

THE MSUNDUZI MUNICIPALITY



HEAD: SUPPLY CHAIN MANAGEMENT

MS D NDLOVU-GAMBU

Tel No. 033 – 392 247 2; Fax No. 033 – 392 253 2

SPECIALISED QUOTATION No. Q12/772 OF 22/23

PROPOSAL CALL FOR THE APPOINTMENT OF AN AUCTIONEER TO DISPOSE OF ALL REDUNDANT/ OBSOLETE VEHICLES, FURNITURE AND EQUIPMENT

Tenderer's Name:
Postal Address:
Telephone No.
Fax No.
Cell No.
Contact Person:
E Mail Address:

Sealed tenders endorsed on the envelope “**SPECIALISED QUOTATION No. Q12/772 OF 22/23**” must be placed in the Tender Box located in the Foyer, Ground Floor, City Hall, 169 Chief Albert Luthuli (Commercial) Road, Pietermaritzburg, 3201, not later than **12h00 on Friday, 12 August 2022.** *Only tenders placed in the tender box will be accepted and considered.*

MSUNDUZI MUNICIPALITY

TENDER SUBMISSION CHECKLIST

The Checklist below is attached hereto to assist Tenderer with the completion of the tender document. Tenderers are required to **TICK** the relevant boxes for verification purposes. Where information is not applicable to the tender, the symbols **N/A** must be inserted in the space provided.

It must be noted that the Council shall not be held liable for any loss or damage incurred to the Tenderer should the Tenderer fail to fulfil the requirements of the Tender.

No.	Description	Tenderer to Tick (✓)	For Official Use Only	
1	Has the Tender Document been completed in INK and all corrections counter-signed? (No correction fluid used)		D	
2	Are the Tender amounts and totals correct?			
3	Has all information as required in terms of the tender document been submitted with the tender?		D	
4	Has the Site Inspection/Tender Briefing Certificate been completed and has the Compulsory Site Inspection/Tender Briefing Meeting been attended?		D	
5	Has the "Authority to Sign" Document been completed and signed?		D	
6	Has the "Statement of Previous Experience" Form been completed?		D	
7	Has the "Schedule of Resources" Form been completed?		D	
8	Has the "Proposed Sub-Contractors" Form been completed?			
9	Has the "Tender Form" been completed and signed?		D	
10	Has the "Preference Points Claim Form in terms of the Preferential Procurement Regulations 2011" been completed in its entirety and signed?			
11	As an EME , is a certificate issued by an Accounting Officer or a Verification Agency accredited by SANAS or a Registered Auditor attached to the tender document?			
12	As a NON-EME , is an original and valid B-BBEE status level verification certificate or a certified copy thereof attached to the tender document?			
13	Is a valid Original Tax Clearance Certificate attached to the Tender Document?		D	

*** **D: Failure to comply with these Sections may prejudice the tender.**

Tenderer: _____

Signature: _____ Date: _____



MSUNDUZI MUNICIPALITY

SPECIALISED QUOTATION No. Q12/772 OF 22/23

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QUOTATION NOTICE

The Msunduzi Municipality hereby invites suitably experienced tenderers to submit quotations for the above works.

Quotation documents shall be available from the Supply Chain Management Unit Offices, 5th Floor, A. S. Chetty Centre, 333 Church Street, Pietermaritzburg, from **12h00 on Friday, 05 August 2022**. A non-refundable tender fee in the amount **R 194.83** (Including VAT) per document shall be levied. Only cash or bank guaranteed cheques will be accepted.

Tender documents can be downloaded and printed at the tenderer's cost from the National Treasury e-Tender Publication Portal on **www.etenders.gov.za**.

*Further information may be obtained from **Mr. Thakaselo Chiya** on Tel No. 033-392 3303 (Asset) or e-mail **thakaselo.chiya@msunduzi.gov.za**. For any procurement related enquiries, please contact **Sifiso shozi** (Supply Chain Management Unit) on direct Telephone No. 033 – 392 2974 or e-mail address **Sifiso.shozi@msunduzi.gov.za**.*

A compulsory tender briefing meeting will be held at 10h30 on Wednesday, 10 August 2022. Prospective tenderers shall be required to meet on the date and time mentioned above in **Asset Boardroom, 5th Floor Professor Nyembezi Building, Church Street, Pietermaritzburg**. Thereafter proceed to site. Only one Tender Briefing meeting will be held. ***Tenderers arriving at the meeting after the stipulated starting time will be disqualified.*** An official will chair the meeting and answer queries raised by prospective Tenderers. Any amendment to the tender documentation arising from such answers will be circulated in terms of the meeting's attendance register. No tender shall be accepted from tenderers who do not attend the above meeting.

Sealed quotation endorsed on the envelope "**SPECIALISED QUOTATION No. Q12/772 of 22/23**" must be placed in the Tender Box located in the Foyer, Ground Floor, City Hall, 169 Chief Albert Luthuli Street, Pietermaritzburg, not later than **12h00, on Friday, 12 August 2022**, when it will be publicly opened. Only quotations placed in the Tender Box shall be accepted.

The Validity period shall hold firm for ninety (90) days commencing from closing date of the quotation.

Tender Adjudication & Evaluation Criteria will be implemented in line with the Msunduzi Municipality's approved Supply Chain and Preferential Procurement Policies on the **80/20-point** system. Adjudication criteria will be as per the tender document, the allocation of points will be in line with **B-BBEE** as prescribed in terms of the Preferential Procurement Regulations, 2017 pertaining to the **Preferential Procurement Policy Framework Act, Act No. 5 of 2000**.

The Msunduzi Municipality does not bind itself to accept the lowest or any quotation and reserves the right to accept the whole or any part of a quotation. Each Service Provider will be informed of the quotation result. The Msunduzi Municipality expects businesses within the Pietermaritzburg and Midlands Region to support its contract and BEE/SMME initiatives.

MS N. NGCOBO: ACTING MUNICIPAL MANAGER

SPECIALISED QUOTATION No. Q12/772 OF 22/23

PROPOSAL CALL FOR THE APPOINTMENT OF AN AUCTIONEER TO DISPOSE OF ALL REDUNDANT/ OBSOLETE VEHICLES, FURNITURE AND EQUIPMENT

The Conditions of Contract governing this contract is marked below which can be inspected at the offices of the Head: Supply Chain Management, 5th Floor, A S Chetty Building, 333 Church Street, Pietermaritzburg.

Conditions of Contract	Mark Applicable Condition/s
General Conditions of Contract by National Treasury (GCC 2010)	✓
Supply, Delivery and/or Installation, and/or Commissioning of Plant & Equipment	
General Conditions of Contract for Civil Engineering Work (GCC 2010)	
Construction Industry Development Board (CIDB) Regulations Act No. 38 of 2000	✓
General Conditions of Contract for Mechanical Engineering Works – The latest Model Form document shall prevail	
General Conditions of Contract for Electrical Engineering Works – The latest Model Form document shall prevail	
Professional Service Providers – Model Form 1 as published by SAACE	
Architectural Services - Guideline of Services and Tariff of Fees for Persons Registered in Terms of South African Council for the Architectural Professions Act 2000, (Act No. 44 of 2000)	
Quantity Surveying Services - Guideline of Services and Tariff of Fees for Persons Registered in Terms of Quantity Surveying Professions Act 2000, (Act No. 49 of 2000)	
Project Management Institute of S A for Project Management related works	

THE MSUNDUZI MUNICIPALITY

SPECIALISED QUOTATION No. Q12/772 OF 22/23

**PROPOSAL CALL FOR THE APPOINTMENT OF AN AUCTIONEER TO DISPOSE OF ALL
REDUNDANT/ OBSOLETE VEHICLES, FURNITURE AND EQUIPMENT**

1.0 TERMS AND CONDITIONS

- 1.1 The Msunduzi Municipality's Standard Conditions of Tender, Legislation Section, Special Conditions of Contract (if any), Supply Chain Management Policy and the Preferential Procurement Policy shall also apply. The above-mentioned documentation may be inspected at the offices of the Head: Supply Chain Management, 5th Floor, A S Chetty Building, 333 Church Street, Pietermaritzburg.

