



INVITATION TO SUBMIT FORMAL WRITTEN PRICE QUOTATIONS

RFQ NO.:	RFQ/SCM/2018-19/283
DESCRIPTION OF GOODS / SERVICES:	SUPPLY AND DELIVERY OF FELTERING ACID TO BCMM STORES, CHISELHURST, EAST LONDON

For publication on the Buffalo City Metropolitan Municipality Website and Supply Chain Management Unit Noticeboard

NAME OF BIDDER:	
BCMM SUPPLIER DATABASE REGISTRATION NO.:	
STREET ADDRESS:	
POSTAL ADDRESS:	
TEL NO.:	CELL PHONE NO.:
EMAIL ADDRESS:	FAX NO.:
TOTAL QUOTATION AMOUNT:	R

Issued by:	Prepared by:
The City Manager c/o The General Manager: Supply Chain Management Unit Buffalo City Metropolitan Municipality 80 Phillip Frame Road Chiselhurst East London	Programme Manager: Logistics, Warehouse & Disposal 80 Phillip Frame Road Chiselhurst Buffalo City Metropolitan Municipality

INVITATION TO SUBMIT FORMAL WRITTEN PRICE QUOTATIONS

Buffalo City Metropolitan Municipality requests your quotation for the goods and/or services listed hereunder in this RFQ document. Bidders are requested to furnish all information requested and return their quotation submission on the date stipulated in this invitation and the RFQ advertisement. Late and incomplete submissions will invalidate the quotation submitted.

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DESCRIPTION OF GOODS / SERVICES	SUPPLY AND DELIVEY OF FILTERING ACID TO BCMM STORES, CHISELHURST, EAST LONDON
ADVERT DATE:	11 December 2018
CLOSING DATE:	19 December 2018
CLOSING TIME:	12:00PM
COMPULSORY BRIEFING MEETING DATE & TIME: VENUE:	n/a
RFQ DOCUMENTS ARE OBTAINABLE FROM:	The BCMM Website – www.buffalocitymetro.gov.za/tenders OR: Reception Desk Supply Chain Management Unit, BCMM 80 Phillip Frame Road Chiselhurst East London
SUBMISSION OF RFQs:	<u>Informal</u> Tender Box Supply Chain Management Unit, BCMM 80 Phillip Frame Road Chiselhurst East London
TECHNICAL ENQUIRIES:	Name: Nolubabalo Gcani/Mercy Fraser Tel: 043 705 9116/043 705 9118
PROCEDURAL ENQUIRIES:	Cassandra Stoffels / Bongani Mndi Tel: (043) 705 9119 / (043) 705 9127 Email: CassandraR@buffalocity.gov.za BonganiMn@buffalocity.gov.za

NB: NO SUBMISSIONS WILL BE CONSIDERED FROM PERSONS IN THE SERVICE OF THE STATE (as defined in Regulation 1 of the Local Government: Municipal Supply Chain Management Regulations)

1.1 GENERAL CONDITIONS OF THE REQUEST FOR QUOTATIONS (RFQ)

BIDDERS ARE REQUIRED TO FAMILIARISE THEMSELVES WITH THE TENDERING CONDITIONS AND PROCEDURES AS DOCUMENTED BELOW.

