



MAKHUDUTHAMAGA
LOCAL MUNICIPALITY

**MAKHUDUTHAMAGA LOCAL MUNICIPALITY
CIBD GRADING 2CE OR HIGHER**

PROJECT NO: LIM473/Maint-Marishane/17/18/27

**UPGRADING AND MAINTENANCE OF SPORTS FACILITY AT GA-MARISHANE
SPORTS FIELD**

ISSUED BY: <u>Supply Chain Management Unit</u> Mr. LLK Mphahlele Acting Manager: SCM Private Bag X 434 Jane Furse 1085 Tel: 013 265 8600 Fax: 013 265 1975 Email: lenganam@makhuduthamaga.gov.za	PREPARED BY: <u>Budget & Treasury Department</u> Mr RM moganedi Chief Financial Officer Private Bag X 434 Jane Furse 1085 Tel: 013 265 8625 Fax: 013 265 1975 Email: ronaldm@makhuduthamaga.gov.za
NAME OF BIDDER	:
TENDER AMOUNT	:
TEL NUMBER	:
FAX NUMBER	:
EMAIL ADDRESS	:

MAKHUDUTHAMAGA LOCAL MUNICIPALITY

UPGRADING AND MAINTENANCE OF SPORTS FACILITY AT GA-MARISHANE SPORTS FIELD.

Contents

The Bid

Part 1: Bidding Procedures		Page
1.1	Bid Notice and Invitation to Bid	2
Part 2: Returnable Documents		
2.1	List of Returnable Documents	08
Part 3: Agreement and Contract Data		
3.1	Form of Offer and Acceptance	17
Part 4: Pricing Data		
4.1	Pricing Instructions	19
4.2	Scope of work	20
Part 5: Declaration		22
Part 6: MBD9		26



MAKHUDUTHAMAGA LOCAL MUNICIPALITY

Bid Notice and Invitation to Bid

Bidders are hereby invited to bid for the following project:

ITEM NO	DESCRIPTION	PROJECT NO	COMPULSORY BRIEFING DATES
01.	Expansion of Jane Furse Artificial pitch.	Lim473/Artificial/17/18/26	06/12/2017 in municipal chamber at 10h00.
02.	Upgrading and maintenance of sports facility at Ga-Marishane sports field.	Lim473/Maint-Marishane/17/18/27	06/12/2017 in municipal chamber at 09h00.
03.	Upgrading and maintenance of sports facility at Glen-Cowie sports field. (Tennis and Netball Courts)	Lim473/Maint-Glen Cowie/17/18/28	06/12/2017 in municipal chamber at 11h30.

The employer is Makhuduthamaga Local Municipality represented by the Acting Municipal Manager.

Bid documents will be obtainable from Makhuduthamaga Local Municipal offices from **06 December 2017** during working hours (07h30 to 14h30, Monday to Friday) from the cashier's office at a non-refundable deposit of R550.00 per document, (payable in cash or bank guaranteed cheque).

Completed and signed bid documents must be sealed in an envelope and **marked with the relevant project description and project number** and be deposited in the tender box at Makhuduthamaga Local Municipality Offices in Jane Furse before the closing date and time. **The closing date for the submission of bid document is the 18 December 2017 at 12h00**

The municipality shall adjudicate and award bids in accordance with the Preferential Procurement Policy Framework Act. 5/2000 and the revised preferential procurement regulation April 2017 on a 100 points for functionality and 80/20 points system where 80 points are for the price and 20 points for B-BBEE according to the said legislation. Bids will remain valid for 90 (ninety) days. Bidders are required to sign where necessary and initial every page of the Bid document.

For enquiries contact: 013 265 8622 or 013 265 8656

Supply Chain Unit : Mr LLK Mphahlele - 013 265 8624
Community Services Office : Mrs M.E Marishane - 013 265 8680

**Mr MK MATLALA,
 ACTING MUNICIPAL MANAGER, PRIVATE BAG X 434, JANE FURSE 1085**

UPGRADING AND MAINTENANCE OF SPORTS FACILITY AT GA-MARISHANE SPORTS FIELD.

