
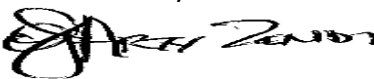


**37.2 Agreement in terms of Occupational  
Health and Safety Act No. 85 of 1993**



Document Title	37.2 Agreement in terms of OHS Act of 1993
Client	eThekwini Municipality – MMS.
Project Name	SUPPLY AND DELIVERY OF DAIRY PRODUCTS AT MOSES MABHIDA STADIUM
Contract Number	1U - 3165
Revision	01
Date	20/05/2021
Internal Reference no.	37.2 AGM/098/05/2021
Compiled by (Safety officer)	Name and surname: Siya Nkosi Signature:  Date: 20 May 2021
Reviewed by (Manager: Safety & Risk)	Name and surname: Arty Zondi Signature:  Date: 20 May 2021



# **ETHEKWINI MUNICIPALITY**

## **OCCUPATIONAL HEALTH AND SAFETY**

### **OCCUPATIONAL HEALTH AND SAFETY ACT 1993, (ACT NO. 85 OF 1993) MANDATORY AGREEMENT – 37.2**

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#### **Contractor Acknowledgement of Responsibility in terms of the Occupational Health and Safety Act**

Written agreement between ETHEKWINI Municipality (the “employer”)

And

(the “mandatary”)

as provided for in terms of Section 37 (2) of the Occupational Health and Safety Act No.85 of 1993 as amended by Act 181 of 1993.

I hereby declare that I, ....., am authorised to represent the “mandatary” and acknowledge that the “mandatary” is an employer in its own right with all duties and responsibilities as prescribed in the Occupational Health and Safety Act no. 85 of 1993.

I agree to ensure that all work performed, or machinery and plant used by the “mandatary” on any ETHEKWINI Municipality premises shall be in accordance with the provisions of the said Act.

Furthermore, I agree the “mandatary” shall comply with all ETHEKWINI Municipality site rules and safety, health, and environmental requirements as may be communicated or stipulated by ETHEKWINI Municipality prior to and during the course of any Contract awarded to the “mandatary” by ETHEKWINI Municipality.

Furthermore, I undertake to ensure that ETHEKWINI Municipality is timeously informed should the “mandatary”, for whatever reason, be unable to perform in terms of this agreement.

The Supplier/Service Provider must compile a health and safety file that would be approved by Occupational Health and Safety Unit.

The Supplier/Service Provider must conduct activity risk assessments, develop written safe working procedures and train all its employees on risk assessment and safe working procedure.

The Supplier/Service Provider driver must obey the traffic signs and speed limit within eThekwini Municipality premises.

The Supplier/Service Provider shall ensure his/her vehicles/trucks are in good working condition and safe for use, and that they are used in accordance with their design and intended use. The vehicles shall be operated by a competent driver who have a medical certificate of fitness.

The Supplier/Service Provider must ensure that all his or her employees have a valid medical certificate of fitness.

The Supplier/Service Provider shall ensure that all employees under his control are always wearing the appropriate Personal Protective Equipment.

The Supplier/Service Provider vehicle must be provided a fully equipped first aid box with a trained employee to administer first aid treatment.

The Supplier/Service Provider shall ensure a high level of housekeeping on site, adequate care must be taken by the contractor to ensure that storage and stacking is correctly and safely carried out, on completion the work.

The Supplier/Service Provider must be registered and in good standing with the Compensation for Occupational Injuries and Diseases Commissioner.

The Supplier/Service Provider is expected to complete the daily COVID 19 entry questionnaire form when entering eThekweni Municipality premises.

The Contractors must ensure that appropriate safety symbolic signs are displayed when working.

Signed this .....day of .....20.....

On behalf of the “mandatary” (print).....

(sign) .....


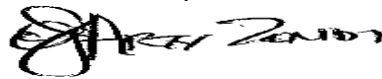
On behalf of the “employer” (print).....

(sign) .....

**ETHEKWINI MUNICIPALITY**  
**Occupational Health & Safety Unit**



## COVID 19 Health and Safety Specification

Document Title	COVID 19 Health & Safety Specification
Client	eThekweni Municipality – MMS Unit
Project Name	SUPPLY AND DELIVERY OF DAIRY PRODUCTS AT MOSES MABHIDA STADIUM
Contract Number	1U - 3165
Revision	01
Date	20/05/2021
Internal Reference no.	COVID 19/098 /05/2021
Compiled by (Client Construction Health and Safety Agent)	Name and surname: Siya Nkosi Signature:  Date: 20 May 2021
Reviewed by (Manager: Safety & Risk)	Name and surname: Arty Zondi Signature:  Date: 20 May 2021



# **ETHEKWINI MUNICIPALITY**

## **OCCUPATIONAL HEALTH AND SAFETY UNIT**

### **COVID 19 HEALTH AND SAFETY SPECIFICATION**

#### **Background:**

Corona viruses are a large family of viruses that are found both in humans and animals. Some of these viruses are known to cause illnesses ranging from common cold to severe respiratory diseases. Corona virus (COVID-19) was identified in December 2019 in China. COVID-19 infections have spread to other countries in the world. Exposure to Covid-19 may cause flue like symptoms such as coughing, sneezing, headaches, fever, sore throat and at times affect the lungs and airways of employees. Symptoms can be mild, moderate, severe or fatal.

Coronavirus Disease 2019 (COVID-19) is a respiratory disease caused by the SARS-CoV-2 virus. To reduce the impact of COVID-19 outbreak conditions on businesses, workers, customers, and the public, it is important for all employers to plan now for COVID-19. For employers who have already planned for influenza outbreaks involving many staff members, planning for COVID-19 may involve updating plans to address the specific sources of exposure, routes of transmission, and other unique characteristics of SARS-CoV-2 (i.e. compared to influenza virus outbreaks).

#### **Introduction**

The legislation governing workplaces in relation to COVID-19 is the Occupational Health and Safety Act, Act 85 of 1993, as amended, read with the Hazardous Biological Agents

Regulations. Section 8 (1) of the Occupational Health and Safety (OHS) Act, Act 85 of 1993, as amended, requires the employer to provide and maintain as far as is reasonably practicable a working environment that is safe and without risks to the health of employees. Specifically, section 8(2)(b) requires steps such as may be reasonably practicable to eliminate or mitigate any hazard or potential hazard before resorting to Personal Protective Equipment (PPE). However, in the case of COVID-19, a combination of controls is required, although the main principle is to follow the hierarchy of controls.

While engineering and administrative controls are considered more effective in minimizing exposure to SARS-cov-2, PPE may also be needed to prevent certain exposures. While correctly using PPE can help prevent some exposures, it should not take the place of other prevention strategies

This is a risk assessment for dealing with the current COVID-19 situation in the construction site. It may not likely to cover all scenarios therefore Construction Management should develop Standard Operating Procedures as there may be unique circumstances and make a necessary call in the interest of the health and safety of employees

This is a risk assessment for dealing with the current COVID-19 situation in the construction site. It may not likely to cover all scenarios therefore management should develop SOP's as there may be unique circumstances and make a necessary call in the interest of the health and safety of Contractor employees

## **Definitions**

**“BCEA”** means the Basic Conditions of Employment Act, 1997 (Act No.75 of 1997)

**“COVID-19”** means Coronavirus Disease 2019

**“Disaster Management Act”** means the Disaster Management Act, 2002 (Act No.57 of 2002)

**“OHS”** means the Occupational Health and Safety Act, 1993 (Act No.85 of 1993)

**“PPE”** means personal protective equipment

**“virus”** means SARS-Cov-2 virus

**“Worker”** means any person who works in an employer's workplace including an employee of the employer or contractor, a self-employed person or volunteer

**“workplace”** means any premises or place where a person performs work

**“NICD”** means National Institute for Communicable Diseases

**“OMP”** means Occupational Medical Practitioner

### **Hand Hygiene:**

- The Supplier/Service Provider must provide 70% alcohol-based hand sanitizers to his/her employees.

