

REQUEST FOR PRICING (GOODS AND SERVICES)	Form No: JW SCM Dev MBD1 Revision No: 02 Effective Date: February 2023
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RFP NUMBER:	JW NM RFP 06/04/2023	CLOSING DATE:	14 April 2023	CLOSING TIME:	12:30
DESCRIPTION:	Hire of Vacuum Jetting Trucks on an “as and when” required basis				
BRIEFING SESSION DATE AND TIME	N/A	BRIEFING SESSION VENUE	N/A		
ISSUE DATE	06 April 2023				

BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO:			
Bidding procedure enquiries <u>must</u> be sent to the below Official		Technical enquiries must be directed to	
CONTACT PERSON	Mapule Setaka	CONTACT PERSON	Nosipho Mokoena
TELEPHONE NUMBER	011 688 1574	TELEPHONE NUMBER	011 688 1585
E-MAIL ADDRESS	mapule.setaka@jwater.co.za	E-MAIL ADDRESS	nosipho.mokoena@jwater.co.za

SUPPLIER INFORMATION			
NAME OF BIDDER			
POSTAL ADDRESS			
STREET ADDRESS			
TELEPHONE NUMBER	CODE		NUMBER
CELLPHONE NUMBER			
FACSIMILE NUMBER	CODE		NUMBER
E-MAIL ADDRESS 1			
E-MAIL ADDRESS 2			
VAT REGISTRATION NUMBER			CIDB GRADING

Directors:

Ms Gugulethu Phakathi (Chairperson), Mr Ntshavheni Mukwevho (Managing Director and Executive Director), Mr Johan Koekemoer (Financial Director and Executive Director), Mr Phetole Modika, Mr Siphamandla Mnyani, Mr Siyabonga Mthembu, Mrs Zandile Meeleso, Mr Pholoso Matjele, Mr Kgaile Mogoye, Mr Sandiso Mgengwana, Mr Molate Mashifane, Ms Pamela Mabece, Mr Lunga Bernard

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SUPPLIER COMPLIANCE STATUS	TAX COMPLIANCE SYSTEM PIN:		CENTRAL SUPPLIER DATABASE No:	MAAA
B-BBEE VERIFICATION CERTIFICATE	[TICK APPLICABLE BOX]		B-BBEE SWORN AFFIDAVIT (EMEs and QSEs)	[TICK APPLICABLE BOX]
	<input type="checkbox"/> Yes <input type="checkbox"/> No			<input type="checkbox"/> Yes <input type="checkbox"/> No

BID SUBMISSION:

- Bids must be submitted by the stipulated time in tender box at:
Turbine Hall
65 Ntengi Piliso Street
Newtown
Johannesburg Water
- Late bids will not be accepted for consideration
- All pricing/quotation must be submitted by completing the attached or on the official company letterhead, signed and accompanied by the returnable documents stated below.**
- No bids will be considered from persons in the service of the state, companies with directors who are persons in the service of the state, or close corporations with member's persons in the service of the state.

1. SCOPE OF WORK

1.1. DESCRIPTION

The contract entails the supply Vacuum Jetting Trucks with operators as and when requested by JW and in accordance with the specifications as outlined in this document for a period not exceeding one month.

The appointed service provider(s) shall be required to supply the required Vacuum Jetting Trucks to the various JW Depots, Wastewater Treatment Works or any other specified JW sites on an "as and when" required basis for a period not exceeding one month.

1.2. GENERAL REQUIREMENTS

- Copies of all required documents (i.e., registration documents) for plant tendered must be submitted with the tender document before closing date and time. Failure to do so will render the tender liable to rejection on the grounds of being incomplete and non-compliant.

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Note: At any given time on site during the duration of the contract JW's Representatives from various sites may request the service provider to produce documentation for their plant offered so as to reassure and monitor the compliance of the plant

- b) All plant shall be free from leaks of any type of fluid.
- c) At all times, plant shall be kept in a roadworthy condition.
- d) Reversing alarms are a prerequisite of the Occupational Health and Safety Act 85 of 1993.
- e) A macrograph must be fitted to each vehicle showing speeds; engine revolutions, distance travelled, stoppages and power take off usage against time. Alternatively, a tracking device must be fitted to each vehicle and the tracking report showing the above required information must reflect on the report.
- f) All vehicles accepted for this contract shall for the duration of this contract unless substituted or removed from the schedule of equipment provided herein; remain registered in the name of the service provider as at the time of acceptance of this tender.

1.3. PERMITS AND COMPLIANCE WITH REGULATIONS AND BY-LAWS

- a) JW shall apply for and obtain any permits, licenses, certificates, permissions or exemptions which may be required for and in connection with the entry and use of the plant on the site.
- b) All items of plant tendered for must conform to the requirements of the Road Traffic Act and Regulations as amended, where applicable.
- c) All abnormal load permits must be obtained and kept up to date by the Service Provider.

