

67 Church Street, Mt Ayliff, 4735  
Tel: +27 (0)39 254 6000  
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Web : www.umzimvubu.gov.za



813 Main Street , Mount Frere  
P/ Bag 9020, M t Frere , 5090  
Tel: +27 (0)39 255 8500 /166  
Fax: +27 (0) 39 255 0167

**UMZIMVUBU**  
LOCAL MUNICIPALITY

**BID NO: UMZ/2021-22/HERITAGE ROUTELED)  
DEVELOPMENT OF UMZIMVUBU LOCAL MUNICIPALITY HERITAGE ROUTE**

**NAME OF BIDDER:** .....

**TENDER AMOUNT** .....

**CSD NUMBER:** .....

Prepared by:  
Umzimvubu Local Municipality  
813 Main Street  
Kwa-Bhaca  
5090  
Tel: (039) 255 8500

<b>BID CLOSING DATE</b>	<b>09 May 2022</b>
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## UMZIMVUBU LOCAL MUNICIPALITY

### DEVELOPMENT OF UMZIMVUBU LOCAL MUNICIPALITY HERITAGE ROUTE: UMZ/2021-22/HERITAGE ROUTELED)

Duly completed bids and supporting documents must be deposited in the bid box situated at the Supply Chain Management Office 813 Main Street, Kwa-Bhaca 5090 not later than **12:h00 on the 09 May 2022.**

### Enquiries

Technical enquiries: Miss L. Dina email: [Dina.Lindile@umzimvubu.gov.za](mailto:Dina.Lindile@umzimvubu.gov.za) and Telephone No: 039 255 8500. Supply Chain Management enquiries: Mr. Themba Mbukushe email: [Mbukushe.Themba@umzimvubu.gov.za](mailto:Mbukushe.Themba@umzimvubu.gov.za)

Bids will remain valid for a period of 90 days after the closing date. Bids received after the closing date and time will not be considered. Umzimvubu Local Municipality does not bind itself to accept the lowest or any other bid in whole or in part



**UMZIMVUBU**  
 LOCAL MUNICIPALITY

**LIST OF RETURNABLE DOCUMENTS THAT SHOULD FORM PART OF BID DOCUMENT**

<b>1.</b>	Advertisement		
<b>3.</b>	Invitation to Bids	<b>MBD 1</b>	
<b>5</b>	Pricing Schedule – Firm Prices (Purchases)	<b>MBD 3.1</b>	
<b>7.</b>	Declaration of Interest	<b>MBD 4</b>	
<b>8.</b>	Preferential Points Claim	<b>MBD 6.1</b>	
<b>9.</b>	Declaration of past supply chain Management practice	<b>MBD 8</b>	
<b>11.</b>	Certificate Of Independent Bid Determination	<b>MBD 9</b>	
<b>12.</b>	Company registration certificate		
<b>13.</b>	Tax Clearance certificate or pin		
<b>14.</b>	BBBEE Certificate		
<b>15.</b>	Rates and Taxes		
<b>16.</b>	Very important notice of disqualifications		
<b>17.</b>	<i>Specification</i>		

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**ADVERTISING DATE: 29 April 2022**

**UMZ/2021-22/HERITAGE ROUTELED)**

**SERVICE PROVIDER FOR DEVELOPMENT OF UMZIMVUBU LOCAL MUNICIPALITY HERITAGE ROUTE**

Bidders are hereby invited to submit proposals/Quotations for service provider for development of Umzimvubu Local Municipality heritage route as per specification.

**MANDATORY DOCUMENTS TO BE SUBMITTED FAILURE TO DO SO WILL LEAD TO BE NON RESPONSIVE.**

Umzimvubu Local Municipality Supply Chain Management will apply. A confirmation from SARS with a verification pin, copy of company Registration/Founding Statement/CIPC Documents. Certified BBBEE certificate and a combined BBBEE for a joint venture (non-elimination item). JV Agreement for Joint venture. 80/20 evaluation criteria. Prices quoted must be firm and must be inclusive of VAT for vat vendors. Certified ID Copies of Managing Directors/ Owners. CSD Registration, Invitation to bid, very important notice on disqualification and MBD forms 4, 8 and 9 are compulsory submission and Billing Clearance certificate or Statement of Municipal Accounts or proof of residence with signed declaration or lease agreement. Certified copies of Certificates must not be later than 90 days of closing date, bidders must use or submit quotation documents prepared and issued by the municipality. **No faxed, e-mailed and late tenders will be accepted.** Umzimvubu Local Municipality reserves the right not to appoint and value for money will be the key determinant. All quotation must be deposited in the quotation box situated at **Umzimvubu Local Municipality Offices at SCM office 813 Main Street, Mt Frere** not later than **12h00 noon on 09 May 2022**. All tenders must be clearly marked "Name of the project or Reference number". All service providers must be registered on CSD and submit proof. The municipality will not make award any award to a person or persons working for the state.

**Enquiries:** All technical enquiries may be directed to Miss L. Dina & Mr Mbukushe (SCM Manager) 039 255 8500  
[Mbukushe.Themba@umzumvubu.gov.za](mailto:Mbukushe.Themba@umzumvubu.gov.za)

Other enquiries regarding this Bid may be directed to the office of the Municipal Manager:

**Attention: Mr G.P.T Nota**

**813 Main Street or P/Bag X9020**

**MT FRERE**

**5090**

**GPT NOTA (MUNICIPAL MANAGER)**



**UMZIMVUBU**  
 LOCAL MUNICIPALITY

**PART A  
 INVITATION TO BID**

<b>YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE (UMZIMVUBU LOCAL MUNICIPALITY)</b>	
BID NUMBER:	UMZ/2021-22/HERITAGE ROUTELED) CLOSING DATE: <b>09 May 2022</b> CLOSING TIME: 12:00
DESCRIPTION	<b>SERVICE PROVIDER FOR DEVELOPMENT OF UMZIMVUBU LOCAL MUNICIPALITY HERITAGE ROUTE</b>
<b>THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (MBD7).</b>	

BID RESPONSE DOCUMENTS MAY BE DEPOSITED IN THE BID BOX SITUATED AT (STREET ADDRESS)

**UMZIMVUBU LOCAL MUNICIPALITY**  
 (Tender Box at the SCM Office)

**813 Main Street**

**Kwa-Bhaca**

**5090**

**Eastern Cape**

**SUPPLIER INFORMATION**

NAME OF BIDDER			
POSTAL ADDRESS			
STREET ADDRESS			
TELEPHONE NUMBER	CODE		NUMBER
CELLPHONE NUMBER			
FACSIMILE NUMBER	CODE		NUMBER
E-MAIL ADDRESS			
VAT REGISTRATION NUMBER			
TAX COMPLIANCE STATUS	TCS PIN:		OR CSD No:
B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE [TICK APPLICABLE BOX]	Yes No		B-BBEE STATUS LEVEL SWORN AFFIDAVIT Yes No

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

ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES /WORKS OFFERED?	Yes No [IF YES ENCLOSE PROOF]	ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES /WORKS OFFERED?	Yes 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			

<b>BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO:</b>		<b>TECHNICAL INFORMATION MAY BE DIRECTED TO:</b>	
DEPARTMENT	Supply Chain	CONTACT PERSON	Miss L. Dina
CONTACT PERSON	Mbukushe Themba	TELEPHONE NUMBER	039 255 8500
TELEPHONE NUMBER	039 255 8500	FACSIMILE NUMBER	-
FACSIMILE NUMBER	-	E-MAIL ADDRESS	<a href="mailto:Dina.Lindile@umzimvubu.gov.za">Dina.Lindile@umzimvubu.gov.za</a>
E-MAIL ADDRESS	<a href="mailto:mbukushe.themba@umzimvubu.g">mbukushe.themba@umzimvubu.g</a>		

**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](http://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: .....

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

**NOTE: ONLY FIRM PRICES WILL BE ACCEPTED. NON-FIRM PRICES (INCLUDING PRICES SUBJECT TO RATES OF EXCHANGE VARIATIONS) WILL NOT BE CONSIDERED**

**IN CASES WHERE DIFFERENT DELIVERY POINTS INFLUENCE THE PRICING, A SEPARATE PRICING SCHEDULE MUST BE SUBMITTED FOR EACH DELIVERY POINT**

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

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

ITEM NO.	QUANTITY	DESCRIPTION	BID PRICE IN RSA CURRENCY ** (ALL APPLICABLE TAXES INCLUDED)
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- 
- Required by: .....
  - At: .....
  - Brand and Model .....
  - Country of Origin .....

- Does the offer comply with the specification(s)? \*YES/NO
- If not to specification, indicate deviation(s)
- Period required for delivery \*Delivery: Firm/Not firm
- Delivery basis

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

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

## DECLARATION OF INTEREST

1. No bid will be accepted from persons in the service of the state\*.
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 and/or take an oath declaring his/her interest.

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

- 3.1 Full Name: .....
- 3.2 Identity Number: .....
- 3.3 Company Registration Number: .....
- 3.4 Tax Reference Number: .....
- 3.5 VAT Registration Number: .....

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. ....
- .....

\*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; or (f) An employee of Parliament or a provincial legislature.

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

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

3.9.1 If yes, furnish particulars.....

.....

- 3.10 Do you have any relationship (family, friend, other) with persons  
In the service of the state and who may be involved with

The evaluation and or adjudication of this bid? ..... **YES / NO**

3.10.1 If yes, furnish particulars.

.....  
.....

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

3.11.1 If yes, furnish particulars

.....  
.....

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

3.12.1 If yes, furnish particulars.

.....  
.....

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

3.13.1 If yes, furnish particulars.

.....  
.....

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

3.14.1 If yes, furnish particulars:

.....  
.....

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

<b>Full Name</b>	<b>Identity Number</b>	<b>State Employee Number</b>

.....  
**Signature**

.....  
**Date**

.....  
**Capacity**

.....  
**Name of Bidder**

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

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

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

**1 GENERAL CONDITIONS**

1.1 The following preference point systems are applicable to all bids:

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

1.2

a) The value of this bid is estimated to **not exceed** R50 000 000 (all applicable taxes included) and therefore the ...80/20 ..... Preference point system shall be applicable; or

1.3 Points for this bid shall be awarded for:

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

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

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

1.5 Failure on the part of a bidder to submit proof of B-BBEE Status level of contributor Together with the bid, will be interpreted to mean that preference points for B-BBEE status level of contribution are not claimed.

1.6 The purchaser reserves the right to require of a bidder, either before a bid is adjudicated Or at any time subsequently, to substantiate any claim in regard to preferences, in any manner required by the purchaser.2

**2 DEFINITIONS**

- (a) **“B-BBEE”** means broad-based black economic empowerment as defined in section 1 of the Broad-Based Black Economic Empowerment Act;
- (b) **“B-BBEE status level of contributor”** means the B-BBEE status of an entity in terms of a code of good practice on black economic empowerment, issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act;
- (c) **“bid”** means a written offer in a prescribed or stipulated form in response to an invitation by an organ of state for the provision of goods or services, through price quotations, advertised

competitive bidding processes or proposals;

- (d) **“Broad-Based Black Economic Empowerment Act”** means the Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003);
- (e) **“EME”** means an Exempted Micro Enterprise in terms of a code of good practice on black economic empowerment issued in terms of section 9 (1) of the Broad-Based Black Economic Empowerment Act;
- (f) **“Functionality”** means the ability of a tenderer to provide goods or services in accordance with specifications as set out in the tender documents.
- (g) **“Prices”** includes all applicable taxes less all unconditional discounts;
- (h) **“Proof of B-BBEE status level of contributor”** means:
  - 1) B-BBEE Status level certificate issued by an authorized body or person;
  - 2) A sworn affidavit as prescribed by the B-BBEE Codes of Good Practice;
  - 3) Any other requirement prescribed in terms of the B-BBEE Act;
- (i) **“QSE”** means a qualifying small business enterprise in terms of a code of good practice on black economic empowerment issued in terms of section 9 (1) of the Broad-Based Black Economic Empowerment Act;
- (j) **“Rand value”** means the total estimated value of a contract in Rand, calculated at the time of bid invitation, and includes all applicable taxes;

### 3 POINTS AWARDED FOR PRICE

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

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

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

Where

$P_s$  = Points scored for price of bid under consideration

$P_t$  = Price of bid under consideration

$P_{\min}$  = Price of lowest acceptable bid

### 4 POINTS AWARDED FOR B-BBEE STATUS LEVEL OF CONTRIBUTOR

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

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

**5. BID DECLARATION**

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

**6. B-BBEE STATUS LEVEL OF CONTRIBUTOR CLAIMED IN TERMS OF PARAGRAPHS 1.4 AND 4.1**

61 B-BBEE Status Level of Contributor: . = ..... (maximum of 10 or 20 points)  
 (Points claimed in respect of paragraph 7.1 must be in accordance with the table reflected in paragraph 4.1 and must be substantiated by relevant proof of B-BBEE status level of contributor.

**7. SUB-CONTRACTING**

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

(Tick applicable box)

YES	NO
-----	----

7.1.1 If yes, indicate:

- i) What percentage of the contract will be Subcontracted.....%
- ii) The name of the sub-contractor .....
- iii) The B-BBEE status level of the sub-contractor .....
- iv) Whether the sub-contractor is an EME or QSE

(Tick applicable box)

YES	NO
-----	----

v) Specify, by ticking the appropriate box, if subcontracting with an enterprise in terms of Preferential Procurement Regulations,2017:

Designated Group: An EME or QSE which is at last 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		
<b>OR</b>		

Any EME		
Any QSE		

8. **DECLARATION WITH REGARD TO COMPANY/FIRM** of

8.1 Name company/firm. registration

8.2 VAT number: registration

8.3 Company number:

8.4 TYPE OF COMPANY/ FIRM

- Partnership/Joint Venture / Consortium
- One person business/sole propriety
- Close corporation
- Company
- (Pty) Limited

[TICK APPLICABLE BOX]

8.5 DESCRIBE PRINCIPAL BUSINESS ACTIVITIES

.....

.....

.....

.....

8.6 COMPANY CLASSIFICATION

- Manufacturer
- Supplier
- Professional service provider
- Other service providers, e.g. transporter, etc.

[TICK APPLICABLE BOX]

8.7 MUNICIPAL INFORMATION

**Municipality where business is situated:**

**Registered Account Number:** .....

**S t a n d N u m b e r** \_\_\_\_\_

8.8 Total number of years the company/firm has been in business. \_\_\_\_\_

8.9 I/we, the undersigned, who is / are duly authorized to do so on behalf of the Company/firm, certify that the points claimed, based on the B-BBE status level of contributor indicated in paragraphs 1.4 and 6.1 of the foregoing certificate, qualifies the company/ firm for the preference(s) shown and I / we acknowledge that:



## 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).  <b>The Database of Restricted Suppliers now resides on the National Treasury’s website(<a href="http://www.treasury.gov.za">www.treasury.gov.za</a>) and can be accessed by clicking on its link at the bottom of the home page.</b>	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)?  <b>The Register for Tender Defaulters can be accessed on the National Treasury’s website (<a href="http://www.treasury.gov.za">www.treasury.gov.za</a>) by clicking on its link at the bottom of the home page.</b>	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:		
<b>Item</b>	<b>Question</b>	<b>Yes</b>	<b>No</b>
4.4	Does the bidder or any of its directors owe any municipal rates and taxes or municipal charges to the municipality / municipal entity, or to any other municipality / municipal entity, that is in arrears for more than three months?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.4.1	If so, furnish particulars:		
4.5	Was any contract between the bidder and the municipality / municipal entity or any other organ of state terminated during the past five years on account of failure to perform on or comply with the contract?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.7.1	If so, furnish particulars:		

**CERTIFICATION**

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

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

.....  
**Signature**

.....  
**Date**

.....  
**Position**

.....  
**Name of Bidder**

## CERTIFICATE OF INDEPENDENT BID DETERMINATION

- 1 This Municipal Bidding Document (MBD) must form part of all bids<sup>1</sup> 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).<sup>2</sup> 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:

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

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

**CERTIFICATE OF INDEPENDENT BID DETERMINATION**

I, the undersigned, in submitting the accompanying bid:

\_\_\_\_\_  
(Bid Number and Description)

in response to the invitation for the bid made by:

\_\_\_\_\_  
(Name of Municipality / Municipal Entity)

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

I certify, on behalf of \_\_\_\_\_ that:

(Name of Bidder)

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

6. The bidder has arrived at the accompanying bid independently from, and without consultation, communication, agreement or arrangement with any competitor. However communication between partners in a joint venture or consortium<sup>3</sup> 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 ) p r i c e s ;
  - ( 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.

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

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

## **VERY IMPORTANT NOTICE ON DISQUALIFICATIONS:**

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

“Acceptable bid” means any bid which, in all respects, complies with the conditions of bid and specifications as set out in the bid documents, including conditions as specified in the Preferential Procurement Policy Framework Act (Act 5 of 2000) and related legislation as published in Government Gazette number 22549, dated 10 August 2001, in terms of which provision is made for this policy.

1. If any pages have been removed from the bid document, and have therefore not been submitted, or a copy of the original bid document has been submitted.
2. If the bid document is completed using a pencil. Only black ink must be used to complete the bid document.
3. The bidder attempts to influence, or has in fact influenced the evaluation and/or awarding of the contract.
4. The bid has been submitted after the relevant closing date and time.
5. If any bidder who during the last five years has failed to perform satisfactorily on a previous contract with the municipality, municipal entity or any other organ of state after written notice was given to that bidder that performance was unsatisfactory.
6. The accounting officer must ensure that irrespective of the procurement process followed, no award may be given to a person –
  - (a) who is in the service of the state, or;
  - (b) if that person is not a natural person, of which any director, manager, principal shareholder or stakeholder, is a person in the service of the state; or;
  - (c) Who is an advisor or consultant contracted with the municipality in respect of contract that would cause a conflict of Interest.
7. Bid offers will be rejected if the bidder or any of his directors is listed on the Register of Bid Defaulters in terms of the Prevention and Combating of Corrupt Activities Act of 2004 as a person prohibited from doing business with the public sector
8. Bid offers will be rejected if the bidder has abused the Umzimvubu Local Municipality Supply Chain Management System.
9. Failure to complete and sign the certificate of independent determination or disclosing of wrong information.  
Failure to submit the above will lead to immediate disqualification

**TERMS OF REFERENCE**  
**FOR THE**  
**“DEVELOPMENT OF UMZIMVUBU OF HERITAGE ROUTE”**

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**Issued and Prepared by:**

Umzimvubu Local Municipality  
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**1. TERMS OF REFERENCE FOR THE “DEVELOPMENT OF UMZIMVUBU OF HERITAGE ROUTE”**

**1. BACKGROUND AND OVERVIEW OF THE PROJECT**

**1.1 INTRODUCTION**

The Umzimvubu Local Municipality is within Alfred Nzo District Municipality (ANDM) which is located in the North-Eastern part of the Eastern Cape Province in South Africa, as shown in Figure 1.1 below. The District forms part of the Eastern Cape Province’s boundary with the Kwa-Zulu Natal province. The District borders the Kingdom of Lesotho to the north and the district of OR Tambo in the Eastern Cape and Harry Gwala District in Kwa-Zulu Natal. The Umzimvubu Local Municipality is constituted amongst the four local municipalities within the ANDM, others being Matatiele, Mbizana and Ntabankulu Local Municipalities.



Figure 1.1: Alfred Nzo in the Eastern Cape Province and Umzimvubu Local Municipality

Umzimvubu Local Municipality is located in one of the poorest regions of South Africa within the Alfred Nzo District Municipality in the northeastern part of the Eastern Cape Province. It stretches from a border with KwaZulu-Natal to adjacent municipalities of Matatiele, to the north, Ntabankulu and Mbizana to the South as well as Mhlontlo Local Municipality within the OR Tambo District Municipality to the west. The major national road, N2, passes through the municipality and it is one of the busiest transport and passenger routes in the country.

The locality of ULM is faced with a great number of socio-economic challenges. The region is characteristic of high poverty and unemployment levels and low education and skills level. The district possesses potential in tourism related opportunities as a result of a number of attributes namely its rich history, heritage and culture etc. have been well profiled in the Tourism Development Plan.

It is common knowledge that Mzimvubu Local Municipality as a whole is littered with historical cultural and heritage sites and places some of which are the result of resistance of wars of colonial dispossession and conquest. Others are sites of cultural significance that have shaped the value systems and cultural expressions of many centuries. Historians and other commentators have written a lot about these occurrences in this area, but not the intangible heritage legacy that has been bestowed upon these communities and the district as a whole. Mzimvubu Local Municipality has significant heritage attractions linked to the various layers of history relating to the San, Khoi, Xhosa, and the liberation struggle in more recent times.

In the South African context, the governance of heritage is premised in the main on two pieces of legislation namely: the National Heritage Council Act (NHC) 1999 and the National Heritage Resources Act (NHRA) 1999. The reason these two stand out is because they are the products of the protracted heritage policy formulation and the lynch pin around which an inclusive transformed heritage sector was predicated. National Heritage Council Act (RSA 1999) enabled the establishment of the NHC as a “juristic person” to develop, promote, and protect the national heritage, and to coordinate its management. The National Heritage Resources Act (RSA 1999d) provided for the establishment of the South African Heritage Resources Agency (SAHRA). SAHRA is the administration agency responsible for the protection of the cultural heritage of South Africa and has a much wider and more inclusive remit than its predecessor. It is expected to coordinate the identification, assessment, grading, registration, and management of heritage resources in the national estate, through an integrated and interactive system’.

## **1.2 OVERALL OBJECTIVE AND SPECIFIC OBJECTIVES OF THE PROJECT**

### **1.2.1 Overall objective**

The overall objective of the project is to study and research for the development of Umzimvubu of Heritage Route which is meant to explore creative ways of boosting the economy of the area through utilization of rich cultural heritage in the area as a drive for tourism development in ULM which will translate into an increase economic growth and development and employment creation within the tourism sector.

### **1.2.2 Specific Objectives**

The specific objectives of the project require the undertaking of the following:

- This synoptic study and research which is meant to explore creative ways of boosting the economy of the area through utilization of rich cultural heritage in the area as a drive for tourism. Various studies have shown that tourism is a fast-growing industry, and it is labor intensive thus creating opportunities for large scale job creation and small and medium enterprise which could benefit local communities. Small areas as KwaDukuza/Stanger (Shaka’s grave), Ncome Museum (Battle of Blood River), 1820 Settler Monument near Makhanda (formerly Grahamstown), Steve Biko Memorial Centre and grave (Ginsberg) near King Williamstown are some demonstrable cases where heritage has been used as an economic stimulus for tourism and local enterprise.
- Identification of key projects for culture and heritage-based economies

- Development of a comprehensive report on how culture and tourism can be utilized for economic development in the Umzimvubu area.

## **2. SCOPE OF WORK**

Tenders are invited from suitably qualified professional service providers to conduct research and submit a well-documented researched report and implementation plan on how culture and heritage can be utilized for economic development in the Umzimvubu area.

### **2.1 Project Duration**

The project time frame will be 1 months from the date of appointment of the service provider.

### **2.3 Project Activities**

The following broad phases should be considered for ease of implementation and management.

#### **Phase 1: Training workshop on heritage route process mapping and related matters**

This workshop of the municipality officials and other relevant external stakeholders would be empowering and impart extensive knowledge on heritage policy framework and its application. It is envisaged that such a workshop would cover at least of the following areas:

- Overview of the International Heritage Regime
- South Africa's Heritage Policy Framework;
- Socio-economic Dimension of Heritage Resources Management;
- Resistance and Liberation Heritage Route
- Heritage Route Process Mapping

#### **Phase 2: Auditing and mapping of heritage sites:**

This will entail a number of activities such as identification of historical sites, interviewing persons with knowledge of these sites, identification and collation of information on these properties;

#### **Phase 3: Profiling of heritage sites with historical narratives**

This phase should include an analysis and recording of each site's history such reasons for the erection, its strategic purpose and its contribution to the overall cultural identity;

#### **Phase 4: Conservation and protection**

This phase should include amongst other things the development of a statement of significance for each site establishment, the drawing of a Site Management Plan as well as seeking approval systems as per applicable prescripts. Public consultation on what is being planned with regard to these sites will form part of the process in order to create a buy in and a sense of ownership and belonging.

#### **Phase 5: Community facilitation and participation**

It is well known that development projects including heritage, that excludes or side-lines community participation runs the risk of neglect and vandalism of the heritage properties. For instance, Rashied (2016) has mentioned that "community participation is perceived to be an essential component in implementing development projects since people's needs are addressed best through participation. It is a central element of projects since local people are in full control and ownership of the projects. The development projects should be responsive to the people's needs. In practice of community participation, the type and intensity of participation of the beneficiaries vary widely ranging from sharing information to decision-making and controlling the entire process. Community stakeholders can participate in a variety of ways and levels ranging from planning, implementing to evaluation

#### **Phase 6: Grading of Selected Sites:**

The grading of heritage sites is an important function of heritage management and can be performed according to applicable legislation. In terms of the regulation of three spheres of government have a role play. For instance, Grade 1 is done at a National Level, Grade 2 at a Provincial level and Grade 3 at a Municipal level. Accordingly, there will be a facilitation with SAHRA and Provincial Heritage Authorities for the grading of sites, stakeholder and other relevant bodies meetings as well as reviewing status of sites. All of these activities will be performed with the context of protection and management arrangements as per applicable prescripts and regulations.

#### **Phase 7: Advocacy for intangible heritage:**

Any district movement or project will necessarily need publicity for the purposes of making it known throughout the province. In this regard, this will involve the

development and the framing of the requisite narrative including the preparation of the awareness campaigns. The choice of communication channels such as electronic media, print and social platform will determine the extent to which this national campaign becomes entrenched in the development agenda of the country.

### **3. Company Expertise Required**

The management of heritage resources requires intimate knowledge and experience in the heritage discipline and therefore the following expertise constitute the key components of this project:

**3.1 Heritage policy framework:** It is imperative that one of the members of the organisation or institute should worked in public sector entities for a period of no less than fifteen (30) years in heritage policy framework and development. He or she should have full grasp of heritage policy development and implementation especially in the post-Apartheid South Africa and exposure to international heritage framework under the auspices of the World Heritage Organisation (WHO) and related implementing agencies.

**3.2 Heritage Resources Management:** One of the members should at least have a post graduate degree in Heritage Studies and have work in heritage institutions for a period of no less than twenty-five (25) years in heritage resources management. It is expected that such an individual will have a full understanding of South Africa's heritage legislation and regulations especially the challenges of transformation of the cultural heritage landscape to reflect the new ethos of the democratic state.

**3.3 Heritage economics:** Heritage resources management is increasingly becoming seen and viewed through the lens of asset management hence the there is a growing body of knowledge in heritage economics. It is therefore important that one of the members should experience of no less that twenty (20) years in socio-economic research and a full grasp of heritage economics. Such an individual should have a full grasp of economic policy formulation and implementation therefore and its impact in heritage resources management.

**3.4 Historian:** He or she should have a post graduate degree in history of South Africa with a specific focus on the wars of dispossession and conquest in the Eastern Cape and other areas. In addition, he or she should have a deep analytical capability on the

heritage resources that accrued out of these historical heritage sites in the district and the province in general and above all be associated with an institution of higher learning.

#### **4. KEY DELIVERABLES OF THE PROJECT**

It is envisaged that the outputs of this project will amongst other things result in the following:

- Identification and development of socio-economic opportunities in all heritage sites and places of cultural significance.
- A process of identifying potential sponsors who could contribute to sites development in partnership with the local municipality.
- Bringing on board private sector entities in heritage resources management thus realizing the concept public private sector partnership in this sector.
- Publication of information materials on community heritage sites of significance.
- Application of latest technologies in the digitization of heritage sites in line with the 4IR.
- Identification, documentation and profiling of each site by a competent researcher.
- Inclusion of the project in local and district as well as provincial heritage and economic development plans.
- Development of an integrated development plan for these projects and a business case.
- Mobilization of public and private resources; public resources as well as call for expression of interest on projects by private sector.
- Implementation that include signage, erection of monuments or narrative plates/plaque, access roads to the sites, infrastructure for some of the sites.
- Submission of a proposal for these sites to be graded and declared as provincial and national heritage sites.

#### **5. PROJECT MANAGEMENT**

In cases where the appointed service provider appoints the services of other consultants or sub-contractors, the appointed service provider will take responsibility of the work of the sub-contractors. The client will deal with the contracted service provider and not with sub-contracted consultants. The project is to be coordinated and managed by an operational team led by LED Manager: Umzimvubu Local Municipality.

## **6. ACCOUNTABILITY AND REPORTING MECHANISM**

It is expected that regular progress reports will be presented to the PSC on a monthly basis. The Project Manager has the right to change frequency of reporting as and when necessary. Progress reporting will be undertaken in terms of documented reporting and in presentation format at PSC meetings. The service provider will account to Umzimvubu Local Municipality and Department of Economic Development and Environmental Management. Project Manager will monitor the process/ progress on the site.

Evaluation criteria of the tenders

The bids will be evaluated in two stages, namely:

- Stage 1- Functionality
- Stage 2- Price and BBBEE Points

✓ Only Bidders who score 60% or more on stage 1 would be evaluated further and therefore eligible for the award.

### **STAGE 1 OF EVALUATION – FUNCTIONALITY**

<b>Functionality</b>	<b>100</b>
• Previous Experience	40
• Capacity and Expertise	40
• Methodology	20

### **STAGE 2 OF EVALUATION – PRICE & PREFERENTIAL POINTS**

BBBEE POINTS	20
Price	80
<b>TOTAL</b>	<b>100</b>

✓ 40 points for company experience are spread as follows:

- Traceable record for successfully completed minimum of 5 projects of this nature/projects of similar nature a maximum of 40 points may be awarded.
- 3-4 projects completed: 30 points
- 1-2 projects completed: 20 points

✓ **40 points for Capacity and Expertise to undertake the project:**

- Company with team member(s) comprises of at least the following areas of expertise:
  - a) Proven years of experience in Research: 20 points
  - b) Research Scientist, Social Scientist or Tourism Development Specialist 20 points

✓ **20 points for Methodology**

The following must be covered on the scope of work:

- Financial projections
- Action plan must articulate time frame, activities, cost as per scope of work