



OFFICE OF THE MUNICIPAL MANAGER  
12 Maclean Street  
Private Bag X4002, Stutterheim, 4930  
[Tel: 043 683 5024](tel:0436835024) Fax: 043 683 1127  
Website: [www.amahlathi.gov.za](http://www.amahlathi.gov.za)

Amahlathi Local Municipality

10 JUNE 2025

BID NOTICE

**RE-ADVERT: REQUEST FOR FORMAL WRITTEN QUOTATION: EXTERNAL AUDIT ON WASTE DISPOSAL FACILITIES IN AMAHLATHI LOCAL MUNICIPALITY (STUTTERHEIM, KEISKAMMAHOEK, CATHCART LANDFILL SITES & CATHCART TRANSFER STATION)**

Kindly furnish the municipality with a written quotation for the external audit on waste disposal facilities in Amahlathi Local Municipality (Stutterheim, Keiskammahoek, Cathcart landfill sites & Cathcart Transfer Station) as detailed in the enclosed schedule.

The minimum specifications are detailed in the RFQ document.

The quotation and completed bid documents must be placed in a sealed envelope endorsed "**BID NO.ALM/SCM/39/2024-25 EXTERNAL AUDIT ON WASTE DISPOSAL FACILITIES IN AMAHLATHI LOCAL MUNICIPALITY (STUTTERHEIM, KEISKAMMAHOEK, CATHCART LANDFILL SITES & CATHCART TRANSFER STATION)**"

Completed documents must be deposited in the bid box situated at Mzwandile Fanti Recreational Centre, 12 Maclean Street, Stutterheim 4930 not later than **TUESDAY, 17 June 2025 at 12h00 pm.**

**The following conditions will apply:**

- [a] Price(s) quoted must be valid for at least sixty (60) days from date of your offer.
- [b] Price(s) quoted must be firm and must be inclusive of VAT.
- [c] A firm delivery period must be indicated.
- [d] for all transactions exceeding R15 000.00 tax reference number at SARS Pin must be furnished.
- [e] Attach, CSD Summary Report, Close Corporation (CK), Copies of Identity documents.
- [e] This quotation will be evaluated in terms of the 80/20 preference point system as prescribed in the Preferential Procurement Policy Framework Act (No 5 of 2000) and Regulations of 2022 and for the ALM Specific Goals.
- [f] The Amahlathi Municipality does not bind itself to accept the lowest quotation or any other quotation and reserves the right to accept the whole or part of the quotation.

Failure to comply with these conditions may invalidate your offer.

- [g] Successful bidders will be required to register as supplier / service provider on the Central Supplier database (CSD) if not already registered.

Yours faithfully

.....  
**Director: Community Services**  
**Miss. A. Noholoza**

## INVITATION TO BID

YOU ARE HEREBY INVITED TO BID FOR THE  
EXTERNAL AUDIT ON WASTE DISPOSAL FACILITIES IN AMAHLATHI LOCAL MUNICIPALITY (STUTTERHEIM, KEISKAMMAHOEK, CATHCART LANDFILL SITES & CATHCART TRANSFER STATION)

TO THE REQUIREMENTS OF THE AMAHLATHI MUNICIPALITY

BID NUMBER:	ALM/SCM/39/2024-25	CLOSING DATE:	17 JUNE 2025	CLOSING TIME:	12h00 pm
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**DESCRIPTION:**

- The successful bidder will be required to fill in and sign a written **Contract Form (MBD 7)**.
- Bid documents must be deposited in the bid box situated at **Mzwandile Fanti Recreational Centre, 12 Maclean Street, Stutterheim**
- Bidders should ensure that bids are delivered timeously to the correct address. If the bid is late, it will not be accepted for consideration.
- The bid box is generally open during office hours.
- All bids must be submitted on the official forms – (not to be re-typed)
- This bid is subject to the Preferential Procurement Policy Framework Act and the Preferential Procurement Regulations, 2017, the General Conditions of Contract (GCC) and, if applicable, any other Special Conditions of Contract
- **NB: NO BIDS WILL BE CONSIDERED FROM PERSONS IN THE SERVICE OF THE STATE (as defined in Regulation 1 of the Local Government: Municipal Supply Chain Management Regulations).**

