BUFFALO CITY
METROPOLITAN MUNICIPALITY

# INVITATION TO SUBMIT FORMAL WRITTEN PRICE QUOTATIONS

| | |
|---|---|
| **RFQ NO.:** | **RFQ/LED/2026-27/80** |
| **DESCRIPTION OF GOODS / SERVICES:** | **SERVICES OF A SUPPLIER TO SUPPLY AND CONVERT FOUR (4), THREE (3) METER SIZE CONTAINERS INTO HAWKER STALLS WITH STANDS FOR WARD 11 MDANTSANE** |

**For publication on the Buffalo City Metropolitan Municipality Website**

| | |
|---|---|
| **NAME OF BIDDER:** | |
| **BCMM SUPPLIER DATABASE REGISTRATION NO.:** | |
| **STREET ADDRESS:** | |
| **POSTAL ADDRESS:** | |
| **TEL NO.:** | **CELL PHONE NO.:** |
| **EMAIL ADDRESS:** | **FAX NO.:** |
| **TOTAL QUOTATION AMOUNT:** | **R** |

| **Issued by:** | **Prepared by: L. Xulubana** |
|---|---|
| The City Manager<br>c/o The General Manager: Supply Chain Management Unit<br>Buffalo City Metropolitan Municipality<br>80 Phillip Frame Road<br>Chiselhurst | Department of Parks & Cemetries<br>Buffalo City Metropolitan Municipality<br>Queenspark Offices<br>East London<br>5200 |

# INVITATION TO SUBMIT FORMAL WRITTEN PRICE QUOTATIONS

Buffalo City Metropolitan Municipality requests your quotation for the goods and/or services listed hereunder in this RFQ document. Bidders are requested to furnish all information requested and return their quotation submission on the date stipulated in this invitation and the RFQ advertisement. Late and incomplete submissions will invalidate the quotation submitted.

| | |
|---|---|
| **RFQ NO.:** | **RFQ/LED/2026-27/80** |
| **DESCRIPTION OF GOODS / SERVICES** | **SERVICES OF A SUPPLIER TO SUPPLY AND CONVERT FOUR (4), THREE (3) METER SIZE CONTAINERS INTO HAWKER STALLS WITH STANDS FOR WARD 11 MDANTSANE** |
| **ADVERT DATE:** | 21 AUGUST 2026 |
| **CLOSING DATE:** | 28 AUGUST 2026 |
| **CLOSING TIME:** | 11:00AM |
| **COMPULSORY BRIEFING MEETING DATE & TIME:**<br>**VENUE:** | N/A |
| **RFQ DOCUMENTS ARE OBTAINABLE FROM:** | **BCMM Vendor Portal:**<br>https://vendorportal.buffalocity.gov.za/ |
| **SUBMISSION OF RFQs:** | **BCMM E -Procurement**<br>Link to Vendor Portal:<br>https://vendorportal.buffalocity.gov.za/ |
| **TECHNICAL ENQUIRIES:** | Name: Thandokazi Tese<br>Tel: 043 705 1004<br>Email: thandokazit@buffalocity.gov.za |
| **PROCEDURAL ENQUIRIES:** | Abrina Du Plessis<br>Tel: (043) 705 9263<br>Email: abrinad@buffalocity.gov.za |

**NB: NO SUBMISSIONS 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)**

## 1.1 GENERAL CONDITIONS OF THE REQUEST FOR QUOTATIONS (RFQ)

**BIDDERS ARE REQUIRED TO FAMILIARISE THEMSELVES WITH THE TENDERING CONDITIONS AND PROCEDURES AS DOCUMENTED BELOW.**

1. For the purposes of this RFQ document, the words 'bidder' and 'tenderer', and 'RFQ' and 'tender' shall bear the same meaning.

2. 'BCMM,' where referred to in this document means Buffalo City Metropolitan Municipality'.

