

Sedibeng District Municipality



BID DOCUMENT

Tender No.	8/2/3/2-2022 (Re – Advert)
Closing Date and Time	Monday, 29 May 2023@12H00
Description	Proposals for procurement of a service provider to perform a V.A.T. Review, Audit & Recovery for the Sedibeng District Municipality
Contractor / Bidder	
Bid amount	R
Physical address	
Contact person	
Telephone no.	
Fax no.	
Cell no.	
Email address	
Central Supplier Database No.	

CONDITIONS OF TENDER

1. The prospective bidder's attention is drawn to the following list of forms, attached to this document and other documents that **shall** be completed and submitted with his/her bid documents:
 - a) Tender Form
 - b) Form of Offer
 - c) Declaration of interest
 - d) Certificate of independent Bid Determination
 - e) Bidders are requested to submit their Tax Clearance Pin provided by SARS to verify that the Tax Matters are in order.
 - f) A current account or proof that utilities account (municipal rates and taxes, water and lights account) of the bidder is up to date. (Not in arrears for more than 3 months).
 - g) Proof of registration for VAT (if applicable).
 - h) Valid B-BBEE Certificate Certified copy
 - i) Central Supplier Database (CSD) Registration Number.

In terms of Section 112 (1)I of the Local Government Municipal Finance Management Act, (Act 56 of 2003), persons who were convicted of fraud or corruption or who willfully neglected, reneged on or failed to comply with a government tender during the past 5 years, or whose tax matters are not cleared by the South African Revenue Services may not participate in the tendering process and the Tenderer shall submit a sworn statement to this effect.

2. **The official tender form shall be completed in BLACK ink and any corrections to the official tender form must also be made in BLACK ink and signed by the bidder. Any tender documents received with correction fluid (Tippex) corrections shall be disqualified.**
3. Bids shall be sealed and endorsed (with bid number and bid description) and must be deposited at Sedibeng District Municipality's tender box (Ground Floor, outside the main building).
4. Sedibeng District Municipality's Supply Chain Management Policy shall apply.
5. Late, Telexed, faxed or emailed tenders will not be accepted.
6. The Council does not bind itself to accept the lowest or any tender and reserves the right to accept any tender in whole or in part.
7. Persons in the service of the state are not allowed to bid.
8. In the event that you are awarded a tender the strict compliance with terms have to observed and in so doing within a period (3 days) (*after an order is issued) a confirmation letter must be forwarded by you in terms of which you need to indicate whether or not you will be in a position to source the items per the tender and deliver same by the due date.
9. In the event that you do not furnish us with the said letter as requested and fail to comply as per the tender

the Sedibeng District Municipality reserves in terms of rights to cancel this tender automatically after 3 days on the basis of your non-compliance and furthermore should you fail to deliver said goods which may necessitate the allocation of a new supplier the Sedibeng District Municipality may impose any further penalty or charges against you.

10. **In the case where all MBD Documents are not completely filled and returned, your quotation will be disqualified.**
11. **The 80/20 Preferential Procurement System will be used to evaluate all the Formal Written Quotations.**
12. Bidders must ensure that, the company status is “**in business**” with the **Company and Intellectual Property Commission (CIPC)**.
13. Bidders who are not registered on the Central Supplier Database are requested to contact National Treasury at csd@treasury.gov.za or 012 406 9222 for any assistance.
14. Exempted Micro Enterprises can submit a letter from the accounting officer; and
15. A trust, consortium or joint venture must submit a consolidated B-BBEE Status Level Verification.
16. CA (SA)/Professional Accountant and Business Accountant qualification and must be registered Tax Practitioner (e.g. SAIT, IRBA / SAICA or any other recognized professional Accounting Body) for Project Manager.

Sedibeng District Municipality
RFQ Number: 8/2/3/2-2022

DOCUMENT	
INVITATION TO BID	MBD 1
CLEARANCE CERTIFICATE FOR WATER & LIGHTS	
TERMS OF REFERENCE/SPECIFICATIONS	
PRICING SCHEDULE (Professional Services)	MBD 3.3
DECLARATION OF INTEREST	MBD 4
PREFERENCE POINTS CLAIM FORM	MBD 6.1
CONTRACT FORM – PURCHASE OF GOODS	MBD 7
DECLARATION OF BIDDER’S PAST SUPPLY CHAIN MANAGEMENT PRACTICES	MBD 8
CERTIFICATE OF INDEPENDENT BID DETERMINATION	MBD 9
FORM OF OFFER AND ACCEPTANCE	
CREDIT ORDER INSTRUCTION	

**PART A
INVITATION TO BID**

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE SEDIBENG DISTRICT MUNICIPALITY

BID NUMBER:	8/2/3/2-2022	CLOSING DATE:	Monday, 29 May 2023	CLOSING TIME:	12:00AM
DESCRIPTION	Proposals For Procurement Of A Service Provider To Perform A V.A.T. Review, Audit & Recovery.				

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

**MUNICIPAL BUILDING
GROUND FLOOR
CORNER BEACONSFIELD AND LESLIE
VEREENIGING**

SUPPLIER INFORMATION

NAME OF BIDDER					
POSTAL ADDRESS					
STREET ADDRESS					
TELEPHONE NUMBER	CODE		NUMBER		
CELLPHONE NUMBER					
FACSIMILE NUMBER	CODE		NUMBER		
E-MAIL ADDRESS					
TAX COMPLIANCE STATUS	TCS PIN:		CSD No:		
B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE [TICK APPLICABLE BOX]	<input type="checkbox"/> Yes <input type="checkbox"/> No		B-BBEE STATUS LEVEL SWORN AFFIDAVIT	<input type="checkbox"/> Yes <input type="checkbox"/> No	

[AN ORIGINAL B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE/ SWORN AFFIDAVIT (FOR EMES & QSEs) MUST BE SUBMITTED IN ORDER TO QUALIFY FOR PREFERENCE POINTS FOR B-

Proposals For Procurement Of A Service Provider To Perform A V.A.T. Review, Audit & Recovery.