**THE FOLLOWING PARTICULARS MUST BE FURNISHED  
(FAILURE TO DO SO MAY RESULT IN YOUR BID BEING DISQUALIFIED)**

Name Of Bidder	
Postal Address	
Street Address	
Telephone Number	Code:              Number:
Cellphone Number	
Facsimile Number	Code:              Number:
e-mail Address	
Vat Registration Number	

Have you submitted the CSD Summary Report submitted (MBD 2)?	YES / NO
Are you the accredited representative in South Africa for the good/Services offered	YES / NO (IF YES ENCLOSE PROOF)

<b>SIGNATURE OF BIDDER</b>	
<b>DATE</b>	
<b>CAPACITY UNDER WHICH THIS BID IS SIGNED</b>	
<b>TOTAL BID PRICE</b>	
<b>TOTAL NUMBER OF ITEMS OFFERED</b>	

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**ANY ENQUIRIES REGARDING THE BIDDING PROCEDURE MAY BE DIRECTED TO:**  
**ANY ENQUIRIES REGARDING THE BIDDING PROCEDURE MAY BE DIRECTED TO:**

**The Amahlathi Municipality  
Budget and Treasury Office  
Supply Chain Management Unit**

**Tel: 043-492 1167  
Fax: 043-683 2577**

**ANY ENQUIRIES REGARDING TECHNICAL INFORMATION MAY BE DIRECTED TO:**

**Contact Person: Ms. C. Wapi  
Tel: 043- 492 1180/073 069 9113  
Fax: 043- 683 2577  
Email: cwapi@amahlathi.gov.za/cwayita38@yahoo.com**

## TERMS OF REFERENCE (SPECIFICATION)

### AMAHLATHI LOCAL MUNICIPALITY

#### TERMS OF REFERENCE

It is the intention of the Amahlathi Local Municipality to appoint a qualified and experienced Service Provider/Consultant to perform external audits on waste disposal facilities in Amahlathi LM (Stutterheim, Keiskammahek, Cathcart landfill sites and Cathcart transfer station). These Terms of Reference and the service provider's proposal will form the basis of the contract.

#### SECTION 1: DETAILS

Province	Eastern Cape
Municipality	Amahlathi Local Municipality
Project Name	Appointment of a qualified and experienced Service Provider/Consultant to perform external audits on waste disposal facilities in Amahlathi LM (Stutterheim, Keiskammahoek, Cathcart landfill sites and Cathcart transfer station).

#### SECTION 2: SUMMARY OF BRIEF

- **Bids/Proposals** are requested from suitably qualified and experienced professional consultants to undertake external audits on waste management facilities in Amahlathi LM (Stutterheim, Keiskammahek, Cathcart landfill sites and Cathcart transfer station). The successful bidders to this tender (hereinafter referred to as the "Waste Auditor") will be required to perform waste disposal facility external audits (hereinafter referred to as "waste audits") in terms of the section 34 of the Environmental Impact Assessment (EIA) Regulations, 2014 (EIA Regulations, 2014), associated with compliance monitoring in terms of the Waste Management Licences (WMLs) issued as a result of the Environmental Impact Assessment process, which will be the subject of the final waste audit reports, which will be compiled in the format prescribed by and submitted to the Licensing Authority.

#### SECTION 3: PROJECT DESCRIPTION

#### BACKGROUND

The Constitution of the Republic of South Africa, 1996 prescribes that Municipalities are responsible for the collection, management and disposal of solid waste and maintenance of waste disposal sites. Waste management activities are carried out at these sites that require waste management licenses from the Licensing Authority which comply with the associated Waste Management Legislation, including the National Environmental Management Waste Act 2008 (Act59 of 2008). To obtain a Waste Management Licence, an Environmental Impact Assessments (EIA), process needs to be completed, in which the associated impacts on the environment are established and pre-determined.

