



## MAKHUDUTHAMAGA LOCAL MUNICIPALITY

PROJECT NO: LIM/473/AFS Review/15/ 16/05

### REVIEW OF 2014/15 ANNUAL FINANCIAL STATEMENTS AND AUDIT FILES

<b>ISSUED BY:</b>	<b>PREPARED BY:</b>
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<b>NAME OF BIDDER</b>	:
<b>TENDER AMOUNT</b>	:
<b>TEL NUMBER</b>	:
<b>FAX NUMBER</b>	:
<b>EMAIL ADDRESS</b>	:

# REVIEW OF 2014/15 ANNUAL FINANCIAL STATEMENTS AND AUDIT FILES

## Contents

### The Bid

		<b>Page</b>
<b>Part 1: Bidding Procedures</b>		
1.1	Bid Notice and Invitation to Bid	2
1.2	Bid Data	3 - 11
<b>Part 2: Returnable Documents</b>		
2.1	List of Returnable Documents	12 - 21
<b>Part 3: Agreement and Contract Data</b>		
3.1	Form of Offer and Acceptance	22 - 23
<b>Part 4: Pricing Data</b>		
4.1	Pricing Instructions	24
4.2	Scope of work	25
<b>Part 5: Declaration</b>		26
<b>Part 6: MBD9</b>		30



# MAKHUDUTHAMAGA LOCAL MUNICIPALITY

## Bid Notice and Invitation to Bid

Open: 03 July 2015

## MAKHUDUTHAMAGA LOCAL MUNICIPALITY

MAKHUDUTHAMAGA LOCAL MUNICIPALITY REQUESTS PROPOSALS FROM EXPERIENCED PROFESSIONALS FOR THE REVIEW OF 2014/15 ANNUAL FINANCIAL STATEMENTS AND AUDIT FILES

### PROJECT NO: LIM 473/AFS REVIEW/15/16/05

Proposals are hereby invited from experienced professionals for the review of 2014/15 annual financial statements and Audit Files

Compulsory **briefing** session

Date: 07/07/2015

Venue: Makhuduthamaga Main Building (Boardroom)

Time: 10h00

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

Bid documents will be obtainable (at no charge) during working hours (07h30 to 14h30, Monday to Friday) on **the 06<sup>th</sup> of July 2015** at cashier's office of Makhuduthamaga Local Municipality offices located at Jane-Furse next to Jane Furse Plaza and also available on the municipal website([www.makhuduthamaga.gov.za](http://www.makhuduthamaga.gov.za)).

Completed and signed tender 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. **Closing date for the submission of proposals is the 10<sup>th</sup> of July 2015 at 12H00.**

The municipality shall adjudicate and award bids in accordance with the Preferential Procurement Policy Framework Act. 5/2000 and the revised regulation June 2011 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. Details on functionality are in the attached bid document. 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 8607

Supply Chain Management unit: Mrs. T.M Mphele

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Mr. M.A Malekana

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# REVIEW OF 2014/15 ANNUAL FINANCIAL STATEMENTS AND AUDIT FILES

## 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

1.2.1. The employer is **MAKHUDUTHAMAGA LOCAL MUNICIPALITY**

1.2.2 The bid documents issued by the employer comprise:

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

#### **Part 2: Pricing data**

C2.1 Pricing instructions

C2.2 Specification

1.2.3 The employer's agent is: Mr. Moropa M.E.

Tel: (013) 265 8600

Fax: (013) 265 1975

1.2.4 Only those bidders who satisfy the following are eligible to submit bids.  
Only those bidders whose tax matters are confirmed to be in order (SARS Confirmed).

1.2.5 The arrangements for a compulsory clarification meeting are as stated in the Bid Notice and Invitation to Bid.

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.

1.2.7 All parts of each bid offer communicated on paper shall be submitted as the original.

1.2.8 The employer's address for delivery of bid offers and identification details to be shown on each bid offer package is:

**BID BOX (TENDER BOX)  
MAKHUDUTHAMAGA LOCAL MUNICIPALITY  
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 an **original, valid** Tax Clearance Certificate issued by the South African Revenue Services 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:

**MAKHUDUTHAMAGA LOCAL MUNICIPALITY  
GROBLERSDAL ROAD  
JANE FURSE**

1.2.14 **The procedure for the evaluation of responsive bids will be on 100 points for functionality and 80/20 points system, where 80 points are for price and 20 points are for B-BBEE**

1.2.15 The minimum number of evaluation points for quality is 60. Bidders who score below 60 points will be eliminated from the process and bidders who score 60 points or more on Functionality will be evaluated further on 80/20 points system.

