


REQUEST FOR FORMAL WRITTEN PRICE QUOTATION FORM	 City of Ekurhuleni
Procurement from R30 000, 00 up to a transaction value of R200 000, 00 (including Vat) (For publication on City of Ekurhuleni Website and Notice Board)	

QUOTATION NUMBER: KEQ.CP.07.38

DESCRIPTION: Supply; delivery and assemble mobile filing units in various offices as per specifications

DATE OF ADVERTISEMENT:	31 JULY 2018
CLOSING DATE:	07 AUGUST 2018
CLOSING TIME: BEFORE	15H00
QUOTATIONS MUST BE DEPOSITED IN BID BOX at CENTRAL PROCUREMENT OFFICE, NO: 5 JUNCTION RD, DRIEHOEK	BOX NUMBER..... 06

BIDDER	
NAME of Company i.e. Proprietor/ Close Corporation/ Partnership/ Sole Proprietor	Legal Name: _____ Trading as: _____
Company i.e. Proprietor /Close Corporation/ Partnership/ Sole Proprietor Registration Number	
City Of Ekurhuleni Vendor Registration Number (if already have)	
Central Supplier Database number: (Compulsory) National Treasury	
Company i.e. Proprietor/ Close Corporation/ Partnership/ Sole Proprietor Postal Address	Postal Code _____
Contact Details of the Person Representing the Company i.e. Proprietor /Close Corporation/ Partnership/ Sole Proprietor Registration Number	Name: _____ Telephone: (____) _____ Fax: (____) _____ Cell phone: _____ E-mail address: _____
Income Tax Number	
VAT Reference Number (if applicable)	

BIDDER:
Initial: Authorized Signatory/ies 1).....
 2).....
 Witness:

EMM:
Initial: EMM.....

SECTION 1

1. All quotations received will be evaluated on the 80/20 point scoring basis. The 80 points will be for Price and 20 points are for Broad Based Black Economic Empowerment (BBBEE) for attaining the BBBEE Status level contribution in accordance with the table below:

- MBD 3.1: Pricing Schedule – Firm Prices.
- MBD 4: Declaration of Interest
- MBD 6.1: Preference Points Claim
- MBD 8: Declaration of Bidder's Past Supply Chain Management Practices
- MBD 9: Certificate of Independent bid determination

If the MBD forms are not completed & submitted, your quotation will be rejected.

- No quotation will be considered from persons in the service of the state (MBD4).
- As from the 7 December 2011, all Service providers/contractors must submit valid, certified copies of their BEE certificate from an accredited BEE verification agency with their bid submission. Failure to submit will lead to forfeiture (loss) of the preference points.
- Failure to submit a BEE certificate will lead to forfeiture (loss) of the preference points. In the instance of Exempted Micro Enterprise (EME) (turn over less than R 10m) a letter from a professional, registered accountant/auditor or affidavit (download from Dti website: www.thedti.go.za) in order to qualify for preference points.
- Original stamped affidavit (not copy of stamped affidavit) to be submitted
- Electronic (e-mailed or faxed) quotations are not accepted.

2. A BRIEFING SESSION IS NOT APPLICABLE.

CITY OF EKURHULENI CONTACT PERSON: BABY-GIRL CHUENE

TEL NO: 011 999 4571

EMAIL ADDRESS: baby-girl-chuene@ekurhuleni.gov.za

REFERENCE: EK 1462037

SECTION 2

1. The Lowest or any bid will not necessarily be accepted and the City of Ekurhuleni reserves the right not to consider any bid not suitably endorsed or comprehensively completed as well as the right to accept a bid in whole or part.
2. Brand names **MUST** be specified in **MBD 3.1** attached hereto (Price Schedule document).
3. Where deliveries are quoted "ex-stock" the period of delivery must not exceed Five (5) maximum working days after receipt of order. If this condition is not adhered to, the order could be cancelled.
4. Quotations are to be completed in accordance with the conditions as set out in the quotation document and must be placed in the quotation box indicated on page 1 before 15H00.
5. Payments will be made thirty (30) days after receipt of invoice by Council.
6. Quotations received after the closing date and time **will not be considered**.
7. Samples of the required items or goods are available for your perusal (where applicable)
8. Samples may be requested from bidders before award of quotation (where applicable)
9. Should the above-mentioned conditions not be adhered to the quotation will be considered invalid.
10. Quotation to be valid for 60 days.