By performing waste disposal facility audits, the mitigation measures proposed during the EIA and Waste Licensing Application process, can be monitored for effectiveness, and compliance to these conditions. The report as a result of the waste disposal sites audit needs to consider the conditions of authorization in the Permits, waste management licenses and environmental management programmes (EMPr(s)), as well as all the impacts of the waste activities on the environment.

### **NEMA, SEMAs and NEM: WA**

It is necessary to monitor compliance with all relevant environmental legislation. However, the focus of the waste audit will be compliance with National Environmental Management Act (NEMA), 1998 (Act No. 107 Of 1998) and all Specific Environmental Management Acts (SEMAs), including the National Environmental Management: Waste Act (NEM: WA), 2008 (Act No. 59 Of 2008). The independent Waste Auditor must determine whether any provisions of the NEMA, including all SEMAs, which includes the NEM:WA, were transgressed. The appropriate rectification process must be proposed by the independent Waste Auditor if any transgression were found.

### **ISO 14001 Standards**

The independent Waste Auditor must also consider the ISO 14001 Standard procedures when conducting Waste Audits. Preference will be given to those waste auditors proposing to perform waste audits in accordance with the ISO 14001 Standard.

The purpose of these terms of reference is to request skilled service providers to submit formal quotations or proposals to perform the external and independent waste audits on waste disposal sites of Amahlathi LM based on the permit and licence conditions.

The following waste disposal sites will be audited:

- Stutterheim landfill site
  - Keiskammahoek landfill site
- Cathcart disposal site
- Cathcart transfer station

## **SECTION 4: PROJECT PURPOSE / OBJECTIVES**

To ensure that the municipality remains compliant with the conditions of the Permits, waste management license (WML), the Municipality must ensure that the waste disposal sites are audited externally by an independent auditor. The findings of the waste audits must be compiled by the independent Waste Auditor and submitted to the Licensing Authority for review.

The objectives of the waste audit will be to:

- Ensure that the Municipality complies with the conditions regarding external audits to be performed as stipulated in the Permits, WMLs.
- Monitor the impacts on the environment based on the conditions of the Permits, WMLs, which must also be in line with the objectives specified in the EIA Regulations, 2014 as included under the Scope of this document.

## **SECTION 5: PROJECT OUTCOMES/ OUTPUTS/ DELIVERABLES**

- Improving waste management practices
- Enhancing environmental compliance
- Identifying areas for cost savings
- Gather data for reporting
- Evaluate the effectiveness of existing systems
- Potentially lead to new waste streams or better staff education
- Audit will contribute to a more sustainable and responsible approach to waste disposal

## **SECTION 6: IMPLEMENTATION PROCESS**

The Municipality intends to appoint an experienced and qualified service provider to perform external audits on waste disposal facilities in Amahlathi LM (Stutterheim, Keiskammahek, Cathcart landfill sites and Cathcart transfer station). These Terms of Reference and the service provider's proposal will form the basis of the contract. All work associated with this project in terms of these terms of reference requirements must be completed within a set period as per environmental management guidelines. The proposals must include a work plan, workflow and costs.

### **SCOPE**

#### **Waste Management Licence and Permit compliance auditing**

The scope of work for the appointed independent Waste Auditor will be, to establish the level of compliance with the conditions of the Permits, Waste management licenses (WMLs), granted for the waste listed activities of the waste management disposal sites specified in the list of waste management disposal sites. All conditions included in the Permits, WMLs will be considered to be applicable and will have to be audited. The only conditions that cannot be audited are those conditions regarding the appeals process and conditions regarding decommissioning of a waste disposal site while it is operational and vice versa. Where the independent Waste Auditor does not have the expertise to audit a condition, an external source will have to be procured to audit the condition, at no additional cost to this Municipality if such a need arises. If certain conditions require Permit and WML variations, the independent Waste Auditor must specify the reasons for recommending the variations.