3. No quotation will be considered unless submitted on this RFQ document.

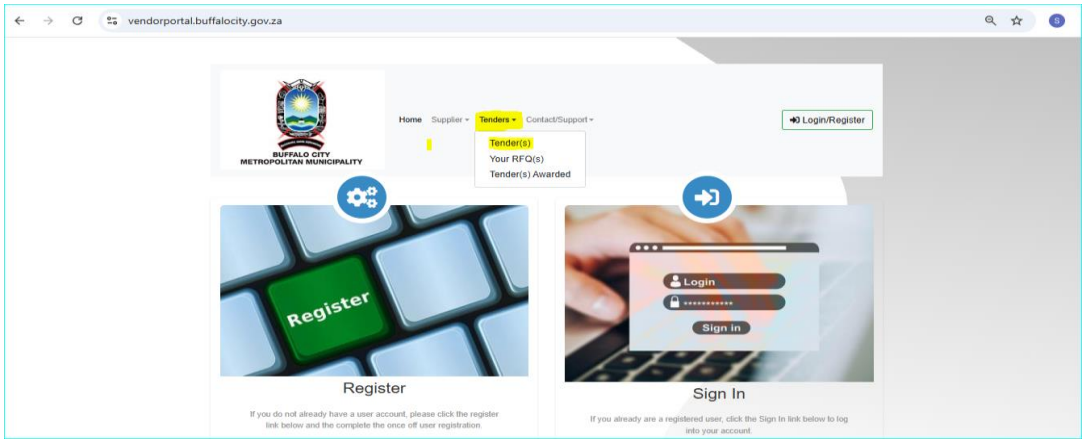
4. The whole original RFQ document, as issued by BCMM must be submitted. A quotation will be considered invalid and will not be accepted, if any part of this RFQ document is not submitted.

5. Bidders must submit one RFQ offer only, either as a single tendering entity or as a member of a joint venture.

6. Telephonic, telegraphic, telex, facsimile or emailed RFQ submissions will not be accepted.

7. Any portion of the RFQ document not completed will be interpreted as 'not applicable'. Notwithstanding the afore-going, failure to complete any compulsory portion of the RFQ document will result in the RFQ submission being declared non-responsive.

8. **Quotations must be properly received and submitted online before the closing date and Time 11:00am on the BCMM Vendor Portal by logging in with your username and password and locate the tender advert under RFQs see below link to the portal and contact details for any assistance needed regarding submission of RFQ on the portal or the creation of the portal profile.**




Link to Vendor Portal: https://vendorportal.buffalocity.gov.za/

E-mail: eprocurement@buffalocity.gov.za
Telephone: 0437053269/0437481098

9. **BCMM accepts no responsibility for ensuring that quotations are submitted on the BCMM Vendor Portal platform, and should a quotation be placed on the SCM Tender box the response will not be accepted** only submitted on vendor portal responses will be accepted.

10. **BCMM reserves the right to accept:**

    10.1 the whole quotation or part of a quotation or any item or part of any item, or to accept more than one quotation (in the event of a number of items being offered), and BCMM is not obliged to accept the lowest or any quotation;

    10.2 a quotation which is not substantially or materially different from the RFQ specifications.

11. BCMM shall not consider quotations that are received after the closing date and time, as specified in the RFQ advertisement.

12. BCMM will not be held responsible for any expenses incurred by bidders in preparing and submitting quotations.

13. BCMM may, after the RFQ closing date, request additional information or clarification of submitted quotations, in writing.

14. A quotation may be rejected as non-responsive if the bidder fails to provide any clarification requested by BCMM within the time for submission stated in the written request for such clarification.

15. A bidder may request in writing, after the closing date, that its quotation be withdrawn. Such withdrawal will be permitted or refused at the sole discretion of BCMM after consideration of the reasons for the withdrawal, which shall be fully set out by the bidder in such written request for withdrawal.

16. The RFQ document must be signed by a person duly authorised to do so.

17. Quotations submitted by joint ventures, consortia, partnerships shall be accompanied by a joint venture, consortium, partnership agreement, in which it is defined precisely the conditions under which the joint venture, consortium or partnership will function, its period of duration, the persons authorised to represent and obligate it, the participation of the several firms of which it is formed, and any other information necessary to permit a full appraisal of its functioning.

18. **Once the RFQ is awarded, all purchases will be made through an official BCMM Purchase Order. Therefore no goods must be delivered or services rendered before an official Purchase Order has been forwarded to the successful bidder. The successful bidder must then deliver or render service upon receiving an official signed Purchase Order from BCMM.**

19. **Evaluation of RFQs**

19.1 **Quotations will be evaluated in accordance with the evaluation criteria set out in the Special Conditions of the Request for Quotations**.