1.2 Further to the above, the following terms and conditions shall also apply:-

- a) Where in the tender document reference is made to a compulsory Site Inspection/Tender Briefing Meeting, the Tenderer shall be required to attend the Meeting prompt on the date and time mentioned in the tender document. Tenderers arriving at the meeting after the stipulated time **WILL BE DISQUALIFIED** and the Council shall not be held liable for any loss or damage due to the above. Tenderers are to ensure that they sign the Attendance Register circulated at the meeting and to also ensure that the Site Inspection/Tender Briefing Certificate attached hereto is duly signed by the authorised official.

An official will chair the meeting and answer queries raised by prospective Tenderers. Any amendment to the tender documentation arising from such answers will be circulated in terms of the meeting's attendance register.

Tenders will not be considered from Tenderers who do not attend the meeting and whose Site Inspection/Tender Briefing Certificate has not been commissioned by the authorised official.

Tenderers shall be required to present the tender document at the meeting.

- b) All materials must comply with the SABS 1200 or SANS 1200 specifications shall apply where applicable.

It is a condition of tender that the taxes of the successful tenderer must be in order, or that satisfactory arrangements have been made with the South African Revenue Service (SARS) to meet the tenderer's tax obligations.

Tenderers shall be required to submit, together with the tender document, a ***valid original*** Tax Clearance Certificate or a Tax Compliance Status Verification Pin issued by SARS. Failure to submit a valid original Tax Clearance Certificate or a Tax Compliance Status Verification Pin will result in the invalidation and disqualification of the tender. **Certified copies of the Tax Clearance Certificate will not be acceptable.**

Further to the above, Tenderers are to note that the Tax Clearance Certificate must be valid for the full duration of the tender validity period i.e. three (3) months commencing from the closing date of the tender.

Should the validity of the Tax Clearance Certificate expire prior to the final award of the contract being made, the Council reserves the right to request the Tenderer to submit a further valid Tax Clearance Certificate. In this instance, the Tenderer shall be given seven (7) working days written notice in which to comply. Should the Tenderer fail to comply with this request, the Council further reserves the right to make no award to the Tenderer and the Council shall not be held liable for any loss or damages sustained by the Tenderer.

If a tenderer has already submitted an original Tax Clearance Certificate when registering on the Central Supplier Database (CSD), then there is no need to submit a hardcopy of another Tax Clearance Certificate provided that the Tax Clearance Certificate is still valid for the full duration of the validity period for this tender. In this instance, the Tenderer will be required to indicate below the CSD Supplier Number and Unique Registration Reference Number for verification purposes: -

CSD Supplier Number	
Unique Registration Reference Number	

Failure to comply with these conditions will prejudice the tender.

- c) The prices, rates or percentages quoted in the proposal shall be deemed to include all costs, including but not limited to materials, plant, labour, patent rights and royalties, freight, insurance, customs, railage, delivery, etc., unless the Tenderer states otherwise on Annexure A hereto.
- d) Tenderers are advised that this document must be completed and submitted in its entirety. All Data Sheets including the Tender Form must be completed for adjudication purposes. Where information is not applicable, the symbols N/A must be inserted in the space provided. **Failure to comply with these conditions will prejudice the tender.**
- e) The document **must be completed in ink**, and in neat, legible handwriting. All corrections are to be countersigned. The use of correction fluid is strictly prohibited and shall lead to disqualification.
- f) Where compliance with CIDB Regulations are required, only those Tenderers who meet the required grading mentioned herein or higher or whose status is active at the time of tender shall be considered for appointment. In this instance, Tenderers shall be required to indicate in their tender document their CIDB Registration No. for adjudication purposes **Failure to comply with these conditions will prejudice the tender.**
- g) With regards to electrical works, only Tenderers who are registered with the Electrical Contractors Board (ECB) shall be considered for appointment. In this instance, certified proof of such registration must be submitted together with the tender for adjudication purposes. **Failure to comply with these conditions will prejudice the tender.**

With regards to plumbing works, only Tenderers who are registered with the Institute of Plumbing South Africa (IOPSA) or any other relevant authority shall be considered for appointment. In this instance, certified proof of such registration must be submitted

together with the tender for adjudication purposes.

Failure to comply with these conditions will prejudice the tender.

- h) Tenderers should propose a detailed implementation plan for the completion of works and the production of deliverables.

The following framework should serve as a rough guide for the preparation of tenders:

- Background of the Contractor;
- Experience and capacity relevant for the project;
- Overall management of the project in terms of personnel;
- Approach and understanding of the project requirements;
- Implementation plan to achieve the objectives within the required time frame;
- Phasing of tasks, deliverables and reports for the project; and,

Curriculum Vitae for all proposed professional personnel on the project should include biographic data, educational qualifications and experience.

Tenderers may assume any number of forms including but not restricted to a consortium/joint venture that draws on multiple disciplines, practices and experiences.

It is also strongly recommended that in selecting their partners, consortia consider “smaller” but capable organizations which, while strengthening the proposal, will also receive some developmental benefit from partnering with larger organizations. In the event the selected proposal is a consortium/joint venture, the contract will be signed with the lead organization, which must be identified in the proposal.

- i) Proposals are to be formulated using efficiency, effectiveness, economy and sustainability as a basis.
- j) Tenderers shall be required to detail their experience applicable to the works mentioned herein in Data Sheet 1 – Statement of Previous Experience for adjudication purposes.
Failure to comply with this condition will lead to disqualification.
- k) In the event of late delivery, penalties in the amount of R500.00 per calendar day shall be levied. Such monies shall be deducted from any monies due to the Contractor or which shall become due to the Contractor.
- l) Tenderers claiming preference points shall be required to complete Annexure “C” hereto in its entirety and to fully comply with the General Conditions, Definitions and Directives stated therein. Failure to do so shall result in no preference points being awarded to the Tenderer and the Council shall not be held liable for any loss or damages in this regard.

Tenderers who do not submit B-BBEE Status Level Verification Certificates or a certified copy thereof or are non-compliant contributors to B-BBEE will not qualify for preference points for B-BBEE but will not be disqualified from the tendering process. Such Tenderers will score points out of 90 or 80 for price only and zero (0) points out of 10 or 20 for B-BBEE.

Should the validity of the Verification Certificate expire prior to the closing date of the tender, no preference points will be awarded to the Tenderer and the Council shall not be held liable for any loss or damages sustained by the Tenderer.

Partial awards may be made where this is perceived by the Head: Supply Chain Management to be in the best interests of the Council.

The council reserves the right but is not obliged to take into account the principle of the distribution of work in order to empower SMME'S and BEE'S. Such distribution may take place with reference to items, sections as indicated in the price schedule or such other bases the council may decide.

The Council does not bind itself to accept the lowest or any tender and reserves the right to accept the whole or any part of a tender.

- m)** Payment will be made by the Chief Financial Officer within 30 days on receipt of a certificate of payment issued by the Engineer and will be made by means of a cheque drawn upon the Council's bankers in Pietermaritzburg. No cash payments shall be made.

Where the value of the works exceed R3 000.00 excluding VAT, the Tenderer must quote the Council's VAT Registration No. (460 010 783 5) on all Tax Invoices for payment purposes.

Where offers of discounts, e.g. for payment within 30 days of rendering accounts, are made by Contractor, these will be taken into account in the adjudication of tenders.

Tenderers shall be required to have a bank account in the legal name of the Tenderer as indicated on the Tax Clearance Certificate. No payment whatsoever will be made should the Tenderer fail to comply with this requirement and the Council shall not be held liable for any loss or damages sustained by the Tenderer in this regard.