1. For the purposes of this RFQ document, the words 'bidder' and 'tenderer', and 'RFQ' and 'tender' shall bear the same meaning.
2. 'BCMM,' where referred to in this document means Buffalo City Metropolitan Municipality'.
3. No quotation will be considered unless submitted on this RFQ document.
4. The whole original RFQ document, as issued by BCMM must be submitted. A quotation will be considered invalid and will not be accepted, if any part of this RFQ document is not submitted.
5. Bidders must submit one RFQ offer only, either as a single tendering entity or as a member of a joint venture.
6. Telephonic, telegraphic, telex, facsimile or emailed RFQ submissions will not be accepted.
7. Any portion of the RFQ document not completed will be interpreted as 'not applicable'. Notwithstanding the afore-going, failure to complete any compulsory portion of the RFQ document will result in the RFQ submission being declared non-responsive.
8. **Quotations must be properly received and deposited, on or before the closing date and on or before 12:00pm, in the Informal Tender Box** at the BCMM Supply Chain Management Unit ('SCMU') situated at 80 Phillip Frame Road, Chiselhurst, East London. If the quotation submission is too large to fit in the allocated box, please enquire at the reception for assistance.
9. **BCMM accepts no responsibility for ensuring that quotations are placed in the correct tender box, and should a quotation be placed in the incorrect tender box, it will be not be accepted.**
10. **BCMM reserves the right to accept:**
 - 10.1 the whole quotation or part of a quotation or any item or part of any item, or to accept more than one quotation (in the event of a number of items being offered), and BCMM is not obliged to accept the lowest or any quotation;
 - 10.2 a quotation which is not substantially or materially different from the RFQ specifications.
11. BCMM shall not consider quotations that are received after the closing date and time, as specified in the RFQ advertisement.
12. BCMM will not be held responsible for any expenses incurred by bidders in preparing and submitting quotations.
13. BCMM may, after the RFQ closing date, request additional information or clarification of submitted quotations, in writing.
14. A quotation may be rejected as non-responsive if the bidder fails to provide any clarification requested by BCMM within the time for submission stated in the written request for such clarification.
15. A bidder may request in writing, after the closing date, that its quotation be withdrawn. Such withdrawal will be permitted or refused at the sole discretion of BCMM after consideration of the reasons for the withdrawal, which shall be fully set out by the bidder in such written request for withdrawal.
16. The RFQ document must be signed by a person duly authorised to do so.
17. Quotations submitted by joint ventures, consortia, partnerships shall be accompanied by a joint venture, consortium, partnership agreement, in which it is defined precisely the conditions under which the joint venture, consortium or partnership will function, its period of duration, the persons authorised to represent and obligate it, the participation of the several firms of which it is formed, and any other information necessary to permit a full appraisal of its functioning.

18. **Once the RFQ is awarded, all purchases will be made through an official BCMM Purchase Order. Therefore no goods must be delivered or services rendered before an official Purchase Order has been forwarded to the successful bidder. The successful bidder must then deliver or render service upon receiving an official signed Purchase Order from BCMM.**

19. **Evaluation of RFQs**

- 19.1 **Quotations will be evaluated in accordance with the evaluation criteria set out in the Special Conditions of the Request for Quotations.**

- 19.2 Quotations will be evaluated for price and preference using the 80/20 preference points system as follows –

Price	80
BBBEE	20

- 19.3 Unless otherwise stated in the Special Conditions, a contract will be concluded with the bidder who complies with the evaluation criteria, and scores the highest total price and BBBEE points.

- 19.4 Bidders may quote with or without VAT depending upon whether or not they are VAT vendors. In the calculation of price points, VAT shall be removed from the quotation amount of bidders who are registered as VAT vendors, so that financial offers can be evaluated on a comparative basis as a price advantage cannot be afforded to bidders who are not VAT vendors.

20. **Test for Responsiveness**

20.1 **Invalid Submissions**

Quotations shall be invalid if:

- (a) The quotation submission is not sealed when submitted into the tender box.
- (b) The quotation submission is not completed in non-erasable ink.
- (c) The form of offer has not been completed.
- (d) The bidder has been listed on the National Treasury's Register for Tender Defaulters in terms of the Prevention and Combating of Corrupt Activities Act, No. 12 of 2004, or has been listed on the National Treasury's List of Restricted Suppliers and who is therefore prohibited from doing business with the public sector.
- (e) The bidder is prevented from doing business with BCMM in terms of Regulation 38 and 44 of the Supply Chain Management Regulations (MFMA).

