



LEKWA LOCAL
MUNICIPALITY

BID NO: PED 02/2023/2024

**APPOINTMENT OF A SERVICE PROVIDER FOR
REVIEW SPATIAL DEVELOPMENT FRAMEWORK
POLICY OF LEKWA LOCAL MUNICIPALITY FOR A
PERIOD OF EIGHT (8) MONTHS**

**CLOSING DATE: 07 DECEMBER 2023
@12h00**

NAME OF BIDDER: _____

**TOTAL BID PRICE:
MONTHLY OFFER _____**

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**PART A
INVITATION TO BID**

MBD 1

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE LEKWA LOCAL MUNICIPALITY					
BID NUMBER:	PED 2/2023/2024	CLOSING DATE:	07 DECEMBER 2023	CLOSING TIME:	12:00
DESCRIPTION	APPOINTMENT OF A SERVICE PROVIDER FOR REVIEW SPATIAL DEVELOPMENT FRAMEWORK POLICY OF LEKWA LOCAL MUNICIPALITY FOR A PERIOD OF EIGHT (8) MONTHS				
THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (MBD7).					

BID RESPONSE DOCUMENTS MAY BE DEPOSITED IN THE TENDER BOX SITUATED AT LEKWA MUNICIPAL BUILDING ON THE FIRST FLOOR, C/O DR BEYERS NAUDE & MBONANI MAYISELA STREETS, STANDERTON, 2430

SUPPLIER INFORMATION					
NAME OF BIDDER					
POSTAL ADDRESS					
STREET ADDRESS					
TELEPHONE NUMBER	CODE		NUMBER		
CELLPHONE NUMBER					
FACSIMILE NUMBER	CODE		NUMBER		
E-MAIL ADDRESS	<input type="checkbox"/>				<input type="checkbox"/>
VAT REGISTRATION NUMBER	<input type="checkbox"/>				<input type="checkbox"/>
TAX COMPLIANCE STATUS	TCS PIN:		OR	CSD No:	
B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE [TICK APPLICABLE BOX]	Yes <input type="checkbox"/>	No <input type="checkbox"/>	B-BBEE STATUS LEVEL SWORN AFFIDAVIT	Yes <input type="checkbox"/>	No <input type="checkbox"/>
[A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE/ SWORN AFFIDAVIT (FOR EMES & QSEs) MUST BE SUBMITTED IN ORDER TO QUALIFY FOR PREFERENCE POINTS FOR B-BBEE]					
ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES /WORKS OFFERED?	Yes <input type="checkbox"/>	No <input type="checkbox"/>	ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES /WORKS OFFERED?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
	[IF YES ENCLOSE PROOF]			[IF YES, ANSWER PART B:3]	
TOTAL NUMBER OF ITEMS OFFERED			TOTAL BID PRICE (MONTHLY OFFER)	R	
SIGNATURE OF BIDDER	.....		DATE		
CAPACITY UNDER WHICH THIS BID IS SIGNED					
BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO:			TECHNICAL INFORMATION MAY BE DIRECTED TO:		
DEPARTMENT	SUPPLY CHAIN		DEPARTMENT	PLANNING & ECONOMIC DEVELOPMENT	
CONTACT PERSON	M.MASUKU		CONTACT PERSON	I. MASHISHI	
TELEPHONE NUMBER	072 327 0891		TELEPHONE NUMBER	0645077587	

**PART B
TERMS AND CONDITIONS FOR BIDDING**

1. BID SUBMISSION:	
1.1.	BIDS MUST BE DELIVERED BY THE STIPULATED TIME TO THE CORRECT ADDRESS. LATE BIDS WILL NOT BE ACCEPTED FOR CONSIDERATION. BIDDERS MUST ENSURE THAT THEIR REPRESENTATIVE/COURIER PERSONALLY DEPOSIT THE BID DOCUMENTS INTO THE TENDER BOX (DO NOT LEAVE IT WITH SECURITY OR OTHER OFFICIALS.)
1.2.	ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS PROVIDED–(NOT TO BE RE-TYPED) OR ONLINE
1.3.	THIS BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT AND THE PREFERENTIAL PROCUREMENT REGULATIONS, 2017, THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER SPECIAL CONDITIONS OF CONTRACT.
2. TAX COMPLIANCE REQUIREMENTS	
2.1	BIDDERS MUST ENSURE COMPLIANCE WITH THEIR TAX OBLIGATIONS.
2.2	BIDDERS ARE REQUIRED TO SUBMIT THEIR UNIQUE PERSONAL IDENTIFICATION NUMBER (PIN) ISSUED BY SARS TO ENABLE THE ORGAN OF STATE TO VIEW THE TAXPAYER'S PROFILE AND TAX STATUS.
2.3	APPLICATION FOR THE TAX COMPLIANCE STATUS (TCS) CERTIFICATE OR PIN MAY ALSO BE MADE VIA E- FILING. IN ORDER TO USE THIS PROVISION, TAXPAYERS WILL NEED TO REGISTER WITH SARS AS E-FILERS THROUGH THE WEBSITE WWW.SARS.GOV.ZA.
2.4	FOREIGN SUPPLIERS MUST COMPLETE THE PRE-AWARD QUESTIONNAIRE IN PART B:3.
2.5	BIDDERS MAY ALSO SUBMIT A PRINTED TCS CERTIFICATE TOGETHER WITH THE BID.
2.6	IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED, EACH PARTY MUST SUBMIT A SEPARATE TCS CERTIFICATE / PIN / CSD NUMBER.
2.7	WHERE NO TCS IS AVAILABLE BUT THE BIDDER IS REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD), A CSD NUMBER MUST BE PROVIDED.
3. QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS	
3.1.	IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)? <input type="checkbox"/> YES <input type="checkbox"/> NO
3.2.	DOES THE ENTITY HAVE A BRANCH IN THE RSA? <input type="checkbox"/> YES <input type="checkbox"/> NO
3.3.	DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA? <input type="checkbox"/> YES <input type="checkbox"/> NO
3.4.	DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA? <input type="checkbox"/> YES <input type="checkbox"/> NO
3.5.	IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION? <input type="checkbox"/> YES <input type="checkbox"/> NO
IF THE ANSWER IS "NO" TO ALL OF THE ABOVE, THEN IT IS NOT A REQUIREMENT TO REGISTER FOR A TAX COMPLIANCE STATUS SYSTEM PIN CODE FROM THE SOUTH AFRICAN REVENUE SERVICE (SARS) AND IF NOT REGISTER AS PER 2.3 ABOVE.	