1.4. EMPLOYMENT OF PERSONNEL

- a) The Service Provider must ensure that all his/hers personnel are lawfully employed for the execution of this contract.
- b) All operators and drivers must be licensed in terms of the Road Traffic Act No 93 of 1996 and regulations as amended.
- c) The tenderer shall provide an appropriately coded licensed driver or plant operator with each item of plant hired during the hours for which it is made available.

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- d) In addition to a driver or plant operator required with certain plant, the service provider may, if he wishes to, supply an attendant/assistant where required at no additional cost to JW to assist the driver/operator.
- e) All drivers shall be over the age of 18 years and competent to do the work agreed upon. The relevant JW manager or representative shall be at liberty to object to and require the service provider to remove any person employed in terms of this contract, whom in their opinion, is performing in an unsafe or incompetent manner or in misconduct.

1.5. OPERATORS

- a) The operator must carry out faithfully, efficiently and with due diligence all operations according to the instructions of the relevant JW Manager or representative.
- b) Without first obtaining the written consent of the service provider, the relevant JW Manager or representative shall not permit or allow any person other than the operator or mechanic to operate any item of plant.
- c) Only skilled operators may be employed with valid professional driving permits and any operator found to be unsuitable must be replaced immediately upon notification.
- d) The service provider shall ensure that an Operator(s) is provided to work during stand by and over time as agreed upon with the relevant JW manager while taking into consideration, the statutory limits for the number of working hours per week for an individual, as prescribed by the Department of Labour.
- e) Where an Operator(s) was working over-time during the previous night, the service provider will be required to provide another Operator to operate the plant during normal working hours on the following day. No driver / Operator will be allowed to work longer than the hours prescribed by the Department of Labour.
- f) The Operator(s) to be allocated to the contract must at all times be competent for the execution of their duties as required for the duration of the contract.

The following documentation will be randomly requested to assess the competence of the allocated Operator(s) to the contract:

- A valid medical certificate. Operator(s) must be fit for duty.
- A valid Driver's License with professional driving permit PrDP (Minimum Code C1 License or higher).

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- Documentation (CV / Employment contracts or any other document that has valid proof of experience as stipulated) highlighting a minimum of 6 months of experience for the Operators / Drives.

Therefore, the appointed service provider is to ensure at all times that the operator(s) they allocate to the contract for the execution of their duties are competent and have all the relevant documentation. Any operator assessed and found to not be competent for the execution of their duties will have to be removed and replaced with a competent operator.

1.6. BREAKDOWNS

- a) Breakdowns or delays shall be reported to the relevant JW Manager or representative by the service provider's operator by means of a 2 way radio or cellphone. The relevant JW Manager or representative will render necessary assistance in conveying these reports, but the onus of reporting breakdowns or delays from the service provider rests with the service provider's operator.
- b) The service provider is also expected to supply additional items of plant in the event of breakdowns that cannot be repaired within 24 (twenty four) hours.

1.7. INCLEMENT WEATHER

- a) In the event of inclement (bad, extreme, severe) weather, no payment will be made to the service provider. The time lost due to inclement weather shall include any period during which plant cannot work because of the effect such weather has on either the plant or the work to be carried out on that particular site.

1.8. INSPECTION AND IDENTIFICATION OF PLANT

- a) The JW tender evaluation team will inspect items of plant tendered at one of the tenderers premises for purposes of evaluation.
- b) All items of plant accepted on the service provider may again be inspected by the relevant JW Manager or representative when delivered to the site for the first time. The plant will be checked to ensure that it complies in all respects with JW's requirements as detailed in the tender documents.
- c) Any item of plant found by the relevant JW Manager or representative to be unsuitable shall be removed immediately by the service provider. The penalty as described in Clause 18 of the special conditions shall be imposed until a suitable replacement is provided.
- d) The relevant JW Manager or his/her representative shall at all times be entitled to have access to and inspect the plant.

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- e) Unless prior approval of the relevant JW Manager or representative has been obtained, plant must be serviced by the service provider outside working hours.
- f) All plant must have sufficient fuel to operate between services.
- g) JW reserves the right to inspect the plant prior to award.

1.9. OPERATION OF PLANT

- a) During the period of hire, the relevant JW Manager or representative undertakes that the plant will be used only for the purpose of which it was hired. The responsibility rests with the service provider through his operator to ensure that the plant is not misused or damaged in any way.

b) Hours of Work

- i. The service provider may be required to work the following working hours depending on the requirements of the relevant JW Manager:

Normal time:

Mondays to Fridays (Excluding Public holidays)

07h00am to 16h00pm

Overtime:

Weekdays,

16h00pm to 07h00am

Weekends and Public Holidays

07h00am to 16h00pm

16h00pm to 07h00am

- ii. The above provides a breakdown of the classification of working hours and the actual requirements of particular users will be confirmed by the relevant JW Manager or representative.
- iii. The service provider may be required to work overtime on weekends and Public holidays outside the normal working hours specified above and will be paid for at overtime rates in terms of the Price Schedule.
- iv. Allocation of overtime work to any particular service provider shall be at the absolute discretion of the relevant JW Manager or representative.
- v. The service provider shall ensure that a time sheet is kept in respect of each item of plant and that it contains such information as may be required and stated in Clause 19.2 of the special conditions.

