NGAKA MODIRI MOLEMA DISTRICT MUNICIPALITY

BID DESCRIPTION: PANEL OF CONSULTING FOR TOWN & REGIONAL PLANNING SERVICES TO BE USED ON AS AND WHEN REQUIRED BASIS FOR A PERIOD NOT EXCEEDING THREE YEARS

BID NUMBER: NMMDM 26/27/06 P&D

TENDER SUBMITTED BY:
COMPANY DIRECTOR: .....

NAME OF BIDDING COMPANY: .....

BUSINESS ADDRESS:
.....

.....

.....

TEL. / CELL NUMBER: .....

E-MAIL ADDRESS: .....

ISSUED BY:

Acting Municipal Manager
Ngaka Modiri Molema District Municipality
Private Bag X 2167
Mafikeng
2745
Tel: (018) 381 9400

CLOSING DATE: 04TH DECEMBER 2026 @ 11H00AM

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NGAKA MODIRI MOLEMA DISTRICT MUNICIPALITY

PANEL OF CONSULTING FOR TOWN & REGIONAL PLANNING SERVICES TO BE USED ON AS AND WHEN REQUIRED BASIS FOR A PERIOD NOT EXCEEDING THREE YEARS

TENDER NO: NMMDM 26/27/06 P&D

INVITATION TO BID

Prospective service providers are hereby invited to bid for the **PANEL OF CONSULTING FOR TOWN & REGIONAL PLANNING SERVICES TO BE USED ON AS AND WHEN REQUIRED BASIS FOR A PERIOD NOT EXCEEDING THREE YEARS**

Detailed bids documents are obtainable from www.nmmdm.gov.za/tenders and www.etenders.gov.za

Tenders completed as prescribed shall be sealed in an envelope marked **"PANEL OF CONSULTING FOR TOWN & REGIONAL PLANNING SERVICES TO BE USED ON AS AND WHEN REQUIRED BASIS FOR A PERIOD NOT EXCEEDING THREE YEARS"** and deposited in the bid box at Ngaka Modiri Molema District Municipality, Cnr Carrington and 1st Avenue, Industrial Sites, Mahikeng, to reach its destination not later than **04TH DECEMBER 2026 AT 11H00AM** when tenders shall be opened in public.

Bids will be adjudicated based on the Preferential Procurement Regulations 2022 using compliance and functionality

The validity period for this tender is 90 days.

Any enquiries regarding the bidding procedure may be directed to Ms. B. Mokate (018) 381 9400, e-mail mokateb@nmmdm.gov.za / Mr. O Seope (018) 381 9450, e-mail seopeo@nmmdm.gov.za
Any enquiries regarding technical information may be directed to Mr. C. Mbengo 076 308 7272, e-mail mbengoc@nmmdm.gov.za

SIGNED.
MR. F.T. MABOKELA
ACTING MUNICIPAL MANAGER

PART A INVITATION TO BID

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE (*NAME OF MUNICIPALITY/ MUNICIPAL ENTITY*)					
BID NUMBER:		CLOSING DATE:		CLOSING TIME:	
DESCRIPTION					
THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (MBD7).					

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

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

BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO:		**TECHNICAL INFORMATION MAY BE DIRECTED TO:**	
DEPARTMENT		CONTACT PERSON	
CONTACT PERSON		TELEPHONE NUMBER	
TELEPHONE NUMBER		FACSIMILE NUMBER	
FACSIMILE NUMBER		E-MAIL ADDRESS	
E-MAIL ADDRESS			

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 THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER SPECIAL CONDITIONS OF CONTRACT.

2. TAX COMPLIANCE REQUIREMENTS

2.1 BIDDERS MUST ENSURE COMPLIANCE WITH THEIR TAX OBLIGATIONS.

2.2 BIDDERS ARE REQUIRED TO SUBMIT THEIR UNIQUE PERSONAL IDENTIFICATION NUMBER (PIN) ISSUED BY SARS TO ENABLE THE ORGAN OF STATE TO VIEW THE TAXPAYER'S PROFILE AND TAX STATUS.