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

SIGNATURE OF BIDDER:

CAPACITY UNDER WHICH THIS BID IS SIGNED:

DATE:

BID NO: PED 02/2023/2024
CLOSING DATE: 07 DECEMBER 2023 @
12H00

APPOINTMENT OF A SERVICE PROVIDER FOR REVIEW SPATIAL DEVELOPMENT FRAMEWORK POLICY OF LEKWA LOCAL MUNICIPALITY FOR A PERIOD OF EIGHT (8) MONTHS

Bids are hereby invited from capable professional service providers to review the Spatial Development Framework (SDF) for the Lekwa Local Municipality for a period of eight months.

It is compulsory that service providers download a copy of the bid document that will ONLY be available as from 06 November 2023 on the website: www.lekwalm.gov.za, free of charge.

Duly completed bid documents and supporting documents which are, **ID COPIES OF BUSINESS OWNERS, TAX CLEARANCE CERTIFICATE AND SARS PIN, CERTIFIED COPY OF B-BBEE CERTIFICATE, RATES AND TAXES CLEARANCE FROM RELEVANT LOCAL AUTHORITY, CSD REGISTRATION SUMMARY REPORT** and a copy of the **COMPANY REGISTRATION CERTIFICATE**, together with the bid document must be sealed in an envelope clearly marked: **“BID NO.PED 02/2023/2024, APPOINTMENT OF A SERVICE PROVIDER FOR REVIEW SPATIAL DEVELOPMENT FRAMEWORK POLICY OF LEKWA LOCAL MUNICIPALITY FOR A PERIOD OF EIGHT (8) MONTHS, CLOSING DATE: 07 DECEMBER 2023** with the name of the bidder shall be placed in the Tender box **at LEKWA MUNICIPAL BUILDING ON THE FIRST FLOOR, C/O DR BEYERS NAUDE & MBONANI MAYISELA STREETS, STANDERTON, 2430, before 12:00 on the closing date.**

Bids received by telegram, fax or e-mail will not be considered. Late bids shall not be accepted or considered.

No briefing session shall be conducted for this tender. Technical enquiries may be directed to the project manager on the below contact details.

A preferential point system shall apply whereby this contract will be allocated to a bidder in accordance with the **Preferential Procurement Policy Framework Act, No 5 of 2000** and as defined in the conditions of bid in the bid document, read in conjunction with the Preferential Procurement Regulations, 2022, where 80 points will be allocated in respect of price and 20 points in respect specific points.

Procurement Enquiries	:	Mthembeni Masuku	072 327 0891
Technical Enquires	:	Itumeleng Mashishi	064507 7587

:
Municipal Manager, Mr. M.J. Lamola
Lekwa Local Municipality
P. O. Box 66, Standerton, 2430
VISIT OUR WEBSITE – www.lekwalm.gov.za

NB: the results of this bid will be published on council's website as prescribed on section 75(1)(g) of the MFMA and section 23(c) of the SCM Regulations.

SPECIAL CONDITIONS OF THE BID

1. SUBMISSION OF TENDERS

Tenders will be opened in public immediately after the advertised closing date. Submissions must be in a sealed envelope clearly endorsed as per instruction on page 5 of the tender document (advert).

2. TENDER DEPOSIT

It is compulsory that service providers download a copy of the bid document that will ONLY be available as from 06 November 2023 on the Website : www.lekwalm.gov.za free of charge.

3. ADJUDICATION OF TENDER

The Lekwa Local Municipality will not be bound to accept the lowest or any tender and also reserves the right to cancel the tender when deemed necessary.

The tender will be adjudicated by the Lekwa Local Municipality in terms of the Preferential Procurement Policy Framework Act, no. 5 of 2000 and as defined in the conditions of bid in the bid document, read in conjunction with the **Preferential Procurement Regulations 2022**, where 80 points will be allocated in respect of price and 20 points in respect of specific goals.

4. COMPLETION OF TENDER DOCUMENTS

Tenders will only be considered on receipt of this tender document correctly completed with all insertions in black ink and signed.

The following **compulsory** documentation **must** be attached in order for the bid to be considered:

- Tax Clearance Certificate and Tax Compliance Status (**failure to attach both will lead to immediate elimination**)
- Original certified Proof of registration with the Estate Agent Affairs Board
- Original Certified IDs of business directors
- Valid Tax Pin and Tax Compliance Status (**failure to attach will lead to immediate disqualification**)
- Company Registration Certificate (If applicable) (failure to attach will lead to immediately disqualification)
- Formal agreement (in case of consortia/Joint Ventures)
- Latest up to date rates and taxes certificate of all directors from the relevant authority or copy of a lease agreement or proof of residence from a recognized authority. (failure will lead to disqualification)
- CSD supplier's summary report with a verified tax status, failure to attach will lead to immediate disqualification.

