SECTION A

Invitation to Tender – 100008490
uMngeni Local Municipality
Suitable and capable service providers are invited to bid for: **Appointment of an Independent Environmental Assessment Practitioner for Extension of EA for Human Settlement Projects.**
The municipality reserves the right to:

- not award this bid;
- not award the cheapest proposal; and
- to cancel the bid.
-

Collection of Bid Documents
Tender documents will be made on municipal website:
https://www.umngeni.gov.za/documents/?category=quotations printable at bidder's own cost.

Compulsory Briefing Session

The briefing session will be held as follows:

Date:	**13 May 2025**
Venue:	**uMngeni Municipality Finance Foyer**
Time:	**11:00am**
Site to be visited:	

Evaluation Criteria
This tender will be evaluated based on the following criteria:

1. Administrative Compliance
2. Mandatory Requirements
3. Price and Preference Points

Queries relating technical information may be addressed to **Marc Hattingh** Tel. No. (033) 239 9261: e-mail marc.hattingh@umngeni.gov.za

Queries relating to SCM may be addressed to **Nabeel Amoo** Tel. No. (033) 239 9221: e-mail nabeel.amoo@umngeni.gov.za

The closing date and time for receipt of Tenders is **16 May 2025 at 12h00.** Telegraphic, telephonic, telex, emailed facsimile, and late quotation will not be accepted.

SERVICE PROVIDER'S DETAILS

Name of Service Provider:	
Contact Person:	
Quoted Amount	

MBD1

PART A
INVITATION TO BID

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE uMNGENI LOCAL MUNICIPALITY					
BID NUMBER:	**100008490**	**CLOSING DATE:**	**16 May 2025**	**CLOSING TIME:**	**12H00**
DESCRIPTION	**Appointment of an Independent Environmental Assessment Practitioner for Extension of EA for Human Settlement Projects**				

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

CORNER OF SOMME AND DICKS STREET
HOWICK
3290

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:	

(SPECIFIC GOALS MUST BE COMPLIED WITH, TO CLAIM PREFERENCE POINTS)

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	Finance	DEPARTMENT	LED
CONTACT PERSON	Mr N Amoo	CONTACT PERSON	Mr Hattingh
TELEPHONE NUMBER	033 239 9221	TELEPHONE NUMBER	033 239 9261
FACSIMILE NUMBER	N/A	FACSIMILE NUMBER	N/A
E-MAIL ADDRESS	nabeel.amoo@umngeni.gov.za	E-MAIL ADDRESS: Marc.Hattingh@umngeni.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:…….....

PRICING SCHEDULE
(SERVICES)

NOTE: **PRICES QUOTED BY THE BIDDER WILL BE USED AS FINAL FORM OFFER. FAILURE TO SIGN THE PRICE PAGE BELOW WILL INVALIDATE YOUR BID. FAILURE TO WRITE THE AMOUNT IN WORDS WILL RESULT IN THE BID BEING REJECTED FOR ADMINISTRATIVE COMPLIANCE.**

Name of Bidder…… Bid Number……..
Closing Time …… ….. Closing Date ……..

OFFER TO BE VALID FOR **120 DAYS** FROM THE CLOSING DATE OF BID.

Environmental Assessment Practitioner for Extension of EA for Human Settlement Projects

Item No.	Description	Quantity	Unit Price	Total For Items
1.	APPOINTMENT OF AN INDEPENDENT ENVIRONMENTAL ASSESSMENT PRACTITIONER FOR EXTENSION OF EA FOR HUMAN SETTLEMENT PROJECTS **(Terms of reference attached as Annexure A)**	1	**Excl. VAT**	**Excl. VAT**
		SUB-TOTAL		**Excl. VAT**
		VAT AT 15%		
		GRAND TOTAL (BID PRICE IN RSA CURRENCY WITH ALL APPLICABLE TAXES INCLUDED)		**Incl. VAT**
GRAND TOTAL IN WORDS				

Bidder's Signature: _____ Date: ____/____/_____

Mandatory Requirements:

- Three (3) appointment letters/purchase orders from a Local Municipality for the extension of Environmental Authorisations for Human Settlement Projects to the KwaZulu-Natal Department of Economic Development, Tourism and Environmental Affairs (proof to be attached);
- Three (3) completion certificates/reference letters from a Local Municipality that they have successfully completed the statutory process for the extension of Environmental Authorisations for Human Settlement Projects to the KwaZulu-Natal Department of Economic Development, Tourism and Environmental Affairs (proof to be attached);

- Be registered with the Environmental Assessment Practitioners Association of South Africa (EAPASA) in terms of Section 24H of the National Environmental Management Act, No. 107 of 1998, as amended (proof to be attached);
- The Project Leader having the required Environmental Management post graduate qualifications and registration with EAPASA to submit an application to the KwaZulu-Natal Department of Economic Development, Tourism and Environmental Affairs for the extension of Environmental Authorisations for Human Settlement Projects (proof to be attached)
- Staff employed by the Project Leader having the necessary Environmental Management qualifications and registration with EAPASA to submit an application to the KwaZulu-Natal Department of Economic Development, Tourism and Environmental Affairs for the extension of Environmental Authorisations for Human Settlement Projects (proof to be attached).