19.2 Quotations will be evaluated for price and preference using the 80/20 preference points system as follows –

| | |
|---|---|
| Price | 80 |
| Specific Goals | 20 |

19.3 Unless otherwise stated in the Special Conditions, a contract will be concluded with the bidder who complies with the evaluation criteria, and scores the highest total price, BBBEE and locality points.

19.4 Bidders may quote inclusive of VAT irrespective whether or not they are VAT vendors. In the calculation of price points,

20. **Test for Responsiveness**

20.1 **Invalid Submissions**

Quotations shall be invalid if:

(a) The quotation submission is not sealed when submitted into the tender box.

(b) The quotation submission is not completed in non-erasable ink.

(c) The form of offer has not been completed.

(d) The bidder has been listed on the National Treasury's Register for Tender Defaulters in terms of the Prevention and Combating of Corrupt Activities Act, No. 12 of 2004, or has been listed on the National Treasury's List of Restricted Suppliers and who is therefore prohibited from doing business with the public sector.

(e) The bidder is prevented from doing business with BCMM in terms of Regulation 38 and 44 of the Supply Chain Management Regulations (MFMA).

20.2 **Non-responsive Submissions**

Quotations will be declared as non-responsive and eliminated from further evaluation in the following circumstances –

(a) The submission has not achieved the minimum score for functionality as set out in the evaluation criteria, where functionality is applicable.

(b) Where there are material deviations or qualifications to the RFQ which in BCMM's opinion would –

(i) Detrimentally affect the scope, quality or performance of the works, services or supply identified in the scope of works;
(ii) Significantly change BCMM's or the bidder's risks and responsibilities under the contract, or
(iii) Affect the competitive position of the bidder, or other bidders presenting responsive submissions, if it were to be rectified.

(c) The submission will be declared non-responsive if the bidder fails to adhere to a written request (within the specified period set out in such request) to –

(i) Comply with the general conditions applicable to RFQs as contained in the BCMM Supply Chain Management Policy;
(ii) Complete and/or sign any declarations and/or authorisations;
(iii) Submit items 2 - 3 of the list of returnable documents in Part 2 (section 2.1) of this bid document.

**(d) The bid will be declared non-responsive in the event that the bidder's tax matters, as verified on the government Central Supplier Database, are shown not be in order, and the bidder fails to ensure that its tax matters are in order within such timeframe as may be required by BCMM in writing.**

21. **Clarification of quotation after submission**

The bidder must provide clarification of its submission in response to a request to do so from BCMM during the evaluation process. This may include providing a breakdown of rates or prices and correction of arithmetical errors by the adjustment of certain rates or item prices (or both). No change in the competitive position of bidders or substance of the submission may be sought, offered, or permitted.

22. **Provide other material**

The bidder shall provide, on request by BCMM, any other material that has a bearing on the RFQ submission, the tenderer's commercial position (including notarized joint venture agreements), or samples of materials, considered necessary by BCMM for the purpose of a full and fair risk assessment. Should the bidder not provide the material, or a satisfactory reason as to why it cannot be provided, by the time for submission stated in BCMM's request, BCMM may regard the RFQ submission as non-responsive.

23. **Inspections, tests and analysis**

The bidder shall, at the request of BCMM, provide access during working hours to its business premises for any inspections, tests and analyses as required for the RFQ.

24. **Securities, bonds, policies, etc**

If required, the bidder must submit for BCMM's acceptance before formation of the contract, all securities, bonds, guarantees, policies and certificates of insurance required in terms of the conditions of contract.

25. **BCMM supplier database**

25.1 **Bidders must be registered on the BCMM Supplier Database, or meet the listing criteria set out in the BCMM Supply Chain Management Policy, in order to be considered responsive to the RFQ.**

25.2 Bidders must be registered within 7 days of being requested to do so, failing which its submission shall be declared to be non-responsive.

25.3 It is each bidder's responsibility to keep all the information on the BCMM Supplier Database updated. If any information required (e.g. tax clearance certificate, CIDB certificate, etc) is not valid or has expired, all transactions with the vendor may, in the sole discretion of BCMM, be suspended until such time as the correct, verified information is received.