NB: All certified copies must be original and not older than three months. Failure to adhere will render your submission invalid and non-responsive.

5. BRIEFING SESSION

No briefing session shall be conducted for this tender.

6. TAXES AND DUTIES PAYABLE

Bidders shall allow in their tender for the payment and recovery of all taxes and other duties. No claims for additional payment in this respect will be considered. Prices and rates quoted shall be inclusive of Value Added Tax (VAT). VAT shall be recorded as a lump sum in the tender summary and the total inclusive of VAT carried to the Form of Tender.

7. WITHDRAWAL OF TENDER

In the event of the successful tender failing to execute the service in terms of this tender, the Municipality shall be entitled to cancel the contract summarily, in which event the Bidder shall be liable for any additional expense incurred by reason of the Municipality having to call for fresh tenders or having to accept any less favorable tender.

8. PERIOD OF VALIDITY OF TENDERS

The period of validity of tenders shall be **90** days as stated in the tender form and be calculated from the closing date for submission of tenders.

9. NOTICE OF BIDDERS

Should any additions or alterations to the document as issued to Bidders be deemed necessary prior to the date for submission of tenders, they will be issued to Bidders in the form of Notices and will form part of the tender document. Bidders should ensure that both website are visited timeously to ensure that erratum/addendum loaded on the websites are noted and responded to as expected.

The Notices to Bidders shall be completed where applicable by Bidders, signed, dated and returned with the tender documents.

10. DELIVERABLES & PENALTIES

The successful bidders will be expected to enter into a contract of 8 Months and a Service Level Agreement will be made available where amongst others, detailed terms and conditions will be applied.

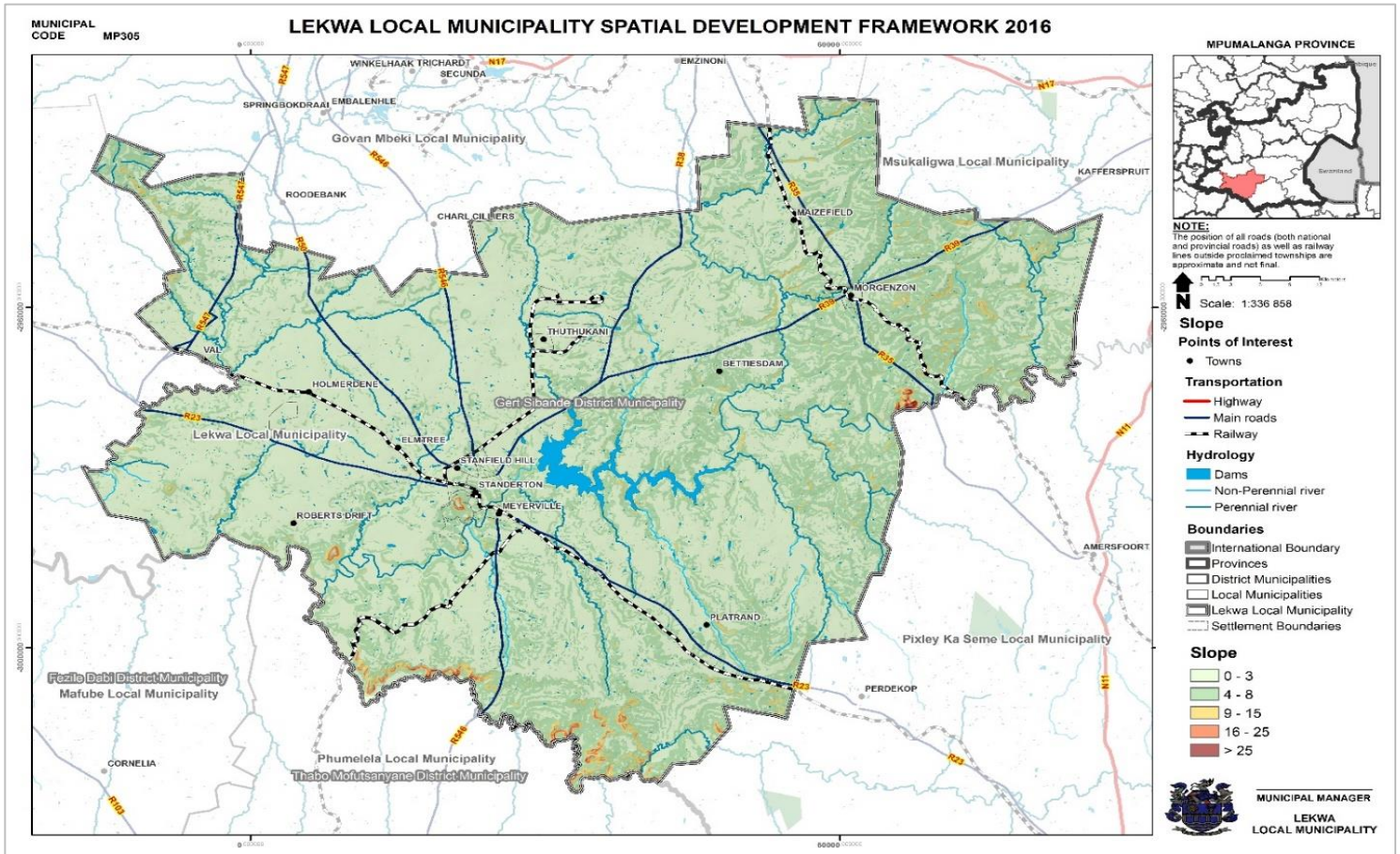
11. PRICE

Bid prices (commission) will be regarded fixed and no additional cost will be added. Bid prices must be regarded as South African currency and will be in form of percentage. Bid prices must include Vat. (if applicable) and all cost as per the terms of reference. Prospective bidders must ensure that the commission offered is reflected on the form of offer on page 3 of the tender document and failure to sign or reflect the offer (%) will render your submission non-responsive.