1.2 Bid Data

Bid offers will only be accepted if the bidder is free of any common conflict of interest with the Makhuduthamaga Local Municipality.

Part Number	Bid Data
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1.2.1.	The employer is MAKHUDUTHAMAGA LOCAL MUNICIPALITY
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1.2.2	The bid documents issued by the employer comprise:
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1.1	Bid notice and invitation to bid
-----	----------------------------------

1.2	Bid data
-----	----------

2.1	List of returnable documents
-----	------------------------------

Part 1: Agreements and contracts data

C1.1	Form of offer and acceptance
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Part 2: Pricing data

C2.1	Pricing instructions
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C2.2	Specification
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1.2.3	The employer's agent is: Mr. Matlala M.K.
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Tel: (013) 265 8600

Fax: (013) 265 1975

1.2.4	Only Bidders who are registered with central supplier database (CSD) will be considered.
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1.2.5	The arrangements for a compulsory clarification meeting are as stated in the Bid Notice and Invitation to Bid.
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1.2.6	If a bidder wishes to submit an alternative bid offer, the only criteria permitted for such alternative bid offer is that it demonstrably enables the Employer's objectives for the services as stated in the Scope of Work to be achieved.
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1.2.7	All parts of each bid offer communicated on paper shall be submitted as the original.
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1.2.8	The employer's address for delivery of bid offers and identification details to be shown on each bid offer package is:
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**BID BOX (TENDER BOX)
MAKHUDUTHAMAGALOCALMUNICIPALITY
GROBLERSDAL ROAD
JANE FURSE**

- 1.2.9 The closing time for submission of bid offers is as stated in the Bid Notice and Invitation to Bid.
- 1.2.10 Telephonic, telegraphic, telex, facsimile or e-mailed bid offers will not be accepted.
- 1.2.11 The bid offer validity period is ninety (90) days.
- 1.2.12 The bidder is required to submit with his/her bid all required documents as listed in the list of returnable documents as part of the eligibility criteria.
- 1.2.13 The Bid/Proposal will be opened immediately after the closing time for bids only to confirm the bidder, at:

**MAKHUDUTHAMAGALOCALMUNICIPALITY
GROBLERSDAL ROAD
JANE FURSE**

- 1.2.14 The procedure for the evaluation of responsive bids will be on 80/20 points system, where 80 points are for price and 20 points are for B-BBEE**

1.2.15 Bid offers will only be accepted if:

- 1.2.15.1 The bidder has registered with the central supplier database (CSD);
- 1.2.15.2 The bidder or any of its directors is not listed on the Register of Bid Defaulters in terms of the Prevention and Combating of Corrupt Activities Act of 2004 as a person prohibited from doing business with the public sector;
- 1.2.15.3 The bidder has not:
- abused the Employer's Supply Chain Management System; or
 - failed to perform on any previous contract and has been given a written notice to this effect;
- 1.2.15.4 The bidder has completed the Compulsory Enterprise questionnaire and there are no conflicts of interest which may impact on the bidder's ability to perform the contract in the best interests of the employer or potentially compromise the bid process; and
- 1.2.15.5 Proof of municipal rates and taxes for both the company and the directors are attached not older than three months of the closing date of the tender.
- 1.2.15.6 The bidder or any of its directors is not employed by the state.

FUNCTIONALITY

1.2.14 The procedure for the evaluation of responsive bids will be on 80/20 points system, where 80 points are for price and 20 points are for B-BBEE

The procedure for the evaluation of responsive bids is **Method 4**

The quality criteria and maximum score in respect of each of the criteria are as follows:

Quality Criteria	Sub-Criteria	Weighting
Organization and staffing		10
Experience of the key staff (assigned personnel) in relation to the scope of work	Project Leader	15
	General qualifications	15
PSP's experience with respect to specific aspects of the project / comparable projects	-	60
Maximum possible score for quality (M_s)		100 points

- **Organisation & Staffing (10)**
 - No organisational Structure attached : 0 points
 - Organisational Structure attached : 10 points