20.2 **Non-responsive Submissions**

Quotations will be declared as non-responsive and eliminated from further evaluation in the following circumstances –

- (a) The submission does not comply with the RFQ conditions and procedures.
- (b) The submission has not achieved the minimum score for functionality as set out in the evaluation criteria, where functionality is applicable.
- (c) Where there are material deviations or qualifications to the RFQ which in BCMM's opinion would –
 - (i) Detrimentially affect the scope, quality or performance of the works, services or supply identified in the scope of works;
 - (ii) Significantly change BCMM's or the bidder's risks and responsibilities under the contract, or

- (iii) Affect the competitive position of the bidder, or other bidders presenting responsive submissions, if it were to be rectified.
- (d) The submission will be declared non-responsive if the bidder fails to adhere to a written request (within the specified period set out in such request) to –
 - (i) Comply with the general conditions applicable to RFQs as contained in the BCMM Supply Chain Management Policy;
 - (ii) Complete and/or sign any declarations and/or authorisations;
 - (iii) Submit items 2 - 3 of the list of returnable documents in Part 2 (section 2.1) of this bid document.
- (e) **The bid will be declared non-responsive in the event that the bidder's tax matters, as verified on the government Central Supplier Database, are shown not be in order, and the bidder fails to ensure that its tax matters are in order within such timeframe as may be required by BCMM in writing.**

21. Clarification of quotation after submission

The bidder must provide clarification of its submission in response to a request to do so from BCMM during the evaluation process. This may include providing a breakdown of rates or prices and correction of arithmetical errors by the adjustment of certain rates or item prices (or both). No change in the competitive position of bidders or substance of the submission may be sought, offered, or permitted.

22. Provide other material

The bidder shall provide, on request by BCMM, any other material that has a bearing on the RFQ submission, the tenderer's commercial position (including notarized joint venture agreements), or samples of materials, considered necessary by BCMM for the purpose of a full and fair risk assessment. Should the bidder not provide the material, or a satisfactory reason as to why it cannot be provided, by the time for submission stated in BCMM's request, BCMM may regard the RFQ submission as non-responsive.

23. Inspections, tests and analysis

The bidder shall, at the request of BCMM, provide access during working hours to its business premises for any inspections, tests and analyses as required for the RFQ.

24. Securities, bonds, policies, etc

If required, the bidder must submit for BCMM's acceptance before formation of the contract, all securities, bonds, guarantees, policies and certificates of insurance required in terms of the conditions of contract.

25. BCMM supplier database

- 25.1 **Bidders must be registered on the BCMM Supplier Database, or meet the listing criteria set out in the BCMM Supply Chain Management Policy, in order to be considered responsive to the RFQ.**
- 25.2 Bidders must be registered within 7 days of being requested to do so, failing which its submission shall be declared to be non-responsive.
- 25.3 It is each bidder's responsibility to keep all the information on the BCMM Supplier Database updated. If any information required (e.g. tax clearance certificate, CIDB certificate, etc) is not valid or has expired, all transactions with the vendor may, in the sole discretion of BCMM, be suspended until such time as the correct, verified information is received.

26. Tax compliance status

- 26.1 **No award shall be made to a person whose tax matters have not been declared to be in order by the South African Revenue Service (SARS).**
- 26.2 **Each party to a consortium, joint venture or partnership must comply with the above.**

27. Declarations and authorisation

Bidders are required to complete all statutory declarations and authorisations in the schedules attached to this RFQ document, failing which the submission may be declared non-responsive.

28. Samples

If the specifications require a bidder to provide samples, these shall be provided strictly in accordance with the instructions set out in the special conditions of the RFQ below.

29. Alterations to tender document

Bidders may not make any alterations or additions to the RFQ document, except to comply with instructions issued by BCMM, or as are necessary to correct errors made by the bidder. All signatories to the RFQ submission shall initial all such alterations. Erasures and the use of masking fluid are prohibited.

30. Objections, Complaints, Queries and Disputes / Appeals in terms of Section 62 of the Systems Act

30.1 Objections, complaints, queries and disputes

Persons aggrieved by decisions or actions taken by BCMM in the implementation of the supply chain management system or any matter arising from a contract awarded in terms of the supply chain management system may, within 14 days of the decision or action, lodge a written objection or complaint or query or dispute against the decision or action.