Bid No.:8/2/3/2-2022 (Re-advert)

Initial here

BBEE

ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES /WORKS OFFERED?	<input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES ENCLOSE PROOF]	ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES /WORKS OFFERED?	<input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES, ANSWER PART B:3]
TOTAL NUMBER OF ITEMS OFFERED		TOTAL BID PRICE	R
SIGNATURE OF BIDDER	.....	DATE	
CAPACITY UNDER WHICH THIS BID IS SIGNED			
BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO:		TECHNICAL INFORMATION MAY BE DIRECTED TO:	
DEPARTMENT	Supply Chain Management	DEPARTMENT	FINANCE
CONTACT PERSON	Ms. Madikgomo Ramonana/ Mr. Mohato Madibo	CONTACT PERSON	Mr. Charles Steyn/ Mrs. Lerato Tabane
TELEPHONE NUMBER		TELEPHONE NUMBER	066 472 7150
E-MAIL ADDRESS	madikgomor@sedibeng.gov.za mohatom@sedibeng.gov.za	E-MAIL ADDRESS	charless@sedibeng.gov.za leratot@sedibeng.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 PROCUREMENT POLICY FRAMEWORK ACT AND THE PREFERENTIAL PROCUREMENT REGULATIONS, 2017, THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER SPECIAL CONDITIONS OF CONTRACT.

2. TAX COMPLIANCE REQUIREMENTS

- 2.1 BIDDERS MUST ENSURE COMPLIANCE WITH THEIR TAX OBLIGATIONS.
- 2.2 BIDDERS ARE REQUIRED TO SUBMIT THEIR UNIQUE PERSONAL IDENTIFICATION NUMBER (PIN) ISSUED BY SARS TO ENABLE THE ORGAN OF STATE TO VIEW THE TAXPAYER’S PROFILE AND TAX STATUS.
- 2.3 APPLICATION FOR THE TAX COMPLIANCE STATUS (TCS) CERTIFICATE OR PIN MAY ALSO BE MADE VIA E-FILING. IN ORDER TO USE THIS PROVISION, TAXPAYERS WILL NEED TO REGISTER WITH SARS AS E-FILERS THROUGH THE WEBSITE WWW.SARS.GOV.ZA.
- 2.4 FOREIGN SUPPLIERS MUST COMPLETE THE PRE-AWARD QUESTIONNAIRE IN PART B: 3.
- 2.5 BIDDERS MAY ALSO SUBMIT A PRINTED TCS CERTIFICATE TOGETHER WITH THE BID.
- 2.6 IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED, EACH PARTY MUST SUBMIT A SEPARATE TCS CERTIFICATE / PIN / CSD NUMBER.
- 2.7 WHERE NO TCS IS AVAILABLE BUT THE BIDDER IS REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD), A CSD NUMBER MUST BE PROVIDED.

3. QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS

- 3.1. IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)? YES NO
- 3.2. DOES THE ENTITY HAVE A BRANCH IN THE RSA? YES NO
- 3.3. DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA? YES NO
- 3.4. DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA? YES NO
- 3.5. IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION? YES NO

IF THE ANSWER IS “NO” TO ALL OF THE ABOVE, THEN IT IS NOT A REQUIREMENT TO REGISTER FOR A TAX COMPLIANCE STATUS SYSTEM PIN CODE FROM THE SOUTH AFRICAN REVENUE SERVICE (SARS) AND IF NOT REGISTER AS PER 2.3 ABOVE.

NB: FAILURE TO PROVIDE ANY OF THE ABOVE PARTICULARS MAY RENDER THE BID INVALID.

NO BIDS WILL BE CONSIDERED FROM PERSONS IN THE SERVICE OF THE STATE

SIGNATURE OF BIDDER:

CAPACITY UNDER WHICH THIS BID IS SIGNED:

DATE:.....

ATTACH SARS TAX CLEARANCE CERTIFICATE/PIN HERE

MIBD2:
DISCONTINUED
MIFMA CIRCULAR
NO.90



DEPARTMENT: SUPPLY CHAIN MANAGEMENT

Sedibeng District Municipality
P.O. Box 471
Vereeniging, 1930
Republic of South Africa
Tel: +27 16 450 3110
Fax: +27 86 682 9820

CLEARANCE CERTIFICATE FOR WATER & LIGHTS

Section 38 (d) (i) of Municipal Supply Chain Regulations requires that the municipality must reject a bidder whose municipal rates and taxes are in arrears for more than three months.

The purpose of this form is to obtain prove that municipal services, rates and taxes of the service provider are not more than three months in arrears with the relevant municipality / landlord in the municipal area where the service provider conduct his / her business. **This form is to be completed only if the service provider's rates and taxes are not in arrears for more than three months.**

EACH BIDDER MUST COMPLETE THE BELOW CHECKLIST (Please tick with X where appropriate):

QUESTIONS	YES	NO
1. Is your municipal rates and taxes account up to date/current (not in arrears for more than three months)?		
2. If yes, please submit proof in the form of the original or certified copy of the bidder's municipal rates and taxes account.		
3. Does the bidder lease/rent the property where the business is situated?		
4. If yes provide the contact name and contact number of the lessor/landlord:		
Contact Name:	Contact Number:	
5. Please attach the copy of the lease agreement signed by the Landlord/ lessor and the tenant/lessee as proof.		

I (FULL NAMES), _____ OF (PHYSICAL
ADDRESS) _____ being a Director / principal shareholder, owner
of company¹ (COMPANY NAME):

Hereby confirms that, the information submitted in this form is accurate, to the best of my knowledge.

Signature

NB: IF YOU FAIL TO COMPLETE THIS FORM, PLEASE REGARD YOUR BID AS NON RESPONSIVE!

ATTACH UTILITIES ACCOUNT HERE



Proposals For Procurement of a Service Provider to Perform V.A.T. Review, Audit & Recovery.

Bid No.:8/2/3/2-2022 (Re – Advert)

TERMS OF REFERENCE FOR THE PROCUREMENT OF A SERVICE PROVIDER TO PERFORM A V.A.T. REVIEW, AUDIT & RECOVERY BID NO: 8/2/3/2-2022 (RE – ADVERT)

CLUSTER : FINANCE
DESCRIPTION: FINANCIAL MANAGEMENT

PURPOSE

This report purports to outline the terms of reference for the appointment of a professional service provider perform a Value Added Tax (VAT) Compliance and Recovery Review and Audit for Sedibeng District Municipality.