- **Experience of Project Leader (15)**
 - With 1 year experience in relevant projects : 10 Points
 - With >2 years' experience in relevant projects: 15 Points

- **General Qualifications (15)**
 - At least one person with certificate/diploma in project management/civil engineering /equivalent: 5 points
 - At least one person with degree in project management/civil engineering equivalent : 10 points
 - Combination of the above two (certificate/diploma and degree in project management or one with both/civil engineering/ equivalent): 15 Points

- **Company Experience in - relation to the scope of work (60)**
 - 0 – 1 Year: 10
 - 1 – 2 Years: 20
 - 2 - 3 Years: 25
 - 3 - 4 Years: 30
 - 4 – 5 Years: 50
 - > 5 years: 60

- **N.B-attach the previous appointment letters or/orders for work done in different institutions(No appointment letters attached-the bidder will score 0 points)**

Note: The Municipality has the right to verify the validity of the supporting documents.

Minimum score for functionality is 60%. Bidders who score 60 points and above, will be evaluated further on 80/20 point system where 80 points will be for price and 20 points will be for B-BBEE Certificate.

1.2.15 Bid offers will only be accepted if:

- 1.2.15.1 The bidder has attached an original valid Tax Clearance certificate issued by the South African Revenue Services;
- 1.2.15.2 The bidder or any of its directors is not listed on the Register of Bid Defaulters in terms of the Prevention and Combating of Corrupt Activities Act of 2004 as a person prohibited from doing business with the public sector;
- 1.2.15.3 The bidder has not:
 - abused the Employer's Supply Chain Management System; or
 - failed to perform on any previous contract and has been given a written notice to this effect;
- 1.2.15.4 The bidder has completed the Compulsory Enterprise questionnaire and there are no conflicts of interest which may impact on the bidder's ability to perform the contract in the best interests of the employer or potentially compromise the bid process; and
- 1.2.15.5 Proof of municipal rates and taxes for both the company and the directors are attached.
- 1.2.15.6 The bidder has attached company registration certificate
- 1.2.15.7 The bidder or any of its directors is not employed by the State

1. CRITERIA FOR THE AWARDING OF CONTRACTS

According to the Preferential Procurement Framework Act and Regulations a preference point system must be followed:

1.1 The 80/20 Preference Point System

- a) The following formula must be used to calculate the points for price in respect of tenders/procurement with a Rand value equal to, or above R30 000 and up to a Rand value of R50 000 000. Organs of state may, however, apply this formula for procurement with a value less than R30 000, if and when appropriate:

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

Where

Ps = Points scored for price of tender under consideration

Pt = Rand value offer tender consideration

Pmin = Rand value of lowest acceptable tender

- b) A maximum of 20 points will be awarded to a tenderer for being an HDI and/or subcontracting with an HDI and /or achieving any of the specified goals stipulated in regulation 17.
- c) The points scored by a tender in respect of the goals contemplated in sub-regulation (2) must be added to the points scored for price.
- d) Only the tender with the highest number of points scored will be selected.

1.2 The 90/10 Preference Point System

- a) The following formula must be used to calculate the points for price in respect of tenders/procurement with a Rand value above R50 000 000:

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

Where

Ps = Points scored for price of tender under consideration

Pt = Rand value of tender under consideration

Pmin = Rand value of lowest acceptable tender

- b) A maximum of 10 points will be allocated according to the B-BBEE certificate.
- c) The points scored by a tenderer in respect of the goals contemplated in sub-regulation (2) must be added to the points scored for price.
- d) Only the tender with the highest number of points scored may be selected.

UPGRADING AND MAINTENANCE OF SPORTS FACILITY AT GA-MARISHANE SPORTS FIELD.