30.2 Section 62 Appeals

- (a) In terms of section 62 of the Systems Act, a person whose rights are affected by a decision taken by a political structure, political office bearer, councillor or staff member of a municipality in terms of a power or duty delegated or sub-delegated by a delegating authority, may appeal against that decision by giving written notice of the appeal and reasons to the Accounting Officer within 21 days of the date of notification of the decision.
- (b) An appeal shall contain the following:
 - (i) The reasons and/or grounds for the appeal;
 - (ii) The manner in which the appellant's rights have been affected;
 - (iii) The remedy sought by the appellant.

30.3 Lodging of appeals, objections, complaints, queries and disputes relating to this tender

Appeals, objections, complaints, requests for information, queries and disputes must be submitted in writing to the Office of the Municipal Manager, 10th Floor, Trust Centre Building, Cnr of Oxford & North Streets, East London, OR by email, thandokazin@buffalocity.gov.za .

1.2 SPECIAL CONDITIONS OF THE REQUEST FOR QUOTATIONS (RFQ)

The special conditions qualify, or are in addition to the general conditions in section 1.1 above. In the event of any ambiguity or inconsistency between the general conditions and the special conditions, the latter shall have precedence.

These special conditions, the general conditions, and the returnable schedules are only required for evaluation purposes, and shall not form part of any contract arising from the invitation to tender.

General Conditions Clause No.	Additions or Variations to General Conditions
Clause 13 & 21 CLARIFICATION OF RFQ SUBMISSION	Where a bidder is requested to provide additional information or clarification of its submission, this shall not be an opportunity for the bidder to bolster its submission in any way, so as to afford it an unfair competitive advantage.
Clause 16 AUTHORITY OF SIGNATORY	The bidding entity must submit a letter of authority on its letterhead authorising the signatory to this RFQ to sign all documents in connection with the RFQ, and any contract which may arise therefrom, on behalf of the bidding entity. The letter of authority must be attached to Schedule A.
Clause 19 EVALUATION OF RFQs	RFQs will be evaluated in accordance with the evaluation criteria set out on page 10 of this document.
Clause 20.1 (d)	The two-envelope system does not apply to this RFQ.
Clause 23 INSPECTION, TESTS AND ANALYSES	No inspections, tests and analyses shall be required for this RFQ.
Clause 31 SAMPLES	No samples shall be required for this RFQ.
Clause 32 ALTERNATIVE OFFERS	No alternative offers will be considered.

1.3 RETURNABLE DOCUMENTS

In addition to the requirements stipulated in this tender, tenderers are required to submit the documentation listed below.

Failure to submit a BBBEE certificate will result in no points being allocated to the bidder for BBBEE.

ITEM NO.	RETURNABLE DOCUMENT	AVAILABLE (TICK ✓)
1.	Original or certified copy of BBBEE certificate or sworn affidavit; if points are claimed (a copy of a certified certificate will not be accepted)	
1.1	A sworn affidavit confirming annual total revenue and level of black ownership, if bidder is an Exempted Micro Enterprise (EME) or Qualifying Small Enterprise (QSE)	
1.2	Original or certified copy of BBBEE certificate, if bidder is a Trust, Joint Venture or Consortium that is a legal entity	
1.3	Original or certified copy of consolidated BBBEE scorecard, if bidder is a Trust, Joint Venture or Consortium that is an unincorporated entity	
2.	Certified copy of Joint Venture or Consortium Agreement; if bidder is a Joint Venture or Consortium	
3.	Original Municipal debt clearance certificate / bidders' business premises lease agreement.	

In the event that the bidding entity is a joint venture, consortium, or partnership, each partner must supply the above information.

NOTE:

Bidders' Tax Compliance Status, Company Registration Documentation, and Identity Documentation (directors) will be verified by BCMM on the government Central Supplier Database. Therefore, bidders are required to ensure that they are registered on the database on submission of this RFQ.

1.4 RETURNABLE SCHEDULES

All returnable schedules below must be completed by the bidding entity, save for those schedules which are not applicable to it in which case the bidder must indicate which schedules are not applicable. Should the bidder fail to complete all applicable and compulsory schedules, its quotation submission shall be deemed to be non-responsive in accordance with clause 20.2 (d) (ii) of the general conditions.