BACKGROUND

In keeping with the required outcome of the Finance cluster as per the SDBIP “Improve the financial management and performance of the municipality” the end-user department of Financial Management & Budgets calls for the services of a professional service provider to perform a review and audit of the municipality’s VAT compliance, and where applicable, to make application for recovery from South African revenue Services (SARS).

CONTRACT OBJECTIVES, ASSUMPTIONS AND RISKS

Service providers with the capacity, technical knowledge and experience shall be invited to provide a proposal for VAT Review, Audit and Recovery for Sedibeng District Municipality.

SDM shall require a Value Added Tax (VAT) Compliance and Recovery Audit review, the purpose of which will be:

- Providing assurance that VAT is appropriately treated and ensuring compliance with the VAT Act and any potential areas of risk are identified.
- Review the accounting transactions to identify over payment of output tax and under claiming of input tax to the South African Revenue Service (“SARS”).
- Review prior VAT recovery exercises for compliance and accuracy.
- Identification of areas where savings of VAT can be achieved, both with respect to past and future tax periods.
- An evaluation of the policies and procedures having a potential influence on VAT.
- Recommend any corrective measures.

TRANSFERRING OF KNOWLEDGE

Where a need for VAT training is identified on the recovery areas secured, the service provider will provide such training to the relevant employees. Training will be in the form of “on the job” transfer of knowledge and if both parties agree, a presentation to relevant employees on the relevant VAT issues relating to the findings of this assignment. Further, the service provider will offer guidance on obtaining similar recoveries in future.

A VAT manual which details the specific operational areas relevant to SDM and explains the VAT treatment of the relevant transactions concluded in such operational areas shall be prepared for knowledge continuity purposes.

SCOPE OF THE WORK

Deliverables:

The service provider shall be tasked with the following scope of work:

- a) The service provider has to indicate how it envisages to accomplish VAT saving opportunities;
- b) Provide period(s) to be covered by the review and the reason for such period;
- c) Demonstrate the understanding of the Value Added Tax Legislation relating to the Municipalities;
- d) Demonstrate the knowledge and experience of South African Revenue Service (SARS) processes, particularly with the large businesses and/or large municipalities.
- e) Demonstrate how post review audits by SARS audits and other audits will be managed.
- f) Demonstrate how the service provider is going to transfer knowledge and skills to the current personnel of the Municipality who deal with VAT matters.

EXPECTED OUTPUTS AND OUTCOMES

As part of the review the following (but not limited to) must be addressed:

General Issues

- Documenting and understanding the VAT accounting system in place. Understand the business process of recording VAT transactions.
- A review of VAT apportionment rate applied.
- A review of the divisions’ chart of accounts to identify key accounts that may have significant VAT implications.
- Liaising with the local SARS office with respect to the recovery of VAT claims.
- Attending to and resolving any queries raised by SARS on behalf of SDM.

Output tax

- An identification of the various income streams and appropriate VAT treatment thereof.
- A review of sundry income accounts and an evaluation of the VAT treatment thereof.

Input tax

- An evaluation of the policies and procedures in place to identify and claim input tax correctly.
- Limited walk-through tests to ensure correct recording of transactions.
- A review of a sample of invoices for compliance with the VAT legislation.
- A detailed review of input VAT reflected on one month’s VAT return, including obtaining copies of supporting documentation and review thereof.

- A review of the VAT treatment of known problem areas in VAT

The above procedures will be undertaken by holding discussions with management and the personnel responsible for the VAT accounting function in order to obtain an understanding of the business and its processes.

Identifying indirect tax recoveries

The service provider must offer their expertise and knowledge of the South African VAT legislation and its application with the view of identifying potential business where recoveries can be secured.

The objective is to identify recovery opportunities that could take any of the following forms:

- Increased VAT (input tax) deductions;
- Reduced VAT (output tax) payments;
- Refunds of interest and penalties previously paid or payable to SARS.

Implementing corrective measures

Where recovery opportunities are identified, the service provider will quantify the amounts and provide SDM with the required information in order to submit a claim to SARS. In this respect, SDM will be assisted in completing and submitting the refund application(s). Thereafter, the service provider will liaise with SARS on behalf of SDM and provide them with all required information in order to enable SARS to accept and pay the claim(s). Further, the service provider will facilitate any audit which SARS may wish to perform on any VAT refund figures as well as negotiating on any technical issues arising from the claims.

All documents are to be delivered in both electronic and hard copy to the municipality.

Methodology and structure of proposals

You should structure your proposal against the following (but not limited to) headings:

- Project approach
- Fee structure
- specialist knowledge, skills and experience
- capacity and capability
- categories of work
- quality assurance
- membership

Evidence will need to be provided in response to the following:

1. Project Approach

Detailed and comprehensive approach to the project supported by a detail project plan highlighting project milestones and all-inclusive fee structure.

2. Fee Structure

Please refer to the section entitled BUDGET detailed below in this tender specification.

3. Specialist Knowledge, Skills and Experience

A summary of your pedigree within, and understanding of:

- the local government sector in South Africa;

and/or

- parallel market sectors (within the public sector or beyond) where the knowledge and skills gained could be considered to be both relevant and transferable.

4. *Capacity and Capability*

- a demonstrable track record in successfully executing similar work to that described within this specification;
- should provide details of previous/existing clients and contracts;
- if you have been engaged by SDM in a similar capacity previously, please supply details. This could include being contracted directly to SDM or any of the Local Municipalities within the district.

5. *Categories of Work*

Please refer to the deliverables of work detailed earlier in this tender specification.

6. *Quality Assurance*

- how the project will be managed to embed best practice in quality assurance;
- details of quality control systems.

7. *Membership*

- Membership of relevant professional / industry bodies. (CA (SA)/Professional Accountant and Business Accountant qualification and must be registered Tax Practitioner (e.g. SAIT or any other recognized professional Accounting Body) for Project Manager.

EVALUATION CRITERIA

The functionality soundness of the proposals will be tested for compliance with the specifications against the following three criteria prior to being evaluated on price and equity. Proposals scoring below a minimum threshold of 60% on the functionality criteria will be found to be non-responsive in terms of the specifications and will not be evaluated further.