2.1 List of Returnable Documents

The bidder must complete the following returnable documents:

Returnable schedules required for bid evaluation purposes (This Document)

- Compulsory Enterprise Questionnaire
- Certificate of authority to sign documents (include for Joint Ventures / Consortia agreement where applicable)
- record of addenda to bid documents
- Municipal Services and Payments (for the company, office of the company and the director(s)). An affidavit from SAPS must be attached in case of bidders who are not paying rates and taxes e.g. in a rural areas.
- Authorisation for deduction of outstanding amounts owed to Council must be filled in full.
- Company profile.
- Csd report.

2.2. Other documents required only for bid evaluation purposes (External Documents)

- Central suppliers database summary report (Central suppliers database summary report of each firm on the team if tendered as a JV / Consort
- Joint venture, consortium agreements (if applicable).
- B-BBEE certificate/sworn affidavit–BBBEE for exempted micro enterprise .(Joint B-BBEE/sworn affidavit–BBBEE for exempted micro enterprise in case of joint ventures)

2.3. Other documents that will be incorporated into the contract

- 2.3.1 Original bid document
- 2.3.2 Addendum – if issued
- 2.3.3 Original Proof of purchase of the original bid document.

Note : All copies must be certified

: Use black pen only.

: All correction must be signed by the authorised person.

: Use of correction pen (tippex) is prohibited.

: Failure to adhere any of the above will lead to automatic disqualification

Compulsory Enterprise Questionnaire

The following particulars must be furnished. In the case of a joint venture, **separate** enterprise questionnaires in respect of each partner must be completed and submitted.

Section 1: Name of enterprise:

Section 2: VAT Registration number, if any:

Section 3: Particulars of sole proprietors and partners in partnerships
Name* Identity Number* Personal income tax number*

*Complete only if sole proprietor or partnership and attach separate page if more than 3 partners

Section 5: Particulars of companies and close corporations

Company registration number

Close corporation number

Tax reference number

Section 6: Record in the service of the state

Indicate by marking the relevant boxes with a cross, if any sole proprietor, partner in a partnership or director, manger, principal shareholder or stakeholder in a company or close corporation is currently or has been within the last 12 months in the service of any of the following:

- | | |
|------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <input type="checkbox"/> a member of any municipal council | <input type="checkbox"/> an employee of any provincial department, national or provincial public entity or constitutional institution within the meaning of the Public Finance Management Act, (Act 1 of 1999) |
| <input type="checkbox"/> a member of any provincial legislature, | <input type="checkbox"/> a member of an accounting authority of any national or provincial public entity |
| <input type="checkbox"/> a member of the National Assembly or the National Council of Province | <input type="checkbox"/> an employee of parliament or a provincial legislature |
| <input type="checkbox"/> a member of the board of directors of any municipal entity | |
| <input type="checkbox"/> an official of any municipality or municipal entity | |

If any of the above boxes are marked, disclose the following:

Name of sole proprietor, partner, director, manager, principal shareholder or stakeholder	Name of institution, public office, board or organ of state and position held	Status of service (tick appropriate column)	
		Current	Within last 12 months

*insert separate page if necessary

Section 7: Record of spouses, children and parents in the service of the state

Indicate by marking the relevant boxes with a cross, if any spouse, child or parent of a sole proprietor, partner in a partnership or director, manager, principal stakeholder or stakeholder in a company or close corporation is currently or has been within the last 12 months been in the service of any of the following:

- a member of any municipal council
- a member of any provincial legislature,
- a member of the National Assembly or the National Council of Province
- a member of the board of directors of any municipal entity
- an official of any municipality or municipal entity
- an employee of any provincial department, national or provincial public entity or constitutional institution within the meaning of the Public Finance Management Act, (Act 1 of 1999)
- a member of an accounting authority of any national or provincial public entity
- an employee of parliament or a provincial legislature

Name of spouse, child or parent	Name of institution, public office, board or organ of state and position held	Status of service (tick appropriate column)	
			Within last 12 months

***insert separate page if necessary**

The undersigned, who warrants that he / she is duly authorised to do so on behalf of the enterprise:

- i) authorizes the Employer to obtain a tax clearance certificate from the South African Revenue Services that my / our tax matters are in order;
- ii) confirms that the neither the name of the enterprise or the name of any partner, manager, director or other person, who wholly or partly exercises, or may exercise, control over the enterprise appears on the Register of Bid Defaulters established in terms of the Prevention and Combating of Corrupt Activities Act of 2004;
- iii) confirms that no partner, member, director or other person, who wholly or partly excercises, or may exercise, control over the enterprise appears, has within the last five years been convicted of fraud or corruption;
- iv) confirms that I / we are not associated, linked or involved with any other bidding entities submitting bid offers and have no other relationship with any of the bidders or those responsible for compiling the scope of work that could cause or be interpreted as a conflict of interest; and
- iv) confirms that the contents of this questionnaire are witin my personal knowledge and are to the best of my belief both true and correct.

Signed _____ Date _____

Name _____ Position _____

EnterpriseName _____

Certificate of Authority

Indicate the status of the tenderer by ticking the appropriate box hereunder. The tenderer must complete the certificate set out below for the relevant category.

A Company	B Partnership	C Joint Venture	D Sole Proprietor	E Close Corporation

A. Certificate for company

I,....., chairperson of the board of directors of hereby confirm that by resolution of the board (copy attached) taken on20...., Mr/Mrs.....acting in the capacity of.....,was authorised to sign all documents in connection with this tender and any contract resulting from it on behalf of the company.

As witness

1.....
Chairman

2.....
Date

B. Certificate of partnership

We, the undersigned, being the key partners in the business trading as hereby authorise Mr/Mrs....., acting in the capacity of.....to sign all documents in connection with the tender for Contract.....and any contract resulting from it on our behalf.

NAME	ADDRESS	SIGNATURE	DATE

NOTE: This certificate is to be completed and signed by all of the key partners upon whom rests the direction of the affairs of the Partnership as a whole.

C. Certificate for Joint Venture

We, the undersigned, are submitting this tender offer in Joint Venture and hereby authorise Mr/Mrs....., authorised signatory of the company

Acting in the capacity of lead partner, to sign all documents in connection with the tender offer for Contract.....and any other contract resulting from it on our behalf.

This authorisation is evidenced by the attached power of attorney signed by legally authorised signatories of all the partners to the Joint Venture.

NAME OF FIRM	ADDRESS	AUTHORISING SIGNATURE, NAME & CAPACITY

D. Certificate for sole proprietor

I,, hereby confirm that I am the sole owner of the business trading as.....

As Witness:

1.....

.....
Signature: Sole owner

2.....

.....
Date

E. Certificate for Close Corporation

We, the undersigned, being the key members in the business trading as.....hereby authorise Mr/Mrs.....

Acting in the capacity of....., to sign all documents in connection with the tender for Contract.....and any contract resulting from it on our behalf.

NAME	ADDRESS	SIGNATURE	DATE

NOTE: This certificate is to be completed and signed by all key members upon who rests the direction of the affairs of the Close Corporation as a whole.

Record of Addenda to Bid Documents

We confirm that the following communications received from the Employer before the submission of this bid offer, amending the bid documents, have been taken into account in this bid offer:

	Date	Title or Details
1.		
2.		
3.		
4.		
5.		
6.		
7.		
8.		

Attached additional pages if more space is required.

Signed _____ Date _____

Name _____ Position _____

Bidder _____

3.

3. CERTIFICATE FOR MUNICIPAL SERVICES AND PAYMENTS

TO: MUNICIPAL MANAGER, MAKHUDUTHAMAGA LOCAL MUNICIPALITY

FROM: _____ (Name of Bidder)

FURTHER DETAILS OF BIDDER(S); DIRECTORS/SHAREHOLDERS/PARTNERS, ETC.

Directors/shareholders/Partner	Physical address of the Business	Municipal Account No.	Physical residential address of the Director/Shareholder/Partner	Municipal Account No.

