



TSWELOPELE

LOCAL MUNICIPALITY
A MUNICIPALITY IN PROGRESS

SCM/TSW/ 02/2023-2024 - SPECIFICATIONS BID TO APPOINT A PANEL OF SERVICE PROVIDERS TO SUPPLY, DELIVER AND INSTALL VARIOUS COMPUTER SOFTWARES, APPLICATIONS AND HARDWARE TO TSWELOPELE LOCAL MUNICIPALITY ON AN AS AND WHEN REQUIRED BASIS FROM DATE OF APPOINTMENT UNTIL 30 JUNE 2026.

1. PURPOSE

To appoint a panel of suitably qualified service providers to supply, deliver and install various computer software's, applications, and hardware to Tswelopele Local Municipality on an as and when required basis from date of appointment until 30 June 2026.

1.1. CHECKLIST

Please ensure that the following forms have been duly completed and Signed and that all documents as requested, are attached to the tender document:

| The following particulars must be furnished /attached failure to do so WILL result in your bid being disqualified | | |
|--|--|----------------|
| No. | Details | Tick(x) |
| 1. | Name of bidder (MBD1) as it appears on the company registration document | |
| 2. | Physical address (MBD1) of where the business is situated | |
| 3. | Postal address (MBD1) of where the business receives its mails | |
| 4. | Contact numbers (telephone, fax & cellular phone no. (MBD1)) | |
| 5. | Certificate of Payment of Municipal Accounts Evidence that municipal rates and taxes are not in arrears for more than three months for both the company and its registered Directors (this should be for any registered office, not necessarily within Tswelopele Local Municipality, in case of lease agreement should be accompanied by the service account of the lessor (No exceptions). | |

| | | |
|-----|--|--|
| 6. | Valid tax clearance certificate or SARS PIN | |
| 7 | ID Copies of the directors of the business (to claim Preference points) | |
| 8 | Completed and signed MBD forms (ALL MBD forms in the tender) | |
| 9 | Proof of banking not older than 3 months | |
| 10. | Certificate of authority of signatory not older than 3 months | |
| 11. | Valid BBEE certificate issued by SANAS accredited agencies or issued by registered auditors accredited by IRBA or certified Sworn Affidavits . | |
| 12. | Joint Venture Agreement (if applicable) | |
| 13. | Completed and signed form of offer | |
| 14. | Signed and completed addenda to the tender (if applicable) | |
| 15. | Proof that the supplier is registered on the Centralised Suppliers Database (CSD) | |

2. SCOPE OF WORK

2.1. ICT Software and Applications;

The scope of work will entail the following categories:

The software category will entail but not limited to the following:

- Acrobat Applications
- Microsoft Application
- CaseWare
- Zoom Application
- Anti-Virus Application
- Autocad Software

2.2. ICT Related Hardware;

The hardware category will entail but not limited to the following:

- Laptops, Desktop Computers and Servers
- Firewall Device
- Network Switches

- Wireless Devices (AP's and Radio Links)
- Desktop Printers

2.3. ICT Software Licenses;

The licenses category will entail but not limited to the following:

- Microsoft licenses
- VMware licenses
- SSL Certificates
- Autocad license
- Acrobat license
- Cloud Backup license
- CaseWare license
- Zoom license
- Anti-Virus license
- Firewall license

2.4. Installation and Maintenance of Municipality CCTV System;

3. CATEGORY SELECTION(S)

Bidders must select the category which they are bidding for.

It is not compulsory to select all categories as listed, however, if a category is selected the Bidder must be able to provide all the resources within that category.

| SERVICE CATEGORIES | | |
|--------------------|--|-------------------------------------|
| No. | Category | Select a category. MARK WITH (X) |
| 1. | ICT Software and Applications | |
| 2. | ICT Related Hardware | |
| 3. | ICT Software Licenses | |
| 4. | Installation and Maintenance of Municipality CCTV System | |

NOTE: Bidders must note that if they select a category and they are unable to comply with the minimum requirements, they will not be considered for further evaluation. Bidders will be allowed to respond to a single or multiple categories.

4. CONTRACT PERIOD

The panel will be effective from date of appointment until 30 June 2026.