- n)** Where Insurances or any other information as requested for in the tender are required, the Tenderer shall submit such Insurances and/or information within fourteen (14) days from date of letter of provisional acceptance. In cases of Insurances, these are to be kept in force for the full duration of the contract period.
- o)** Once the requirements of the provisional letter of acceptance have been satisfied, a final letter of acceptance will be forwarded by the Head: Supply Chain Management to the Tenderer and the tender, provisional letter of acceptance together with the final letter of acceptance shall constitute a binding agreement between the Tenderer and the Council.
- p)** If the Tenderer fails to enter a contract when called upon to do so, then the Council may refuse to receive or consider for such period as it may think fit, any further tenders from that tenderer.
- q)** Where awards of contracts are not subject to (p) above, a final letter of acceptance will be forwarded by the Head: Supply Chain Management to the Tenderer and the tender together with the final letter of acceptance shall constitute a binding agreement between the Tenderer and the Council.
- r)** In the event of a presentation being required, all costs arising from such presentations shall be borne by the Tenderer.
- s)** In the event of samples being required, all samples supplied shall be at no extra cost to Council. The onus shall rest with the Tenderer for the removal of the same. No liability for damages shall be accepted whilst samples are on Council's premises.

- t) The onus rests with the Tenderer to ensure the safekeeping of all property belonging to the Tenderer whilst working on Council's sites as no claims for any loss or damages will be entertained.
- u) Unless otherwise specified in these documents, the Tenderer shall state the period within which the complete delivery of all items described in these tender documents and covered by this contract is offered. Such period(s) shall form part of the Conditions of Contract and may be taken into consideration in the adjudication of tenders.
- v) If a Tenderer wishes to submit alternative proposals for consideration or wishes to change the Conditions of Contract, Specification, Quantities or Drawing, or to qualify the tender in any way, such changes and or proposals are to be listed in Annexure "A" hereto, failing which the tender will be deemed to be unqualified. It must be clearly understood that the Council will be under no obligation to accept any such qualification.

w)

REGISTRATION WITH THE CENTRAL SUPPLIER DATABASE (CSD)

The National Treasury's Central Supplier Database (CSD) has been open for registration from 01 September 2015. The CSD serves as one single source of supplier information to all spheres of government.

Within this system, suppliers are required to register once when they do business with the state. This will significantly reduce the administrative burden for businesses, especially small and medium sized enterprises. The database interfaces with the South African Revenue Service (SARS), the Companies and Intellectual Property Commission (CIPC) and the payroll system. It will electronically verify a supplier's tax and B-BBEE status and enable public sector officials doing business with the state to be identified.

All prospective suppliers can register any time on the CSD website www.csd.gov.za Prospective suppliers may also visit the Provincial Treasury Database office situated at Treasury House, Ground Floor, 145 Chief Albert Luthuli Road, Pietermaritzburg from 08h00 to 15h00, Mondays to Fridays, for any assistance with on-line registration on CSD.

For further information or enquiries, please contact 033 – 897 4516 / 033 – 897 4212 / 033 – 897 4624 / 033 – 897 4535 / 033 – 897 4676 / 033 – 897 4509 or Toll-Free at 0800 201 049 during office hours or via e-mail at database@kzntreasury.gov.za.

With effect from 01 July 2016, the Msunduzi Municipality will not award any tender to a supplier not registered as a prospective supplier on the CSD. Negotiations for the tender award will only be concluded with the qualify tenderer(s) who is/are registered on the CSD on or after 01 April 2016.

In order for Council to verify your Company's registration with CSD, please provide the following information for verification purposes: -

CSD Supplier Number	
Unique Registration Reference Number	

Failure to provide the above information shall render the tender to be disqualified.

THE MSUNDUZI MUNICIPALITY

SPECIALISED QUOTATION No. Q12/772 OF 22/23

**PROPOSAL CALL FOR THE APPOINTMENT OF AN AUCTIONEER TO DISPOSE OF ALL
REDUNDANT/ OBSOLETE VEHICLES, FURNITURE AND EQUIPMENT**

SPECIFICATIONS

1.0 SCOPE OF CONTRACT

The Msunduzi Municipality seeks to enlist the services of an experienced and competent service provider to auction all redundant/obsolete disposable assets of the Municipality.

Further information may be obtained from Mr. Thakaselo Chiya on Telephone No. 033 392 3303.

2.0 DETAILED SPECIFICATION

The project shall include the following;

- Administration of the entire auction process
- Arranging and marking lots at locations where auction will take place
- Cleaning of some of the items for disposal and making clean the auction site prior to and on completion of the auction
- Providing Security on viewing
- Supervising the removal of goods
- Place the advertisement for the auction in the relevant newspapers
- Prepare a vendue roll.
- Collection of fees due from the buyers.

3.0 CONTRACT PERIOD AND PLACE OF DELIVERY

The successful bidder will be expected to carry out the works within a period of **12 months from the date of award**. Auctions will be conducted at locations decided on by Council which would normally be on Council properties within The Msunduzi Municipality's Area. The Msunduzi Municipality's Area is described in Proclamation No. LG 67 as published in the KwaZulu-Natal Provincial Gazette dated 01 February 1995 [as amended].

4.0 RETENTION AND SURETIES

N/A.

5.0 TENDER BRIEFING MEETING/SITE INSPECTION MEETINGS

A compulsory tender briefing meeting will be held at 10h30 on Wednesday, 10 August 2022. Prospective tenderers shall be required to meet on the date and time mentioned above in **Asset Boardroom, 5th Floor Professor Nyembezi Building, Church Street, Pietermaritzburg.** Thereafter proceed to site. Only one Tender Briefing meeting will be held. ***Tenderers arriving at the meeting after the stipulated starting time will be disqualified.*** An official will chair the meeting and answer queries raised by prospective Tenderers. Any amendment

to the tender documentation arising from such answers will be circulated in terms of the meeting's attendance register. No tender shall be accepted from tenderers who do not attend the above meeting.

6.0 **INSURANCES REQUIRED**

N/A

7.0 **PENALTIES**

A penalty of R500 per calendar day to be levied for failing to meet the implementation plan time frames stipulated for this contract and failure to meet the stipulated responsive time consecutively will lead to termination of the contract.

8.0 **COMPLIANCE WITH ANY LEGISLATION, BYLAWS, ETC**

- 8.1 The Occupational Health and Safety (OHS) Act (Act 85 of 1993)
- 8.2 The Labour Relations Act (Act 66 of 1995)
- 8.3 The Income Tax Act (Act 58 of 1962)
- 8.4 Council Supply Chain Management Policy
- 8.5 The Compensation of Occupational Injuries and Diseases Act (Act 130 of 1993)
- 8.6 PFMA
- 8.7 General conditions of contract of 2010 (GCC 2010)

9.0 **CONSTRUCTION GUARANTEE**

N/A

10.0 **DRAWINGS**

N/A.

11.0 **INSPECTION OF CONTRACTOR'S PREMESIS**

Not Applicable

12.0 **ESCALATION**

The price is subject to remain firm for the contract period and **will not** be subject to escalation.

13.0 **MAINTENANCE PERIOD**

N/A

14.0 **MATERIAL**

All Materials must comply with the latest SABS 1200 Standards Specification and construction method will apply.

15 EVALUATION CRITERIA

Stage 1 functionality

All tenders will be evaluated on the 80/20 preference point system.

15.1 The points will be allocated as follows:

Stage 1:

Functionality

(a)	Experience	
	(15 – 20 years)	20
	(10 – 15 years)	15
	(5 – 10 years)	10
	(0- 4 years)	05
	<u>Subtotal</u>	<u>20</u>
(b)	Registered as professional auctioneer	10
	<u>Subtotal</u>	<u>10</u>
(c)	References	
	(3 and above)	10
	0 or less than 3	0
	<u>Subtotal</u>	<u>10</u>
	Total	40

* A threshold of 70% of total functionality must be achieved to move on to the second criteria.

Stage 2:

This stage will be evaluated on an 80/20-point system:

(a)	Pricing	80
(b)	B-BBEE status	20

16 ITEMS TO BE AUCTIONED

Items to be auctioned will comprise of second hand items of plant and equipment, redundant vehicles ,scrap materials and used furniture .With the exception of vehicles where an upset price is generally stipulated, items will normally be sold without reserve but the council reserves the right to modify this requirement from time to time.

17 ITEMS SOLD VOETSTOETS

All items of plant, equipment and vehicles offered will be sold Voetstoets. The council reserves the right to withdraw any item at any time before the commencement of bidding at the auction.

