



a world class African city

City of Johannesburg
Supply Chain Management Unit

SUPPLIER NAME: _____

REQUEST FOR QUOTATION FOR GOODS AND SERVICES FOR THE CITY OF JOHANNESBURG
Procurement Less than R 200 000 (Including Vat)
(For publication on the City of Johannesburg Notice Board/s & Website)

The City of Johannesburg requests your quotation on the goods and/or services listed hereunder and/or on the available RFQ forms. Please furnish all information as requested and return your quotation on the date stipulated. Late and incomplete submissions will invalidate the quotation submitted.

ADVERTISEMENT DATE	06 APRIL 2018
DEPARTMENT	GROUP STRATEGY
RFQ NUMBER:	R0074/18
DESCRIPTION OF GOODS/SERVICES	REVIEW OF THE GROUP PERFORMANCE MANAGEMENT POLICY AND GROUP PERFORMANCE MANAGEMENT FRAMEWORK FOR SECTION 57 EMPLOYEES
RFQ SPECIFICATION FORMS/ DOCUMENTS ARE OBTAINABLE FROM:	The COJ Website – www.joburg.org.za/quotations OR FROM INFORMATION DESK 15TH FLOOR METRO CENTRE 158 Civic Boulevard street BRAAMFONTEIN
COMPULSORY REQUIREMENTS	PLEASE NOTE THAT NOT SUBMITTING THE COMPULSORY DOCUMENTS MAY LEAD TO DISQUALIFICATION.
ADDITIONAL COMPULSORY REQUIREMENTS	
<u>SUBMISSION OF QUOTES:</u>	<u>QUOTATION BOX, GROUND FLOOR, METRO CENTRE</u> 158 Civic Boulevard street, Braamfontein
TIME: CLOSING DATE	10h30 13 APRIL 2018
ENQUIRIES:	HLULANI CHAUKE:011 587 4363/061 4512 116

Quotations above R30 000 will be evaluated on the basis of the 80:20 point system as stipulated in the Preferential Procurement Policy Framework Act (Act number 5 of 2000) & the City's Supply Chain Management Policies and Procedures.

CHECKLIST

RFQ NO: R0074/18

PLEASE USE THE CHECKLIST TO CONFIRM THAT ALL COMPULSORY DOCUMENTS HAVE BEEN ATTACHED TO YOUR QUOTATION. PLEASE NOTE THAT IF THESE DOCUMENTS ARE NOT ATTACHED COMPLETED AND SIGNED THE QUOTATION WILL BE DISQUALIFIED.

No	Details	✓
1.	Original Certified Copy of Company Registration Document (NOT A COPY OF CERTIFIED COPY AND IT MUST NOT BE OLDER THAN THREE MONTHS)	
2.	Rates & Taxes Invoice for Company OR Certified Copy of Lease Agreement OR Original Certified Copy of Affidavit Certified by the SAPS. (NOT A COPY OF CERTIFIED COPY AND IT MUST NOT BE OLDER THAN THREE MONTHS)	
3.	Rates and Taxes Invoice for All the Directors of the Company OR Original Certified Copy of Lease Agreement OR Affidavit Certified by the SAPS. (NOT A COPY OF CERTIFIED COPY AND IT MUST NOT BE OLDER THAN THREE MONTHS)	
4.	Declaration on State of Municipal Account (Attached)	
5.	MBD 4: Declaration of Interest (Attached)	
6.	MBD 9: Certificate of Independent Bid Determination. (Attached)	
7.	MBD 6.1 Preference Points Claim Form In Terms Of The Preferential Procurement Regulations 2017	
8.	MBD 8: Declaration Of Tenderer Past Supply Chain Management Practices	
9.	Certified Copy of BBBEE certificate OR Certified copy of Sworn affidavit. (NOT A COPY OF CERTIFIED COPY AND IT MUST NOT BE OLDER THAN THREE MONTHS)	
10.	Tax Clearance Certificate (TENDER NOT GOOD STANDING) and Tax Pin Code.	
11.	Training Suppliers to be accredited with SITA	
12.	Catering Suppliers to submit a Health Certificate	
13.	All alterations have been signed.	
14.	Registration report on Central Supplier Database (or supplied CSD Supplier number)	
15.	Quotation is signed.	