The following items are expected to fall within the scope of the waste audit on waste disposal sites, to monitor:

- The general activities, whether operation or rehabilitation, is in accordance with the authorised activities.
- The locations of the facilities according to the GPS co-ordinates contained within the Permits and WMLs.
- The footprints of facilities according to the GPS co-ordinates contained within the Permits and WMLs.
- Site security and access control, including notice boards, traffic control and perimeter/boundary fence according to the Permits, WMLs.
  - The maintaining of the buffer zone
- Calculating the remaining airspace.
- Prohibited waste reclamation activities on the working face of WDFs.
- The permissibility of waste disposed of at the waste disposal site according to the Permits and WMLs and the methods used to assess such permissibility for disposal at the waste disposal site.

- The ease of access to the Permits, WMLs of the site personnel on the WMFs.
- The competency of the waste disposal site staff to carry out their responsibilities in terms of the Permits, WMLs.
- Specific conditions related to decommissioning (when applicable):
  - i) Whether a closure report has been submitted timeously and in accordance with the relevant Permit and WML conditions.
  - ii) The decommissioning construction and determine whether it has been carried out and maintained in accordance with the Permits and WMLs.
  - iii) Whether decommissioning has been supervised by a Professional Civil Engineer, registered under the Engineering Profession of South Africa Act, 2000.
  - iv) Leachate management infrastructure and determine whether it has been constructed and maintained in accordance with the Permit and WML conditions.
- The Standard Operating Procedures (SOPs).
- The prevention of breeding of vermin and vectors and prevention of nuisance conditions, such as flies, dust, odour, litter, noise, burning of waste and health risks.
- Complaints and incidents registers and determine whether they are appropriately maintained and stored for easy reference.
- Compliance regarding all surface water and groundwater quality management and the interpretation of the water sample analyses in accordance with the Permit and WML requirements.
  - Compliance regarding all investigations that may be required and determine whether they were timeously completed and submitted to the Licensing Authority.
  - Compliance regarding all internal and external waste audit reports and determine whether they were conducted according to the frequencies specified in the Permit and WML conditions.
- Compliance with the conditions related to the Residence Monitoring Committees according to the Permits, WMLs.
- The records kept and determined whether they were maintained according to the Permit and WML conditions as well as reporting to the Licensing Authority's waste information systems.

Other factors to be audited which may not be directly related to the Permit and WML conditions:

- Progressive rehabilitation of waste disposal site (if any).
- Staff structures.
- Occupational Health and Safety of personnel.
- Training of personnel.
- First aid and emergency plans.
- Accident and incident reporting.
- Compliance with the quality of the water discharged into the environment via surface and sub-surface flow, according to the Revision of General Authorisations in terms of Page 5 of 43 section 39 of the National Water Act, 1998 (Act No.39 Of 1998), Government Notice No. 665 of 6 September 2013.

### **Waste audit site inspections**

It should be sufficient to have one site inspection performed for each Waste disposal site audited.



## **SECTION 7: IMPLEMENTATION SCHEDULE**

### **REPORTING REQUIREMENT**

- The service provider will act in close cooperation with Amahlathi LM and will report to the Director of Community Services.
- The department will assess and approve progress reports and related payments in terms of the contract.
- The service provider will provide regular progress reports and sometimes at intervals determined by the Amahlathi LM.
- The service provider will report to the Municipal Manager of Amahlathi LM when operating within their area of jurisdiction on this project.
- An attendance registers and minutes must be kept of all meetings and interactions with critical stakeholders and submitted to the Amahlathi LM as part of the progress reports and DEDEAT.
- The service provider shall hold regular meetings, the frequency of which will be determined at project inception meeting and may be based on project milestones. However, meetings between the service provider and municipality's project manager may be requested from time to time at venues determined by Amahlathi LM. The service provider shall provide the secretariat for all the meetings and workshop proceedings and minutes shall be circulated.

## **SECTION 8: PROJECT COSTS & PAYMENT MILESTONE**

The proposal must contain a recommendation for payment in accordance with certain milestones. The submitted proposal should detail expected cost per achievement of milestones together with the estimated time, with the final agreement on the percentage to be finalized on appointment.