### **Social Distancing:**

- The Supplier/Service Provider must ensure social distancing when supplying and delivering of the equipment between workers and as far as practicable that there is a minimum of 1,5meter distance between workers.

### **Personal Protective Equipment (PPE)**

- The Supplier/Service Provider must ensure that every worker is provided with cloth masks to be worn when in workplace or public.

### **Point of entry screening**

- The Supplier/Service Provider must ensure that the daily point of entry screening is completed when entering eThekweni Municipality premises.

### **Symptomatic employees**

- The Supplier/Service Provider must ensure that employees who are sick with continuous cough, sore throat, difficulty breathing, or a high temperature in the workplace will be encouraged to stay home.

## Emergency Numbers

- Corona virus (COVID-19) 24-Hour Hotline number:0800 029 999
- Corona virus (COVID-19) WhatsApp Number: 0600 12 3456
- COVID-19 National Crisis Helpline - 0861 322 322
- NICD (National Institute of Communicable Diseases) 24-Hour toll-free hotline number: 0800 029 999 or 0800 111 132
- SAPS gender-based violence service complaints (SAPS) - 0800 333 177
- GBV (Gender Based Violence) Command Centre -0800 428 428/ \*120\*7867# (free from any cell phone)/ SMS Line: 32312
- Women Abuse Helpline - 0800 150 150
- People Opposing Women Abuse (POWA) - Tel: 011 642 4345/ Afterhours cellphone: 0837651235
- Child Line - 0800 055 555
- Lifeline South Africa - 0800 012 322 (free on mobile networks including landlines)
- FAMSA - Advice on family relationships - 011 975 7107
- Human trafficking - Report cases of human trafficking - hotline operated by the Salvation Army and Be Heard - 08007 37283 (0 8000-rescue)
- National Human Trafficking Helpline - 0800 222 777
- Persons with Disabilities - SMS 'help' to 31531
- National AIDS Helpline - 0800 012 322
- Suicide Helpline - 0800 567 567
- Stop Gender Violence - 0800 150 15
- Substance Abuse Helpline - 0800 12 13 14

## References

- COVID-19 Disaster Management Act
- Occupational Health & Safety Act 85 of 1993
- The Department of Employment and Labour: Workplace Preparedness: COVID-19 (SARS-CoV-19 virus)
- COVID-19 Occupational Health and Safety Measures in Workplaces COVID-19 (C19 OHS), 2020
- Hazardous Biological Agents Regulations
- National Institute for Occupational Health (NIOH)



# COMPANY LOGO

## Covid-19 access into company, point of entry screening questionnaire

Company: \_\_\_\_\_

Name and Surname: \_\_\_\_\_ Co No: \_\_\_\_\_

Line Manager Name: \_\_\_\_\_

Question:	Yes	No
1. Have you had flu or symptoms of flu in the last few weeks?		
2. Do you have a persistent cough that has started in the last few days?		
3. Do you have symptoms of fever? (red, tearing or burning eyes, sweats, clammy hands)?		
4. Do you have any signs of a respiratory infection, shortness of breath, difficulty breathing? (Self-test: Hold in your breath for 10 seconds)		
5. In the last 14 to 21 days, have you travelled outside the borders of South Africa?		
6. In the last 14 to 21 days, have had contact with anybody that has travelled outside the Provincial or South African borders?		
7. Have you been near or in contact with anyone who has symptoms or tested positive for COVID-19?		
If you have answered yes to any of the above questions, please inform your supervisor immediately. Brief description of events (When, where and who else were you with: _____ _____ _____		
<b>Personal Commitment</b>		
✓ I further undertake to immediately report any change in my medical condition to my supervisor/manager!		
✓ I will always maintain excellent personal and company hygiene standards!		
✓ I will maintain and keep the minimum social distance of 1m between myself and other employees!		
✓ I will utilize PPE and sanitizers provided to me to prevent the spread of the virus!		
✓ I will ensure all equipment / materials handed over to another person has been cleaned and sanitized!		
✓ I will not abuse, misuse, share or lose the PPE and related materials / equipment issued to me!		
<b>Employee Signature</b>		
<b>Date</b>		

Temperature: \_\_\_\_\_ °C. (if temperature is at 38°C or higher refer to Process Flow Annexure 1 document then deny entry, isolate and start reporting process)

Entry Cleared Yes  No

Construction Manager/Supervisor: \_\_\_\_\_ Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

<b>Data Item</b>	<b>Edit data within (grey) brackets (see 2) above)</b>
------------------	--

### **Contract Details**

Contract Number	1U-3165
Contract Title	Supply and delivery of dairy products at Moses Mabhida Stadium
Date of Issue	June 2021

### **Unit & Department Details**

Unit Name	Stadia & Facilities
Unit Head's Name	Vusi Mazibuko
Unit Address	MOSES MABHIDA STADIUM 44 ISAIAH NTSANGASE ROAD DURBAN 4001
Department Name	MOSES MABHIDA STADIUM

### **Tender Details**

Required CIDB Grading	N/A
CIDB Class of Construction	N/A
Employer (1.1.1.15)	eThekwini Municipality
Collection Address	The tender documentation is available from the National Treasury's eTenders website or the EThekwini Municipality Vendor Portal.
Office Hours	N/A
Tender Charge	R 0
Agent's Name	Khanyi Mdluli
Agent's Tel	031 322 5037 (t)
Agent's Fax	031 311 7718 (f)
Agent's Email	<a href="mailto:khanyi.mdluli@durban.gov.za">khanyi.mdluli@durban.gov.za</a>
Site Inspection Type	n/a
Site Inspection Place	n/a
Site Inspection Date	n/a
Site Inspection Time	n/a
Tender Delivery Place	Municipal Centre, 166 K.E. Masinga Road (formerly Old Fort Road )
Tender Delivery Date	on or before Friday, 16 July 2021
Tender Delivery Time	at or before 11:00
Box	and placed in the tender box located in the ground floor foyer
Tender Validity Period	84 Days
Tender Opening	in the SCM Boardroom, 6 <sup>th</sup> Floor, Municipal Building, 166 KE Masinga Road (formerly Old Fort Road )

**THIS PAGE DOES NOT FORM PART OF THE PROCUREMENT DOCUMENT**



**CLUSTER**

COMMUNITY & EMERGENCY SERVICES

**UNIT**

STADIA & FACILITIES

**DEPARTMENT**

MOSES MABHIDA STADIUM

**PROCUREMENT DOCUMENT**

**CALL FOR EXPRESSION OF INTEREST**

**CONTRACT No: 1U-3165**

**TITLE: Supply and delivery of dairy products at Moses  
Mabhida Stadium**

Issued by: [Stadia & Facilities](#)

Date of Issue: [June 2021](#)

**Document Version : 01/04/2021**

NAME OF TENDERER : .....

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## INDEX

<b><u>PART</u></b>			<b><u>PAGE</u></b>
<b>E1</b>	<b>SUBMISSION PROCEDURES</b>		
	E1.1 Notice and invitation to submit an expression of interest	(white)	<b>2</b>
	E1.2 Submission Data	(pink)	<b>4</b>
<b>E2</b>	<b>RETURNABLE DOCUMENTS</b>		
	E2.1 List of Returnable Documents	(yellow)	<b>8</b>
	E2.2 Submission Schedules	(yellow)	<b>9</b>
<b>E3</b>	<b>INDICATIVE SCOPE OF WORK</b>		
	E3.1 Indicative scope of work	(White)	<b>24</b>

**PART E1 : SUBMISSION PROCEDURES****E1.1 : NOTICE AND INVITATION TO SUBMIT AN EXPRESSION OF INTEREST**

eThekwini Municipality (Stadia & Facilities Unit : MOSES MABHIDA STADIUM Department) invites expressions of interest for **the supply and delivery of dairy products for a period of thirty six months.**

Only respondents who comply with the following are eligible to have their submissions evaluated.

