Reference/ Verwysing/ iRef: 08/2/20/25 Enquiries/ Navrae/ Imibuzo: S Mentor

29 September 2022

#### TO WHOM IT MAY CONCERN

Dear Sir/ Madam

#### **REQUEST FOR FORMAL WRITTEN PRICE QUOTATIONS:**

(Over R30 000.00 up to a transaction value of R200 000.00 VAT included)

Kindly furnish us with a written quotation for the supply of the following:

#### LEASE OF THE CAFÉ BUILDING AT PA HAMLET SWIMMING POOL

This bid document must be placed in a sealed envelope. The following particulars must appear on the outside of the envelope: "08/2/20/25: LEASE OF THE CAFÉ BUILDING AT PA HAMLET SWIMMING POOL", the name and address of the bidder and the closing date of this bid. The sealed envelope must be put in the bid box located at the entrance of the Witzenberg Municipal Offices, 50 Voortrekker Street, Ceres by no later than MONDAY, 10 OCTOBER 2022 at 10:00. The bid box is generally open 24 hours a day, 7 days a week. Telephonic, facsimile, electronic/ e-mailed and late bids will not be accepted. Bids may only be submitted on the bid documentation as provided by the municipality.

The following conditions will apply

- Price(s) guoted must be valid for at least ninety (90) days from date of your offer.
- Price(s) quoted must be firm and must be inclusive of VAT.
- A firm delivery period must be indicated.
- This quotation will be evaluated in terms of the 80/20 preference point system. 4.2 Disposal or Leasing of State Assets and Income-Generating Procurement on MBD 6.1, page 16 of this bid document
- The bids are subject to the Preferential Procurement Regulations of 2017 that was promulgated by the Minister of Finance on 20 January 2017 in Government Gazette No 40553. These conditions are available on request.
- The successful provider will be the one scoring the highest points.
- Payments to the successful bidder in terms of this contract will be processed within 30 days after receipt of a valid tax invoice for goods and/or services rendered to the satisfaction of the municipality.
- The checklist at the back of the bid document must be completed and adhered to.

NB: No quotations will be considered from persons in the service of the state as defined in Regulation 1 of the Local Government: Municipal Supply Chain Management Regulations dated 30 May 2005)

Failure to comply with these conditions may invalidate your offer.

Yours faithfully D NASSON MUNICIPAL MANAGER



44, Ceres, 6835
50 Voortrekker St/ Str, Ceres, 6835
Suid Afrika/ South Africa
+27 23 316 1854
+27 23 316 1877
admin@witzenberg.gov.za

# admin@witzenberg.gov.za www.witzenberg.gov.za

#### REQUEST FOR A FORMAL WRITTEN PRICE QUOTATION

#### YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE WITZENBERG MUNICIPALITY

BID NUMBER: 08/2/20/25 CLOSING DATE: 10 OCTOBER 2022 CLOSING TIME: 10:00

#### DESCRIPTION: LEASE OF THE CAFÉ BUILDING AT PA HAMLET SWIMMING POOL

The following conditions to bid exist:

(Failure to comply may result in your bid being disqualified)

- 1. Bidders should ensure that bids are delivered timeously to the correct address as indicated below. If the bid is late, it will not be accepted for consideration. The bid box is generally open 24 hours a day, 7 days a week. **Telephonic, facsimile, electronic/emailed and late bids will not be accepted.**
- 2. All prices must include VAT.
- 3. An original or certified copy of the bidder's Broad-Based Black Economic Empowerment (B-BBEE) certificate must be attached to this bid document in order to claim B-BBEE points.
- 4. Bid documents can be obtained during office hours from Monday to Thursday: 8h30 -13h00 and 13h45 15h30 and Fridays: 8h30 13h00 and 14h00 14h30 from the Witzenberg Municipality, Supply Chain Unit, Drommedaris Street, Ceres at a cost of R 30.00 per set. The bid documents are also available on the municipality's website: http://www.witzenberg.gov.za/resource-category/tenders?category=92
- 5. The bids will be opened in the Council Chambers, Municipal Offices, 50 Voortrekker Street, Ceres in public immediately after the closing time at 10:00.
- 6. The bid must be properly received in a sealed envelope which must clearly indicate the description of the bid, the bid number and the name and postal address of the bidder on the outside of the sealed envelope. Unmarked bids will not be taken into consideration and will be returned.
- 7. The highest or any bid shall not necessarily be accepted and the Municipality reserves the right to accept any part of the bid.
- 8. Bidders must provide a valid Tax Verification Details (Tax reference number and valid third party verification pin) as issued by SARS in order to confirm their tax compliance status. Failure to provide such details may result in your bid being disqualified.
- 9. Do not dismember this Bid Document (do not take it apart or put documents between its pages).
- 10. All other documents of the submission must be attached behind this bid document.
- 11. The bidder must complete the checklist at the back of this bid document.
- 12. Please note that any suspicious collusive bidding behaviour and restrictive practices by bidders will be reported to the Competition Commission for investigation and possible imposition of administrative penalties.

# NO BIDS WILL BE CONSIDERED FROM PERSONS IN THE SERVICE OF THE STATE AS DEFINED IN THE MUNICIPAL SUPPLY CHAIN MANAGEMENT REGULATIONS (GOVERNMENT GAZETTE NO 27636 DATED 30 MAY 2005) SUBMISSION DETAILS

# SUBMISSION OF BID DOCUMENTS:

TO BE DEPOSITED IN:

The bid box at the entrance of the Municipal Offices of Witzenberg Municipality
50 VOORTREKKER STREET
CERES

**CONTACT DETAILS FOR ENQUIRIES:** 

Ms S Mentor Tel: (023) 312-1761 / 5: Email: <a href="mailto:supplychain@witzenberg.gov.za">supplychain@witzenberg.gov.za</a>

D NASSON MUNICIPAL MANAGER

## WITZENBERG MUNICIPALITY TERMS OF REFERENCE (TOR)

#### BID NO 08/2/20/25: LEASE OF THE CAFÉ BUILDING AT PA HAMLET SWIMMING POOL

#### 1. Purpose

1.1 Bids are hereby invited for the lease of the café building at PA Hamlet swimming pools. The period of lease is from the date of contract signing until 30 April 2023.

#### 2. Special conditions of contract

- 2.1 It is required from the successful bidder to sign a lease agreement. In the event that the successful bidder does not sign the lease agreement, the award will be cancelled. The municipality reserves the right to stipulate the conditions of the lease agreement with the exception of the bid price as tendered.
- 2.2 The selling of liquor is prohibited. Delivery of milk, bread and groceries through local suppliers do not fall under the above.
- 2.3 It is required from the successful bidder to start operating the café from date of contract signing. Prospective bidders can visit the café before the closing time of the bid. The Acting Manager: Resorts and Swimming Pools may be contacted on 023 316- 8163 to arrange an appointment for viewing purposes only.
- 2.4 It is required from the successful bidder to buy their own electricity as the café building has a prepaid meter (3 phase electricity).
- 2.5 The following time schedule must be adhered to for the café at PA Hamlet Swimming Pool:
  - 2.5.1 Ordinary Weekends

Monday to Fridays: 13:00 till 18:00 Saturdays: 10:00 till 18:00 Sundays: 10:00 till 18:00

2.5.2 December/ January school holidays and in-season long weekends

Daily: 10:00 till 18:00

- 2.6 The café at the PA Hamlet Swimming Pool must be open at least one hour in the afternoon for times not specified above.
- 2.7 The specified times as stated above must be on display on a notice board at the café. It must be noticeable and done by the lessee at his/ her own cost. The time schedule may be amended only in the event of an emergency and with the prior written permission from the Manager Resorts and Swimming Pools.
- 2.8 Provision must be made for service at certain functions or unscheduled busy periods at cafés at the resort.
- 2.9 The monthly lease amount must be paid up-front by the lessee, no later than the first working day of each month. Proof of payment must be forwarded to the Acting Manager Resorts and Swimming Pools.
- 2.10 Admission condition: Family and friends of the lessee are not allowed free entrance to the resort or any facilities inside the resort.
- 2.11 Maintenance conditions must be included in the contract
- 2.12 Bidders must attach a certified copy of their identity document to this bid document.

# 3. EVALUATION CRITERIA as per MBD 6.1, point 4.2 Disposal or Leasing of State Assets and Income-Generating Procurement)

3.1 This bid will be evaluated according to the criteria and weight given in the table below:

Evaluation Criteria:	Weighting
2.1 Price	80
2.2 B-BBEE in terms of Preferential Procurement Regulations of 2017 (form MBD 6.1)	20
Total	100

# DETAILS OF BIDDER (THE FOLLOWING PARTICULARS MUST BE FURNISHED. FAILURE TO DO SO MAY RESULT IN YOUR BID BEING DISQUALIFIED)

Name of firm / entity / enterprise	
Trading as (if different from above)	
Postal address of enterprise	Line 1 : Line 2:  Town/city Postal code:
Physical address of enterprise	Line 1 : Line 2:  Town/cityPostal code:
Contact details of the person signing the bid, being duly authorised to do so:	Name: Fax:  Telephone: Fax:  Cellular telephone:  E-mail address:
Contact details of the senior manager responsible for overseeing contract performance:	Name: Fax:
Contact Details of the Bidder's proposed <b>Project</b> Manager who will represent the Bidder in the implementation processes:	Name: Fax:  Cellular telephone: Fax:  E-mail address:
Company income tax number	
Tax Compliance Status System PIN (issued by SARS)	
VAT registration number	
Company registration number	
Any other Registration applicable to this Industry	
Banking details	Name of account holder:  Name of bank:  Account number:

Branch code:	

# PART A INVITATION TO BID

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE WITZENBERG MUNICIPALITY								
BID NUMBER:	BID NUMBER: 08/2/20/25 CLOSING DATE: 10 OCTOBER 2022 CLOSING TIME: 10:00							
DESCRIPTION LEASE OF THE CAFé BUILDING AT PA HAMLET SWIMMING POOL								
THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (MBD7).								

BID RESPONSE DOCUMENTS MAY BE DEPOSITED IN THE BID BOX

SITUATED AT (STREET ADDRESS	DEI GOITED IIV THE	DID DOX					
SUPPLIER INFORMATION	1						
NAME OF BIDDER							
POSTAL ADDRESS							
STREET ADDRESS							
TELEPHONE NUMBER	CODE				NUMBER		
CELLPHONE NUMBER							
FACSIMILE NUMBER	CODE				NUMBER		
E-MAIL ADDRESS							
VAT REGISTRATION NUMBER							
TAX COMPLIANCE STATUS	TCS PIN:			OR	CSD No:		
B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE	☐ Yes				E STATUS SWORN		Yes
[TICK APPLICABLE BOX]	☐ No						No
[A B-BBEE STATUS LEVEL VERIFICION ORDER TO QUALIFY FOR PREFE				DAVIT	(FOR EMES	& QS	SEs) MUST BE SUBMITTED
ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES /WORKS OFFERED?	☐Yes	□No		BASE FOR /SER	YOU A FOREIC ED SUPPLIER THE GOODS VICES /WORK ERED?		☐Yes ☐No [IF YES, ANSWER PART B:3 ]
TOTAL NUMBER OF ITEMS OFFERED				TOTA	AL BID PRICE		R
SIGNATURE OF BIDDER				DATE			
CAPACITY UNDER WHICH THIS BID IS SIGNED				•			
BIDDING PROCEDURE ENQUIRIES MAY	BE DIRECTED TO:		TECH	NICAL	INFORMATIO	'AM N	Y BE DIRECTED TO:
DEPARTMENT	Supply Cha	ain	CONT	ACT P	ERSON		Mr R Africa
CONTACT PERSON	Ms Shayle Mo	entor	TELE	PHONE	NUMBER		023 316 1854
TELEPHONE NUMBER	023 312 176	1/5	FACS	IMILE N	NUMBER		023 316 1877
FACSIMILE NUMBER	023 312 19	34	E-MAIL ADDRESS			ryno@witzenberg.gov.za	
E-MAIL ADDRESS	supplychain@witzen	berg.gov.za				•	

# 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 PROCURE PREFERENTIAL PROCUREMENT REGULATIONS, 2017, THE GENE APPLICABLE, ANY OTHER SPECIAL CONDITIONS OF CONTRACT.	IERAL CONDITIONS OF CONTRACT (GCC) AND, IF		
2.	TAX COMPLIANCE REQUIREMENTS			
2.1	BIDDERS MUST ENSURE COMPLIANCE WITH THEIR TAX OBLIGA	ATIONS.		
2.2	BIDDERS ARE REQUIRED TO SUBMIT THEIR UNIQUE PERSON SARS TO ENABLE THE ORGAN OF STATE TO VIEW THE TAXPAY			
2.3	APPLICATION FOR THE TAX COMPLIANCE STATUS (TCS) CER FILING. IN ORDER TO USE THIS PROVISION, TAXPAYERS WILL THROUGH THE WEBSITE <u>WWW.SARS.GOV.ZA</u> .			
2.4	FOREIGN SUPPLIERS MUST COMPLETE THE PRE-AWARD QUEST	STIONNAIRE IN PART B:3.		
2.5	BIDDERS MAY ALSO SUBMIT A PRINTED TCS CERTIFICATE TOGE	ETHER 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	CA (RSA)?		
3.2.	DOES THE ENTITY HAVE A BRANCH IN THE RSA?	☐ YES ☐ NO		
3.3.	DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE	IE RSA? ☐ YES ☐ NO		
3.4.	DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA?	?		
3.5.	IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION	N? YES NO		
CON	THE ANSWER IS "NO" TO ALL OF THE ABOVE, THEN IT IS NO MPLIANCE STATUS SYSTEM PIN CODE FROM THE SOUTH AFR GISTER AS PER 2.3 ABOVE.	OT A REQUIREMENT TO REGISTER FOR A TAX RICAN REVENUE SERVICE (SARS) AND IF NOT		
	NB: FAILURE TO PROVIDE ANY OF THE ABOVE PARTICULAR NO BIDS WILL BE CONSIDERED FROM PERSONS IN THE SER			
	SIGNATURE OF BIDDER:			
	CAPACITY UNDER WHICH THIS BID IS SIGNED:			
	DATE:			

# PRICING SCHEDULE – FIRM PRICES (PURCHASES)

BID NO 08/2/20/25: LEASE OF THE CAFÉ BUILDING AT PA HAMLET SWIMMING POOL

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: 08/2/20/25
Closing Time: 10:00	Closing Date: 10 OCTOBER 2022

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

Item nr	Description	Estimated number of Months	Rental per month (Incl. Vat) B	Total Bid Price (Incl. VAT) C = A x B
1.	LEASE OF THE CAFÉ BUILDING AT PA HAMLET SWIMMING POOL	6		

Required by:	Mr R Africa
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## **DECLARATION OF INTEREST**

MBD 4

- 1. No bid will be accepted from persons in the service of the state<sup>1</sup>.
- 2. Any person, having a kinship with persons in the service of the state, including a blood relationship, may make an offer or offers in terms of this invitation to bid. In view of possible allegations of favouritism, should the resulting bid, or part thereof, be awarded to persons connected with or related to persons in service of the state, it is required that the bidder or their authorised representative declare their position in relation to the evaluating/adjudicating authority.
- 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:
5.2 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	
	3.9	Have you been in the service of the state for the past twelve months?	
		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 $\square$ / NO $\square$
		3.10.1 If yes, furnish particulars.	
(a)		M Regulations: "in the service of the state" means to be – nber of – any municipal council; any provincial legislature; or	
(b) (c) (d)	(iii) a men an offi an em the me	the national Assembly or the national Council of provinces;  nber of the board of directors of any municipal entity;  cial of any municipality or municipal entity;  nployee of any national or provincial department, national or provincial public entity of eaning of the Public Finance Management Act, 1999 (Act No.1 of 1999);  nber of the accounting authority of any national or provincial public entity; or	r constitutional institution within
(f)	an em	ployee of Parliament or a provincial legislature.  der" means a person who owns shares in the company and is actively involved in the m	nanagement of the company or
		nd exercises control over the company.	idinagement of the company of
	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 $\square$ / NO $\square$
		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 $\square$ / NO $\square$
		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.	

principle shareholders, or stal	ceholders of this company		
business whether or not they	are bidding for this contract.	YES 🗆 / N	IO 🗆
Full details of directors / trustees / n	nembers / shareholders.		
Full Name	Identity Number	Personal income tax reference number	State Employee Number
Signature		Date	
Capacity	Na	ame of Bidder	
	principle shareholders, or stake have any interest in any other business whether or not they at 3.14.1 If yes, furnish particula	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.  3.14.1 If yes, furnish particulars:  Full details of directors / trustees / members / shareholders.  Full Name Identity Number  Signature	have any interest in any other related companies or business whether or not they are bidding for this contract.  3.14.1 If yes, furnish particulars:  Full details of directors / trustees / members / shareholders.  Full Name Identity Number Personal income tax reference number  Signature Date

# **RESPONSIVENESS AND EVALUATION CRITERIA**

3.14 Do you or any of the directors trustees managers

**NB:** Witzenberg Municipality may verify any information submitted in terms of this document and any information that is incorrect may result in the bid being automatically disqualified and not considered further.

#### **RESPONSIVENESS CRITERIA**

No bid will be considered by Witzenberg Municipality unless it meets the following responsiveness criteria (for the bid to be considered responsive, the bid **must** meet the following requirements):

- a) The bid must be properly received in a sealed envelope. The outside of the envelope must clearly indicate the bid title, the bid number, the name and address of the bidder and the closing date of the bid.
- b) The bid must be deposited in the relevant bid box as indicated on the notice of the bid on or before the closing date and time of the bid. **Telephonic, facsimile, electronic/ emailed and late bids will not be accepted.**
- c) Bidders must provide a valid Tax Verification Details (Tax reference number and valid third party verification pin) as issued by SARS in order to confirm their tax compliance status. Failure to provide such details may result in your bid being disqualified.
- d) An original or certified copy of the bidder's Broad-Based Black Economic Empowerment (B-BBEE) certificate must be attached to this bid document in order to claim B-BBEE points.
- e) Bids shall be invalid, and shall be endorsed and recorded as such in the bid opening record by the responsible official to open the bid, in the following instances:
  - 1. If the bid is not sealed:
  - 2. if the bid including the bid price amount, where applicable is not submitted on the official pricing schedule;

- 3. if the bid is not completed in non-erasable ink; or
- 4. if the name of the bidder is not stated, or is indecipherable
- e) A bid will not be invalidated if the amount in words and the amount in figures do not correspond, in which case the amount in words shall be read out at the bid opening and shall be deemed to be the bid amount.
- f) The official bid document must be fully completed in indelible ink. Where information requested does not apply to the bidder and the space is left blank, it will be deemed to be not applicable.
- g) All requested relevant and/ or additional documentation such as Compliance Certificates, professional registration, artisan qualification, etc, must be submitted with the bid document.
- h) Bidders must submit a certified statement signed by the bidder declaring 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 (Annexure A).
- i) The bidder must be in good standing to do business with the public sector in terms of Regulation 38 of the Supply Chain Management Regulations (Government Gazette 27636 of 30 May 2005).
- j) If the entity submitting a bid is a Joint Venture or Consortium or Partnership, each party to that formation must submit all the above information.
- k) The bidder must adhere to the Pricing Instructions.

## f) Arithmetical Errors, Omissions and Discrepancies

- Check responsive tenders for discrepancies between amounts in words and amounts in figures. Where
  there is a discrepancy between the amounts in figures and the amount in words, the amount in words
  shall govern
- 2. Check the highest ranked tender or tenderer with the highest number of tender evaluation points after the evaluation of tender offers
  - a) the gross misplacement of the decimal point in any unit rate;
  - b) omissions made in completing the pricing schedule or bills of quantities; or
  - c) arithmetic errors in:
    - (i) line item totals resulting from the product of a unit rate and a quantity in bills of quantities or schedules

of prices; or

- (ii) the summation of the prices.
- 3. Notify the tenderer of all errors or omissions that are identified in the tender offer and either confirm the tender offer as tendered or accept the corrected total of prices.
- 4. Where the tenderer elects to confirm the tender offer as tendered, correct the errors as follows:
  - (a) If bills of quantities or pricing schedules apply and there is an error in the line item total resulting from the product of the unit rate and the quantity, the line item total shall govern and the rate shall be corrected. Where there is an obviously gross misplacement of the decimal point in the unit rate, the line item total as quoted shall govern, and the unit rate shall be corrected.
  - (b) Where there is an error in the total of the prices either as a result of other corrections required by this checking process or in the tenderer's addition of prices, the total of the prices shall govern and the tenderer will be asked to revise selected item prices (and their rates if bills of quantities apply) to achieve the tendered total of the prices.

The tender offer will be rejected if the tenderer does not correct or accept the correction of the arithmetical error in the manner described above.

I) The Bidder's details must be provided.

- m) The necessary document authorising the Representative to sign and submit the bid on the bidder's behalf must be completed and signed.
- n) The Declaration of Interests by the bidder must be completed and signed.
- o) The bid must comply with all the minimum technical specifications.
- p) The MBD 9 (prohibition of restrictive practices) must be completed and signed.
- q) Checklist at the back of the bid document must be completed and adhered to.
- r) The bidder must initial every page of the bid document.

#### **EVALUATION OF BIDS**

- a) All bids received shall be evaluated in terms of the Witzenberg Municipality SCM Policy, Supply Chain Management Regulation, the Preferential Procurement Policy Framework Act no 5 of 2000 and the Preferential Procurement Regulations of 2017 that was promulgated by the Minister of Finance on 20 January 2017 in Government Gazette No 40553.
- b) The Council reserves the right to accept all, some, or none of the bids submitted either wholly or in part and it is not obligated to accept the highest bid.
- c) The municipality may accept any offer notwithstanding the fact that the offer does not comply with the bid invitation in respect of which the offer has been made subject to the following:

#### AREAS TO BE INCLUDED IN EVALUATION PROCESS:

#### **Evaluation of Preference Points**

The point's allocation for this bid will be as follows:

Price 80 points
B-BBEE 20 points
Total 100 points

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

This preference form must form part of all bids invited. It contains general information and serves as a claim form for preference points for Broad-Based Black Economic Empowerment (B-BBEE) Status Level of Contribution

NB: BEFORE COMPLETING THIS FORM, BIDDERS MUST STUDY THE GENERAL CONDITIONS, DEFINITIONS AND DIRECTIVES APPLICABLE IN RESPECT OF B-BBEE, AS PRESCRIBED IN THE PREFERENTIAL PROCUREMENT REGULATIONS, 2017.

#### 1. GENERAL CONDITIONS

- 1.1 The following preference point systems are applicable to all bids:
  - the 80/20 system for requirements with a Rand value of up to R50 000 000 (all applicable taxes included); and
  - the 90/10 system for requirements with a Rand value above R50 000 000 (all applicable taxes included).

1.2

- a) The value of this bid is estimated to <u>not exceed</u> R50 000 000 (all applicable taxes included) and therefore the <u>80/20</u> preference point system shall be applicable; or
- b) Either the 80/20 or 90/10 preference point system will be applicable to this tender (*delete whichever is not applicable for this tender*).
- 1.3 Points for this bid shall be awarded for:
  - (a) Price; and
  - (b) B-BBEE Status Level of Contributor.
- 1.4 The maximum points for this bid are allocated as follows:

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

- 1.5 Failure on the part of a bidder to submit proof of B-BBEE Status level of contributor together with the bid, will be interpreted to mean that preference points for B-BBEE status level of contribution are not claimed.
- 1.6 The purchaser reserves the right to require of a bidder, either before a bid is adjudicated or at any time subsequently, to substantiate any claim in regard to preferences, in any manner required by the purchaser.

#### 2. DEFINITIONS

- (a) "B-BBEE" means broad-based black economic empowerment as defined in section 1 of the Broad-Based Black Economic Empowerment Act;
- (b) "B-BBEE status level of contributor" means the B-BBEE status of an entity in terms of a code of good practice on black economic empowerment, issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act;
- (c) "bid" means a written offer in a prescribed or stipulated form in response to an invitation by an organ of state for the provision of goods or services, through price quotations, advertised competitive bidding processes or proposals;
- (d) "Broad-Based Black Economic Empowerment Act" means the Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003);
- (e) "EME" means an Exempted Micro Enterprise in terms of a code of good practice on black economic empowerment issued in terms of section 9 (1) of the Broad-Based Black Economic Empowerment Act;
- (f) "functionality" means the ability of a tenderer to provide goods or services in accordance with specifications as set out in the tender documents.
- (g) "price" includes all applicable taxes less all unconditional discounts;
- (h) "proof of B-BBEE status level of contributor" means:
  - 1) B-BBEE Status level certificate issued by an authorized body or person;
  - 2) A sworn affidavit as prescribed by the B-BBEE Codes of Good Practice;
  - 3) Any other requirement prescribed in terms of the B-BBEE Act;
- "QSE" means a qualifying small business enterprise in terms of a code of good practice on black economic empowerment issued in terms of section 9 (1) of the Broad-Based Black Economic Empowerment Act;
  - (j) "rand value" means the total estimated value of a contract in Rand, calculated at the time of bid invitation, and includes all applicable taxes;

90/10

#### 3. FORMULAE FOR PROCUREMENT OF GOODS AND SERVICES

## 4. POINTS AWARDED FOR PRICE

#### 4.1 THE 80/20 OR 90/10 PREFERENCE POINT SYSTEMS

80/20

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

$$Ps = 80\left(1 - \frac{Pt - Pmin}{Pmin}\right)$$
 or  $Ps = 90\left(1 - \frac{Pt - Pmin}{Pmin}\right)$ 

Where

Ps = Points scored for price of bid under consideration

Pt = Price of bid under consideration

Pmin = Price of lowest acceptable bid

# 4.2 FORMULAE FOR DISPOSAL OR LEASING OF STATE ASSETS AND INCOME-GENERATING PROCUREMENT POINTS AWARDED FOR PRICE

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

80/20 or 90/

$$Ps = 80\left(1 + \frac{Pt - Pmax}{Pmax}\right)$$
 or  $Ps = 90\left(1 + \frac{Pt - Pmax}{Pmax}\right)$ 

Where

Ps = Points scored for price of bid under consideration

Pt = Price of bid under consideration

Pmax = Price of highest acceptable bid

## 5. POINTS AWARDED FOR B-BBEE STATUS LEVEL OF CONTRIBUTOR

5.1 In terms of Regulation 6 (2) and 7 (2) of the Preferential Procurement Regulations, preference points must be awarded to a bidder for attaining the B-BBEE status level of contribution in accordance with the table below:

B-BBEE Status Level of Contributor	Number of points (90/10 system)	Number of points (80/20 system)
1	10	20
2	9	18
3	6	14
4	5	12
5	4	8
6	3	6
7	2	4
8	1	2
Non-compliant contributor	0	0

#### 6. BID DECLARATION

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

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

7.1 B-BBEE Status Level of Contributor: = .......(maximum of 10 or 20 points)

(Points claimed in respect of paragraph 7.1 must be in accordance with the table reflected in paragraph 4.1 and must be substantiated by relevant proof of B-BBEE status level of contributor.

#### 8. SUB-CONTRACTING

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

(Tick applicable box)

YES	NO	

8.1.1	If yes, indicate:		
	i) What percentage of the contract will be subcontracted		
	ii) The name of the sub-contractor		
	iii) The B-BBEE status level of the sub-contractor		
	iv) Whether the sub-contractor is an EME or QSE		
	(Tick applicable box)		
	YES NO		
	v) Specify, by ticking the appropriate box, if subcontracting with an en	terprise in terms	of Preferent
	Procurement Regulations,2017:		
	Designated Group: An EME or QSE which is at last 51% owned by:	EME	QSE
	,	$\sqrt{}$	
	c people		
	c people who are youth		
	c people who are women		
	c people with disabilities		
	c people living in rural or underdeveloped areas or townships		
	perative owned by black people geople who are military veterans		
Diacr	OR		
Any E			
Any (			
9.3 9.4	Company registration number:  TYPE OF COMPANY/ FIRM  Partnership/Joint Venture / Consortium One person business/sole propriety Close corporation		
	□ Company □ (Pty) Limited [TICK APPLICABLE BOX]		
9.5	DESCRIBE PRINCIPAL BUSINESS ACTIVITIES		
9.6	COMPANY CLASSIFICATION		
	□ Manufacturer		
	□ Supplier		
	□ Professional service provider		
	Other service providers, e.g. transporter, etc.		
	[TICK APPLICABLE BOX]		

9.7	MUNICIPAL INFORMATION				
	Mu	nicipalit	y where business is situated:		
	Reg	gistered	Account Number:		
	Sta	nd Num	ber:		
9.8	Tota	al numbe	er of years the company/firm has bee	n in	business:
9.9	poir	nts claim	ned, based on the B-BBE status leve	el of	to do so on behalf of the company/firm, certify that the f contributor indicated in paragraphs 1.4 and 6.1 of the the preference(s) shown and I / we acknowledge that:
	i)	The info	ormation furnished is true and correct		
	<ul><li>ii) The preference points claimed are in accordance with the General Conditions as indicated in paragraph 1 of this form;</li></ul>				
	iii)	6.1, the			esult of points claimed as shown in paragraphs 1.4 and documentary proof to the satisfaction of the purchaser
	<ul> <li>iv) If the B-BBEE status level of contributor has been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the purchaser may, in addition to any other remedy it may have –</li> </ul>				
		(a)	a) disqualify the person from the bidding process;		
		(b)	recover costs, losses or damages person's conduct;	it	has incurred or suffered as a result of that
		(c)	cancel the contract and claim any having to make less favourable arra		amages which it has suffered as a result of ements due to such cancellation;
		(d)	shareholders and directors who a National Treasury from obtaining b	ctec ousir	tor, its shareholders and directors, or only the d on a fraudulent basis, be restricted by the ness from any organ of state for a period not ram partem (hear the other side) rule has been
		(e)	forward the matter for criminal pros	ecut	tion.
	WITI	NESSES	3		SIGNATURE(S) OF BIDDERS(S)  DATE:
	2.				ADDRESS
2					

### DECLARATION OF BIDDER'S PAST SUPPLY CHAIN MANAGEMENT PRACTICES

- 1 This Municipal Bidding Document must form part of all bids invited.
- 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.
- 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).
- In order to give effect to the above, the following questionnaire must be completed and submitted with the bid.

Item 4.1	Question  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?	Yes Yes	No □
	(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).		
	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.		
4.1.1	If so, furnish particulars:		
4.2	Is the bidder or any of its directors listed on the Register for Tender Defaulters in terms of section 29 of the Prevention and Combating of Corrupt Activities Act (No 12 of 2004)?  The Register for Tender Defaulters can be accessed on the National Treasury's website (www.treasury.gov.za) by clicking on its link at the bottom of the home page.	Yes	No
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	No

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 MONTHSs?	Yes	No 🗌
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	No 🗆
4.5.1	If so, furnish particulars:		
	CERTIFICATION		
	E UNDERSIGNED (FULL NAME)CEF	RTIFY TH	AT THE
	CEPT THAT, IN ADDITION TO CANCELLATION OF A CONTRACT, ACTION MAY BE OULD THIS DECLARATION PROVE TO BE FALSE.	TAKEN A	AGAINST ME
Sign	ature Date		
Posi	tion Name of Bidder		

#### CERTIFICATE OF INDEPENDENT BID DETERMINATION

- 1 This Municipal Bidding Document (MBD) must form part of all bids<sup>1</sup> invited.
- Section 4 (1) (b) (iii) of the Competition Act No. 89 of 1998, as amended, prohibits an agreement between, or concerted practice by, firms, or a decision by an association of firms, if it is between parties in a horizontal relationship and if it involves collusive bidding (or bid rigging).<sup>2</sup> Collusive bidding is a *pe* se prohibition meaning that it cannot be justified under any grounds.
- 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.
- 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.
- In order to give effect to the above, the attached Certificate of Bid Determination (MBD 9) must be completed and submitted with the bid:

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

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

#### CERTIFICATE OF INDEPENDENT BID DETERMINATION

I, the undersigned, in submitting the accompanying bid: 08/2/20/25: LEASE OF THE CAFÉ BUILDING AT PA HAMLET SWIMMING POOL invitation for the bid made by: WITZENBERG MUNICIPALITY does 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.
  - <sup>3</sup> Joint venture or Consortium means an association of persons for the purpose of combining their expertise, property, capital, efforts, skill and knowledge in an activity for the execution of a contract.

- 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.

Position	Name of Bidder
Signature	Date



# BID NO 08/2/20/25: LEASE OF THE CAFÉ BUILDING AT PA HAMLET SWIMMING POOL

Authorisation to deduct outstanding amounts

To: Municipal Manager, Witzenberg Municipality			
From:(Name of Bid	der or Consortium)		
AUTHORISATION FOR THE DEDUCTION	ON OF OUTSTANDING AN	MOUNTS OWED	TO COUNCIL
I, THE UNDERSIGNED,			
(FULL NAME	IN BLOCK LETTERS)		,
Hereby authorise the Witzenberg Municip Director, shareholder, partner, etc from a			by the business organization
Signature			
THUS DONE AND SIGNED for and on be	ehalf on the Bidder / Contra	actor	
at(Place) in the presence of the subscribing witness	(Date)	f(Month)	
AS WITNESSES:			
1(SIGNATURE)	Name in Block Lette	rs:	
2(SIGNATURE)	Name in Block Lette	rs:	

To: Municipal Manager, Witzenberg Municipality					
CERTIFICATE FOR MUNICIPAL SERVICES AND PAYMENTS TO SERVICE PROVIDER					
BID NO 08/2/20/25: LEASE OF THE CAFÉ BUILDING AT PA HAMLET SWIMMING POOL  NAME OF THE BIDDER:					
FURTHER DETAILS OF THE	: RIDDER(S): Propriet	or/ Director(s)/ Partner(s), etc:			
Physical business address of		Municipal Account numbers			
		<u> </u>			
		attach the additional details to the Bid			
Name of Director/Member/Partner	Identity number	Physical residential address of Director/Member/Partner	Municipal Account numbers		
Director/Weiriber/T dittrier		Director/Weinber/1 dittier			
l,	(full name in blo	ock letters)	, the undersigned,		
	furnished on this de	claration form is correct and that I			
		municipality or other service prov r must attach_copy of their municipa			
<b>, , , , , , , , , , , , , , , , , , , </b>		······································			
Signature					
THUS DONE AND SIGNED for and on behalf on the Bidder/ Contractor					
at	on the	day of	20		
(PLACE)		(DATE) (MONTH)	(YEAR)		

# Please Note:

Even if the requested information is not applicable to the Bidder, the table above should be endorsed and THIS DECLARATION MUST STILL BE SIGNED.



# CHECK LIST FOR COMPLETENESS OF BID DOCUMENT

The bidder must ensure that the following checklist is completed, that the necessary documentation is attached to this bid document and that all declarations are signed:

\*Mark with "X" where applicable

Ite	ms to be checked	Yes	No	Comments
1.	Completed page containing the details of bidder			
2.	Valid Bidders must provide a valid Tax Verification Details (Tax reference number and valid third party verification pin) as issued by SARS in order to confirm their tax compliance status. Failure to provide such details may result in your bid being disqualified.			
3.	An original or certified copy of the bidder's Broad-Based Black Economic Empowerment (B-BBEE) certificate must be attached to this bid document in order to claim B-BBEE points			
4.	A certified copy of the bidder's identity document must be attached.			
5.	Adhered to the pricing instructions (MBD 3.1)			
6.	Completed and signed declaration of interest (MBD 4)			
7.	Signed declaration of bidder's past supply chain management practices (MBD 8)			
8.	Prohibition of Restrictive Practices (MBD9) be completed and signed.			
9.	Comply with full specifications.			
10.	Bidder must initial every page of this bid document.			
11.	Latest municipal account of the bidder and its directors must be attached			
a.	If the bidder is not responsible for the payment of municipal rates and/ services, details in support of this must be attached to this bid document e.g. letter from landlord			

# **CERTIFICATION**

, THE UNDERSIGNED (FULL NAME)		
Signature	Date	
	24.10	
Position	Name	
1 00111011	Haine	