilfully 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 as a company or person prohibited from doing business with the public sector?<br><b>(Companies or persons who are listed on this database were informed in writing of this restriction by the National Treasury after the <i>audi alteram partem</i> rule was applied).</b>   | Yes<br><input type="checkbox"/> | No<br><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)?<br><b>(To access this Register enter the National Treasury's website, <a href="http://www.treasury.gov.za">www.treasury.gov.za</a>, click on the icon "Register for Tender Defaulters" or submit your written request for a hard copy of the Register to facsimile number (012) 3265445).</b> | Yes<br><input type="checkbox"/> | No<br><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<br><input type="checkbox"/> | No<br><input type="checkbox"/> |

|             |  |                                 |                                |
|-------------|--|---------------------------------|--------------------------------|
| 4.3.1       | If so, furnish particulars:  |                                 |                                |
| <b>Item</b> | <b>Question</b>  | <b>Yes</b>                      | <b>No</b>                      |
| 4.4         | Does the bidder or any of its directors owe any municipal rates and taxes or municipal charges to the municipality / municipal entity, or to any other municipality / municipal entity, that is in arrears for more than three months? | Yes<br><input type="checkbox"/> | No<br><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<br><input type="checkbox"/> | No<br><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**

**SECTION 5: DECLARATION**

1. I hereby declare that I have read, understood, agree and comply with all of the sections below, if included, that it shall be deemed to form and be construed as part of this agreement:

- Invitation to Quote
- Conditions and Information
- Specifications
- Bid for Requirements of the Mossel Bay Municipality (Form MBD1)
- Declaration of Interest (Form MBD4)
- Preference Points Claim Form in Terms of the Preferential Procurement Regulations, 2001 (Form MBD6.1)
- Preference Points Claim Form in Terms of the Preferential Procurement Regulations ,2001 (Form MBD 6.11)
- Declaration of Bidder's Past Supply Chain Management Practices (Form MBD8)
- Any other sections that might be added to form part of this document.

2. I confirm that I am duly authorised to sign this document.

NAME (PRINT) .....

CAPACITY .....

SIGNATURE .....

NAME OF FIRM .....

DATE .....

|                  |       |
|------------------|-------|
| <b>WITNESSES</b> |       |
| 1                | ..... |
| 2.               | ..... |
| DATE: .....      |       |