- Tenderers that are registered on the National Treasury Central Supplier Database (CSD) as a service provider, at the time of closing of tenders. In the case of a joint Venture, this requirement will apply individually to each party in the Joint Venture.
- The bidder must be compliant with the R 638 regulations governing general hygiene requirements for food premises, the transportation of food and related matters. A valid certificate of acceptability is to be attached issued by the EThekwini Municipality: Health Unit.
- Proof of ownership of a refrigerated delivery vehicle, to carry perishable freight at specific temperatures, or valid lease agreement for a hired vehicle.(certification of registration in respect of motor vehicle/ RC1).

Submissions must be made on official tender documentation issued by the eThekwini Municipality. Electronically downloaded documentation (see Cl. H.1.2) should be printed in its entirety, and suitably bound by the tenderer.

The tender documentation is available from the National Treasury's eTenders website or the eThekwini Municipality's Vendor Portal.

A non-refundable tender charge is payable by bank guaranteed cheque made out in favour of the Employer, or cash, and is required on collection of the tender documents:

R 0

(H.1.4) Queries relating to these documents, up to 3 days prior to the close of tenders, may be addressed to the Employer's agent whose contact details are:

Khanyi Mdluli  
031 322 5037 (t)  
031 311 7718 (f)  
khanyi.mdluli@durban.gov.za

(H.2.5) There will be NO clarification meeting. Bidders will be required to email queries relating to the bid. All queries are to be submitted no later than 02 July 2021. Emailed questions and answers will be consolidated and posted on e-Tenders/Municipal website for the benefit of all tenderers by the 08 July

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2021. Tenderers can email any queries to [khanyi.mdluli@durban.gov.za](mailto:khanyi.mdluli@durban.gov.za)

---

(H.2.7) Tender offers shall be delivered to: **Municipal Centre, 166 K.E. Masinga Road  
(formerly Old Fort Road )  
and placed in the tender box located in the  
ground floor foyer**

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(H.2.9) Tender offers shall be delivered: **on or before Friday, 16 July 2021  
at or before 11:00**

---

**Requirements for sealing, addressing, delivery, opening and assessment of tenders are stated in the Tender Data**

---

## **PART E1 : SUBMISSION PROCEDURES**

### **E1.2: SUBMISSION DATA**

#### **E1.2.1 STANDARD CONDITIONS FOR THE CALLING FOR EXPRESSIONS OF INTEREST**

The conditions applicable to this call for expressions of interest of tender are the Standard Conditions for the calling for Expressions of Interest as contained in Annex H of the CIDB Standard for Uniformity in Construction Procurement (July 2015) (See [www.cidb.org.za](http://www.cidb.org.za)).

The Standard Conditions for the calling for Expressions of Interest make several references to the Submission Data for details that apply specifically to this submission. The Submission Data shall have precedence in the interpretation of any ambiguity or inconsistency between it and the Standard Conditions for the calling for Expressions of Interest.

#### **E1.2.2 SUBMISSION DATA**

Each item of data given below is cross-referenced to the clause in the Standard Conditions for the calling for Expressions of Interest.

**H.1.1 The employer :** The Employer is the eThekweni Municipality as represented by the Deputy Head : [MOSES MABHIDA STADIUM](#) Department.

#### **H.1.2 Tender documents**

1) The documents associated with the calling for expressions of interest issued by the employer comprise:

**E1 SUBMISSION PROCEDURES**

E1.1 Notice and invitation to submit an expression of interest

E1.2 Submission Data

**E2 RETURNABLE DOCUMENTS**

E2.1 List of Returnable Documents

E2.2 Submission Schedules

**E3 INDICATIVE SCOPE OF WORK**

E3.1 Indicative scope of work

2) In addition Respondents are advised, in their own interest, to obtain their own copies of the following acts, regulations, and standards referred to in the this document as they are essential for the Tenderer to get acquainted with the basics of construction management, the implementation of preferential construction procurement policies and participation of targeted enterprise and labour.

- The Occupational Health and Safety Act No 85 and Amendment Act No 181 of 1993, and the Construction Regulations 2014.
- The Preferential Procurement Policy Framework Act No 5 of 2000, and the Preferential Procurement Policy Framework Act Regulations (2017).

Submissions must be submitted on official submission documentation issued (either in hard copy or in electronic format) by the eThekweni Municipality:

- Electronically downloaded documentation is obtainable from the National Treasury's **eTenders** website OR the eThekweni Municipality's **Vendor Portal**. The entire document should be printed and suitably bound by the tenderer.

**H.1.4 The employer's agent :** The Employer's agent is: [Khanyi Mdluli](mailto:khanyi.mdluli@durban.gov.za) , Tel: 031 322 5037 (t) , Email: [khanyi.mdluli@durban.gov.za](mailto:khanyi.mdluli@durban.gov.za)

**H.2.1 Eligibility :** A Respondent will not be eligible to make a submission if:

- (a) The Respondent does not comply with the legal requirements stated in the Employer's current SCM Policy;
- (b) The Respondent cannot provide proof that he is in good standing with respect to duties, taxes, levies and contributions required in terms of legislation applicable to the work in the contract.
- (c) Respondents are required to be registered on the National Treasury Central Supplier Database (CSD) as a service provider. In the case of a Joint Venture, this requirement will apply individually to each party in the Joint Venture. Respondents not so registered, at time of closing of submissions, will not be eligible to submit tenders.

**H.2.1.1 Only those respondents who satisfy the following eligibility criteria are eligible to submit expressions of interest:**

- 1) Possession of a valid certificate of acceptability for food premises. A valid certificate of acceptability (issued by the EThekweni Municipality: Health Unit) is to be attached.
- 2) Ownership/ lease agreement of a refrigerated delivery vehicle to carry perishable freight at specific temperatures (certification of registration in respect of motor vehicle/ RC1). A valid certificate of acceptability (issued by the EThekweni Municipality: Health Unit) is to be attached.

**H.2.5 Clarification meeting :** There will be NO clarification meeting. Bidders will be required to email queries relating to the bid. All queries are to be submitted no later than 02 July 2021. Emailed questions and answers will be consolidated and posted on e-Tenders/Municipal website for the benefit of all tenderers by the 08 July 2021. Tenderers can email any queries to [khanyi.mdluli@durban.gov.za](mailto:khanyi.mdluli@durban.gov.za)

**H.2.7 Making a submission :** The Employer's address for delivery of submissions is contained in the **Notice and invitation to submit an expression of interest**.

Identification details to be shown on each submission package are:

Contract No. : 1U-3165

Contract Title : [Supply and delivery of dairy products at Moses Mabhida Stadium](#)

**H.2.9 Closing time :** The closing date and time for submissions is: **on or before Friday, 16 July 2021 at or before 11:00** .

Telephonic, telegraphic, telex, facsimile or e-mailed submissions will not be accepted.

