THE MSUNDUZI MUNICIPALITY

HEAD: SUPPLY CHAIN MANAGEMENT

MRS D NDLOVU-GAMBU
Tel No. 033 – 392 309 3; Fax No. 033 – 392 2532

QUOTATION No. Q12/1396RR OF 26/27

APPOINTMENT OF A SERVICE PROVIDER FOR PARTAC TRAINING OF TWENTY – FIVE (25) MSUNDUZI MUNICIPALITY EMPLOYEES (AIRPORT)

Tenderer's Name:
Postal Address:
Telephone No.
Fax No.
Cell No.
Contact Person:
E Mail Address:

Sealed tenders endorsed on the envelope "***QUOTATION No. Q12/1396RR OF 26/27"*** must be placed in the Tender Box located at the Msunduzi Municipality's Central Stores, 2 Abattoir Road (off Kershaw Street), Pietermaritzburg, 3201 (coordinates -29.6126297; 30.3610014), not later than **12h00 on Friday, 27 November 2026.** *Only tenders placed in the tender box will be accepted and considered.*

THE MSUNDUZI MUNICIPALITY

QUOTATION No. Q12/1396RR OF 26/27

APPOINTMENT OF A SERVICE PROVIDER FOR PARTAC TRAINING OF TWENTY – FIVE (25) MSUNDUZI MUNICIPALITY EMPLOYEES (AIRPORT)

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THE MSUNDUZI MUNICIPALITY

TENDER SUBMISSION CHECKLIST

The Checklist below is attached hereto to assist Tenderer with the completion of the tender document. Tenderers are required to ***TICK*** the relevant boxes for verification purposes. Where information is not applicable to the tender, the symbols ***N/A*** must be inserted in the space provided.

It must be noted that the Council shall not be held liable for any loss or damage incurred to the Tenderer should the Tenderer fail to fulfil the requirements of the Tender.

No.	Description	Tenderer to Tick (√)	For Official Use Only	
1	Has the Tender Document been completed in **handwriting** or typed and all corrections counter-signed? **(No correction fluid used)**		***D***	
2	Has all tendered amounts been arithmetically checked and the correct total amounts carried forward to the Summary Page and Tender Form?			
3	Has all information as required in terms of the tender document been submitted with the tender?		***D***	
4	Has the compulsory "Site Inspection/Tender Briefing" meeting been attended and has the "Site Inspection/Tender Briefing" Certificate been completed and signed at the meeting?		***D***	
5	Have all Declarations contained in the Tender Document been completed and signed by the Tenderer, and before a Commissioner of Oaths (if applicable)?		***D***	
6	Has the "Tender Form" been completed and signed?		***D***	
7	Is a valid Tax Clearance Status Verification Pin attached to the Tender Document?		***D***	
8	Has the CSD Supplier Number and Unique Registration Reference Number been submitted with the Tender Document?		***D***	
9	Does the price includes VAT regardless of VAT status of being a VAT or Non Vat vendor all prices must include VAT			

****** D: Failure to comply with these Sections may prejudice the tender.***

Tenderer: _____

Signature: _____ Date: _____

THE MSUNDUZI MUNICIPALITY

QUOTATION NOTICE

QUOTATION No. Q12/1396RR OF 26/27

APPOINTMENT OF A SERVICE PROVIDER FOR PARTAC TRAINING OF TWENTY – FIVE (25) MSUNDUZI MUNICIPALITY EMPLOYEES (AIRPORT)

The Msunduzi Municipality hereby invites suitably experienced tenderers to submit quotations for the above works.

Quotation documents shall be available from the Supply Chain Management Unit Offices, 5th Floor, A. S. Chetty Centre, 333 Church Street, Pietermaritzburg, from **12h00** on **Thursday, 19 November 2026**. A non-refundable tender fee in the amount **R 265.56** (Including VAT) per document shall be levied. Only cash or EFT transactions will be accepted. Tender documents can be downloaded and printed at the tenderer's cost from the National Treasury e-Tender Publication Portal on **www.etenders.gov.za**

For any technical related enquiries, please contact Thokozani Matiwane (Corporate Services) on direct Telephone No. 033 392 2667 or e-mail address thokozani.matiwane@msunduzi.gov.za.

For any procurement related enquiries, please contact Sibusile Mhlongo (Supply Chain Management Unit) on direct Telephone No. 033 – 392 3093 or e-mail address sibusile.mhlongo@msunduzi.gov.za.

Sealed quotation endorsed on the envelope **"QUOTATION No. Q12/1396RR OF 26/27"** must be placed in the Tender Box located at the Msunduzi Municipality's Central Stores, 2 Abattoir Road (off Kershaw Street), Pietermaritzburg, 3201 (coordinates -29.6126297; 30.3610014), not later than **12h00**, on **Friday, 27 November 2026**, when it will be publicly opened. Only quotations placed in the Tender Box shall be accepted.

The Validity period shall hold firm for ninety (90) days commencing from closing date of the quotation.

Tender Adjudication & Evaluation Criteria: Tenderers shall be evaluated on a 80/20 Preference Point system in accordance with the Msunduzi Municipality's Supply Chain Management Policy (incorporating Preferential Procurement) as prescribed in terms of the Preferential Procurement Regulations 2022.

The allocation of Preference Points will be according to the following Specific Goals:

Specific Goals	Description	Max Points
Black Owned Enterprise (BOE)	Black Owned Enterprise (BOE)" in this context refers to a "black-owned enterprise" with at least 51% South African black ownership and/or more than 51% management control by South African black people	7
Location of Business Enterprise	Business Enterprise located Within KwaZulu – Natal	6
Business Enterprise Owned by Youth	At least fifty-one percent (51%) owned and controlled by Youth.	7
Total Preference Points (Specific Goals)		**20**

The Msunduzi Municipality does not bind itself to accept the lowest or any quotation and reserves the right to accept the whole or any part of a quotation. Each Service Provider will be informed of the quotation result. The Msunduzi Municipality expects businesses within the Pietermaritzburg and Midlands Region to support its contract and BEE/SMME initiatives.