BIDDER:

Initial: Authorized Signatory/ies 1).....

2).....

Witness:

EMM:

Initial: EMM.....

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NOTICE TO BIDDERS

VERY IMPORTANT NOTICE ON DISQUALIFICATIONS: (REVISED 4)

A bid not complying with the peremptory requirements stated hereunder will be regarded as not being an “Acceptable bid”, and as such will be rejected.

“Acceptable bid” means any bid which, in all respects, complies with the conditions of bid and specifications as set out in the bid documents.

A BID WILL BE REJECTED:

1. If a **VALID ORIGINAL** tax clearance certificate or copy thereof (or in the case of a joint venture or consortium, of all the partners in the joint venture or consortium) has not been submitted with the bid document on closing date of the bid. **(An expired tax clearance certificate submitted at the closure of the bid will NOT be accepted)**
In bids where Consortia and Joint Ventures are involved, each party must submit a separate Tax Clearance Certificate.
Copies of the TCC 001 “Application for a Tax Clearance Certificate” form are available from any SARS branch office nationally or on the website www.sars.gov.za.
Applications for the Tax Clearance Certificates may also be made via eFiling. In order to use this provision, taxpayers will need to register with SARS as eFilers through the website www.sars.gov.za.
2. If any pages have been removed from the bid document, and have therefore not been submitted, or a copy of the original bid document has been submitted **(all signatures to be original on each page)**.
3. In the event of a failure to complete and sign the schedule of quantities as required, i.e. only lump sums provided.
4. In the event of there being scratching out, writing over or painting out rates or information, affecting the evaluation of the bid, without initialling next to the amended rates or information.
5. In the event of the use of correction fluid (eg. tippex), any erasable ink, or any erasable writing instrument (e.g. pencil). **(Only black pen to be used)**.
6. If the Bid has not been properly signed by a person having the authority to do so. **(Refer to Declaration). In the case of a representative, a signed letter of authority must be attached).**
7. If particulars required in respect of the bid have not been completed, except if only the Broad –Based Black Economic Empowerment Certificate as provided for in Regulation 6 of The Preferential Procurement Regulations 2017, is not submitted, the bid will not be disqualified but no preference points will be awarded.
8. If the bidder attempts to influence, or has in fact influenced the evaluation and/or awarding of the contract.
9. If the bid has been submitted either in the wrong bid box or after the relevant closing date and time.
10. If requested; failure to provide a valid certificate from the Department of Labour, or a declaration (Specific goals – “Equity ownership”) by a designated employer that it complies with the Employment Equity Act 55 of 1998.
11. If any bidder who during the last five years has failed to perform satisfactorily on a previous contract with the municipality, municipal entity or any other organ of

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2).....

Witness:

state after written notice was given to that bidder that performance was unsatisfactory.

12. The accounting officer must ensure that irrespective of the procurement process followed, no award may be given to a person –
 - (a) who is in the service of the state, or;
 - (b) if that person is not a natural person, of which any director, manager, shareholder or stakeholder, is a person in the service of the state; or;
 - (c) who is an advisor or consultant contracted with the municipality in respect of contract that would cause a conflict of interest.
13. If the bidder or any of its directors is listed on the Register of Bid Defaulters in terms of the Prevention and Combating of Corrupt Activities Act of 2004 as a person prohibited from doing business with the public sector.
14. If the bidder has abused the EMM's Supply Chain Management System and action was taken in terms of paragraph 38 of the EMM SCM Policy.
15. Please check special requirements in scope of work in document for additional attachments.
16. Price schedule to be completed in full ie: Rates; unit prices; sub-totals; vat if applicable and totals
17. If the following have not been fully completed and signed:
 - a. **MBD 3.1 PRICING SCHEDULE – FIRM PRICES**
 - b. **MBD 4 DECLARATION OF INTEREST**
 - c. **MBD 6.1 PREFERENCE POINTS CLAIM**
 - d. **MBD 8 DECLARATION OF BIDDER'S PAST SUPPLY CHAIN MANAGEMENT PRACTICES**
 - e. **MBD 9 CERTIFICATE OF INDEPENDENT BID DETERMINATION**

BIDDER:
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2).....

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FORM "E"

SPECIFICATIONS

City Of Ekurhuleni is not bound to accept the lowest or any quotation and reserves the right to accept the whole or any part of a quotation.