2.3 APPLICATION FOR THE TAX COMPLIANCE STATUS (TCS) CERTIFICATE OR PIN MAY ALSO BE MADE VIA E-FILING. IN ORDER TO USE THIS PROVISION, TAXPAYERS WILL NEED TO REGISTER WITH SARS AS E-FILERS THROUGH THE WEBSITE WWW.SARS.GOV.ZA.

2.4 FOREIGN SUPPLIERS MUST COMPLETE THE PRE-AWARD QUESTIONNAIRE IN PART B:3.

2.5 BIDDERS MAY ALSO SUBMIT A PRINTED TCS CERTIFICATE TOGETHER WITH THE BID.

2.6 IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED, EACH PARTY MUST SUBMIT A SEPARATE TCS CERTIFICATE / PIN / CSD NUMBER.

2.7 WHERE NO TCS IS AVAILABLE BUT THE BIDDER IS REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD), A CSD NUMBER MUST BE PROVIDED.

3. QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS

3.1. IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)? ☐ YES ☐ NO

3.2. DOES THE ENTITY HAVE A BRANCH IN THE RSA? ☐ YES ☐ NO

3.3. DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA? ☐ YES ☐ NO

3.4. DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA? ☐ YES ☐ NO

3.5. IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION? ☐ YES ☐ NO

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

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

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

SIGNATURE OF BIDDER: .....

CAPACITY UNDER WHICH THIS BID IS SIGNED: .....

DATE: .....

LIST OF RETURNABLE DOCUMENTS

1. Proof of Central Suppliers Database (CSD) registration
2. A signed Joint Venture Agreement (In case of a Joint Venture)
3. Municipal Rates and Taxes Statements of all the Directors

3.1 Municipal rates and taxes statement not older than three months from the date of tender closure for each directors' address must be attached; or

3.2 Valid lease agreement of the director/s (showing all critical contractual obligations), the director must submit the statement of rates and taxes of the lessor or a letter from a tribal authority if the lessor is residing in a tribal land, or

3.3 A letter from tribal authority (a copy acceptable) not older than three (3) months if the director/s are residing in a tribal land, or

3.4 If the rates and taxes account are not in the names of the director/s the attached municipal rates and taxes statement of the residence owner must be submitted together with an original affidavit from the lessor and from the director of the company to confirm that the director resides on the property.

3.5 the address that appears on the rates statement must correspond to the address on the CSD.

4. Municipal Rates and Taxes Statements of the Company

4.1 Municipal rates and taxes statement not older than three months from the date of closure for the company's' address must be attached; or

4.2 Valid lease agreement of the company (showing all critical contractual obligations), the lessor must submit the statement of rates and taxes or a letter from a tribal authority if the lessor is residing in a tribal land, or

4.3 A letter from a tribal authority (a copy acceptable) not older than three (3) months if the company is operating from a tribal land, or

4.4 If the rates and taxes account are not in the names of the company, the attached municipal rates and taxes statement of the lessor must be submitted together with an original affidavit from the lessor and from director of the company confirming that the company operates from the property.

4.5 the address that appears on the rates statement must correspond to the address on the CSD.

5. Should the Company (Bidder) be operating from the Same Address as the Director, An affidavit confirming such should be submitted.

6. Three Years Audited Annual Financial Statements, if not required by law then Annual Financial Statements by independent reviewer.
7. Requirements should be submitted for J.V based on their applicability.
8. Soft copy of the entire document including returnable saved in a USB is **compulsory.**

BID REQUIREMENTS

1. Late bids will not be considered. Please note that bids are late if they are received after the closing date and time.
2. Bids will be valid for 90 days.
3. All MBDs must be fully completed and signed.
4. All prices must be quoted in South African currency and must be VAT Inclusive.
5. All items must be priced, failure to price all items will render your bid non-responsive.
6. All relevant forms attached to this bid document must be completed and signed in black ink where applicable by a duly authorised official. Use of tipex and pencil will not be acceptable.
7. Certified copies must have a date of certification and should be not older than 3 months as at the close of the tender. (Should the copy not have the date of certification the tender will be regarded as non-responsive)
8. Only original stamp and signature will be accepted.
9. Copy of a certified copy will be considered non-responsive.
10. For procurement expected to be less than 10 million, awards will not be made to bidders owing municipal rates and taxes for over 90 days at the time of tender closure
11. For procurement expected to be more than 10 million, awards will not be made to bidders owing municipal rates and taxes for over 90 days at the time of tender closure
12. Proof of residence from ward councillors will not be accepted.