**H.3.9 Evaluation of responsive submissions :** All respondents who submit responsive submissions and:

- 1)
  - a) are registered at time of closing of submissions on the National Treasury Central Supplier Database (CSD) as a service provider (in the case of a Joint Venture, this requirement will apply individually to each party in the Joint Venture).
  - b) submit a valid Tax Clearance Certificate or a Tax Compliance Status PIN, issued by the TCS System of the South African Revenue Services, or have made



- arrangements to meet outstanding tax obligations;
- c) do not have any of their directors/shareholders is not listed on the Register of Tender 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;
- d) have not abused the Employer's Supply Chain Management System or have failed to perform on any previous contract and have been given a written notice to this effect;
- e) have completed the Compulsory Enterprise Questionnaire and who are considered by the Employer not to have any conflicts of interest which may impact on their ability to perform the proposed contract in the best interests of the Employer or potentially compromise the tender process and are free of persons in the state who are not permitted to submit tenders or to participate in the contract; and
- f) are registered and in good standing with the compensation fund or with a licensed compensation insurer; and
- 2) in the opinion of the Employer can as necessary demonstrate that they possess the necessary professional and technical qualifications, professional and technical competence, financial resources, equipment and other physical facilities, managerial capability, reliability, experience and reputation, expertise and the personnel to perform the contract;
- will be invited to submit tender offers.

#### The additional conditions of submission are:

#### H.2.4 Acknowledge addenda

Add the following paragraphs to the clause:

"Acknowledgement of receipt will be by the return of the relevant completed and signed portion of the addenda, to the address / fax number / email address as specified on the addenda. Failure of the tenderer to comply with the requirements of the addenda may result in the tender submission being made non-responsive."

#### H.3.11 Prohibition on awards to persons in the service of the state : Clause 44 of the Supply Chain Management Regulations states that the Municipality or Municipal Entity may not make any award to a person:

- (a) Who is in the service of the State;
- (b) If that person is not a natural person, of which a 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 or a municipal entity.

Should a contract be awarded, and it is subsequently established that Clause 44 has been breached, the Employer shall have the right to terminate the contract with immediate effect.

#### H.3.12 Appeals

In terms of Regulation 49 of the Municipal Supply Chain Management Regulations persons aggrieved by decisions or actions taken by the Municipality, may lodge an appeal within 14 days of the decision or action, in writing to the Municipality. All appeals (clearly setting out the reasons for the appeal) and queries with regard to the decision of award are to be directed to:  
The City Manager

Attention Ms S. Pillay  
P O Box 1394  
DURBAN  
4000

eMail: [Simone.Pillay@durban.gov.za](mailto:Simone.Pillay@durban.gov.za)

---

**PART E2 : RETURNABLE DOCUMENTS****E2.1 : LIST OF RETURNABLE DOCUMENTS****E2.1.1 General**

The submission document must be submitted as a whole. All forms must be properly completed as required, and the document shall not be taken apart or altered in any way whatsoever.

The respondent is required to complete each and every Schedule and Form listed below to the best of his / her ability as the evaluation of submissions will be based on the information provided by the respondent. Failure to complete the Schedules and Forms to the satisfaction of the Employer will inevitably prejudice the tender and may lead to rejection on the grounds that the submission is not responsive

**E2.1.2 Returnable Schedules, Forms and Certificates**

Certificate of Authority

Declaration of Municipal Fees

Record of Addenda to Tender Documents

**CONSOLIDATED MUNICIPAL BIDDING DOCUMENTS**

MBD 2 : Tax Clearance Certificate Requirements

MBD 4 : Declaration of Interest

MBD 6.1 : Preference Points

MBD 8 : Declaration of Bidder's Past SCM Practices

MBD 9 : Certificate of Independent Bid Determination

Evaluation Schedule : Prequalification schedule

Joint Venture Agreements (if applicable)

**E2.1.3 Preferential Procurement Schedules and Affidavits**

In the event of the Tenderer not being registered with the eThekweni Municipality the following documents, available from **Room 614, 6<sup>th</sup> Floor, 166 KE Masinga Road, Durban** or on the internet, must be completed and submitted prior to the submission of tenders:

- Application for Registration on the eThekweni Municipality Procurement Directory.
- Application for Targeted Enterprise Status.
- Women Equity Declaration Affidavit.
- Declaration for Black Business Enterprise / Woman Business Enterprise / SMME Status.

**PART E2 : RETURNABLE DOCUMENTS**

**E2.2 : SUBMISSION SCHEDULES**

The submission schedules as listed in E2.1.2 can be found on pages [10](#) to [22](#).

**CERTIFICATE OF AUTHORITY**

Indicate the status of the tenderer by ticking the appropriate box hereunder.

<b>COMPANY</b>	<input type="checkbox"/>	<b>CLOSE CORPORATION</b>	<input type="checkbox"/>	<b>PARTNERSHIP</b>	<input type="checkbox"/>	<b>JOINT VENTURE</b>	<input type="checkbox"/>	<b>SOLE PROPRIETOR</b>	<input type="checkbox"/>
Refer to Notes at the bottom of the page									

I / We, the undersigned, being the Chairperson (Company), Member(s) (Close Corporation), Partners (Partnership), Sole Owner (Sole Proprietor), Lead Partner (JV), in the company / business trading as:

.....  
..

hereby authorise Mr/Mrs/Ms

.....

acting in the capacity of

.....

to sign all documents in connection with the tender for **Contract No. 1U-3165** and any contract resulting from it on our behalf.

NAME	ADDRESS	SIGNATURE	DATE

**Notes**

The following documents must be attached to the back inside cover to this procurement document:

If a Company : a “Resolution of the Board” in this regard.

If a Joint Venture : a “Power of Attorney” signed by the legally authorised signatories of all the partners to the Joint venture.

**DECLARATION OF MUNICIPAL FEES**

I, the undersigned, do hereby declare that the Municipal fees of

.....  
 (full name of Company / Close Corporation / partnership / sole proprietor/Joint Venture)  
 (hereinafter referred to as the TENDERER) are, as at the date hereunder, fully paid or an Acknowledgement of Debt has been concluded with the Municipality to pay the said charges in instalments.

The following account details relate to property of the said TENDERER:

<u>Account</u>	<u>Account Number:</u> to be completed by tenderer.
Consolidated Account No.	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>
Electricity	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>
Water	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>
Rates	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>
JSB Levies	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>
<u>Other</u>	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>
<u>Other</u>	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>

I acknowledge that should the aforesaid Municipal charges fall into arrears, the Municipality may take such remedial action as is required, including termination of any contract, and any payments due to the Contractor by the Municipality shall be first set off against such arrears. ATTACHED, to the back inside cover of this document, please find copies of the above account's and or agreements signed with the municipality.

- Where the TENDERER'S place of business or business interests are outside the jurisdiction of eThekweni municipality, a copy of the accounts/agreements from the relevant municipality must be attached (to the back inside cover of this document).
- Where the tenderer's Municipal Accounts are part of their lease agreement, then a copy of the agreement, or official letter to that effect is to be attached (to the back inside cover of this document).

NAME : ..... (Block Capitals)

SIGNATURE : ..... DATE: .....  
 (of person authorised to sign on behalf of the Tenderer)

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**RECORD OF ADDENDA TO TENDER DOCUMENTS**

I / We confirm that the following communications received from the Employer or his representative before the date of submission of this tender offer, amending the tender documents, have been taken into account in this tender offer.