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1.10. DESCRIPTION OF PLANT

i. Vacuum Jetting Trucks/Tankers

The units must have a hopper capacity of +/- 4-12m³, and must be able to move under its own power for the purpose of cleaning out the stormwater and sewer drains.

The unit should be fitted with a hydraulically operated vacuum boom with rotation capacity, and with a vacuum capacity of 2500 – 5000 c.f.m.

The unit must have a front or rear mounted hydraulically operated hose for cleaning out stormwater/sewer drains. Minimum length of hose must be +/- 180m.

Vacuum tank capacity of the unit should be sufficient to carry out a single operation in the event of an emergency +/- 7000 litres.

Dual function of the unit (vacuum and spraying) is vital, due to the requirements of the type and location of work.

1.11. EXCHANGE OF PLANT

The service provider shall be awarded for the hire of particular item of plant/equipment as described in full in the Technical Data Sheet and it shall be expected that such particular item be supplied on site when called for. Where for reasons beyond the control of the service provider, and the service provider is not able to supply the particular machine under contract; they may with the permission of the relevant JW Manager substitute another machine, but this alternative machine, in the opinion of the relevant JW Manager must be in no way whatsoever, inferior to the actual machine under contract.

If a service provider is unable to provide the quantity of plant initially requested, then the next ranking tenderer will be called upon to provide the shortfall, so as to provide uninterrupted service to the communities being serviced.

1.12. REQUIRED DOCUMENT

The following copies of documents for vacuum jetting truck(s) offered will be required and must be submitted with the bid documents.

Documents required:

- (a) Proof of Certificate of Registration in Respect of Motor Vehicle.
- (b) Proof of valid License Disc or Roadworthy Certificates or Operator card

Note: Only plant with all supporting documents as required will be considered.

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Time and again JW representatives on site where plant is situated may require full service records of plant offered during the duration of the contract where they deem necessary. As well as the documentation of the plant as stated above to ascertain continued compliance with the terms and conditions of the contract.

1.13. SAFETY AND SECURITY

- a) The service provider must ensure that he conforms to all safety regulations, and that the requirements of the Occupational Health and Safety Act No 85 of 1993 are met at all times.
- b) The service provider shall at his own expense provide adequate protective clothing for his staff and protection to machinery, as he, the relevant JW Manager or the Safety Officer may deem necessary at any stage of the contract.
- c) The service provider shall be responsible at all times for security of items of plant working under this contract.
- d) Upon award, the successful service provider(s) will be inducted by the company's OHS department on the requirements that will be applicable for the duration of the contract in terms of all occupational health and safety.
- e) Successful tenderers will be required to compile and submit a Health and Safety File for approval by the JW OHS Department prior to commencement of the works to be conducted on the contract.
- f) For the duration of the contract, monthly site inspections will be conducted by the assigned OHS representative of JW where the appointed service provider(s) will be inspected for compliance in line with the health and safety requirements as set out on the Occupational Health, Safety & Environmental Specification of the tender document and any other requirements as expected.
- g) Successful tenderers will be required to compile and submit a Health and Safety File for approval by the JW OHS Department prior to commencement of the contract.

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1.14. TRANSPORTATION OF PLANT TO/FROM SITE

- a) The rate for plant hire for Vacuum Jetting Trucks must include transportation cost to and off site.

1.15. DURATION OF CONTRACT

For a period not exceeding three (03) months on an month to month basis.

2. SPECIAL CONDITIONS

2.1. INSURANCE AND INDEMNIFICATION

- a) In addition to any insurance required to be held by the Contractor in terms of the Occupational Injuries and Diseases Act no.130 of 1993, the Contractor must be fully insured against all accidents, loss or damage arising out of the conditions or operation of the vehicles or execution of any work including all third party risks.

The Contractor hereby agrees to indemnify JW against all claims by third Parties or the Contractor's own employees resulting from the operations carried out by the Contractor under this contract up until the end of the contract.

- b) A current certificate of good standing in terms of the Compensation for Occupational Injuries and Diseases Act, 1993 must be furnished by the Contractor upon acceptance of the tender. Proof of renewal or extension of insurance cover must be furnished by the Contractor upon acceptance of the tender.
- c) The Contractor shall be liable for any damages or injury of whatever nature caused directly or indirectly as a result of his operations, to any of JW's or Municipal Government or Private Property or to his own vehicles and personnel.
- d) Upon award, the appointed service provider(s) will be required to submit proof of insurance as outlined on clause 2.1 (a). furthermore, the insurance must list all the vacuum jetting trucks the service provider will be providing to JW.
- e) Any insurance required by the tenderer in respect of the units under this contract must be included in the rates.