NGAKA MODIRI MOLEMA DISTRICT MUNICIPALITY

SIGNATORY AUTHORISATION

(To be completed by the Bidder)

SIGNATORY AUTHORISATION

I/We the undersigned, am/are authorized to enter into this contract on behalf of

---

(Name of Firm)

By virtue of resolution dated ----------day of ----------20----------
(Month)

The certified copy of resolution that is herewith attached to this Bid.

Physical Address:

……

……

1. …… ……
(Initials and Surname in full) Signature

MBD 4

NGAKA MODIRI MOLEMA DISTRICT MUNICIPALITY

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 Position occupied in the Company (director, trustee, shareholder)……

3.3 Company Registration Number:……

3.5 Tax Reference Number: ……

3.6 VAT Registration Number: ……

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

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

∗ 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.

3.8.1 If so, furnish particulars:
……

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

3.9.1 If so, 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 so, furnish particulars:

……

……

3.11 Are you, aware of any relationship (family, friend, other) between any 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 so, furnish particulars:

……

……

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

3.12.1 If so, furnish particulars:

……

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

3.13.1 If so, furnish particulars:

……

3.14 Do you or any other of the directors,
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 so, furnish particulars:

.....

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

Full Name	**Identity Number**	**State Employee Number**

I, THE UNDERSIGNED (NAME)

.....

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

I ACCEPT THAT THE STATE MAY ACT AGAINST ME SHOULD THIS DECLARATION PROVE TO BE FALSE.

....

Signature Date

....

Position Name of Bidder

MBD 5

DECLARATION FOR PROCUREMENT ABOVE R10 MILLION (ALL APPLICABLE TAXES INCLUDED)

For all procurement expected to exceed R10 million (all applicable taxes included), bidders must complete the following questionnaire:

1. Are you by law required to prepare annual financial statements for auditing?

***YES / NO**

1.1 If yes, submit audited annual financial statements for the past three years or since the date of establishment if established during the past three years.

.....

.....

2 Do you have any outstanding undisputed commitments for municipal services towards any municipality for more than three months or any other service provider in respect of which payment is overdue for more than 30 days?

***YES / NO**

2.1 If no, this serves to certify that the bidder has no undisputed commitments for municipal services towards any municipality for more than three months or other service provider in respect of which payment is overdue for more than 30 days.

2.2 If yes, provide particulars.

.....

.....

*** Delete if not applicable**

3. Has any contract been awarded to you by an organ of state during the past five years, including particulars of any material non-compliance or dispute concerning the execution of such contract?

***YES / NO**

3.1 If yes, furnish particulars

.....

.....

4. Will any portion of goods or services be sourced from outside the Republic, and, if so, what portion and whether any portion of payment from the municipality / municipal entity is expected to be ***YES / NO**

transferred out of the Republic?

4.1 If yes, furnish particulars

.....

.....

CERTIFICATION

I, THE UNDERSIGNED (NAME)

.....

.....

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

I ACCEPT THAT THE STATE MAY ACT AGAINST ME SHOULD THIS DECLARATION PROVE TO BE FALSE.

----------	**----------**
Signature	**Date**
----------	**----------**
Position	**Name of Bidder**

MBD 6.1

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

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

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

1. GENERAL CONDITIONS

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

- the 80/20 system for requirements with a Rand value of up to R50 000 000 (all applicable taxes included)

1.2 To be completed by the organ of state
(delete whichever is not applicable for this tender).

a. The applicable preference point system for this tender is the 80/20 preference point system.

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

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

a. Price; and
b. Specific Goals.

