



TSWELOPELE
LOCAL MUNICIPALITY
A MUNICIPALITY IN PROGRESS



All quotations must be hand delivered to 01 Bosman Street, Civic Centre, Bultfontein, 9670 at the office of Manager SCM & Expenditure or e-mailed at loapep@tswelopele.org not later than 23 August 2023.

The following terms and conditions shall apply:

1. Formal written Price Quotation must be in the letterhead of the Prospective Service Provider.
2. Please attach the designs together with the quotation for the Podium and Gazebo with customised Tswelopele Local Municipality Logo.
3. Bids will be evaluated in terms of section 5, read with section (2) (1)(b)(1) of the preferential Procurement Policy Framework act,2000 with the following criteria, the points will be used to supplement BBBEE together with Preferential Procurement Regulations,2022 and Tswelopele Local Municipality Preferential Procurement Policy.
4. The Relevant MBD 4 forms **must** be completed and submitted with the quotation, which can be downloaded from the municipality's website www.tswelopele.gov.za –Declaration of interest. Quotations without signed Declaration of interest will not be considered.
5. Bidders **must** submit a Valid Tax Clearance Certificate or an authorised PIN obtained at SARS and tax status will be assessed just before an award, if there is a non-compliance on tax status upon award, the quotation will be disqualified.
6. Suppliers should be registered with Centralised Suppliers Database with National treasury and MAAA number must accompany a quotation.
7. Letter of intent from the service provider of the bidder must be attached (Capability to execute the work).
8. Bidders who do not have a Vat registration and are not registered for Vat, must not split the VAT Portion amount from the grand total, for such the Municipality will consider total before Vat as the bidder is not eligible to charge VAT.

9. Quotations which do not have all and correct items requested will be rejected and all quotations which did not specify the brand offered will be rejected.
10. The Municipality will not allow any additional cost or price increase after an award of the quotation, the quoted price and award price will be the expected delivery price.
11. No payment will be done whole or partially prior to delivery of goods.
12. Non-adherence to any of the conditions may lead to your quotation not to be considered.
13. Council reserves the right to not make an appointment on an advertised request for quotation.

SCM related enquires to be directed to **Ms. Puseletso Mashiane** at **051 853 1111**

Specified Goals to be calculated as follows:

Points for the specific goals for contracting with persons, or categories of persons, historically disadvantaged by unfair discrimination on the basis of race:

Black-owned and B-BBEE Status Level of Contributor	Number of points on 80/20 points system	Number of points on 90/10 points system	Required Proof
51% Black-owned enterprise with a valid B-BBEE level 1	6	3	Sworn affidavit/BBBEE verification certificate (SANA) approved or from a registered accountant
51% Black-owned enterprise with a valid B-BBEE level 2	4	2	BBBEE Certificate from a SANAS approved agency
51% Black-owned enterprise with a valid B-BBEE level 3	2	1	BBBEE Certificate from a SANAS approved agency
Less than 51% Black-owned enterprise irrespective of B-BBEE level	0	0	BBBEE Certificate from a SANAS approved agency

Points for the specific goals for contracting with persons, or categories of persons, historically disadvantaged by unfair discrimination on the basis of gender:

Women-owned and B-BBEE Status Level of Contributor	Number of points on 80/20 points system	Number of points on 90/10 points system	Required Proof
100% Women-owned enterprise with no B-BBEE certificate	4	2	Sworn affidavit/BBBEE verification certificate (SANA) approved or from a registered accountant
51% Women-owned enterprise with a valid B-BBEE level 1	3	1	BBBEE Certificate from a SANAS approved agency
51% Women-owned enterprise with a valid B-BBEE level 2	2	1	BBBEE Certificate from a SANAS approved agency
51% Women-owned enterprise with a valid B-BBEE level 3	1	1	BBBEE Certificate from a SANAS approved agency
Less than 51% Women-owned enterprise irrespective of B-BBEE level	0	0	BBBEE Certificate from a SANAS approved agency

Points for the specific goals for contracting with persons, or categories of persons, historically disadvantaged by unfair discrimination on the basis of disability:

Black-owned and B-BBEE Status Level of Contributor	Number of points on 80/20 points system	Number of points on 90/10 points system	Required Proof
100% Disabled-owned enterprise with no B-BBEE certificate but with proof of disability.	4	2	Sworn affidavit and medical certificate
51% Disabled-owned enterprise with a valid B-BBEE level 1	3	1	BBBEE Certificate from a SANAS approved agency
51% Disabled-owned enterprise with a valid B-BBEE level 2	2	1	BBBEE Certificate from a SANAS approved agency
51% Disabled-owned enterprise with a valid B-BBEE level 3	1	1	BBBEE Certificate from a SANAS approved agency
Less than 51% Disabled-owned enterprise irrespective of B-BBEE level	0	0	BBBEE Certificate from a SANAS approved agency

Points for Specific Goals to Promote Economic Development – Enterprise Located in a Province, District or Municipal area / (Hereafter referred to as locality)

No	Requirement	Points for enterprises within Tswelopele municipal area	Points for enterprises within District	Points for enterprises within the Free State Province

1	Procurement under the 80/20 preference points system where the enterprise head office or primary place of business is located	6	4	2
2	Procurement under the 90/10 preference points system where the enterprise head office or primary place of business is located in the municipal area	3	2	1
3	Procurement under the 80/20 preference points system where the enterprise has a regional or satellite office (excluding a temporary site office) located in:	4	2	1
4	Procurement under the 90/10 preference points system where the enterprise has a regional or satellite office (excluding a temporary site office) located in the municipal area	3	2	1

SCM related enquires to be directed to **Ms. Puseletso Mashiane** and **K Mahase** at **051 853 1111**

Acting Municipal Manager
K Motloug
17/08/2023

DECLARATION OF INTEREST

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

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

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

2.1 Full Name of bidder or his or her representative:
.....

2.2 Identity Number:
.....

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

2.4 Company Registration Number:
.....

2.5 Tax Reference Number:
.....

2.6 VAT Registration Number:
.....

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

¹“State” means –

- (a) any national or provincial department, national or provincial public entity or constitutional institution within the meaning of the 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 the bidder presently employed by the state? **YES / NO**

2.7.1 If so, furnish the following particulars:

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

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

Position occupied in the state 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 / NO**

2.7.2.1 If yes, did you attached proof of such authority to the bid document? **YES / NO**

(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 adjudication of this bid? **YES/NO**

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? **YES/NO**

2.11.1 If so, furnish particulars:

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

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

4 DECLARATION

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

CERTIFY THAT THE INFORMATION FURNISHED IN PARAGRAPHS 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

MBD 6.1

PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL PROCUREMENT REGULATIONS 2022

This preference form must form part of all tenders invited. It contains general information and serves as a claim form for preference points for specific goals.

NB: BEFORE COMPLETING THIS FORM, TENDERERS MUST STUDY THE GENERAL CONDITIONS, DEFINITIONS AND DIRECTIVES APPLICABLE IN RESPECT OF THE TENDER AND PREFERENTIAL PROCUREMENT REGULATIONS, 2022

1. GENERAL CONDITIONS

1.1 The following preference point systems are applicable to invitations to tender:

- the 80/20 system for requirements with a Rand value of up to R50 000 000 (all applicable taxes included); and
- the 90/10 system for requirements with a Rand value above R50 000 000 (all applicable taxes included).

1.2 **To be completed by the organ of state**

(delete whichever is not applicable for this tender).

- a) The applicable preference point system for this tender is the **90/10** preference point system.
- b) The applicable preference point system for this tender is the **80/20** preference point system.
- c) Either the **90/10 or 80/20 preference point system** will be applicable in this tender. The lowest/ highest acceptable tender will be used to determine the accurate system once tenders are received.

1.3 Points for this tender (even in the case of a tender for income-generating contracts) shall be awarded for:

- (a) Price; and
- (b) Specific Goals.

1.4 **To be completed by the organ of state:**

The maximum points for this tender are allocated as follows:

	POINTS
--	--------

PRICE	
SPECIFIC GOALS	
Total points for Price and SPECIFIC GOALS	100

1.5 Failure on the part of a tenderer to submit proof or documentation required in terms of this tender to claim points for specific goals with the tender, will be interpreted to mean that preference points for specific goals are not claimed.

1.6 The organ of state reserves the right to require of a tenderer, either before a tender is adjudicated or at any time subsequently, to substantiate any claim in regard to preferences, in any manner required by the organ of state.