26. **Tax compliance status**

26.1 **No award shall be made to a person whose tax matters have not been declared to be in order by the South African Revenue Service (SARS**).

26.2 **Each party to a consortium, joint venture or partnership must comply with the above**.

27. **Declarations and authorisation**

Bidders are required to complete all statutory declarations and authorisations in the schedules attached to this RFQ document, failing which the submission may be declared non-responsive.

28. **Samples**

If the specifications require a bidder to provide samples, these shall be provided strictly in accordance with the instructions set out in the special conditions of the RFQ below.

29. **Alterations to tender document**

Bidders may not make any alterations or additions to the RFQ document, except to comply with instructions issued by BCMM, or as are necessary to correct errors made by the bidder. All signatories to the RFQ submission shall initial all such alterations. Erasures and the use of masking fluid are prohibited.

30. **Objections, Complaints, Queries and Disputes / Appeals in terms of Section 62 of the Systems Act**

30.1 **Objections, complaints, queries and disputes**

Persons aggrieved by decisions or actions taken by BCMM in the implementation of the supply chain management system or any matter arising from a contract awarded in terms of the supply chain management system may, within 14 days of the decision or action, lodge a written objection or compliant or query or dispute against the decision or action.

30.2 **Section 62 Appeals**

(a) In terms of section 62 of the Systems Act, a person whose rights are affected by a decision taken by a political structure, political office bearer, councillor or staff member of a municipality in terms of a power or duty delegated or sub-delegated by a delegating authority, may appeal against that decision by giving written notice of the appeal and reasons to the Accounting Officer within 21 days of the date of notification of the decision.

(b) An appeal shall contain the following:
(i) The reasons and/or grounds for the appeal;
(ii) The manner in which the appellant's rights have been affected;
(iii) The remedy sought by the appellant.

30.3 **Lodging of appeals, objections, complaints, queries and disputes relating to this tender**

Appeals, objections, complaints, requests for information, queries and disputes must be submitted in writing to the Office of the Municipal Manager, 10th Floor, Trust Centre Building, Cnr of Oxford & North Streets, East London, OR by email, amandaq@buffalocity.gov.za .

30.4 **Additional objective criteria as per section 2(1)(f) of the PPPFA**, will apply, as indicated in the tender document and which may include, but is not limited to:

- Poor track record of the preferred bidder.
- Unrealistic price offering which is not market related.
- Unrealistic own conditions set by the bidder.

When using the list of accredited prospective providers the municipal manager must promote ongoing competition amongst providers, including by inviting providers to submit quotations on a rotation basis, unless differently specified during the procurement process

## 1.2 SPECIAL CONDITIONS OF THE REQUEST FOR QUOTATIONS (RFQ)

The special conditions qualify, or are in addition to the general conditions in section 1.1 above. In the event of any ambiguity or inconsistency between the general conditions and the special conditions, the latter shall have precedence.

These special conditions, the general conditions, and the returnable schedules are only required for evaluation purposes, and shall not form part of any contract arising from the invitation to tender.

| General Conditions Clause No. | Additions or Variations to General Conditions |
|---|---|
| **Clause 13 & 21**<br><br>**CLARIFICATION OF RFQ SUBMISSION** | Where a bidder is requested to provide additional information or clarification of its submission, this shall not be an opportunity for the bidder to bolster its submission in any way, so as to afford it an unfair competitive advantage. |
| **Clause 16**<br><br>**AUTHORITY OF SIGNATORY** | The bidding entity must submit a letter of authority on its letterhead authorising the signatory to this RFQ to sign all documents in connection with the RFQ, and any contract which may arise therefrom, on behalf of the bidding entity.<br><br>The letter of authority must be attached to Schedule A. |
| **Clause 18** | After the Service provider has been notified of the Award and signs Letter of Award, the bidder will have to wait for an official signed Purchase Order before commencing with the delivery or rendering of services appointed for. |
| **Clause 19**<br><br>**EVALUATION OF RFQs** | RFQs will be evaluated in accordance with the evaluation criteria set out on page 09 of this document. |
| **Clause 23**<br><br>**INSPECTION, TESTS AND ANALYSES** | No inspections, tests and analyses shall be required for this RFQ. |

## RFQ EVALUATION CRITERIA

All tenderers must submit with their tender, the following documentation to illustrate their capacity to perform the services required in this bid.

**RFQ/LED/2026-27/XXX – SERVICES OF A SUPPLIER TO SUPPLY AND CONVERT FOUR (4), THREE (3) METER SIZE CONTAINERS INTO HAWKER STALLS WITH STANDS FOR WARD 11 MDANTSANE**

**Mandatory Documents all to be submitted**

- CIDB 1 SL (Welding)
- Electrician with electrical trade test certificate
- Attach Three signed Award letters with Corresponding Reference letters, Invoices, and Completion Certificates
  Attach images of previous work done.

**NB: BIDDERS ARE REQUIRED TO VISIT THE SITE AND TAKE THEIR OWN MEASUREMENTS IN ORDER TO FAMILIARIZE THEMSELVES WITH THE SCOPE AND CONDITIONS OF THE WORK.**

**FORMAL COMMUNICATION WILL BE EMAILED TO THE RELEVANT COMPANY OR INSTITUTION WHEREBY WORK WAS PERFORMED. FAILURE TO RESPOND TO THE BCMM CORRESPONDANCE WITHIN 1 DAY WILL LEAD TO DISQUALIFICATION**

**(please note non-compliant CDS, Service providers must ensure to provide a valid /updated tax compliance CSD report within 7 working days, failure to do so will lead to disqualification)**

**Failure to submit any of the documentation requested will result in the tender being considered non-responsive.**

## 1.3 RETURNABLE DOCUMENTS

In addition to the requirements stipulated in this tender, tenderers are required to submit the documentation listed below.

Failure to submit a BBBEE certificate will result in no points being allocated to the bidder for BBBEE.

| ITEM NO. | RETURNABLE DOCUMENT | AVAILABLE (TICK √) |
|---|---|---|
| 1. | Valid certified copy of BBBEE certificate or sworn affidavit; if points are claimed (a copy of a certified certificate will not be accepted) | |
| 1.1 | A sworn affidavit confirming annual total revenue and level of black ownership, if bidder is an Exempted Micro Enterprise (EME) or Qualifying Small Enterprise (QSE) | |
| 1.2 | Valid or certified copy of BBBEE certificate, if bidder is a Trust, Joint Venture or Consortium that is a legal entity | |
| 1.3 | Valid certified copy of consolidated BBBEE scorecard, if bidder is a Trust, Joint Venture or Consortium that is an unincorporated entity | |
| 2. | Signed copy of Joint Venture or Consortium Agreement, if bidder is a Joint Venture or Consortium | |
| 3. | Valid Municipal debt clearance certificate / bidders' business premises lease agreement. | |
| 4. | ID copies of directors | |
| 5. | Print-out of Tax Clearance Certificate | |
| 6. | Current Central Supplier Database printout | |

**In the event that the bidding entity is a joint venture, consortium, or partnership, each partner must supply the above information.**

**NOTE:**

**Bidders' Tax Compliance Status before award of Formal Written Quotation will be verified on Central Supplier Database. Therefore bidders are required to ensure that they are registered on the database (CSD) upon submission of this RFQ.**

## 1.4 RETURNABLE SCHEDULES

All returnable schedules below must be completed by the bidding entity, save for those schedules which are not applicable to it in which case the bidder must indicate which schedules are not applicable. Should the bidder fail to complete all applicable and compulsory schedules, its quotation submission shall be deemed to be non-responsive in accordance with clause 20.2 (d) (ii) of the general conditions.

The schedules required to be completed are as listed below –

| | |
|---|---|
| Schedule A | Letter of Authority for Signatory |
| Schedule B | Confirmation of Registration of Bidder on Central Supplier Database (CSD) |
| Schedule C | Guaranteed proof of delivery |
| Schedule D | Municipal Bidding Documents |

## SCHEDULE A – LETTER OF AUTHORITY FOR SIGNATORY

Indicate the status of the bidder by ticking the appropriate box hereunder with an x.