SIGNATURE _____

NAME _____

PLEASE NOTE THAT NOT SUBMITTING THE COMPULSORY DOCUMENTS MAY LEAD TO DISQUALIFICATION COMPULSORY REQUIREMENTS

1. Tax clearance

Please note that copies of tax clearance certificates are not valid as per SARS and they will not be accepted by the City of Johannesburg. Failure to provide the original tax clearance certificate will result in the quotation being disqualified.

2. Latest copy of rates and taxes together with a completed "Declaration on State of Municipal Accounts" form. (Attached)

Please note the following:

a) There must be a Rates & Taxes invoice for each of the Directors of the Company as well as for the Company. The Rates & Taxes Invoice cannot be older than 3 months. If Rates & Taxes are in arrears for more than 3 months, the quotation will be disqualified.

b) If the business is operated from the residence of one of the directors, an affidavit, certified, must be submitted stating the address of the business premises.

c) If the premises from where business is conducted or where a director is residing, is leased a copy of the lease agreement or an affidavit must be submitted.

3. The quotation page must be signed. If you are using your own format on your Company's letterhead to quote please ensure that the quotation is signed.

4. The attached MBD 9 form (Certificate of Independent Bid Determination) must be completed and submitted with the quotation. If the MBD 9 is incomplete or not attached the quotation may be disqualified.

5. The attached MBD 4 form (Declaration of Interest) must be completed and submitted with the quotation. If the MBD 4 is incomplete or not attached the quotation may be disqualified.

6. The attached MBD 8 form (Declaration of Tenderer Past Supply Chain Management Practices) must be completed and submitted with the quotation. If the MBD 8 is incomplete or not attached the quotation may be disqualified

7. The attached MBD 6.1 form (Preference Points Claim Form In Terms Of the Preferential Procurement Regulations 2017) must be completed and submitted with the quotation. If the MBD 6.1 is incomplete or not attached the quotation may be disqualified.

8. Both the MBD 6.1 & 9 forms must be original for each quotation. No copies will be accepted. Both the MBD 4 & 9 forms must be dated within the quotation period.

8. Proof of Directors: A certified copy of your Company Registration Documents

9. A certified copy of the B-BBEE Status Level Verification Certificate / Certified copy of sworn affidavit for QSE and EME must be attached. If not attached no points for B-BBEE will be awarded.

10. All price alterations must be signed for by the Bidder confirming that such changes were made by the Bidder. PLEASE NOTE THAT PRICE CHANGES WITHOUT A SIGNATURE WILL LEAD TO THE DISQUALIFICATION OF THE QUOTATION SUBMITTED.

I HEREWITH CONFIRM THAT HAVE READ AND UNDERSTOOD THE ABOVEMENTIONED REQUIREMENTS

SIGNATURE _____
NAME _____

CONDITIONS

1. All goods or services purchased will be subject to CoJ SCM Policy and Procedures. A copy of said conditions is available from the SCMU office.
2. All purchases will be made through an official order form. Therefore no goods must be delivered or services rendered before an official order has been forwarded to and accepted by the successful bidder.
3. To participate in the City's Quotation process for the procurement of goods and/or services, vendors are advised to get accredited and registered on the City's Supplier Database. Supplier registration forms are available from the Supply Chain Management Unit. The City is dealing only with the registered and accredited suppliers on its Database.
4. All prices quoted must be exclusive of Value Added Tax (VAT). Suppliers who are not registered for VAT will be treated as Non VAT Vendors.
5. Prices quoted must include delivery charges and goods must be delivered to the address indicated on the quotation page.
6. All prices submitted must be firm. "Firm" prices are deemed to be fixed prices, which are only subject to the following statutory changes, namely VAT and any levy related to customs and excise.
7. Quantities are given in good faith and without commitment to the City of Johannesburg. The City reserves the right to increase or reduce the quantity to be in line with the set threshold for quotations prescribed in the SCM Policy.
8. ***THE CITY OF JOHANNESBURG DOES NOT TAKE RESPONSABILITY FOR ANY QUOTATIONS DEPOSITED IN THE WRONG BOX.***