18 REMITTANCE OF NET PROCEEDS

The auctioneer shall remit the net proceeds of each auction to :

The Chief Financial Officer

P O Box 261

Pietermaritzburg

3200

Within 48 hours of the auction date, supported by detailed lists of the price realized for each item and the Value Added Tax connected and details of the calculation of his charges. The auctioneer will be responsible for the payment of Vat to the Receiver.

19 PROCEDURES REGARDING PAYMENT OF VAT

The Auctioneer and the Council will agree on the procedures regarding the above.

N/A

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SPECIALISED QUOTATION No. Q12/772 OF 22/23

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PRICING SCHEDULE

Description	Qty	Unit Cost	Total Cost Excluding VAT
Commission	1	R	R
Administration	1	R	R
Advertising Cost	1	R	R
Any other cost applicable to the auction	1	R	R
Sub-Total Cost Excluding Vat Carried to Tender Form			R
Add VAT @ 15 %			R
Total Including VAT			R

Name of Tenderer:

Name of Signatory:

Capacity of Signatory.....

Signature Date

SPECIALISED QUOTATION No. Q12/772 OF 22/23

**PROPOSAL CALL FOR THE APPOINTMENT OF AN AUCTIONEER TO DISPOSE OF ALL
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DATA SHEET 1 – INVITATION TO BID

PART A

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE (NAME OF MUNICIPALITY/ MUNICIPAL ENTITY)					
BID NUMBER:	Q12/772 of 22/23	CLOSING DATE:	12/08/2022	CLOSING TIME:	12:00 P.M.
DESCRIPTION	<u>PROPOSAL CALL FOR THE APPOINTMENT OF AN AUCTIONEER TO DISPOSE OF ALL REDUNDANT/ OBSOLETE VEHICLES, FURNITURE AND EQUIPMENT</u>				
	THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (MBD7).				
BID RESPONSE DOCUMENTS MAY BE DEPOSITED IN THE BID BOX SITUATED AT (STREET ADDRESS)					
SUPPLIER INFORMATION					
NAME OF BIDDER					
POSTAL ADDRESS					
STREET ADDRESS					
TELEPHONE NUMBER	CODE		NUMBER		
CELLPHONE NUMBER					
FACSIMILE NUMBER	CODE		NUMBER		
E-MAIL ADDRESS					
VAT REGISTRATION NUMBER					
TAX COMPLIANCE STATUS	TCS PIN:		OR	CSD No:	
B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE [TICK APPLICABLE BOX]	<input type="checkbox"/> Yes <input type="checkbox"/> No	B-BBEE STATUS LEVEL SWORN AFFIDAVIT		<input type="checkbox"/> Yes <input type="checkbox"/> No	
[A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE/ SWORN AFFIDAVIT (FOR EMES & QSEs) MUST BE SUBMITTED IN ORDER TO QUALIFY FOR PREFERENCE POINTS FOR B-BBEE]					

ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES /WORKS OFFERED?	<input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES ENCLOSE PROOF]	ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES /WORKS OFFERED?	<input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES, ANSWER PART B:3]
TOTAL NUMBER OF ITEMS OFFERED		TOTAL BID PRICE	R
SIGNATURE OF BIDDER	DATE	
CAPACITY UNDER WHICH THIS BID IS SIGNED			
BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO:		TECHNICAL INFORMATION MAY BE DIRECTED TO:	
DEPARTMENT: MSUNDUZI MUNICIPALITY		CONTACT PERSON	Thakaselo Chiya
CONTACT PERSON:SIFISO SHOZI		TELEPHONE NUMBER	033 392 3303
TELEPHONE NUMBER:033 392 2974		FACSIMILE NUMBER	
FACSIMILE NUMBER		E-MAIL ADDRESS	Thakaselo.chiya@msunduzi.gov.za
E-MAIL ADDRESS:Sifiso.shozi@msunduzi.gov.za			

PART B TERMS AND CONDITIONS FOR BIDDING

1. BID SUBMISSION:										
1.1. BIDS MUST BE DELIVERED BY THE STIPULATED TIME TO THE CORRECT ADDRESS. LATE BIDS WILL NOT BE ACCEPTED FOR CONSIDERATION. 1.2. ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS PROVIDED– (NOT TO BE RE-TYPED) OR ONLINE 1.3. THIS BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT AND THE PREFERENTIAL PROCUREMENT REGULATIONS, 2017, THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER SPECIAL CONDITIONS OF CONTRACT.										
2. TAX COMPLIANCE REQUIREMENTS										
2.1 BIDDERS MUST ENSURE COMPLIANCE WITH THEIR TAX OBLIGATIONS. 2.2 BIDDERS ARE REQUIRED TO SUBMIT THEIR UNIQUE PERSONAL IDENTIFICATION NUMBER (PIN) ISSUED BY SARS TO ENABLE THE ORGAN OF STATE TO VIEW THE TAXPAYER'S PROFILE AND TAX STATUS. 2.3 APPLICATION FOR THE TAX COMPLIANCE STATUS (TCS) CERTIFICATE OR PIN MAY ALSO BE MADE VIA E-FILING. IN ORDER TO USE THIS PROVISION, TAXPAYERS WILL NEED TO REGISTER WITH SARS AS E-FILERS THROUGH THE WEBSITE WWW.SARS.GOV.ZA . 2.4 FOREIGN SUPPLIERS MUST COMPLETE THE PRE-AWARD QUESTIONNAIRE IN PART B:3. 2.5 BIDDERS MAY ALSO SUBMIT A PRINTED TCS CERTIFICATE TOGETHER WITH THE BID. 2.6 IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED, EACH PARTY MUST SUBMIT A SEPARATE TCS CERTIFICATE / PIN / CSD NUMBER. 2.7 WHERE NO TCS IS AVAILABLE BUT THE BIDDER IS REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD), A CSD NUMBER MUST BE PROVIDED.										
3. QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS										
<table style="width: 100%; border: none;"> <tr> <td style="width: 80%;">3.1. IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)?</td> <td style="width: 20%; text-align: right;"><input type="checkbox"/> YES <input type="checkbox"/> NO</td> </tr> <tr> <td>3.2. DOES THE ENTITY HAVE A BRANCH IN THE RSA?</td> <td style="text-align: right;"><input type="checkbox"/> YES <input type="checkbox"/> NO</td> </tr> <tr> <td>3.3. DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA?</td> <td style="text-align: right;"><input type="checkbox"/> YES <input type="checkbox"/> NO</td> </tr> <tr> <td>3.4. DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA?</td> <td style="text-align: right;"><input type="checkbox"/> YES <input type="checkbox"/> NO</td> </tr> <tr> <td>3.5. IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION?</td> <td style="text-align: right;"><input type="checkbox"/> YES <input type="checkbox"/> NO</td> </tr> </table> <p>IF THE ANSWER IS "NO" TO ALL OF THE ABOVE, THEN IT IS NOT A REQUIREMENT TO REGISTER FOR A TAX COMPLIANCE STATUS SYSTEM PIN CODE FROM THE SOUTH AFRICAN REVENUE SERVICE (SARS) AND IF NOT REGISTER AS PER 2.3 ABOVE.</p>	3.1. IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)?	<input type="checkbox"/> YES <input type="checkbox"/> NO	3.2. DOES THE ENTITY HAVE A BRANCH IN THE RSA?	<input type="checkbox"/> YES <input type="checkbox"/> NO	3.3. DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA?	<input type="checkbox"/> YES <input type="checkbox"/> NO	3.4. DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA?	<input type="checkbox"/> YES <input type="checkbox"/> NO	3.5. IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION?	<input type="checkbox"/> YES <input type="checkbox"/> NO
3.1. IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)?	<input type="checkbox"/> YES <input type="checkbox"/> NO									
3.2. DOES THE ENTITY HAVE A BRANCH IN THE RSA?	<input type="checkbox"/> YES <input type="checkbox"/> NO									
3.3. DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA?	<input type="checkbox"/> YES <input type="checkbox"/> NO									
3.4. DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA?	<input type="checkbox"/> YES <input type="checkbox"/> NO									
3.5. IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION?	<input type="checkbox"/> YES <input type="checkbox"/> NO									

**NB: FAILURE TO PROVIDE ANY OF THE ABOVE PARTICULARS MAY RENDER THE BID INVALID.
NO BIDS WILL BE CONSIDERED FROM PERSONS IN THE SERVICE OF THE STATE.**

SIGNATURE OF BIDDER:

CAPACITY UNDER WHICH THIS BID IS SIGNED:

DATE:

THE MSUNDUZI MUNICIPALITY

SPECIALISED QUOTATION No. Q12/772 OF 22/23

**PROPOSAL CALL FOR THE APPOINTMENT OF AN AUCTIONEER TO DISPOSE OF ALL
REDUNDANT/ OBSOLETE VEHICLES, FURNITURE AND EQUIPMENT**

DATA SHEET 1 - STATEMENT OF PREVIOUS EXPERIENCE

The nomination of works, preferably of a similar nature to the works in this contract and which the Tenderer has successfully completed, is invited for adjudication purposes.