MR. SF MNDEBELE (MUNICIPAL MANAGER)

THE MSUNDUZI MUNICIPALITY

QUOTATION No. Q12/1396RR OF 26/27

APPOINTMENT OF A SERVICE PROVIDER FOR PARTAC TRAINING OF TWENTY – FIVE (25) MSUNDUZI MUNICIPALITY EMPLOYEES (AIRPORT)

TERMS AND CONDITIONS

1.1 The Msunduzi Municipality's Standard Conditions of Tender, Legislation Section, Special Conditions of Contract (if any), Supply Chain Management Policy and the Preferential Procurement Policy shall also apply. The above-mentioned documentation may be inspected at the offices of the Head: Supply Chain Management, 5th Floor, A S Chetty Building, 333 Church Street, Pietermaritzburg.

1.2 Further to the above, the following terms and conditions shall also apply: -

a) Where in the tender document reference is made to a compulsory Tender Briefing Meeting/Site Inspection, the Service Providers shall be required to attend the meeting prompt on the date and time mentioned in the tender document. Service Providers arriving at the meeting after the stipulated time will be disqualified and the Council shall not be held liable for any loss or damage due to the above. Service Providers are to ensure that they complete and sign the Attendance Register circulated at the meeting. Only one representative per Company or Consortium will be allowed to attend the above meeting. No person will be allowed to represent more than one Company at the meeting.

Service Providers are to ensure that their Representatives, representing their respective Companies at the Tender Briefing Meeting/Site Inspection are familiar with the true nature and extent of the works as no claims for extras shall be entertained and the Council shall not be held liable should the Service Provider tender incorrectly.

An official will Chair the meeting and answer queries raised by prospective Service Providers. Any amendment to the tender documentation arising from such answers will be circulated in terms of the meeting's attendance register. Tenders will not be considered from Service Providers who do not attend the meeting and who did not sign the attendance register.

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

Service Providers shall be required to submit, together with the tender document, a valid Tax Clearance Certificate and a Tax Compliance Status Verification Pin issued by SARS. Failure to submit a valid Tax Clearance Certificate and a Tax Compliance Status Verification Pin, the Council reserves the right to verify the same on National Treasury's Central Supplier's Database.

Should the validity of the Tax Clearance Certificate expire prior to the final award of the contract being made, the Council reserves the right to request the Service Provider to submit a further valid Tax Clearance Certificate. In this instance, the Service Provider shall be given seven (7) working days written notice in which to comply. Should the Service Provider fail to comply with this request, the Council further reserves the right to make no

award to the Service Provider and the Council shall not be held liable for any loss or damages sustained by the Service Provider.

If a Service Provider has already submitted an original Tax Clearance Certificate when registering on the Central Supplier Database (CSD), then there is no need to submit a hardcopy of another Tax Clearance Certificate provided that the Tax Clearance Certificate is still valid for the full duration of the validity period for this tender. In this instance, the Service Provider will be required to indicate below the CSD Supplier Number and Unique Registration Reference Number for verification purposes: -

CSD Supplier Number	
Unique Registration Reference Number	

c) The prices, rates or percentages quoted in the proposal shall be deemed to include all costs, including but not limited to materials, plant, labour, patent rights and royalties, freight, insurance, customs, railage, delivery, etc., unless the Service Provider states otherwise on Annexure A hereto.

d) **"Price**" means an amount of money tendered for goods or services and includes all applicable taxes less unconditional discounts. **Section 64 (1) of the VAT Act** states that: Any price charged by a vendor for a taxable supply is deemed to include VAT, whether or not explicitly stated. Thus, even if bidder B's invoice does not explicitly include VAT, the price is considered VAT Inclusive.

NB: When submitting this tender bidders are advised that regardless of the VAT status of being a VAT or Non-VAT vendor the price must include VAT. Furthermore, to the price shall be deemed to be VAT inclusive regardless of whether the bidder is the VAT vendor or not.

e) Tenders must be made out on the Tender Form annexed hereto. Service Providers are advised that this document must be completed by being handwritten or typed and originally signed by Pen and submitted in its entirety. Failure to comply with this condition shall result in the tender being disqualified.

Service Providers should complete, in full, all the Data Sheets attached to this document. These include, but are not limited to, the following:

- Declaration of Interest (MBD 4);
- Authority to Sign Document;
- Pricing Schedule (MBD 3.1 / 3.2 / 3.3 as applicable);
- Declaration of Bidder's Past Supply Chain Management Practices (MBD 8);
- Certificate of Independent Bid Determination (MBD 9); and
- Any other applicable Data Sheets or forms contained within the tender documentation.

Where Data Sheets and/or any other documentation are required to be commissioned, such documents must be duly stamped and signed by a Commissioner of Oaths, where applicable. Failure to complete and submit the required documentation in its entirety may result in the disqualification of the bid and render the offer non-responsive.

Completion of Tender Form

It is a compulsory requirement that the Tender Form be fully completed and signed by an authorised representative of the bidder. Failure to comply with this provision will render the bid unresponsive (invalid) and such bids will not be considered for adjudication.

f) Only original hand priced or typed and originally signed by Pen tender documents will be considered. Tenders submitted by telegram, telex or facsimile shall not be considered. ***The use of correction fluid is <u>strictly</u> prohibited.*** All corrections are to be countersigned.

g) Where compliance with CIDB Regulations are required, only those Tenderers who meet the required grading mentioned herein or higher or whose status is active at the time of tender shall be considered for appointment. In this instance, Tenderers shall be required to indicate in their tender document their CIDB Registration No. for adjudication purposes***. Failure to comply with these conditions will prejudice the tender.***

h) With regards to electrical works, only Tenderers who are registered with the Electrical Contractors Board (ECB) shall be considered for appointment. In this instance, certified proof of such registration must be submitted together with the tender for adjudication purposes. ***Failure to comply with these conditions will prejudice the tender.***

With regards to plumbing works, only Tenderers who are registered with the Institute of Plumbing South Africa (IOPSA) or any other relevant authority shall be considered for appointment. In this instance, certified proof of such registration must be submitted together with the tender for adjudication purposes. ***Failure to comply with these conditions will prejudice the tender.***

i) Tenderers should propose a detailed implementation plan for the completion of works and the production of deliverables. The following framework should serve as a rough guide for the preparation of tenders:

- Background of the Contractor;
- Experience and capacity relevant for the project;
- Overall management of the project in terms of personnel;
- Approach and understanding of the project requirements;
- Implementation plan to achieve the objectives within the required time frame;
- Phasing of tasks, deliverables and reports for the project; and,

Curriculum Vitae for all proposed professional personnel on the project should include biographic data, educational qualifications and experience.