2.2. REQUIREMENTS

- a) Only plant complying with the technical specifications are to be tendered for and will be considered for this contract.
- b) The tenderer shall be obliged to provide the plant, drivers and assistant, where warranted, at such time and at such place as notified by the relevant Manager and as more fully set out in the specification. The tenderer shall ensure that the

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plant and their drivers/operators carry out the work allocated to them diligently and to the satisfaction of the relevant Manager.

- c) The plant may also be required to work in informal settlements and it is the responsibility of the Contractor to familiarise himself with the environment at these locations.
- d) JW reserves the right to inspect the plant prior to award.

2.3. QUANTITIES

- a) The Service Provider shall be bound to supply whatever quantities of plant that JW requires on an “as and when” basis during the period of the contract and these quantities shall be determined by JW.
- b) The hours to which the plant will be required to work cannot be determined by JW nor can the distances they may travel be quantified. Tenderers are therefore requested to tender accordingly to cater for such.

2.4. WORKSHOP FACILITIES

- a) The Service Provider must have workshop facilities fully equipped where plant breakdowns will be attended to as well as a mobile mechanic who will be able to attend to minor breakdowns on site during call outs at all times. The Service Provider’s workshop facilities must be in line with the Occupational Health and Safety requirements as the JW OHS departments will be conducting audits on the facilities to ensure compliance.

2.5. PAYMENT

Payment on this contract will be as follows:

- a) Invoices must be submitted covering a calendar month commencing on the 1st day and ending on the last day of the month.
- b) The contractor shall submit by the 6th working day of every month a complete and detailed invoice in triplicate for work done during the previous calendar month. Payment will be based on the invoices subject to any adjustment by the Regional Manager in respect of errors, downtime, penalties or any other claim that JW may have in respect of this contract.
- c) Payment will be made within the payment period as prescribed by the JW Finance Department once the correct invoice with no outstanding information is signed off and processed by the depot.
- d) Invoices for payment must be submitted under the contractor’s name.

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2.6. PENALTIES

- a) Instead of exercising its rights in terms of Clause 22 of the General Conditions of Contract, the relevant Manager or his representative may, at his discretion impose the following penalties:
 - I. If an offered item of plant is officially requested in writing from the contractor and is not supplied within 3 calendar days of an order to do so, the contractor will incur penalties. For each item of plant not supplied as required, the contractor will incur 15% (fifteen percent) penalties for their total invoice that they will submit for that specific plant. The penalty will be charged from day 3 of non-delivery up until such time that the item of plant required is supplied.
 - II. Should any item of plant break down or become defective or should an operator be absent or incapable of operating the plant efficiently while the plant is on site and is expected to be working and performing the tasks required thus causing delays and/or work stoppages any time on any day, then the contractor will not be paid for the period when this event occurs until such time the plant starts operating once again. The contractor shall deduct the amount for that time from their invoice when they submit an invoice for payment for that particular plant.
 - III. In all cases where a stoppage has occurred without explanations, the contractor will be required to provide written explanations as to the cause thereof and if in the opinion of the relevant Manager or his/her representative was an unavoidable stoppage, not exceeding 1 hour per day, to a maximum of 3 hours per week occurs, no time will be deducted in effecting payment for the day.
 - IV. The written explanations referred to in clause (iii) must be made in duplicate within 7 days from the day on which the stoppage occurred. If no written explanations are received, the contractor will not be paid as stipulated in clause (ii) for the period of the stoppage. The relevant Manager's decision will be conveyed to the contractor on the duplicate application submitted which must be taken into account on submission of the invoice for that particular plant.

If a contractor has defaulted to a point where the level of service has a history of being consistently poor, the relevant Manager may reduce the quantities of plant on hire from this contractor, and request that another contractor from the tendered list provide the service. Alternatively, JW may also terminate the services of the Contractor for poor performance.

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2.7. WORKING HOURS

- a) Plant will be required to work on an “as and when” required basis.

Notwithstanding the hours of work the intention of this contract is to provide a continuity of service to the community and it is envisaged that the contractor appointed will negotiate into a service agreement with the relevant Manager for the region to be serviced.

Starting and finishing times will be determined by the relevant Manager on site based on ‘JW’s’ needs at the time.

- b) All items of plant shall at all times whilst on hire be accompanied by a book, containing in triplicate, daily time sheets. These time sheets shall record the following:

Name of contractor, date, make of vehicle, fleet No., registration No., drivers and assistants name, working registration times, “down time”, reason for down time, signature of relevant Manager.

