

TERMS OF REFERENCE: 7N_382: SUPPLY, DELIVERY AND CONNECTION OF A VOLUMETRIC MINIMUM FOUR (4) TOILET ABLUTION UNIT (18M²) & SECURITY GUARD HOUSE (1.5M²)



ECONOMIC DEVELOPMENT AND PLANNING CLUSTER

QUOTATION CONTRACT

PQ: 7N – 382

TERMS OF REFERENCE: SUPPLY, DELIVERY AND CONNECTION OF A VOLUMETRIC MINIMUM FOUR (4) TOILET ABLUTION UNIT (18M²) & SECURITY GUARD HOUSE (1.5M²)

CONTACT PERSON: MAZANDE MANKAZANA : 031 322 7750
CLOSING DATE FOR SUBMISSION: 20 FEBRUARY 2019

FOR OFFICIAL USE ONLY

Tenderer Name :		CIDB Registered - Y N	
		VAT Registered - Y N	
	Price (excl)	VAT	Price (incl)
Submitted			

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NOTE: SEALED PROPOSALS (INCLUDING ALL REQUIRED DOCUMENTATION) ARE TO BE HAND DELIVERED AND DEPOSITED INTO THE TENDER BOX Corporate Procurement, Materials Management Building (MMB), Ground Floor, 133 Archie Gumede Place, Durban (and not any other municipal department) BEFORE 11H00 ON THE 20 FEBRUARY 2019.

ALL ENVELOPES MUST BE CLEARLY MARKED: SUPPLY, DELIVERY AND CONNECTION OF A VOLUMETRIC MINIMUM FOUR (4) TOILET ABLUTION UNIT (18M²) & SECURITY GUARD HOUSE (1.5M²). (CONTRACT NO: 7N - 382)

Compulsory Clarification Site meeting, 10:00, 15 February 2019

Clarification Meeting Location: 12 Hill Street, Pinetown (opposite Honchos-Red Facebrick building with shop front)

NB: COMPULSORY TO BRING A COPY OF THE TENDER DOCUMENTATION

Tender Closing on: Wednesday, 20 February 2019 at 11:00

NO LATE SUBMISSIONS WILL BE ACCEPTED.

QUOTATION FORM

PQ 7N-382 SUPPLY, DELIVERY AND CONNECTION OF A VOLUMETRIC MINIMUM FOUR (4) TOILET ABLUTION UNIT (18M²) & SECURITY GUARD HOUSE (1.5M²)

I / We the undersigned hereby offer to carry out the above-mentioned work and to supply all the requisite materials and workmanship of the best description, according to the Conditions of Quotation, the true intent and meaning of the drawings, and Bill of Quantities, and the Specification for the sum of :-

	<u>REGISTERED VAT VENDOR</u>	<u>NON-REGISTERED VAT VENDOR</u>
AMOUNT OF TENDER	: R	
+ 15% V.A.T.	: R	
TOTAL TENDER SUM	: R	R
AMOUNT IN WORDS	: RAND
	 CENTS

I / We agree to complete the whole of the work in every respect to the satisfaction of the ACTING DCM: Economic Development and Planning within FIVE months from date of appointment.

Validity Period of Quotation 4 Weeks from Closing Date

Signature: Date:

Full Name (Block Letters) :
.....

Designation :

Name of Firm (Block Letters) :
.....

Address :

:

Telephone Number : Fax :

Cell Number :

VAT Registered Vendor: Yes / No (Delete non-applicable) VAT Reg. No.:
.....

Quotations will be liable to rejection unless submitted on the attached Quotation Form, all of which must be duly completed, signed, and delivered by the date and time, to the location, as stated on the Quotation Form. Failure to complete and return the Quotation Form will be considered a material divergence from the Conditions of Quotation and may render the tender invalid.