I HEREWITH CONFIRM THAT HAVE READ AND UNDERSTOOD THE ABOVEMENTIONED REQUIREMENTS

SIGNATURE _____
NAME _____

ADDITIONAL REQUIREMENTS

DECLARATION

I certify that the information supplied is correct and I have read and understood the COJ General Conditions and Policies and Procedures and accept same

I further certify that all the required information has been furnished and the relevant forms completed and are herewith submitted as part of the quotation.

SIGNATURE: _____

NAME: _____

CAPACITY: _____

DATE: _____

SUPPLY CHAIN MANAGEMENT UNIT
P.O. BOX 7776
JOHANNESBURG
2000

VAT. NO: 4760117194

BIDDER:

TEL:

FAX:

CSD MAAA # :

Your Vendor Number With Us:

REQUEST FOR QUOTATION	
RFQ NUMBER	RFQ DATE
R0074/18	06 APRIL 2018
CONTACT PERSON	
NAME:	HLULANI CHAUKE
TEL No:	011 587 4363/061 4512 116

PLEASE NOTE THAT YOU MUST BE REGISTERED ON THE CITY OF JOHANNESBURG SUPPLIER DATABASE

Submission Deadline: 13/04/2018
Submission Time: 10H30

VALIDITY OF RFQ: 30 DAYS

OFFICE USE ONLY: PRICE/S TO BE VAT EXCLUSIVE <u>Please submit all Quotations to the fax number stated above</u>	
RFQ'S above R30 000-00 to a maximum of R200 000 will be evaluated on the basis of the 80:20 point system as stipulated in the Preferential Procurement Policy Framework Act (Act number 5 of 2000).	
Points will be allocated as follows:	
Points for price:	80
Points for B-BBEE (Max of 20):	
B-BBEE status Level of Contributor	Number of Points (80/20 system)
1	20
2	18
3	14
4	12
5	8
6	6
7	4
8	2
Non-Compliant contributor	0

SIGNATURE OF BIDDER	
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CAPACITY	
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PLEASE NOTE THAT NO PRICE INCREASES WILL BE APPROVED AFTER SUBMISSION OF THE QUOTATION.

REQUEST FOR QUOTATION (RFQ) NUMBER: R0074/18

Delivery Address:

ITEM NO.	DESCRIPTION	Quantity Required	Unit of Measure	Date required	Delivery Period / Lead time	Price per Unit of Measure (Excluding Vat)	Total (Excluding Vat)
1.	REVIEW OF THE GROUP PERFORMANCE MANAGEMENT POLICY AND GROUP PERFORMANCE MANAGEMENT FRAMEWORK FOR SECTION 57 EMPLOYEES	57 EMPLOYEES					
NB ANY AND ALL ALTERATIONS MUST BE SIGNED FOR BY THE BIDDER CONFIRMING THAT SUCH ALTERATION WAS MADE BY THE BIDDER. PLEASE NOTE THAT PRICE CHANGES WITHOUT A SIGNATURE WILL BE DISQUALIFIED						Grand Total	

ALL BIDDERS MUST PLEASE MAKE SURE THAT THEY KNOW WHAT THEY ARE QUOTING FOR.

Conditions

1. All prices quoted must be exclusive of Value Added Tax (VAT).
2. Prices quoted must include delivery charges and goods must be delivered to the address indicated.
3. All prices submitted must be firm. "Firm" prices are deemed to be fixed prices, which are only subject to the following statutory changes, namely VAT and any levy related to customs and excise.
4. Quantities are given in good faith and without commitment to the City of JHB.
5. Vendors not registered for Value Added Tax with SARS will be treated as Non VAT vendors.