The schedules required to be completed are as listed below –

Schedule A	Letter of Authority for Signatory
Schedule B	Confirmation of Registration of Bidder on Central Supplier Database (CSD)
Schedule C	Municipal Bidding Documents

RFQ EVALUATION CRITERIA

Proof of capacity and experience to supply orders worth R100 000. Please provide orders equivalent to R100 000.	70	Max 10	70
Guaranteed delivery period	30	Max 10	30
Total	100		100

Value 1 - 5	Technical capacity and ability	Previous experience
1 = Unacceptable	Bidder's technical capacity and ability to supply (proof of orders exceeding or equal to R100 000 to be supplied – 10 points for each reference).	Bidders Past Experience in supply and delivery of similar products or items.
2 = Partly Acceptable		
3 = Acceptable		
4 = Very Good		
5 = Excellent		

Bids must score a minimum of 70% for functionality to be considered for further evaluation.

SCHEDULE A – LETTER OF AUTHORITY FOR SIGNATORY

Indicate the status of the bidder by ticking the appropriate box hereunder with an x.

COMPANY	CLOSE CORPORATION	PARTNERSHIP	JOINT VENTURE	SOLE PROPRIETORSHIP

NOTE:

BIDDERS MUST ATTACH A LETTER OF AUTHORITY TO THIS PAGE, AUTHORIZING THE SIGNATORY TO THIS RFQ TO SIGN ALL DOCUMENTS IN CONNECTION WITH THE RFQ AND ANY CONTRACT WHICH MAY ARISE THEREFROM, ON BEHALF OF THE BIDDING ENTITY.

SCHEDULE B – CONFIRMATION OF REGISTRATION OF BIDDER ON CENTRAL SUPPLIER DATABASE (CSD)

NAME OF BIDDER	REGISTERED ON CSD? (YES/NO)	CSD SUPPLIER NUMBER

Bidders are required to register as suppliers on the government Web-based Central Supplier Database (CSD) prior to submission of this RFQ, and provide their CSD supplier number in the table above. If not registered on submission of this RFQ, bidders will be required to register on the CSD within such timeframe as stipulated by BCMM.

It is the responsibility of a bidder to ensure that this requirement is complied with. In the case of Joint Ventures and Consortia, this requirement will apply to each party to the Joint Venture or Consortium.

BIDDER'S SIGNATURE:

SCHEDULE C – MUNICIPAL BIDDING DOCUMENTS

MBD 4

DECLARATION OF INTEREST

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

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

3.2 Identity Number:

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

.....

3.4 Company Registration Number:

3.5 Tax Reference Number:

3.6 VAT Registration Number:

3.7 The names of all directors / trustees / shareholders members, their individual identity numbers and state employee numbers must be indicated in paragraph 4 below.

3.8 Are you presently in the service of the state? **YES / NO**

3.8.1 If yes, furnish particulars.....

.....

¹ MSCM 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;
- (f) an employee of Parliament or a provincial legislature.

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

3.9 Have you been in the service of the state for the past twelve months? **YES / NO**

3.9.1 If yes, furnish particulars.....

.....

3.10 Do you have any relationship (family, friend, other) with persons in the service of the state and who may be involved with the evaluation and or adjudication of this bid? **YES / NO**

3.10.1 If yes, furnish particulars

.....

3.11 Are you, aware of any relationship (family, friend, other) between any other bidder and any persons in the service of the state who may be involved with the evaluation and or adjudication of this bid?..... **YES / NO**

3.11.1 If yes, furnish particulars.....

.....

3.12 Are any of the company's directors, trustees, managers, principle shareholders or stakeholders in service of the state?..... **YES / NO**

3.12.1 If yes, furnish particulars.....

.....

3.13 Are any spouse, child or parent of the company's directors, trustees, managers, principle shareholders or stakeholders in service of the state?..... **YES / NO**

3.13.1 If yes, furnish particulars.....

.....

3.14 Do you or any of the directors, trustees, managers, principle shareholders, or stakeholders of this company have any interest in any other related companies or business whether or not they are bidding for this contract. **YES / NO**

3.14.1 If yes, furnish particulars.....

.....