1.2.16 The quality criteria and maximum score in respect of each of the criteria are as follows:  
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		30
Experience of the key staff (assigned personnel) in relation to the scope of work	Project Leader	20
PSP's experience with respect to specific aspects of the project / comparable projects	-	50
<b>Maximum possible score for quality (M<sub>s</sub>)</b>		<b>100 points</b>

- Organisation & Staffing (20)
  - Organisational Structure attached, with no qualifications attached: 15 points
  - Organisational Structure attached, with qualifications attached : 30 points
- Experience of Project Leader
  - With 1 year experience in Cleaning Services: 10 Points
  - With >1 year experience in Cleaning Services: 20 Points
- Company Experience in Cleaning Services
  - 0 – 1 Year: 20
  - 1 – 2 Years: 30
  - > 2 years: 50

The minimum number of evaluation points for quality is 60. Bidders who score below 60 points will be eliminated from the process.

The 10 points will be allocated according to B-BBEE certificates.

1.2.17 Bid offers will only be accepted if:

- 1.2.18.1 The bidder has attached an original valid Tax Clearance certificate issued by the South African Revenue Services;
- 1.2.18.2 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;
- 1.2.18.3 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;
- 1.2.18.4 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
- 1.2.18.5 Proof of municipal rates and taxes for both the company and the directors are attached.
- 1.2.18.7 The bidder has attached company registration certificate

## **2. CRITERIA FOR THE AWARDING OF CONTRACTS**

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

### **2.1 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 R1000 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.

### 2.3 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 R500 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.

## 3. Standard Conditions to Bid

### 3.1. General

#### 3.1.1. Actions

The employer and each bidder submitting a bid offer shall comply with these conditions of bid. In their dealings with each other, they shall discharge their duties and obligations as set out in, timeously and with integrity, and behave equitably, honestly and transparently.

### 3.1.2. Interpretation

3.1.3. The bid data and additional requirements contained in the bid schedules that are included in the returnable documents are deemed to be part of these conditions of bid.

3.1.4. These conditions of bid, the bid data and bid schedules which are only required for bid evaluation purposes, shall not form part of any contract arising from the invitation to bid.

3.1.5. For the purposes of these conditions for the calling for expressions of interest, the following definitions apply:

- a) **comparative offer** means the bidder's financial offer after the factors of all unconditional discounts and any other bid parameters that will affect the value of the financial offer have been taken into consideration
- b) **corrupt practice** means the offering, giving, receiving or soliciting of anything of value to influence the action of the employer or his staff or agents in the bid process; and
- c) **fraudulent practice** means the misrepresentation of the facts in order to influence the bid process or the award of a contract arising from a bid offer to the detriment of the employer, including collusive practices intended to establish prices at artificial levels

### 3.1.6. Communication and Employer's Agent

Each communication between the employer and a bidder shall be to or from the employer's agent only, and in a form that can be read, copied and recorded. Writing shall be in the English language. The employer shall not take any responsibility for non-receipt of communications from or by a bidder. The name and contact details of the employer's agent are stated in the bid data.

### 3.1.7. The employer's right to accept or reject any bid offer

3.1.8. The employer may accept or reject any variation, deviation, bid offer, or alternative bid offer, and may cancel the bid process and reject all bid offers at any time before the formation of a contract. The employer shall not accept or incur any liability to a bidder for such cancellation and rejection, but will give written reasons for such action upon written request to do so.

3.1.9. The employer may not subsequent to the cancellation or abandonment of a bid process or the rejection of all responsive bid offers re-issue a bid covering substantially the same scope of work within a period of six months unless only one bid was received and such bid was returned unopened to the bidder.

## 4. Bidder's Obligations

### 4.1. Eligibility

Submit a bid offer only if the bidder satisfies the criteria stated in the bid data and the bidder, or any of his principals, is not under any restriction to do business with the employer.