SPECIFICATIONS

TERMS OF REFERENCE

REVIEW OF THE GROUP PERFORMANCE MANAGEMENT POLICY AND GROUP PERFORMANCE MANAGEMENT FRAMEWORK FOR SECTION 57 EMPLOYEES

1. Introduction

The City of Johannesburg set up a performance management system in 2001 as per the provisions of chapter 6 of the Municipal Systems Act. The current performance management policy and framework were last amended in 2014 in order to align them with the Municipal Planning and Performance Management Regulations governing performance management processes, as well as other City systems and processes, e.g., institutional review, GDS review, M&E Framework review, IDP, SDBIP and Business Plans. The policy and framework are aimed at regulating the Group performance management system as well as integrating performance processes of the municipal entities of the City of Johannesburg Metropolitan Council.

2. Purpose

The purpose of the project is to review the Group Performance Management Policy (GPMP) and Group Performance Management Framework (GPMF) for section 57 employees as amended in 2014, and ensure compliance and alignment with Municipal Planning and Performance Management Regulation eight (8), institutional review, GDS review and within the scaffold of CoJ Monitoring and Evaluation Framework of 2012.

3. Background

The review of the above mentioned documents is meant to reflect and align with the revised CoJ strategic and other policy documents with reference to the regulation and verification of performance measurement. The update is aimed at aligning the GPMP and GPMF with the system, thereby nullify and update any dated terminology and reference to the departments (section 57 managers), systems and processes which may no longer be applicable to the functioning, monitoring and reporting of the City.

It is envisaged that the review of the above documents will also be the compliance measure with Regulation 8 of Municipal Planning and Performance Management Regulations. The reviewed framework and policy will reflect the performance management monitoring against the IDP and SDBIP indicators, so as to create complementary performance monitoring and reporting system in accordance with municipal legislation and regulations. The review should also create a link between the Performance Management and Monitoring and Evaluation Framework of 2012, which captures M&E in the context of performance management (pages 6 and 7); and section five (5) of the M&E Framework which deals with putting M&E in practice (within the City's planning cycle).

4. Scope of Work

The project entails the research, relevant information compilation, alignment and review of the GPMP and GPMF in line with the City's institutional organisation, reviewed GDS 2040 outcomes, IDP indicators, SDBIP and the institutional reporting cluster system. Thereby conforming to the prescripts of Regulation eight (8) of Municipal Planning and Performance Management Regulations.

5. Deliverables and Time Frames

PROJECT MILESTONES	ACTIVITIES	TIME LINES
Research	<ul style="list-style-type: none">Data collection including conducting interview with the Executive Mayor, City Manager and Group Executive Director: Group Corporate and Shared Services (GCSS).	April 2018
Analysis	<ul style="list-style-type: none">Analysis of key organisational strategies (MSA, Planning and Performance Management Regulations, M&E Framework, GDS, IDP and SDBIP)	May 2018
Write-up	<ul style="list-style-type: none">Write-up the GPMP and GPMF and ensuring proper editing and proof reading, and alignment with M&E Framework	June 2018

The proposal in response to this TOR must contain:

- A project proposal with timelines to finality
- A brief personnel profile - It should also indicate the principal and other members of the team. Senior profile personnel or experience is required for this service

It is expected that the Service Provider will meet regularly with M&E to discuss progress on the project.

NB: Compliance with these timeframes is a priority and failure to commit to these timeframes will amount to a disqualification.

6. Budget

Service providers are required to provide a complete cost breakdown in terms of deliverables and services that will be provided. **Please note that there shall be no upfront payment.** The project should not exceed the amount stipulated in the proposal and payment will be made as per the payment schedule and submitted invoice. The cost breakdown must consider all key steps noted above.

7. Project Championing

The project will be championed through the Deputy Director: Corporate Performance Support and appropriate project leadership and support will be provided until the closing down of the project.

8. Reporting & Project Closure

Meetings will be held between the service provider and CoJ on a weekly basis and as and when required until project completion.