1.4 To be completed by the organ of state:

The maximum points for this tender are allocated as follows:

	POINTS
PRICE	**80**
SPECIFIC GOALS **N/A**	**20**
Total points for Price and SPECIFIC GOALS	**100**

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

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

2. DEFINITIONS

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

3. FORMULAE FOR PROCUREMENT OF GOODS AND SERVICES

3.1 POINTS AWARDED FOR PRICE

3.1.1 THE 80/20 PREFERENCE POINT SYSTEMS

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

80/20

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

Where

Ps = Points scored for price of tender under consideration

Pt = Price of tender under consideration

Pmin = Price of lowest acceptable tender

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

3.2.1 POINTS AWARDED FOR PRICE

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

80/20 **or** **90/10**

$$Ps = 80\left(1 + \frac{Pt - P\,max}{P\,max}\right) \text{ or } \quad Ps = 90\left(1 + \frac{Pt - P\,max}{Pmax}\right)$$

Where

Ps = Points scored for price of tender under consideration

Pt = Price of tender under consideration

Pmax = Price of highest acceptable tender

4. POINTS AWARDED FOR SPECIFIC GOALS

4.1 In terms of Regulation 4(2); 5(2); 6(2) and 7(2) of the Preferential Procurement Regulations, preference points must be awarded for specific goals stated in the tender. For the purposes of this tender the tenderer will be allocated points based on the goals stated in table 1 below as may be supported by proof/ documentation stated in the conditions of this tender:

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

a. an invitation for tender for income-generating contracts, that the 80/20 preference point system will apply and that the highest acceptable tender will be used to determine the applicable preference point system; or

b. any other invitation for tender, that the 80/20 preference point system will apply and that the lowest acceptable tender will be used to determine the applicable preference point system,

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

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

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

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

The specific goals allocated points in terms of this tender	Number of points allocated (80/20 system) (To be completed by the organ of state)	Number of points claimed (80/20 system) (To be completed by the tenderer)
N/A	**N/A**	N/A

DECLARATION WITH REGARD TO COMPANY/FIRM

3.1. Name of company/firm……..

3.2. Company registration number: ……...

3.3. TYPE OF COMPANY/ FIRM

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

[TICK APPLICABLE BOX]

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

i) The information furnished is true and correct;

ii) The preference points claimed are in accordance with the General Conditions as indicated in paragraph 1 of this form;

iii) In the event of a contract being awarded as a result of points claimed as shown in paragraphs 1.4 and 4.2, the contractor may be required to furnish documentary proof to the satisfaction of the organ of state that the claims are correct;

iv) If the specific goals have been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the organ of state may, in addition to any other remedy it may have –

(a) disqualify the person from the tendering process;

(b) recover costs, losses or damages it has incurred or suffered as a result of that person's conduct;

(c) cancel the contract and claim any damages which it has suffered as a result of having to make less favourable arrangements due to such cancellation;

(d) recommend that the tenderer or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, be restricted from obtaining business from any organ of state for a period not exceeding 10 years, after the *audi alteram partem* (hear the other side) rule has been applied; and forward the matter for criminal prosecution, if deemed necessary.

……
SIGNATURE(S) OF TENDERER(S)

SURNAME AND NAME: ……..

DATE: ……

ADDRESS: ……

……

……

……

CONTRACT FORM - RENDERING OF SERVICES

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

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

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

2. The following documents shall be deemed to form and be read and construed as part of this agreement:

   (i) Bidding documents, *viz*
   - Invitation to bid;
   - Proof of tax compliance status;
   - Pricing schedule(s);
   - Filled in task directive/proposal;
   - Preference claim form for Preferential Procurement in terms of the Preferential Procurement Regulations;
   - Declaration of interest;
   - Declaration of Bidder's past SCM practices;
   - Certificate of Independent Bid Determination;
   - Special Conditions of Contract;

   (ii) General Conditions of Contract; and
   (iii) Other (specify)

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

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

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

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

NAME (PRINT) ……

CAPACITY ……

SIGNATURE ……

NAME OF FIRM ……

DATE ……

WITNESSES

1 ……

2 ……

MBD 7.2

CONTRACT FORM - RENDERING OF SERVICES

PART 2 (TO BE FILLED IN BY THE PURCHASER)

1. I……. in my capacity as……..…… accept your bid under reference number ……dated……for the rendering of services indicated hereunder and/or further specified in the annexure(s).