Criteria	Weighting
1. Bidder's understanding of the brief.	30%
Compliance with bid/ technical conditions (Scope of work)	
a. Deliverable (a)	5%
b. Deliverable (b)	5%
c. Deliverable (c)	5%
d. Deliverable (d)	5%
e. Deliverable (e)	5%
f. Deliverable (f)	5%
2. Proposed methodology, completeness and clarity of proposal.	30%
2.1 Costings based on set percentage of the monies (if any) recovered from SARS	9%
2.2 Project activity plan	9%
2.3 Meticulousness and thoroughness of proposal structure(Scope of work)	12%
a. Deliverable (a)	2%
b. Deliverable (b)	2%
c. Deliverable (c)	2%
d. Deliverable (d)	2%
e. Deliverable (e)	2%
f. Deliverable (f)	2%
3. Experience and expertise demonstrated	40%
3.1 Number of years relevant experience	20%
3.2 Number of contracts of similar nature	20%
TOTAL	100%
<i>(minimum functionality score for responsiveness) = 60%</i>	

Where experience and expertise demonstrated will be determined as follows:-

Number of years relevant experience in successfully performing similar service within local government	0 yrs	< 3yrs	3 < 5yrs	5 < 10yrs	+ 10 yrs
	0%	5%	10%	15%	20%
Number of contracts of similar service within local government successfully completed	0 contracts	<3 contracts	3 < 5 contracts	5 < 10 contracts	+10 contracts
	0%	5%	10%	15%	20%

BID EVALUATION

The bid will be based on Point System 80:20 point system.

1ST STAGE	FUNCTIONALITY TOTAL SCORE : 100%
	THRESHOLD (MINIMUM SCORE REQUIRED = 70%)

2nd stage		POINTS
PRICE		80
SPECIFIC GOALS		20
Youth	4 points (100%) 2 Points (50%) 1 points (25%)	
<i>Disability (medical certificate needed)</i>	4 points (100%) 2 Points (50%) 1 points (25%)	
Locality/township	4 points (100%) 2 Points (50%) 1 points (25%)	
Women	4 points (100%) 2 Points (50%) 1 points (25%)	
% Black owned	4 points (100%) 2 Points (50%) 1 points (25%)	
Total points for Price and SPECIFIC GOALS			100

Please Note:
The service provider to provide a comprehensive and traceable reference list with up-to-date contact information to bear evidence to the experience and expertise cited.

This matrix is to be used as a guide only to ensure a consistent approach is taken when scoring. Technical Evaluators will have the scope to use their own judgment and discretion when awarding scores under each evaluation criterion and they should make appropriate notes to validate all scores awarded.

Score of 5: (EXCELLENT) A score of 5 will indicate that bidders have addressed all, or the vast majority of, points under each criterion, as well as demonstrating a deep understanding of the project. All solutions offered are linked directly to project requirements and show how they will be delivered and the impact that they will have on other areas and stakeholders. Proposals will contain novel or creative ideas which are realistic and which would enhance the service provision. To be awarded a score of 5, bids would exceed normal expectations and should clearly be seen as offering value added solutions.

Score of 4: (VERY GOOD) A score of 4 will reflect that bidders will have addressed in some detail all, or the majority of, the points listed under each criterion. Evidence will have been provided to show not only what will be provided but will give some detail on how this will be achieved. Bidders should make clear how their proposals relate directly to the aims of the project and be specific, rather than general, in the way proposed solutions will deliver the desired outcomes.

Score of 3: (FAIR) A score of 3 will again address the majority of the points under each criterion but will lack some clarity or detail in how the proposed solutions will be achieved. Evidence provided, while giving generic or general

statements, is not specifically directed toward the aims and objectives of this project. Any significant omission of key information as identified under each criterion will point towards a score of 3.

Score between 1 and 2: (POOR to AVERAGE) A score in this range will reflect that the bidder has not provided evidence to suggest how they will address a number of points under the evaluation criterion. Tenders will in parts be sketchy with little or no detail given on how they will meet project requirements. Evidence provided is considered weak or inappropriate and it is unclear how it relates to desired outcomes.

Score of 0: (VERY POOR) A score of 0 will result if no response is given or if the response is not acceptable and does not cover the required criteria.

REPORTING

The service provider shall report periodically to the Director: Financial Management & Budgets on progress.

A report and schedule, which sets out findings on the compliance review and the recovery areas identified, will be issued. Any areas of exposure identified during this assignment, shall be listed in the report.

Specific findings will be regarded as confidential and details relating to SDM will not be disclosed to any person outside of the organisation.

Should it be necessary to obtain a directive from SARS to confirm interpretation of the legislation in respect of the issues giving rise to the VAT recoveries, the service provider will liaise with the SARS office where necessary and undertake not to reveal SDM's identity without its prior consent.

MONITORING AND EVALUATION

For the purpose of monitoring and contract management, the service provider shall report project status inclusive of deliverables and milestones on a periodic basis. It will be required that milestone achievement progress be reported to the Director: Financial Management & Budgets.

BUDGET

The review shall be conducted on a success basis and the service provider's fee shall be calculated at an agreed upon percentage of the monies (if any) recovered from SARS. Should there be no recoverable amounts secured, SDM shall not be liable to pay a fee.

Fees will become payable on the issue of an invoice as well as the realization of recoveries. In this respect, "realized" has the meaning of a VAT refund accepted **and** paid by SARS respectively or an offset allowed by SARS against any tax liabilities.

"Recoveries: will be quantified as:

- Additional input tax deductions or any other VAT deductions not utilized, identified and recovered as a result of this assignment; and
- Output tax incorrectly paid to SARS, identified and recovered, to the extent that the output tax does not have to be refunded to a third party.

The amount of recoveries will not be reduced by any additional output tax that may be payable to SARS as a result of areas of risk that are identified during this assignment, nor will any input tax over-claimed be brought into the computation of "recoveries".

SCHEDULE OF THE ASSIGNMENT

This assignment does not constitute an audit and therefore the timing of the assignment is flexible and can be planned to suit the requirements of SDM and its personnel, within a reasonable time frame. Once an agreement has been reached on the terms of the assignment, the timing of the actual execution of the relevant procedures can be agreed upon.