Please list in full the Employer's name and address, and the name of the professional person responsible for supervising the works. Where a project has been supervised by a Consultant, the name and address of the firm should also be listed.

Alternatively, Tenderers without experience may submit statements from a person or persons or organization as to their abilities and standing in support of their tender, for adjudication purposes.

Failure to comply with either of these requirements may prejudice the tender.

EMPLOYER	CONTACT No.	NATURE OF WORKS	VALUE OF WORKS	YEAR COMPLETED

TENDERER: _____ DATE: _____

THE MSUNDUZI MUNICIPALITY

SPECIALISED QUOTATION No. Q12/772 OF 22/23

**PROPOSAL CALL FOR THE APPOINTMENT OF AN AUCTIONEER TO DISPOSE OF ALL
REDUNDANT/ OBSOLETE VEHICLES, FURNITURE AND EQUIPMENT**

DATA SHEET 2- RESOURCES SCHEDULE

Tenderers are required to submit details of their management, office and supervisory resources, training programmes, yard and office facilities, full-time work-force including trainees, and plant and equipment for adjudication purposes.

[illegible]

TENDERER: _____ DATE: _____

THE MSUNDUZI MUNICIPALITY

SPECIALISED QUOTATION No. Q12/772 OF 22/23

**PROPOSAL CALL FOR THE APPOINTMENT OF AN AUCTIONEER TO DISPOSE OF ALL
REDUNDANT/ OBSOLETE VEHICLES, FURNITURE AND EQUIPMENT**

DATA SHEET 3 – DECLARATION OF MUNICIPAL FEES

I/We do hereby declare that the Municipal Fees of _____

Is/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:-

Description

Account No.

Electricity _____

Water _____

Rates _____

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

Full Name of Signatory.....

Capacity of Signatory.....

I.D. Number.....

Duly Authorised to sign on behalf of: -.....

Physical Address.....

.....

.....

SIGNATURE.....DATE.....

THE MSUNDUZI MUNICIPALITY

SPECIALISED QUOTATION No. Q12/772 OF 22/23

**PROPOSAL CALL FOR THE APPOINTMENT OF AN AUCTIONEER TO DISPOSE OF ALL
REDUNDANT/ OBSOLETE VEHICLES, FURNITURE AND EQUIPMENT**

DATA SHEET 4 – 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**

3.8.1 If yes, furnish particulars.

.....

¹MSCM Regulations: “in the service of the state” means to be –

(a) a member of –

- (i) any municipal council;
- (ii) any provincial legislature; or
- (iii) the national Assembly or the national Council of provinces;

(b) a member of the board of directors of any municipal entity;

(c) an official of any municipality or municipal entity;

(d) an employee of any national or provincial department, national or provincial public entity or constitutional institution within the meaning of the Public Finance Management Act, 1999 (Act No.1 of 1999);

- (e) a member of the accounting authority of any national or provincial public entity; or
- (f) an employee of Parliament or a provincial legislature.

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

3.9 Have you been in the service of the state for the past twelve months? **YES / NO**

3.9.1 If yes, furnish particulars.....

.....

3.10 Do you have any relationship (family, friend, other) with persons in the service of the state and who may be involved with the evaluation and or adjudication of this bid? **YES / NO**

3.10.1 If yes, furnish particulars.

.....

.....

3.11 Are you, aware of any relationship (family, friend, other) between any other bidder and any persons in the service of the state who may be involved with the evaluation and or adjudication of this bid? **YES / NO**

3.11.1 If yes, furnish particulars

.....

.....

3.12 Are any of the company’s directors, trustees, managers, principle shareholders or stakeholders in service of the state? **YES/NO**

3.12.1 If yes, furnish particulars.

.....

.....

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

3.13.1 If yes, furnish particulars.

.....

.....

3.14 Do you or any of the directors, trustees, managers, principle shareholders, or stakeholders of this company have any interest in any other related companies or business whether or not they are bidding for this contract. **YES/NO**

3.14.1 If yes, furnish particulars:

.....

4. Full details of directors / trustees / members / shareholders.

Full Name	Identity Number	State Employee Number

Name of Signatory

Signature

Name of Bidder

THE MSUNDUZI MUNICIPALITY

SPECIALISED QUOTATION No. Q12/772 OF 22/23

**PROPOSAL CALL FOR THE APPOINTMENT OF AN AUCTIONEER TO DISPOSE OF
ALL REDUNDANT/ OBSOLETE VEHICLES, FURNITURE AND EQUIPMENT**

DATA SHEET 5 - AUTHORITY TO SIGN DOCUMENT

I/We*, the undersigned, am/are* duly authorised to sign the tender document on behalf of

.....

by virtue of the Articles of Association/Resolution of the Board of Directors*, of which a certified
copy is attached, or

Full Name of Signatory:

Capacity of Signatory:

Signature:

Date:

Witnesses:-

(1) Full Name:

Signature:Date.....

(2) Full Name:

Signature:Date.....

* ***Delete whichever is inapplicable or complete as indicated if none are applicable.***

THE MSUNDUZI MUNICIPALITY

SPECIALISED QUOTATION No. Q12/772 OF 22/23

**PROPOSAL CALL FOR THE APPOINTMENT OF AN AUCTIONEER TO DISPOSE OF
ALL REDUNDANT/ OBSOLETE VEHICLES, FURNITURE AND EQUIPMENT**

DATA SHEET 6 - DECLARATION OF BIDDER'S PAST SUPPLY CHAIN

MANAGEMENT PRACTICES

- 1 This Municipal Bidding Document must form part of all bids invited.
- 2 It serves as a declaration to be used by municipalities and municipal entities in ensuring that when goods and services are being procured, all reasonable steps are taken to combat the abuse of the supply chain management system.
- 3 The bid of any bidder may be rejected if that bidder, or any of its directors have:
 - a. abused the municipality's / municipal entity's supply chain management system or committed any improper conduct in relation to such system;
 - b. been convicted for fraud or corruption during the past five years;
 - c. willfully neglected, reneged on or failed to comply with any government, municipal or other public sector contract during the past five years; or
 - d. been listed in the Register for Tender Defaulters in terms of section 29 of the Prevention and Combating of Corrupt Activities Act (No 12 of 2004).
- 4 ***In order to give effect to the above, the following questionnaire must be completed and submitted with the bid.***

Item	Question	Yes	No
4.1	<p><u>Is the bidder or any of its directors listed on the National Treasury's Database of Restricted Suppliers as companies or persons prohibited from doing business with the public sector?</u></p> <p>(Companies or persons who are listed on this Database were informed in writing of this restriction by the Accounting Officer/Authority of the institution that imposed the restriction after the <i>audi alteram partem</i> rule was applied).</p> <p>The Database of Restricted Suppliers now resides on the National Treasury's website (www.treasury.gov.za) and can be accessed by clicking on its link at the bottom of the home page.</p>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.1.1	If so, furnish particulars:		

4.2	Is the bidder or any of its directors listed on the Register for Tender Defaulters in terms of section 29 of the Prevention and Combating of Corrupt Activities Act (No 12 of 2004)? The Register for Tender Defaulters can be accessed on the National Treasury's website (www.treasury.gov.za) by clicking on its link at the bottom of the home page.	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.2.1	If so, furnish particulars:		
4.3	Was the bidder or any of its directors convicted by a court of law (including a court of law outside the Republic of South Africa) for fraud or corruption during the past five years?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.3.1	If so, furnish particulars:		
4.4	Does the bidder or any of its directors owe any municipal rates and taxes or municipal charges to the municipality / municipal entity, or to any other municipality / municipal entity, that is in arrears for more than three months?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.4.1	If so, furnish particulars:		
4.5	Was any contract between the bidder and the municipality / municipal entity or any other organ of state terminated during the past five years on account of failure to perform on or comply with the contract?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.7.1	If so, furnish particulars:		

CERTIFICATION

I, THE UNDERSIGNED (NAME)

.....

