

TENDER: 8/3/6-2018: SUPPLY AND DELIVERY OF MICROSOFT LICENSES

Tenders are hereby invited from registered and authorized South African Microsoft Certified License Providers for the supply and delivery of Microsoft Licenses.

Tenders in sealed envelopes clearly marked "Tender: 8/3/6-2018: SUPPLY AND DELIVERY OF MICROSOFT LICENSES" must be deposited in the quotation box at the Municipal Offices, 13 Kerk Street, Piketberg before 12:00 on Friday 23 MARCH 2018, when tenders will be opened in public.

Documents and specifications that contain the minimum requirements are available from Ms. Marina van Zyl / Ms L Parks at the Municipal Offices,13 Kerk Street, Piketberg, during working hours 7h30 – 15h00 from Friday 09 March 2018. All technical inquiries regarding this tender may be directed to Mr S Lesch at tel.no. 022 913 6000, ext. 6019, or by email address: leschs@bergmun.org.za

Bids will be evaluated using the Council's Supply Chain Management Policy. It is therefore compulsory that the Preference Point Claim form for the Preferential Procurement Regulations is completed in full to make application for preference points. Tenders may only be submitted on the standard tender documents that are issued. There will be no benefits if the schedule is not thoroughly completed. **The bid price must be VAT inclusive.**

Bidders must be registered as a prospective supplier on National Treasury's Central Supplier Database (CSD). The Tax Clearance Certificate/ Tax Compliance Status (TCS) Pin/Centralised Suppliers Database (CSD) Registration Number must be submitted together with the bid. Failure to submit a Tax Clearance Certificate/TCS Pin/CSD registration number may result in the invalidation of the bid.

Late, incomplete or tenders received by fax will not be accepted. Proof of dispatch of a tenders will not be regarded as proof of receipt thereof. Council is not obliged to accept the lowest or any tender. Council reserves the right to accept any tender or part thereof.

Municipal Offices 13 Kerk Street PIKETBERG 7320 ADV. H.LINDE MUNICIPAL MANAGER

MN35/2018

9 March 2018



TENDER NO.: 8/2/6-2018 MN35/2018: <u>Supply and delivery of Microsoft Licenses</u>

PROCUREMENT DOCUMENT

NAME OF TENDERER:	
Total Bid Price (Inclusive of VAT) PAGE 35	
COMPLETION PERIOD IN WORKING DAYS:	

MARCH 2018

PREPARED AND ISSUED BY:

Directorate: Finance:

Supply Chain Management Unit

Bergrivier Municipality, PO Box 60 Piketberg 7320 Tel no.: (022) 913 6000 CONTACT FOR ENQUIRIES REGARDING SPECIFICATIONS:

Shane Lesch

Hoof IT Dept.

Tel. Number: **022 913 6000- Ext 6019 / 083 800 3060**

Email: leschs@bergmun.org.za



1. TENDER NOTICE & INVITATION TO TENDER

TENDER No. 8/3/6-2018 MN35 SUPPLY AND DELIVERY OF MICROSOFT LICENSES



BERGRIVIER MUNICIPALITY

TENDER: 8/3/6-2018: SUPPLY AND DELIVERY OF MICROSOFT LICENSES

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Municipal Offices 13 Kerk Street PIKETBERG 7320 ADV H.LINDE MUNICIPAL MANAGER

MN35/2018

9 March 2018



TENDER DETAILS							
TENDER NUMBER:	T8/3/6-	2018 MN35/20	18				
TENDER TITLE:	SUPPL	Y AND DELIV	ERY OF	MICROS	OFT LICE	ENSES	
CLOSING DATE:	23 N	larch 2018	18 CLOSING TIME: 12h00				
SITE MEETING:	DATE:		TIME:			COMPULSORY:	
SITE MEETING ADDRESS:	N/A						
NB: Please note that no latecomers will be allowed.							
For all compulsory briefing sattend the meeting or arrived	sessions/sit later than p	te meetings/clarific predetermined date	ation mee and time,	tings, bids r will be <u>dis</u> q	received from ualified	m interested bidde	rs that did no
CIDB GRADING REQUIRED:	N/A	LEVEL AND CATE	EGORY:				
BID BOX:	SITUATED AT: BERGRIVIER Municipal Building, Plein Street, BERGRIVIER . The bid box is generally open 24 hours a day, 7 days a week.						
OFFER TO BE VALID FOR:	60 DAYS FROM THE CLOSING DATE OF BID.						
TENDERER DETAILS (Please	indicate po	estal address for all	correspon	dence releva	ant to this s	pecific tender)	
NAME OF TENDERER:							
NAME OF CONTACT PERSON:				CELL PHO	NE NO :		
PHYSICAL ADDRESS:	POSTAL ADDRESS:						
TELEPHONE #:				FAX NO.			
E-MAIL ADDRESS:	E-MAIL ADDRESS:						
DATE:							
SIGNATURE OF TENDERER:							
CAPACITY UNDER WHICH TH	IIS BID IS S	IGNED:					

PLEASE NOTE:

- 1. Tenders that are deposited in the incorrect box will not be considered.
- 2. Mailed, telegraphic or faxed tenders will not be accepted.
- 3. If the bid is late, it will not be accepted for consideration.
- 4. Bids may only be submitted on the Bid Documentation provided by the Municipality.

ENQUIRIES MAY BE DIRECTED TO:	CONTACT PERSON	TEL. NUMBER	EMAIL ADDRESS
1. TECHNICAL ENQUIRIES	Shane lesch	022 913 6000 Ext 6019	leschs@bergmun.org.za
2. ENQUIRIES REGARDING BID PROCEDURES & COMPLETION OF BID DOCUMENTS	Israel Saunders / Marina van Zyl	022 913 6000 Ext 6038 /6036	saundersi@bergmun.org.za vzylm@bergmun.org.za



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PART A – ADMINISTRATIVE REQUIREMENTS IN TERMS OF THE SUPPLY CHAIN MANAGEMENT POLICY



2. CHECKLIST

PLEASE ENSURE THAT THE FOLLOWING FORMS HAVE BEEN DULY COMPLETED AND SIGNED AND THAT ALL DOCUMENTS AS REQUESTED, ARE ATTACHED TO THE TENDER DOCUMENT:

Authority to Sign a Bid - Is the form duly completed and is a certified copy of the resolution attached?	Yes	No	
Tax Clearance Certificate -VALID Tax Clearance Certificate attached/ Tax compliance pin?	Yes	No	
MBD 4 (Declaration of Interest) - Is the form duly completed and signed?	Yes	No	
MBD 5 – (Declaration for Procurement above R10 Million (VAT Included)	Yes	No	
MBD 6.1 (Preference Points claim form for purchases/services) - Is the form duly completed and signed? Is a CERTIFIED copy of the B-BBEE Certificate or the original B-BBEE Certificate attached?	Yes	No	
MBD 6.2 (Local Content) - Is the form duly completed and signed? Is a copy of the exchange rates included as per date of advert attached?	Yes	No	
MBD 8 (Declaration of Past Supply Chain Practices) - Is the form duly completed and signed?	Yes	No	
MBD 9 (Certificate of Independent Bid Determination) - Is the form duly completed and signed?	Yes	No	
MBD 10 (Certificate of Payment of Municipal Accounts) - Is the form duly completed and signed? Are the Identity numbers, residential addresses and municipal account numbers of ALL members, partners, directors, etc. provided on the form as requested? Are copies of these municipal accounts attached.	Yes	No	
OHSA (Occupational Health and Safety) - Is the form duly completed and signed? Is a valid Letter of Good Standing from the Compensation Commissioner attached?	Yes	No	
Form of Indemnity - Is the form duly completed and signed?	Yes	No	
Pricing Schedule - Is the form duly completed and signed?	Yes	No	
Form of Offer- Is the form duly completed and signed?	Yes	No	
Declaration by Tenderer - Is the form duly completed and signed?	Yes	No	

SIGNATURE	NAME (PRINT)	
CAPACITY	DATE	
NAME OF FIRM		

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		3. AUTHORITY	/ TO :	SIGN A	BID			
	1. SOLE PROPRIETOR	(SINGLE OWNER BUSINES	S) AN	ID NAT	URAL I	PERSON		
	1.1. l,		,	the und	ersigne	d, hereby co	onfirm th	nat I am the
	sole owner of the bu	siness trading as						
	OR							
					dersign	ed, hereby o	confirm	that I am
ſ	submitting this tende	er in my capacity as natural p	erson.					
	SIGNATURE:			DATE:				
	PRINT NAME:							
	WITNESS 1:			WITNE	SS 2:			
2.	COMPANIES AND CI	LOSE CORPORATIONS						
	signed, authorising this bid and any other	If a Bidder is a COMPANY, a certified copy of the resolution by the board of directors, duly signed, authorising the person who signs this bid to do so, as well as to sign any contract resulting from this bid and any other documents and correspondence in connection with this bid and/or contract on behalf of the company must be submitted with this bid, that is, before the closing time and date of the bid						
	authorizing a memb included with the b	CLOSE CORPORATION (Co er or other official of the corp bid. LUTION BY BOARD OF DIRE	oratio	n to sigr	the do	ocuments on	their be	ehalf, shall be
	Date Resolution was taken							
	Resolution signed by (name	and surname)						
	Capacity							
	Name and surname of delega	ated Authorised Signatory						
	Capacity							
	Specimen Signature							
	Full name and surname of A	LL Director(s) / Member (s)						
	1.		2.					
	3.		4.					
	5.		6.					
	7.		8.					
	9.		10.					
	Is a CERTIFIED COPY of	of the resolution attached?			YES		NO	
	SIGNED ON BEHALF OF COMPANY / CC:			DATE:			•	
	PRINT NAME:							
	WITNESS 1:			WITNE	ESS 2:			
				1		1		

Signature.....



3. PARTNERSHIP								
	We, the undersigned par							
	authorize Mr/Ms							
from the bid and any other documents and correspondence in connection with this bid and /or								
	and on behalf of the abo		•	tha furni	ahad and	aigned by ave	an, portpor	
	The following particulars	·		t be lumi	sned and			
		Full name	of partner			(Signature	
	SIGNED ON BEHALF OF							
	PARTNERSHIP:			DATE:				
	PRINT NAME:							
	WITNESS 1:			WITNES	S 2:			
4.	CONSORTIUM							
٦.	We, the undersigned con	nsortium par	tners, hereby autho	rize				
			ity) to act as lead co					
							act resulting from this	
	tender and any other do	cuments and	d correspondence ir	n connec	tion with t	his tender and	d / or contract for and	
	on behalf of the consorti	um.						
	The following particular member:	s in respect	t of each consortiu	ım memb	per must	be provided	and signed by each	
	Full Name of Consortiun	n Member	Role of Consor	rtium Mem	ber	% Participation	Signature	
	SIGNED ON BEHALF OF PARTNERSHIP:					DATE:		
	PRINT NAME:							
	WITNESS 1:				WITNESS	3 2:		

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4. CERTIFICATE OF AUTHORITY FOR JOINT VENTURES

This returnable schedule is to be completed by JOINT VENTURES

We, the undersig	ned, are sub	bmitting this tender offer in jo	int venture ar	nd hereby authorize Mr./Ms
authorized signat	ory of the C	Company/Close Corporation/F		
sign all documen	ts in connec	ction with the tender offer and	_	the capacity of lead partner, to resulting from it on our behalf.
(i) Name of firm (Le	ead partner)			
Address				
71001000			Tel. No.	
Signature			Designation	
(ii) Name of firm				
Address				
Address			Tel. No.	
Signature			Designation	
(iii)Name of firm				
Address:				
Audiess.			Tel. No.	
Signature			Designation	
(iv) Name of firm				
Address				
Audiess			Tel. No.	
Signature			Designation	

NOTE: A copy of the Joint Venture Agreement showing clearly the percentage contribution of each partner to the Joint Venture, shall be appended to this Schedule.

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5. MBD 2 – TAX CLEARANCE CERTIFICATE REQUIREMENTS

It is a condition of bid that the taxes of the successful bidder must be in order, or that satisfactory arrangements have been made with South African Revenue Service (SARS) to meet the bidder's tax obligations.

- The <u>Tax Clearance Certificate/</u> Tax Compliance Status (<u>TCS) Pin/</u> Centralised Suppliers
 Database (CSD) Registration Number <u>must be submitted together with the bid</u>. Failure to
 submit a Tax Clearance Certificate/TCS Pin/CSD registration number may result in the
 invalidation of the bid.
 - (a) Tax Compliance Status (TCS) Pin as of 18 April 2016
 - i. In terms of the new Tax Compliance Status System implemented by SARS on 18 April 2016, taxpayers are now able to issue the municipality with a TCS Pin which will be used to verify a bidder's tax status online via SARS E-filing. This option will be used to verify the status of the service provider (which should be active or compliant) and will determine if the offer will be further evaluated or omitted, even if the bidder only submitted a TCC as per point 1 above. Service provider's status which is found inactive or non-compliant their offers will be omitted. Bidders who are not in possession of an valid Tax Clearance Certificate must issue the municipality with the following:

Tax Clearance Certificate printed for SARS E-filing					
Tax Reference Number:					
Tax Compliance Status Pin:					

- 2. In bids where Consortia / Joint Ventures / Sub-contractors are involved, each party must submit a separate Tax Clearance Certificate, Tax Compliance Status Pin or CSD Registration number
- Applications for the Tax Clearance Certificates may also be made via eFiling. In order to use this provision, taxpayers will need to register with SARS as eFilers through the website www.sars.gov.za.
- 4. If a bidder is registered on Bergrivier Municipality supplier's database; that contains a tax clearance certificate which is active on closing date of Bid/Formal quotation, it must be indicated as such on this page, whereby the attaching of a new tax clearance certificate to this page will not be required.
- 1. Non adherence to point 4 above may invalidate your offer.

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PART B: TERMS AND CONDITIONS FOR BIDDING

1.	BID SUBMISSION:	
1.1.	 BIDS MUST BE DELIVERED BY THE STIPULATED TIME TO THE CO WILL NOT BE ACCEPTED FOR CONSIDERATION. 	RRECT ADDRESS. LATE BIDS
1.2.	 ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS PROVI ONLINE 	DED-(NOT TO BE RE-TYPED) OR
1.3.	3. THIS BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT PO PREFERENTIAL PROCUREMENT REGULATIONS, 2017, THE GENE (GCC) AND, IF APPLICABLE, ANY OTHER SPECIAL CONDITIONS O	RAL CONDITIONS OF CONTRACT
2	TAX COMPLIANCE REQUIREMENTS	
2.1		IONS.
2.2	BIDDERS ARE REQUIRED TO SUBMIT THEIR UNIQUE PERSONAL ISSUED BY SARS TO ENABLE THE ORGAN OF STATE TO VIEW T TAX STATUS.	
2.3	3 APPLICATION FOR THE TAX COMPLIANCE STATUS (TCS) CERTIFI MADE VIA E-FILING. IN ORDER TO USE THIS PROVISION, TAXPAY WITH SARS AS E-FILERS THROUGH THE WEBSITE WWW.SARS.G	ERS WILL NEED TO REGISTER
2.4	4 FOREIGN SUPPLIERS MUST COMPLETE THE PRE-AWARD QUEST	IONNAIRE IN PART B:3.
2.5	5 BIDDERS MAY ALSO SUBMIT A PRINTED TCS CERTIFICATE TOGE	THER WITH THE BID.
2.6	IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACT PARTY MUST SUBMIT A SEPARATE TCS CERTIFICATE / PIN / CSI	•
2.7	7 WHERE NO TCS IS AVAILABLE BUT THE BIDDER IS REGISTERED DATABASE (CSD), A CSD NUMBER MUST BE PROVIDED.	ON THE CENTRAL SUPPLIER
3.	QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS	
3.1.	IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA YES □ NO	(RSA)?
3.2.	2. DOES THE ENTITY HAVE A BRANCH IN THE RSA? YES ☐ NO	
3.3.	3. DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE YES $\ \square$ NO	RSA?
3.4.	 DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA? YES ☐ NO 	
3.5.	5. IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION YES $\ \square$ NO	?
A T	THE ANSWER IS "NO" TO ALL OF THE ABOVE, THEN IT IS NOT A R TAX COMPLIANCE STATUS SYSTEM PIN CODE FROM THE SOU ARS) AND IF NOT REGISTER AS PER 2.3 ABOVE.	EQUIREMENT TO REGISTER FOR TH AFRICAN REVENUE SERVICE
	B: FAILURE TO PROVIDE ANY OF THE ABOVE PARTICULARS MAY R D BIDS WILL BE CONSIDERED FROM PERSONS IN THE SERVICE OF	
SIGI	GNATURE OF BIDDER:	
CAP	APACITY UNDER WHICH THIS BID IS SIGNED:	
DAT	ATE:	

Signature

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6. 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 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 of bidder or his or her representative										
3.2.	Identity Number										
3.3.	Position occupied in the Company (director, shareholder ² etc.)						L	I	<u>I</u>		
3.4.	Company Registration Number										
3.5.	Tax Reference Number										
3.6.	VAT Registration Number										
3.7.	Are you presently in the service of the state?							YE	6	NO	
3.7.1.	If so, furnish particulars:										
3.8.	Have you been in the service of the state for the	e past	twel	ve mo	nths?	?		YE	3	NO	
3.8.1.	If so, furnish particulars:										

- 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. an executive 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.

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



	Do you have any relationship (family, friend, other) with persons in the service of the				
3.9.	state and who may be involved with the evaluation and or adjudication of this bid?	YES		NO	
3.9.1.	If so, furnish particulars:				
3.10.	Are you aware of any relationship (family, friend, other) between a 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	
3.10.1.	If so, furnish particulars:				
3.11.	Are any of the company's directors, managers, principal shareholders or stakeholders in the service of the state?	YES		NO	
3.11.1.	If so, furnish particulars:				
3.12.	Is any spouse, child or parent of the company's directors, managers, principal shareholders or stakeholders in the service of the state?	YES		NO	
3.12.1.	If so, furnish particulars:				
	Name of the spouse/child/parent :	parent:.			
	Relationship to the official : Designation of the spouse/chil	d/parent	:		
	Employer of the spouse/child/parent :				
	Do you or any of the directors, trustees, managers, principal shareholders, or				
3.13.	stakeholders of this company have any interest in any other related companies or	YES		NO	
	business whether or not they are bidding for this contract?				
3.13.1.	If so, furnish particulars:				

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	Full Name and Surname	Identity Number	Personal Income Tax Number	Provide State ³ Employee Number			
	NB: a) PLEASE ATTACH CERTIFIED COPY(IES) OF ID DOCUMENT(S) b) PLEASE PROVIDE PERSONAL INCOME TAX NUMBERS FOR ALL DIRECTORS / SHAREHOLDERS / TRUSTEES / MEMBERS, ETC.						
4.	DECLARATION						
	I, the undersigned (name) certify that the information furnis	hed in paragraph 3 abo	ove is correct.				
	I accept that the state may act a			e false.			
	SIGNATURE		DATE				
	NAME OF SIGNATORY		<u>, </u>				
	POSITION						
	NAME OF COMPANY						

Please provide the following information on ALL directors/shareholders/trustees/members below:

³ MSCM Regulations: "in the service of the state" means to be –

a member of -

3.14.

- any municipal council;
- any provincial legislature; or
- the National Assembly or the National Council of Provinces;
- a member of the board of directors of any municipal entity; an official of any municipality or municipal entity; b.
- c. 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);
- an executive member of the accounting authority of any national or provincial public entity; or e.
- an employee of Parliament or a provincial legislature.

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7. MBD6.1 – PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL PROCUREMENT REGULATIONS 2017 – PURCHASES/SERVICES "Insert 80/20 or 90/10"

NB:

Before completing this form, bidders must study the general conditions, definitions and directives applicable in respect of B-BBEE, as prescribed in the Preferential Procurement Regulations, 2017.

1. GENERAL CONDITIONS

- 1.1 The following preference point systems are applicable to all bids:
 - the 80/20 system for requirements with a Rand value of up to R50 000 000 (all applicable taxes included); and
 - the 90/10 system for requirements with a Rand value above R50 000 000 (all applicable taxes included).
 - a) The value of this bid is estimated to exceed/not exceed R50 000 000 (all applicable taxes included) and therefore the 80/20 or 90/10 preference point system shall be applicable; or
- 1.2 Points for this bid shall be awarded for:
 - (a) Price; and
 - (b) B-BBEE Status Level of Contributor.
- 1.3 The maximum points for this bid are allocated as follows:

	POINTS
1.1.1. Price	80
1.1.2. B-BBEE status level of contribution	20
Total points for Price and B-BBEE must not exceed	100

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

2. **DEFINITIONS**

- 2.1 **"B-BBEE"** means broad-based black economic empowerment as defined in section 1 of the Broad-Based Black Economic Empowerment Act;
- 2.2 **"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;
- 2.3 **"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;
- 2.4 **"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; (this was added by us)

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- 2.5 "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;
- 2.6 **"functionality"** means the ability of a tenderer to provide goods or services in accordance with specifications as set out in the tender documents.
- 2.7 "prices" includes all applicable taxes less all unconditional discounts;
- 2.8 "proof of B-BBEE status level of contributor" means:
 - 2.8.1 B-BBEE Status level certificate issued by an authorized body or person;
 - 2.8.2 A sworn affidavit as prescribed by the B-BBEE Codes of Good Practice;
 - 2.8.3 Any other requirement prescribed in terms of the B-BBEE Act;
- 2.9 "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;
- 2.10 "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:

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

Where:

Ps = Points scored for price of bid under consideration

Pt = Price of bid under consideration
Pmin = Price of lowest acceptable bid

4. POINTS AWARDED FOR B-BBEE STATUS LEVEL OF CONTRIBUTION

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

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5.	BID DECLARATION							
5.1	Bidders who claim points in respect of B-BBEE Status Level of Contribution must complete the following:							
6.	B -BBEE STATUS LEVEL OF CONTRIBUTION CLAIMED IN TERMS AND 4.1	OF PAF	RAGF	RAPHS	1.4			
6.1	B-BBEE Status Level of Contributor: =(maxi	mum of	10 or	20 poir	nts)			
	(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 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.							
7.	SUB-CONTRACTING							
	7.1 Will any portion of the contract be sub-contracted? (Tick applicable box)	YES		NO				
	7.1.1 If yes, indicate:							
	7.1.1.1 what percentage of the contract will be subcontracted?				%			
	7.1.1.2 the name of the sub-contractor?							
	7.1.1.3 the B-BBEE status level of the sub-contractor?							
	7.1.1.4 whether the sub-contractor is an EME or QSE? (Tick applicable box)	YES		NO				
	7.1.1.5 Specify, by ticking the appropriate box, if subcontracting with an enterprise in terms of Preferential Procurement Regulations, 2017:							
De	esignated Group: An EME or QSE which is at last 51% owned by:	EMI √		QSI √	E			
Black	c people							
Black	c people who are youth							
Black	c people who are women							

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Black people with disabilities

Cooperative owned by black people

Black people who are military veterans

Black people living in rural or underdeveloped areas or townships



OR	
Any EME	
Any QSE	

8. DECLARATION WITH REGARD TO COMPANY/FIRM

8.1	Name of Company/firm:			
8.2	VAT registration number			
8.3	Company registration number			
		Partnership /	Joint Venture / Consortium	
		One person b	usiness / sole proprietor	
8.4	Type of Company/Firm: (Tick applicable box)	Close Corpor	ation	
		Company		
		(Pty) Limited		
8.5	Describe Principal Business Activities			
	Activities			
		Manufacturer		
8.6	Company Classification	Supplier		
	(Tick applicable box)	Professional service provider		
		Other service	providers, e.g. transporter, etc.	
8.7	Municipal Information			
Mun	Municipality where business is situated:			
Regi	Registered Account Number:			
Stan	d Number:			

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8.8	Total Number of years the Company/Firm has been in business:	
8.8	Total Number of years the Company/Firm has been in business:	

- 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 1.4 and 6.1 of the foregoing certificate, qualifies the company/ firm for the preference(s) shown and I / we acknowledge that:
- 9.1 The information furnished is true and correct:
- 9.2 The preference points claimed are in accordance with the General Conditions as indicated in paragraph 1 of this form.
- 9.3 In the event of a contract being awarded as a result of points claimed as shown in paragraph 1.4 and 6.1, the contractor may be required to furnish documentary proof to the satisfaction of the purchaser that the claims are correct;
- 9.4 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
 - 9.4.1 disqualify the person from the bidding process;
 - 9.4.2 recover costs, losses or damages it has incurred or suffered as a result of that person's conduct;
 - 9.4.3 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;
 - 9.4.4 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
 - 9.4.5 forward the matter for criminal prosecution

SIGNATURE OF BIDDER(S):		
WITNESS 1:	WITNESS 2:	
DATE:		
ADDRESS:		

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8. MBD 8 – 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:
 - 3.1. abused the municipality's / municipal entity's supply chain management system or committed any improper conduct in relation to such system;
 - 3.2. been convicted for fraud or corruption during the past five years;
 - 3.3. willfully neglected, reneged on or failed to comply with any government, municipal or other public sector contract during the past five years; or
 - 3.4. 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.

4.1	Is the bidder or any of its directors listed on the National Treasury's database as a company or person prohibited from doing business with the public sector? (Companies or persons who are listed on this database were informed in writing of this restriction by the National Treasury after the audi alteram partem rule was applied).	Yes	No
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)? (To access this Register enter the National Treasury's website, www.treasury.gov.za , click on the icon "Register for Tender Defaulters" or submit your written request for a hard copy of the Register to facsimile number (012) 3265445).	Yes	No
4.2.1	If so, furnish particulars:		
4.3	Was the bidder or any of its directors convicted by a court of law (including a court of law outside the Republic of South Africa) for fraud or corruption during the past five years?	Yes	No

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	4.3.1	If so, furnish particulars:					
•	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?	No				
	4.4.1	If so, furnish particulars:					
	4.5	Was any contract between the bidder and the municipality / municipal entity or any other organ of state terminated during the past five years on account of failure to perform on or comply with the contract?	No				
	4.5.1	If so, furnish particulars:					
5.		CERTIFICATION					
	I, the undersigned (full name),, certify the 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.						
SIG	SNATUR	E: NAME (PRINT):					
CA	PACITY:	DATE:					
NA	ME OF F	FIRM:					

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9. MBD 9 – CERTIFICATE OF INDEPENDENT BID DETERMINATION

- 1. This Municipal Bidding Document (MBD) must form part of all bids 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).⁴ Collusive bidding is a *per 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:
 - 3.1. take all reasonable steps to prevent such abuse;
 - 3.2. 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
 - 3.3. 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:

CERTIFICATE OF INDEPENDENT BID DETERMINATION:

In response to the invitation for the bid made by:

BERGRIVIER MUNICIPALITY

I, the undersigned, in submitting the accompanying bid, hereby make the following statements that I certify to be true and complete in every respect:

- 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:

⁴ 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.

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- 5.1. has been requested to submit a bid in response to this bid invitation;
- 5.2. could potentially submit a bid in response to this bid invitation, based on their qualifications, abilities or experience; and
- 5.3. 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 consortium⁵ 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:
 - 7.1. prices;
 - 7.2. geographical area where product or service will be rendered (market allocation)
 - 7.3. methods, factors or formulas used to calculate prices;
 - 7.4. the intention or decision to submit or not to submit, a bid;
 - 7.5. the submission of a bid which does not meet the specifications and conditions of the bid; or
 - 7.6. bidding with the intention not to win the bid.
- 8. In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications and conditions or delivery particulars of the products or services to which this bid invitation relates.
- 9. The terms of the accompanying bid have not been, and will not be, disclosed by the bidder, directly or indirectly, to any competitor, prior to the date and time of the official bid opening or of the awarding of the contract.
- 10. I am aware that, in addition and without prejudice to any other remedy provided to combat any restrictive practices related to bids and contracts, bids that are suspicious will be reported to the Competition Commission for investigation and possible imposition of administrative penalties in terms of section 59 of the Competition Act No. 89 of 1998 and or may be reported to the National Prosecuting Authority (NPA) for criminal investigation and or may be restricted from conducting business with the public sector for a period not exceeding ten (10) years in terms of the Prevention and Combating of Corrupt Activities Act No. 12 of 2004 or any other applicable legislation.

SIGNATURE	NAME (PRINT)	
CAPACITY	DATE	
NAME OF FIRM		

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⁵ 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.



Reference No:

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10. MB	D 10 – CER	TIFICATE	FOR PAYMENT	OF MU	JNICIPAL SER	VICES
DECLARATION IN TER 24 of 30	MS OF CLAU	JSE 112(1)	OF THE MUNICIPA OF 2003)	L FINA	NCE MANAGEN	MENT ACT (NO.56
I,	and taxes ers to the Ber	or municip grivier Mur	oal service charges	owed	may reject the ter d by the Tende	erer or any of its
I declare that I am duly a of the firm) and hereb director/member/partner Republic of South Africa,	y declare, th of said firm is	nat to the s in arrears	best of my persor s on any of its muni-	nal kno cipal a	owledge, neither ccounts with any	the firm nor any municipality in the
I further hereby certify that The Tenderer acknowled being disqualified, and/or	ges that failur	e to prope	rly and truthfully com	plete th	nis schedule may	result in the tender
PHYSICAL BU	SINESS ADDRE	SS(ES) OF TH	HE TENDERER		MUNICIPAL AC	COUNT NUMBER
FURTHER DETAILS OF TH	E BIDDER'S D	irector / Sh	areholder / Partners, e	etc.:		
Director / Shareholder / partner Physical ac Bus			tne Municipal Account addre		ysical residential ess of the Director / reholder / partner	Municipal Account number(s)
	any of its D	Directors/Sh	ment(s) and Municipal nareholders/Partners, with this tender.			ses, a copy of the
Signature			Position			Date

Signature

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Reference No:

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BERGRIVIER MUNICIPALITY

11.	FORM OF INDEMNITY						
INDEMNITY Given by (Name of Company)							
of (registered address of Company)							
a company incorporated with limited liability	according to the Company Laws of the Republic of South						
Africa (hereinafter called the Contractor), re	Africa (hereinafter called the Contractor), represented herein by (Name of Representative)						
in his capac	in his capacity as (Designation)						
of the Contractor, is duly authorised hereto	by a resolution dated/20,						
to sign on behalf of the Contractor.							
WHEREAS the Contractor has entered into with the Municipality who require this indem	a Contract dated/ 20, nity from the Contractor.						
NOW THEREFORE THIS DEED WITNESSES that the Contractor does hereby indemnify and hold harmless the Municipality in respect of all loss or damage that may be incurred or sustained by the Municipality by reason of or in any way arising out of or caused by operations that may be carried out by the Contractor in connection with the aforementioned contract; and also in respect of all claims that may be made against the Municipality in consequence of such operations, by reason of or in any way arising out of any accidents or damage to life or property or any other cause whatsoever; and also in respect of all legal or other expenses that may be incurred by the Municipality in examining, resisting or settling any such claims; for the due performance of which the Contractor binds itself according to law.							
SIGNATURE OF CONTRACTOR:							
DATE:							
SIGNATURE OF WITNESS 1:							
DATE:							
SIGNATURE OF WITNESS 2:							
DATE:							
Africa (hereinafter called the Contractor), rein his capace of the Contractor, is duly authorised hereto to sign on behalf of the Contractor. WHEREAS the Contractor has entered into with the Municipality who require this indem NOW THEREFORE THIS DEED WITNES harmless the Municipality in respect of all Municipality by reason of or in any way arise by the Contractor in connection with the aformay be made against the Municipality in coarising out of any accidents or damage to I respect of all legal or other expenses that ror settling any such claims; for the due per law.	presented herein by (Name of Representative) by a resolution dated/20 a Contract dated/20, nity from the Contractor. SES that the Contractor does hereby indemnify and hold loss or damage that may be incurred or sustained by the sing out of or caused by operations that may be carried out or rementioned contract; and also in respect of all claims that ansequence of such operations, by reason of or in any way ife or property or any other cause whatsoever; and also in may be incurred by the Municipality in examining, resisting						

Signature

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PART B - SPECIFICATIONS AND PRICING SCHEDULE

Reference No: B/SM "Insert Tender No." Page 26 of 30



12. SPECIFICATIONS

SPECIFICATIONS

- Although specifications are brief (minimum), council reserves the right to make the final decision on the specific items tendered.
- Optional items and accessories may also be offered.
- Tenderer must have a dedicated helpdesk/support service for the duration of the agreement
- The tenderer must provide proof that it is a certified Microsoft reseller, failure to comply will lead to disqualification.
- Tenderers must use a fix price, no price adjustment will be allowed due to changes in the ROE.
- The Municipality will do its best to award the tender as quickly as possible.

Item 1: MICROSOFT SQL STANDARD LICENSE

DESCRIPTION	PART NUMBER	ESTIMATED QUANTITY	UNIT PRICE PER 2 CORE INC. VAT	TOTAL PRICE INC. VAT
Item 1:				
SQLSvrStdCore 2017 OLP 2Lic NL GOV - 2 Core License Pack (Min=x4 Core Per Proc/VOSE) Qlfd	7NQ-01183	6	R	R
	TOTAL INC	. VAT		R
Item 2				
SQL Server Std Core 2				
SL	AAA-03751	6	R	R
	R			

Conditions to the specifications:

- Item 1, if purchased will be a once off purchase, on an Microsoft Open Volume license agreement. The Municipality will own the licenses
- Item 2 if purchased will be a once off purchase on a Microsoft Products and Services Agreement (MPSA). The Municipality will own the licenses.
- The quantities is estimated and may change.
- The Municipality is a government institution and qualify for the government discount.
- Council reserves the right to accept the specification as a whole or part thereof.
- Either item 1 or item 2 will be purchased.

Reference No:	B/SM	"Insert Tender No."	Page 27 of 30



13. SCHEDULE OF WORK EXPERIENCE OF THE TENDERER - COMPLETED CONTRACTS

The following is a statement of similar work successfully executed by myself / ourselves:

	COMPLETED CONTRACTS							
EMPLOYER (Name, Tel, Fax, Email)	(Contact Person Name, Tel, Fax, Email)	NATURE OF WORK	VALUE OF WORK (INCL. VAT)	DATE COMPLETED			
Name	Name							
Tel	Tel							
Fax	Fax							
Email	Email							
Name	Name							
Tel	Tel							
Fax	Fax							
Email	Email							
Name	Name							
Tel	Tel							
Fax	Fax							
Email	Email							
Name	Name							
Tel	Tel							
Fax	Fax							
Email	Email							
Name	Name							
Tel	Tel							
Fax	Fax							
Email	Email							
Name	Name							
Tel	Tel							
Fax	Fax							
Email	Email							

Attach additional pages if mores space is required.

Number of sheets appended by the tenderer to this schedule (If nil, enter NIL)	

Reference No:	B/SM	"Insert Tender No."	Page 28 of 30



14. FORM OF OFFER AND ACCEPTANCE

NOTE:

- This form must be completed in duplicate by both the successful bidder (Part 1) and the purchaser (Part 2). Both
 forms must be signed in the original so that the successful bidder and the purchaser will be in possession of
 originally signed contracts for their respective records.
- 2. NO correction fluid/tape may be used.
 - a. In the event of a mistake having been made, it shall be crossed out in ink and be accompanied by an initial at each and every alteration.
- 3. The Bidder MUST indicate whether he/she/the entity is a registered VAT Vendor or not.
 - In the case of the Bidder not being a registered VAT Vendor, both columns (amount/rate excluding AND including VAT) must reflect the same amount.

	INDICATE WITH AN 'X'								
Are you/is the firm a registered VAT Vendor	YES						NO		
f "YES", please provide VAT number									

1. OFFER

- 1.1. The Employer, identified in the Acceptance signature block, has solicited offers to enter into a contract in respect of the following works; Tender 8/3/6-2018
- 1.2. The tenderer, identified in the Offer signature block, has examined the draft contract as listed in the Acceptance section and agreed to provide this Offer.
- 1.3. By the representative of the Tenderer, deemed to be duly authorised, signing this part of this Form of Offer and Acceptance, the Tenderer offers to perform all of the obligations and liabilities of the **Employer** under the contract, including compliance with all its terms and conditions according to their true intent and meaning for an amount to be determined in accordance with the conditions of contract identified in the Contract Data.

THE OFFERED TOTAL OF THE PRICES INCLUSIVE OF VAT IS:		
In figures:	R	
In words:		

1.4. This Offer may be accepted by the Employer by signing the Acceptance part of this Form of Offer and Acceptance and returning one copy of this document to the Tenderer before the end of the period of validity stated in the Tender Data, whereupon the Tenderer becomes the party named as the Contractor in the conditions of contract identified in the Contract Data.

Signature(s)			
Name(s)			
Capacity			
Name of tenderer:			
Name of witness:	(Insert name and address of organization)	Date	

Reference No:	T 8/3/6-2018	Signature	Page 29 of 30	
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2. ACCEPTANCE

- 2.1. By signing this part of this Form of Offer and Acceptance, the Employer identified below accepts the tenderer's Offer. In consideration thereof, the Employer shall pay the Contractor the amount due in accordance with the conditions of contract identified in the Contract Data. Acceptance of the tenderer's Offer shall form an agreement between the Employer and the tenderer upon the terms and conditions contained in this agreement and in the contract that is the subject of this agreement.
- 2.2. Deviations from and amendments to the documents listed in the Tender Data and any addenda thereto listed in the Returnable Schedules as well as any changes to the terms of the Offer agreed by the tenderer and the Employer during this process of offer and acceptance, are contained in the Schedule of Deviations attached to and forming part of this Form of Offer and Acceptance. No amendments to or deviations from said documents are valid unless contained in this Schedule.
- 2.3. It is expressly agreed that no other matter whether in writing, oral communication or implied during the period between the issue of the tender documents and the receipt by the tenderer of a completed signed copy of this Agreement shall have any meaning or effect in the contract between the parties arising from this agreement.

Signature(s):			
Name(s):			
Capacity:			
For the Employer:	Bergrivier Municipality, Kerk Street, Piketberg, 7320		
Name of witness:		Date:	
Signature of witness:		Date.	

Reference No:	T 8/3/6-2018	Signature	Page 30 of 30	
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