4. Full details of directors / trustees / members / shareholders.

Full Name	Identity Number	State Employee Number

.....
Signature

.....
Date

.....
Capacity

.....
Name of Bidder

MBD 6.1

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 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 The value of this bid is estimated not exceed R50 000 000 (all applicable taxes included) and therefore the 80/20 preference point 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.

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

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

1.5 Failure on the part of a bidder to submit a B-BBEE Verification Certificate 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 a sworn affidavit confirming annual turnover and level of black ownership in case of an EME and QSE together with the bid, will be interpreted to mean that preference points for B-BBEE status level of contribution are not claimed.

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

2. DEFINITIONS

- (a) **“all applicable taxes”** includes value-added tax, pay as you earn, income tax, unemployment insurance fund contributions and skills development levies;
- (b) **“B-BBEE”** means broad-based black economic empowerment as defined in section 1 of the Broad-Based Black Economic Empowerment Act;
- (c) **“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;
- (d) **“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;

- (e) “**Broad-Based Black Economic Empowerment Act**” means the Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003) as amended by Act No 46 of 2013;
- (f) “**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;
- (g) “**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;
- (h) “**contract**” means the agreement that results from the acceptance of a bid by an organ of state;
- (i) “**EME**” means an Exempted Micro Enterprise as defines by Codes of Good Practice issued in terms of section 9 (1) of the Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003);
- (j) “**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, 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;
- (k) “**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;
- (l) “**non-firm prices**” means all prices other than “firm” prices;
- (m) “**person**” includes a juristic person;
- (n) “**QSE**” means a Qualifying Small Enterprise as defines by Codes of Good Practice issued in terms of section 9 (1) of the Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003);
- (o) “**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;
- (p) “**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;
- (q) “**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;
- (r) “**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
- (s) “**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.

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 or 90 points is allocated for price on the following basis:

$$P_s = 80 \left(1 - \frac{P_t - P_{\min}}{P_{\min}} \right) \quad \text{or} \quad P_s = 90 \left(1 - \frac{P_t - P_{\min}}{P_{\min}} \right)$$

Where

- P_s = Points scored for comparative price of bid under consideration
- P_t = Comparative price of bid under consideration
- P_{min} = 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	6	14
4	5	12
5	4	8
6	3	6
7	2	4
8	1	2
Non-compliant contributor	0	0

5.2 A bidder who qualifies as an EME in terms of the B-BBEE Act must submit a sworn affidavit confirming Annual Total Revenue and Level of Black Ownership.

5.3 A Bidder other than EME or QSE 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 submits 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 submits 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 sub-contractor 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.

Designated Group: An EME or QSE which is at least 51% owned by:	EME √	QSE √
Black people		
Black people who are youth		
Black people who are women		
Black people with disabilities		
Black people living in rural or underdeveloped areas or townships		
Cooperative owned by black people		
Black people who are military veterans		
OR		
Any EME		
Any QSE		

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 1.4 AND 5.1

- 7.1 B-BBEE Status Level of Contribution: = (maximum of 10 or 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 a sworn affidavit.

8. SUB-CONTRACTING

- 8.1 Will any portion of the contract be sub-contracted? (*Tick applicable box*)

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

- 8.1.1 If yes, indicate:

- i) What percentage of the contract will be subcontracted.....%
- ii) The name of the sub-contractor.....
- iii) The B-BBEE status level of the sub-contractor.....
- iv) Whether the sub-contractor is an EME. (*Tick applicable box*)

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

9. DECLARATION WITH REGARD TO COMPANY/FIRM

- 9.1 Name of company/firm:.....
- 9.2 VAT registration number:.....
- 9.3 Company registration number:.....
- 9.4 TYPE OF COMPANY/ FIRM
 - Partnership/Joint Venture / Consortium
 - One person business/sole propriety
 - Close corporation
 - Company

(Pty) Limited
[Tick applicable box]

9.5 DESCRIBE PRINCIPAL BUSINESS ACTIVITIES

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

9.6 COMPANY CLASSIFICATION

- Manufacturer
 - Supplier
 - Professional service provider
 - Other service providers, e.g. transporter, etc.
- [Tick applicable box]

9.7 MUNICIPAL INFORMATION

Municipality where business is situated:
Registered Account Number:
Stand Number:.....