5. AWARDING OF BID

- TLM reserves the right to accept any bid or part thereof and does not bind itself to accept any bid. The panel will be composed by all Bidder(s) who have met the minimum requirements.
- Emphasis is put to the fact that being successfully included on the panel does not necessarily mean that work is guaranteed.
- The municipality reserves the right to appoint any number of qualifying panellists.
- The municipality reserves the right to add other service providers to the panel anytime deemed necessary, the addition will be through a competitive tendering process and the contract period will be synchronized to this tender.
- A Request for Quotation (RFQ) will be sent to all panellists requesting quotations. An RFQ with clear specifications of items needed will be sent to selected panellists to respond within the required time frame.
- The RFQ's will be evaluated in line with the set specifications, Tswelopele Local Municipality's SCM Policy and Preferential Procurement Policy, PPPFA and its 2022 regulations, as well as any other applicable legislation.
- Panellists will be required to attach the OEM/ Partnership/ Reseller letter/certificate when required at RFQ stage, in line with the terms of reference (TOR) of the RFQ.
- For emergencies, a request to respond will be sent out to panellists per specific category and the bidder has 4 hours to respond with availability by e-mail. The bidder(s) who responds confirming availability of their services will then be evaluated.

6. PAYMENT OF INVOICES

- Payments will be done for work done.
- All valid invoices are to be paid within 30 days from date of receipt by the municipality.
- Tswelopele Local Municipality will not accept any responsibility for the non-payment of any invoice submitted by the successful bidder if the relevant invoice does not reflect an official municipal order number.

7. CONTRACT PRICE ADJUSTMENTS

Not applicable

8. MINIMUM ORDER QUANTITIES

NO minimum order quantities will be considered. Any bidder who includes such when submitting an RFQ will be disregarded.

9. COIDA

The successful bidders must be COIDA compliant before the execution of any work in terms of the contractual obligations and for the duration of the contract, should the bidder

be awarded a contract. A letter of good standing in terms of COIDA or the latest assessment and proof of payment thereof or proof of registration (only in cases of a new registration) will suffice.

10. SANS APPROVAL

- It is the responsibility of the successful bidder to ensure that, all products are SANS and ISO approved and certified.
- Tswelopele Local Municipality reserves the right to reject any product that is found not to be of the highest quality based on the set functionality threshold on the TOR, which is not SANS certified.
- All product that are supplied should come with the manufacture warranty and the service provider guarantee not less than one year.

11. REJECTION OF SUB-STANDARD PRODUCTS

The bidder will be expected to replace any rejected products within 07 working days or as per the required time for manufacturing (proof must be submitted). The replacement will be at the suppliers' own cost and cannot be claimed against the municipality

12. VALUE FOR MONEY

The panel and the RFQ system are established to ensure that the municipality at any given time procures goods/services at competitive and market-related rates or prices.

13. PERFORMANCE MANAGEMENT

The successful bidders will be required to enter into a performance management agreement, whereby each bidder's performance will be measured and assessed against deliverables.

14. REPORTING

The appointed service provider will report to the Tswelopele Local Municipality's delegated official

15. MINIMUM REQUIREMENTS

The following functionality criteria will be applied:

| ITEM | CRITERIA | WEIGHT |
|----------|--|-----------|
| | The minimum qualifying score for functionality is 70 points to be further evaluated on software and software licences | |
| A | <u>Reputable track record for carrying out similar assessments:</u> | 40 |
| | 1. 3 x Purchase Orders or Appointment Letters | 40 |
| | 2. 2 x Purchase Orders or Appointment Letters | 30 |
| | 3. 1 x Purchase Orders or Appointment Letters | 10 |

| | | |
|----------|---|------------------------------------|
| | | |
| B | <u>Reference Letter:</u> NB: Reference Letters provided has to speak to PO or Appointment letter provided 1. 3 x Reference Letters 2. 2 x Reference Letters 3. 1 x Reference Letters | 15 15 10 5 |
| C | <u>Reseller Certificate or Agreement Letter (Software related items)</u> 1. 1 x Reseller Certificate or Agreement Letter 2. 0 x Reseller Certificate or Agreement Letter | 25 20 0 |
| D | <u>Team leader Qualifications:</u> 1. 1 x Degree Qualification for IT 2. 1 x Diploma Qualification for IT | 20 20 10 |
| | Total Points | 100 |

| | | |
|-------------|--|------------------------------------|
| | The minimum qualifying score for functionality is 60 points to be further evaluated on hardware and Installation and Maintenance of Municipality CCTV System | |
| ITEM | CRITERIA | WEIGHT |
| A | <u>Reputable track record for carrying out similar assessments:</u> 1. 3 x Purchase Orders or Appointment Letters 2. 2 x Purchase Orders or Appointment Letters 3. 1 x Purchase Orders or Appointment Letters | 40 40 30 10 |
| B | <u>Reference Letter:</u> NB: Reference Letters provided has to speak to PO or Appointment letter provided 1. 3 x Reference Letters 2. 2 x Reference Letters 3. 1 x Reference Letters | 20 20 15 5 |

| | | |
|--|----------------------------|-----------|
| | | |
| | <u>PSira Certified:</u> | 20 |
| | 1. 1 x Sira Certificate | 15 |
| | 2. 0 x No Sira Certificate | 0 |
| | Total Points | 80 |

| ITEM | DESCRIPTION | YES | NO |
|-------------|--|-----|----|
| Team leader | Bidders to submit a Diploma or Degree in IT or a Computer Science qualification (NQF Level 5 or Level 6) Sira Certification for CCTV (Attach copy of qualification) | | |