Tenderers may assume any number of forms including but not restricted to a consortium/joint venture that draws on multiple disciplines, practices and experiences.

It is also strongly recommended that in selecting their partners, consortia consider “smaller” but capable organizations, which, while strengthening the proposal, will also receive some developmental benefit from partnering with larger organizations. In the event the selected proposal is a consortium/joint venture, the contract will be signed with the lead organization, which must be identified in the proposal.

j) Proposals are to be formulated using efficiency, effectiveness, economy and sustainability as a basis.

k) Tenderers shall be required to detail their experience applicable to the works mentioned herein in Data Sheet 1 – Statement of Previous Experience for adjudication purposes.

l) In the event of late delivery, penalties in the amount of R500.00 per calendar day shall be levied. Such monies shall be deducted from any monies due to the Contractor or which shall become due to the Contractor.

m) Service Providers claiming preference points shall be required to complete Annexure "C" hereto in its entirety and to fully comply with the General Conditions, Definitions and Directives stated therein.

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.

Service Providers are required to submit proof or documentation required in terms of this tender to claim points for specific goals. Failure to do so shall result in no preference points being awarded to the Service Provider and the Council shall not be held liable for any loss or damages in this regard.

Partial awards may be made where this is perceived by the Head: Supply Chain Management to be in the best interests of the Council.

The council reserves the right but is not obliged to take into account the principle of the distribution of work in order to empower SMME'S and BEE'S. Such distribution may take place with reference to items, sections as indicated in the price schedule or such other bases the council may decide.

The Council does not bind itself to accept the lowest or any tender and reserves the right to accept the whole or any part of a tender.

n) Payment will be made by the Chief Financial Officer within 30 days on receipt of a certificate of payment issued by the Engineer and will be made by means of a cheque drawn upon the Council's bankers in Pietermaritzburg. No cash payments shall be made.

Where the value of the works exceeds R3 000.00 excluding VAT, the Tenderer must quote the Council's VAT Registration No. (460 010 783 5) on all Tax Invoices for payment purposes.

Where offers of discounts, e.g. for payment within 30 days of rendering accounts, are made by Contractor, these will be taken into account in the adjudication of tenders.

Tenderers shall be required to have a bank account in the legal name of the Tenderer as indicated on the Tax Clearance Certificate. No payment whatsoever will be made should the Tenderer fail to comply with this requirement and the Council shall not be held liable for any loss or damages sustained by the Tenderer in this regard.

o) Where Insurances or any other information as requested for in the tender are required, the Tenderer shall submit such Insurances and/or information within fourteen (14) days from date of letter of provisional acceptance. In cases of Insurances, these are to be kept in force for the full duration of the contract period.

p) Once the requirements of the provisional letter of acceptance have been satisfied, a final letter of acceptance will be forwarded by the Head: Supply Chain Management to the Tenderer and the tender, provisional letter of acceptance together with the final letter of acceptance shall constitute a binding agreement between the Tenderer and the Council.

q) If the Tenderer fails to enter a contract when called upon to do so, then the Council may refuse to receive or consider for such period as it may think fit, any further tenders from that tenderer.

r) Where awards of contracts are not subject to (p) above, a final letter of acceptance will be forwarded by the Head: Supply Chain Management to the Tenderer and the tender together with the final letter of acceptance shall constitute a binding agreement between the Tenderer and the Council.

s) In the event of a presentation being required, all costs arising from such presentations shall be borne by the Tenderer.

t) In the event of samples being required, all samples supplied shall be at no extra cost to Council. The onus shall rest with the Tenderer for the removal of the same. No liability for damages shall be accepted whilst samples are on Council's premises.

u) The onus rests with the Tenderer to ensure the safekeeping of all property belonging to the Tenderer whilst working on Council's sites as no claims for any loss or damages will be entertained.

v) Unless otherwise specified in these documents, the Tenderer shall state the period within which the complete delivery of all items described in these tender documents and covered by this contract is offered. Such period(s) shall form part of the Conditions of Contract and may be taken into consideration in the adjudication of tenders.

w) If a Tenderer wishes to submit alternative proposals for consideration or wishes to change the Conditions of Contract, Specification, Quantities or Drawing, or to qualify the tender in any way, such changes and or proposals are to be listed in Annexure "A" hereto, failing which the tender will be deemed to be unqualified. It must be clearly understood that the Council will be under no obligation to accept any such qualification.

x) **REGISTRATION WITH THE CENTRAL SUPPLIER DATABASE (CSD)**

The National Treasury's Central Supplier Database (CSD) has been open for registration from 01 September 2015. The CSD serves as one single source of supplier information to all spheres of government.

Within this system, suppliers are required to register once when they do business with the state. This will significantly reduce the administrative burden for businesses, especially small and medium sized enterprises. The database interfaces with the South African Revenue Service (SARS), the Companies and Intellectual Property Commission (CIPC) and the payroll

system. It will electronically verify a supplier's tax status and enable public sector officials doing business with the state to be identified.

All prospective suppliers can register any time on the CSD website **www.csd.gov.za** Prospective suppliers may also visit the Provincial Treasury Database office situated at Treasury House, Ground Floor, 145 Chief Albert Luthuli Road, Pietermaritzburg from 08h00 to 15h00, Mondays to Fridays, for any assistance with on-line registration on CSD. For further information or enquiries, please contact 033 – 897 4516 / 033 – 897 4212 / 033 – 897 4624 / 033 – 897 4535 / 033 – 897 4676 / 033 – 897 4509 or Toll-Free at 0800 201 049 during office hours or via e-mail at **database@kzntreasury.gov.za**.

With effect from 01 July 2016, the Msunduzi Municipality will not award any tender to a supplier not registered as a prospective supplier on the CSD. Negotiations for the tender award will only be concluded with the qualify Service Provider(s) who is/are registered on the CSD on or after 01 April 2016.