TERMS OF REFERENCE & SCOPE OF WORK

1. INTRODUCTION

Lekwa Local Municipality (MP305) is one of seven municipalities in the Gert Sibande District Municipality and consists of 15 Wards. The Lekwa Local Municipal area is approximately 4 586 square kilometers in extent and it is mostly rural in character. Standerton is the main town, followed by Morgenzon & Thuthukani.



2. BACKGROUND

The municipality is currently implementing the SDF that was adopted by Council in 2017 and its 5-year cycle lapsed in March 2022 and thus needs to be reviewed in line with the requirements of SPLUMA, (Act 16 of 2013). In terms of Section 12(1) and 21(b) of the Spatial Planning and Land Use Management Act, 16 of 2013 (SPLUMA) each municipality must prepare a five-year period Spatial Development Framework (SDF) that includes a written and spatial representation for the spatial form of the municipality. The Act further requires that the SDF be reviewed at least once every five years.

3. OBJECTIVES

To review the Lekwa Spatial Development Framework in line with the requirements of the Spatial Planning and Land Use Management Act, 16 of 2013 (SPLUMA).

4. SCOPE OF WORK AND SPECIFICATIONS

The Municipality has indicated a need to review Lekwa Local Municipality SDF, 2017 as the 5-year cycle lapsed in March 2022. A detailed process of the SDF Review that is to cover the entire municipal area is stipulated in the table below:

ITEM NO	PROJECT ELEMENT	EXPLANATION	DELIVERABLES	NATURE OF THE PRODUCT/ OUTPUT
1	EXECUTIVE SUMMARY			
1.1	Executive summary	<p>Quick reference overview of MSDF's main findings and recommendations with summarizing explanatory graphics.</p> <p>Provide an overview of the process undertaken, a synopsis of the key spatial issues identified during the spatial analysis and a synopsis of the key proposals contained in the MSDF.</p>	Executive Summary at beginning of report	Short, clear and concise 1 page summary written in layman's terms (i.e. devoid of planner's jargon)
2	PURPOSE AD BACKGROUND			
2.1	MSDF SCOPE AND INTRODUCTION	Set the scene by explaining MSDF's: terms of reference, legislative prescriptions, aims and objectives, users, study area, and methodology followed in its preparation	Introduction chapter	Short, clear and concise 3 page maximum summary based on TOR
3	POLICY CONTEXT			
3.1	National Policy	Provide contextual policy framework for MSDF by clarifying national spatial development imperatives that the MSDF needs to align with, as articulated in NDP, national SDF, MTREF, and other national spatial policy documents.	Summary of key national policies	2 – 3-page summary of all relevant policy directives mostly articulated through bullets, images and diagrams
3.2	Provincial policy	<p>Clarify the provincial development agenda that the MSDF needs to align with, as articulated in provincial growth and development strategy, PSDF, strategic objectives, MTREF, and other provincial policy documents.</p> <p>Stipulate the direct implications of these directives for the municipality</p>	Summary of key provincial policy directives	
3.3.	Municipal policy context	Clarify the municipal development agenda as articulated in the IDP, MTREF, and other key strategic municipal policy documents. Provide a summary of the IDP spending proposals and project budgeting	Summary of key municipal policy directives	
3.4	Guiding principles	Interpret the local significance and application of national spatial principles as articulated in SPLUMA.	Summary of SPLUMA Principles	
3.5	Vision directives	<p>Develop a draft spatial vision for the municipality based on the 5 guiding principles set out in SPLUMA.</p> <p>Take the lead from the visions as set out in the PSDF and IDP and synthesise the policy directive informants of 3.1. to 3.3. to articulate a long term draft vision aspired to for the municipal area.</p>	Draft spatial vision and supporting conceptual diagram	1 paragraph vision statement, clear simple language
4.	SPATIAL CHALLENGES AND OPPORTUNITIES			
4.1	Sector Plans	Undertake a strategic review of what has been analysed previously and identified as key challenges and opportunities in relevant	Sector plan analysis summary	Concise and strategic, summarise into