### 4.2. Cost of Bidding

Accept that the employer will not compensate the bidder for any costs incurred in the preparation and submission of a bid offer, including the costs of any testing necessary to demonstrate that aspects of the offer satisfy requirements.



#### **4.3. Check Documents**

Check the bid documents on receipt for completeness and notify the employer of any discrepancy or omission.

#### **4.4. Confidentiality and Copyright of Documents**

Treat as confidential all matters arising in connection with the bid. Use and copy the documents issued by the employer only for the purpose of preparing and submitting a bid offer in response to the invitation.

#### **4.5. Reference Documents**

Obtain, as necessary for submitting a bid offer, copies of the latest versions of standards, specifications, conditions of contract and other publications, which are not attached but which are incorporated into the bid documents by reference.

#### **4.6. Acknowledge Addenda**

Acknowledge receipt of addenda to the bid documents, which the employer may issue, and if necessary apply for an extension to the closing time stated in the bid data, in order to take the addenda into account.

#### **4.7. Clarification Meeting**

Attend, where required, a clarification meeting at which bidders may familiarize themselves with aspects of the proposed work, services or supply and raise questions. Details of the meeting(s) are stated in the bid data.

#### **4.8. Seek Clarification**

Request clarification of the bid documents, if necessary, by notifying the employer at least five working days before the closing time stated in the bid data.

### **5. Pricing the Bid Offer**

**5.1** Include in the rates, prices, and the bid total of the prices (if any) all duties, Taxes (except Value Added Tax (VAT), and other levies payable by the successful bidder, such duties, taxes and levies being those applicable 14 days before the closing time stated in the bid data.

**5.2** Show VAT payable by the employer separately as an addition to the total bid prices.

### **6. Alterations to Documents**

Do not make any alterations or additions to the bid documents, except to comply with instructions issued by the employer, or necessary to correct errors made by the bidder. All signatories to the bid offer shall initial all such alterations. Erasures and the use of masking fluid are prohibited.

### **6.1. Alternative Bid Offers**

Submit alternative bid offers only if a main bid offer, strictly in accordance with all the requirements of the bid documents, is also submitted. The alternative bid offer is to be submitted with the main bid offer together with a schedule that compares the requirements of the bid documents with the alternative requirements the bidder proposes.

Accept that an alternative bid offer may be based only on the criteria stated in the bid data or criteria otherwise acceptable to the employer.

### **6.2. Submitting a Bid Offer**

Submit a bid offer to provide the whole of the works, services or supply identified in the contract data and described in the scope of works, unless stated otherwise in the bid data.

Return all, returnable documents to the employer after completing them in their entirety.

Sign the original and all copies of the bid offer where required in terms of the bid data. The employer will hold all authorized signatories liable on behalf of the bidder. Signatories for bidders proposing to contract as joint ventures, shall state which of the signatories is the lead partner, whom the employer shall hold liable for the purpose of the bid offer.

Seal the original copy of the bid offer as separate packages marking the packages as "ORIGINAL". The package shall state on the outside the employer's address and identification details stated in the bid data, as well as the bidder's name and contact address.

Accept that the employer will not assume any responsibility for the misplacement or premature opening of the bid offer if the outer package is not sealed and marked as stated.

### **6.3. Information and data to be completed in all respects**

Accept that bid offers, which do not provide all the data or information requested completely and in the form required, may be regarded by the employer as non-responsive.

## **7. Closing Time**

Ensure that the employer receives the bid offer at the address specified in the bid data not later than the closing date and time stated in the bid data. Proof of posting shall not be accepted as proof of deliver. The employer shall **not** accept bid offers submitted by telegraph, telex, facsimile or e-mail, unless stated otherwise in the bid data.

If the employer extends the closing time stated in the bid data for any reason, the requirements of these conditions of bid apply equally to the extended deadline.

## **8. Bid Offer Validity**

Hold the bid offer(s) valid for acceptance by the employer at any time during the validity period stated in the bid data after the closing time stated in the bid data.

If requested by the employer, consider extending the validity period stated in the bid data for an agreed additional period.