In order for Council to verify your Company's registration with CSD, Service Providers are required to furnish the following information for verification purposes:

CSD Supplier Number	

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APPOINTMENT OF A SERVICE PROVIDER FOR PARTAC TRAINING OF TWENTY – FIVE (25) MSUNDUZI MUNICIPALITY EMPLOYEES (AIRPORT)

SPECIFICATIONS

1. SCOPE OF WORKS

1.1 The contract calls for an accredited training provider to train twenty (25) Msunduzi Municipality Airport staff.

2. DETAILED SPECIFICATION

The provider will be required to provide the following:

- Conduct training on Practical Aerodrome Radio Telephony and Airside Competency Training (PARTAC) refresher.
- Provide Training Materials (e.g. Flip Charts, Projector, pens & Exam Pads etc.), Facilitation, Theory and Practical Assessments, and General Administration.
- Provide and submit a Course Outline and the Duration of the course.
- Submit a detailed report on completion of the programme.
- Issue Certificates of Competency.

3. CONTRACT PERIOD

3.1 The service provider is required to start training on Practical Aerodrome Radio Telephony and Airside Competency Training (PARTAC) within ten (10) days upon receiving an official order. The contract should be completed within four months/16 weeks from training to issuing of competency certificates.

4. PLACE OF DELIVERY AND DELIVERY PERIOD

4.1 Classes will be conducted at Msunduzi Municipal venue, but co-ordination of the programme will be done at 341 Church Street, Professor Nyembezi Building, 6th floor, office 620, the contact person is Mrs. Thokozani Matiwane.

5. **TENDER BRIEFING MEETING**

Not Applicable.

6. **SITE MEETINGS**

6.1 There will be a no site meeting

7. **CONDITIONS OF CONTRACT GOVERNING THE CONTRACT**

7.1 Standard Conditions of contract of Msunduzi Municipality.

7.2 The delivery must be effective within ten (10) days upon receiving an official order.

8. **SAMPLES**

Not Applicable.

9. **COMPLIANCE WITH ANY LEGISLATION, BYLAWS, ETC**

The contract shall be carried out subject to and in conformity with any law, regulation or By-law which is of application thereto and shall be conditional upon any necessary consent required by law being obtained, OHS Act etc.

10. **PENALTIES**

Upon any delay in delivery beyond the expected tendered delivery period, the Council shall be entitled forthwith to purchase services of the same description as and in lieu of those specified to be supplied, or forthwith to cancel the contract and to purchase elsewhere such materials as may be required during the contract period and the Contractor shall bear any difference in price between any materials so purchased and the tendered price. The amount of such difference shall be paid by the Contractor to the Council immediately on demand, or the Council may deduct such difference from moneys (if any) otherwise payable to the Contractor in respect of materials or services already delivered under this or any other contract.

11. **INSURANCES REQUIRED**

Not applicable

12. **GUARANTEE/WARRANTY/DEFECTS LIABILITY PERIOD**

Not Applicable.

13. **ESCALATION**

13.1 The price is subject to remain firm for the contract period and **will not** be subject to escalation.

14. **INSPECTION OF CONTRACTOR'S PREMESIS**

Not Applicable.

15. **MATERIALS**

Not applicable.

16. **MANDATORY REQUIREMENTS**

NO	DESCRIPTION
i.	Accreditation or registration with ICAO as an Aviation Training Provider or SACAA Approved and Accredited Aviation Training Organisation (ATO) in terms of Part 141 of the CAR's (Proof be provided)
ii.	Submit a detailed Company Profile and CV's of the Facilitator/Assessor showing relevant experience
iii.	Provide Proven track record in conducting Practical Aerodrome Radio Telephony and Airside Competency (PARTAC) Training (provide 2 reference letters from previous clients for conducting similar projects).

Failure to provide the above mandatory requirements will result in disqualification

17. **EVALUATION CRITERIA**

The tender shall be evaluated using 80/20 Preference Point System as prescribed in terms of the Preferential Procurement Regulations 2022, pertaining to the Preferential Procurement Policy Framework Act, Act No. 5 of 2000.

PRICE : 80 POINTS
SPECIFIC GOALS : 20 POINTS

Specific Goals	Basis of points allocation	Claimable Points	Verification Document
Black Owned Enterprise (BOE)"	Black Owned Enterprise (BOE)" in this context refers to a "black-owned enterprise" with at least **51%** South African black ownership and/or more than 51% management control by South African black people	7 Points	Full Central Supplier Database (CSD) report.
Location of Business Enterprise	Business Enterprise located Within KwaZulu – Natal	6 points	Proof of location of business enterprise in the form of a Utility Bill/ A letter from the Ward Councillor/ Lease Agreement
Business Enterprises owned by Youth	At least fifty-one percent (**51%**) owned and controlled by Youth.	7 Points	Full Central Supplier Database (CSD) report.
Total Preference Points (Specific Goals)		**20 points**	

18. **ANY OTHER IMPORTANT INFORMATION**

Attendance and payments of the course will be done based on an individual rate should candidates pitch up to 15% above (11 delegates be allowed in total with a VO) or candidates not pitch up to 15% below (delegates be rounded off to a minimum of 14 delegates without paying for absent individuals who missed training with valid reasons).

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PRICING SCHEDULE

DESCRIPTION	QUANTITY	UNIT COST	TOTAL COST
PARTAC Training, as per the specification.	Twenty-Five (25) employees		
TOTAL Excl. VAT			
VAT@15%			
TOTAL Incl. VAT			

Notes:

1. When submitting this quote, regardless of the VAT status of being a VAT or non-VAT vendor, the price must include VAT.

2. Further to the above, the price shall be deemed to be VAT inclusive regardless of whether the tenderer is the VAT vendor or not.

SIGNED ON BEHALF OF THE TENDERER:

Name of Tenderer: ……

Name of Signatory: ……

Capacity of Signatory……

SIGNATURE …… DATE……..

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APPOINTMENT OF A SERVICE PROVIDER FOR PARTAC TRAINING OF TWENTY – FIVE (25) MSUNDUZI MUNICIPALITY EMPLOYEES (AIRPORT)

DATA SHEET 1 – INVITATION TO BID

PART A

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE (*NAME OF MUNICIPALITY/ MUNICIPAL ENTITY*)					
BID NUMBER:	Q12/1396RR OF 26/27	CLOSING DATE:	27 November 2026	CLOSING TIME:	12:00PM
DESCRIPTION	**APPOINTMENT OF A SERVICE PROVIDER FOR PARTAC TRAINING OF TWENTY – FIVE (25) MSUNDUZI MUNICIPALITY EMPLOYEES (AIRPORT)**				
THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (MBD7).					