ITEM NO	PROJECT ELEMENT	EXPLANATION	DELIVERABLES	NATURE OF THE PRODUCT/ OUTPUT
		sector plans so that this information can be utilised and incorporated into the following analysis process.		maximum 2 pages
4.2	Bio-physical analysis	<p>Provide an overview of the spatial location of environmental sensitivities, high potential agricultural land and other environmental considerations as applicable to the specific context.</p> <p>Identify legacy, current and future challenges to the municipality's biophysical environment with particular attention to their spatial implications.</p> <p>Summarise and spatialise the key findings into a municipally scaled diagrammatic map of the key biophysical challenge areas.</p> <p>Identify biophysical development opportunities.</p>	Biophysical Challenges and opportunities Chapter and mapping	<p>Maximum 2 pages of text with supporting status quo maps and diagrams (only if reference is made to these in the text)</p> <p>Synthesis map of the key challenges in simplified conceptual diagrammatic format</p>
4.3	Socio-economic analysis	<p>Provide an overview of population growth estimates for the next five years, estimates of urban and rural economic activity and employment trends, the demand for housing units across different socio-economic categories, cultural socio-economic trends and other socioeconomic pressures and opportunities within the municipal area.</p> <p>Identify legacy, current and future challenges in the municipality's socio-economic environment with particular attention to their spatial implications.</p> <p>Summarise and spatialize the key findings into a municipally scaled diagrammatic map of the key socio-economic challenge areas.</p> <p>Identify socio-economic development opportunities.</p>	Socio-Economic Challenges and opportunities Chapter and mapping	<p>Maximum 2 pages of text with supporting status quo maps and diagrams (only if reference is made to these in the text)</p> <p>Synthesis map of the key challenges in simplified conceptual diagrammatic format</p>
4.4	Built environment analysis	<p>Provide a strategic overview of the built environment pressures within the municipal area through identifying current significant structural elements of the spatial form of the municipality and through assessing the status quo and current quality of the built form, heritage, infrastructure, land uses and patterns of activity.</p> <p>Identify legacy, current and future challenges to the municipality's built environment with particular attention to their spatial implications.</p> <p>Summarise and spatialize the key findings into a municipally scaled diagrammatic map of the key built environment challenge areas.</p> <p>Identify built environment development opportunities</p>	Built Environment Challenges and opportunities Chapter and mapping	<p>Maximum 2 pages of text with supporting status quo maps and diagrams (only if reference is made to these in the text)</p> <p>Synthesis map of the key challenges in simplified conceptual diagrammatic format</p>

ITEM NO	PROJECT ELEMENT	EXPLANATION	DELIVERABLES	NATURE OF THE PRODUCT/ OUTPUT
4.5	Key development issues & spatial implications	<p>Synthesise the biophysical, socio-economic and built environment analysis into key issues and identify their spatial implications for the municipality.</p> <p>Identify what needs to be redressed, addressed and mitigated in order to overcome the key spatial challenges and unlock opportunities while aiming to achieve the spatial vision.</p>	Synthesis conclusion chapter	1-page summary paragraph, simple language
5	SPATIAL PROPOSALS			
5.1	Final spatial vision	<p>Finalise the spatial future aspired to through updating the draft spatial vision based on the key issues and spatial implications.</p> <p>Stipulate this through a short term (5 year) and a long term (10-20 year) vision statement.</p>	Final Vision Statement	Clear, simple diagram and Maximum 1 page supporting statement
5.2	Spatial concept	Develop a diagrammatic spatial concept that visually spatializes and illustrates the final vision for the municipal area.	Spatial Concept diagram	Clear, simple diagram and 1 page supporting statement
5.3	Spatial strategies	<p>Articulate how the spatial concept is to be achieved through developing spatial strategies that must encompass measures to:</p> <ul style="list-style-type: none"> Protect threatened or scarce spatial assets (i.e. conservation strategies) Bring about spatial change (i.e. 'brownfields' development strategies, urban renewal, designation of areas where incremental upgrading approaches to development and regulation should be applicable) Identify where new development should take place (i.e. 'greenfields' development strategies, the planned location and density of future housing developments, desired typologies, location of development corridors, activity spines and economic nodes where public and private investment must be prioritised and facilitated). <p>Stipulate the implications of the SDF proposals for the Land Use Management System (LUMS) of the municipality</p>	Protect", "Change" and "New" strategies and their associated maps and diagrams	1 map per strategy with clear Legend and 1 page summary of the key proposals.
5.4	Composite MSDF	<p>Overlay the spatial strategies into a consolidated composite municipal spatial development framework.</p> <p>This must include a municipal-scale map that can be developed using the Spatial Planning Categories (SPC) process to determine broader land use categories.</p> <p>The development of more detailed proposals for settlements within the municipal jurisdiction based on the SDF</p>	MSDF composite map and supporting text SDF map for each settlement	Short and Concise text, with map showing desired land use

ITEM NO	PROJECT ELEMENT	EXPLANATION	DELIVERABLES	NATURE OF THE PRODUCT/ OUTPUT
		strategies (as separate maps) are also required to indicate conceptual approach to the settlement as well as growth areas for housing, mixed use, business and industry within the urban edge.		
6	IMPLEMENTAION FRAMEWORK.			
6.1	Supporting policies	Develop applicable policies that will support the achievement of the spatial strategies, such as policies that encourage inclusive housing, densification, regeneration or integrated transport and land use planning.	Suite of required policies	2 – 3 pages summary of all policies. More detail could be contained in Annexure if a separate stand-alone document is required
6.2	Guidelines	<p>Develop a set of required guidelines that are relevant to the achievement of the spatial strategies, such as guidelines on heritage and conservation, social facility provision, or rural/traditional areas.</p> <p>Develop guidelines for the LUMS which will determine the purpose, desired impact and structure of land use management for the municipality in accordance to the SDF proposals and any amendments that will be required. This could include guidelines on overlay zones, shortened land use development procedures and the amendment of zoning rights.</p>	Suite of required guidelines LUMS guidelines	2 – 3 pages summary of all guideline. More detail could be contained in Annexure if a separate stand-alone document is required
6.3	Capital investment framework	<p>Develop a capital investment framework that articulates how the spatial proposals are to be achieved sequentially, with attention to what key interventions need to take place, where they need to occur and by whom. This framework must spatially depict the development budgeting priorities and programmes for the municipality through containing the following elements:</p> <ul style="list-style-type: none"> • The identification of key spatial priorities that will assist in fast tracking and achieving the MSDF proposals that are linked to areas where shortened land use development procedures may be applicable and endorsed by the municipal engineering department based on infrastructure capacity. • The designation of areas where more detailed local plans must be developed through the identification of required precinct plans. • Stipulation of implementation requirements with regards to roles, responsibilities & timeframes. • Stipulation of the required institutional arrangements together with possible private, public and intergovernmental collaborations / partnerships. 	Capital Investment Framework Section in Implementation chapter in MSDF report	3 – 5 pages with summarised text or tables and supporting spatial maps where required (preferably in GIS format)