9.8 Total number of years the company/firm has been in business:.....

9.9 I/we, the undersigned, who is / are duly authorised to do so on behalf of the company/firm, certify that the points claimed, based on the B-BBE status level of contribution indicated in paragraph 7 of the foregoing certificate, qualifies the company/ firm for the preference(s) shown and I / we 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 paragraph 7, the contractor may be required to furnish documentary proof to the satisfaction of the purchaser that the claims are correct;
- iv) If the B-BBEE status level of contribution has been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the purchaser may, in addition to any other remedy it may have –
 - (a) disqualify the person from the bidding 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) restrict the bidder or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, 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.

WITNESSES

1.

2.

.....

SIGNATURE(S) OF BIDDERS(S)

DATE:

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>audi alteram partem</i> rule was applied). The Database of Restricted Suppliers now resides on the National Treasury’s website(www.treasury.gov.za) and can be accessed by clicking on its link at the bottom of the home page.	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 IS TRUE AND CORRECT.**

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

.....
Signature

.....
Date

.....
Position

.....
Name of Bidder

CERTIFICATE OF INDEPENDENT BID DETERMINATION

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

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

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

MBD 9

CERTIFICATE OF INDEPENDENT BID DETERMINATION

I, the undersigned, in submitting the accompanying bid:

(Bid Number and Description)

in response to the invitation for the bid made by:

(Name of Municipality / Municipal Entity)

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

I certify, on behalf of: _____ that:

(Name of Bidder)

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

MBD 9

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.

MBD 9

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

2.1 AGREEMENT & CONTRACT DATA

2.1.1 FORM OF OFFER AND ACCEPTANCE

PART 1 (OFFER TO BE COMPLETED BY THE BIDDER)

1. Buffalo City Metropolitan Municipality has solicited offers to enter into a contract for the procurement of:

SUPPLY AND DELIVERY OF FILTERING ACID

2. I, the Bidder, hereby undertake to supply and deliver all or any of the goods and/or works; OR render the services described in the attached bidding documents to BCMM in accordance with the requirements and specifications stipulated in RFQ number **RFQ/SCM/2018-19/283** at the price/s quoted. My offer/s remains binding upon me and open for acceptance by the purchaser during the validity period indicated and calculated from the closing time of RFQ.
3. The following documents shall be deemed to form and be read and construed as part of this Agreement:
 - (i) The Scope of Work;
 - (ii) This RFQ document, viz
 - Scope of Services;
 - The Pricing Data;
 - This Form of Offer & Acceptance;
 - (iii) Bidder's RFQ submission;
 - (iv) The Special Conditions of Contract;
 - (v) The General Conditions of Contract; and
 - (vi) Any Service Level Agreement that may be concluded by the appointed bidder and BCMM.
4. I confirm that I have satisfied myself as to the correctness and validity of my quote; that the price(s) and rate(s) quoted cover all the goods and/or works specified in the RFQ document; 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.
5. 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 fulfilment of this contract.
6. I declare that I have no participation in any collusive practices with any bidder or any other person regarding this or any other bid.
7. I confirm that I am duly authorized to sign this contract.

The **TOTAL QUOTATION AMOUNT** inclusive of value-added tax (where applicable) is

..... Rand

(in words); R (in figures)

This offer may be accepted by the authorised BCMM representative signing the acceptance part of this form of offer and acceptance, and returning one copy of this document to the bidder before the end of the period of validity stated in the tender conditions, whereupon the bidder becomes the party named as the appointed service provider in terms of the conditions of contract identified in the contract data.

NAME (PRINT)
CAPACITY
SIGNATURE
NAME OF FIRM
DATE

WITNESSES:	
1
2
DATE:

FAILURE BY THE BIDDER TO COMPLETE AND SIGN THIS FORM AND/OR TO ENTER ITS TOTAL QUOTATION AMOUNT ON THIS FORM OF OFFER, SHALL DISQUALIFY ITS SUBMISSION.