This Bid may be awarded to more than one bidder

Specifications for mobile filing units

A:

1. Length of room is 4,000mm
2. Width of the units must be 1100mmx400mm
3. Height of the unit must be 2,400mm
4. 5 Shelves 6 Openings per bay
5. Charcoal Grey with black push pull handles
6. Wire racks for all openings
7. 7 bay unit

Supply, deliver and assemble mobile filing unit for Edenvale, Tembisa and Kempton Building Control Office

Description	Unit	Price
Clearing of space by moving shelves from the archiving area to a temporary allocated space in all 3 offices.	Fixed Rate	R10 000.00
High Density 7 Bay mobile filing unit As per the attached picture	10	



BIDDER:

Initial: Authorized Signatory/ies 1).....

2).....

Witness:

EMM:

Initial: EMM.....



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2).....
Witness:

EMM:
Initial: EMM.....

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

NOTE: ONLY FIRM PRICES WILL BE ACCEPTED. NON-FIRM PRICES (INCLUDING PRICES SUBJECT TO RATES OF EXCHANGE VARIATIONS) WILL NOT BE CONSIDERED IN CASES WHERE DIFFERENT DELIVERY POINTS INFLUENCE THE PRICING, A SEPARATE PRICING SCHEDULE MUST BE SUBMITTED FOR EACH DELIVERY POINT

Name of bidder.....

OFFER TO BE VALID FOR **60 DAYS** FROM THE CLOSING DATE OF BID.

SCHEDULE OF PRICES/ RATES:

Item	Description	Quantity (Q)	Unit Price (P) in Rands	Price excluding Vat (Q x P) in Rands
1	Supply; delivery and assemble mobile filing units in various offices as per specifications			
1.1	Clearing of space by moving shelves from the archiving area to a temporary allocated space in all 3 offices.	Fixed Rate		R 10 000.00
1.2	High Density 7 Bay mobile filing unit As per the attached picture	10	R	R
Sub-Total Excluding Vat				R
Vat 15%				R
Total Including Vat				R

Note:

1 Pricing schedule on the advert must be completed even if you submit/attach a separate quotation to the document.

- Does the offer comply with the specification(s)? *YES/NO
- If not to specification, indicate deviation(s)
- Period required for delivery
- Brand name of goods (not applicable to services)
- Name of Authorised Person:
- Signature: Date.....
- Witness:

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.

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2).....
Witness:

EMM:
Initial: EMM.....

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 Owner of the Bidding Entity:

3.2 Identity Number if applicable:

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:

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.

3.7 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?

(Tick applicable box)

YES	NO

3.8.1 If yes, furnish particulars.

BIDDER:
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2).....

Witness:

3.9 Have you been in the service of the state for the past twelve months?

(Tick applicable box)

YES	NO

3.9.1 If yes, furnish particulars.....

3.10 Do you have any relationship (close family member, partner or associate) with persons in the service of the state and who may be involved with the evaluation and or adjudication of this bid?

(Tick applicable box)

YES	NO

3.10.1 If yes, furnish particulars.

.....

3.11 Are you aware of any relationship (close family member, partner or associate) 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?

(Tick applicable box)

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?

(Tick applicable box)

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?

(Tick applicable box)

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.

(Tick applicable box)

YES	NO

3.14.1 If yes, furnish particulars:

.....

BIDDER:
Initial: Authorized Signatory/ies 1).....

EMM:
Initial: EMM.....

2).....

Witness:

4. Full details of directors / trustees / members / shareholders. (attach for additional)

Full Name	Identity Number	State Employee Number

CERTIFICATION

I, THE UNDERSIGNED (NAME)

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

I ACCEPT THAT THE STATE AND/OR THE CITY OF EKURHULENI MAY ACT AGAINST ME SHOULD THIS DECLARATION PROVE TO BE FALSE.

.....
Signature

.....
Date

.....
Capacity

.....
Name of Bidding Entity

BIDDER:
Initial: Authorized Signatory/ies 1).....

EMM:
Initial: EMM.....