INTELLECTUAL PROPERTY

Sedibeng District Municipality shall reserve the right to retain all rights to the intellectual property and copyrights of the documents inclusive of working papers and frameworks. The work will be prepared solely for the use of SDM. It is not intended for the use by any other parties and may not be relied upon by any other party. SDM will not accept any liability for any unauthorised use of the work resulting from this engagement.

MINIMUM REQUIREMENTS

- Up to date utilities account e.g. Municipal Rates & Taxes account or A Valid Lease Agreement (Please note that if the Water and Lights statement is not in the company's name, kindly submit a lease agreement between the company and the landlord)
- Registered on Central Database (CSD)
- Tax compliance status pin (to enable the municipality to verify the bidders tax compliance status)
- CA (SA) Professional Accountant and Business Accountant qualification, Accreditation with IRBA / SAICA and must be registered as Tax Practitioner for the Project Manager.

ENQUIRIES

All enquiries, information or clarity on the project/s to be made in writing by bidders to:

Technical Enquiries:

Name: Mr. Charles Steyn (Acting Chief Financial Officer)

Contact Number: 082 902 0626

Email Address: charless@sedibeng.gov.za

And

Mrs. Lerato Tabane

Contact Number: 079 465 5545

Email Address: leratot@sedibeng.gov.za

Procurement Enquiries: Ms Madikgomo Ramonana (madikgomor@sedibeng.gov.za)

And

Mr Mohato Madibo (mohatom@sedibeng.gov.za)

**PRICING SCHEDULE
(Professional Services)**

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

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

ITEM CURRENCY NO INCLUDED)	DESCRIPTION	BID PRICE IN RSA **(ALL APPLICABLE TAXES
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1. The accompanying information must be used for the formulation of proposals.
2. Bidders are required to indicate a ceiling price based on the total estimated time for completion of all phases and including all expenses inclusive of all applicable taxes for the project. R.....

**3. PERSONS WHO WILL BE INVOLVED IN THE PROJECT AND RATES APPLICABLE
(CERTIFIED INVOICES MUST BE RENDERED IN TERMS HEREOF)**

4. PERSON AND POSITION HOURLY RATE DAILY RATE

	R-----

5. PHASES ACCORDING TO WHICH THE PROJECT WILL BE COMPLETED, COST PER PHASE AND MAN-DAYS TO BE SPENT

	R-----days
	R-----days
	R----- days
	R----- days

5.1 Travel expenses (specify, for example rate/km and total km, class of airtravel, etc). Only actual costs are recoverable. Proof of the expenses incurred must accompany certified invoices.

DESCRIPTION OF EXPENSE TO BE INCURRED RATE QUANTITY AMOUNT

-----	.....	.....	R.....
-----	.....	.....	R.....
-----	.....	.....	R.....
-----	.....	.....	R.....

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

5.2 Other expenses, for example accommodation (specify, eg. Three star hotel, bed and breakfast, telephone cost, reproduction cost, etc.). On basis of these particulars, certified invoices will be checked for correctness. Proof of the expenses must accompany invoices.

DESCRIPTION OF EXPENSE TO BE INCURRED RATE QUANTITY AMOUNT

-----	.....	.....	R.....
-----	.....	.....	R.....
-----	.....	.....	R.....
-----	.....	.....	R.....

TOTAL: R.....

6. Period required for commencement with project after acceptance of bid

.....

7. Estimated man-days for completion of project

8. Are the rates quoted firm for the full period of contract?*YES/NO.

9. If not firm for the full period, provide details of the basis on which adjustments will be applied for, for example consumer price index.....

.....

***Delete if not applicable**

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 positioning relation to the evaluating/adjudicating authority.
3. **In order to give effect to the above, the following questionnaire must be completed and submitted with the bid.**

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

3.2 Identity Number:

3.3 Position occupied in the Company (director, trustee, hareholder²):.....

3.4 Company Registration Number:

3.5 Tax Reference Number:.....

3.6 VAT Registration Number:

3.7 The names of all directors / trustees / shareholder 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?

Please ✓ one option:			
YES		NO	

3.8.1 If yes, furnish particulars.

¹MSCM Regulations: “in the service of the state” means to be –

- (a) a member of –
 - (i) any municipal council;
 - (ii) any provincial legislature; or
 - (iii) the national Assembly or the national Council of provinces;
- (b) a member of the board of directors of any municipal entity;
- (c) an official of any municipality or municipal entity;
- (d) an employee of any national or provincial department, national or provincial public entity or constitutional institution within the meaning of the Public Finance Management Act, 1999 (Act No.1 of 1999);
- (e) a member of the accounting authority of any national or provincial public entity; or
- (f) An employee of Parliament or a provincial legislature.

² Shareholder” means a person who owns shares in the company and is actively involved in the management of the company or business and exercises control over the company.

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

Please ✓ one option:			
YES		NO	

3.9.1 If yes, furnish particulars.....

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

Please ✓ one option:			
YES		NO	

3.10.1 If yes, furnish particulars.

.....
.....

3.11 Are you, aware of any relationship (family, friend, other) between any other bidder and any persons in the service of the state who may be involved with the evaluation and or adjudication of this bid?

Please ✓ one option:			
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?

Please ✓ one option:			
YES		NO	

3.12.1 If yes, furnish particulars.

.....
.....

3.13 Are any spouse, child or parent of the company's director's trustees, managers, principle shareholders or stakeholders in service of the state?

Please ✓ one option:			
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?

Please ✓ one option:			
YES		NO	

3.14.1 If yes, furnish particulars:

.....

5.1 Full details of directors / trustees / members / shareholders. **** THIS IS COMPULSORY****

Full Name	Identity Number	State Employee Number

.....
Signature

.....
Date

.....
Capacity

.....
Name of Bidder

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

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

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

1. GENERAL CONDITIONS

1.1 The following preference point systems are applicable to invitations to tender:

- the 80/20 system for requirements with a Rand value of up to R50 000 000 (all applicable taxes included); and
- the 90/10 system for requirements with a Rand value above R50 000 000 (all applicable taxes included).