ITEM NO	PROJECT ELEMENT	EXPLANATION	DELIVERABLES	NATURE OF THE PRODUCT/ OUTPUT
6.4	Inform sector plans and IDP	<p>Provide sufficient detail as to how the SDF proposals must inform the priorities, performance indicators and targets of the IDP.</p> <p>Provide sufficient detail as to how the SDF proposals must inform the priorities, performance indicators and targets of other relevant sector plans</p>	Statement in Implementation chapter	1-2 Page statement

5 METHODOLOGY

Consultants are to indicate in their proposals the methodologies that will be used to achieve the objectives and outputs outlined in this Terms of Reference.

6 PROJECT MANAGEMENT

- In case where the appointed service provider appoints the services of other consultants or sub-contractors, the appointed service provider will take responsibility of the work of the sub-contractors.
- The project is to be coordinated and managed through the elected Project Steering Committee which will sit on a monthly basis.
- The said committee will be responsible for providing directions to the overall consulting services and the structures to whom the consultant/s presents recommendations and progress reports concerning the progress on the project.
- The produced plans and documents will have to be submitted to the Project Steering Committee for comments before the final plans get produced.
- The final approval will have to be obtained from the Municipal steering committee which will make a recommendation to the Lekwa Council.

7 REPORTING

A detailed report after completion of each phase is required, this includes the progress report that outlines milestones against key performance indicators, as outlined in the approved work plan, and the report should be submitted to the Project Steering Committee.

8 TIME FRAMES AND PAYMENT SCHEDULE.

PHASES	% PAYABLE	TIME FRAMES	SUBMISSION OUTPUTS/DELIVERABLES	PROPOSED BUDGET
Phase 1: Project inception	5%	1 month	Appointment Service Level Agreement Stakeholder Identification Inception Meeting Participation Plan Inception Report	
Phase 2: issues & vision	15%	2 months	Spatial analysis Synthesis policy context (Sector Departments & National & Provincial policy directives). Review IDP, SDF & all municipal sector plans. Conduct a strategic analysis of the biophysical elements, socio-economic situation & built environment. Demographic analysis - population & customer forecast. Produce Research Report Steering Committee presentation	
Phase 3: Draft SDF Report	20%	2 months	Current structuring & restructuring elements. Develop a spatial concept based on the synthesis of the key challenges & opportunities. Long term spatial vision - spatial development patterns 5, 10 & 20 years. Spatial Proposals. Compile a draft SDF report. Steering Committee presentation.	
Phase 4: consultations & public participation	25%	1 month	Sector Departments' consultation. Public meeting. Traditional authority engagements. Report summarising the inputs obtained from the consultation & the implications to the draft SDF.	
Final Report			Submission of final Spatial Development Framework. Steering Committee presentation	

Phase 5: Final approval & Implementation Plan	35%	2 months	Notice of proposed SDF in the Mpumalanga Provincial Gazette & Local Media. Finalisation of the SDF (60 Days). Council meeting & adoption. del	
Total VAT 15%	100%	8 Months		

9 FORMAT OF THE CONSULTANT'S PROPOSAL

The format of the proposal should follow the same format as this Terms of Reference, i.e. the proposal should address the consultant's understanding of each of the items covered in this Terms of Reference. In particular, the proposal must:

- Outline the proposed methodology and approach to achieve the objectives;
- Outline the key milestone events, activities, costing, delivery dates and outputs;
- Provide for ad hoc management and co-ordination support;
- Include a work plan with time tables of tasks and responsibilities;
- Include a payment schedule linked to key milestones

10 AVAILABLE INFORMATION

The following information, which should assist in the assignment, will be provided to the successful bidder upon appointment:

- Lekwa Local Municipality Integrated Development Plan 2022/2027
- Lekwa Local Municipality Spatial Development Framework 2017(SDF).
- Lekwa Local Municipality wall to wall Land Use Scheme (LUS) 2020
- Lekwa Local Municipality Land Audit 2021
- Google kmz file of Standerton with draped cadastral data

11 PRICE

The appointed service provider must have a financial capacity. The municipality is not bound to appoint the highest bidder and will not be liable for any cost incurred by any bidder in preparation for this bid.

12 FUNCTIONALITY EVALUATION CRITERIA

12.1 TOTAL FUNCTIONALITY POINTS ARE 85, MINIMUM THRESHOLD 51. THE POINTS ARE DISTRIBUTED AS FOLLOWS:

The below table will be evaluated and adjudicated on basis of information provided

Table 1

The minimum points are not based on the summation of the points on the lower side of each scoring item

Evaluation Description		Maximum points to scored
1	Team members	30
2	Company experience	30
3	Methodology	25
Total		85

12.2 EVALUATION CRITERIA

Evaluation Methodology

Proposal will be evaluated on the 80/20 system where 80 points is for price and 20 points for specific goals.

First Stage of Evaluation: Assessment of Proposals for Functionality

The proposal will be assessed in terms of: -

- Relevancy of the Key Personnel – the qualification (registration with affiliation bodies) and experience of the proposed key personnel.
- Relevant experience – that is past relevant experience of the Consulting Company in carrying out similar projects, must attach proof in a form of appointment letter and/ or project completion certificate.
- Methodology – The Consulting Company must demonstrate that he/she understands the scope of the project and the tasks required to effect its successful completion.