NOTE: Bidders to submit the minimum requirement as per selected category

| | | Category A: ICT Software and Applications | YES | NO |
|----------|---|---|------------|-----------|
| A | Company Experience linked to ICT Software and Applications | <p>Bidders to submit a minimum of 3 contactable reference letters in ICT Software and Applications completed from 2020 to date.</p> <p>For a reference letter to be valid it must satisfy the below:</p> <ol style="list-style-type: none"> I. Letter head of the institution offering the reference. <ul style="list-style-type: none"> - Clear description of the services that were rendered. - Dated. - Signed to indicate validity. II. Three (3) Purchase order or appointment letters for service rendered III. Registered Reseller Certificate or Agreement (On all the software that the bidder is bidding for) | | |

| | | | | |
|--|--|---|--|--|
| | | <i>(Attach contactable reference letters)</i> | | |
|--|--|---|--|--|

AND \ OR

| | | Category B: ICT Hardware | YES | NO |
|----------|--|--|------------|-----------|
| B | Company Experience linked to ICT Hardware | <p>Bidders to submit a minimum of 3 contactable reference letters in ICT Hardware completed from 2020 to date. For a reference letter to be valid it must satisfy the below:</p> <ol style="list-style-type: none"> I. Letter head of the institution offering the reference. <ul style="list-style-type: none"> - Clear description of the services that were rendered. - Dated. - Signed to indicate validity. II. Three (3) Purchase order or appointment letters for service rendered <p><i>(Attach contactable reference letters)</i></p> | | |

AND \ OR

| | | Category C: ICT Software Licenses | YES | NO |
|----------|---|--|------------|-----------|
| C | Company Experience linked to ICT Software Licenses | <p>Bidders to submit a minimum of 3 contactable reference letters in ICT Software Licenses done from 2020 to date. For a reference letter to be valid it must satisfy the below:</p> <ol style="list-style-type: none"> I. Letter head of the institution offering the reference. <ul style="list-style-type: none"> - Clear description of the services that were rendered. - Dated. - Signed to indicate validity. II. Three (3) Purchase order or appointment letters for service rendered III. Note: On software you should be the registered reseller and provide evidence of such and reseller certificate must be attached. <p><i>(Attach contactable reference letters)</i></p> | | |

AND \ OR

| | | Category D: Installation and Maintenance of Municipality CCTV System | YES | NO |
|----------|--|--|------------|-----------|
| D | Company Experience Installation and Maintenance of Municipality CCTV System | <p>Bidders to submit a minimum of 3 contactable reference letters from 2020 to date. For a reference letter to be valid it must satisfy the below:</p> <ol style="list-style-type: none"> I. Letter head of the institution offering the reference. <ul style="list-style-type: none"> - Clear description of the services that were rendered. - Dated. - Signed to indicate validity. | | |

| | | | | |
|--|--|--|--|--|
| | | <p>II. Three (3) Purchase order or appointment letters for service rendered</p> <p><i>(Attach contactable reference letters)</i></p> | | |
|--|--|--|--|--|

Failure to submit all of the above-mentioned documents (per selected category) will result in the bidder not being further evaluated.

10. EVALUATION OF BIDS

The bid will be evaluated in line with the set specifications, Tswelopele Local Municipality's SCM Policy and Preferential Procurement Policy, PPPFA and its 2022 regulations, as well as any other applicable legislation.



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 **YES / NO**
presently employed by the state?

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 **YES / NO**
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?

2.9.1 If so, furnish particulars.

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

2.10 Are you, or any person connected with the bidder, **YES/NO**
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?

2.10.1 If so, furnish particulars.

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

2.11 Do you or any of the directors / trustees / shareholders / members **YES/NO**
of the company have any interest in any other related companies
whether or not they are bidding for this contract?

2.11.1 If so, furnish particulars:

.....
.....

.....

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

| Full Name | Identity Number | Personal Tax Reference Number | 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



**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

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

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:

80/20 or 90/10

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

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) |
|---|--|--|--|--|
| Black Owned | | | | |

| | | | | |
|-----------------------|--|--|--|--|
| Women Owned | | | | |
| Disabled people owned | | | | |
| Locality | | | | |
| Total Points | | | | |

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:

.....

.....

WITNESSES

1.

2.