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

Msunduzi Municipality's Central Stores
2 Abattoir Road(Off Kershaw Street)
Pietermaritzburg,
3201
(Coordinates -29.6126297;30.3610014)

SUPPLIER INFORMATION						
NAME OF BIDDER						
POSTAL ADDRESS						
STREET ADDRESS						
TELEPHONE NUMBER	CODE		NUMBER			
CELLPHONE NUMBER						
FACSIMILE NUMBER	CODE		NUMBER			
E-MAIL ADDRESS						
VAT REGISTRATION NUMBER						
TAX COMPLIANCE STATUS	TCS PIN:		**OR**	CSD No:		

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

ARE YOU THE ACCREDITED REPRESENTATIVE **IN SOUTH AFRICA FOR THE GOODS /SERVICES /WORKS OFFERED?**	☐Yes ☐No [IF YES ENCLOSE PROOF]	ARE YOU A FOREIGN BASED SUPPLIER FOR **THE GOODS /SERVICES /WORKS OFFERED?**	☐Yes ☐No [IF YES, ANSWER PART B:3]
TOTAL NUMBER OF ITEMS OFFERED		**TOTAL BID PRICE**	**R**
SIGNATURE OF BIDDER	.....	**DATE**	
CAPACITY UNDER WHICH THIS BID IS SIGNED			

BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO:		**TECHNICAL INFORMATION MAY BE DIRECTED TO:**	
DEPARTMENT	Supply Chain Management	CONTACT PERSON	Thokozani Matiwane
CONTACT PERSON	Sibusile Mhlongo	TELEPHONE NUMBER	033 392 2667
TELEPHONE NUMBER	033 392 3093	FACSIMILE NUMBER	N/A
FACSIMILE NUMBER	N/A	E-MAIL ADDRESS	thokozani.matiwane@msunduzi.gov.za
E-MAIL ADDRESS	sibusile.mhlongo@msunduzi.gov.za		

PART B

TERMS AND CONDITIONS FOR BIDDING

1. BID SUBMISSION:

1.1. BIDS MUST BE DELIVERED BY THE STIPULATED TIME TO THE CORRECT ADDRESS. LATE BIDS WILL NOT BE ACCEPTED FOR CONSIDERATION.

1.2. **ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS PROVIDED– (NOT TO BE RE-TYPED) OR ONLINE**

1.3. THIS BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT AND THE PREFERENTIAL PROCUREMENT REGULATIONS, 2022, THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER SPECIAL CONDITIONS OF CONTRACT.

2. TAX COMPLIANCE REQUIREMENTS

2.1 BIDDERS MUST ENSURE COMPLIANCE WITH THEIR TAX OBLIGATIONS.

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

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

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

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

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

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

3. QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS

3.1.	IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)?	☐ YES ☐ NO
3.2.	DOES THE ENTITY HAVE A BRANCH IN THE RSA?	☐ YES ☐ NO
3.3.	DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA?	☐ YES ☐ NO
3.4.	DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA?	☐ YES ☐ NO
3.5.	IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION?	☐ YES ☐ NO

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

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

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

SIGNATURE OF BIDDER: ……

CAPACITY UNDER WHICH THIS BID IS SIGNED: ……

DATE: ……...

THE MSUNDUZI MUNICPALITY

QUOTATION No. Q12/1396RR OF 26/27

APPOINTMENT OF A SERVICE PROVIDER FOR PARTAC TRAINING OF TWENTY – FIVE (25) MSUNDUZI MUNICIPALITY EMPLOYEES (AIRPORT)

DATA SHEET 2 - AUTHORITY TO SIGN DOCUMENT

I/We*, the undersigned, am/are* duly authorised to sign the tender document on behalf of

.....

by virtue of the Articles of Association/Resolution of the Board of Directors*, of which a certified copy is attached, or .....

Full Name of Signatory: .....

Capacity of Signatory: .....

Signature: .....

Date: .....

Witnesses: -

(1) Full Name: .....

Signature: .....Date.....

(2) Full Name: .....

Signature: .....Date.....

* ***Delete whichever is inapplicable or complete as indicated if none are applicable.***

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DATA SHEET 3 - STATEMENT OF PREVIOUS EXPERIENCE

The nomination of works, preferably of a similar nature to the works in this contract and which the Tenderer has successfully complete.

Please list in full the Employer's name and address, and the name of the professional person responsible for supervising the works. Where a project has been supervised by a Consultant, the name and address of the firm should also be listed.

Name of Company	Contact Person	Contact No.	Nature of Works	Value of Works and Duration

SIGNATURE: _____ DATE: _____

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DATA SHEET 4 - SCHEDULE OF RESOURCES

Tenderers are required to submit details of their management, office and supervisory resources, training programmes, yard and office facilities, full-time work force including trainees, and plant and equipment for adjudication purposes.

SIGNATURE: _____ DATE: _____

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DATA SHEET 5 – DECLARATION OF MUNICIPAL FEES

I/We do hereby declare that the Municipal Fees of _____

_____

Is/are, as at the date of the tender closing, fully paid up, or arrangements have been concluded with the Municipality to pay the said Fees:-

Description	**Account No.**
Electricity	_____
Water	_____
Rates	_____

I/We acknowledge that should it be found that the Municipal Fees are not up to date, the Council may take such remedial action as it required, including termination of contract, and any income due to the Contractor shall be utilised to offset any monies due to the Council.

Full Name of Signatory.....

Capacity of Signatory.....

I.D. Number.....

Duly Authorised to sign on behalf of: -.....

Physical Address.....

….....

……

SIGNATURE.....DATE.....

THE MSUNDUZI MUNICIPALITY

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DATA SHEET 6 – DECLARATION OF INTEREST

1. No bid will be accepted from persons in the service of the state[1].

2. Any person, having a kinship with persons in the service of the state, including a blood relationship, may make an offer or offers in terms of this invitation to bid. In view of possible allegations of favouritism, should the resulting bid, or part thereof, be awarded to persons connected with or related to persons in service of the state, it is required that the bidder or their authorised representative declare their position in relation to the evaluating/adjudicating authority.