Second Stage of Evaluation: Assessment of Proposals for Price and specific goals.

The proposals will be assessed in terms of: -

- The maximum score for price shall be 80
- The maximum score for specific goals shall be 20

Summary

In summary, the points system for the evaluation of the technical proposal in terms of price and Preferential Systems is as illustrated below: -

- Price 80 points
- Specific goals 20 points.

Functionality evaluation criteria

The Municipality will measure functionality as follows:

- Service Provider's relevant experience for the assignment, the quality of the method proposed, the qualifications of the key staff to be employed on this project, and the proposed, transfer of skills, etc.
- The following criteria will be used to determine compliance to the minimum required functionality score is 51 in order to be further evaluated and will be weighted and scored as set out below:

Criteria	Degree of Measurement	Maximum Score (85)	Portfolio of Evidence
TEAM MEMBERS			
Qualification of Project Leader (Urban/Town & Regional Planning) and Registration as a Professional Planner with SACPLAN	Honours Degree or above + minimum 3 yrs experience	5	Certified copies of qualifications, Professional Certificate and CV
	Degree/B. Tech + minimum 3 yrs experience	3	
	National Diploma + minimum 3 yrs experience	2	
	No Qualifications	0	
Economics/Development Economics/Business studies/Administration	Honours Degree + Minimum 3 yrs Experience	5	Certified copies of qualifications, Professional Certificate and CV
	Degree/B. Tech Minimum 3 yrs Experience	3	
	National Diploma Minimum 3 yrs Experience	2	
	No Qualifications and Experience	0	
Civil Engineer (Roads designs, Storm water Management etc) and Registration with ECSA	Honours Degree + minimum 3 yrs experience	5	Certified copies of qualifications, Professional Certificate and CV
	Degree/B. Tech + minimum 3 yrs experience	3	
	National Diploma + minimum 3 yrs experience	2	
	No Qualifications and Experience	0	

Criteria	Degree of Measurement	Maximum Score (85)	Portfolio of Evidence
TEAM MEMBERS			
Environmental Management/Heritage Specialist	Honours Degree + minimum 3 yrs experience	5	Certified copies of qualifications, Professional Certificate and CV
	Degree/B. Tech + minimum 3 yrs experience	3	
	National Diploma + minimum 3 yrs experience	2	
	Experience	3	
	No Qualifications and Experience	0	
Urban Design/Land Scape Specialist	Honours Degree + minimum 3 yrs experience	5	Certified copies of qualifications, Professional Certificate and CV
	Degree/ Btech + minimum 3 yrs experience	3	
	National Diploma + minimum 3 yrs experience	2	
	No qualification and Experience	0	
Community Development Specialist/Development Studies	Honours Degree+ minimum 3 yrs experience	5	Certified copies of qualifications, Professional Certificate and CV
	Degree/ Btech+ minimum 3 yrs experience	3	
	National Diploma + minimum 3 yrs experience	2	
	No qualification and experience	0	
Experience of the Bidder (Company)			
Bidders experience in the development corridor project	3 or more projects in development corridor/Spatial Planning frameworks.	30	

Criteria	Degree of Measurement	Maximum Score (85)	Portfolio of Evidence
TEAM MEMBERS			
	2 projects development corridor / Spatial planning frameworks.	20	Appointment Letters and Completion Certificates/Letters
	1 project development corridor / Spatial planning frameworks.	10	
Project Methodology Covering all the deliverables.	Clear methodology with deliverables, personnel, budgeting, time frames etc.	25	Methodology
Total Maximum scores		85	

NB: Guideline on scoring methodology

- Outline the proposed methodology and approach to achieve the objectives; (5 point)
- Outline the key milestone events, activities, costing, delivery dates and outputs; (5 point)
- Provide for ad hoc management and co-ordination support; (5 point)
- Include a work plan with timetables of tasks and responsibilities; (5 point)
- Include a payment schedule linked to key milestones (5 point)

NB: Bidders need to score a minimum of 51 points out of 85 to qualify for the next stage of evaluation

Proof of all the above must be attached for the Tenderer to qualify for the points claimed in the following manner:

1. **Appointment letters** of previous or current works done will be considered as proof, submitted documents must have contactable references,
2. The minimum points are not based on the summation of the points on the lower side of each scoring item,
3. To all those who achieve the 51 points minimum threshold will qualify for 80/20 scoring system.

POINTS

1. PRICE	80
2. SPECIFIC GOALS	20
Total points for Price and Specific goals must not exceed	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 CASE WHERE DIFFERENT DELIVERY POINTS INFLUENCES THE PRICING, A SEPARATE PRICING SCHEDULE MUST BE SUBMITTED FOR EACH DELIVERY POINT

Name of bidder..... Bid number: PED 4/2022/2023

Closing Time 12:00 on 25 MAY 2023

OFFER TO BE VALID FOR **90** DAYS FROM THE CLOSING DATE OF BID.

ITEM NO.	QTY	DESCRIPTION	BID PRICE IN RSA CURRENTLY (INCLUDING VAT)
-	Required by	.....
-	At:	.....
-	Brand and model	.....
-	Country of origin	.....
-	Does the offer comply with specification?		*YES/NO
-	If not to specification, indicate deviation(s)	.....
-	Period required for delivery	.....	*Delivery: Firm/not firm
-	Delivery basis (all delivery costs must be included in the bid price)	.....