All time sheets shall be clearly signed by the supervisor in charge of the work and the person so signing shall clearly print his name. ‘JW’ will be charged on the basis of such daily time sheets, when signed by the relevant Manager.

- c) A copy of such daily time sheets shall be presented to the relevant Manager within 5 working days of the completion of the shift for signature, and if signed shall be deemed to be accepted by him. Should the relevant Manager refuse to accept the time sheet figures he shall notify the contractor within 2 working days of his refusal and also of his reasons therefore. The contractor must give an explanation to the satisfaction of the relevant Manager within 7 working days of such notification, failing which penalties in terms of Clause 2.6 a may be applied.

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3. TENDER FORM AND PRICE SCHEDULES

To: Johannesburg Water (SOC) Ltd.

Having examined the Tender documents including Addenda Nos _____ [insert numbers], the receipt of which is hereby duly acknowledged, we, the undersigned, offer **Hire of Vacuum Jetting Trucks on an “as and when” required basis** as specified in conformity with the said Tender documents and as may be ascertained in accordance with the Schedule of Prices attached herewith and made part of this Tender.

Details of my / our offer are / are as follows:

We undertake, if our Tender is accepted, execute the contract in accordance with the requirements as specified.

We agree to abide by this Tender for a period of ninety (90) days from the date fixed for Tender opening, and it shall remain binding upon us and may be accepted at any time before the expiration of that period.

Until a formal Contract is prepared and executed, this Tender, together with your written acceptance thereof and your notification of award, shall constitute a binding Contract between us.

We understand that Johannesburg Water is not bound to accept the lowest or any tender it may receive, and that the contract may be awarded in whole or in part and to more than one tenderer.

Should my/our tender be successful, it be understood that a contract will come into existence as a once off contract which will commence from the date indicated in the letter of acceptance.

3.1. SCHEDULE OF PRICES:

The evaluation on price alteration will be conducted as follows:

3.1.1 Where the tender award strategy is to evaluate and award per item or category, the following must apply:

- (i) If there is an alteration on the rate but no alteration on the total for the item or category, the bidder will not be disqualified
- (ii) If there is an alteration on the total for the item/s without authentication,

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bidders will only be disqualified for alteration per item or category.

3.1.2 Where the tender award strategy is to evaluate and award total bid offer, the following must apply:

- (i) If there is an alteration on the rate, total for the line item, sub-total/ sum brought/carried forward for the section but no alteration on the total bid offer, the bidder will not be disqualified.
- (ii) If there is an alteration on the total bid offer on form of offer then the amount in words must be considered or vice-versa.
- (iii) If there is an unauthenticated alteration on the total bid offer and the amount in words is not authenticated the bidders will be disqualified for the entire tender.

3.1.3. Where the tender pricing schedule or bill of quantities is requesting rates/price from bidder/s without providing a total, the following will apply:

- (i) If there is an unauthenticated alteration on the unit rate/price the bidder must be disqualified.

Also note:

- a) All prices must be VAT inclusive.
- b) The rates tendered are for Vacuum Jetting Trucks anywhere within the geographical limits of the City of Johannesburg.
- c) The plant rate must include insurances, fuel and all other cost applicable for the plant to execute the work successfully, including the Operator.
- d) The rate for plant hire for Vacuum Jetting Trucks must include transportation cost to and off site.
- e) The details of all plant offered as listed overleaf will be inspected for acceptability and suitability during the evaluation of the tender process.
- f) Only firm prices will be accepted.

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Tenderer to complete the below table:

Item No.	Plant Required	Specification		Total No. of Machines Offered	Operator and Plant Rate per Hour				
					Normal (Rate per hour) (VAT excl.)	Overtime (Rate per hour) (VAT excl.)	Total Per Line Item for Normal and Overtime Rates (VAT excl.)	VAT Amount for Total Price Per Line Item for Normal and Overtime Rates (@ 15%)	Total Per Line Item for Normal and Overtime Rates (VAT incl.)
1	Vacuum Jetting Trucks <i>price to include for two assistants to be present at all times</i>	Type of Tanker/Truck	Capacity						
a)		.....	.....Liters	.....	R.....	R.....	R.....	R.....	R.....
b)		.....	.....Liters	.....	R.....	R.....	R.....	R.....	R.....
c)		.....	.....Liters	.....	R.....	R.....	R.....	R.....	R.....
d)		.....	.....Liters	.....	R.....	R.....	R.....	R.....	R.....
e)	Liters	R.....	R.....	R.....	R.....	R.....
f)	Liters	R.....	R.....	R.....	R.....	R.....
g)	Liters	R.....	R.....	R.....	R.....	R.....
h)	Liters	R.....	R.....	R.....	R.....	R.....
i)	Liters	R.....	R.....	R.....	R.....	R.....