9. Structure of the Proposal

The bid should include

- Profile of the institution demonstrating the team staff responsibilities specifically for this project Valid Tax Clearance Certificate
- Form of bid
- Proof of Payment of Rates and Taxes for Company and Directors
- Lease agreement and affidavits not older than 3 months
- BBBEE Certificate must be certified
- Pricing Schedule, Detailed and Costed Project plan
- List of similar / related project(s) successfully completed
- Curriculum vitae of policy development resources to be allocated and utilized
- Certified copies of qualifications
- Municipal Bid forms 4, 8 and 9
- Total cost breakdown with according to the phases/activities of the project inclusive of VAT.
- Reference letters from referee companies
- CSD or M number

10. Evaluation Criteria

Bidders will be evaluated based on the threshold and costing of the deliverables of the project. Evaluations will be based on the threshold and pricing schedule below. The criteria set out in the documents shall be applicable and may not be altered after the submissions have been opened. Submissions will be adjudicated and the Contract awarded in accordance with the SCM regulations, MFMA and other applicable legislation.

CRITERIA	GUIDELINES	POINTS
1. Methodology	A Project Plan outlining the process, activities, timeframes and how the methodology will meet project deadline to achieve this project	05
2. Research	Data collection including conducting interviews as follows: <ul style="list-style-type: none"> • developing interview schedules; developing relevant questionnaires; conducting interviews with the Private Office of the Executive Mayor, City Manager and Group 	20

CRITERIA	GUIDELINES	POINTS
	Executive Director: GCSS (10). <ul style="list-style-type: none"> • Document analysis of key organisational strategies; namely; <ul style="list-style-type: none"> ○ MSA, Municipal Planning and Performance Management Regulations, M&E Framework GDS IDP and SDBIP (10) 	
3. Policy Development/Review	Demonstrate relevant track record of policy development, and/or review of policy documents: Submission of similar project(s) <ul style="list-style-type: none"> • One similar project=5 • Two similar projects = 10 • Three or more similar projects = 15 	15
	Submission of letters of reference from contactable referees <ul style="list-style-type: none"> • One letter of reference from contactable referees=5 • Two letters for reference from contactable referees = 10 • More than two letters for reference from contactable referees = 15 	15
4. Qualifications	Service provider must demonstrate that the project team leader has the requisite qualification(s) in any one of the following: NQF7/ Bachelor degree in Social Sciences/ Policy Development and Management, to execute the project by submitting qualifications and CV of project team leader with: <ul style="list-style-type: none"> • Undergraduate qualification (Degree) = 10 • Post graduate qualification (Honours/Master's Degree etc.) = 15 	15
5. Experience	Service provider must demonstrate that team leader has the minimum required experience in Policy Development and Management and report writing: <ul style="list-style-type: none"> • 2 years = 5 • 3 years = 10 • Over 3 years = 15 	15
	Service provider must demonstrate that the company has the minimum required experience in Policy Development and Management, report writing and Events Management: <ul style="list-style-type: none"> • 2 years = 5 • 3 years =10 • Over 3 years = 15 	15
TOTAL		(100)
THRESHOLD		60

The qualifying threshold is 60 points out of 100, bidders that fail to obtain the **minimum required threshold of 60** will not be evaluated further. Bidders who pass the functionality test will be evaluated in terms of the Preferential Procurement Policy Framework Act using 80:20 systems, where 80 points will be awarded for Price and 20 B-BBEE Points. Indicated points will be used in for evaluation criteria as follows.

B-BBEE Status Level of Contributor	Number of points (80/20 system)
1	20
2	18
3	14
4	12
5	8

6	6
7	4
8	2
Non-compliant contributor	0

11. Contracting Arrangements

The successful service provider will enter into a service level agreement with the City of Johannesburg and is expected to liaise and report to the City of Johannesburg.

12. Submission of Proposals

The closing date for submission of the completed documents is 13 April 2018 to: Tender Box, Metro Centre Ground Floor, 158 Civic Boulevard, Braamfontein, 2001

13. Enquiries

On the scope of work please contact Muzikayifani Dhlomo, City of Johannesburg, Group Strategy, Policy Coordination and Relations at muzikayifanid@joburg.org.za or Hlulani Chauke at HlulaniC@joburg.org.za.

14. General Conditions

The general conditions are as follows:

- Copyright of information obtained through the course of the study is the property of the City of Johannesburg and may not be sold or re-produced by the service provider without the prior permission of the City of Johannesburg.