2. An official order indicating service delivery instructions is forthcoming.

3. I undertake to make payment for the services rendered in accordance with the terms and conditions of the contract, within 30 (thirty) days after receipt of an invoice.

DESCRIPTION OF SERVICE	PRICE (ALL APPLICABLE TAXES INCLUDED)	COMPLETION DATE	TOTAL PREFERENCE POINTS CLAIMED	POINTS CLAIMED FOR EACH SPECIFIC GOAL

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

SIGNED AT …… ON ……..

NAME (PRINT) ……

SIGNATURE ……

OFFICIAL STAMP

WITNESSES

1 ……

2 ……

DATE

MBD 8

DECLARATION OF BIDDER'S PAST SUPPLY CHAIN MANAGEMENT PRACTICES

1. This Municipal Bidding Documents 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 wilfully neglected, reneged on or failed to comply with any government, municipal or other public sector during the past five years;
   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.**

Item	Question	Yes	No
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 partum* rule was applied)**	☐	☐
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) 326 5445).**	☐	☐
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?	☐	☐
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?	☐	☐
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?	☐	☐
4.5.1	If so, furnish particulars		

CERTIFICATION

I, THE UNDERSIGNED (NAME)

.....

.....

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

I ACCEPT THAT THE STATE MAY ACT AGAINST ME SHOULD THIS DECLARATION PROVE TO BE FALSE.

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Signature **Date**

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Position **Name of Bidder**

MBD 9

CERTIFICATE OF INDEPENDENT BID DETERMINATION

1 This Municipal Bidding Document (MBD) must form part of all bids[1] invited.

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

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

a. take all reasonable steps to prevent such abuse;

b. reject the bid of any bidder if that bidder or any of its directors has abused the supply chain management system of the municipality or municipal entity or has committed any improper conduct in relation to such system; and

c. cancel a contract awarded to a person if the person committed any corrupt or fraudulent act during the bidding process or the execution of the contract.

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

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

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[3] will not be construed as collusive bidding.
7. In particular, without limiting the generality of paragraphs 6 above, there has been no consultation, communication, agreement or arrangement with any competitor regarding:
    (a) prices;
    (b) geographical area where product or service will be rendered (market allocation)
    (c) methods, factors or formulas used to calculate prices;
    (d) the intention or decision to submit or not to submit, a bid;
    (e) the submission of a bid which does not meet the specifications and conditions of the bid; or
    (f) bidding with the intention not to win the bid.

8. In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications and conditions or delivery particulars of the products or services to which this bid invitation relates.
9. The terms of the accompanying bid have not been, and will not be, disclosed by the bidder, directly or indirectly, to any competitor, prior to the date and time of the official bid opening or of the awarding of the contract.
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.

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Signature Date

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Position Name of Bidder

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

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

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

TERMS OF REFERENCE

1. INTRODUCTION

The Ngaka Modiri Molema District Municipality hereby requests suitably qualified and registered Town & Regional Planning companies to apply to serve on the District Municipality's panel of Professional Town and Regional Planners to be used on an "as an when required" basis for a period not exceeding thirty-six (36) months.

1. BACKGROUND AND STUDY AREA

The Ngaka Modiri Molema District Municipality is one of the four district municipalities in the Northwest Province and is situated in the Northern portion of the Province. It is comprised of five constituent local municipalities namely; Mahikeng Local Municipality (capital city of the province), Ditsobotla Local Municipality, Ramotshere Moiloa Local Municipality, Ratlou Local Municipality and Tswaing Local Municipality.

The Ngaka Modiri Molema District Municipality wishes to appoint and establish a panel of suitably qualified and registered Town and Regional Planners. The purpose of the panel will be to provide professional services to the District Municipality to facilitate the implementation of its Integrated Development Plan (IDP) objectives as well as the development and implementation of various developmental plans and strategies within the District and its five constituent local municipalities (for the following plans, but not limited to. the review of Spatial Development Frameworks, Precinct Plans; Land Use Schemes, land development applications; and business plans to access various developmental grants amongst other projects)

2. PROJECT DURATION

The anticipated panel will commence from the day of appointment for the successful bidders and remain valid for a period NOT exceeding thirty-six (36) months from date of appointment.