| COMPANY | CLOSE CORPORATION | PARTNERSHIP | JOINT VENTURE | SOLE PROPRIETORSHIP |
|---|---|---|---|---|
| | | | | |

**NOTE:**

**BIDDERS MUST ATTACH A LETTER OF AUTHORITY TO THIS PAGE, AUTHORIZING THE SIGNATORY TO THIS RFQ TO SIGN ALL DOCUMENTS IN CONNECTION WITH THE RFQ AND ANY CONTRACT WHICH MAY ARISE THEREFROM, ON BEHALF OF THE BIDDING ENTITY.**

## SCHEDULE B – CONFIRMATION OF REGISTRATION OF BIDDER ON CENTRAL SUPPLIER DATABASE (CSD)

| NAME OF BIDDER | CSD SUPPLIER NUMBER |
|---|---|
| | |
| | |

**Bidders are required to register as suppliers on the government Web-based Central Supplier Database (CSD) prior to submission of this RFQ and provide their CSD supplier number in the table above.**

**It is the responsibility of a bidder to ensure that this requirement is complied with. In the case of Joint Ventures and Consortia, this requirement will apply to each party to the Joint Venture or Consortium.**

**BIDDER'S SIGNATURE:** ……

## SCHEDULE C – COMMITMENT TO SUPPLY AND DELIVER COMMODITIES WITHIN 4-8 WEEKS AFTER RECEIPT OF ORDER

I, _____ the fully authorised representative of (Bidder)

Hereby certify that should

_____ (Bidder) be

Appointed to deliver the items required in this RFQ, that it will do so within 8-12 weeks of having received an official BCMM order.

……

**REPRESENTATIVE OF**
**BIDDER(NAME AND SIGNITURE)**

## SCHEDULE D – MUNICIPAL BIDDING DOCUMENTS

**MBD 4**

## 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.

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

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**

3.10.1 If 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** |
|---|---|---|
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |

……
**Signature**

……
**Date**

……..
**Capacity**

……
**Name of Bidder**

**MBD 6.1**

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

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

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

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### 1. GENERAL CONDITIONS

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

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

**1.2 To be completed by the organ of state**

(*delete whichever is not applicable for this tender*).

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

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

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

(a) Price; and

(b) Specific Goals.

**1.4 To be completed by the organ of state:**

The maximum points for this tender are allocated as follows:

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

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

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

## 2. DEFINITIONS

(a) **"tender"** means a written offer in the form determined by an organ of state in response to an invitation to provide goods or services through price quotations, competitive tendering process or any other method envisaged in legislation;

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

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

(d) **"tender for income-generating contracts"** means a written offer in the form determined by an organ of state in response to an invitation for the origination of income-generating contracts through any method envisaged in legislation that will result in a legal agreement between the organ of state and a third party that produces revenue for the organ of state, and includes, but is not limited to, leasing and disposal of assets and concession contracts, excluding direct sales and disposal of assets through public auctions; and

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

## 3. FORMULAE FOR PROCUREMENT OF GOODS AND SERVICES

### 3.1. POINTS AWARDED FOR PRICE

#### 3.1.1 THE 80/20 PREFERENCE POINT SYSTEMS

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

**80/20**

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

Where

Ps = Points scored for price of tender under consideration

Pt = Price of tender under consideration

Pmin = Price of lowest acceptable tende

### 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 is allocated for price on the following basis:

**80/20**

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

Where

Ps = Points scored for price of tender under consideration

Pt = Price of tender under consideration

Pmax = Price of highest acceptable tender

**4. POINTS AWARDED FOR SPECIFIC GOALS**

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

4.2. In cases where organs of state intend to use Regulation 3(2) of the Regulations, which states that, if it is unclear whether the 80/20 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 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 and 80/20 preference point system.

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

**B-BBEE POINTS**

| B-BBEE Status Level of Contributor | Number of Points for Preference (80/20) |
|---|---|
| 1 | 10 |
| 2 | 8 |
| 3 | 6 |
| 4 | 4 |
| 5 | 2 |
| 6 | 2 |
| 7 | 2 |
| 8 | 2 |
| Non-compliant contributor | 0 |
| | |

A tenderer must submit proof of its BBBEE status level contributor.

Failure on the part of a tenderer to submit An original B-BBEE Verification Certificate from a Verification Agency accredited by the South African National Accreditation System (SANAS), or a sworn affidavit confirming annual turnover and level of black ownership in case of an EME and QSE together with the bid, will be interpreted to mean that preference points for B-BBEE status level of contribution are not claimed.