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

   3.1 Full Name of bidder or his or her representative: ……

   3.2 Identity Number: ……

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

   ……

   3.4 Company Registration Number: ……

   3.5 Tax Reference Number: …….

   3.6 VAT Registration Number: ……

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

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

   3.8.1 If yes, furnish particulars. ……..…..

   ……

[1]MSCM Regulations: "in the service of the state" means to be –
(a) a member of –
   (i) any municipal council;
   (ii) any provincial legislature; or

(iii) the national Assembly or the national Council of provinces;
(b) a member of the board of directors of any municipal entity;
(c) an official of any municipality or municipal entity;
(d) an employee of any national or provincial department, national or provincial public entity or constitutional institution within the meaning of the Public Finance Management Act, 1999 (Act No.1 of 1999);
(e) a member of the accounting authority of any national or provincial public entity; or
(f) an employee of Parliament or a provincial legislature.

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

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

3.9.1 If yes, furnish particulars ……..…….

……

3.10 Do you have any relationship (family, friend, other) with persons in the service of the state and who may be involved with the evaluation and or adjudication of this bid? **YES / NO**

3.10.1If yes, furnish particulars……..……

…….....

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

3.11.1 If yes, furnish particulars ……...……...……...

…….....

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

3.12.1 If yes, furnish particulars ……...……...……..

…….....

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

3.13.1 If yes, furnish particulars ……...……...…….

…….....

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

3.14.1 If yes, furnish particulars……

…….....

4. Full details of Directors / Trustees / Members / Shareholders.

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.

…….. ……..

Signature Date

THE MSUNDUZI MUNICIPALITY

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APPOINTMENT OF A SERVICE PROVIDER FOR PARTAC TRAINING OF TWENTY – FIVE (25) MSUNDUZI MUNICIPALITY EMPLOYEES (AIRPORT)

DATA SHEET 7 – DECLARATION OF BIDDER'S PAST SUPPLY CHAIN MANAGEMENT PRACTICES

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

2 It serves as a declaration to be used by municipalities and municipal entities in ensuring that when goods and services are being procured, all reasonable steps are taken to combat the abuse of the supply chain management system.

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

a. abused the municipality's / municipal entity's supply chain management system or committed any improper conduct in relation to such system;
b. been convicted for fraud or corruption during the past five years;
c. willfully neglected, reneged on or failed to comply with any government, municipal or other public sector contract during the past five years; or
d. been listed in the Register for Tender Defaulters in terms of section 29 of the Prevention and Combating of Corrupt Activities Act (No 12 of 2004).

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

Item	Question	Yes	No
4.1	**Is the bidder or any of its directors listed on the National Treasury's Database of Restricted Suppliers as companies or persons prohibited from doing business with the public sector?** (Companies or persons who are listed on this Database were informed in writing of this restriction by the Accounting Officer/Authority of the institution that imposed the restriction after the *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 municipality / 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 ☐
4.7.1	If so, furnish particulars:		

CERTIFICATION

I, THE UNDERSIGNED (NAME) ……

……..……
Certify That The Information Furnished On This Declaration Form Is Correct.

I Accept That The State May Act Against Me Should This Declaration Prove To Be False.

SIGNATURE……DATE……..

THE MSUNDUZI MUNICIPALITY

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APPOINTMENT OF A SERVICE PROVIDER FOR PARTAC TRAINING OF TWENTY – FIVE (25) MSUNDUZI MUNICIPALITY EMPLOYEES (AIRPORT)

DATA SHEET 8: CERTIFICATE OF INDEPENDENT BID DERTERMINATION

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

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

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

a. take all reasonable steps to prevent such abuse;

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

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

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

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

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

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

CERTIFICATE OF INDEPENDENT BID DETERMINATION

I, the undersigned, in submitting the accompanying bid:

_____

(Bid Number and Description)

in response to the invitation for the bid made by:

_____

(Name of Municipality / Municipal Entity)

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

I certify, on behalf of:_____that:

(Name of Bidder)

1. I have read and I understand the contents of this Certificate;
2. I understand that the accompanying bid will be disqualified if this Certificate is found not to be true and complete in every respect;
3. I am authorized by the bidder to sign this Certificate, and to submit the accompanying bid, on behalf of the bidder;
4. Each person whose signature appears on the accompanying bid has been authorized by the bidder to determine the terms of, and to sign, the bid, on behalf of the bidder;
5. For the purposes of this Certificate and the accompanying bid, I understand that the word "competitor" shall include any individual or organization, other than the bidder, whether or not affiliated with the bidder, who:
    (a) has been requested to submit a bid in response to this bid invitation;
    (b) could potentially submit a bid in response to this bid invitation, based on their qualifications, abilities or experience; and
    (c) provides the same goods and services as the bidder and/or is in the same line of business as the bidder
6. The bidder has arrived at the accompanying bid independently from, and without consultation, communication, agreement or arrangement with any competitor. However communication between partners in a joint venture or consortium[3] will not be construed as collusive bidding.

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

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

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

10. I am aware that, in addition and without prejudice to any other remedy provided to combat any restrictive practices related to bids and contracts, bids that are suspicious will be reported to the Competition Commission for investigation and possible imposition of administrative penalties in terms of section 59 of the Competition Act No 89 of 1998 and or may be reported to the National Prosecuting Authority (NPA) for criminal investigation and or may be restricted from conducting business with the public sector for a period not exceeding ten (10) years in terms of the Prevention and Combating of Corrupt Activities Act No 12 of 2004 or any other applicable legislation.

……	……
Signature	Date
…….	……
Position	Name of Bidder

THE MSUNDUZI MUNICIPALITY

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APPOINTMENT OF A SERVICE PROVIDER FOR PARTAC TRAINING OF TWENTY – FIVE (25) MSUNDUZI MUNICIPALITY EMPLOYEES (AIRPORT)

TENDER FORM

The Municipal Manager
City Hall
PIETERMARITZBURG
3201

Dear Madam,

Having examined the Conditions of Tender, Specifications, Tender and Legislation of the above contract, I/we offer to supply and deliver the whole of the said Works in conformity with the Conditions of Tender, Specifications, Tender and Legislation, save as amended by any modifications as set out in Annexure "A" herein, for the prices as indicated on the Pricing Schedule herein, the **Total Price (including VAT)** being as follows:

R_____ In Words_____

_____

In the event of there being any errors of extension or addition to the prices in the Pricing Schedule, I/we agree to their being corrected, the unit prices being taken as correct.

I/We are registered VAT vendors. I/We agree to undertake the works within the time frames as stated in this contract document.