3. MANAGEMENT STRUCTURE ESTABLISHED FOR THE PROJECTS

3.1 The Department of Planning & Development will oversee and manage the panel. Each firm/consortium bidding must indicate an organizational structure that it is led by a Project Manager who is a Professionally registered Town & Regional Planner in terms of the South African Council for Planners (SACPLAN), furthermore the consortium must have the following competent personnel in the team

- Land Surveyor – Registered with South African Geomatics Council (SAGC)

- Environmentalist - Registered with South African Council for Natural Scientific Professions (SACNASP) OR Environmental Assessment Practitioners Association of South Africa (EAPASA)
- Geologist - Registered with South African Council for Natural Scientific Professions (SACNASP)
- Registered GISc Specialist - Registered with South African Geomatics Council (SAGC)
- Notary and Conveyancing Attorney: Proof of admission as an Attorney and registration as a Conveyancer.
- Architect Registered with South African Council for the Architectural Profession (SACAP).
- Engineer: Registered with Engineering Council of South Africa (ECSA)

FUCTIONALITY

The functional/ technical evaluation will be based on a threshold where bidders who fail to meet the **minimum score of hundred and ten (110)** points on functionality will be disqualified. Refer to table below.

CRITERIA	SUB-CRITERIA	SCORE	POINTS SCORED
1. Evidence of the Company/ Service Providers successful management and completion of similar projects (relevant appointment letter and corresponding completion/recommendation/approval letter signed by the accounting officer and on the client's letterhead) (Township establishment/ Spatial Development Frameworks or Precinct Plans/Development of Land Use or Zoning Schemes/ Successful applications for developmental grants to Local government/ Land use applications size over 5 000m^2.	**Evidence of previous work (Maximum 30 points)**		
	0 projects completed	0	
	1 -2 projects completed	10	
	3 – 5 projects completed	20	
	6+ projects completed	30	
2. Professionals Required	**Town & Regional Planner registered with the South African Council for Planners (Maximum 25 points):**		
	Professional Planner	25	
	Technical Planner	15	
	Environmentalist - Registered with South African Council for Natural Scientific Professions (SACNASP) or Environmental		

	Assessment Practitioners Association of South Africa (EAPASA) (Maximum 10 points):		
	Professional Natural Scientist (SACNASP) OR Environmental Assessment Practitioner (EAPASA)	10	
	Certificated Natural Scientist (SACNASP)	5	
	Registered Geologist - Registered with South African Council for Natural Scientific Professions (Maximum 10 points):		
	Geologist	10	
	Registered Land Surveyor – Registration with South African Geomatics Council (SAGC) (Maximum 15 points):		
	Professional: Land Surveyor	15	
	Technologist: Land Surveyor	10	
	Technical: Land Surveyor	5	
	Registration with Engineering Council for South Africa (Maximum 15 points):		
	Professional Engineer	15	
	Technologist Engineer	10	
	Technician Engineer	5	
	Architect registered with South African Council for the Architectural Profession (SACAP) (Maximum 15 points)		
	Professional Architect	15	

	Professional Senior Architectural Technologist	10	
	Professional Architectural Draughtsperson	5	
	Registered GISc Practitioner - Registration with South African Geomatics Council (SAGC) (Maximum 10 points)		
	GISc Professional	10	
	Geomatics Technologist	5	
	Notary and Conveyancing Attorney (Maximum 10 points)		
	• Proof of admission as an Attorney and registration as a Conveyancer, **AND** • Fidelity Fund Certificates: provide a Fidelity Funds Certificate(s) of the attorney or their law firm.	10	
Total Points		**140**	

Bidders who score less than hundred and ten (110) points on functionality will be considered as having submitted a non-responsive bid and will not be considered for further evaluation.

ANNEXURE A
GENERAL CONDITIONS OF CONTRACT