**LOCALITY**

10 points will be allocated to promote locality, and points will be allocated as follows:

| Local area of supplier | Number of Points for Preference |
|---|---|
| | **80/20** |
| Within the boundaries of Buffalo City | 10 |
| Within the boundaries of the Eastern Cape | 2 |
| Outside of the boundaries of the Eastern Cape | 0 |
| | |

Failure on the part of tenderer to submit the following:

• where the tenderer is the owner of the property / business: o Municipal account registered in the name of the tenderer not older than 3 months.

• where the tenderer is not the owner of the property / business: o A valid lease agreement; or o Affidavit from the property owner that the address used to claim points in the MBD 6.1 is being rented out to the tenderer at no cost not older than 3 months.

• where the tenderer submitted incorrect or outdated information (account, lease agreement or affidavit) or none of the above, it will be interpreted to mean that preference points for Locality are not claimed.

**DECLARATION OF POINTS CLAIMED BY SERVICE PROVIDER**

Bidders who claim points in respect of B-BBEE and Locality must complete the following:

| 80/20<br>B-BBEE Status level Contributor | B-BBEE Status Level of Contribution Points<br>10 Points | Locality Points<br>10 Points | Total Points Claimed<br>20 points |
|---|---|---|---|
| | | | |

**DECLARATION WITH REGARD TO COMPANY/FIRM**

4.3. Name of company/firm……..

4.4. Company registration number: ……...

4.5. 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]

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

i) The information furnished is true and correct;

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

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

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

(a) disqualify the person from the tendering process;

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

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

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

(e) forward the matter for criminal prosecution, if deemed necessary.

.....

SIGNATURE(S) OF TENDERER(S)

SURNAME AND NAME: .....

DATE: .....

ADDRESS: .....

.....

.....

.....

**MBD 8**

# DECLARATION OF BIDDER'S PAST SUPPLY CHAIN MANAGEMENT PRACTICES

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

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

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

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?<br>(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).<br>**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)?<br>**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: | | |
| **Item** | **Question** | **Yes** | **No** |
| 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 (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.**

**……...** **Signature**

**……..** **Date**

**…….** **Position**

**……..** **Name of Bidder**

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 compete.**

**MBD 9**

## 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

**MBD 9**

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.**

**MBD 9**

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

## 2.1 AGREEMENT & CONTRACT DATA

### 2.1.1 FORM OF OFFER AND ACCEPTANCE

**PART 1 (OFFER TO BE COMPLETED BY THE BIDDER)**

1. Buffalo City Metropolitan Municipality has solicited offers to enter into a contract for the procurement of **RFQ/LED/2026-27/80 – SERVICES OF A SUPPLIER TO SUPPLY AND CONVERT FOUR (4), THREE (3) METER SIZE CONTAINERS INTO HAWKER STALLS WITH STANDS FOR WARD 11 MDANTSANE**

2. I, the Bidder, hereby undertake to supply and deliver all or any of the goods and/or works; OR render the services described in the attached bidding documents to BCMM in accordance with the requirements and specifications stipulated in RFQ number **RFQ/LED/2026-27/80** at the price/s quoted. My offer/s remains binding upon me and open for acceptance by the purchaser during the validity period indicated and calculated from the closing time of RFQ.

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

   (i) The Scope of Work;
   (ii) This RFQ document, *viz*
   - Scope of Services;
   - The Pricing Data;
   - This Form of Offer & Acceptance;

   (iii) Bidder's RFQ submission;
   (iv) The Special Conditions of Contract;
   (v) The General Conditions of Contract; and
   (vi) Any Service Level Agreement that may be concluded by the appointed bidder and BCMM.

4. I confirm that I have satisfied myself as to the correctness and validity of my quote; that the price(s) and rate(s) quoted cover all the goods and/or works specified in the RFQ document; that the price(s) and rate(s) cover all my obligations and I accept that any mistakes regarding price(s) and rate(s) and calculations will be at my own risk.