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

Any enquiries regarding the bidding procedure may be directed to:

SCM information – Bilal Cajee or
P.O Box 66
Standerton
2430
Tel: 082 303 7516

Technical information – Itumeleng Mashishi
P.O Box 66
Standerton
2430
Tel: 0645077587

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 favoritism, 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 authorized 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 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 80/20 preference point system.
- b) 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
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:

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

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:

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

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 (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)
Previously disadvantaged individuals	2	4		
Women	2	4		
Disabled	2	4		
Youth	2	4		
Local Labour	2	4		

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:	.....

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 of Restricted Suppliers as companies or persons 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 Accounting Officer/Authority of the institution that imposed the restriction after the <i>audi alteram partem</i> rule was applied).</p> <p>The Database of Restricted Suppliers now resides on the National Treasury’s website(www.treasury.gov.za) and can be accessed by clicking on its link at the bottom of the home page.</p>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.1.1	If so, furnish particulars:		

4.2	Is the bidder or any of its directors listed on the Register for Tender Defaulters in terms of section 29 of the Prevention and Combating of Corrupt Activities Act (No 12 of 2004)? The Register for Tender Defaulters can be accessed on the National Treasury's website (www.treasury.gov.za) by clicking on its link at the bottom of the home page.	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.2.1	If so, furnish particulars:		
4.3	Was the bidder or any of its directors convicted by a court of law (including a court of law outside the Republic of South Africa) for fraud or corruption during the past five years?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.3.1	If so, furnish particulars:		
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

- 1 This Municipal Bidding Document (MBD) must form part of all bids¹ invited.

- 2 Section 4 (1) (b) (iii) of the Competition Act No. 89 of 1998, as amended, prohibits an agreement between, or concerted practice by, firms, or a decision by an association of firms, if it is between parties in a horizontal relationship and if it involves collusive bidding (or bid rigging).² Collusive bidding is a *pe se* prohibition meaning that it cannot be justified under any grounds.

- 3 Municipal Supply Regulation 38 (1) prescribes that a supply chain management policy must provide measures for the combating of abuse of the supply chain management system, and must enable the accounting officer, among others, to:
 - a. take all reasonable steps to prevent such abuse;
 - b. reject the bid of any bidder if that bidder or any of its directors has abused the supply chain management system of the municipality or municipal entity or has committed any improper conduct in relation to such system; and
 - c. cancel a contract awarded to a person if the person committed any corrupt or fraudulent act during the bidding process or the execution of the contract.

- 4 This MBD serves as a certificate of declaration that would be used by institutions to ensure that, when bids are considered, reasonable steps are taken to prevent any form of bid-rigging.

- 5 In order to give effect to the above, the attached Certificate of Bid Determination (MBD 9) must be completed and submitted with the bid:

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

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

CERTIFICATE OF INDEPENDENT BID DETERMINATION

I, the undersigned, in submitting the accompanying bid:

(Bid Number and Description)

in response to the invitation for the bid made by:

LEKWA 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)

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

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

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

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

.....
Signature

.....
Date

.....
Position

.....
Name of Bidder

AUTHORITY TO SIGN A BID

1. COMPANIES AND CLOSE CORPORATIONS

- a. **If a Bidder is a COMPANY, a certified copy of the resolution by the board of directors**, duly signed, authorizing the person who signs this bid to do so, as well as to sign any contract resulting from this bid and any other documents and correspondence in connection with this bid and/or contract on behalf of the company **must be submitted with this bid**, that is, before the closing time and date of the bid

- b. In the case of a **CLOSE CORPORATION (CC)** submitting a bid, **a resolution by its members**, authorizing a member or other official of the corporation to sign the documents on their behalf, **shall be included with the bid**.

PARTICULARS OF RESOLUTION BY BOARD OF DIRECTORS OF THE COMPANY / MEMBERS OF THE CC

Date Resolution was taken			
Resolution signed by (name and surname)			
Capacity			
Name and surname of delegated Authorized Signatory			
Capacity			
Specimen Signature			
Full name and surname of ALL Director(s) / Member (s)			
Is a CERTIFIED COPY of the resolution attached?	YES		NO
SIGNED ON BEHALF OF COMPANY / CC:		DATE:	
PRINT NAME:			
WITNESS 1:		WITNESS 2:	

2. SOLE PROPRIETOR (SINGLE OWNER BUSINESS)

I, _____, the undersigned, hereby confirm

that I am the sole owner of the business trading as _____

3. PARTNERSHIP

We, the undersigned partners in the business trading as _____

hereby authorize Mr/Ms _____ to sign this bid as well as any contract resulting from the bid and any other documents and correspondence in connection with this bid and /or contract for and on behalf of the abovementioned partnership.

The following particulars in respect of every partner must be furnished and signed by every partner:

Full name of partner	Signature

SIGNED ON BEHALF OF PARTNERSHIP:		DATE:	
PRINT NAME:			
WITNESS 1:		WITNESS 2:	

CERTIFICATE OF AUTHORITY FOR JOINT VENTURES
--

This returnable schedule is to be completed by JOINT VENTURES

We, the undersigned, are submitting this tender offer in joint venture and hereby authorize Mr/Ms _____
 _____authorized signatory of the Company/Close
 Corporation/Partnership (name) _____, acting in the
 capacity of lead partner, to sign all documents in connection with the tender offer and any contract
 resulting from it on our behalf.

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1. Name of firm (Lead partner)			
Address			
		Tel. No.	
Signature		Designation	

2. Name of firm			
Address			
		Tel. No.	
Signature		Designation	

3. Name of firm			
Address:			
		Tel. No.	
Signature		Designation	

4. Name of firm			
Address			
		Tel. No.	
Signature		Designation	

NOTE: A copy of the Joint Venture Agreement showing clearly the percentage contribution of each partner to the Joint Venture, shall be appended to this Schedule.