



**LEKWA LOCAL MUNICIPALITY
REQUEST FOR QUOTATION**

CS 03 /2023/24

CLOSING DATE: 14 DECEMBER 2023, 12H00



LEKWA LOCAL MUNICIPALITY CONTRACT NUMBER: CS 03 /2023/2024
BID DOCUMENT

APPOINTMENT OF PROFESSIONAL SERVICE PROVIDER FOR THE PROVISION OF BACKGROUND CHECKS, VERIFICATIONS AND SCREENING SERVICES FOR POTENTIAL CANDIDATES FOR A PERIOD OF 36 MONTHS.

<p>PREPARED BY</p> <p>THE MUNICIPAL MANAGER LEKWA LOCAL MUNICIPALITY P.O. Box 66 STANDERTON 2430 Mr MJ Lamola Tel: (017) 712 9600 Fax: (017) 712 6808</p>
--

NAME OF BIDDER (BIDDING ENTITY) (FULL NAME, i.e. (CC, (PTY) LTD, LTD, JV, SOLE PROPRIETOR etc.)

TEL NUMBER : _____

FAX NUMBER : _____

E-MAIL : _____

CELL. : _____

CSD NO. : _____

THE TOTAL OFFERED PRICES INCLUDING VALUE ADDED TAX IS:

R..... (In figures)

Issued By:
M J LAMOLA _____

Verified By:
M Masuku _____

**MUNICIPAL MANAGER
LEKWA LOCAL MUNICIPALITY
Corner Mbonani Mayisela and Dr Beyers Naude Streets, Standerton
PO Box 66, Standerton, 2430**

Co-Signed By:.....



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SUPPLIERS USING A COURIER SERVICES MUST INSTRUCT THE COURIER COMPANY TO DEPOSIT THE RFQ IN THE TENDER BOX. THE RECEPTION STAFF WILL SIGN THE P.O.D. UNDER NO CIRCUMSTANCES MUST THE RFQ SUBMISSION BE DIRECTED TO THE MUNICIPAL MANAGER’S OR ANY OTHER OFFICE. THE RFQ WILL NOT BE ACCEPTED IF IT IS NOT IN THE TENDER BOX.

THE LEKWA LOCAL MUNICIPALITY INVITES QUOTATION FOR THE APPOINTMENT OF PROFESSIONAL SERVICE PROVIDER FOR THE PROVISION OF BACKGROUND CHECKS, VERIFICATIONS AND SCREENING SERVICES FOR POTENTIAL CANDIDATES FOR A PERIOD OF 36 MONTHS..

Detailed specifications and prescribed documentation are available on the Council’s website, www.lekwalm.gov.za under the “RFQS” section.

Technical Queries relating to this RFQ may be addressed to Ms. N.A Khatu email: nkhatu@lekwalm.gov.za, whilst administrative issues be directed Mr M. Masuku mmasuku@lekwalm.gov.za

The closing date for receipt of this RFQ is 12h00 on **14 December 2023**. Late or incomplete submissions will not be accepted. Submissions must be deposited in the Tender Box situated at the Records Section of the Lekwa Local Municipality, Corner of Mbonani Mayisela and Dr Beyers Naude Street, Standerton.

Submissions must be accompanied by a company letterhead, addressed to “THE MUNICIPAL MANAGER, LEKWA LOCAL MUNICIPALITY, CS 03 /2023/24: APPOINTMENT OF PROFESSIONAL SERVICE PROVIDER FOR THE PROVISION OF BACKGROUND CHECKS, VERIFICATIONS AND SCREENING SERVICES FOR POTENTIAL CANDIDATES FOR A PERIOD OF 36 MONTHS.” and must contain the following Schedules **in order to be evaluated unless otherwise notified:-**

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9. SCHEDULE I: BANKING DETAILS 25

10. SCHEDULE J: MUNICIPAL UTILITY ACCOUNT 26

11. SCHEDULE K: FUNCTIONALITY TEST 26

This RFQ may only be submitted on the documentation that is issued. Supporting and additional documentation are welcome.

All submissions will be adjudicated in terms of the Lekwa Local Municipality’s Procurement Policy and in terms of the Preferential Procurement Policy Framework Act, Act No. 5 of 2000, as well as National Treasury guideline, MFMA Circular no: 53 pertaining to the evaluation of Functionality of Service Providers. The 80/20 scorecard is applicable to this RFQ. The Council reserves the right not to award the RFQ to the lowest bid or not at all or in part.

Issued By:

M J LAMOLA _____

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1. SCHEDULE A: SPECIFICATIONS

Your quote must be in terms of these specifications.