### **PROPOSAL FORMAT**

Proposal should entail aspects including the following:

- Understanding of project brief
- Proposed methodology,
- Proposed project team (incl. their CV's),
- Work plan and project workflow diagram,
- Budget- a financial proposal with time-based costing of activities/outputs, anticipated monthly cash flows, including disbursements and contingencies.
- Company profile, list of partners, owners, managers and shareholders by name, identity number, citizenship, and ownership (%) including certified supporting documentation.

## SECTION 10: EVALUATION CRITERIA

A two stage evaluation criteria approach will be used.

- 1. Stage 1: Mandatory Competency Requirements.** All submitted bids will be assessed to ensure they meet the set mandatory competency requirements before they proceed to the second stage. Bidders must meet all the mandatory competency requirements.
- 2. Stage 2: Price and Specific Goals.** Bidders who meet the mandatory competency requirements be evaluated and scored against price and specific goals.

### 10.1 MANDATORY COMPETENCY REQUIREMENTS

#### SKILLS AND EXPERTISE OF KEY PERSONNEL

No	Requirement	Minimum Requirement	Means of verification
1.	Tertiary Qualifications  Successful bidder must have: Knowledgeable, experience, and expertise in environmental management, standard landfill operations, environmental legislation and compliance thereof.	Bidders must have  -Qualifications (degrees, diplomas, grades of membership to a Professional South African Council for the Environmental Profession.  -ID copies	Certified copies of certificates and ID copies
2	Experience of at least 3 similar projects successfully completed	Three (3) reference letters with letterheads, for the previous projects done and completed on waste disposal sites external audits.	Original, certified 3 reference letters with letter heads.
3.	Proof of project related to airspace determination GRAP compliance report.		

The Municipality reserves the right to verify ownership beyond the documentation provided should the Municipality deem it necessary.

### 10.2 PRICE AND SPECIFIC GOALS

THE POINTS FOR THIS BID ARE ALLOCATED AS FOLLOWS:

	BREAKDOWN	POINTS
1.	Price	80
2.	Specific Goals	20
	Total	100

**PRICING SCHEDULE – FIRM PRICES  
(PURCHASES)**

**NOTE: ONLY FIRM PRICES WILL BE ACCEPTED. NON-FIRM PRICES (INCLUDING PRICES SUBJECT TO RATES OF EXCHANGE VARIATIONS) WILL NOT BE CONSIDERED**

IN CASES WHERE DIFFERENT DELIVERY POINTS INFLUENCE THE PRICING, A SEPARATE PRICING SCHEDULE MUST BE SUBMITTED FOR EACH DELIVERY POINT

Name of Bidder.....	Bid Number.....
Closing Time .....	Closing Date .....

OFFER TO BE VALID FOR.....DAYS FROM THE CLOSING DATE OF BID.

ITEM NO. TAXES INCLUDED)	QUANTITY	DESCRIPTION	BID PRICE IN RSA CURRENCY	**(ALL APPLICABLE
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- Required by: .....

- At: .....

- Brand and Model .....

- Country of Origin .....

- Does the offer comply with the specification(s)? \*YES/NO

- If not to specification, indicate deviation(s) .....

- Period required for delivery .....

Firm/Not firm \*Delivery:

- Delivery basis .....

Note: All delivery costs must be included in the bid price, for delivery at the prescribed destination.

\*\* "all applicable taxes" includes value- added tax, pay as you earn, income tax, unemployment insurance fund contributions and skills development levies.

\*Delete if not applicable

# DECLARATION OF INTEREST

1. No bid will be accepted from persons in the service of the state<sup>1</sup>.
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, hareholder<sup>2</sup>).....

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. ....

.....

<sup>1</sup>MSCM 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.