1. Definitions of acronyms/ glossary

BBBEE:	Broad Based Black Economic Empowerment
GIS:	Geographic Information System
IDP:	Integrated Development Plan(s)
KZN:	KwaZulu-Natal
LTE:	Long Term Expert
RLED:	Regional and Local Economic Development
PSC:	Project Steering Committee
SMME:	Small, Medium and Micro enterprise
SPD:	Service Providers Database
STE:	Short Term Expert
ToR:	Terms of Reference
VAT:	Value Added Tax

2. BACKGROUND & CONTEXT

2.1. Background to the project being tendered

Pinetown is a strategic node of the western sub region of the EThekweni municipality. The Pinetown (CBD) Central Business District as identified by the restructuring zone plays a pivotal role as a centre for urban transportation, social facilities, retail business, and employment opportunities. In addition the CBD area is a vibrant space of flourishing SMME sized businesses both small and micro operations with a significant impact on the Gross Geographic Product and total employment statistics of the Greater EThekweni.

Whilst these businesses are recognised contributors to the overall formal economy their support facilities are largely overwhelmed and require greater urgency to keep up with the growth of the informal sector. Upgrading of social amenities in the periphery of the CBD ensures an environment supportive of the formal economy and maintains a balance of the social, economic and environmental needs of the informal traders in the urban space.

3. OF THE TERMS OF REFERENCE

3.1 The purpose of this document is to solicit a service provider to supply, delivery and connect a (18m²) 4 cubicle toilet ablution unit and (1.5M²) security guard house to 12 Hill Street Pinetown.

4. PROJECT OBJECTIVES.

4.1. Overall objective

The overall objective of the project is to secure the services of a suitable and experienced service provider to facilitate the supply delivery and connection to basic services of an 18m² minimum 4(four) cubicle ablution unit & and (1.5M²) security guard house. Such units are to clearly and sharply define the cost effectiveness, durability, flexibility, reusability, adaptability of the unit intended in satisfying the client's conditions. In the methodology the service provider shall set forth for the client the transportation, erection and site preperation of the unit to comply with the required movable, reusable, and transportable conditions of the client.

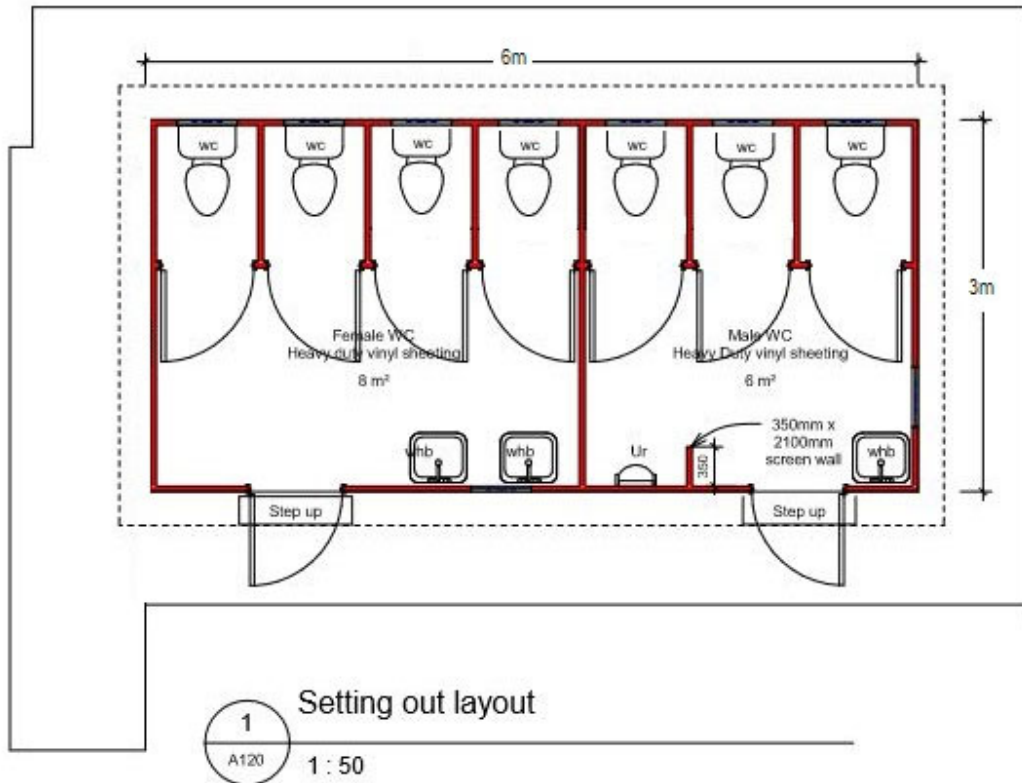


Figure 1: As with any standard unit to be provided, a shop drawing of the layout is required for the client to deliberate on the proposed space configuration. The above schematic drawing is provided for information only and the tenderer is expected to design and conform to SABS standards.