PART 2 (ACCEPTANCE TO BE COMPLETED BY BCMM)

By signing this part of this form of offer and acceptance, BCMM accepts the bidder’s offer. In consideration thereof, BCMM shall pay the appointed service provider the amount due in accordance with PART 1 of this offer and acceptance. Acceptance of the bidder’s offer shall form an agreement between BCMM and the bidder upon the terms and conditions contained in this agreement and in the contract that is the subject of this agreement.

1. I..... in my capacity as accept your bid under reference number dated for the supply or 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.

DESCRIPTION OF SUPPLY/ SERVICE	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

DATE:

SCHEDULE OF DEVIATIONS OR QUALIFICATIONS

The bidder should record any **proposed** deviations or qualifications he may wish to make to the RFQ in this Schedule. Alternatively, a bidder may list such deviations or qualifications in a covering letter attached to his submission and reference such letter in this Schedule. Should any matter in such letter, which constitutes a deviation as aforesaid, be the subject of agreements reached during the process of offer and acceptance, the outcome of such agreement shall be recorded here.

The bidder's attention is drawn to paragraph 20.2(c) of the General Conditions of the RFQ, regarding the handling of material deviations and qualifications.

Any other matter arising from the process of offer and acceptance either as a confirmation, clarification or change to the RFQ document, and which it is agreed by the parties becomes an obligation of the contract, shall also be recorded here.

Any change or addition to the RFQ document arising from the above agreements and recorded here, shall also be incorporated into the final draft of the contract.

If no deviations or qualifications are desired, the schedule hereunder to be marked NIL, and signed by the bidder.

1. Subject _____

Details _____

2. Subject _____

Details _____

3. Subject _____

Details _____

4. Subject _____

Details _____

5. Subject _____

Details _____

6. Subject _____

Details _____

By the duly authorized representatives signing this schedule of deviations, BCMM and the bidder agree to and accept the foregoing schedule of deviations as the only deviations from and amendments to the documents listed in the RFQ document.

For the tenderer:

Signature(s)

Name(s)

Capacity

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

Name and signature

of witness

Date

2.1.2 CONTRACT DATA

GENERAL CONDITIONS OF CONTRACT

The contract will be administered in terms of the **General Conditions of Contract 2010** as issued by National Treasury.

A copy of the General Conditions of Contract may be obtained from the National Treasury website – www.treasury.gov.za

2.2 PRICING DATA

2.2.1 PRICING INSTRUCTIONS

- (i) The rates and prices submitted by the bidder must be entered into the pricing schedule below.
- (ii) No deviations from the pricing schedule will be permitted, except where indicated separately in the schedule of deviations.
- (iii) The quotation amount must be inclusive of VAT, where the bidder is a registered VAT vendor.
- (iv) Bidders must provide rates that are fixed for the duration of the contract and not subject to adjustment except as provided for in the conditions of contract.
- (v) Bidders are required to pay attention to clause 25 of the general conditions (imbalance in quoted rates).
- (vi) Should there be a discrepancy between the total quotation amount in the pricing schedule, and that in the form of offer; the price in the form of offer will take precedence. Where there is a discrepancy between the amount in figures and the amount in words, the amount in words will govern.
- (vii) The pricing sheet is to be signed and stamped by the prospective company.

2.2.2 PRICING SCHEDULE

Buffalo city Metropolitan Municipality invites written quotations for the supply and delivery of Filtering Powder.

Item Description	Quantities Required	Unit Price	Guaranteed delivery period	Total
EARTH DIATOMACEUS AID (22.7KG) (CELITE 545 FILTERING POWDER)	100			
SUB-TOTAL				
VAT (15%)				
TOTAL TENDER PRICE (to be carried over to form of offer page)				

Name of Tenderer

Date Signature

Company Stamp



2.3 SCOPE OF WORK

SUPPLY AND DELIVERY OF WATERWORKS ITEMS

Buffalo city Metropolitan Municipality invites written quotations for the supply and delivery of the following.

Item	Description	Quantities Required
1.	EARTH DIATOMACEUS AID (22.7KG) (CELITE 545 FILTERING POWDER)	100