THIS PAGE IS INTENTIONALLY LEFT BLANK

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 |
|---|---|---|--|
| 100% 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 |



**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>Is the bidder or any of its directors listed on the National Treasury's database as a company or person prohibited from doing business with the public sector?</p> <p>(Companies or persons who are listed on this database were informed in writing of this restriction by the National Treasury after the <i>audi alteram partem</i> rule was applied).</p> | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| 4.1.1 | If so, furnish particulars: | | |
| 4.2 | <p>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)?</p> | 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"/> |

| | |
|-------|-----------------------------|
| 4.6.1 | If so, furnish particulars: |
|-------|-----------------------------|

CERTIFICATION

I, THE UNDERSIGNED (FULL NAME)

CERTIFY THAT THE INFORMATION FURNISHED ON THIS DECLARATION FORM IS/ARE TRUE AND CORRECT.

I ACCEPT THAT, IN ADDITION TO CANCELLATION OF A CONTRACT, ACTION MAY BE TAKEN AGAINST ME SHOULD THIS DECLARATION PROVE TO BE FALSE.

| | |
|-----------------------|--|
| NAME OF BIDDER | |
| POSITION | |
| SIGNATURE | |
| DATE | |



TSWELOPELE
LOCAL MUNICIPALITY
A MUNICIPALITY IN PROGRESS

MBD 9

CERTIFICATE OF INDEPENDENT BID DETERMINATION

1. This Municipal Bidding Document (MBD) must form part of all bids¹ (*¹ Includes price quotations, advertised competitive bids, limited bids and proposals*) 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 (*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*).
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:

CERTIFICATE OF INDEPENDENT BID DETERMINATION

I, the undersigned, in submitting the accompanying bid: **TENDER NUMBER: “SCM/TSW/02/2023-2024 - SPECIFICATIONS BID TO APPOINT A PANEL OF SERVICE PROVIDERS TO SUPPLY, DELIVER AND INSTALL VARIOUS COMPUTER SOFTWARES, APPLICATIONS AND HARDWARE TO TSWELOPELE LOCAL MUNICIPALITY ON AN AS AND WHEN REQUIRED BASIS FROM DATE OF APPOINTMENT UNTIL 30 JUNE 2026”**

in response to the invitation for the bid made by Tswelopele Local Municipality 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)

- i. I have read and I understand the contents of this Certificate;

- ii. I understand that the accompanying bid will be disqualified if this Certificate is found not to be true and complete in every respect;
- iii. I am authorized by the bidder to sign this Certificate, and to submit the accompanying bid, on behalf of the bidder;
- iv. 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;
- v. 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 (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*) will not be construed as collusive bidding.

7. In particular, without limiting the generality of paragraphs 6 above, there has been no consultation, communication, agreement or arrangement with any competitor regarding:

- (a) prices;
- (b) geographical area where product or service will be rendered (market allocation)
- (c) methods, factors or formulas used to calculate prices;
- (d) the intention or decision to submit or not to submit, a bid;
- (e) the submission of a bid which does not meet the specifications and conditions of the bid; or
- (f) Bidding with the intention not to win the bid.

8. In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications and conditions or delivery particulars of the products or services to which this bid invitation relates.

9. The terms of the accompanying bid have not been, and will not be, disclosed by the bidder, directly or indirectly, to any competitor, prior to the date and time of the official bid opening or of the awarding of the contract.

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

exceeding ten (10) years in terms of the Prevention and Combating of Corrupt Activities Act No 12 of 2004 or any other applicable legislation.

| | |
|-----------------------|--|
| NAME OF BIDDER | |
| SIGNATURE | |
| POSITION | |
| DATE | |

16. DECLARATION BY TENDERER

I / We acknowledge that I / we am / are fully acquainted with the contents of the conditions of tender of this tender document and that I / we accept the conditions in all respects.

I / We agree that the laws of the Republic of South Africa shall be applicable to the contract resulting from the acceptance of *my / our tender and that I / we elect *domicillium citandi et executandi* (physical address at which legal proceedings may be instituted) in the Republic at:

I / We accept full responsibility for the proper execution and fulfilment of all obligations and conditions devolving in me / us under this agreement as the principal liable for the due fulfilment of this contract.

I / We furthermore confirm I / we satisfied myself / ourselves as to the corrections and validity of my / our tender; that the price quoted cover all the work / items specified in the tender documents and that the price(s) cover all my / our obligations under a resulting contract and that I / we accept that any mistake(s) regarding price and calculations will be at my / our risk.

I / We furthermore confirm that my / our offer remains binding upon me / us and open for acceptance by the Purchases / Employer during the validity period indicated and calculated from the closing date of the bid.

| | |
|---------------------|--|
| SIGNATURE | |
| CAPACITY | |
| NAME (PRINT) | |
| NAME OF FIRM | |
| DATE | |