TAX CLEARANCE CERTIFICATE REQUIREMENTS

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

1. In order to meet this requirement bidders are required to complete in full the attached form TCC 001 "Application for a Tax Clearance Certificate" and submit it to any SARS branch office nationally. The Tax Clearance Certificate Requirements are also applicable to foreign bidders / individuals who wish to submit bids.
2. SARS will then furnish the bidder with a Tax Clearance Certificate that will be valid for a period of 1 (one) year from the date of approval.
3. The original Tax Clearance Certificate must be submitted together with the bid. Failure to submit the original and valid Tax Clearance Certificate will result in the invalidation of the bid. Certified copies of the Tax Clearance Certificate will not be acceptable.
4. In bids where Consortia / Joint Ventures / Sub-contractors are involved, each party must submit a separate Tax Clearance Certificate.
5. Copies of the TCC 001 "Application for a Tax Clearance Certificate" form are available from any SARS branch office nationally or on the website www.sars.gov.za.

Applications for the Tax Clearance Certificates may also be made via eFiling. In order to use this provision, taxpayers will need to register with SARS as eFilers through the website www.sars.gov.za

MBD 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, hareholder²):.....

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

.....
Signature

.....
Date

.....
Capacity

.....
Name of Bidder

PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL PROCUREMENT REGULATIONS 2017

This preference form must form part of all bids invited. 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, 2017.

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 R50 000 000 (all applicable taxes included); and

1.2

- a) The value of this bid is estimated to **not exceed** R50 000 000 (all applicable taxes included) and therefore the **80/20** preference point system shall be applicable; or

1.3 Points for this bid shall be awarded for:

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

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

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

1.5 Failure on the part of a bidder to submit proof of B-BBEE Status level of contributor together with the bid, will be interpreted to mean that preference points for B-BBEE status level of contribution are not claimed.

1.6 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

- (a) **“B-BBEE”** means broad-based black economic empowerment as defined in section 1 of the Broad-Based Black Economic Empowerment Act;
- (b) **“B-BBEE status level of contributor”** means the B-BBEE status of an entity in terms of a code of good practice on black economic empowerment, issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act;
- (c) **“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 goods or services, through price quotations, advertised competitive bidding processes or proposals;

- (d) **“Broad-Based Black Economic Empowerment Act”** means the Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003);
- (e) **“EME”** means an Exempted Micro Enterprise in terms of a code of good practice on black economic empowerment issued in terms of section 9 (1) of the Broad-Based Black Economic Empowerment Act;
- (f) **“functionality”** means the ability of a tenderer to provide goods or services in accordance with specifications as set out in the tender documents.
- (g) **“prices”** includes all applicable taxes less all unconditional discounts;
- (h) **“proof of B-BBEE status level of contributor”** means:
 - 1) B-BBEE Status level certificate issued by an authorized body or person;
 - 2) A sworn affidavit as prescribed by the B-BBEE Codes of Good Practice;
 - 3) Any other requirement prescribed in terms of the B-BBEE Act;
- (i) **“QSE”** means a qualifying small business enterprise in terms of a code of good practice on black economic empowerment issued in terms of section 9 (1) of the Broad-Based Black Economic Empowerment Act;
- (j) **“rand value”** means the total estimated value of a contract in Rand, calculated at the time of bid invitation, and includes all applicable taxes;

3. POINTS AWARDED FOR PRICE

3.1 THE 80/20 PREFERENCE POINT SYSTEMS

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

80/2

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

Where

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

4. POINTS AWARDED FOR B-BBEE STATUS LEVEL OF CONTRIBUTOR

4.1 In terms of Regulation 6 (2) and 7 (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 (80/20 system)
1	20
2	18
3	14
4	12
5	8
6	6
7	4

8	2
Non-compliant contributor	0

5. BID DECLARATION

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

6. B-BBEE STATUS LEVEL OF CONTRIBUTOR CLAIMED IN TERMS OF PARAGRAPHS 1.4 AND 4.1

6.1 B-BBEE Status Level of Contributor: . =(maximum of 10 or 20 points)
 (Points claimed in respect of paragraph 7.1 must be in accordance with the table reflected in paragraph 4.1 and must be substantiated by relevant proof of B-BBEE status level of contributor.