<b>ADD.No</b>	<b>DATE</b>	<b>TITLE OR DETAILS</b>
1		
2		
3		
4		
5		
6		
7		
8		
9		
10		

NAME : ..... (Block Capitals)

SIGNATURE : ..... DATE: .....  
(of person authorised to sign on behalf of the Tenderer)

**CONSOLIDATED MUNICIPAL BIDDING DOCUMENTS**

<b>The following SECTIONS are required to be completed as part of this procurement document</b>
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<u>Section</u>	<u>Description</u>	<u>Required?</u>
<b>A</b>	General Enterprise Information .....	<b>Yes</b>
<b>B</b>	MBD2 (Revised) : Tax Clearance Certificate Requirements .....	<b>Yes</b>
<b>C</b>	MBD4 : Declaration of Interest.....	<b>Yes</b>
<b>D</b>	MBD5 : Declaration For Procurement Above R10 Million .....	<b>No</b>
<b>E</b>	MBD6.1 : Preference Points Claim Form ITO the Preferential Regulations .....	<b>Yes</b>
<b>F</b>	MBD6.2 : Declaration Certificate for Local Production and Content for Designated Sectors.....	<b>No</b>
<b>G</b>	MBD8 : Declaration of Bidder's Past SCM Practices .....	<b>Yes</b>
<b>H</b>	MBD9 : Certificate of Independent Bid Determination .....	<b>Yes</b>
<b>I</b>	Confirmations, Authorities, Certifications, Acknowledgements and Signatures .....	<b>Yes</b>

**NOTES**

- MBD4. 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 enterprise;
  - (c) an official of any municipality or municipal enterprise;
  - (d) an employee of any national or provincial department, national or provincial public enterprise 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 enterprise; or
  - (f) an employee of Parliament or a provincial legislature.
- "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.
- MBD9. 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.



Ref	Description	Complete or Circle Applicable
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**SECTION A : GENERAL ENTERPRISE INFORMATION**

1.0	Full Name of bidder or his or her representative	
1.1	ID Number of bidder or his or her representative	
1.2	Position occupied in the enterprise	
2.0	Name of enterprise:	
2.1	Tax Reference number, if any:	
2.2	VAT registration number, if any:	
2.3	CIDB registration number, if any:	
2.4	Company registration number, if applicable:	
2.5	Close corporation number, if applicable:	
2.6	Municipal Supplier reference number (PR), if any:	
2.7	South African Revenue Service Tax Compliance Status PIN :	
2.8	National Treasury Central Supplier Database registration number	

3.0 The names of all directors / trustees / shareholders / members / sole proprietors / partners in partnerships, their individual identity numbers and state employee numbers must be indicated below. In the case of a joint venture, information in respect of each partnering enterprise must be completed and submitted

Full Name	Identity No.	State Employee No.	Personal income tax No. *

Use additional pages if necessary

Ref	Description	Complete or Circle Applicable
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**SECTION B : 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.

- 1.0 In order to meet this requirement bidders are required to complete the TCC 001 : “Application for a Tax Clearance Certificate” form and submit it to any SARS branch office nationally. The Tax Clearance Certificate Requirements are also applicable to foreign bidders / individuals who wish to submit bids.
- 2.0 SARS will then furnish the bidder with a Tax Clearance Certificate that will be valid for a period of 1 (one) year from the date of approval.
- 3.0 The original Tax Clearance Certificate must be submitted together with the bid (attached to the inside back cover of this procurement document). Failure to submit the original and valid Tax Clearance Certificate will result in the invalidation of the bid. Certified copies of the Tax Clearance Certificate will not be acceptable.
- 4.0 In bids where Consortia / Joint Ventures / Sub-contractors are involved, each party must submit a separate Tax Clearance Certificate.
- 5.0 Copies of the TCC 001 : “Application for a Tax Clearance Certificate” form are available from any SARS branch office nationally or on the website [www.sars.gov.za](http://www.sars.gov.za) .
- 6.0 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](http://www.sars.gov.za) .
- 7.0 Notwithstanding Clauses 1.0 to 6.0 above: Since 18 April 2016, SARS has introduced a new Tax Compliance Status System (TCS). As part of this enhanced system, tenderers can now submit a Tax Compliance Status PIN instead of an original Tax Clearance Certificate (TCC). This TCS PIN can be used by third parties to certify the taxpayer’s real-time compliance status. This number, if available, is to be entered in Item 2.7 of Section A of these consolidated Municipal Bidding Documents.  
For further particulars please contact your nearest SARS branch, or call the SARS Contact Centre on 0800 00 7277, or log onto SARS eFiling.

**Attach a valid Tax Clearance Certificate OR Tax Compliance Status PIN, issued by the TCS System of the South African Revenue Service, to the inside back cover of this procurement document**

**SECTION C : MBD 4 : DECLARATION OF INTEREST**

**No bid will be accepted from persons “in the service of the state”.** 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. In order to give effect to the above, the following questionnaire must be completed and submitted with the bid.

1.0 Are you presently in the service of the state?  If yes, furnish particulars : .....	YES	NO
2.0 Have you been in the service of the state for the past twelve months?  If yes, furnish particulars : .....	YES	NO
3.0 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?  If yes, furnish particulars : .....	YES	NO
4.0 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?  If yes, furnish particulars : .....	YES	NO
5.0 Are any of the company’s directors, trustees, managers, principle shareholders or stakeholders in service of the state?  If yes, furnish particulars : .....	YES	NO
6.0 Are any spouse, child or parent of the company’s directors, trustees, managers, principle shareholders or stakeholders in service of the state?  If yes, furnish particulars : .....	YES	NO
7.0 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?  If yes, furnish particulars : .....	YES	NO
8.0 The names of all directors / trustees / shareholders / members / sole proprietors / partners in partnerships, their individual identity numbers and state employee numbers are indicated in <b>SECTION A of these Consolidated Municipal Bidding documents.</b>		

Ref	Description	Complete or Circle Applicable
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**SECTION D : 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.

1.0	Are you by law required to prepare annual financial statements for auditing? If YES, you will be required to submit audited annual financial statements (on request during the tender evaluation period) for the past three years or since the date of establishment if established during the past three years.	YES	NO
2.0	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? 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. If YES, provide particulars on a letterhead. (Attach this letter to the back inside cover of this procurement document).	YES	NO
3.0	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? If YES, provide particulars on a letterhead. (Attach this letter to the back inside cover of this procurement document).	YES	NO
4.0	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 transferred out of the Republic? If YES, provide particulars on a letterhead. (Attach this letter to the back inside cover of this procurement document).	YES	NO

**SECTION E : MBD 6.1 : PREFERENCE POINTS CLAIM ITO THE PREFERENTIAL REGULATIONS**

Preference points for this tender shall be awarded as per the Tender Data and the Preferential Procurement Regulations (2017). Failure on the part of a tenderer to submit a B-BBEE Verification Certificate from a Verification Agency accredited by the South African Accreditation System (SANAS), or a Sworn Affidavit for an EME, or sworn affidavit for a QSE (in line with the revised BBEE codes of Good Practice), together with the bid will be interpreted to mean that preference points for B-BBEE status level of contribution are not claimed. The Employer reserves the right to require of a tenderer, 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 Employer.

1.0	B-BBEE Status Level of Contribution claimed: Will any portion of the contract be sub-contracted? If YES, indicate: (i) what percentage of the contract will be subcontracted? (ii) the name of the sub-contractor?  Name : ..... (iii) the B-BBEE status level of the sub-contractor?		
		YES	NO
2.0	(iv) whether the sub-contractor is an EME?	YES	NO

The undersigned, certify that the B-BBEE status level of contribution indicated in paragraph 1.0 above qualifies the company / firm for preference points and acknowledges that the remedies as per Clause 13 of the Preferential Procurement Regulations (2017) shall apply.

**Attach a B-BBEE Verification Certificate to the inside back cover of this procurement document**

**SECTION F : MBD 6.2 : DECLARATION CERTIFICATE FOR LOCAL PRODUCTION AND CONTENT FOR DESIGNATED SECTORS**

This Municipal Bidding Document (MBD) must form part of all bids invited. It contains general information and serves as a declaration form for local content (local production and local content are used interchangeably). Before completing this declaration, bidders must study the General Conditions, Definitions, Directives applicable in respect of Local Content as prescribed in the Preferential Procurement Regulations, 2017 and the South African Bureau of Standards (SABS) approved technical specification number SATS 1286:2011 (Edition 1) and the Guidance on the Calculation of Local Content together with the Local Content Declaration Templates [Annex C (Local Content Declaration: Summary Schedule), D (Imported Content Declaration: Supporting Schedule to Annex C) and E (Local Content Declaration: Supporting Schedule to Annex C)].

- 1.0 General Conditions
- 1.1 Preferential Procurement Regulations, 2017 (Regulation 9) makes provision for the promotion of local production and content.
- 1.2 Regulation 9.(1) prescribes that in the case of designated sectors, where in the award of bids local production and content is of critical importance, such bids must be advertised with the specific bidding condition that only locally produced goods, services or works or locally manufactured goods, with a stipulated minimum threshold for local production and content will be considered.
- 1.3 Where necessary, for bids referred to in paragraph 1.2 above, a two stage bidding process may be followed, where the first stage involves a minimum threshold for local production and content and the second stage price and B-BBEE.
- 1.4 A person awarded a contract in relation to a designated sector, may not sub-contract in such a manner that the local production and content of the overall value of the contract is reduced to below the stipulated minimum threshold.

Ref	Description	Complete or Circle Applicable
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- 1.5 The local content (LC) expressed as a percentage of the bid price must be calculated in accordance with the SABS approved technical specification number SATS 1286: 2011 as follows:  
 $LC = [1 - x / y] * 100$   
 Where : x is the imported content in Rand  
 y is the bid price in Rand excluding value added tax (VAT).  
 Prices referred to in the determination of x must be converted to Rand (ZAR) by using the exchange rate published by the South African Reserve Bank (SARB) at 12:00 on the date of advertisement of the bid as required in paragraph 4.1 below.  
 The SABS approved technical specification number SATS 1286:2011 is accessible on <http://www.thedti.gov.za/industrialdevelopment/ip.jsp> at no cost.
- 1.6 A bid may be disqualified if –  
 (a) this Declaration Certificate and the Annex C (Local Content Declaration: Summary Schedule) are not submitted as part of the bid documentation; and  
 (b) the bidder fails to declare that the Local Content Declaration Templates (Annex C, D and E) have been audited and certified as correct.
- 2.0 Definitions
- 2.1 “bid” includes written price quotations, advertised competitive bids or proposals;
- 2.2 “bid price” price offered by the bidder, excluding value added tax (VAT);
- 2.3 “contract” means the agreement that results from the acceptance of a bid by an organ of state;
- 2.4 “designated sector” means a sector, sub-sector or industry that has been designated by the Department of Trade and Industry in line with national development and industrial policies for local production, where only locally produced services, works or goods or locally manufactured goods meet the stipulated minimum threshold for local production and content;
- 2.5 “duly sign” means a Declaration Certificate for Local Content that has been signed by the Chief Financial Officer or other legally responsible person nominated in writing by the Chief Executive, or senior member / person with management responsibility(close corporation, partnership or individual).
- 2.6 “imported content” means that portion of the bid price represented by the cost of components, parts or materials which have been or are still to be imported (whether by the supplier or its subcontractors) and which costs are inclusive of the costs abroad (this includes labour and intellectual property costs), plus freight and other direct importation costs, such as landing costs, dock duties, import duty, sales duty or other similar tax or duty at the South African port of entry;
- 2.7 “local content” means that portion of the bid price which is not included in the imported content, provided that local manufacture does take place;
- 2.8 “stipulated minimum threshold” means that portion of local production and content as determined by the Department of Trade and Industry; and
- 2.9 “sub-contract” means the primary contractor’s assigning, leasing, making out work to, or employing another person to support such primary contractor in the execution of part of a project in terms of the contract.
- 3.0 The stipulated minimum threshold(s) for local production and content (refer to Annex A of SATS 1286:2011) for this bid is/are as follows:  

Description of services, works or goods	Stipulated minimum threshold
.....	..... %
.....	..... %
.....	..... %
- 4.0 Does any portion of the services, works or goods offered have any imported content? YES NO
- 4.1 If yes, the rate(s) of exchange to be used in this bid to calculate the local content as prescribed in paragraph 1.5 of the general conditions must be the rate(s) published by the SARB for the specific currency at 12:00 on the date of advertisement of the bid.  
 The relevant rates of exchange information is accessible on [www.reservebank.co.za](http://www.reservebank.co.za) .  
 Indicate the rate(s) of exchange against the appropriate currency in the table below (refer to Annex A of SATS 1286:2011):  
 US Dollar :  Pound Sterling :  Euro :  Yen :  Other :   
 NB: Bidders must submit proof of the SARB rate (s) of exchange used.
- 5.0 Were the Local Content Declaration Templates (Annex C, D and E) audited and certified as correct? YES NO
- 5.1 If yes, provide the following particulars:  
 (a) Full name of auditor: .....
- (b) Practice number: ..... (c) Telephone number: .....  
 Cell number: .....
- (d) Email address: .....
- (Documentary proof regarding the declaration will, when required, be submitted to the satisfaction of the Accounting Officer / Accounting Authority)
- 6.0 Where, after the award of a bid, challenges are experienced in meeting the stipulated minimum threshold for local content the dti must be informed accordingly in order for the dti to verify and in consultation with the Accounting Officer / Accounting Authority provide directives in this regard.

<u>Ref</u>	<u>Description</u>	<u>Complete or Circle Applicable</u>
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**LOCAL CONTENT DECLARATION**  
(REFER TO ANNEX B OF SATS 1286:2011)

LOCAL CONTENT DECLARATION BY CHIEF FINANCIAL OFFICER OR OTHER LEGALLY RESPONSIBLE PERSON NOMINATED IN WRITING BY THE CHIEF EXECUTIVE OR SENIOR MEMBER/PERSON WITH MANAGEMENT RESPONSIBILITY (Close Corporation, Partnership or Individual)

.....  
IN RESPECT OF BID No:

.....  
ISSUED BY: (Procurement Authority / Name of Municipality / Municipal Entity)

NB 1 - The obligation to complete, duly sign and submit this declaration cannot be transferred to an external authorized representative, auditor or any other third party acting on behalf of the bidder.

NB 2 - Guidance on the Calculation of Local Content together with Local Content Declaration Templates (Annex C, D and E) is accessible on [http://www.thedti.gov.za/industrial development/ip.jsp](http://www.thedti.gov.za/industrial%20development/ip.jsp). Bidders should first complete Declaration D. After completing Declaration D, bidders should complete Declaration E and then consolidate the information on Declaration C. Declaration C should be submitted with the bid documentation at the closing date and time of the bid in order to substantiate the declaration made in paragraph (c) below. Declarations D and E should be kept by the bidders for verification purposes for a period of at least 5 years. The successful bidder is required to continuously update Declarations C, D and E with the actual values for the duration of the contract.

I, the undersigned in Section H of these Consolidated MBD returnable questionnaires ( comprising 8 pages), do hereby declare the following:

- (a) The facts contained herein fall within my own personal knowledge.
- (b) I have satisfied myself that:
  - (i) the goods/services/works to be delivered in terms of the above-specified bid comply with the minimum local content requirements as specified in the bid, and as measured in terms of SATS 1286:2011; and
  - (ii) the declaration templates have been audited and certified to be correct.
- (c) The local content percentages (%) indicated below has been calculated using the formula given in clause 3 of SATS 1286:2011, the rates of exchange indicated in paragraph 4.1 above and the information contained in Declaration D and E which has been consolidated in Declaration C;

• Bid price, excluding VAT (y) .....	R
• Imported content (x), as calculated in terms of SATS 1286:2011 .....	R
• Stipulated minimum threshold for local content (paragraph 3 above) .....	%
• Local content %, as calculated in terms of SATS 1286:2011 .....	%

If the bid is for more than one product, the local content percentages for each product contained in Declaration C shall be used instead of the table above. The local content percentages for each product has been calculated using the formula given in clause 3 of SATS 1286:2011, the rates of exchange indicated in paragraph 4.1 above and the information contained in Declaration D and E.

- (d) I accept that the Procurement Authority / Municipality /Municipal Entity has the right to request that the local content be verified in terms of the requirements of SATS 1286:2011.
- (e) I understand that the awarding of the bid is dependent on the accuracy of the information furnished in this application. I also understand that the submission of incorrect data, or data that are not verifiable as described in SATS 1286:2011, may result in the Procurement Authority / Municipal / Municipal Entity imposing any or all of the remedies as provided for in Regulation 13 of the Preferential Procurement Regulations, 2017 promulgated under the Preferential Policy Framework Act (PPFA), 2000 (Act No. 5 of 2000).

**SECTION G : MBDS : DECLARATION OF BIDDER'S PAST SUPPLY CHAIN MANAGEMENT PRACTICES**

This Municipal Bidding Document must form part of all bids invited. 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.

The bid of any bidder may be rejected if that bidder, or any of its directors have:

- a) abused the 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) wilfully 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).

In order to give effect to the above, the following questions must be answered.

1.0	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 audi alteram partem rule was applied. 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.  If yes, furnish particulars : .....	YES	NO
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Ref	Description	Complete or Circle Applicable	
2.0	Is the bidder or any of its directors listed on the Register for Tender Defaulters in terms of section 29 of the Prevention and Combating of Corrupt Activities Act (No 12 of 2004)? The Register for Tender Defaulters can be accessed on the National Treasury's website (www.treasury.gov.za) by clicking on its link at the bottom of the home page. If yes, furnish particulars : .....	YES	NO
3.0	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? If yes, furnish particulars : .....	YES	NO
4.0	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? If yes, furnish particulars : .....	YES	NO
5.0	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? If yes, furnish particulars : .....	YES	NO

### **SECTION H : MBD9 : CERTIFICATE OF INDEPENDENT BID DETERMINATION**

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.

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.

The following 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.

In order to give effect to the above, the following Certificate of Bid Determination must be completed and submitted with the bid. The undersigned, in submitting the accompanying bid, in response to the invitation for the bid do hereby make the following statements that I certify to be true and complete in every respect:

- 1.0 I have read and I understand the contents of this Certificate;
- 2.0 I understand that the accompanying bid will be disqualified if this Certificate is found not to be true and complete in every respect;
- 3.0 I am authorized by the bidder to sign this Certificate, and to submit the accompanying bid, on behalf of the bidder;
- 4.0 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;
- 5.0 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.
- 6.0 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. (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.
- 7.0 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;
  - f) bidding with the intention not to win the bid.
- 8.0 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.
- 9.0 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.

Ref	Description	Complete or Circle Applicable
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10.0 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.

<b>SECTION I : CONFIRMATIONS, AUTHORITIES, CERTIFICATIONS, ACKNOWLEDGEMENTS and SIGNATURES</b>
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The undersigned, who warrants that he/she is duly authorised to do so on behalf of the enterprise:

- 1.0 Confirms that the contents of these Consolidated MBD returnable questionnaires ( comprising 8 pages) fall within my personal knowledge and are to the best of my Knowledge and belief, both true and correct;
- 2.0 Confirms that neither the name of the enterprise or the name of any partner, manager, director or other person, who wholly or partly exercise, or may exercise, control over the enterprise appears on the Register of Tender Defaulters established in terms of the Prevention and Combating of Corrupt Activities Act of 2004;
- 3.0 Confirms that no partner, member, director or other person, who wholly or partly exercise control over the enterprise, has within the last five years been convicted of fraud or corruption;
- 4.0 Confirms that I/we are not associated, linked or involved with any other tendering entities submitting tender offers and have no other relationship with any of the bidders or those responsible for compiling the scope of work that could cause or be interpreted as a conflict of interest;
- 5.0 Certify that the B-BBEE status level of contribution indicated in Section E.1 : Item 1.0 qualifies the enterprise for preference points and acknowledges that the remedies as per Clause 13 of the Preferential Procurement Regulations (2011) shall apply. In the event of a contract being awarded as a result of points claimed, the enterprise may be required to furnish documentary proof to the satisfaction of the employer that the claims are correct;
- 6.0 Certify that the Tax Compliance Status PIN entered in Section A (2.7) of these consolidated Municipal Bidding Documents can be used to certify the enterprise’s real-time compliance status.
- 7.0 Accept that, in addition to cancellation of a contract, action may be taken against me should these declarations prove to be false.

Signed..... Date .....

Name ..... Position .....

**EVALUATION SCHEDULE : PREQUALIFICATION CRITERIA**

<b>Does the service provider comply with the mandatory requirements of the tender? Please acknowledge as indicated in the table</b>	YES	NO
Valid copy of certification of acceptability for food premises from the City Health Department.		
Proof of ownership of refrigerated vehicle to carry perishable freight at specific temperatures (certification of registration in respect of motor vehicle/ RC1) or lease agreement.		
Bidders Must also satisfy statutory requirements required for this tender viz. Tax Certificates, CSD and Vendor Portal registration. Only bidders that satisfy the Mandatory requirements will be considered.		



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**JOINT VENTURES AGREEMENTS / STRATEGIC ALLIANCES**

Joint Venture agreement and Power of Attorney Agreements to be attached here.

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**PART E3 : INDICATIVE SCOPE OF WORK**

		<b><u>PAGE</u></b>
<b>E3.1</b>	<b>STANDARD PROJECT CONDITIONS</b>	24
<b>E3.2</b>	<b>STANDARD PURCHASE SPECIFICATIONS</b>	26
<b>E3.3</b>	<b>ANNEXURES</b>	28

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**E3.1 STANDARD PROJECT CONDITIONS****a. Packaging**

The supplier shall provide such packaging of the goods as required to prevent their damage or deterioration during transit to their final destination, as indicated in the contract.

Sell by/ use by/ best before date must be clearly visible on packaging.

**b. Delivery And Documents**

All goods must be delivered to Moses Mabhida Stadium, 44 Isaiah Ntshangase Road, Durban, 4001.

**c. Quotation Process**

Tenderers that satisfy the prescribed criteria will form a panel. When a firm is shortlisted, it does not guarantee that a firm will get business with the municipality. Firms will remain in the register for a minimum period of thirty six months from the date of shortlisting.

Requests for quotations will be issued as and when need arise for the duration of three years. Tenderers will be invited to submit tender offers based on their position on the panel. Tenderers will be repositioned on the panel upon appointment or upon submission of a quotation.

The previous most responsive quote will be used to determine the negotiation for the next eligible service provider in a cycle.

The variance between the next eligible quote shall not exceed 5% of the unit costs of the order from the previous most responsive quote received in a cycle.

The **80/20** preference points system will be used when the financial value (incl. Vat) of one or more responsive tender offers have a value that is  $R\ 30\ 000.00 \geq R\ 50,000\ 000$ . The formula used to calculate the total points will be based on the Preference Points and Price Points in accordance with the 2017 PPPFA Regulations.

**d. New entrants**

The panel will be subject to annual re-adverts to allow for new entrances and accreditations into the panel over the three year period.

**e. Prices**

Unit prices submitted shall remain firm for each RFQ and be inclusive of delivery charges.

**f. Payment**

The Contractor shall submit to the Department concerned a detailed account which shall reflect the identifying number of each item / service. Payment will be made on this account when checked and substantiated by the authorised official.

Payment for goods received and accepted by the Municipality shall be made no later than 30 days after submission of invoice or claim, provided however that all the terms of the contract

are duly complied with.

Payment will be made only to the supplier. Factoring arrangements will not be accepted.

**g. Occupational Health And Safety**

Bidders must comply with all Health and Safety Acts and Regulations as amended from time to time as well as regulations governing general hygiene requirements for food premises and the Transport of food.

The employer reserves the right to verify the service providers compliance with City Health requirements, prior to commencement of contract and routine review where necessary.

**h. Transportation of Goods**

- i. Vehicle be clean, pest proof and in good repair
- ii. Vehicle must not be used to transport non food items
- iii. Sell by/best before date must be clearly visible on packaging
- iv. Milk should be received at a temperature of 5°C
- v. Milk containers should always be covered during transportation as milk will absorb other flavours and become contaminated

**i. Delays In The Supplier's Performance**

The delivery lead time is 24 hrs from the date of receiving an approved purchase order from Moses Mabhida Stadium.

**j. Penalties**

If the service provider fails to deliver within the required lead time, a late delivery penalty of 5% of the order value will be applied.

**k. Issuing of Purchase Orders**

An official purchase order will be issued to the service provider before any delivery is made to Moses Mabhida Stadium.

**l. Service Level Agreement**

Post the award of the contract Moses Mabhida Stadium shall enter into a Service Level Agreement for the final terms and conditions with the appointed service providers.

**E3.2 STANDARD PURCHASE SPECIFICATIONS**

Interested service providers are invited to express their interest for the supply and delivery dairy products as and when required, as per the items listed below.

Tenderers are expected to be able to supply atleast 80% of the items in the schedule below.

The eThekweni Municipality reserves the right to request quotations for items that do not appear in the schedule below, should there be a need.

NB: Tenderers are urged to provide quotations on the schedule below in order to ascertain product availability, as well as ease in ranking tenderers on the panel.

\*Equivalent of all specific brands indicated may be supplied.

Item	Description / Item Code	Unit of Measure	Is the item on Offer for Sale. Indicate with Yes or No.
1	Butter - Foil Portions Box 8g (120's)	EA	
2	Butter - ghee	KG	
3	Butter - Margerine Flora portion tub 8g Box (294's)	EA	
4	Butter - Salted 500g Box (20's)	EA	
5	Cheese - Mozzarella Loaf	KG	
6	Cheese - Babybel Mini 20g (6's)	EA	
7	Cheese - Blue Rock Wedges 100g Box (12's)	EA	
8	Cheese - Brie Wedges 100g Box (12's)	EA	
9	Cheese - Camembert wedges 100g Box (12's)	EA	
10	Cheese - Cheddar - Grated	KG	
11	Cheese - Cheddar Slices Individually Wrapped Box 10g (144's)	EA	
12	Cheese - Cheddar Loaf	KG	
13	Cheese - Cheddar Slices 10g (24 slices)	KG	
14	Cheese - Cheese Cottage Smooth Bucket (5kg)	EA	
15	Cheese - Cream Cheese Low Fat (5kg)	EA	
16	Cheese - Feta Cheese Bucket (3.2kg)	EA	
17	Cheese - Gouda Loaf	KG	
18	Cheese - Gouda Sticks 20g	KG	
19	Cheese - Grana padano	KG	
20	Cheese - Gruyere Grated	KG	
21	Cheese - Haloumi Bucket (3.2kg)	KG	
22	Cheese - Indezi Cheese Board Box (2.5kg)	EA	
23	Cheese - Kiri 108g	EA	

24	Cheese - Laughing Cow 128g	EA	
25	Cheese - Marscapone	L	
26	Cheese - Mozzarella Balls	KG	
27	Cheese - Mozzarella Grated	KG	
28	Cheese - Paneer	KG	
29	Cheese - Parmesan Grated	KG	
30	Cheese - Parmesan Whole Block	KG	
31	Cheese - Ricotta	KG	
32	Cheese - Swiss Cheese	KG	
33	Cheese - Monterey Jack	KG	
34	Cheese - Klein River	KG	
35	Cheese - Gruyere Grated	KG	
36	Cheese - Gouda	KG	
37	Cream - Crème Fraiche 2.5kg	EA	
38	Cream - Fresh	LL	
39	Cream - Milac Gold	L	
40	Cream - Roselle	L	
41	Cream - Sour 250ml	EA	
42	Cream - Versati cream	L	
43	Cream - Versati Richs	L	
44	Margerine Lactose Free Each (500g)	EA	
45	Milk - Full Cream Fresh	L	
46	Milk - Mass Sour Milk 2 lt	EA	
47	Tofu	KG	
48	Yoghurt - Cape Fruit 5 lt	KG	
49	Yoghurt - Granadilla 5 lt	KG	
50	Yoghurt - Mini Assorted 100g	EA	
51	Yoghurt - Plain 5L	EA	
52	Yoghurt - Plain Low Fat 5L	EA	
53	Yohurt - Strawberry 5L	EA	

**ANNEXURE: OFFICIAL TENDER FORM**

**Part A: OFFER BY TENDERER** - In response to **Tender Number : 1U-3165** I / we hereby offer to supply the goods / services detailed hereunder in accordance with the Technical Specification, and subject to the Standard and Special Conditions of Tender (Goods/Services), and General and Special Conditions of Contract, which accompanied your Tender (with which I / we acknowledge myself / ourselves to be fully acquainted) at the price stated below, or in the case of individual rates are indicated in Section 8 : Bill Of Quantities / Schedule of Rates / Activities.

I / We hereby agree that this tender will hold good and remain open for acceptance as specified in the [Conditions of Tender](#) or during such other period as may be specified in the Special Conditions of Tender.

eThekwini Vendor Portal Registration Number: PR  
 C.S.D Registration Number: MAAA  
 S.A.R.S Pin Number: \_\_\_\_\_

**Completion of the following is compulsory. Failure to declare the following will invalidate your offer.**

**Declaration of Interest**

Are any of the entity's directors, managers, principle shareholder or stakeholders currently in the service of the state or have been in the service of the state in the past twelve (12) months?	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No
Is any spouse, child or parent of the entity's directors, managers, principle shareholder or stakeholder currently in the service of the state or have been in the service of the state in the past twelve (12) months?	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No

Name of entity's member	Position in Entity	Name of Relative (if applicable)	Name of State Institution	Nature of Relationship
Do you or any other directors, managers, principle shareholder or stakeholder of your entity have any relationship (spouse, family, friend, associate) with persons in the service of the state and/or who may be involved with the evaluation of this quotation? If yes please furnish particulars below				
			<input type="checkbox"/>	Yes <input type="checkbox"/> No

Name of entity's member	Position in Entity	Name of Relative (if applicable)	Name of State Institution	Nature of Relationship
Refer to the Consolidated MBD Documents in Section 4(d) for the definition of "in service of the State"				
<b>* Signature</b> :		<b>* Name</b>		
Date:		<i>(capitals):</i>		
<b>* Name of Business:</b>		<b>Capacity:</b>		
Address:		<b>Tel:</b>		
		<b>Fax:</b>		

\* Denotes Mandatory Information

**Failure to complete the Mandatory Information and sign this Tender Form will invalidate the tender**

**Part B: ACCEPTANCE BY PURCHASER** - The Purchaser, as represented by the following Official, hereby accepts the Tenderer's offer in terms of the Conditions of Tender, Specifications, and Conditions of Contract.

**Signature:** \_\_\_\_\_ **Name** *(capitals):* \_\_\_\_\_  
**Date:** \_\_\_\_\_ **Capacity:** \_\_\_\_\_