2. DEFINITIONS

- (a) **“tender”** means a written offer in the form determined by an organ of state in response to an invitation to provide goods or services through price quotations, competitive tendering process or any other method envisaged in legislation;
- (b) **“price”** means an amount of money tendered for goods or services, and includes all applicable taxes less all unconditional discounts;
- (c) **“rand value”** means the total estimated value of a contract in Rand, calculated at the time of bid invitation, and includes all applicable taxes;
- (d) **“tender for income-generating contracts”** means a written offer in the form determined by an organ of state in response to an invitation for the origination of income-generating contracts through any method envisaged in legislation that will result in a legal agreement between the organ of state and a third party that produces revenue for the organ of state, and includes, but is not limited to, leasing and disposal of assets and concession contracts, excluding direct sales and disposal of assets through public auctions; and
- (e) **“the Act”** means the Preferential Procurement Policy Framework Act, 2000 (Act No. 5 of 2000).

3. FORMULAE FOR PROCUREMENT OF GOODS AND SERVICES

3.1. POINTS AWARDED FOR PRICE

3.1.1 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

$$Ps = 80 \left(1 - \frac{Pt - P_{min}}{P_{min}} \right) \text{ or } Ps = 90 \left(1 - \frac{Pt - P_{min}}{P_{min}} \right)$$

Where

Ps = Points scored for price of tender under consideration
Pt = Price of tender under consideration
Pmin = Price of lowest acceptable tender

3.2. FORMULAE FOR DISPOSAL OR LEASING OF STATE ASSETS AND INCOME GENERATING PROCUREMENT

3.2.1. POINTS AWARDED FOR PRICE

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

$$Ps = 80 \left(1 + \frac{Pt - P_{max}}{P_{max}} \right) \text{ or } Ps = 90 \left(1 + \frac{Pt - P_{max}}{P_{max}} \right)$$

Where

Ps = Points scored for price of tender under consideration
Pt = Price of tender under consideration
Pmax = Price of highest acceptable tender

4. POINTS AWARDED FOR SPECIFIC GOALS

4.1. In terms of Regulation 4(2); 5(2); 6(2) and 7(2) of the Preferential Procurement Regulations, preference points must be awarded for specific goals stated in the tender. For the purposes of this tender the tenderer will be allocated points based on the goals stated in table 1 below as may be supported by proof/ documentation stated in the conditions of this tender:

4.2. In cases where organs of state intend to use Regulation 3(2) of the Regulations, which states that, if it is unclear whether the 80/20 or 90/10 preference point system applies, an organ of state must, in the tender documents, stipulate in the case of—

(a) an invitation for tender for income-generating contracts, that either the 80/20 or 90/10 preference point system will apply and that the highest acceptable tender will be used to determine the applicable preference point system; or

(b) any other invitation for tender, that either the 80/20 or 90/10 preference point system will apply and that the lowest acceptable tender will be used to determine the applicable preference point system,

then the organ of state must indicate the points allocated for specific goals for both the 90/10 and 80/20 preference point system.

Table 1: Specific goals for the tender and points claimed are indicated per the table below.
(Note to organs of state: Where either the 90/10 or 80/20 preference point system is applicable, corresponding points must also be indicated as such.

Note to tenderers: The tenderer must indicate how they claim points for each preference point system.)

The specific goals allocated points in terms of this tender	Number of points allocated (90/10 system) (To be completed by the organ of state)	Number of points allocated (80/20 system) (To be completed by the organ of state)	Number of points claimed (90/10 system) (To be completed by the tenderer)	Number of points claimed (80/20 system) (To be completed by the tenderer)

DECLARATION WITH REGARD TO COMPANY/FIRM

4.3. Name of company/firm.....

4.4. Company registration number:

4.5. TYPE OF COMPANY/ FIRM

- Partnership/Joint Venture / Consortium
- One-person business/sole propriety
- Close corporation
- Public Company
- Personal Liability Company
- (Pty) Limited
- Non-Profit Company
- State Owned Company

[TICK APPLICABLE BOX]

4.6. I, the undersigned, who is duly authorised to do so on behalf of the company/firm, certify

that the points claimed, based on the specific goals as advised in the tender, qualifies the company/ firm for the preference(s) shown and I 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 paragraphs 1.4 and 4.2, the contractor may be required to furnish documentary proof to the satisfaction of the organ of state that the claims are correct;
- iv) If the specific goals have been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the organ of state may, in addition to any other remedy it may have –
 - (a) disqualify the person from the tendering 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) recommend that the tenderer or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, be restricted 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, if deemed necessary

..... SIGNATURE(S) OF TENDERER(S)	
SURNAME AND NAME:
DATE:
ADDRESS:

Acting Municipal Manager
K Motloung
17/08/2023