QUANTITY	DESCRIPTION	UNIT PRICE	TOTAL AMOUNT
100 Potential Candidates per year	Verification of qualifications		
	Background screening		
	Criminal records verification		
	Fingerprints verification		
	License verification		
	Identity and citizenship verification		
	Confirmation of Professional membership		
	Professional Reference checking		
	Credit checks on potential candidates		
	Bank Account vs ID no		

Part B: Returnable Documents

The following documents are to be completed and returned as they constitute the tender. Whilst many of the returnable are required (Compulsory to be completed and submitted) for the purpose of evaluating the tenders, some will form part of the subsequent contract, as they form the basis of the tender offer. For this reason, it is very important that tenderers return all information requested.

RETURNABLE DOCUMENTS REQUIRED FOR TENDER EVALUATION PURPOSES

Form A: Compulsory Enterprise Profile

Compulsory for bidders to provide the following documents: -

- PROOF OF REGISTRATION AS A CREDIT BUREAU
- PROOF OF BEING A MEMBER IN GOOD STANDING WITH THE NATIONAL ASSOCIATION OF PROFESSIONAL BACKGROUND SCREENER (NAPBS);
- PROOF OF BEING A MEMBER IN GOOD STANDING WITH THE SOUTH AFRICAN FRAUD PREVENTION SERVICE;
- PROOF OF OWNERSHIP AND OPERATING RIGHTS OF NATIONAL QUALIFICATIONS REGISTER

Form B: Declaration of Bidder's Past Supply Chain Management Practices

Form C: Declaration of Interest (Compulsory)

Form D: Authority of Signatory (Compulsory)

Form E: SARS Declaration of Good standing (CSD Registered) (Compulsory)

Form F: Financial References / Bank Details

Form G: Municipal Utility Account (Compulsory)

Form H: CK of the enterprise and certified ID copies (Compulsory)

Form J: Contract Form

Form K: Certificate of Independent Bidder Determination

Form L: Declaration of Procurement above 10 million

Form M: Pricing Schedule / Bill of Quantities (Compulsory)

Form N: Form of Offer (Compulsory)



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2. SCHEDULE B: PRICE & CONTACT DETAILS

Affix your Official Quote Clearly showing Banking Details, Physical and Postal Addresses. Quantities are subject to change and will be confirmed before placing the order.

PRICE

Bid Price:	R	Excluding VAT
VAT (15%)	R	If VAT registered)
Total Bid Price:	R	VAT Included

I,,
(state name and designation)

being duly authorised to submit tenders and quotations on behalf of

.....,
(state company name)

SIGNATURE

And confirm that

- The goods and services will be supplied based on the minimum technical specifications adhered to and the price submitted.
- The attached official quotation in Schedule B is a true and complete reflection of this submission.
- Omissions and errors will be for our account and not the Lekwa Local Municipality when making good on this submission.
- Prices to be valid for 90 days.



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COMPANY CONTACT DETAILS

Contact Person:	
Telephone / Cell Number:	
Email Address:	
Website Address	
Postal Address:	
Physical Address:	



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3. SCHEDULE C: BBBEE 80-20 AND MBD 6.1

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

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

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

1. GENERAL CONDITIONS

- 1.1 The following preference point systems are applicable to invitations to tender:
- the 80/20 system for requirements with a Rand value of up to R50 000 000 (all applicable taxes included); and
 - the 90/10 system for requirements with a Rand value above R50 000 000 (all applicable taxes included).
- 1.2 **To be completed by the organ of state**
(delete whichever is not applicable for this tender).
- a) The applicable preference point system for this tender is the **90/10** preference point system.
 - b) The applicable preference point system for this tender is the **80/20** preference point system.
 - c) Either the **90/10 or 80/20 preference point system** will be applicable in this tender. The lowest/ highest acceptable tender will be used to determine the accurate system once tenders are received.
- 1.3 Points for this tender (even in the case of a tender for income-generating contracts) shall be awarded for:
- (a) Price; and
 - (b) Specific Goals.
- 1.4 **To be completed by the organ of state:**



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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



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

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

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:

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

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



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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		



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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



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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:



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4. SCHEDULE D: SARS TAX COMPLIANCE PIN

- **AFFIX SARS E-FILLING PIN**
 - **PROOF OF REGISTRATION WITH CENTRAL SUPPLIER DATABASE (CSD)**
- a) It is a condition of bid that the taxes of the successful bidder must be in order, or that satisfactory arrangements have been made with South African Revenue Service (SARS) to meet the bidder's tax obligations.
- b) In bids where Consortia / Joint Ventures / Sub-contractors are involved; each party must submit a separate SARS Tax Compliance Pin.