1.2 To be completed by the organ of state

- a) The applicable preference point system for this tender is the 80/20 preference point system.
- b) The 80/20 preference point system will be applicable in this tender. The lowest/ highest acceptable tender will be used to determine the accurate system once tenders are received.

1.3 Points for this tender (even in the case of a tender for income-generating contracts) shall be awarded for:

- (a) Price; and
- (b) Specific Goals.

1.4 To be completed by the organ of state:

The maximum points for this tender are allocated as follows:

	POINTS
PRICE	80
SPECIFIC GOALS	20
Total points for Price and SPECIFIC GOALS	100

1.5 Failure on the part of a tenderer to submit proof or documentation required in terms of this tender to claim points for specific goals with the tender, will be interpreted to mean that preference points for specific goals are not claimed.

1.6 The organ of state reserves the right to require of a tenderer, either before a tender is adjudicated or at any time subsequently, to substantiate any claim in regard to preferences, in any manner required by the organ of state.

2. DEFINITIONS

- (a) “tender” means a written offer in the form determined by an organ of state in response to an invitation to provide

goods or services through price quotations, competitive tendering process or any other method envisaged in legislation;

- (b) “**price**” means an amount of money tendered for goods or services, and includes all applicable taxes less all unconditional discounts;
- (c) “**rand value**” means the total estimated value of a contract in Rand, calculated at the time of bid invitation, and includes all applicable taxes;
- (d) “**tender for income-generating contracts**” means a written offer in the form determined by an organ of state in response to an invitation for the origination of income-generating contracts through any method envisaged in legislation that will result in a legal agreement between the organ of state and a third party that produces revenue for the organ of state, and includes, but is not limited to, leasing and disposal of assets and concession contracts, excluding direct sales and disposal of assets through public auctions; and
- (e) “**the Act**” means the Preferential Procurement Policy Framework Act, 2000 (Act No. 5 of 2000).

3. FORMULAE FOR PROCUREMENT OF GOODS AND SERVICES

3.1. POINTS AWARDED FOR PRICE

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

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

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

Where

- Ps = Points scored for price of tender under consideration
- Pt = Price of tender under consideration
- Pmin = Price of lowest acceptable tender

3.2. FORMULAE FOR DISPOSAL OR LEASING OF STATE ASSETS AND INCOME GENERATING PROCUREMENT

3.2.1. POINTS AWARDED FOR PRICE

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

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

Where

- Ps = Points scored for price of tender under consideration
- Pt = Price of tender under consideration
- Pmax = Price of highest acceptable tender

4. POINTS AWARDED FOR SPECIFIC GOALS

- 4.1. In terms of Regulation 4(2); 5(2); 6(2) and 7(2) of the Preferential Procurement Regulations, preference points must be awarded for specific goals stated in the tender. For the purposes of this tender the tenderer will be allocated points

based on the goals stated in table 1 below as may be supported by proof/ documentation stated in the conditions of this tender:

4.2. In cases where organs of state intend to use Regulation 3(2) of the Regulations, which states that, if it is unclear whether the 80/20 or 90/10 preference point system applies, an organ of state must, in the tender documents, stipulate in the case of—

- (a) an invitation for tender for income-generating contracts, that either the 80/20 or 90/10 preference point system will apply and that the highest acceptable tender will be used to determine the applicable preference point system; or
- (b) any other invitation for tender, that either the 80/20 or 90/10 preference point system will apply and that the lowest acceptable tender will be used to determine the applicable preference point system,

then the organ of state must indicate the points allocated for specific goals for both the 90/10 and 80/20 preference point system.

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

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

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

The specific goals allocated points in terms of this tender	Number of points allocated (80/20 system) (To be completed by the organ of state)	Number of points claimed (80/20 system) (To be completed by the tenderer)
Youth	4 points (100%) 2 Points (50%) 1 points (25%)	
Disability (medical certificate needed)	4 points (100%) 2 Points (50%) 1 points (25%)	
Locality/township	4 points (100%) 2 Points (50%) 1 points (25%)	
Women	4 points (100%) 2 Points (50%) 1 points (25%)	
% Black owned	4 points (100%) 2 Points (50%) 1 points (25%)	

DECLARATION WITH REGARD TO COMPANY/FIRM

4.3. Name of company/firm.....

4.4. Company registration number:

4.5. TYPE OF COMPANY/ FIRM

- Partnership/Joint Venture / Consortium
- One-person business/sole propriety
- Close corporation
- Public Company
- Personal Liability Company
- (Pty) Limited
- Non-Profit Company
- State Owned Company

[TICK APPLICABLE BOX]

4.6. I, the undersigned, who is duly authorised to do so on behalf of the company/firm, certify that the points claimed, based on the specific goals as advised in the tender, qualifies the company/ firm for the preference(s) shown and I acknowledge that:

- i) The information furnished is true and correct;
- ii) The preference points claimed are in accordance with the General Conditions as indicated in paragraph 1 of this form;
- iii) In the event of a contract being awarded as a result of points claimed as shown in paragraphs 1.4 and 4.2, the contractor may be required to furnish documentary proof to the satisfaction of the organ of state that the claims are correct;
- iv) If the specific goals have been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the organ of state may, in addition to any other remedy it may have –
 - (a) disqualify the person from the tendering process;
 - (b) recover costs, losses or damages it has incurred or suffered as a result of that person’s conduct;
 - (c) cancel the contract and claim any damages which it has suffered as a result of having to make less favourable arrangements due to such cancellation;
 - (d) recommend that the tenderer or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, be restricted from obtaining business from any organ of state for a period not exceeding 10 years, after the *audi alteram partem* (hear the other side) rule has been applied; and
 - (e) forward the matter for criminal prosecution, if deemed necessary.

..... SIGNATURE(S) OF TENDERER(S)	
SURNAME AND NAME:	.....
DATE:	.....
ADDRESS:	.....

**ATTACH BBB-EE CERTIFICATE / SWORN AFFIDAVIT
HERE**

CONTRACT FORM - RENDERING OF SERVICES

THIS FORM MUST BE FILLED IN DUPLICATE BY BOTH THE SERVICE PROVIDER (PART 1) AND THE PURCHASER (PART 2). BOTH FORMS MUST BE SIGNED IN THE ORIGINAL SO THAT THE SERVICE PROVIDER AND THE PURCHASER WOULD BE IN POSSESSION OF ORIGINALLY SIGNED CONTRACTS FOR THEIR RESPECTIVE RECORDS.