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4. EVALUATION CRITERIA

4.1. Stage 1: Mandatory Requirements

NO.	DEFINITELY NON -NEGOTIABLE CRITERIA	YES
1	<p>The tenderer will be required to submit proof of documents for their offered plant as they have offered in the pricing schedule.</p> <p>Only plant with all required documents will be considered.</p> <ul style="list-style-type: none"> • Proof of Certificate of Registration in Respect of Motor Vehicle (National Road Traffic Act) • Proof of Valid Licence Disc OR Roadworthy Certificate or Operator Card (National Road Traffic Act) <p>NOTE: The proof of certificate of registration in respect of motor vehicle and license disc or roadworthy certificates or operator card must be in the name of the tenderer or name of the company that the tenderer will be leasing the vacuum jetting truck(s) from</p> <p>NOTE: In the event that the tenderer's plant offered will be hired, the tenderer must provide proof of a letter for intent to hire for plant offered which is not owned by the tenderer, as well as the required documents as stipulated above.</p>	Yes

4.2. Stage 2: Administrative requirements

4.2.1. Proof of CSD registration or CSD MAAA number.

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4.3. Stage 3: Functionality/Technical Evaluation Criteria (Where applicable)

4.3.1. The functionality or technical evaluation criteria is as follows:

PART A: TENDERER'S EXPERIENCE					
CRITERIA NO.	CRITERIA	EVIDENCE	SUB-CRITERIA/CLAUSE	MAX SCORE	SCORE
1	TENDERER'S EXPERIENCE The tenderer (company) is required to have experience where work in the supply/hire of Vacuum Jetting Trucks was carried out successfully.	The Tenderer (Company) must provide relevant reference letter(s) with proof that they have executed the required works in rendering services for the supply/hire of Vacuum Jetting Trucks successfully. <i>This document must be completed by the referee and included in the tender submission. Alternatively, the client's letterhead may be used for this purpose provided it complies with the functional criteria requirements. A separate form must be completed for each reference as required in the evaluation criteria.</i> <i>The Information provided will be verified and if found to be false or misrepresented, punitive measures will be instituted against the respective party including blacklisting and restriction from participating in any future government tender.</i>	Less than 1 years	70	0
			1 years and more but less than 2 years		40
			2 years or more		70
The tenderer must achieve the minimum score of 40 on tenderer's experience in order to be considered for further evaluation.					
MINIMUM QUALIFYING SCORE (PART A)				[40]	
TOTAL (PART A)				70	

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PART B: SITE VISIT AT THE TENDERER'S PREMISES					
CRITERIA NO.	CRITERIA	EVIDENCE	SUB-CRITERIA/CLAUSE	MAX SCORE	SCORE
2	A site visit will be conducted at the tenderer's premises to evaluate availability and presentation of sample(s) for each plant offered	<p>Presentation of plant by the tenderer</p> <p>The tenderer will be required to present a sample of their plant offered. The plant presented will be expected to meet the requirements as specified on Item 1.10-Description of Plant in the technical specification of the tender document.</p> <p>The tenderer is to present a sample of each plant that meets the requirement of item 1.10 in the technical specification</p> <p>(Only plant that has all the required documentation as stipulated under mandatory will be considered)</p> <p>NOTE: The tenderer is to ensure that one of each plant offered is present on site for physical inspection.</p>	The tenderer did not present any sample of their plant offered	30	0
			The tenderer presented a sample(s) of their plant offered		30
<i>The tenderer must achieve the qualifying score of 30 during site visit in order to be considered for further evaluation.</i>					
MINIMUM QUALIFYING SCORE (PART B)				[30]	
TOTAL (PART B)				30	

4.3.2. Bidders are required to meet a minimum of 70 points on the functionality evaluation to be further evaluated on the preference points. Bidders that do not meet a minimum of 70 points will be disqualified and will not be evaluated further.

Directors:

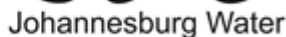
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COMPLIANCE CHECKLIST SHEET FOR DOCUMENTATION OF PLANT OFFERED

[illegible]

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ANNEXURE C-1

COMPLIANCE CHECKLIST SHEET FOR PRESENTATION OF PLANT

Name of Tenderer						
RFP Description:		Hire of Vacuum Jetting Trucks				
Item No	Description of Plant	Specification and Capacity	No of Plant Offered	COMPLIANT		Comment
				Yes	No	
2	Vacuum Jetting Trucks	Type of Tanker/Truck and capacity offered				

Note: The following checklist will be completed by the evaluators at the time of the site visit. Therefore, the tenderer does not need to complete.

Directors:

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CONTACTABLE REFERENCE

To Johannesburg Water (SOC) Ltd

I, the undersigned being duly authorised to do so, hereby furnish a reference to Johannesburg Water relative to the **Hire of Vacuum Jetting Trucks**.

Name of Tenderer:

Description of Goods / Services provided

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

Duration: Year-Month-Day when the Goods / Services were provided

Start date (Year- Month -Day) when the above was provided:/...../.....

End date (Year- Month -Day) when the above was provided:/...../.....

Name of authorised person:

Signature: **Date**

Telephone/Mobile:

Email:

Completed on behalf (Name of Client)

NB: This document must be completed by the referee and included in the tender submission. Alternatively, the client's letterhead may be used for this purpose provided it complies with the functional criteria requirements. A separate form must be completed for each reference as required in the evaluation criteria. Information provided will be verified and if found to be false or misrepresented, punitive measures will be instituted against the respective party including blacklisting and restriction from participating in any future government tender.

Directors:

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Name of Tenderer:

Description of Goods / Services provided

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

Duration: Year-Month-Day when the Goods / Services were provided

Start date (Year- Month -Day) when the above was provided:/...../.....

End date (Year- Month -Day) when the above was provided:/...../.....

Name of authorised person:

Signature: **Date**

Telephone/Mobile:

Email:

Completed on behalf (Name of Client)

NB: This document must be completed by the referee and included in the tender submission. Alternatively, the client's letterhead may be used for this purpose provided it complies with the functional criteria requirements. A separate form must be completed for each reference as required in the evaluation criteria. Information provided will be verified and if found to be false or misrepresented, punitive measures will be instituted against the respective party including blacklisting and restriction from participating in any future government tender.

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- 4.4. Stage 4:** The responses will be evaluated on the **80 preference point's principle**. Pricing schedule to be completed per item offered. Bidders who fail to quote or complete the pricing schedule as per this requirement will be disqualified. The required proof for claiming points for specific goals is as follows:

SPECIFIC GOALS – ANY ONE OR A COMBINATION OF ANY	MEANS OF VERIFICATION THAT MUST BE SUBMITTED OR A COMBINATION THEREOF TO PROVIDE POINTS CLAIMED
Business owned by 51% or more – Black people living in Gauteng province	<ul style="list-style-type: none"> Valid BBBEE Certificate issued by SANAS accredited verification agency or DTI/CIPC BBBEE Certificate for Exempted Micro Enterprises or Affidavit sworn under oath, and Proof of municipal account / valid lease agreement, letter from the Ward Council confirming the business address.
Business owned by 51% or more - Black People	<ul style="list-style-type: none"> Valid BBBEE Certificate issued by SANAS accredited verification agency or DTI/CIPC BBBEE Certificate for Exempted Micro Enterprises or Affidavit sworn under oath.

Note: A tenderer failing to submit proof of specific goals claimed as per the tender conditions may not be disqualified but only points for price will be allocated and zero points for specific goals.

5. AWARDING STRATEGY

This request for pricing will be awarded to the highest scoring bidder per item in terms of price and points scored for specific goal.

6. RETURNABLE DOCUMENTS

The following documents **must** be returned together with this Request for Pricing:

- 6.1.** This request for pricing document must be completed and submitted with pricing or quotation.

Directors:

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- 6.2. Proof of points claimed for specific goal must be submitted in order to qualify for preference points.
- 6.3. Complete and sign the following Municipal Bidding Documents (MBD).
 - 6.3.1. MBD 3.1 Firm Price(s) Purchase (where applicable).
 - 6.3.2. MBD 4 Form (Declaration of Interest).
 - 6.3.3. MBD 5 Form (Declaration for procurement above R10 Million- all applicable taxes included)
 - 6.3.4. MBD 6.1 Form (Preference points claim form).
 - 6.3.5. MBD 8 (Declaration of Bidder's Past Supply Chain Management Practices)
 - 6.3.6. MBD 9 (Certificate of Independent Bid Determination)
- 6.4. Latest municipal account/statement not older than three months or valid lease agreement for both the company and all active Directors.
- 6.5. The required documentary evidence for functionality or technical evaluation (where Applicable).

7. GENERAL TERMS AND CONDITIONS

Price(s) quoted must be valid for at least ninety (90) days from date of your offer.

Price(s) quoted **must** be firm for the duration of the contract and must be inclusive of VAT.

Bidders will be afforded a period of two (2) days to complete the following returnable documents (MBD 4, MBD 6.1, MBD 8 and MBD 9) in instances where such forms are incomplete.

Bidders who did not submit municipal statement of account or valid lease agreement for both the company and all active directors will be afforded a period of two (2) days to submit. In a case where the company or active Directors have municipal commitments overdue for more than 90 days they will be offered three (3) days to settle their overdue amounts or submit proof of an arrangement agreed to between that municipality and that company or Director.

GENERAL CONDITIONS OF CONTRACT APPLY. SHOULD THERE BE A DISCREPANCY BETWEEN THE GENERAL CONDITIONS OF CONTRACT SPECIAL CONDITIONS OF THE CONTRACT, THE SPECIAL CONDITIONS OF THE CONTRACT SHALL PREVAIL.

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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.
- 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, 2022, 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)?
☐ YES ☐ NO
- 3.2. DOES THE ENTITY HAVE A BRANCH IN THE RSA?
☐ YES ☐ NO
- 3.3. DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA?
☐ YES ☐ NO
- 3.4. DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA?

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☐ YES ☐ NO

3.5. IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION?

☐ YES ☐ 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.

SIGNATURE OF BIDDER:

CAPACITY UNDER WHICH THIS BID IS SIGNED:

DATE:

Directors:

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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

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

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

-
- Required by:Johannesburg Water.....
 - At:Various sites.....
 - Brand and Model
 - Country of Origin

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

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

MBD 4

DECLARATION OF INTEREST

1. No bid will be accepted from persons in the service of the state¹.
2. Any person, having a kinship with persons in the service of the state, including a blood relationship, may make an offer or offers in terms of this invitation to bid. In view of possible allegations of favouritism, should the resulting bid, or part thereof, be awarded to persons connected with or related to persons in service of the state, it is required that the bidder or their authorised representative declare their position in relation to the evaluating/adjudicating authority.

3 In order to give effect to the above, the following questionnaire must be completed and submitted with the bid.

3.1 Full Name of bidder or his or her representative:.....

3.2 Identity Number:

3.3 Position occupied in the Company (director, trustee, shareholder²):.....

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

DECLARATION FOR PROCUREMENT ABOVE R10 MILLION (VAT INCLUDED)

For all procurement expected to exceed R10 million (VAT included), bidders must complete the following questionnaire:

***1 Are you by law required to prepare annual financial statements for auditing? YES / NO**

**In the event the Annual Financial Statements submitted with this tender reflect that the tenderer is not required by law to have such statement audited, Johannesburg Water reserves the discretion to interpret your selection of "Yes" as a "No" and analyse it accordingly.*

1.1 If yes, submit audited annual financial statements for the past three years or since the date of establishment if established during the past three years. YES / NO

.....

.....

2. If the bidder is not required by law to prepare annual financial statements for auditing, they shall be required to furnish their Annual Financial Statements -

i. for the past three years , or

ii. since their establishment if established during the past three years

3. Do you have any outstanding undisputed commitments for municipal services towards a municipality or any other service provider in respect of which payment is overdue for more than 30 days? YES / NO

3.1 If no, this serves to certify that the bidder has no undisputed commitments for municipal services towards a municipality or other service provider in respect of which payment is overdue for more than 30 days.

3.2 If yes, provide particulars.

.....

4. Has any contract been awarded to you by an organ of state during the past five years, including particulars of any material non-compliance or dispute concerning the execution of such contract?

4.1 If yes, furnish particulars

.....
.....

5. Will any portion of goods or services be sourced from outside the Republic, and, if so, what portion and whether any portion of payment from the municipality / municipal entity is expected to be transferred out of the Republic?

YES / NO

5.1 If yes, furnish particulars

.....
.....

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

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

1.2 **To be completed by the organ of state**

- a) The applicable preference point system for this tender is the 80/20 preference point system.

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:

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

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 organ of state must, in the tender documents, stipulate in the case of—
- (a) an invitation for tender for income-generating contracts, that either the 80/20 or 90/10 preference point system will apply and that the highest acceptable tender will be used to determine the applicable preference point system; or
 - (b) any other invitation for tender, that either the 80/20 or 90/10 preference point system will apply and that the lowest acceptable tender will be used to determine the applicable preference point system,
- then the organ of state must indicate the points allocated for specific goals for both the 90/10 and 80/20 preference point system.

Table 1: Specific goals for the tender and points claimed are indicated per the table below.

(Note to organs of state: Where either the 90/10 or 80/20 preference point system is applicable, corresponding points must also be indicated as such.

Note to tenderers: The tenderer must indicate how they claim points for each preference point system.)

The specific goals allocated points in terms of this tender	Number of points allocated (80/20 system) (To be completed by the organ of state)	Number of points claimed (80/20 system) (To be completed by the tenderer)
Locality: within Gauteng – Municipal account or valid lease agreement	10	
51 % Ownership by black people – Valid B-BBEE certificate or sworn affidavit	10	
Total	20	

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	<p>If so, furnish particulars:</p> 		
4.2	<p>Is the bidder or any of its directors listed on the Register for Tender Defaulters in terms of section 29 of the Prevention and Combating of Corrupt Activities Act (No 12 of 2004)?</p> <p>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.</p>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.2.1	<p>If so, furnish particulars:</p> 		
4.3	<p>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?</p>	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:

(Name of Municipality / Municipal Entity)

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

I certify, on behalf of: _____ that:

(Name of Bidder)

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

6. The bidder has arrived at the accompanying bid independently from, and without consultation, communication, agreement or arrangement with any competitor. However communication between partners in a joint venture or 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

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