Certify That The Information Furnished On This Declaration Form Is Correct.

I Accept That The State May Act Against Me Should This Declaration Prove To Be False.

Signature.....Date.....

THE MSUNDUZI MUNICIPALITY

SPECIALISED QUOTATION No. Q12/772 OF 22/23

**PROPOSAL CALL FOR THE APPOINTMENT OF AN AUCTIONEER TO DISPOSE OF
ALL REDUNDANT/ OBSOLETE VEHICLES, FURNITURE AND EQUIPMENT**

DATA SHEET 7: 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 *pe se* prohibition meaning that it cannot be justified under any grounds.
- 3 Municipal Supply Regulation 38 (1) prescribes that a supply chain management policy must provide measures for the combating of abuse of the supply chain management system, and must enable the accounting officer, among others, to:
 - a. take all reasonable steps to prevent such abuse;
 - b. reject the bid of any bidder if that bidder or any of its directors has abused the supply chain management system of the municipality or municipal entity or has committed any improper conduct in relation to such system; and
 - c. cancel a contract awarded to a person if the person committed any corrupt or fraudulent act during the bidding process or the execution of the contract.
- 4 This MBD serves as a certificate of declaration that would be used by institutions to ensure that, when bids are considered, reasonable steps are taken to prevent any form of bid-rigging.
- 5 In order to give effect to the above, the attached Certificate of Bid Determination (MBD 9) must be completed and submitted with the bid:

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

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

CERTIFICATE OF INDEPENDENT BID DETERMINATION

I, the undersigned, in submitting the accompanying bid:

(Bid Number and Description)

in response to the invitation for the bid made by:

(Name of Municipality / Municipal Entity)

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

I certify, on behalf of: _____ that:

(Name of Bidder)

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

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

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

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

.....
Signature

.....
Date

.....
Position

.....
Name of Bidder

THE MSUNDUZI MUNICIPALITY

SPECIALISED QUOTATION No. Q12/772 OF 22/23

PROPOSAL CALL FOR THE APPOINTMENT OF AN AUCTIONEER TO DISPOSE OF
ALL REDUNDANT/ OBSOLETE VEHICLES, FURNITURE AND EQUIPMENT

DATA SHEET 8: TAX CLEARANCE CERTIFICATE

Please attach hereto an
Original Valid Tax Clearance
Certificate as required in
terms of Regulation 16 of the
Preferential Procurement
Regulations, 2001.

THE MSUNDUZI MUNICIPALITY

SPECIALISED QUOTATION No. Q12/772 OF 22/23

PROPOSAL CALL FOR THE APPOINTMENT OF AN AUCTIONEER TO DISPOSE OF
ALL REDUNDANT/ OBSOLETE VEHICLES, FURNITURE AND EQUIPMENT

DATA SHEET 9: B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE

Please attach hereto a
certified copy of the B-BBEE
Status Level Verification
Certificate as required in
terms of Preferential
Procurement Regulations
2011, issued in terms of
section 5 of the Preferential
Procurement Policy
Framework Act, Act No. 5 of
2000

THE MSUNDUZI MUNICIPALITY

SPECIALISED QUOTATION No. Q12/772 OF 22/23

**PROPOSAL CALL FOR THE APPOINTMENT OF AN AUCTIONEER TO DISPOSE OF
ALL REDUNDANT/ OBSOLETE VEHICLES, FURNITURE AND EQUIPMENT**

DATA SHEET 9 – TENDER BRIEFING/SITE INSPECTION CERTIFICATE

As required in terms of this document, I/we attended the compulsory Site Inspection/Tender Briefing Meeting on the date specified below.

I/We carefully examined the contract document, and have made myself/ourselves fully conversant with all the circumstances likely to influence this contract.

I/We further certify that I am/we are satisfied with the description of the Works and the explanation given by or on behalf of the Engineer at the Site Inspection/Tender Briefing Meeting, and that I/we understand perfectly the work to be done, as specified and implied, in the execution of the contract.

NAME OF SERVICE PROVIDER : _____

SIGNATURE : _____

ADDRESS : _____

SITE INSPECTION CERTIFICATE

This will certify that _____ (Name)

Representing _____ (Firm)

Attended the Site Inspection/Tender Briefing Meeting for this contract on

_____ (Date)

SIGNED: _____
for Engineer

THE MSUNDUZI MUNICIPALITY

SPECIALISED QUOTATION No. Q12/772 OF 22/23

**PROPOSAL CALL FOR THE APPOINTMENT OF AN AUCTIONEER TO DISPOSE OF
ALL REDUNDANT/ OBSOLETE VEHICLES, FURNITURE AND EQUIPMENT**

TENDER FORM

The Municipal Manager
City Hall
PIETERMARITZBURG
3201

Sir,

Having examined the Specification, Conditions of Tender, tender and legislation of the above-named Works, I/we offer to supply and deliver the whole of the said Works in conformity with the specification, Conditions of Contract and tender and legislation, save as amended by the modifications set out in Annexure A attached hereto, at the rates as set out in the price schedule hereto.

R_____ (in words) _____
_____ (INCLUDING VAT)

In the event of there being any errors of extension or addition in the priced Schedule of Quantities, I/we agree to their being corrected, the rates being taken as correct.

I/We confirm that I am/We are fully acquainted with the current South African laws and regulations applicable to this contract including inter alia those laws to which my/our attention has been drawn in the Legislation Section of this document.

I/We are formally associated by written agreement with the following firms, corporations or companies:-

(enter Nil if no affiliations)

I/We are fully paid up members in good standing of the following organisation(s):-

(enter Nil if no affiliations)

My/Our VAT vendor registration number is:- _____
(enter Nil if a non VAT vendor)

I/We bank at the _____ branch of _____

where I/we have a _____
account.

Tender Deposit Receipt No _____

My/Our tender fee receipt number as issued by the Council is: _____

I/We bank at the _____ branch of _____

where I/we have a _____ account.

It is agreed and understood that should there be any changes on the banking details provided for the entity, a duly signed resolution by all its directors and minutes whereby a resolution for changing the banking details was passed will be submitted to Council including the original letter from the bank confirming the details.

It is agreed and understood that this tender is valid for three (3) months from the date hereof and that it, together with your final letter of acceptance, shall constitute a binding Contract between us.

I/We understand that the Council is not bound to accept the lowest or any tender and acknowledge that the Head: Supply Chain Management may, if in her absolute discretion good and sufficient grounds are brought to her attention in writing within five (5) working days from the date hereof, decline to consider my/our offer.

I/we the Undersigned, Warrants That I Am/ We Are Duly Authorised to Do So on Behalf of the Enterprise, Certifies That the Enterprise Complies with All Statutory and Municipal Requirements and That the Information Supplied in Terms of this Documents with Additional Information is Correct and Accurate and Acknowledges That if the information supplied is found to be incorrect then the Msunduzi Municipality in addition to any remedies, it may have: may

- i Recover from the Enterprise all costs, losses or damages incurred or sustained by the Municipality as result of the award of the contract, and /or
- ii Cancel the contract and claim any damages which the Municipality may suffer by having to make less favourable arrangements after such cancellations, and/or
- iii Impose a penalty on the Enterprise as provided in the Tender Document, and/or
- iv Take any other action as may be deemed necessary.