PART 1 (TO BE FILLED IN BY THE SERVICE PROVIDER)

1. I hereby undertake to render services described in the attached bidding documents to (name of the institution **SEDIBENG DISTRICT MUNICIPALITY** in accordance with the requirements and task directives / proposals specifications stipulated in Bid Number **8/2/3/2-2022 (Re-advert)** at the price/s quoted. My offer/s remain binding upon me and open for acceptance by the Purchaser during the validity period indicated and calculated from the closing date of the bid.

2. The following documents shall be deemed to form and be read and construed as part of this agreement:
 - (i) Bidding documents, *viz*
 - Invitation to bid;
 - Tax clearance certificate;
 - Pricing schedule(s);
 - Filled in task directive/proposal;
 - Preference claims for Broad Based Black Economic Empowerment Status Level of Contribution in terms of the Preferential Procurement Regulations 2011;
 - Declaration of interest;
 - Declaration of Bidder's past SCM practices;
 - Certificate of Independent Bid Determination;
 - Special Conditions of Contract;
 - (ii) General Conditions of Contract; and
 - (iii) Other (specify)

3. I confirm that I have satisfied myself as to the correctness and validity of my bid; that the price(s) and rate(s) quoted cover all the services specified in the bidding documents; that the price(s) and rate(s) cover all my obligations and I accept that any mistakes regarding price(s) and rate(s) and calculations will be at my own risk.

4. I accept full responsibility for the proper execution and fulfilment of all obligations and conditions devolving on me under this agreement as the principal liable for the due fulfillment of this contract.

5. I declare that I have no participation in any collusive practices with any bidder or any other person regarding this or any other bid.

6. I confirm that I am duly authorised to sign this contract.

NAME (PRINT)

CAPACITY

SIGNATURE

NAME OF FIRM

DATE

WITNESSES	
1	.....
2	.....
-	---

CONTRACT FORM - RENDERING OF SERVICES

PART 2 (TO BE FILLED IN BY THE PURCHASER)

1. I..... in my capacity as..... accept your bid under reference number **8/2/3/2-2022 (Re-advert)** dated **Thursday, 13 April 2023** for the rendering of services indicated hereunder and/or further specified in the annexure(s).
2. An official order indicating service delivery instructions is forthcoming.
3. I undertake to make payment for the services rendered in accordance with the terms and conditions of the contract, within 30 (thirty) days after receipt of an invoice.

<i>DESCRIPTION OF SERVICE</i>	PRICE (ALL APPLICABLE TAXES INCLUDED)	COMPLETION DATE	B-BBEE STATUS LEVEL OF CONTRIBUTION	MINIMUM THRESHOLD FOR LOCAL PRODUCTION AND CONTENT (if applicable)

4. I confirm that I am duly authorised to sign this contract.

SIGNED AT ON

NAME (PRINT)

SIGNATURE

OFFICIAL STAMP

WITNESSES

1

2

— — —

DECLARATION OF BIDDER’S PAST SUPPLY CHAIN MANAGEMENT PRACTICES

- 1 This Municipal Bidding Document must form part of all bids invited.
- 2 It serves as a declaration to be used by municipalities and municipal entities in ensuring that when goods and services are being procured, all reasonable steps are taken to combat the abuse of the supply chain management system.
- 3 The bid of any bidder may be rejected if that bidder, or any of its directors have:
 - a. abused the municipality’s / municipal entity’s supply chain management system or committed any improper conduct in relation to such system;
 - b. been convicted for fraud or corruption during the past five years;
 - c. willfully neglected, reneged on or failed to comply with any government, municipal or other public sector contract during the past five years; or
 - d. been listed in the Register for Tender Defaulters in terms of section 29 of the Prevention and Combating of Corrupt Activities Act (No 12 of 2004).
- 4 **In order to give effect to the above, the following questionnaire must be completed and submitted with the bid.**

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

4.3.1	If so, furnish particulars:		
Item	Question	Yes	No
4.4	Does the bidder or any of its directors owe any municipal rates and taxes or municipal charges to the municipality / municipal entity, or to any other municipality / municipal entity, that is in arrears for more than three months?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.4.1	If so, furnish particulars:		
4.5	Was any contract between the bidder and the municipality / municipal entity or any other organ of state terminated during the past five years on account of failure to perform on or comply with the contract?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.7.1	If so, furnish particulars:		

CERTIFICATION

**I, THE UNDERSIGNED (FULL NAME)
CERTIFY THAT THE INFORMATION FURNISHED ON THIS
DECLARATION FORM TRUE AND CORRECT.**

**I ACCEPT THAT, IN ADDITION TO CANCELLATION OF A CONTRACT,
ACTION MAY BE TAKEN AGAINST ME SHOULD THIS DECLARATION
PROVE TO BE FALSE.**

.....
Signature

.....
Date

.....
Position

.....
Name of Bidder

Js367bW



**DEPARTMENT: SUPPLY CHAIN
MANAGEMENT**

Sedibeng District Municipality
P.O. Box 471
Vereeniging, 1930
Republic of South Africa
Tel: +27 16 450 3110
Fax: +27 86 682 9892

Please provide at least 3 references

1. Name:.....
Company:.....
Position Held:.....
Contact Number (s) work.....
Mobile.....
2. Name:.....
Company:.....
Position Held:.....
Contact Number (s) work.....
Mobile.....
3. Name:.....
Company:.....
Position Held:.....
Contact Number (s) work.....
Mobile.....
4. Name:.....
Company:.....
Position Held:.....
Contact Number (s) work.....
Mobile.....
5. Name:.....
Company:.....
Position Held:.....
Contact Number (s) work.....
Mobile.....