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

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

7. I confirm that I am duly authorized to sign this contract.

The **TOTAL QUOTATION AMOUNT** inclusive of value-added tax (where applicable) is

..... Rand

(in words); R . . . . . (in figures)

This offer may be accepted by the authorised BCMM representative signing the acceptance part of this form of offer and acceptance, and returning one copy of this document to the bidder before the end of the period of validity stated in the tender conditions, whereupon the bidder becomes the party named as the appointed service provider in terms of the conditions of contract identified in the contract data.

NAME (PRINT) ……..

CAPACITY ……..

SIGNATURE ……..

NAME OF FIRM ……..

DATE ……..

**FAILURE BY THE BIDDER TO SIGN OR FILL IN THIS FORM SHALL DISQUALIFY ITS SUBMISSION.**

## PART 2 (ACCEPTANCE TO BE COMPLETED BY BCMM)

**By signing this part of this form of offer and acceptance, BCMM accepts the bidder's offer. In consideration thereof, BCMM shall pay the appointed service provider the amount due in accordance with PART 1 of this offer and acceptance. Acceptance of the bidder's offer shall form an agreement between BCMM and the bidder upon the terms and conditions contained in this agreement and in the contract that is the subject of this agreement.**

1. I……. in my capacity as ……GM……..…. …… accept your bid under reference number **RFQ/LED/2026-27/80** dated …… for the supply or the rendering of services indicated hereunder and/or further specified in the annexure(s).

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

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

| DESCRIPTION OF SUPPLY/ SERVICE | PRICE (ALL APPLICABLE TAXES INCLUDED) | COMPLETION DATE | B-BBEE STATUS LEVEL OF CONTRIBUTION | LOCALITY |
|---|---|---|---|---|
| **SERVICES OF A SUPPLIER TO SUPPLY AND CONVERT FOUR (4), THREE (3) METER SIZE CONTAINERS INTO HAWKER STALLS WITH STANDS FOR WARD 11 (N U 5 MDANTSANE)** | | | | |

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

SIGNED AT …… ON ……..

NAME (PRINT) …….

SIGNATURE …….

OFFICIAL STAMP

## 2.1.2 CONTRACT DATA

GENERAL CONDITIONS OF CONTRACT

The contract will be administered in terms of the **General Conditions of Contract 2015** as issued by National Treasury.

A copy of the General Conditions of Contract may be obtained from the National Treasury website – www.treasury.gov.za

## 2.2 PRICING DATA

### 2.2.1 PRICING INSTRUCTIONS

(i) The rates and prices submitted by the bidder must be entered into the pricing schedule below.

(ii) The quotation amount must be inclusive of VAT, where the bidder is a registered VAT vendor.

(iii) Bidders must provide rates that are fixed for the duration of the contract and not subject to adjustment except as provided for in the conditions of contract.

(iv) Bidders are required to pay attention to clause 25 of the general conditions (imbalance in quoted rates).

(v) Should there be a discrepancy between the total quotation amount in the pricing schedule, and that in the form of offer; the price in the form of offer will take precedence. Where there is a discrepancy between the amount in figures and the amount in words, the amount in words will govern.

(vi) The pricing sheet is to be signed and stamped by the prospective company.

## 2.2.2 PRICING SCHEDULE

| Item Description | Quantity Required / | Unit Price / Hourly rate | Total |
|---|---|---|---|
| CONTAINER HAWKER STALLS | 4 | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | **SUB-TOTAL** | |
| | | **VAT (15%)** | |
| **TOTAL TENDER PRICE (to be carried over to form of offer page)** | | | |

Name of Tenderer ……

Date …… Signature ……..

Company Stamp:

## 2.3 SCOPE OF WORK

### 2.3.1 Scope of Supply or Services

Buffalo City Metropolitan Municipality calls for formal written price quotations for **SERVICES OF A SUPPLIER TO SUPPLY AND CONVERT FOUR (4), THREE (3) METER SIZE CONTAINERS INTO HAWKER STALLS WITH STANDS FOR WARD 11 MDANSTANE**

3 METER CONTAINER CONVERSION

- Serving hatch
- Aluminium floor
- Full installation
- Steel Doors for entry
- Internal walls covered
- Partitioning in half of container
- Spray paint external only
- Electrical – 1. DB BORD X 2
- 4 X FOOT LED LIGHTS X 2
- 3 X PIN PLUG POINTS X 2
- ELECTRICAL PLUG POINT SUPPLY