I/we further undertake to submit documentary proof regarding any tendering issue to the Council when so required.

Full Name of Signatory.....

Capacity of Signatory.....

I.D. Number.....

Duly Authorised to sign on behalf of: -.....

Physical Address.....

.....

SIGNATURE.....DATE.....

ANNEXURE A

ALTERATIONS BY TENDERER

Should the Tenderer desire to make any departures from or modifications to the Standard Conditions of Contract or Specification, or to qualify his tender in any way, he shall set out his proposals clearly hereunder or, alternatively, state them in a covering letter attached to his tender and referred to hereunder, failing which the tender will be deemed to be unqualified.

If no departures or modifications are desired, the Schedule hereunder is to be marked NIL and signed by the Tenderer.

PAGE	SECTION OR ITEM	PROPOSED DEPARTURE/MODIFICATION

DATE _____ TENDERER _____

MSUNDUZI MUNICIPALITY

WRITTEN AGREEMENT BETWEEN THE HEAD: SUPPLY CHAIN MANAGEMENT (ACTING)
WHO IS THE PRIMARY AGENT OF THE MSUNDUZI MUNICIPALITY
(EMPLOYER/MANDATOR) AND

.....
(TENDERER/ MANDATARY) AS ENVISAGED BY SECTION 37(2) OF THE OCCUPATIONAL
HEALTH & SAFETY ACT, NO. 85 OF 1993, AS AMENDED.

I/we representing..... (mandatory) do
hereby acknowledge that (mandatory) is an employer in its own
right with duties as prescribed in the Occupational Health & Safety Act, No. 85 of 1993, as
amended. I/we agree to ensure that all work will be performed and/or machinery and plant will be
used in accordance with the provisions of the said Act. I/we furthermore agree to comply with the
arrangements and procedures contained in the documents attached hereto for the full duration of
the contract including the defects liability period.

Signature [Tenderer]

Signed this..... day of 20..... at.....

for and on behalf of (Tenderer/mandatory).

Signature [Engineer]

Signed this..... day of 20..... at.....

for and on behalf of the Msunduzi Municipality (employer/mandator).

General information for mandataries:

1. The Occupational Health & Safety Act comprises Sections 1 to 50 and all unrepealed Regulations promulgated in terms of the former Machinery & Occupational Safety Act No. 6 of 1983, as amended, as well as other Regulations which may be promulgated in terms of the new Act.
2. "Mandatory" is defined as including an agent, a Tenderer or a subTenderer for work, but without derogating from his status in his own right as an employer or user of plant or machinery.
3. Section 37 of the Occupational Health & Safety Act potentially punishes employers (principals) for the unlawful acts or omissions of mandataries (Tenderers), save where a written agreement between the parties has been concluded containing arrangements and procedures to ensure compliance with the said Act by the mandatory.
4. All documents attached or referred to in the above Agreement form an integral part of the Agreement.
5. To perform in terms of this Agreement, mandataries must be familiar with the relevant provisions of the Act.
6. Mandataries who utilise the services of their own mandataries (sub-Tenderers) are advised to conclude a similar written Agreement.
7. Be advised that this Agreement places the onus on the mandatory to contact the employer in the event of inability to perform as per this Agreement. The employer, however, reserves the right to unilaterally take any steps as may be necessary to enforce this Agreement.
8. Mandataries are advised that any acts or omissions on the part of the mandatory, that are a breach of the Act may cause this contract to become null and void.

**PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL PROCUREMENT
REGULATIONS 2011**

This preference form forms part of the bid. It contains general information and serves as a claim form for preference points for Broad-Based Black Economic Empowerment (B-BBEE) Status Level of Contribution

NB: BEFORE COMPLETING THIS FORM, BIDDERS MUST STUDY THE GENERAL CONDITIONS, DEFINITIONS AND DIRECTIVES APPLICABLE IN RESPECT OF B-BBEE, AS PRESCRIBED IN THE PREFERENTIAL PROCUREMENT REGULATIONS, 2011.

1. GENERAL CONDITIONS

1.1 The following preference point systems are applicable to all bids:

- the 80/20 system for requirements with a Rand value of up to R1 million (all applicable taxes included); and
- the 90/10 system for requirements with a Rand value above R1 million (all applicable taxes included).

1.2 The value of this bid is estimated to ~~exceed~~/not exceed R1 000 000 (all applicable taxes included) and therefore the **80/20 system** shall be applicable.

1.3 Preference points for this bid shall be awarded for:

- (a) Price; and
- (b) B-BBEE Status Level of Contribution.

1.3.1 The maximum points for this bid are allocated as follows:

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

1.4 Failure on the part of a Bidder to fill in and/or to sign this form and submit a B-BBEE Verification Certificate from a Verification Agency accredited by the South African Accreditation System (SANAS) or a Registered Auditor approved by the Independent Regulatory Board of Auditors (IRBA) or an Accounting Officer as contemplated in the Close Corporation Act (CCA) together with the bid, will be interpreted to mean that preference points for B-BBEE status level of contribution are not claimed.

1.5. The purchaser reserves the right to require of a Bidder, either before a bid is adjudicated or at any time subsequently, to substantiate any claim in regard to preferences, in any manner required by the purchaser.

2. DEFINITIONS

- 2.1 “**all applicable taxes**” includes value-added tax, pay as you earn, income tax, unemployment insurance fund contributions and skills development levies;
- 2.2 “**AO /AA**” means an Accounting Officer/Accounting Authority;
- 2.3 “**B-BBEE**” means broad-based black economic empowerment as defined in section 1 of the Broad-Based Black Economic Empowerment Act;
- 2.4 “**B-BBEE status level of contributor**” means the B-BBEE status received by a measured entity based on its overall performance using the relevant scorecard contained in the Codes of Good Practice on Black Economic Empowerment, issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act;
- 2.5 “**bid**” means a written offer in a prescribed or stipulated form in response to an invitation by an organ of state for the provision of services, works or goods, through price quotations, advertised competitive bidding processes or proposals;
- 2.6 “**Broad-Based Black Economic Empowerment Act**” means the Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003);
- 2.7 “**BVA**” means BEE Verification Agency;
- 2.8 “**CCA**” means Closed Corporations Act, Act No 69 of 1984;
- 2.9 “**comparative price**” means the price after the factors of a non-firm price and all unconditional discounts that can be utilized have been taken into consideration;
- 2.10 “**consortium or joint venture**” 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;
- 2.11 “**contract**” means the agreement that results from the acceptance of a bid by an organ of state;
- 2.12 “**EME**” means any enterprise with annual total revenue of R10 million or less.
- 2.13 “**QSE**” means any enterprise with annual total revenue between R 10 million and R 50 million
- 2.14 “**Firm price**” means the price that is only subject to adjustments in accordance with the actual increase or decrease resulting from the change, imposition, or abolition of customs or excise duty and any other duty, levy, or tax, which, in terms of the law or regulation, is binding on the contractor and demonstrably has an influence on the price of any supplies, or the rendering costs of any service, for the execution of the contract;
- 2.15 “**functionality**” means the measurement according to predetermined norms, as set out in the bid documents, of a service or commodity that is designed to be practical and useful, working or operating, taking into account, among other factors, the quality, reliability, viability and durability of a service and the technical capacity and ability of a Bidder;
- 2.16 “**IRBA**” mean Independent Regulatory Board of Auditors;
- 2.17 “**non-firm prices**” means all prices other than “firm” prices;
- 2.18 “**person**” includes a juristic person;

- 2.19 **“rand value”** means the total estimated value of a contract in South African currency, calculated at the time of bid invitations, and includes all applicable taxes and excise duties;
- 2.20 **“sub-contract”** means the primary contractor’s assigning, leasing, making out work to, or employing, another person to support such primary contractor in the execution of part of a project in terms of the contract;
- 2.21 **“total revenue”** bears the same meaning assigned to this expression in the Codes of Good Practice on Black Economic Empowerment, issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act and promulgated in the *Government Gazette* on 9 February 2007;
- 2.22 **“trust”** means the arrangement through which the property of one person is made over or bequeathed to a trustee to administer such property for the benefit of another person; and
- 2.23 **“trustee”** means any person, including the founder of a trust, to whom property is bequeathed in order for such property to be administered for the benefit of another person.