2).....
Witness:

NAME OF BIDDING ENTITY

CITY OF EKURHULENI

QUOTATION NUMBER:

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.**

(tick applicable)

Item	Question	Yes	No
4.1	<p>Is the bidder or any of its directors listed on the National Treasury's database as a company or person prohibited from doing business with the public sector?</p> <p>(Companies or persons who are listed on this database were informed in writing of this restriction by the National Treasury after the <i>audi alteram partem</i> rule was applied).</p>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.1.1	If so, furnish particulars:		

BIDDER:
 Initial: Authorized Signatory/ies 1).....

EMM:
 Initial: EMM.....

2).....

Witness:

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)? (To access this Register enter the National Treasury's website, www.treasury.gov.za , click on the icon "Register for Tender Defaulters" or submit your written request for a hard copy of the Register to facsimile number (012) 3265445).	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.2.1	If so, furnish particulars:		
4.3	Was the bidder or any of its directors convicted by a court of law (including a court of law outside the Republic of South Africa) for fraud or corruption during the past five years?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.3.1	If so, furnish particulars:		
Item	Question	Yes	No
4.4	Does the bidder or any of its directors owe any municipal rates and taxes or municipal charges to the municipality / municipal entity, or to any other municipality / municipal entity, that is in arrears for more than three months?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.4.1	If so, furnish particulars:		
4.5	Was any contract between the bidder and the municipality / municipal entity or any other organ of state terminated during the past five years on account of failure to perform on or comply with the contract?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.7.1	If so, furnish particulars:		

CERTIFICATION

I, THE UNDERSIGNED (NAME)

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

I ACCEPT THAT THE STATE AND/OR THE CITY OF EKURHULENI MAY ACT AGAINST ME SHOULD THIS DECLARATION PROVE TO BE FALSE.

.....
Signature

.....
Date

.....
Capacity

.....
Name of Bidding Entity

BIDDER:
Initial: Authorized Signatory/ies 1).....

EMM:
Initial: EMM.....

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2).....

Witness:

GENERAL CRITERIA

Provide information on the following:

Infrastructure: Physical facilities

Description (i.e. offices, warehouse etc.)	Physical Address
	Street Name:
	Suburb:
	Town:
	Province:
	Postal Code:

Plant / Equipment

Provide information on plant / equipment that you have available for this project. Attach details/ list if the space provided is not enough.

Description: Owned Plant / Equipment	Number of units

Description: Hired Plant / Equipment	Number of units
Description: Plant / Equipment to be purchased	Number of units

BIDDER:
Initial: Authorized Signatory/ies 1).....

EMM:
Initial: EMM.....

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2).....

Witness:

Size of enterprise and current workload

What was your turnover in the previous financial year? R _____

What is the estimated turnover for your current financial year? R _____

List your current contracts and obligations

Description	Value (R)	Start date	Duration	Expected completion date

Do you have the capacity to supply the goods and services described in this bid, should the contract be awarded to you? _____

Staffing Profile

Provide information on the staff that you have available to execute this contract (attach a separate list if the space provided is insufficient)

Own staff: gender and race	Number of staff
Staff to be employed for the project: gender and race	Number of staff

BIDDER:
Initial: Authorized Signatory/ies 1).....

EMM:
Initial: EMM.....

2).....

Witness:

Proposed Key Personnel

Provide information on key staff you intend utilising on this contract, should it be awarded to you. (In case of engineering construction projects key staff is defined as staff of foreman level and above)

Name and Surname	Position in your organisation	Qualifications	Experience	HDI status (Y/N)

BIDDER:
Initial: Authorized Signatory/ies 1).....
 2).....
 Witness:

EMM:
Initial: EMM.....

Previous experience

Provide the following information on relevant previous experience (indicate specifically projects of similar or larger size and/or which is similar with regard to type of work).

No points will be awarded if reference cannot be reached or if it refuses to supply information. Give at least two (2) names and telephone numbers and email address per reference.

Description of work done	Value (R, VAT excluded)	Start date	Duration	Completed date	Year(s) executed	Reference			Reference
						Name	Organisation	Tel no	Email Address

BIDDER:
Initial: Authorized Signatory/ies 1).....

EMM:
Initial: EMM.....

2).....

Witness:

PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL PROCUREMENT REGULATIONS 2011

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, 2011.

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 R200 000 (all applicable taxes included); and

1.2 The value of this bid is estimated not to exceed R200 000 (all applicable taxes included) and therefore the **80/20** system shall be applicable.