Signatory

Date

Witnesses

1. _____
Full Names

Signature

Date

2. _____
Full Names

Signature

Date

AUTHORISATION FOR DEDUCTION OF OUTSTANDING AMOUNTS OWED TO COUNCIL

TO: MUNICIPAL MANAGER, MAKHUDUTHAMAGA LOCAL MUNICIPALITY

FROM: _____ (Name of the Bidder or Consortium)

I, _____ the undersigned, hereby authorise the Makhuduthamaga Local Municipality to deduct the full amount outstanding by the business organisation/Director/Shareholder/Partner, etc. from the payment that will be made to me.

Signed at _____ Date _____ Month _____ 2017

Print Name: _____

Signature: _____

Thus done and signed for and on behalf of the bidder

Signatory

Date

Witnesses

1. _____

Full Names

Signature

Date

2. _____

Full Names

Signature

Date

MAKHUDUTHAMAGA LOCAL MUNICIPALITY

UPGRADING AND MAINTENANCE OF SPORTS FACILITY AT GA-MARISHANE SPORTS FIELD.

4. Form of Offer and Acceptance

Offer

The employer, identified in the acceptance signature block, has solicited offers to enter into a contract for the **UPGRADING AND MAINTENANCE OF SPORTS FACILITY AT GA-MARISHANE SPORTS FIELD.**

The bidder, identified in the offer signature block, has examined the documents listed in the bid data and addenda thereto as listed in the returnable schedules, and by submitting this offer has accepted the conditions of bid.

By the representative of the bidder, deemed to be duly authorized, signing this part of this form of offer and acceptance, the bidder offers to perform all of the obligations and liabilities of the service provider under the contract including compliance with all its terms and conditions according to their true intent and meaning for an amount to be determined in accordance with the conditions of contract identified in the contract data.

THE OFFERED TOTAL OF THE PRICES INCLUSIVE OF VALUE ADDED TAX IS: -----

----- (Rands VAT Inclusive)

----- (Amount in Words)

This offer may be accepted by the employer by signing the acceptance part of this form of offer and acceptance and returning one copy of this document to the bidder before the end of the period of validity stated in the bid data, whereupon the bidder becomes the party named as the Service Provider in the conditions of contract identified in the contract data.

For the bidder

Signature Date

Name

Capacity

(Name and Address of Organization)

Name and Signature Of witness

Acceptance

By signing this part of this form of offer and acceptance, the employer identified below accepts the bidder's offer. In consideration thereof, the employer shall pay the service provider the amount due in accordance with the conditions of contract identified in the contract data. Acceptance of the bidder's offer shall form an agreement between the employer and the bidder upon the terms and conditions contained in this agreement and in the contract that is the subject of this agreement.

Notwithstanding anything contained herein, this agreement comes into effect on the date when the bidder receives on fully completed original copy of this document. Unless the bidder (now service provider) within five working days of the date of such receipt notifies the employer in writing of any reason why he cannot accept the contents of this agreement, this agreement shall constitute a binding contract between the parties.

Signature Date

Name

Capacity

For the Makhuduthamaga Local Municipality

.....

.....

.....

Name and Date

Signature

Of witness

MAKHUDUTHAMAGA LOCAL MUNICIPALITY

UPGRADING AND MAINTENANCE OF SPORTS FACILITY AT GA-MARISHANE SPORTS FIELD.

5. Pricing Instructions

1. The Service Provider is required to provide the services in accordance with the Scope of Work. This embraces all things necessary and incidental to complete the work.
2. The only basis for a change to the prices is as a result of the Employer giving an instruction to change the Scope of Work.

MAKHUDUTHAMAGA LOCAL MUNICIPALITY

6. Specification/Terms of Reference/Scope of Work

UPGRADING AND MAINTENANCE OF SPORTS FACILITY AT GA-MARISHANE SPORTS FIELD.