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, hareholder[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. ….……

……..

'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.……..……..
……

.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**

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, BIDDERS MUST STUDY THE GENERAL CONDITIONS, DEFINITIONS AND DIRECTIVES APPLICABLE IN RESPECT OF B-BBEE, AS PRESCRIBED IN THE PREFERENTIAL PROCUREMENT REGULATIONS, 2022.

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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 To be completed by the organ of state

a) The applicable preference point system for this tender is the 90/10 preference point system.

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

c) Either the 90/10 or 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 tender

4. POINTS AWARDED FOR SPECIFIC GOALS

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

4.2 In cases where organs of state intend to use Regulation 3(2) of the Regulations, which states that, if it is

unclear whether the 80/20 or 90/10 preference point system applies, an organ of state must, in the tender documents, stipulate in the case of—

a. an invitation for tender for income-generating contracts, that 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.

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

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

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

The specific goals allocated points in terms of this tender	**Number of points allocated (80/20 system) (To be completed by the organ of state)**	**Number of points claimed (80/20 system) (To be completed by the tenderer)**
Company owned by at least 51% people who are youth (CSD will be used for verification)	05	
Business within uMngeni Local Municipality (utility bill/ lease agreement/ proof of residence and sworn affidavit)	15	
Total Points Allocated to Specific Goals	20	

5. DECLARATION WITH REGARD TO COMPANY/FIRM

5.1 Name of company/firm……

5.2 Company registration number: ……...

5.3 TYPE OF COMPANY/ FIRM

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

[TICK APPLICABLE BOX]

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

i) The information furnished is true and correct;

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

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

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

(a) disqualify the person from the tendering process;

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

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

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

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

……
SIGNATURE(S) OF TENDERER(S)

SURNAME AND NAME: ……
DATE: ……

ADDRESS: ……

……

……
……

CONTRACT FORM – RENDERING OF SERVICES

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

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

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

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

   (i) Bidding documents, *viz*
   - Invitation to bid;
   - Tax clearance certificate;
   - Pricing schedule(s);
   - Filled in task directive/proposal;
   - Preference claims for Broad Based Black Economic Empowerment Status Level of Contribution in terms of the Preferential Procurement Regulations 2011;
   - Declaration of interest;
   - Declaration of bidder's past SCM practices;
   - Certificate of Independent Bid Determination;
   - Special Conditions of Contract;

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

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

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

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

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

NAME (PRINT) ……

CAPACITY ……

SIGNATURE ……

NAME OF FIRM ……

DATE ……

WITNESSES

1 ……

2 ……

SBD 7.2

CONTRACT FORM – RENDERING OF SERVICES

PART 2 (TO BE FILLED IN BY THE PURCHASER)

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

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

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

DESCRIPTION OF SERVICE	PRICE (ALL APPLICABLE TAXES INCLUDED)	COMPLETION DATE	B-BBEE STATUS LEVEL OF CONTRIBUTION	MINIMUM THRESHOLD FOR LOCAL PRODUCTION AND CONTENT (if applicable)

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

SIGNED AT ……ON……..

NAME (PRINT) …….

SIGNATURE ……

OFFICIAL STAMP

WITNESSES

1 ……

2 ……

DATE:……..

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:		

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 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**

CERTIFICATE OF INDEPENDENT BID DETERMINATION

1 This Standard 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 Treasury Regulation 16A9 prescribes that accounting officers and accounting authorities must take all reasonable steps to prevent abuse of the supply chain management system and authorizes accounting officers and accounting authorities to:

a. disregard the bid of any bidder if that bidder, or any of its directors have abused the institution's supply chain management system and or committed fraud or any other improper conduct in relation to such system.

b. cancel a contract awarded to a supplier of goods and services if the supplier committed any corrupt or fraudulent act during the bidding process or the execution of that 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.