1.3 Preference points for this bid shall be awarded for:

- (a) Price; and
- (b) B-BBEE Status Level of Contribution.

1.3.1 The maximum points for this bid are allocated as follows:

POINTS

1.3.1.1 PRICE	80
2.3.1.2 B-BBEE STATUS LEVEL OF CONTRIBUTION	20
Total points for Price and B-BBEE must not exceed	100

1.4 Failure on the part of a bidder to fill in and/or to sign this form and submit a B-BBEE Verification Certificate as provided from a Verification Agency accredited by the South African Accreditation System (SANAS or a Registered Auditor approved by the Independent Regulatory Board of Auditors (IRBA) or an Accounting Officer as contemplated in the Close Corporation Act (CCA) together or **original stamped affidavit** signed by a commissioner of oaths or SAPS (download from dti website: www.thedti.gov.za) with the bid, will be interpreted to mean that preference points for B-BBEE status level of contribution are not claimed.

1.5. 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

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

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Witness:

- 2.2 **“B-BBEE”** means broad-based black economic empowerment as defined in section 1 of the Broad-Based Black Economic Empowerment Act;
- 2.3 **“B-BBEE status level of contributor”** means the B-BBEE status received by a measured entity based on its overall performance using the relevant scorecard contained in the Codes of Good Practice on Black Economic Empowerment, issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act;
- “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 services, works or goods, through price quotations, advertised competitive bidding processes or proposals;
- 2.5 **“Broad-Based Black Economic Empowerment Act”** means the Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003);
- 2.6 **“comparative price”** means the price after the factors of a non-firm price and all unconditional discounts that can be utilized have been taken into consideration;
- 2.7 **“consortium or joint venture”** 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;
- 2.8 **“contract”** means the agreement that results from the acceptance of a bid by an organ of state;
- 2.9 **“EME”** means any enterprise with an annual total revenue of R10 million or less.
- 2.10 **“Firm price”** means the price that is only subject to adjustments in accordance with the actual increase or decrease resulting from the change, imposition, or abolition of customs or excise duty and any other duty or levy, or tax, which, in terms of the law or regulation, is binding on the contractor and demonstrably has an influence on the price of any supplies, or the rendering costs of any service, for the execution of the contract;
- 2.11 **“functionality”** means the measurement according to predetermined norms, as set out in the bid documents, of a service or commodity that is designed to be practical and useful, working or operating, taking into account, among other factors, the quality, reliability, viability and durability of a service and the technical capacity and ability of a bidder;
- 2.12 **“non-firm prices”** means all prices other than “firm” prices;
- 2.13 **“person”** includes a juristic person;
- 2.14 **“rand value”** means the total estimated value of a contract in South African currency, calculated at the time of bid invitations, and includes all applicable taxes and excise duties;
- 2.15 **“sub-contract”** means the primary contractor’s assigning, leasing, making out work to, or employing, another person to support such primary contractor in the execution of part of a project in terms of the contract;
- 2.16 **“total revenue”** bears the same meaning assigned to this expression in the Codes of Good Practice on Black Economic Empowerment, issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act and promulgated in the *Government Gazette* on 9 February 2007;
- 2.17 **“trust”** means the arrangement through which the property of one person is made over or bequeathed to a trustee to administer such property for the benefit of another person; and
- 2.18 **“trustee”** means any person, including the founder of a trust, to whom property is bequeathed in order for such property to be administered for the benefit of another person.

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 Witness:

EMM:
Initial: EMM.....

3. ADJUDICATION USING A POINT SYSTEM

- 3.1 The bidder obtaining the highest number of total points will be awarded the contract.
- 3.2 Preference points shall be calculated after prices have been brought to a comparative basis taking into account all factors of non-firm prices and all unconditional discounts.
- 3.3 Points scored must be rounded off to the nearest 2 decimal places.
- 3.4 In the event that two or more bids have scored equal total points, the successful bid must be the one scoring the highest number of preference points for B-BBEE.
- 3.5 However, when functionality is part of the evaluation process and two or more bids have scored equal points including equal preference points for B-BBEE, the successful bid must be the one scoring the highest score for functionality.
- 3.6 Should two or more bids be equal in all respects, the award shall be decided by the drawing of lots.