<sup>2</sup> 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, principal 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 2022

This preference form must form part of all the 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	80
SPECIFIC GOALS	20
<b>Total points for Price and SPECIFIC GOALS</b>	<b>100</b>

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:

$$\begin{array}{ccc} \mathbf{80/20} & \mathbf{or} & \mathbf{90/10} \\ Ps = 80 \left( 1 - \frac{Pt - P_{min}}{P_{min}} \right) & \text{or} & Ps = 90 \left( 1 - \frac{Pt - P_{min}}{P_{min}} \right) \end{array}$$

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:

$$\begin{array}{ccc} \mathbf{80/20} & \mathbf{or} & \mathbf{90/10} \\ Ps = 80 \left( 1 + \frac{Pt - P_{max}}{P_{max}} \right) & \text{or} & Ps = 90 \left( 1 + \frac{Pt - P_{max}}{P_{max}} \right) \end{array}$$

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 (80/20 system) (To be completed by the organ of state)	Number of points claimed (80/20 system) (To be completed by the tenderer)	Required documentation or Proof to claim points
Disabled	2		Confirmation from a medical practitioner
Youth	4		Certified copy of ID Document
Woman	4		Certified copy of ID Document
Military Veterans	4		Attach Proof
Local SMME's (ALM-6, ADM-4 & EC-3	6		Proof of residence



## 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:** .....

.....

.....

.....

**CONTRACT FORM - RENDERING OF SERVICES**

**THIS FORM MUST BE FILLED IN DUPLICATE BY BOTH THE SERVICE PROVIDER (PART 1) AND THE PURCHASER (PART 2). BOTH FORMS MUST BE SIGNED IN THE ORIGINAL SO THAT THE SERVICE PROVIDER AND THE PURCHASER WOULD BE IN POSSESSION OF ORIGINALLY SIGNED CONTRACTS FOR THEIR RESPECTIVE RECORDS.**

**PART 1 (TO BE FILLED IN BY THE SERVICE PROVIDER)**

1. I hereby undertake to render services described in the attached bidding documents to (name of the institution)..... in accordance with the requirements and task directives / proposals specifications stipulated in Bid Number..... at the price/s quoted. My offer/s remain binding upon me and open for acceptance by the Purchaser during the validity period indicated and calculated from the closing date of the bid.
2. The following documents shall be deemed to form and be read and construed as part of this agreement:
  - (i) Bidding documents, viz
    - Invitation to bid;
    - Tax clearance certificate;
    - Pricing schedule(s);
    - Filled in task directive/proposal;
    - Preference claims for Broad Based Black Economic Empowerment Status Level of Contribution in terms of the Preferential Procurement Regulations 2011;
    - Declaration of interest;
    - Declaration of Bidder's past SCM practices;
    - Certificate of Independent Bid Determination;
    - Special Conditions of Contract;
  - (ii) General Conditions of Contract; and
  - (iii) Other (specify)
3. I confirm that I have satisfied myself as to the correctness and validity of my bid; that the price(s) and rate(s) quoted cover all the services specified in the bidding documents; that the price(s) and rate(s) cover all my obligations and I accept that any mistakes regarding price(s) and rate(s) and calculations will be at my own risk.
4. I accept full responsibility for the proper execution and fulfilment of all obligations and conditions devolving on me under this agreement as the principal liable for the due fulfillment of this contract.
5. I declare that I have no participation in any collusive practices with any bidder or any other person regarding this or any other bid.
6. I confirm that I am duly authorised to sign this contract.

NAME (PRINT) .....

CAPACITY .....

SIGNATURE .....

NAME OF FIRM .....

DATE .....

**WITNESSES**

1 .....

.....

2 .....

.....

**CONTRACT FORM - RENDERING OF SERVICES**

**PART 2 (TO BE FILLED IN BY THE PURCHASER)**

1. I..... in my capacity as.....  
accept your bid under reference number .....dated.....for the rendering of services indicated hereunder and/or further specified in the annexure(s).
2. An official order indicating service delivery instructions is forthcoming.
3. I undertake to make payment for the services rendered in accordance with the terms and conditions of the contract, within 30 (thirty) days after receipt of an invoice.