7. SUB-CONTRACTING

7.1 Will any portion of the contract be sub-contracted?

(Tick applicable box)

YES		NO	
-----	--	----	--

7.1.1 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 or QSE

(Tick applicable box)

YES		NO	
-----	--	----	--

v) Specify, by ticking the appropriate box, if subcontracting with an enterprise in terms of Preferential Procurement Regulations,2017:

Designated Group: An EME or QSE which is at last 51% owned by:	EME	QSE
	√	√
Black people		
Black people who are youth		
Black people who are women		
Black people with disabilities		
Black people living in rural or underdeveloped areas or townships		
Cooperative owned by black people		
Black people who are military veterans		
OR		
Any EME		
Any QSE		

8. DECLARATION WITH REGARD TO COMPANY/FIRM

8.1 Name of company/firm:.....

8.2 VAT registration number:.....

8.3 Company registration number:.....

8.4 TYPE OF COMPANY/ FIRM

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

[TICK APPLICABLE BOX]

8.5 DESCRIBE PRINCIPAL BUSINESS ACTIVITIES

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

8.6 COMPANY CLASSIFICATION

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

[TICK APPLICABLE BOX]

8.7 MUNICIPAL INFORMATION

Municipality where business is situated:

Registered Account Number:

Stand Number:.....

8.8 Total number of years the company/firm has been in business:.....

8.9 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-BBE status level of contributor indicated in paragraphs 1.4 and 6.1 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 paragraphs 1.4 and 6.1, 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 contributor 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) recommend that the bidder or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, be restricted by the National Treasury 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 BIDDERS(S)

DATE:

ADDRESS

.....

MBD 9

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.

MBD 9

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:
 6. (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

**MBD 8: DECLARATION OF TENDERER PAST SUPPLY CHAIN
MANAGEMENT PRACTICES**

1. This Municipal Tender Document must form part of all tenders/quotations 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 tender of any tenderer may be rejected if that tenderer, 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 tender:

Item	Question	Yes	No
4.1	Is the tenderer any of its directors listed on the National Treasury's database as a company or persons prohibited from doing business with the public sector? (Companies for 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).	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.1.1	If so, furnish particulars:		
4.2	Is the tenderer 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)? (To access this Register enter the National Treasury's website, www.treasury.gov.za, click on the icon "Register for Tender Defaulters" or submit your written request for a hard copy of the Register to facsimile number (012)3265445)	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.2.1	If so, furnish particulars:		
4.3	Was the tenderer 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:		

2/...

4.4	Does the tenderer 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 tenderer 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 to comply with the contract?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.5.1	If so, furnish particulars:		

CERTIFICATION

I, THE UNDERSIGNED (FULL NAME) CERTIFY THAT THE INFORMATION FURNISHED ON THIS DECLARATION FORM TO BE 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.

.....
SIGNATURE

.....
DATE

.....
POSITION

.....
NAME OF TENDERER

**CITY OF JOHANNESBURG
FINANCE DEPARTMENT: SUPPLY CHAIN MANAGEMENT UNIT**

DECLARATION ON STATE OF MUNICIPAL ACCOUNTS

A Any bid will be rejected if:
Any municipal rates and taxes or municipal service charges owed by the bidder or any of the directors to the municipality or a municipal entity, or to any other municipality or municipal entity, are in arrears for more than three months.

B Bid Information

i. Name of bidder

ii. Registration Number
.....

iii. Municipality where business is situated
.....

iv. Municipal account number for rates

v. Municipal account number for water and electricity

vi. Names of all directors, their ID numbers and municipal account number.

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.
- 7.

C Documents to be attached.

- i. A copy of municipal account mentioned in B (iv) & (v) (Not older than 3 months) ii. A
- copy of municipal accounts of all directors mentioned in B(vi) (Not older than 3 months) iii. Proof
- of directors

I/We declare that the abovementioned information is true and correct and that the following documents are attached to this form:

.....

Signature

Date