I/We certify that I/we have satisfied myself/ourselves that the particulars inserted on all required Affidavits (if applicable) are complete and correct.

I/We confirm that I am/we are fully acquainted with the current South African laws and regulations applicable to this contract including inter alia those laws to which my/our attention has been drawn in the Legislation section of this document.

I/We are registered VAT vendors and my/our VAT vendor registration number is:

_____

I/We are formally associated by written agreement with the following firms, corporations or companies:

_____

(Enter Nil if no affiliations)

I/We are fully paid-up members in good standing of the following organisation(s):

_____

(Enter Nil if no affiliations)

I/We bank at the _____ branch of _____

where I/we have a _____ account.

My/Our Tender Deposit receipt number as issued by the Council is _____
(Include a copy of the Tender Deposit Receipt if purchased at the Msunduzi Municipality)

It is agreed and understood that should there be any changes on the banking details provided for the entity, a duly signed resolution by all its directors and minutes whereby a resolution for changing the banking details was passed will be submitted to Council including the original letter from the bank confirming the details.

It is agreed and understood that this tender is valid for three (3) months from the date hereof and that it, together with your final letter of acceptance, shall constitute a binding Contract between us.

I/We understand that the Council is not bound to accept the lowest or any tender and acknowledge that the Head: Supply Chain Management may, if in her absolute discretion good and sufficient grounds are brought to her attention in writing within five (5) working days from the date hereof, decline to consider my/our offer.

I/we the Undersigned, Warrants That I Am/ We Are Duly Authorised to Do So on Behalf of the Enterprise, Certifies That the Enterprise Complies with All Statutory and Municipal Requirements and That the Information Supplied in Terms of this Documents with Additional Information is Correct and Accurate and Acknowledges That if the information supplied is found to be incorrect then the Msunduzi Municipality in addition to any remedies, it may have: may

i Recover from the Enterprise all costs, losses or damages incurred or sustained by the Municipality as result of the award of the contract, and /or
ii Cancel the contract and claim any damages which the Municipality may suffer by having to make less favourable arrangements after such cancellations, and/or
iii Impose a penalty on the Enterprise as provided in the Tender Document, and/or
iv Take any other action as may be deemed necessary.

I/we further undertake to submit documentary proof regarding any tendering issue to the Council when so required.

Full Name of Signatory.....

Capacity of Signatory.....

I.D. Number.....

Duly Authorised to sign on behalf of: -.....

Physical Address.....

.....

SIGNATURE.....DATE.....

ANNEXURE "A"

THE MSUNDUZI MUNICIPALITY

ALTERATIONS BY TENDERER

Should the Tenderer desire to make any departures from or modifications to the Standard Conditions of Contract or Specification, or to qualify his/her tender in any way, he/she shall set out his/her proposals clearly hereunder or, alternatively, state them in a covering letter attached to his/her tender and referred to hereunder, failing which the tender will be deemed to be unqualified.

If no departures or modifications are desired, the Schedule hereunder is to be marked NIL and signed by the Tenderer.

PAGE	SECTION OR ITEM	PROPOSED DEPARTURE/MODIFICATION

Signature …….. Date ……..……

ANNEXURE "B"

THE MSUNDUZI MUNICIPALITY

QUOTATION No. Q12/1396RR OF 26/27

APPOINTMENT OF A SERVICE PROVIDER FOR PARTAC TRAINING OF TWENTY – FIVE (25) MSUNDUZI MUNICIPALITY EMPLOYEES (AIRPORT)

OCCUPATIONAL HEALTH AND SAFETY ACT (ACT No. 85 OF 1993)

SECTION 37(1)

Whenever an employee does or omits to do any act which would be an offence in terms of this Act for the employer of such employee or a user to do or omit to do, then, it is proved that –

(a) in doing or omitting to do the act the employee was acting without connivance or permission of the employer or any such user;

(b) it was not under any condition or in any circumstance within the scope of the authority of the employee to do or omit to do an act, whether lawful or unlawful, of the character of the act or omission charged; and

(c) all reasonable steps were taken by the employer or any such user to prevent any act or omission of the kind in question,

the employer or any such user himself shall be presumed to have done or omitted to do that act, and shall be liable to be convicted and sentenced in respect thereof; and the fact that he issued instructions forbidding any act or omission of the kind in question shall not, in itself, be accepted as sufficient proof that he took all reasonable steps to prevent the act or omission.

SECTION 37(2)

The provisions of subsection (1) shall "mutatis mutandi" apply in the case of a mandatary of any employer or user, except if the parties have agreed in writing to the arrangements and procedures between them to ensure compliance by the mandatory with the provisions of this Act.

ACCEPTANCE BY MANDATORY

In terms of the provisions of Section 37(2) of the Occupational Health and Safety Act 85 of 1993, I, _____

(name of PRINCIPAL CONTRACTOR / Representative) acting for and on behalf of _____

(Name of PRINCIPAL CONTRACTOR / Company) undertake to ensure that the requirements and provisions of the Health and Safety Specifications issued by the client at the following site: _____

(Name of Site) are complied with in the following manner:

- To produce, review, monitor and enforce a Health and Safety Plan which has been approved by the Client, an Agent for the Client or a Principal Contractor;
- To include a risk assessment in the Health and Safety Plan which identifies all hazards pertaining to the project;
- To ensure that all relevant documentation required by the Occupational Health and Safety Act and Regulations, including the Construction Regulations, the Compensation for Occupational Injuries and Diseases Act as well as any other statutory laws as amended from time to time is available on site in the health and safety file;
- Enforce precautionary measures stipulated in the risk assessments.

The person signing this agreement confirms that he/she has the authority to so sign and to bind his/her employer, the said Contractor.

Signature: _____ Date: _____
(on behalf of PRINCIPAL CONTRACTOR)

Signature: _____ Date: _____
(CLIENT- Msunduzi Municipality)

Print Name: _____
(Name of CLIENT Representative)

ANNEXURE "C"

THE MSUNDUZI MUNICIPALITY

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

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

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

---

1. GENERAL CONDITIONS

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

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

1.2 The value of this bid is estimated to not exceed R50 000 000 (all applicable taxes included) and therefore the 80/20 Preference Point System shall be applicable.

1.3 Points for this bid shall be awarded for:

(a) Price; and

(b) Specific Goals.