DESCRIPTION	UNIT PRICE	TOTAL PRICE
<u>Specification for Maintenance, Repairs of Tennis and Netball courts (Marishane)</u>		
1. Removal of two (2) existing fences (32m length x17m width) x2 (one for tennis court and one for netball court).		
2. Installation of a diamond mash wire (3,6m height x35m length x17m width) x2 (one for tennis court and one for netball court).		
3. Locking gates (2m height x 0,8m width) x2 (one for tennis court and one for netball court).		
4. Tennis & Netball Courts		
4.1 Tennis Court : Laying of 100mm thick asphalt area(35mx17m) apply two full coats solvent based road and runaway marking paint, including silica sand sprinkled on before the paint has set, to form a slip-free surface.		
4.2 Netball Court :Laying of 100mm thick asphalt area(35mx17m) prepare and apply one thinned first coat and two full coats water-based acrylic roof paint including silica sand sprinkled on before the paint has set, to form a slip-free surface.		
5.Repair of tennis court posts		
6.Repainting of practise wall and markings		

<p>7. Supply of 2x tennis court nets</p> <p>8. Removal of existing netball posts</p> <p>9. Installation of set of netball posts (as per design)</p> <p>10. Reconstruction of available pavement (216m²)</p> <p>NB” Briefing will be done on site</p>		
<p>TOTAL</p>		

CSD Vendor no -----

Unique No -----

C.3.3. DURATION OF CONTRACT

This is a once-off transaction.

DECLARATION OF INTEREST

1. Any legal person, including persons employed by the state¹, or persons having a kinship with persons employed by the state, including a blood relationship, may make an offer or offers in terms of this invitation to bid (includes a price quotation, advertised competitive bid, limited bid or proposal). In view of possible allegations of favouritism, should the resulting bid, or part thereof, be awarded to persons employed by the state, or to persons connected with or related to them, it is required that the bidder or his/her authorized representative declare his/her position in relation to the evaluating/adjudicating authority where-

- The bidder is employed by the state; and/or
- 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 persons 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. Full Name of bidder or his or her representative:.....

2.2. Identity Number:.....

2.3. Position occupied in the Company (director, trustee, shareholder²):.....

2.4. Company registration number:.....

2.5. Tax Reference Number:.....

2.6. VAT Registration Number:.....

2.6.1 The names of all directors/ trustees/ shareholders/ members, their individual identity numbers, tax reference numbers and, if applicable, employee/ persal numbers must be indicated in paragraph 3 below.

1 "State" means –

- a. Any national or provincial department, national or provincial public entity or constitution within the meaning of Public Finance Management Act, 1999 (Act No. 1 of 1999);
- b. Any municipality or municipal entity;
- c. Provincial legislature;
- d. National Assembly or the national Council of provinces; or
- e. Parliament.

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

2.7. Are you or any person connected with them bidder presently employed by the state? YES

2.7.1. If so, furnish the following particulars:

Name of person / director / trustee/ shareholder/ member:

.....

Name of state institution at which you or person connected to the bidder is employed:

.....

Position occupied in the public institution:

.....

Any other particulars:

.....

.....

.....

2.7.2. If you are presently employed by the state, did you obtain the appropriate authority to undertake remunerative work outside employment in the public sector? YES

2.7.2.1. If yes, did you attached proof of such authority to the bid document? YES

(Note: Failure to submit proof of such authority, where applicable, may result in the disqualification of the bid.

2.7.2.2. If no, furnish reasons for non-submission of such proof:

.....

.....

.....

2.8. Did you or your spouse, or any of the company's directors/ trustees/ YES NO
shareholders/ members or their spouses conduct business with the
state in the previous twelve months?

2.8.1. If so, furnish particulars:

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

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

2.9.1. If so, furnish particulars:

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

2.10. Are you, or any person connected with the bidder, aware of any YES
relationship (family, friend, other) between any other bidder and any person
employed by the state who may be involved with the evaluation and or
adjustment of this bid?

2.10.1. If so, furnish particulars:

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

2.11. Do you or any of the directors/ trustees/ shareholders/ members of the
company have any interest in any other related companies whether or
not they are bidding for this contract?

2.11.1. If so, furnish particulars:

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

MBD9

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

MBD 9

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

bidder, directly or indirectly, to any competitor, prior to the date and time of the official bid opening or of the awarding of the contract.

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

MBD 9

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

.....
Signature

.....
Date

.....
Position

.....
Name of Bidder

END