****PLEASE NOTE THAT THIS IS COMPULSORY****

ATTACH ADDITIONAL
LETTERS OF REFERENCE
(IF APPLICABLE)
HERE

DESCRIPTION	YES (√)	NO (X)
1. All pages are completely filled and signed by the authorized person:		
2. Bidders are requested to submit their Tax Clearance Pin provided by SARS to verify that the Tax Matters are in order.		
3. Original BBBEE Certificate or Sworn Affidavit for exempted micro enterprise signed and stamped by Commissioner of Oaths. A trust, consortium or joint venture must submit a consolidated B-BBEE Status Level Verification.		
4. Original current account of water and lights/Rates and Taxes obtainable from any Local or Metropolitan Municipality has been attached		
5. In a case of Joint Ventures (JV)/Consortium, the JV agreement has been attached		
6. The bidder has provided at least three contactable references		
7. Company registration documents e.g. CK document has been attached, in a case of a Private/Public company, shareholding information e.g. share certificate, has been attached		
8. Central Supplier Database summary report.		
9. CA (SA)/Professional Accountant and Business Accountant qualification and must be registered Tax Practitioner (e.g. SAIT or any other recognized professional Accounting Body) for Project Manager.		
10. Accreditation with IRBA SAICA		
11. Submitted 2 copies		

**ATTACH COMPANY
REGISTRATION DOCUMENTS
HERE**

**ATTACH CENTAL SUPPLIER DATABASE
REGISTRATION
HERE**

CERTIFICATE OF INDEPENDENT BID DETERMINATION

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

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

3 Municipal Supply Regulation 38 (1) prescribes that a supply chain management policy must provide measures for the combating of abuse of the supply chain management system, and must enable the accounting officer, among others, to:

- a. take all reasonable steps to prevent such abuse;
- b. reject the bid of any bidder if that bidder or any of its directors has abused the supply chain management system of the municipality or municipal entity or has committed any improper conduct in relation to such system; and
- c. cancel a contract awarded to a person if the person committed any corrupt or fraudulent act during the bidding process or the execution of the contract.

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

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

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

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

CERTIFICATE OF INDEPENDENT BID DETERMINATION

I, the undersigned, in submitting the accompanying bid:

Proposals For Procurement Of A Service Provider To Perform A V.A.T. Review, Audit & Recovery. Bid No.:8/2/3/2-2022 (Re-advert)

(Bid Number and Description)

in response to the invitation for the bid made by:

SEDIBENG DISTRICT MUNICIPALITY

(Name of Municipality)

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

I certify, on behalf of: _____ that:

(Name of Bidder)

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

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

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

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

.....
Signature

.....
Date

.....
Position

.....
Name of Bidder

Js9141w 4

FORM OF OFFER AND ACCEPTANCE

OFFER

The Employer, identified in the acceptance signature block, has solicited offer to enter into a Contract in respect of the following service:

TENDER No: 8/2/3/2-2022 (Re – Advert)

The tenderer, identified in the offer signature block has examined the documents listed in the tender data and addenda thereto as listed in the tender schedules, and by submitting this offer has accepted the Conditions of Tender.

By the representative of the tenderer, deemed to be duly authorized, signing this part of this form of offer and acceptance, the tenderer offer to perform all of the obligations and liabilities of the Service Provider under the contract including compliance with all its terms and conditions according to their true intent and meaning for an amount of R..... be determined in accordance with the conditions of contract identified in the Conditions of Contract.

THE OFFERED PRICE IS R..... (INCLUSIVE OF VAT)

This offer may be accepted by the Employer by signing the Acceptance part of this form of offer and acceptance and returning one copy of this document to the Tenderer before the end of the period of validity stated in the Conditions of Tender, whereupon the Tenderer becomes the party named as the Service Provider in the Condition of Contract.

Signature(s):.....
.....

Name(s):.....
.....

Capacity for the Tenderer:
.....

Name and address of organization).....

Name and Signature of Witness:.....

Date:.....

ACCEPTANCE

By signing this part of this form of offer and acceptance, the Employer identified below accepts the Tenderer’s offer. In consideration thereof, the Employer shall pay the Service Provider the amount due in accordance with the Conditions of Contract identified in the contract that is the subject of this agreement.

Deviations from and amendments to the documents listed in the tender data and any addenda thereto as listed in the tender scheduled as well as any changes to the terms of the offer agreed by the tenderer and the Employer during this process of offer and acceptance, are contained in the schedule of deviations attached to, and forming part of this agreement. No amendments to or deviations from said documents are valid unless contained in this schedule, which must be signed by the authorized representative(s) of both parties.

The tenderer shall within two weeks after receiving a completed copy of this agreement, including the schedule of deviations (if any), contact the Employer’s agent (whose details are given in the contract data) to arrange the delivery of any bonds, guarantees, proof of insurance and any other documentation to be provided in terms of the conditions of contract identified in the Contract Data at, or just after, the date this agreement comes into effect. Failure to fulfill any of these obligations in accordance with those terms shall constitute a repudiation of this agreement.

Notwithstanding anything contained herein, this agreement comes into effect on the date when the tenderer receives one fully completed original copy of this document, including the schedule of deviations (if any). Unless the tenderer (now Service Provider) within five days of the date of such receipt notifies the Employer in writing of any reason why he cannot accept the contents of this agreement shall constitute a binding between the parties.

Signature(s):

.....

Name(s):

.....
.....

Capacity for the Employer:

.....

(Name and address of organization).....

.....

Name and Signature of

Witness:.....

Date:.....

CREDIT ORDER INSTRUCTION

It is the policy of the Sedibeng District Municipality to pay all creditors by means of direct bank transfers. Please complete this information and acquire your banker’s confirmation.

Name of Firm Account Holder

.....

Address:.....

.....
.....

Name of Bank:

Name of Branch:.....

Branch Code:.....

Account Number:.....

Type of Account:.....

I/we hereby requested and authorize the Sedibeng District Municipality to pay any amounts that may accrue to me/us to the credit of my/our bank account.

I/we understand that a payment advice will be supplied by the Sedibeng District Municipality in the normal way that will indicate the date on which funds will be available in my/our bank account and details of payment.

I/we further undertake the inform the Sedibeng District Municipality in advance of any change in my/our bank details and accept that this authority may only be cancelled by me/us by giving thirty days’ notice by prepaid registered post.

.....
Initials and Surname

.....
Authorized Signature

Date:.....

FOR BANK USE ONLY

I/We hereby certify that the details of our clients bank account as indicated on the credit order instruction is correct:	
..... AUTHORISED SIGNATURE(S)	

OFFICIAL DATE STAMP