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 Institution)

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

I certify, on behalf of:_____that:

(Name of Bidder)

1. I have read and I understand the contents of this Certificate;
2. I understand that the accompanying bid will be disqualified if this Certificate is found not to be true and complete in every respect;
3. I am authorized by the bidder to sign this Certificate, and to submit the accompanying bid, on behalf of the bidder;
4. Each person whose signature appears on the accompanying bid has been authorized by the bidder to determine the terms of, and to sign the bid, on behalf of the bidder;
5. For the purposes of this Certificate and the accompanying bid, I understand that the word "competitor" shall include any individual or organization, other than the bidder, whether or not affiliated with the bidder, who:

    (a) has been requested to submit a bid in response to this bid invitation;
    (b) could potentially submit a bid in response to this bid invitation, based on their qualifications, abilities or experience; and
    (c) provides the same goods and services as the bidder and/or is in the same line of business as the bidder

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

(f) bidding with the intention not to win the bid.

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

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

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

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.

ANNEXURE A TERM OF REFERENCE

TERMS OF REFERENCE FOR THE APPOINTMENT OF AN INDEPENDENT ENVIRONMENTAL ASSESSMENT PRACTITIONER (EAP) FOR THE EXTENSION OF ENVIRONMENTAL AUTHORISATIONS IN TERMS OF CHAPTER 5 OF THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS (EIA), 2014 OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT (NEMA), NO. 107 OF 1998, AS AMENDED, FOR uMNGENI MUNICIPALITY HUMAN SETTLEMENT PROJECTS

1. PROPOSED

The uMngeni Municipality has a number of Environmental Authorisations issued from the KwaZulu-Natal Department of Economic Development, Tourism and Environmental Affairs in terms of Section 24 of the Environmental Impact Assessment Regulations, 2014 read with the National Environmental Management Act, No. 107 of 1998, as amended, that have expired for proposed Human Settlement Projects.

These proposed Human Settlement Projects have existing approvals in terms of the uMngeni Spatial Planning and Land Use Management ByLaws and have since been included into the uMngeni Municipality Single Land Use Scheme which was adopted in February 2024.

These proposed Human Settlements Projects have not commenced due to the lack of bulk infrastructure and delays in the transfer of the properties in question to the uMngeni Municipality. The existing Environmental Authorisations were extended in 2019 because of the aforementioned challenges, the delays being beyond the control of the Municipality.

The KwaZulu-Natal Department of Economic Development, Tourism and Environmental Affairs informed the uMngeni Municipality informally that any application to extend an Environmental Authorisation in terms of Chapter 5 of the Environmental Impact Assessment Regulations, 2014 and the National Environmental Management Act, No. 107 of 1998, as amended, must be through the appointment of an Independent Environmental Assessment Practitioner.

The appointment of the Independent Environmental Assessment Practitioner (EAP) is to communicate with the Environmental Impact Assessment Unit from the KwaZulu-Natal Department of Economic Development, Tourism and Environmental Affairs uMgungundlovu District Office on behalf of the uMngeni Municipality to extend the existing Environmental Authorisations.

The Directorate: Economic Development, Planning and Human Settlements will provide the appointed Independent Environmental Assessment Practitioner with all the required information.

2. THE EXISTING SITUATION

The uMngeni Municipality has the following proposed Human Settlement Projects that have Environmental Authorisations (EA) that have been issued by the KwaZulu-Natal Department of Economic Development, Tourism and Environmental Affairs (KZN EDTEA) in terms of section 24 of the Environmental Impact Assessment (EIA) Regulations, 2014 and the National Environmental Management Act, No. 107 of 1998 (NEMA), as amended:

DC22/007/2012: The Low Income Residential Development on Portion 7 of the Farm Riet Vallei No. 1206, located in Lidgetton West in the uMngeni Local Municipality; an in-situ development to provide formal housing to the existing beneficiaries.

This Environmental Authorisation expired in September 2024. However, there is a Water Use License in terms of the National Water Act, No. 36 of 1998.

The uMngeni Municipality owns this property, however, there is no formal bulk infrastructure for the provision of water nor electricity to the boundary of the property.

DC22/0033/09: The proposed Low Income Residential Development on Portion 16 (of 1) of the Farm Weltevreden No. 1017, Lions River, uMngeni Municipality; for the provision of five hundred and forty eight (48) subdivisions consisting of residential, a community centre and an educational site.
The Environmental Authorisation expired in September 2024. There is also no Water Use License from the Department of Water and Sanitation as there is an existing dispute by Sappi Forests (Pty) Ltd with the aforementioned Department.

The property is still in the ownership of Sappi Forests (Pty) Ltd and whilst there is a pending land swop agreement (Land Availability Agreement) in place for a portion of land on Portion 3 of Erf 506 Howick, this is dependent on the successful outcome of the Water Use License decision with the Department of Water and Sanitation.

DC22/0005/2012: Proposed Construction of the Low Income Housing Development on Portions 25 and 53 of the Farm Drie Fonteinen No. 952 in Merrivale, located in uMngeni municipality; which will consist of seventy seven (77) residential sites, a creche, an administrative site, public open space and municipal roads.