**9. Clarification of Bid Offer after Submission**

Provide clarification of a bid offer in response to a request to do so from the employer during the evaluation of bid offers. This may include providing a breakdown of rates or process and correction of arithmetical errors by the adjustment of certain rates or item prices (or both). No change in the total of the prices or substance of the bid offer is sought, offered, or permitted. The total of the prices stated by the bidder shall be binding upon the bidder.

**10. Inspections, Tests and Analysis**

Provide access during working hours to premises for inspections, tests and analysis as provided for in the bid data.

**11. Check Final Draft**

Check the final draft of the contract provided by the employer within the time available for the employer to issue the contract.

**12. Return of Other Bid Documents**

If so instructed by the employer, return all retained bid documents within 28 days after the expiry of the validity period stated in the bid data.

**13. Certificates**

Include in the bid submission or provide the employer with any certificates as stated in the bid data.

**14. The Employer's Undertakings**

**Respond to Clarification**

Respond to a request for clarification received up to five working days before the bid closing time stated in the Bid Data and notify all bidders who drew procurement documents.

**Issue Addenda**

If necessary, issue addenda that may amend or amplify the bid documents to each bidder during the period from the date that bid documents are available until seven days before the bid closing time stated in the Bid Data. If, as a result a bidder applies for an extension to the closing time stated in the Bid Data, the Employer may grant such extension and, shall then notify all bidders who drew documents.

**15. Return Late Bid Offers**

Return bid offers received after the closing time stated in the Bid Data, unopened, (unless it is necessary to open a bid submission to obtain a forwarding address), to the bidder concerned.

**16. Opening of Bid Submissions**

Announce at the meeting held immediately after the opening of bid submissions, at a venue indicated in the bid data, the name of each bidder whose bid offer is opened, the total of his prices.

**17. Non-disclosure**

Not disclose to bidders, or to any other person not officially concerned with such process, information relating to the evaluation and comparison of bid offers, the final evaluation price and recommendations for the award of a contract, until after the award of the contract to the successful bidder.

**18. Grounds for Rejection and Disqualification**

Determine whether there has been any effort by a bidder to influence the processing of bid offers and instantly disqualify a bidder (and his bid offer) if it is established that he engaged in corrupt or fraudulent practices.

**19. Test for Responsiveness**

Determine, on opening and before detailed evaluation, whether each bid offer properly received:

- a) complies with the requirements of these Conditions of Bid;
- b) has been properly and fully completed and signed, and
- c) is responsive to the other requirements of the bid documents.

A responsive bid is one that conforms to all the terms, conditions, and specifications of the bid documents without material deviation or qualification. A material deviation or qualification is one which, in the Employer's opinion, would:

- a) detrimentally affect the scope, or performance of the works, services or supply identified in the Scope of Work;
- b) change the Employer's or the bidder's risks and responsibilities under the contract; or
- c) affect the competitive position of other bidders presenting responsive bids, if it were to be rectified.

Reject a non-responsive bid offer, and not allow it to be subsequently made responsive by correction or withdrawal of the non-conforming deviation or reservation.

**20 Clarification of a Bid Offer**

Obtain clarification from a bidder on any matter that could give rise to ambiguity in a contract arising from the bid offer.

**21. Acceptance of Bid Offer**

Accept bid offer only if the bidder complies with the legal requirements stated in the Bid Data.

Notify the successful bidder of the employer's acceptance of his bid offer by completing and returning one copy of the form of offer and acceptance before the expiry of the validity period stated in the bid data, or agreed additional period. Providing the form of offer and acceptance does not contain any qualifying statements, it will constitute the formation of a contract between the employer and the successful bidder as described in the form of offer and acceptance.

# REVIEW OF 2014/15 ANNUAL FINANCIAL STATEMENTS AND AUDIT FILES

## 22.1 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)
- Proposed Amendments and Qualifications
- Certificate for Municipal Services and Payments (for 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 rural areas.
- Authorisation for deduction of outstanding amounts owed to Council
- Certified ID copies for all the directors.

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

- An original valid Tax Clearance Certificate issued by the South African Revenue Services. (Original tax clearance certificate of each firm on the team if tendered as a JV / Consortium)
- Joint venture, consortium agreements (if applicable).
- B-BBEE certificate.(Joint B-BBEE in case of joint ventures)

### 22.3. Other documents that will be incorporated into the contract

- 4.1 Original bid document
- 4.2 Addendum – if issued
- 4.3 Proof of purchase of the original bid document.

**Note: All copies must be certified**

## 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 \_\_\_\_\_

## 23. 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, manager, 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<br><input type="checkbox"/> a member of any provincial legislature,<br><input type="checkbox"/> a member of the National Assembly or the National Council of Province<br><input type="checkbox"/> a member of the board of directors of any municipal entity<br><input type="checkbox"/> an official of any municipality or municipal entity | <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)<br><input type="checkbox"/> a member of an accounting authority of any national or provincial public entity<br><input type="checkbox"/> an employee of parliament or a provincial legislature |
|---|--|

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)	
		Current	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 exercises, 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 within my personal knowledge and are to the best of my belief both true and correct.

Signed \_\_\_\_\_ Date \_\_\_\_\_

Name \_\_\_\_\_ Position \_\_\_\_\_

Enterprise Name \_\_\_\_\_

## 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 on .....20...., 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.

## 24. Record of Services (Experience) Provided to Organs of State

Bidders are required to complete this record in terms of the Supply Chain Management Regulations issued in terms of the Municipal Finance Management Act of 2003.

Complete the table below.

**All services commenced or completed to an organ of state in the last five years.**

No.	Organ of state, i.e. national or provincial department, public entity, municipality or municipal entity	Service Rendered	Value of service including VAT (Rand)	Date completed (State current if not yet completed)
1.				
2.				
3.				
4.				
5.				

Signed \_\_\_\_\_ Date \_\_\_\_\_

Name \_\_\_\_\_ Position \_\_\_\_\_

Bidder \_\_\_\_\_

**25. 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.

**NB: Please attach certified copy (ies) of ID document(s) and proof of payment not older than 3 months**

\_\_\_\_\_  
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 \_\_\_\_\_ 2015

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

## REVIEW OF 2014/15 ANNUAL FINANCIAL STATEMENTS AND AUDIT FILES

### 26. Form of Offer and Acceptance

#### Offer

The employer, identified in the acceptance signature block, has solicited offers to enter into a contract for the **review of 2014/15 annual financial statements and audit files**

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 signature ..... Date .....

of witness .....

### Part 2: Data Provided by the Service Provider

Clause 1	The Service Provider is .....  Address: ..... Telephone: ..... Fax simile: .....
5.3	The authorized and designated representative of the Service Provider is: Name: .....  The address for receipt of communication is:  Telephone: ..... Fax simile: ..... Address: .....
5.5	

# MAKHUDUTHAMAGA LOCAL MUNICIPALITY

## REVIEW OF 2014/15 ANNUAL FINANCIAL STATEMENTS AND AUDIT FILES

### 28. 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.

### 29. Specification/Terms of Reference/Scope of Work

#### 29.1. INTRODUCTION

Makhuduthamaga Local Municipality hereby request proposals from experienced service providers for the review of 2014/15 Annual financial Statements and Audit files.

#### C.3.3. DURATION OF CONTRACT

This is a once-off transaction.

SBD 4.

### DECLARATION OF INTEREST

1. Any legal person, including persons employed by the state<sup>1</sup>, 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, shareholder<sup>2</sup>):.....

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/ shareholders/ members or their spouses conduct business with the state in the previous twelve months? YES  NO

2.8.1. If so, furnish particulars:

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

2.9. 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

2.9.1. If so, furnish particulars:

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

2.10. Are you, or any person connected with the bidder, aware of any 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? YES

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:

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

**3. Full details of directors/ trustees/ members/ shareholders.**

Full Names	Identity Number	Personal Tax Reference Number	State Employee Number/ Persal Number

**4. DECLARATION**

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

CERTIFY THAT THE INFORMATION FURNISHED IN PARAGRAPH 2 and 3 ABOVE IS CORRECT.

I ACCEPT THAT THE STATE MAY REJECT THE BID OR ACT AGAINST ME IN TERMS OF PARAGRAPH 23 OF THE GENERAL CONDITIONS OF CONTRACT SHOULD THIS DECLARATION PROVE TO BE FALSE.

.....  
 Signature

.....  
 Date

.....  
 Position

.....  
 Name Of Bidder

**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 consortium<sup>3</sup> 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.

<sup>3</sup> 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**