4.2. Specific objective

The specific objectives of the project is for an instant space solution (**example indicated above as Figure 1.**) to address the following:

1. Cost effectiveness, Durability, Re-usability, Transportability, Aesthetics, requires little site preparation.

4.3. Ablution Unit Specifications

The requested instant space solutions are required for the purposes of an ablution unit and a security hut to comply as follows:

External Cladding (Hard-wearing)

- Minimum 0.5mm White Chromadek exterior or similar approved with a high insulation core that is bug, rodent and fire resistant.
- All pop rivets used on the cladding to be pre-painted with matching paint prior to use.

Internal Cladding (Hard-wearing)

- Minimum 0.5mm White Chromadek exterior or similar approved with a high insulation core that is bug, rodent and fire resistant.
- All pop rivets used on the cladding to be pre-painted with matching paint prior to use.

Roof Fittings

- The roof to be SABS approved all components as per manufacturers specifications all fixings including, roof sheets, rainwater goods, bargeboards, fascia boards, purlins, ridges, eaves all in accordance with manufacturers recommendations

Sanitary Fittings

- Stainless steel basins: High density wall mounted wash hand basin equipped with clutch pillar tap securely fixed to structural wall members to manufactures details connect basin to waste pipe.
- Plastic urinal/Porcelain urinal: High density wall mounted urinal equipped with waterless urinal waste securely fixed to structural wall members to manufactures details connect urinal to waste pipe.
- Extractor fan or Independent isolator
- Tile splashback to wash hand basins (construct max 600mm high)
- Pipework from waste to be 50mm PVC pipe glued to drain to external gully.

Toilet cubicles

- 3 No toilet cubicles complete for male ablutions
- 4 No toilet cubicles complete for female ablutions

- Toilet cubicle doors to be fitted with chrome plated 80mm bowed handle externally and a pull handle indicator latch internally. Handles to be 1200mm from the bottom of the door panel.
- Toilet pan, cistern and toilet seat to be fitted with highly vandalproof mechanism to manufacturers details to be surely fixed to structural members in the wall.
- Rivet a white single toilet roll holder 800mm from floor level to partition wall into each cubicle

Supplementary Fittings

- Burglar Bars
- Blinds/Curtains Racks/Obscure Glazing
- Transportation to site and erection
- Plumbing (distance to septic tank to be confirmed on site)
- Septic tank: Rototank 10 persons underground septic tank or similar approved with 450mm manhole cover for adequate desludging size, fixing details to be strictly as per manufacturers details.
- Signage: 150x150mm "male" or "female" sign as appropriate to be displayed externally above entrance door to client's approval.
- A GMS plaque or equal approved reflecting the asset number must be rivited externally for ease of reference.

Floor finishes

- Domestic vinyl floor sheeting or otherwise approved – colour client's approval dressed 100mm up wall to form skirting

Chassis

- Chassis metal framework setting out, support detail; underfloor requirements, skirting coverage, and maintenance all to comply to manufacturers details and recommendations

Windows/Doors

- Standard powder coated sliding aluminium windows with suitable openings and GMS metal burglar bars to be suitably fixed to structural members.
- Solid standard doors to suit opening heights and widths to client's approval
- Main entrance doors to be left hung to GMS frame to suit and opening outward.

- Door keep: Rivet a 150mm length of 20x10x3mm chain to door and a hook to the building to hold door in open position. Align a 32mm rubber door stop with the stopper and fix to door.
- Fit a latch lock with 3Nokeys into tubing frame of the door panel, align and cut lock strike slot into door frame.