DESCRIPTION OF SERVICE	PRICE (ALL APPLICABLE TAXES INCLUDED)	COMPLETION DATE	B-BBEE STATUS LEVEL OF CONTRIBUTION	MINIMUM THRESHOLD FOR LOCAL PRODUCTION AND CONTENT (if applicable)

4. I confirm that I am duly authorised to sign this contract.

SIGNED AT ..... ON .....

NAME (PRINT) .....

SIGNATURE .....

OFFICIAL STAMP

**WITNESSES**

1 .....

....

2 .....

## 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:
- abused the municipality's / municipal entity's supply chain management system or committed any improper conduct in relation to such system;
  - been convicted for fraud or corruption during the past five years;
  - willfully neglected, reneged on or failed to comply with any government, municipal or other public sector contract during the past five years; or
  - 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	Is the bidder or any of its directors listed on the National Treasury's Database of Restricted Suppliers as companies or persons prohibited from doing business with the public sector?  (Companies or persons who are listed on this Database were informed in writing of this restriction by the Accounting Officer/Authority of the institution that imposed the restriction after the <i>audi alteram partem</i> rule was applied).  <b>The Database of Restricted Suppliers now resides on the National Treasury's website(<a href="http://www.treasury.gov.za">www.treasury.gov.za</a>) and can be accessed by clicking on its link at the bottom of the home page.</b>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.1.1	If so, furnish particulars:		
4.2	Is the bidder or any of its directors listed on the Register for Tender Defaulters in terms of section 29 of the Prevention and Combating of Corrupt Activities Act (No 12 of 2004)? <b>The Register for Tender Defaulters can be accessed on the National Treasury's website (<a href="http://www.treasury.gov.za">www.treasury.gov.za</a>) by clicking on its link at the bottom of the home page.</b>	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:		
Item	Question	Yes	No
4.4	Does the bidder or any of its directors owe any municipal rates and taxes or municipal charges to the municipality / municipal entity, or to any other municipality / municipal entity, that is in arrears for more than three months?	Yes <input type="checkbox"/>	No <input type="checkbox"/>

4.4.1	If so, furnish particulars:		
4.5	Was any contract between the bidder and the municipality / municipal entity or any other organ of state terminated during the past five years on account of failure to perform on or comply with the contract?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.7.1	If so, furnish particulars:		

**CERTIFICATION**

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

## CERTIFICATE OF INDEPENDENT BID DETERMINATION

MBD 9

- 1 This Municipal Bidding Document (MBD) must form part of all bids<sup>1</sup> 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).<sup>2</sup> 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:

<sup>1</sup> Includes price quotations, advertised competitive bids, limited bids and proposals.

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

**CERTIFICATE OF INDEPENDENT BID DETERMINATION**

I, the undersigned, in submitting the accompanying bid:

\_\_\_\_\_  
(Bid Number and Description)

in response to the invitation for the bid made by:

\_\_\_\_\_  
(Name of Municipality / Municipal Entity)

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

I certify, on behalf of: \_\_\_\_\_ that:  
(Name of Bidder)

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

6. The bidder has arrived at the accompanying bid independently from, and without consultation, communication, agreement, or arrangement with any competitor. However, communication between partners in a joint venture or consortium<sup>3</sup> will not be construed as collusive bidding.
7. In particular, without limiting the generality of paragraphs 6 above, there has been no consultation, communication, agreement or arrangement with any competitor regarding:
  - (a) prices;
  - (b) geographical area where product or service will be rendered (market allocation)
  - (c) methods, factors or formulas used to calculate prices.
  - (d) the intention or decision to submit or not to submit, a bid.
  - (e) the submission of a bid which does not meet the specifications and conditions of the bid; or
  - (f) bidding with the intention not to win the bid.
8. In addition, there have been no consultations, communications, agreements, or arrangements with any competitor regarding the quality, quantity, specifications and conditions or delivery particulars of the products or services to which this bid invitation relates.
9. The terms of the accompanying bid have not been, and will not be, disclosed by the bidder, directly or indirectly, to any competitor, prior to the date and time of the official bid opening or of the awarding of the contract.

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



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

### DIRECTOR'S PERSONAL DETAILS

[illegible]