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5. SCHEDULE E: DECLARATION OF INTEREST MBD4

Name of Bidder:					
Bid Number:	CS 03 /2023/24	Closing Date:	14 December 2023	Closing Time:	12h00

1. No bid will be accepted from persons in the service of the state*
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 and/or take an oath declaring his/her interest.
3. In order to give effect to the above, the following questionnaire must be completed and submitted with the bid.

3.1	Full Name:	
3.2	Identity Number:	
3.3	Company Registration Number:	
3.4	Tax Reference Number:	
3.5	VAT Registration Number:	
3.6	Are you presently in the service of the state*?	YES/NO
	If so, furnish particulars:	
3.7	Have you been in the service of the state for the past twelve months?	YES/NO
	If so, furnish particulars:	
3.8	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
	If so, furnish particulars:	
3.9	Are you, aware of any relationship (family, friend, other) between a 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
	If so, furnish particulars:	



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3.10	Are any of the company's directors, managers, principle shareholders or stakeholders in service of the state?	YES/NO
	If so, furnish particulars:	
3.11	Are any spouse(s), child or parent of the company's directors, managers, principle shareholders or stakeholders in service of the state?	YES/NO
	If so, furnish particulars:	

* MSCM Regulations: "in the service of the state" means to be –
a member of –
any municipal council;
any provincial legislature; or
the national Assembly or the national Council of provinces;
a member of the board of directors of any municipal entity;
an official of any municipality or municipal entity;
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);
a member of the accounting authority of any national or provincial public entity; or an employee of Parliament or a provincial legislature.



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CERTIFICATION

I, THE UNDERSIGNED (NAME)

.....

CERTIFY THAT THE INFORMATION FURNISHED ON THIS DECLARATION FORM IS CORRECT.

I ACCEPT THAT THE STATE MAY ACT AGAINST ME SHOULD THIS DECLARATION PROVE TO BE FALSE.

Signature

Date

Position

Name of Bidder



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6. **SCHEDULE F MBD 6.3: DECLARATION CERTIFICATE FOR LOCAL PRODUCTION AND CONTENT**

This Municipal Bidding Document (MBD 6.3) must form part of all bids invited. It contains general information and serves as a declaration form for local content (local production and local content are used interchangeably).

Before completing this declaration, bidders must study the General Conditions, Definitions, Directives applicable in respect of Local Content as prescribed in the Preferential Procurement Regulations, 2011 and the South African Bureau of Standards (SABS) approved technical specification number SATS 1286:201x.

1. **GENERAL CONDITIONS**

- 1.1. Preferential Procurement Regulations, 2011 (Regulation 9.(1) and 9.(3) make provision for the promotion of local production and content.
- 1.2. Regulation 9.(1) prescribes that in the case of designated sectors, where in the award of bids local production and content is of critical importance, such bids must be advertised with the specific bidding condition that only locally produced goods, services or works or locally manufactured goods, with a stipulated minimum threshold for local production and content will be considered.
- 1.3. Regulation 9.(3) prescribes that where there is no designated sector, a specific bidding condition may be included, that only locally produced services, works or goods or locally manufactured goods with a stipulated minimum threshold for local production and content, will be considered.
- 1.4. Where necessary, for bids referred to in paragraphs 1.2 and 1.3 above, a two stage bidding process may be followed, where the first stage involves a minimum threshold for local production and content and the second stage price and B-BBEE.
- 1.5. A person awarded a contract in relation to a designated sector, may not sub-contract in such a manner that the local production and content of the overall value of the contract is reduced to below the stipulated minimum threshold.
- 1.6. The local content (LC) as a percentage of the bid price must be calculated in accordance with the SABS approved technical specification number SATS 1286: 201x as follows:

$$LC = 1 - \left[\frac{x}{y} \right] \times 100$$

Where

x imported content

y bid price excluding value added tax (VAT)

Prices referred to in the determination of x must be converted to Rand (ZAR) by using the exchange rate published by the South African Reserve Bank (SARB) at 12:00 on the date,



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one week (7 calendar days) prior to the closing date of the bid as required in paragraph 4.1 below.

- 1.7. A bid will be disqualified if:
- the bidder fails to achieve the stipulated minimum threshold for local production and content indicated in paragraph 3 below; and
 - this declaration certificate is not submitted as part of the bid documentation.

2. DEFINITIONS

- 2.1. **“bid”** includes advertised competitive bids, written price quotations or proposals;
- 2.2. **“bid price”** price offered by the bidder, excluding value added tax (VAT);
- 2.3. **“contract”** means the agreement that results from the acceptance of a bid by an organ of state;
- 2.4. **“designated sector”** means a sector, sub-sector or industry that has been designated by the Department of Trade and Industry in line with national development and industrial policies for local production, where only locally produced services, works or goods or locally manufactured goods meet the stipulated minimum threshold for local production and content;
- 2.5. **“duly sign”** means a Declaration Certificate for Local Content that has been signed by the Chief Financial Officer or other legally responsible person nominated in writing by the Chief Executive, or senior member / person with management responsibility (close corporation, partnership or individual).
- 2.6. **“imported content”** means that portion of the bid price represented by the cost of components, parts or materials which have been or are still to be imported (whether by the supplier or its subcontractors) and which costs are inclusive of the costs abroad, plus freight and other direct importation costs, such as landing costs, dock duties, import duty, sales duty or other similar tax or duty at the South African port of entry;
- 2.7. **“local content”** means that portion of the bid price which is not included in the imported content, provided that local manufacture does take place;
- 2.8. **“stipulated minimum threshold”** means that portion of local production and content as determined by the Department of Trade and Industry; and
- 2.9. **“sub-contract”** means the primary contractor’s assigning, leasing, making out work to, or employing another person to support such primary contractor in the execution of part of a project in terms of the contract.
3. **The stipulated minimum threshold(s) for local production and content for this bid is/are as follows:**



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<u>Description of services, works or goods</u>	<u>Stipulated minimum threshold</u>
_____	_____ %
_____	_____ %
_____	_____ %

4. Does any portion of the services, works or goods offered have any imported content? YES / NO

4.1. If yes, the rate(s) of exchange to be used in this bid to calculate the local content as prescribed in paragraph 1.6 of the general conditions must be the rate(s) published by the SARB for the specific currency at 12:00 on the date, one week (7 calendar days) prior to the closing date of the bid.

The relevant rates of exchange information is accessible on www.reservebank.co.za.

Indicate the rate(s) of exchange against the appropriate currency in the table below:

Currency	Rates of exchange
US Dollar	
Pound Sterling	
Euro	
Yen	
Other	

NB: Bidders must submit proof of the SARB rate (s) of exchange used.



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LOCAL CONTENT DECLARATION BY CHIEF FINANCIAL OFFICER OR OTHER LEGALLY RESPONSIBLE PERSON NOMINATED IN WRITING BY THE CHIEF EXECUTIVE OR SENIOR MEMBER/PERSON WITH MANAGEMENT RESPONSIBILITY (CLOSE CORPORATION, PARTNERSHIP OR INDIVIDUAL)

IN RESPECT OF BID No. CS 03 /2023/24

ISSUED BY: LEKWA LOCAL MUNICIPALITY

NB The obligation to complete, duly sign and submit this declaration cannot be transferred to an external authorised representative, auditor or any other third party acting on behalf of the bidder.

I, the undersigned, (full names),
do hereby declare, in my capacity as
of(name of bidder entity), the
following:

- (a) The facts contained herein are within my own personal knowledge.
- (a) I have satisfied myself that the goods/services/works to be delivered in terms of the above-specified bid comply with the minimum local content requirements as specified in the bid, and as measured in terms of SATS 1286.
- (b) The local content has been calculated using the formula given in clause 3 of SATS 1286, the rates of exchange indicated in paragraph 4.1 above and the following figures:

Bid price, excluding VAT (y)	R
Imported content (x)	R
Stipulated minimum threshold for Local content (paragraph 3 above)	
Local content % as calculated in terms of SATS 1286	

If the bid is for more than one product, a schedule of the local content by product shall be attached.

- (c) I accept that the Procurement Authority / Municipality /Municipal Entity has the right to request that the local content be verified in terms of the requirements of SATS 1286.
- (d) I understand that the awarding of the bid is dependent on the accuracy of the information furnished in this application. I also understand that the submission of incorrect data, or data that are not verifiable as described in SATS 1286, may result in the Procurement Authority / Municipal / Municipal Entity imposing any or all of the remedies as provided for in Regulation 13 of the Preferential Procurement Regulations, 2011 promulgated under the Policy Framework Act (PPFA), 2000 (Act No. 5 of 2000).



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SIGNATURE: _____

DATE: _____

WITNESS No. 1 _____

DATE: _____

WITNESS No. 2 _____

DATE: _____



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7. SCHEDULE G: MBD 8: 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) wilfully 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 Bid 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	Response	
4.1	Is the bidder or any of its directors listed on the National Treasury's database as a company or person prohibited from doing business with the public sector? (Companies or persons who are listed on this database were informed in writing of this restriction by the National Treasury after the <i>audi alteram partem</i> rule was applied).	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 Bid Defaulters in terms of section 29 of the Prevention and Combating of Corrupt Activities Act (No 12 of 2004)? (To access this Register enter the National Treasury's website, www.treasury.gov.za , click on the icon "Register for Bid Defaulters" or submit your written request for a hard copy of the Register to facsimile number (012) 3265445).	Yes <input type="checkbox"/>	No <input type="checkbox"/>



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Item	Question	Response	
4.2.1	If so, furnish particulars:		
4.3	Was the bidder or any of its directors convicted by a court of law (including a court of law outside the Republic of South Africa) for fraud or corruption during the past five years?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.3.1	If so, furnish particulars:		
4.4	Does the undersigned, the bidder or any of its members / 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:		

Signature

Date

Position

Name of Bidder



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8. SCHEDULE H: MBD 9: CERTIFICATE OF INDEPENDENT BID DETERMINATION

- 1 This Municipal Bidding Document (MBD) must form part of all bids¹ invited.
- 2 Section 4 (1) (b) (iii) of the Competition Act No. 89 of 1998, as amended, prohibits an agreement between, or concerted practice by, firms, or a decision by an association of firms, if it is between parties in a horizontal relationship and if it involves collusive bidding (or bid rigging).² Collusive bidding is a *pe se* prohibition meaning that it cannot be justified under any grounds
- 3 Municipal Supply Regulation 38 (1) prescribes that a supply chain management policy must provide measures for the combating of abuse of the supply chain management system, and must enable the accounting officer, among others, to:
 - a. take all reasonable steps to prevent such abuse;
 - b. reject the bid of any bidder if that bidder or any of its directors has abused the supply chain management system of the municipality or municipal entity or has committed any improper conduct in relation to such system; and
 - c. cancel a contract awarded to a person if the person committed any corrupt or fraudulent act during the bidding process or the execution of the contract.
- 4 This MBD serves as a certificate of declaration that would be used by institutions to ensure that, when bids are considered, reasonable steps are taken to prevent any form of bid-rigging.
- 5 In order to give effect to the above, the attached Certificate of Bid Determination (MBD 9) must be completed and submitted with the bid:

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

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



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MBD 9

CERTIFICATE OF INDEPENDENT BID DETERMINATION

I, the undersigned:

(Full Name of Person Submitting Response)

in submitting the accompanying bid

CS 03 /2023/24 “APPOINTMENT OF PROFESSIONAL SERVICE PROVIDER FOR THE PROVISION OF BACKGROUND CHECKS, VERIFICATIONS AND SCREENING SERVICES FOR POTENTIAL CANDIDATES FOR A PERIOD OF 36 MONTHS.”

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 authorised 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 authorised 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



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- (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.
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.

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.



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Signature

Date

Position

Name of Bidder



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9. SCHEDULE I: BANKING DETAILS

Submit a letter from your bank clearly reflecting your banking details.



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10. SCHEDULE J: MUNICIPAL UTILITY ACCOUNT

- Affix Municipal utility account statement /invoice form your Municipality (not older that three months)
- If the company is renting the premises for operating ,both the lease agreement and the invoice must be attached (failure to do so will lead to disqualification)

11. SCHEDULE K: FUNCTIONALITY TEST

Functionality in terms of the following criterion:

Criterion:	Max weighting – points
Relevant Experience: - At least 3 to 5 proven years of experience in screening business. (Attach Company Profile showing)	<ul style="list-style-type: none"> • 5 points: (1 point / Year)
- Provided full screening service to at least three or more contactable businesses. - Provided partial screening service to less than three contactable businesses. (Attach appointment letters as proof)	<ul style="list-style-type: none"> • 5 points: (for 3 >appointments supplied) • 3 points (for less than 3 appointments supplied)
Services: - Proof of having a finger-print facility without outsourcing it. - Proof of finger-print facility as an outsourced function.	<ul style="list-style-type: none"> • 5 points: (own facility) • 3 points (outsourced function)
- Onsite self-service finger-print service facility - No self-service finger-print service facility	<ul style="list-style-type: none"> • 5 points: (for self-service facility) • 0 points (for not having self-service facility).
Max points: (Total)	20

To pass the Functionality test, your company must at least score 15 points out of 20 points for further evaluation.

NB: FAILURE TO ATTACH PROOF OF TRACEABLE PROJECTS /COMPANY PROFILE WILL LEAD TO POINTS NOT BEING ALLOCATED ON THE ABOVE CRITERIA