The Environmental Authorisation expired in September 2024. There is an existing Water Use License issued by the Department of Water and Sanitation.

The uMngeni Municipality does not own the property which is still in the ownership of the Congregation of the Missionary Oblates of the Most Holy and Immaculate (St. Joseph's Theological Institute), with the Land Availability Agreement having expired.

3. RESPONSIBLE LEGISLATION

The following legislation is applicable for the appointment of the Independent Environmental Assessment Practitioner:

- Environmental Impact Assessment Regulations, 2014;
- National Environmental Management Act. No. 107 of 1998, as amended;
- National Water Act, No. 36 of 1998;
- uMngeni Municipality Single Land Use Planning Scheme;
- uMngeni Municipality Spatial Planning and Land Use Management By-Laws;
- The Municipal Systems Act, No. 32 of 2000;
- Municipal Finance Management Act, No. 56 of 2003;
- uMngeni Municipality Supply Chain Management Policy.

4. SCOPE OF WORK

The appointed Independent Environmental Assessment Practitioner (EAP) following their appointment is to collect from the uMngeni Municipality Environmental Management Unit all documentation relating to the existing Environmental Authorisations and supporting documentation.

The appointed Independent Environmental Assessment Practitioner is to meet with the Head of Department from the Environmental Impact Assessment Unit from the KwaZulu-Natal Department of Economic Development, Tourism and Environmental Affairs (KZN EDTEA) to discuss what is required of the uMngeni Municipality for the submission of an application to the Department for the extension of the Environmental Authorisations in terms of Chapter 5 of the Environmental Impact Assessment Regulations, 2014 and the National Environmental Management Act, No. 107 of 1998, as amended.

The appointed Indepdendent Environmental Assessment Practitioner is to inform the KwaZulu-Natal Department of Economic Development, Tourism and Environmental Affairs of the situation the uMngeni Municipality finds itself in as a result of the lack of bulk infrastructure for the provision of services to the proposed Human Settlement Projects and the delayed transfer of a number of properties.

In the instance of the proposed Human Settlement Project for the Lions River Phase 2 development, the delayed transfer of the property is also linked to the existing dispute by Sappi Forests (Pty) Ltd for the transfer of the Water use Licence in terms of the National Water Act, No. 36 of 1998 to the proposed property identified in the land swop with the Municipality.

The Independent Environmental Assessment Practitioner is to provide the uMngeni Municipality with a copy of the application submitted in terms of Chapter 5 of the Environmental Impact Assessment Regulations, 2014 and the National Environmental Management Act, No. 107 of 1998, as amended, to the Environmental Impact Assessment Unit from the KwaZulu-Natal Department of Economic Development, Tourism and Environmental Affairs.

The appointed Independent Environmental Assessment Practitioner is for the submission of an application and motivation to the Environmental Impact Assessment Unit from the KwaZulu-Natal Department of Economic Development, Tourism and Environmental Affairs and to inform the uMngeni Municipality of the Department's decision and its statutory requirements.

What is of importance is for the appointed Independent Environmental Assessment Practitioner to motivate to the Department that the challenges being experienced by the uMngeni Municipality is well beyond the control of the Municipality with no clear confirmation of when bulk infrastructure will be installed and the properties formally transferred.

5 . PLANNING PROCESS AND METHODOLOGY

PRODUCT MUST BE PRESENTED ON A HARD AND DIGITAL COPY

6. MANDATORY REQUIREMENTS

The responsible Independent Environmental Assessment Practitioner (EAP) must submit the following to the Supply Chain Management Office:

6.1 Three (3) appointment letters/purchase orders from a Local Municipality for the extension of Environmental Authorisations for Human Settlement Projects to the KwaZulu-Natal Department of Economic Development, Tourism and Environmental Affairs (proof to be attached);

6.2 Three (3) completion certificates/reference letters from a Local Municipality that they have successfully completed the statutory process for the extension of Environmental Authorisations for Human Settlement Projects to the KwaZulu-Natal Department of Economic Development, Tourism and Environmental Affairs (proof to be attached);

6.3 Be registered with the Environmental Assessment Practitioners Association of South Africa (EAPASA) in terms of Section 24H of the National Environmental Management Act, No. 107 of 1998, as amended (proof to be attached);

6.4 The Project Leader having the required Environmental Management post graduate qualifications and registration with EAPASA to submit an application to the KwaZulu-Natal Department of Economic Development, Tourism and Environmental Affairs for the extension of Environmental Authorisations for Human Settlement Projects (proof to be attached)

6.5 Staff employed by the Project Leader having the necessary Environmental Management qualifications and registration with EAPASA to submit an application to the KwaZulu-Natal Department of Economic Development, Tourism and Environmental Affairs for the extension of Environmental Authorisations for Human Settlement Projects (proof to be attached).