4. POINTS AWARDED FOR PRICE

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

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

$$P_s = 80 \left(1 - \frac{P_t - P_{\min}}{P_{\min}} \right)$$

Where

Ps = Points scored for comparative price of bid under consideration

Pt = Comparative price of bid under consideration

Pmin = Comparative price of lowest acceptable bid

5. Points awarded for B-BBEE Status Level of Contribution

- 5.1 In terms of Regulation 5 (2) and 6 (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	8	16
4	5	12
5	4	8
6	3	6
7	2	4
8	1	2
Non-compliant contributor	0	0

BIDDER:
Initial: Authorized Signatory/ies 1).....

EMM:
Initial: EMM.....

2).....

Witness:

- 5.2 Bidders who qualify as EMEs in terms of the B-BBEE Act must submit a certificate issued by an Accounting Officer as contemplated in the CCA or a Verification Agency accredited by SANAS or a Registered Auditor or original stamped affidavit signed by a commissioner of oaths or SAPS (download from dti website: www.thedti.gov.za). Registered auditors do not need to meet the prerequisite for IRBA's approval for the purpose of conducting verification and issuing EMEs with B-BBEE Status Level Certificates or an Original stamped affidavit (not copy of stamped affidavit).
- 5.3 Bidders other than EMEs must submit their original and valid B-BBEE status level verification certificate or a certified copy thereof, substantiating their B-BBEE rating issued by a Registered Auditor approved by IRBA or a Verification Agency accredited by SANAS.
- 5.4 A trust, consortium or joint venture, will qualify for points for their B-BBEE status level as a legal entity, provided that the entity submit their B-BBEE status level certificate.
- 5.5 A trust, consortium or joint venture will qualify for points for their B-BBEE status level as an unincorporated entity, provided that the entity submit their consolidated B-BBEE scorecard as if they were a group structure and that such a consolidated B-BBEE scorecard is prepared for every separate bid.
- 5.6 Tertiary institutions and public entities will be required to submit their B-BBEE status level certificates in terms of the specialized scorecard contained in the B-BBEE Codes of Good Practice.
- 5.7 A person will not be awarded points for B-BBEE status level if it is indicated in the bid documents that such a bidder intends sub-contracting more than 25% of the value of the contract to any other enterprise that does not qualify for at least the points that such a bidder qualifies for, unless the intended subcontractor is an EME that has the capability and ability to execute the sub-contract.
- 5.8 A person awarded a contract may not sub-contract more than 25% of the value of the contract to any other enterprise that does not have an equal or higher B-BBEE status level than the person concerned, unless the contract is sub-contracted to an EME that has the capability and ability to execute the sub-contract.

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 CONTRIBUTION CLAIMED IN TERMS OF PARAGRAPHS 1.3.1.2 AND 5.1

7.1 B-BBEE Status Level of Contribution: (maximum of 20 points)

- **(Points claimed in respect of paragraph 7.1 must be in accordance with the table reflected in paragraph 5.1 and must be substantiated by means of a B-BBEE certificate issued by a Verification Agency accredited by SANAS or a Registered Auditor approved by IRBA or an Accounting Officer as contemplated in the CCA) or an Original stamped affidavit (not copy of stamped affidavit).**

8. Tender preference claim in respect of enterprise status or structure of the tendering entity

In the interest of transparency, bidders are required to complete Table 1: Tender Preference Claim below.

BIDDER:
Initial: Authorized Signatory/ies 1).....

EMM:
Initial: EMM.....

20

2).....

Witness:

Table 1: Tender Preference Claim

Type of B-BBEE Contributor	Status (tick box(es) below as applicable)
Exempted Micro Enterprise (EME) greater than 50% black-owned	<input type="checkbox"/>
Exempted Micro Enterprise (EME) less than or equal to 50% black-owned	<input type="checkbox"/>
Verified B-BBEE contributor B-BBEE Status Level of Contributor ¹ <input type="checkbox"/>	<input type="checkbox"/>
Non-compliant contributor	<input type="checkbox"/>

¹ If it is indicated that the company/firm/entity is a verified B-BBEE contributor, then the verified status level of contributor must be inserted in the box provided (insert a number from 1 to 8, as applicable).