Ancillary works

(As indicated in the typical layout needs to be provided for and included for)

- 1 meter wide concrete apron re-inforced with ref. 193 mesh (concrete to be floated to a smooth surface with adequate movement joint at max. 2m centers at suitable centres . 1m wide apron with minimum 20mm slope away from the structure.
- External steps
- The total platform area to be sprayed by a specialist approved termite poison. Soil poisoning certificate to be provided.

Reticulation

- Water Connection: Water supply inlet to be located 300mm from floor level. Main water supply from the tie-in point to structure to be minimum 22mm diameter. Ring water supply within structure to be minimum 22mm in diameter and fixed, all other supply to sanitary fittings to be 15mm diameter.
- Water supply into building, each toilet cistern, wash hand basin, urinal, taps must be fitted with an appropriately sized butterfly valve.
- Sewer Connection: No waste pipes to be located under floor. All below ground sewer pipe work to be class 34, 110mm dia uPVC.
- All exposed plumbing shall be securely attached to the structure.
- Minimum cover to all pipes to 0.8m

General

- Where propriety brand names are quoted in the specification drawings, the tenderer may propose a substantively equivalent product for approval by the municipality.
- Where a SABS specification for the particular product/fitting category exists such specification shall be adhered to.
- Product component materials shall likewise conform to SABS specification where such are available for the product or category.

- All GMS surfaces where heat was applied due to gas cutting, welding, grinding etc must be adequately prepared and painted with one coat cold galvanised to a thickness of minimum 60 microns to the prepared area.
- All pipes to be fixed to wall with white holder bats at maximum 500mm spacing to manufacture details and recommendations.

NB: All fixtures and fittings sourced and manufactured are to strictly comply with SABS approval of the highest quality

4.4. Security Hut (Timber Cabin) Specifications

Cabin Size:	1.5mx1.0m x2.1m high plus 1.5mx1.0m verandah
Cabin Specifications:	Zincal Roofing 0.3mm or similar approved 1 NE1 Cottage Pane Pine Windows Standard T&G Stable Door with padbolts Waxol Sealer inside and outside
Cabin Construction:	Zincal 3mm Thick or similar approved 38x76 CCA Treated Roof Beams with max 600-650mm spacing 38x76 CCA Treated Floor Beams with max 500mm spacing 38x76 CCA Treated Gable Structure 38x76 CCA Treated Cross Beams (Panels) 19mmx114 Graded T&G Timber for wall panels 19mmx114 Graded T&G Timber for floor boards
Stilted Base:	38mmx114 Treated Framework on CCA Treated GumPoles or similar approved
Provisional Allowance:	Rain watergoods Step (up) Bricks for installation

Outputs and Deliverables

The successful service provider will during the course of the project:

- **Supply and deliver a suitable 4 toilet ablution unit.**
- **Supply and deliver a suitable security hut.**
- **Deliver these unit to the site at Pinetown (12 Hill Street)**

4.5. **Project Implementation Report** that documents the detailed methodology required to fulfil the works as per the objective itemised on Item 4. Formulate an overall project timeline - a detailed activity based work-plan of all deliverables as per Item (3.2) reflect estimated key milestone dates for each phase of the program. Indicate all supplier names of fittings intended for use in the unit for the client's adjudication.

4.6. **Annotated Shop Drawings:** Detailed working drawing from manufacturer's draughting office with visible legends of all fitting for future reference and maintenance.

4.7. **Detailed Fitting Schedule/Schedule of Quantities:** Similarly to a detailed bill of quantities/schedule of quantities inclusive of all fittings and fixtures relevant to the offer. Such bill of quantity/schedule of quantity shall be sufficiently detailed and correspond to the price offer inclusive of transportation connection to basic services and all requirements listed

4.8. **Close-out Report** with All data and information collected as well as contact persons for preventative maintenance information is to be compiled in a file of hard copy for the Economic Development and Investment Promotion Unit. Such report is to include specific manufacturer information and original manuals or warranties of fittings installed in the respective units in respect to structural integrity. Minimum 18 months structural integrity warranty in lieu of chassis, external walls, floors, roofs and ceilings. Minimum 12 months products warranty in lieu of electronic fittings, plumbing fittings and fixtures.

5. **ANTICIPATED TIME FRAMES**

The proposed timeframe for the project is **2.5 months**.

6. **REQUIREMENTS**

The submission of the proposal must demonstrate the following characteristics as an indication of the capacity and readiness to implement the assignment:

- i. Be an individual or company or consortium with demonstrated professional background and experience relevant to the project requirements. Please note if intending to sub contract only one bid will be accepted or the bidder will be disqualified.
- Preference will also be given to service providers able to supply a minimum of three (3) traceable references related to the scope of work required

7. THE ADJUDICATION PROCESS

The adjudication of proposals will be in terms of the example below:

CRITERIA	MAXIMUM SCORE
STAGE 1	
1. Response to the brief	30
1.1. Does the proposal clearly demonstrate good understanding of the brief? All key deliverables are distinctly identified and adequately address. <ul style="list-style-type: none"> o Nil – No submission o Poor (score 40%; 12 points) – The proposal shows limited understanding of the brief and project, has not adequately dealt with the key challenges. o Satisfactory (score 70%; 21 points) – The brief is well understood, clearly articulated, and key components are adequately addressed. The proposal reflects necessary concepts but has insufficient detail for it to be distinctive. o Good (score 90%; 27 points) – the proposal clearly demonstrates an understanding of the project’s brief. All key components are adequately addressed. It also reflects sufficient vision and detail to be distinctive. o Very good (score 100%; 30 points) - A unique proposal that is strongly aligned to and identifiable with the project. It identifies and deals well with all the brief criteria and has the potential to leave a broader legacy. 	
2. Methodology	35
Is the methodology innovative, detailed to adequately address all elements of the project and the technical approach stating how each will be executed? <ul style="list-style-type: none"> o Nil – No submission o Poor (score 40%; 14 points) –The technical approach and the methodology is poor/ is unlikely to satisfy the project objectives or requirements. The tenderer has misunderstood certain aspects of the scope of work and does not deal with the critical aspects of it. The methodology is unacceptable. o Satisfactory (score 70%; 24.5 points) – The approach is generic and not tailored to address the specific project objectives and methodology. The approach does not adequately deal with the critical characteristics of the project. The quality plan, manner in which risk is managed is too generic. 	

<ul style="list-style-type: none"> o Good (score 90%; 31.5 points) – The approach is specifically tailored to address the specific project objectives and methodology and is sufficiently flexible to accommodate changes that may occur during execution. The quality plan and approach to manage risk etc. is specifically tailored to the critical characteristics of the project. The methodology is reasonable. o Very good (score 100%; 35 points) – Besides meeting the “good” rating, the important issues are approached in an innovative and efficient way, indicating that the tenderer has outstanding knowledge of the state-of –the art approaches. The methodology is comprehensive. 	
3. Expertise and Experience	20
<p>Does the individual or company demonstrate the capacity and capability to supply to required items?</p> <ul style="list-style-type: none"> o Nil – No submission o Poor (score 40%; 8 points) – The company profile is vague with no innovation, and there is no clarity in terms of resources aligned to the company. It is unlikely that the service provider will deliver all outcomes on time and within budget. o Satisfactory (score 70%; 14 points) – Submitted company profile is complete and reasonably detailed project innovation. Resources appear adequate. The service provider will deliver all outcomes on time and within budget. o Good (score 90%; 18 points) – Besides meeting the 'satisfactory' rating, resources have been clearly defined the service provider makes provision for key risk areas and significant innovation demonstrated. o Very good (score 100%; 20 points) – Besides meeting the 'good' rating, the service provider demonstrates making provision for every eventuality. 	
4. Cost Breakdown	15
<p>Are the costs of work streams in proportion to their contribution to the end products? Is the cost breakdown clear i.e. cost per item?</p> <ul style="list-style-type: none"> o Nil – No submission o Poor (score 40%; 6 points) – unacceptable proportion o Satisfactory (score 70%; 10.5 points)– adequate proportion o Good (score 90%; 13.5 points) – reasonable proportion o Very good (score 100%; 15 points) – fully in proportion 	
TOTAL (Tenderer must score 70 points to qualify for stage 2 in the evaluation)	100
STAGE 2	
Price: overall budget of the project	80
BEE: empowerment status	20
GRAND TOTAL	100

Proposals must include the following elements or will be disqualified.

- 1) Complete price breakdown using specifications listed in Item 4.3.
- 2) Proof of previous work done as well as (3) traceable references
- 3) Implementation plan breakdown of activities
- 4) Submission of all signed and completed **mandatory** documents annexures from (official tender forms) as attached in this document.

7.1 Empowerment

B-BBEE Status Level of Contributor	90/10 Point System	80/20 Point 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

8. COMMENCEMENT AND TERMINATION DATES

It is anticipated that delivery on the project be received within minimum stipulated timeframe. This must be presented to the Economic Development Unit of eThekweni Municipality and a final should be submitted once comments are obtained. This must be accepted by the Municipality before it is submitted to the Provincial Department for reviews.

Once the appointment has been made, the consultant has **five (5) working days** to hand in the inception report detailing the following:

- Implementation schedule with milestones; and
- Linked to the milestones, a work plan clearly stating the Work phase, deliverables, responsible person and timeline (time to be spent in days).

Deadlines must be met; failure to do so will result in penalties and ultimately in the termination of the contract.

9. FORMAT REQUIREMENTS FOR PROPOSALS.

- MS Word to be font size 11, Arial and a line spacing of 1.0
- Final report to be submitted in both hard-copy and electronic format
- Proposal and Report to be produced in A4 size
- Annotated drawings preferably produced in A3 size

All information and reports produced as part of this work will remain the intellectual property of the **eThekweni Municipality** and no duplication; interpretation; re-use or copying of any kind, by the consultants or any other persons, is permitted without the consent of the Municipality.

10. COPYRIGHT ON DOCUMENTS

Intellectual Property

The data and intellectual property rights arising out of this process accrues to the eThekweni Municipality and cannot be used without prior permission from the Council. This includes all information related to the project.

11. PROJECT BUDGET AND DISBURSEMENT

The total contract price is not expected to exceed **R 200 00.00 including VAT** and disbursements. The consultant is to prepare a detailed budget breakdown for the full scope of deliverables including all disbursements and VAT. Cost competitiveness and Empowerment will be scored in the final stage of adjudication. **Allowance and estimates must be provided for any anticipated specialist studies.**

The Total Tender Sum, as per the **Quotation Form**, shall be deemed to be correct. The Employer shall check the Tender Offers for arithmetical errors, correcting them in the following manner:-

- a) Where there is a discrepancy between the amounts in figures and in words, the amount in words shall govern.
- b) If a Bill of Quantities applies and there is an error in the line item total resulting from the product of the unit rate and the quantity, the line item total shall govern and the rate shall be corrected. Where there is an obviously gross misplacement of the decimal point in the unit rate, the line item total as quoted shall govern, and the unit rate shall be corrected.
- c) Where there is an error in the total of the prices, either as a result of other corrections required by this checking process or in the Tenderer/s addition of prices, the total of the prices shall govern and the Tenderer will be asked to revise selected item prices (and their rates if a Bill of Quantities applies) to achieve the tendered total of the prices.

12. METHOD OF PAYMENT

Payment terms and contractual arrangements will be discussed with the selected service provider prior to a letter of appointment. Final payment will be paid on full completion of the project and the receipt of the final report.

13. SPECIFICATION AND PROCUREMENT PRIORITIES

The following requirements **must** be adhered to as part of the procurement process by submitting **source documentation** for perusal:

- **Response to the brief:** The proposal submitted should acknowledge and indicate that

the brief is clearly understood, must show originality, and should warrant that the service provider has skills and ability to deliver on the project.

- Competency and experience: An indication of experience in similar projects and level of expertise in the project should be clearly stated and **tabulated** (similar value and nature).
- Capacity and capability: Capacity to deliver the required quality within the specific time frames without compromising the quality (copies of CV & certificates or company profile).
- PDI and BEE status: Company status in terms of empowerment PDI and BEE
- Price: Overall budget of the project.
- Registration with Municipality database: The service provider must be registered on the Municipality database and provide a PR number and a JDE registration number on the proposal.
- Submission: A **single** hard copy of the proposal must be submitted and the service provider must attach the following **clearly marked** as annexures to their document to their proposals:
 - Certificate of independent Bid Determination
 - Municipal Fees Declaration Form
 - Declaration of interest form
 - Empowerment profile (BBBEE Certificate)
 - A current tax clearance certificate.

These terms of reference are subject to any changes which may stem from a negotiation of the final terms with the consultant(s), as well as any additional budget which may be allocated to the project. Payment arrangements will be negotiated on the basis of the completion of project milestones and will be outlined in the letter of appointment. Final payment will be paid on full completion of the project and the receipt of the final report.

14. TAX CLEARANCE AND BROAD BASED BLACK ECONOMIC EMPOWERMENT CERTIFICATE

Proposals must include with their submission a valid Tax Clearance and Broad Based Black Economic Empowerment certificate (or a letter from the Company Auditors stating that the company's turnover is less than R5 million).

Submissions will not be accepted without a valid tax clearance and broad-based Black economic empowerment rating certificate (or a letter from the Company Auditors stating that the company's turnover is less than R5 million).

15. CONFIDENTIALITY

All the products must be made available in the way stated above and the following must also be noted:

- All data, information and concepts developed during this course of this appointment whether direct or incidental remains the property of the eThekweni Municipality;
- Information which would come out of this process is to be treated as confidential and can only be released with the permission of the eThekweni Municipality.
- The consultant is accountable to the Deputy Head: Economic Development and will work under the direction of the Project Manager.

16. SUBMISSION OF PROPOSALS

Sealed proposals (including all required documentation) are to be hand delivered at the Tender Box located in the reception area, Corporate Procurement (Material Management), Archie Gumede Place, (Formerly Old Fort Place), Durban, 4001 before 11h00am, on **20 FEBRUARY 2019**. All envelopes must be clearly marked "Request for Proposals: **7N_382: SUPPLY, DELIVERY AND CONNECTION OF A VOLUMETRIC MINIMUM FOUR (4) TOILET ABLUTION UNIT (18M²) & SECURITY GUARD HOUSE (1.5M²)**

NO LATE SUBMISSIONS WILL BE ACCEPTED.

Compulsory Clarification Site meeting, 10:00, 15 February 2019

Clarification Meeting Location: 12 Hill Street, Pinetown (opposite Honchos-Red Facebrick building with shopfront)

NB: COMPULSORY TO BRING A COPY OF THE TENDER DOCUMENTATION: Tender Closing on: **Wednesday, 20 February 2019 at 11:00**

17. PROPOSAL DEADLINE

On or before 11h00am, on **20 FEBRUARY 2019**

For further information about this project please contact:

Mrs Mazande Mankazana

Project Manager: Economic Development and Investment Promotion Unit

Tel: (031) 322 7750

Email: mazande.mankazana@durban.gov.za

Appendix

A. 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, shareholder²):.....
 - 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**

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

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.

²Shareholder" 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.

.....
3.10. 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**

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**

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**

If yes, furnish particulars.

.....
.....

3.13. Is any spouse, child or parent of the company's directors, trustees, managers, principle shareholders or stakeholders in service of the state? **YES / NO**

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

B. DECLARATION OF MUNICIPAL FEES

I/We do hereby declare that the Municipal fees of _____ (company name), are, as at the date of the tender closing, fully paid up, or arrangements have been concluded with the Municipality to pay the said fees:

ACCOUNT	ACCOUNT NUMBER
ELECTRICITY	_____
WATER	_____
RATES	_____
JSB LEVIES	_____
OTHER	_____

I acknowledge that should it be found that the Municipal fees are not up to date, the Council may take such remedial action as is required, including termination of contract, and any income due to the Contractor shall be utilised to offset any monies due to the Council.

_____	_____
Name	Signature
_____	_____
Designation	Date

C. CERTIFICATE OF INDEPENDENT BID DETERMINATION

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 per 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 (MBD9) 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.**

MBD 9 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;
6. 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.

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

Date

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.

