EKURHULENI WATER CARE COMPANY

FPQ202310/022: THE APPOINTMENT OF A PROFESSIONAL LAW FIRM TO PROVIDE LEGAL SUPPORT ON A LEGAL MATTER

Bidding company: _____

CSD number: MAAA_____

Total price (incl. VAT): R_____

(OFFER TO BE VALID FOR A MINIMUM OF 30 DAYS FROM THE CLOSING DATE OF BID)

ERWAT STAMP

RAISE YOUR VOICE AND TAKE ACTION AGAINST CORRUPTION AND FRAUD ANONYMOUS REPORTING
FRAUD AND ETHICS HOTLINE:
0800-204-860
website: www.thehotline.co.za | e-mail: erwat@thehotline.co.za | Fax :0867 261 681 | SMS: 30916
P O Box 10512, Centurion, 0046
App Stores: Vuvuzela Hotline

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MBD 1 – INVITATION TO BID

You are hereby invited to bid for requirements of ERWAT	
Briefing session	N/A
Closing date	THURSDAY, 19 OCTOBER 2023
Closing time	12H00
Delivery address of bids	ERWAT Head Office, R25 Bapsfontein Road, Norkem Park
SCM related enquiries:	Phumzile.mdlalose@erwat.co.za / 0119297000
Technical enquiries	Chantel.kearns@erwat.co.za (0119297000)

Bidder Information	
Name of Bidding Company	
Company physical address	
Company postal address	
Contact details	Company Representative (Name):
	Telephone:
	Cell phone:
	E-mail address:
MKVA Force number:	
CIDB Grading CRS number	
Vat registration number	
Tax Compliance status	TCS Pin:
Are you the accredited representative in South Africa for the goods/ services/ works offered? If yes, attach proof	

Bidders are hereby invited to submit an offer for:

1. PURPOSE

ERWAT requires the services of an accredited, experienced and registered law firm to submit quotations to provide legal support to ERWAT on a legal matter.

2. SCOPE OF WORK

The law firm is required to assist with perusal of various documents, consulting legislative guidelines and providing a legal opinion on the matter and other subsequent related services limited to R200 000 all inclusive. The law firm will be liaising with the Accounting Officer on the matter and other delegated staff that will be finalised at the time of award.

3. REFERENCE POINT SYSTEM

The 80/20 preference points system is applicable for the acquisition of the required legal services.

4. SUPPORTING DOCUMENTS:

Bidders are required to submit the following documents with their submission on the closing date and time as indicated elsewhere in the document:

- MBD 4 (declaration of interest available on the ERWAT website for download)
- Latest rates and taxes account (not older than 90 days and must not be in arrears). In the event that the company is renting the operating premises, such signed and valid contract must be attached to the submission.
- SARS Pin
- BEE certificate
- Proof of professional registration with the Law Society of South Africa
- Proof of qualifications and experience of the Attorney/Advocate, senior and junior consultant.
- Any other documents deemed necessary for this bid.

PRICING SCHEDULE

FPQ202310/022: THE APPOINTMENT OF A PROFESSIONAL LAW FIRM TO PROVIDE LEGAL SUPPORT ON A LEGAL MATTER

Note: only firm prices will be accepted. Non-firm prices (including prices subject to rates of exchange variations) will not be considered in cases where different delivery points influence the pricing, a separate pricing schedule must be submitted for each delivery point.

The offer must be valid for a minimum of 30 days from the closing date of the bid.

Km to ERWAT sites must be confirmed by the bidder and ERWAT will only pay for the SARS or aa rate whichever is viable for ERWAT.

The pricing is rate based and the number of hours (that will be determined after award stage) will only be limited by budget availability and the maximum value of R200 000 including all applicable taxes.

No.	Description	UOM	Rate (Including VAT)
1.	Rate for a junior employee/consultant (clerk)	per hour	R
2.	Rate for an Attorney (senior consultant)	per hour	
3.	Rate for an Advocate that will only be utilised in the event that such is required.	per hour	R
4.	Correspondence fees	per letter	R

Table 1 – Rate based pricing table

Kindly note that payment will be effected on actual hours worked and claimed limited to the Purchase Order value.

Failure to complete the pricing in full will result in disqualification.

MBD 3.1- PRICING SCHEDULE – FIRM PRICES

NAME OF BIDDER: _____

BID NO: FPQ202310/022: THE APPOINTMENT OF A PROFESSIONAL LAW FIRM TO PROVIDE LEGAL SUPPORT ON A LEGAL MATTER

NOTE: ONLY FIRM PRICES WILL BE ACCEPTED. NON-FIRM PRICES (INCLUDING PRICES SUBJECT TO RATES OF EXCHANGE VARIATIONS) WILL NOT BE CONSIDEREDIN CASES WHERE DIFFERENT DELIVERY POINTS INFLUENCE THE PRICING, A SEPARATE PRICING SCHEDULE MUST BE SUBMITTED FOR EACH DELIVERY POINT

OFFER TO BE VALID FOR 30 DAYS FROM THE CLOSING DATE OF BID.

- Does the offer comply with the specification(s)? *YES/NO

- If not to specification, indicate deviation(s): _____

- Period required for delivery: _____

*Delivery: Firm/Not firm

- Delivery basis _____

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

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

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.

Name& Surname of Representative: _____

Signature Of Bidder: _____

Designation: _____

Date: _____

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.

A Person who is an advisor or consultant contracted with the municipality.

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

4.1 Full Name of bidder or his or her representative: _____ ___

4.2 Identity Number:_____

4.3 Position occupied in the Company (director, trustee, shareholder[2]): _____

4.4 Company Registration Number: _____

4.5 Tax Reference Number: _____

4.6 VAT Registration Number: _____

4.7 The names of all directors / trustees / shareholder's members, their individual identity numbers and state employee numbers must be indicated in paragraph 5 below.

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

If so, furnish particulars.

_____

_____

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

If so, furnish particulars.

_____

_____

4.10 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

If so, furnish particulars.

_____

_____

4.11 Are you, aware of any relationship (family, friend, other) between any other bidder and any persons in the service of the state who may be involved with the evaluation and or adjudication of this bid?

YES / NO

If so, furnish particulars.

_____

_____

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

If so, furnish particulars.

_____

_____

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

If so, furnish particulars.

_____

_____

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

If so, furnish particulars.

_____

_____

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

Full Name	Identity Number	State Employee Number

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.

Name& Surname of Representative: _____

Signature Of Bidder: _____

Designation: _____

Date: _____

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

GENERAL CONDITIONS
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)

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

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

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

- Price; and
- Specific Goals.

To be completed by the organ of state:
The maximum points for this tender are allocated as follows:

	POINTS
PRICE	80
SPECIFIC GOALS	20
Total points for Price and SPECIFIC GOALS	100

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.

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.

DEFINITIONS
"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;
"price" means an amount of money tendered for goods or services, and includes all applicable taxes less all unconditional discounts;

"rand value" means the total estimated value of a contract in Rand, calculated at the time of bid invitation, and includes all applicable taxes;

"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

"the Act" means the Preferential Procurement Policy Framework Act, 2000 (Act No. 5 of 2000).

FORMULAE FOR PROCUREMENT OF GOODS AND SERVICES

POINTS AWARDED FOR PRICE

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

The 80/20 formula will be used to calculate the points for price in respect of bidders with a Rand value below R50 000 000.

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
Pmax = Price of highest acceptable tender

POINTS AWARDED FOR SPECIFIC GOALS

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:

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)**	**Evidence required but not limited to the following:**
EME or QSE 51% owned by women	4	▪ CK document ▪ Full CSD report ▪ ID documents of company owners ▪ MKVA force number ▪ Municipal account/ lease agreement ▪ Proof of disability issued by medical doctor
EME or QSE 51% owned by youth	4	
EME or QSE 51% owned by people with disabilities	4	
EME or QSE 51% owned by military veterans	4	
EME or QSE within the boundaries of Ekurhuleni Municipality	4	

DECLARATION WITH REGARD TO COMPANY/FIRM

Name of company/firm: _____

Company registration number: _____

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]

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:

- The information furnished is true and correct;
- The preference points claimed are in accordance with the General Conditions as indicated in paragraph 1 of this form;
- 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;
- 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 –
  - disqualify the person from the tendering process;
  - recover costs, losses or damages it has incurred or suffered as a result of that person's conduct;
  - 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;
  - 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.

Company name: _____

Company address: _____

_____

Name& Surname of Representative: _____

Signature Of Bidder: _____

Designation: _____

Date: _____

MBD 8 – 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:

- abused the company's / municipal entity's supply chain management system or committed any improper conduct in relation to such system;
- been convicted for fraud or corruption during the past five years;
- willfully neglected, reneged on or failed to comply with any government, municipal or other public sector contract during the past five years; or
- 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 questionnaire must be completed and submitted with the bid.

Item	Question	Yes	No
4.1	Is the bidder or any of its directors listed on the National Treasury's Database of Restricted Suppliers as companies or persons prohibited from doing business with the public sector? (Companies or persons who are listed on this Database were informed in writing of this restriction by the Accounting Officer/Authority of the institution that imposed the restriction after the *audi alteram partem* rule was applied). The Database of Restricted Suppliers now resides on the National Treasury's website (www.treasury.gov.za) and can be accessed by clicking on its link at the bottom of the home page.	Yes ☐	No ☐
4.1.1	If so, furnish particulars:		
4.2	Is the bidder or any of its directors listed on the Register for Tender Defaulters in terms of section 29 of the Prevention and Combating of Corrupt Activities Act (No 12 of 2004)? The Register for Tender Defaulters can be accessed on the National Treasury's website (www.treasury.gov.za) by clicking on its link at the bottom of the home page.	Yes ☐	No ☐
4.2.1	If so, furnish particulars:		
4.3	Was the bidder or any of its directors convicted by a court of law (including a court of law outside the Republic of South Africa) for fraud or corruption during the past five years?	Yes ☐	No ☐
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 company / municipal entity, or to any other municipality / municipal entity, that is in arrears for more than three months?	Yes ☐	No ☐

4.4.1	If so, furnish particulars:		
4.5	Was any contract between the bidder and the municipality / municipal entity or any other organ of state terminated during the past five years on account of failure to perform on or comply with the contract?	Yes ☐	No ☐
4.5.1	If so, furnish particulars:		

CERTIFICATION

I, the undersigned (full name_____ certify that the information furnished on this declaration form is true and correct. I accept that, in addition to cancellation of a contract, action may be taken against me should this declaration prove to be false.

Name& Surname of Representative: _____

Signature Of Bidder: _____

Designation: _____

Date: _____

MBD 9 - CERTIFICATE OF INDEPENDENT BID DETERMINATION

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

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.

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.

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.

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

CERTIFICATE OF INDEPENDENT BID DETERMINATION

I, the undersigned, in submitting the accompanying bid:

FPQ202310/022: THE APPOINTMENT OF A PROFESSIONAL LAW FIRM TO PROVIDE LEGAL SUPPORT ON A LEGAL MATTER

in response to the invitation for the bid made by: EKURHULENI WATER CARE COMPANY (ERWAT) do hereby make the following statements that I certify to be true and complete in every respect:

I certify, on behalf of _____(Name of Bidder) that:

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.

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.

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.

Name& Surname of Representative: _____

Signature Of Bidder: _____

Designation: _____

Date: _____

PROTECTION OF PERSONAL INFORMATION ACT, 4 OF 2013

By signing this referral form:

a) I/we hereby grant my/our voluntary consent that my/our personal information may be processed, collected, used and disclosed in compliance with the Protection of Personal Information Act, 4 of 2013.

b) I/we furthermore agree that my/our personal information may be used for the lawful and reasonable purposes in as far as the ERWAT (responsible party) must use my/our information in the performance of its public legal duty.

c) I/we understand that my/our personal information may be disclosed to a third party in as far as the ERWAT must fulfil its public legal duty.

d) I/we furthermore understand that there are instances in terms of abovementioned Act where my express consent is not necessary to permit the processing of personal information, which may be related to litigation or when the information is publicly available. Further details are available on the ERWAT website.

Company name: _____

Company address: _____

_____

Name& Surname of Representative: _____

Signature Of Bidder: _____

Designation: _____

Date: _____

BID SUBMISSION
1. Bids must be delivered by the stipulated time to the correct address (ERWAT Head Office R25 Bapsfontein Road, Norkem Park). Late bids will not be accepted for consideration. 2. All bids must be submitted on the official forms provided– (not to be re-typed) in a sealed envelope clearly marked with the bid number and description. 3. NB: no bids will be considered from persons in the service of the state (as defined in Regulation 1 of the Local Government: Municipal Supply Chain Management Regulations). 4. This bid is subject to the Preferential Procurement Policy Framework Act and the Preferential Procurement Regulations, 2022, The General Conditions of Contract (GCC) and, if applicable, any other Special Conditions of Contract.
TAX COMPLIANCE REQUIREMENTS
Bidders must ensure compliance with their tax obligations. 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. Application for the tax compliance status (TCS) 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 . In bids where Consortia / Joint Ventures / Sub-Contractors are involved; each party must submit a separate TCS pin / CSD number. Where no TCS is available, but the bidder is registered on the Central Supplier Database (CSD), a CSD number must be provided.
JOINT VENTURE
In the case of a joint venture, the valid original tax clearance certificate or copy/ies thereof, of each partner, must be submitted with the bid document. In the case of a joint venture, copies of Municipal services, rates, and taxes clearance certificate for supply chain management purpose (not older than three months from date of closing, not in arrears for more than 90 days, or valid lease agreement signed by both parties) of each partner, must be submitted with the bid document. In the case of a Joint Venture, a joint venture agreement must be submitted with the bid indicating shareholding percentage. In the case of a Joint Venture – bidder information is to be completed and submitted in respect of each partner.

NB: Failure to provide any of the above particulars may result in your bid being disqualified.

Name& Surname of Representative: _____

Signature Of Bidder: _____

Capacity Under Which This Bid Is Signed: _____

Date: _____

NOTICE TO BIDDERS

VERY IMPORTANT NOTICE ON DISQUALIFICATIONS:

A bid not complying with the peremptory requirements stated hereunder will be regarded as not being an "Acceptable bid", and as such will be rejected.
"Acceptable bid" means any bid which, in all respects, complies with the conditions of bid and specifications as set out in the bid documents.
To ensure that your bid is not exposed to invalidation, documents are to be completed in accordance with the conditions and bid rules contained in the bid documents. The lowest or any bid will not necessarily be accepted, and ERWAT reserves the right not to consider any bid not or a bid not comprehensively completed as well as the right to accept a bid in whole or part. ERWAT reserves the right to appoint more than one bid for this contract.

A BID WILL BE REJECTED:

- If bidders are not compliant with all applicable legislative requirements, as per CSD. National Treasury in partnership with the Provincial Treasury have developed municipalities and municipal entities with a Central Supplier Database (CSD) for the registration of prospective suppliers in line with Section 14(1) (b) of the Municipal Supply Chain Management Regulations (MSCMR). (Tax compliance will be dealt with in terms of MFMA Circular No. 90)

- Non-compliance with the Value Added Tax Act,1991; i.e. In terms of this Act, it is mandatory for any business to register for VAT if the income earned in any consecutive twelve (12) month period exceeds or is likely to exceed R 1 million. NB: Bidder/s failing to comply with this provision of the Value Added Tax Act, 1991 WILL NOT BE CONSIDERED, therefore rejected.

- Non-compliance with the Municipal Supply Chain Management Regulations, 2005; i.e. All sections affecting the evaluation of the bid must be indicated on the bid document and must be submitted and completed in full. All bidder's information must be accurate and correct.

- In the event of there being scratching out, writing over or painting out rates or information, affecting the evaluation of the bid, without initialling next to the amended rates or information. However, in cases where the total amount (aggregated) has not been affected, the bid will still be acceptable.

- In the event of the use of correction fluid (e.g., tippex), any erasable ink, or any erasable writing instrument (e.g., pencil). (Only black pen to be used).

- If the Bid has not been properly signed by a person having the authority to do so.

- Any misrepresentation constitutes a criminal offence as set out in the B-BBEE Act (as amended) and could lead to prosecution and misrepresentation on the specific goals will result in the bidder being reported to National Treasury's list of tender defaulters.

- Where the recommended bidder is not tax compliant, the bidder should be notified of their non-compliant status and the bidder will be requested to submit to the municipality, within 7 working days. The bidder will be rejected if they fail to provide proof of tax compliance status within the 7 working days after recommendation (at the discretion of ERWAT).

- If the bidder attempts to influence or has in fact influenced the evaluation and/or awarding of the contract.

- If the bid has either been submitted in the wrong bid box or after the relevant closing date and time.
- If any municipal rates and taxes or municipal service charges owed by the bidder or any of its directors/members to the municipality or municipal entity, or to any other municipality or municipal

entity, are in arrears for more than three months (unless if the bidder has attached proof of the payment arrangement of the arrears to the bid document as at the closing date of the submission of bids).

- If any bidder who during the last five years has failed to perform satisfactorily on a previous contract with the municipality, municipal entity or any other organ of state after written notice was given to that bidder that performance was unsatisfactory.

- The accounting officer must ensure that irrespective of the procurement process followed, no award may be given to a person –
  - who is in the service of the state, or;
  - if that person is not a natural person, of which any director, manager, shareholder or stakeholder, is a person in the service of the state; or; who is an advisor or consultant contracted with the municipality in respect of contract that would cause a conflict of interest.

- If the bidder is not registered in the required CIDB contractor grading designation (category) or higher, if required in this bid documentation.

- If the bidder or any of its directors is listed on the Register of Bid Defaulters in terms of the Prevention and Combating of Corrupt Activities Act of 2004 as a person prohibited from doing business with the public sector.

- If more than one (1) company quotes and the Director/s are the same Person/s and the companies fail to disclose this in the MBD4; the bids will be rejected as a result of Anti-Competitive Behaviour.

- If the bidder has failed to submit ALL required documents as specified on the bid document.

- If the following have not been fully completed and signed:
  - MBD 3.1 – Pricing schedule (firm prices) (where applicable)
  - MBD 4 - Declaration of Interest
  - MBD 6.1 – Preference Points Claim Form in Terms of The Preferential Procurement Regulations 2022
  - MBD 8 - Declaration of Bidder's Past SCM Practices
  - MBD 9 - Certificate of Independent Bid Determination

- If any pages have been removed from the bid document, and have therefore not been submitted, or a copy of the original bid document has been submitted (all signatures to be original on each page).

- If the bidder fails to achieve the minimum score in terms of the functionality evaluation

A. ADMINISTRATIVE REQUIREMENTS

- Proof of company Central Supplier Database Registration (full CSD report **not** a summary report).
- Fully completed MBD forms
- Bidders to include product brochure of the product they will supply (where applicable).

B. MANDATORY REQUIREMENTS

- Municipal account statement not older than 3 months and not owing for 90+days or valid agreement signed by the lessor and lessee.
- Tax compliance status
- Supporting documents for functionality evaluation (where applicable)
- FAILURE TO ADHERE TO THESE CONDITIONS WILL LEAD TO THE BID BEING INVALIDATED.

C. PREFERENTIAL POINT SCORING

In terms of regulation 5 of the Preferential Procurement Regulations pertaining to the Preferential Procurement Policy Framework Act, 2000 (Act 5 of 2000), responsive bids will be adjudicated by ERWAT on the 80/20 preference points for Broad–Based Black economic empowerment in terms of which points are awarded to bidders based on:

- Points awarded for price
- Points awarded for specific goals

ERWAT reserves the right to award more than one bidder.

D. VALUE ADDED TAX

All bid prices must be inclusive of 15% Value-Added Tax where applicable.

E. COMMUNICATION

ERWAT may communicate with bidders for, among others, where bid clarity is sought, to obtain information or to extend the validity period.

F. LATE BIDS

Bids received at the address indicated in the bid documents, after the closing date and time will not be accepted for consideration and where applicable, be returned unopened to the bidder.

G. FRONTING

ERWAT supports the spirit of broad based black economic empowerment and recognizes that real empowerment can only be achieved through individuals and businesses conducting themselves in accordance with the Constitution and in an honest, fair, equitable, transparent and legally compliant manner. Against this background ERWAT condemns any form of fronting.

ERWAT, in ensuring that bidders conduct themselves in an honest manner will, as part of the bid evaluation processes, conduct or initiate the necessary enquiries/investigations to determine the accuracy of the representation made in bid documents. Should any of the fronting indicators as contained in the Guidelines on Complex Structures and Transactions and Fronting issued by the Department of Trade and Industry, established during such enquiry/investigation, the onus will be on the bidder contractor to prove that fronting does not exist. Failure to do so within a period of 14 days from date of notification may invalidate the bid/contract and may also result in the restriction of the bidder/contractor to conduct business with the public sector for a period not exceeding ten years, in addition to any other remedies the National Treasury may have against the bidder/contractor concerned.