9. Declarations

1) With reference to condition 5.7 in Section 2 above, the bidder declares that (tick one box as applicable):

9.1 It intends sub-contracting more than 25% of the value of the contract to sub-contractors that do not qualify for at least the points that the vendor as prime supplier qualifies for

9.2 Subject to 9.1 above; does the bidder intend to subcontract contract to an EME that has the capability to execute the subcontract

(Tick applicable box)

YES	NO
<input type="checkbox"/>	<input type="checkbox"/>

9.3 It **DOES NOT** intend sub-contracting more than 25% of the value of the contract to sub-contractors that do not qualify for at least the points that the vendor as prime supplier qualifies for

2) The undersigned warrants that he/she is duly authorised to do so on behalf of the Vendor, confirms that he/she understands the conditions under which preferences are granted, and confirms that the vendor/supplier will satisfy conditions pertaining to the granting of tender preferences.

Signature

Date

Print name: _____

On behalf of the bidder (duly authorised)

BIDDER:
Initial: Authorized Signatory/ies 1).....

EMM:
Initial: EMM.....

2).....

Witness:

CITY OF EKURHULENI

CERTIFICATE OF INDEPENDENT BID DETERMINATION (MBD 9)

- 1 This Form "I" 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 Form "I" 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 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 (MBD 9)

I, the undersigned, in submitting the accompanying bid:

_____ (Bid Number and Description)

in response to the invitation for the bid made by:

City Of Ekurhuleni

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;

BIDDER:
Initial: Authorized Signatory/ies 1).....

EMM:
Initial: EMM.....

2).....

Witness:

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.

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.**

7. In particular, without limiting the generality of paragraphs 6 above, there has been no consultation, communication, agreement or arrangement with any competitor regarding:
 - (a) prices;
 - (b) geographical area where product or service will be rendered (market allocation)
 - (c) methods, factors or formulas used to calculate prices;
 - (d) the intention or decision to submit or not to submit, a bid;
 - (e) the submission of a bid which does not meet the specifications and conditions of the bid; or
 - (f) bidding with the intention not to win the bid.
8. In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications and conditions or delivery particulars of the products or services to which this bid invitation relates.
9. The terms of the accompanying bid have not been, and will not be, disclosed by the bidder, directly or indirectly, to any competitor, prior to the date and time of the official bid opening or of the awarding of the contract.
10. I am aware that, in addition and without prejudice to any other remedy provided to combat any restrictive practices related to bids and contracts, bids that are suspicious will be reported to the Competition Commission for investigation and possible imposition of administrative penalties in terms of section 59 of the Competition Act No. 89 of 1998 and or may be reported to the National Prosecuting Authority (NPA) for criminal investigation and or may be restricted from conducting business with the public sector for a period not exceeding ten (10) years in terms of the Prevention and Combating of Corrupt Activities Act No. 12 of 2004 or any other applicable legislation.

Signature	Date
Full Names of Person Representing Company	Position in Company

BIDDER:
Initial: Authorized Signatory/ies 1).....
 2).....

EMM:
Initial: EMM.....

Witness:

ANNEXURE "B"
CITY OF EKURHULENI

QUOTATION PROCUREMENT FORM

ADJUDICATION OF BIDS

Bids are adjudicated in terms of the City of Ekurhuleni Supply Chain Management Policy, and the following framework is provided as a guideline in this regard.

1. Technical adjudication and General Criteria
Bids will be adjudicated in terms of inter alia:

- Compliance with bid conditions
- Technical specifications

If the bid does not comply with the bid conditions or technical specifications, the bid shall be rejected.

2. Infrastructure. Evaluation of the following in terms of the available buildings/ offices and physical location of the bidder.

3. Plant and Equipment. Evaluation of the following in terms of the size, nature and complexity of goods and/or services required:

- Physical facilities
- Plant and equipment available for the contract owned by the bidder
- Plant and equipment the bidder intends renting, should the contract be awarded to him.

4. Size of enterprise, and current workload

Evaluation of the bid's position in terms of:

- Previous and expected current annual turnover
- Current contractual obligations
- Capacity to execute the contract

Financial ability to execute the contract

Evaluation of the bid's financial ability to execute the contract. Emphasis will be placed on the following:

1. Surety proposed
2. Estimate cash flow
3. Contact the bid's bank manager to assess the bidder's financial ability to execute the contract and the bidder hereby grants his consent for this purpose.

5. Staffing profile

Evaluation of the bid's position in terms of:

- Staff available for this contract being bid for
- Qualifications and experience of key staff to be utilised on this contract.