3. **ADJUDICATION USING A POINT SYSTEM**

- 3.1 The Bidder obtaining the highest number of total points will be awarded the contract.
- 3.2 Preference points shall be calculated after prices have been brought to a comparative basis taking into account all factors of non-firm prices and all unconditional discounts;.
- 3.3 Points scored must be rounded off to the nearest 2 decimal places.
- 3.4 In the event that two or more bids have scored equal total points, the successful bid must be the one scoring the highest number of preference points for B-BBEE.
- 3.5 However, when functionality is part of the evaluation process and two or more bids have scored equal points including equal preference points for B-BBEE, the successful bid must be the one scoring the highest score for functionality.
- 3.6 Should two or more bids be equal in all respects, the award shall be decided by the drawing of lots.

4. **POINTS AWARDED FOR PRICE**

4.1 **THE 80/20 OR 90/10 PREFERENCE POINT SYSTEMS**

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

80/20

or

90/10

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

Where

P_s = Points scored for comparative price of bid under consideration

P_t = Comparative price of bid under consideration

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

5. **POINTS AWARDED FOR B-BBEE STATUS LEVEL OF CONTRIBUTION**

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

B-BBEE Status Level of Contributor	Number of points (90/10 system)	Number of points (80/20 system)
1	10	20
2	9	18
3	8	14
4	5	12
5	4	8
6	3	6
7	2	4
8	1	2
Non-compliant contributor	0	0

- 5.2 Bidders who qualify as Exempted Micro Enterprises (EMEs) in terms of the B-BBEE Act must submit a certificate issued by an Accounting Officer as contemplated in the CCA or a Verification Agency accredited by SANAS or a Registered Auditor. Registered Auditors do not need to meet the prerequisite for IRBA's approval for the purpose of conducting verification and issuing EMEs with B-BBEE Status Level Certificates. EMEs are deemed to have a B-BBEE status of "level four (4) contributor". In instances where EMEs are more than 50% owned by black people, such EMEs qualify as "B-BBEE status level three (3) contributors". An EME which is at least 51% Black owned qualifies for elevation to "Level Two Contributor" having a B-BBEE recognition level of 125%. An EME is allowed to be measured in terms of the Qualifying Small Enterprise (QSE) scorecard should they wish to maximize their points and move to a higher B-BBEE recognition level. In order for an EME to qualify as a Level 1 or Level 2 B-BBEE Contributor, EME must submit to Msunduzi Municipality a sworn affidavit on an annual basis, confirming Annual Total Revenue of R10 Million or less, and Level of Black Ownership (as contemplated in paragraph 4 of Government Gazette No. 36928).
- 5.3 Bidders other than EMEs must submit their original and valid B-BBEE status level verification certificate or a certified copy thereof, substantiating their B-BBEE rating issued by a Registered Auditor approved by IRBA or a Verification Agency accredited by SANAS. A Qualifying Small Enterprise (QSE) which is 100% Black owned qualifies for Level One B-BBEE recognition. A QSE which is at least 51% Black owned qualifies for level Two B-BBEE recognition level. In order for a QSE to qualify as a Level 1 or Level 2 BEE Contributor, QSE must submit to Msunduzi Municipality a sworn affidavit on an annual basis, confirming Annual Total Revenue of R50 Million or less, and Level of Black Ownership (as contemplated in paragraph 5 of Government Gazette No. 36928).
- 5.4 Bidders who do not submit B-BBEE Status Level Verification Certificates or are non-compliant contributors to B-BBEE do not qualify for preference points for B-BBEE but shall not be disqualified from the bidding process. Such Bidders will be scored on points out of 90 or 80 for price only and zero (0) points out of 10 or 20 for B-BBEE.

- 5.5 A trust, consortium or joint venture, will qualify for points for their B-BBEE status level as a legal entity, provided that the entity submits their B-BBEE status level certificate.
- 5.6 A trust, consortium or joint venture will qualify for points for their B-BBEE status level as an unincorporated entity, provided that the entity submits their consolidated B-BBEE scorecard as if they were a group structure and that such a consolidated B-BBEE scorecard is prepared for every separate bid.
- 5.7 Tertiary institutions and public entities will be required to submit their B-BBEE status level certificates in terms of the specialized scorecard contained in the B-BBEE Codes of Good Practice.
- 5.8 A person will not be awarded points for B-BBEE status level if it is indicated in the bid documents that such a Bidder intends sub-contracting more than 25% of the value of the contract to any other enterprise that does not qualify for at least the points that such a Bidder qualifies for, unless the intended sub-contractor is an EME that has the capability and ability to execute the sub-contract.
- 5.9 A person awarded a contract may not sub-contract more than 25% of the value of the contract to any other enterprise that does not have an equal or higher B-BBEE status level than the person concerned, unless the contract is sub-contracted to an EME that has the capability and ability to execute the sub-contract.

6. BID DECLARATION

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

7. B-BBEE STATUS LEVEL OF CONTRIBUTION CLAIMED IN TERMS OF PARAGRAPHS 1.3.1.2 AND 5.1

- 7.1 B-BBEE Status Level of Contribution:..... = (maximum of 10 or 20 points)

(Points claimed in respect of paragraph 7.1 must be in accordance with the table reflected in paragraph 5.1 and must be substantiated by means of a B-BBEE certificate issued by a Verification Agency accredited by SANAS or a Registered Auditor approved by IRBA or an Accounting Officer as contemplated in the CCA).

8 SUB-CONTRACTING

- 8.1 Will any portion of the contract be sub-contracted? **YES / NO** (delete which is not applicable)

- 8.1.1 If yes, indicate:

- (i) what percentage of the contract will be subcontracted?.....%
- (ii) the name of the sub contractor?.....
.....
- (iii) the B-BBEE status level of the sub-contractor?
- (iv) whether the sub-contractor is an EME? **YES / NO** (delete which is not applicable)

9 DECLARATION WITH REGARD TO COMPANY/FIRM

- 9.1 Name of company/firm :.....

9.2 VAT registration number :

9.3 Company registration number :

9.4 TYPE OF COMPANY/ FIRM

- ☐ Partnership/Joint Venture / Consortium
- ☐ One person business/sole propriety
- ☐ Close corporation
- ☐ Company
- ☐ (Pty) Limited

[TICK APPLICABLE BOX]

9.5 DESCRIBE PRINCIPAL BUSINESS ACTIVITIES

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

9.6 COMPANY CLASSIFICATION

- ☐ Manufacturer
- ☐ Supplier
- ☐ Professional service provider
- ☐ Other service providers, e.g. transporter, etc.

[TICK APPLICABLE BOX]

9.7 Total number of years the company/firm has been in business?

9.8 I/we, the undersigned, who is / are duly authorised to do so on behalf of the company/firm, certify that the points claimed, based on the B-BBEE status level of contribution indicated in paragraph 7 of the foregoing certificate, qualifies the company/ firm for the preference(s) shown and I / we acknowledge that:

- (i) The information furnished is true and correct;
- (ii) The preference points claimed are in accordance with the General Conditions as indicated in paragraph 1 of this form.
- (iii) In the event of a contract being awarded as a result of points claimed as shown in paragraph 7, the contractor may be required to furnish documentary proof to the satisfaction of the purchaser that the claims are correct;
- (iv) If the B-BBEE status level of contribution has been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the purchaser may, in addition to any other remedy it may have –
 - (a) disqualify the person from the bidding process;
 - (b) recover costs, losses or damages it has incurred or suffered as a result of that person's conduct;

- (c) cancel the contract and claim any damages which it has suffered as a result of having to make less favourable arrangements due to such cancellation;
- (d) restrict the Bidder or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, from obtaining business from any organ of state for a period not exceeding 10 years, after the audi alteram partem (hear the other side) rule has been applied; and
- (e) forward the matter for criminal prosecution

WITNESSES:

1.

2.

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

DATE:.....

ADDRESS:

.....

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