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

	POINTS
PRICE	**80**
SPECIFIC GOALS	**20**
Total points for Price and Specific Goals must not exceed	**100**

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

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

2. DEFINITIONS

(a) **"Broad-Based Black Economic Empowerment Act"** means the Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003);

(b) **"EME"** means an Exempted Micro Enterprise in terms of a code of good practice on black economic empowerment issued in terms of section 9 (1) of the Broad-Based Black Economic Empowerment Act;

(c) **"Functionality"** means the ability of a tenderer to provide goods or services in accordance with specifications as set out in the tender documents.

(d) "**highest acceptable tender"** means a tender that complies with all specifications and conditions of tender and that has the highest price compared to other tenders;

(e) **"lowest acceptable tender"** means a tender that complies with all specifications and conditions of tender and that has lowest price compared to other tenders;

(f) **"price"** means amount of money tendered for good or services, and includes all applicable taxes less all unconditional discounts;

(g) **"QSE"** means a qualifying small business enterprise in terms of a code of good practice on black economic empowerment issued in terms of section 9 (1) of the Broad-Based Black Economic Empowerment Act;

(h) **"Rand Value"** means the total estimated value of a contract in Rand, calculated at the time of bid invitation;

(i) **"specific goals"** means specific goals as contemplated in section 2(1)(d) of the Act which may include contracting with persons, or categories of persons, historically disadvantaged by unfair discrimination on the basis of race, gender and disability including the implementation of programmes of the Reconstruction and Development Programme as published in Government Gazette No. 16085 dated 23 November 1994;

(j) **"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;

(k) **"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;

3. FORMULAE FOR PROCUREMENT OF GOODS AND SERVICES

3.1 POINTS AWARDED FOR PRICE

3.1.1 THE 80/20 OR 90/10 PREFERENCE POINT SYSTEMS

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

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

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

Where: -

Ps = Points scored for price of bid under consideration

Pt = Price of bid under consideration

Pmin = Price of lowest acceptable bid

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

3.2.1 POINTS AWARDED FOR PRICE

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

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

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

Where: -

Ps = Points scored for price of bid under consideration

Pt = Price of bid under consideration

Pmax = Price of highest acceptable tender

4. POINTS AWARDED FOR SPECIFIC GOALS

4.1 In terms of Regulation 4(2); 5(2); 6(2) and 7(2) of the Preferential Procurement Regulations, preference points must be awarded for specific goals stated in the tender.

4.2 For the purpose of this tender points will be allocated in accordance with the specific goals as outlined in the Tender Document specification and must be supported by proof / documentation stated therein.

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

(a) an invitation for tender for income-generating contracts, that either the 80/20 or 90/10 preference point system will apply and that the highest acceptable tender will be used to determine the applicable preference point system; or

(b) any other invitation for tender, that either the 80/20 or 90/10 preference point system will apply and that the lowest acceptable tender will be used to determine the applicable preference point system,

then the organ of state must indicate the points allocated for specific goals for both the 90/10 and 80/20 preference point system.

5. SUB-CONTRACTING

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

(***Tick applicable box***)

YES		NO	

5.1.1 If yes, indicate:

i) What percentage of the contract will be subcontracted.....……%?

ii) The name of the sub-contractor……

……

iii) The B-BBEE status level of the sub-contractor.....……

iv) Whether the sub-contractor is an EME or QSE

(Tick applicable box)

YES		NO	

v) Specify, by ticking the appropriate box, if subcontracting with an enterprise in terms of Preferential Procurement Regulations,2022:

Designated Group: An EME or QSE which is at last 51% owned by:	**EME** √	**QSE** √
Black people		
Black people who are youth		
Black people who are women		
Black people with disabilities		
Black people living in rural or underdeveloped areas or townships		
Co-operative owned by black people		
Black people who are military veterans		
OR		
Msunduzi EME		
Msunduzi Manufacturing Enterprise		
Location of a Business Enterprise		

6. DECLARATION WITH REGARD TO COMPANY/FIRM

6.1 Name of company/firm…….

6.2 VAT registration number……..……

6.3 Company registration number…….……..……

6.4 TYPE OF COMPANY/ FIRM

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

[TICK APPLICABLE BOX]

6.5 DESCRIBE PRINCIPAL BUSINESS ACTIVITIES

……
……
……
……

6.6 <u>COMPANY CLASSIFICATION</u>

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

[TICK APPLICABLE BOX]

6.7 MUNICIPAL INFORMATION

Municipality where business is situated…..……...……

Registered Account Number: ……...……

Stand Number: ……...……

6.8 Total number of years the company/firm has been in business……

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

i) The information furnished is true and correct;

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

iii) In the event of a contract being awarded as a result of points claimed as shown in paragraphs 1.4 and 5.2, the contractor may be required to furnish documentary proof to the satisfaction of the purchaser that the claims are correct;

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

(a) disqualify the person from the bidding process;

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

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

(d) recommend that the bidder or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, be restricted by the National Treasury 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

(e) forward the matter for criminal prosecution.

WITNESSES:

1. ……..…… 2. …….....……

……
SIGNATURE(S) OF BIDDER(S)

DATE: …….....

ADDRESS: ….....……...

.....……

……...

THE MSUNDUZI MUNICIPALITY

QUOTATION No. Q12/1396RR OF 26/27

APPOINTMENT OF A SERVICE PROVIDER FOR PARTAC TRAINING OF TWENTY – FIVE (25) MSUNDUZI MUNICIPALITY EMPLOYEES (AIRPORT)

TAX COMPLIANCE STATUS

Please attach hereto a Tax Compliance Status Verification Pin issued by SARS as required in terms of Regulation 16 of the Preferential Procurement Regulations, 2001

THE MSUNDUZI MUNICIPALITY

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CIPC REGISTRATION CERTIFICATE

Please attach hereto proof of registration with the Companies and Intellectual Property Commission (CIPC)

THE MSUNDUZI MUNICIPALITY

QUOTATION No. Q12/1396RR OF 26/27

APPOINTMENT OF A SERVICE PROVIDER FOR PARTAC TRAINING OF TWENTY – FIVE (25) MSUNDUZI MUNICIPALITY EMPLOYEES (AIRPORT)

CENTRAL SUPPLIER DATABASE (CSD) REGISTRATION REPORT

Please attach hereto proof of registration with the Central Supplier Database (CSD)