BIDDER:
Initial: Authorized Signatory/ies 1).....

EMM:
Initial: EMM.....

2).....

Witness:

6. Previous experience

Evaluation of the bid's position in terms of his previous experience. Emphasis will be placed on the following:

- Experience in the relevant technical field
- Experience of contracts of similar size
- Some or all of the references will be contacted to obtain their input.

7. Good standing with SA Revenue Service

Establish whether a valid original tax clearance certificate or copy thereof has been submitted with the Bid document on closing date of the bid. If no such Certificate or copy thereof has been submitted, the bid must be rejected. If a valid original tax clearance certificate has not been submitted, the bidder must be requested in writing and in the standard format approved by the Executive Director: Legal & Administration, to submit a valid original tax clearance certificate by a specific date and at a specific venue.

If the bid does not meet the requirements contained in the City of Ekurhuleni Supply Chain Management Policy, and the mentioned framework, it shall be rejected by the Municipality, and may not subsequently be made acceptable by correction or withdrawal of the non-conforming deviation or reservation.

8. Total Bid Adjudication Points

The total number of bid adjudication points awarded, is the sum of:

Bid price points + meeting specific goals points (not to exceed 100)

9. Penalties

The City Manager must act in terms of paragraph 15 of the Preferential Procurement Policy Regulations 2001, as published on 10 August 2001, against the person awarded the contract upon detecting that a preference in terms of the Preferential Procurement Policy has been obtained on a fraudulent basis, or any specified goals are not attained in the performance of the contract.

Regulation 15 of the Preferential Procurement Policy provides as follows:

"15 (1) An organ of state must, upon detecting that a preference in terms of the Act and these regulations has been obtained on a fraudulent basis, or any specified goals are not attained in the performance of the contract, act against the person awarded the contract.

(3) An organ of state may, in addition to any other remedy it may have against the person contemplated in sub-regulations (1) –

- (a) recover all costs, losses or damages it has incurred or suffered as a result of that person's conduct;
- (b) 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;
- (c) impose a financial penalty more severe than the theoretical financial preference associated with the claim which was made in the tender; and
- (d) restrict the contractor, its shareholders and directors from obtaining business from any organ of state for a period not exceeding 10 years.

BIDDER:
Initial: Authorized Signatory/ies 1).....

EMM:
Initial: EMM.....

2).....

Witness:

DECLARATION

I, the undersigned hereby confirm that the information herein is a true reflection of the facts presented, and the person signing this document on behalf of the bidder duly authorised to do so. Should this not be the fact, stipulations regarding this as contained in the City of Ekurhuleni Policy applies. I accept that the City of Ekurhuleni may act against me in terms of paragraph 23 of the general conditions of contract should this declaration prove to be false.

Signing of the quotation in the appropriate spaces, as well as the initialling any amendments by the bidder mandatory.

DR I MASHAZI
CITY MANAGER
CITY OF EKURHULENI

SIGNATURE OF BIDDER

PLEASE REMEMBER:

- IN THE CASE OF A JOINT VENTURE, THE VALID ORIGINAL TAX CLEARANCE CERTIFICATE OR COPY/IES THEREOF, OF EACH PARTNER, MUST BE SUBMITTED WITH THE BID DOCUMENT
- IN THE CASE OF A JOINT VENTURE, COPIES OF MUNICIPAL ACCOUNTS NOT OLDER THAN THREE (03) MONTHS OF EACH PARTNER, MUST BE SUBMITTED WITH THE BID DOCUMENT
- VALID TAX CLEARANCE CERTIFICATE
- BBBEE CERTIFICATE/ ORIGINAL CERTIFIED AFFIDAVIT
- ANY OTHER DOCUMENTS AS MAY BE REQUIRED FROM THE QUOTATION

ATTACH ALL REQUIRED DOCUMENTS TO THE LAST PAGE OF YOUR BID DOCUMENT

BIDDER:
Initial: Authorized Signatory/ies 1).....

EMM:
Initial: EMM.....

26

2).....

Witness:

Statistics page to be inserted in landscape

Full Names & Surname	Identity Number	Members or Directors Tax Reference	HDI %	Male %	Female %	Disabled %	Youth %	City of Ekurhuleni Based	
								Y	N

BIDDER:
Initial: Authorized Signatory/ies 1).....

EMM:
Initial: EMM.....

2).....
Witness: