



**THE PROVISION OF SUPPORT SERVICES AND A SERVICE LEVEL AGREEMENT OF THE EXISTING LIMS (LABWARE) SYSTEM FOR A PERIOD OF THIRTY-SIX (36) MONTHS**

**CONTRACT NO: UGU-05-1592-2021**

NAME OF BIDDER:

CONTACT PERSON:

TELEPHONE N° :

FAX N° /EMAIL ADD.:

ADDRESS :

BID SUM :

.....

.....

.....

.....

.....

.....

.....

.....

**TENDER CLOSES: 12H00 ON FRIDAY, 05 NOVEMBER 2021**

*Note: This bid document must NOT be separated;*

*Annexures are to be attached to the back of the document.*

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## Bid Notice

### THE PROVISION OF SUPPORT SERVICES AND A SERVICE LEVEL AGREEMENT OF THE EXISTING LIMS (LABWARE) SYSTEM FOR A PERIOD OF THIRTY-SIX (36) MONTHS

**CONTRACT NO: UGU-05-1592-2021**

Bids are hereby invited from relevant service providers for support services and a service level agreement of the existing LIMS (labware) system for a Period of Thirty-Six (36) Months at Ugu District Municipality.

Bid documents are obtainable from the Ugu District Municipality office in Port Shepstone at No. 28 Connor Street as from **Tuesday, 05 October 2021**, at a non-refundable payment of R250.00 (No cheques will be accepted). The bid will also be advertised on National Treasury's E Tender portal and documents can be downloaded from the website free of charge.

Bids completed in accordance with the conditions indicated in documents, must be sealed and endorsed with the relevant contract number and be deposited in the official tender box at the foyer of Ugu District Municipality on 96 Marine Drive, Phase 2 Building, Oslo Beach not later than **12h00 on Friday, 05 November 2021**, at which time bids will be opened in public. Bids that are submitted late, incomplete, unsigned or by facsimile, electronically, couriered or not completed in black ink will be rejected and not accepted for further evaluation. Bids submitted must be valid for a period of **90 days**

No compulsory briefing session will not be held for this tender.

All bid enquiries are to be directed to Mr **Leon Esterhuizen during office hours on the office number (039) 682 3503 or emailed to [Leon.Esterhuizen@ugu.gov.za](mailto:Leon.Esterhuizen@ugu.gov.za)**

Ugu District Municipality subscribes to the Preferential Procurement Regulations 2017, pertaining to the Preferential Procurement Policy Framework Act (PPPFA) principles whereby a bidder's submission will be evaluated according to the sum of the award of points in respect of the tender value and the B-BBEE status of the contributor.

#### **Functionality, Price and Preference will be used for evaluation.**

Minimum points of 60% must be obtained for eligibility. Bids scoring less than 60% will not be evaluated further. The following, will form criteria utilised for functionality assessment:

- Experience and Qualifications of Technician/s
- Certificate of Distributor
- Experience of Bidder

The 80/20 preferential point system will be applicable, with 80 points for price and 20 points for B-BBEE Status Level, in terms of revised Preferential Procurement Regulation in effect from 01 April 2017, Gazette Notice No. 40553 dated 20 January 2017.

Points to be allocated as follows:

B-BBEE Status Level of Contributor	Number of Points Awarded
1	20
2	18
3	14
4	12
5	8
6	6

**PROVISION OF SUPPORT SERVICES AND A SERVICE LEVEL AGREEMENT OF THE EXISTING LIMS (LABWARE) SYSTEM FOR A PERIOD OF THIRTY-SIX (36) MONTHS**

**CONTRACT NO: UGU-05-1592-2021**

7	4
8	2
Non-Compliant Contributor	0

The Council reserves the right not to accept the lowest bid or any bid and reserves the right to accept the whole or part of the bid, or to reject all bids and cancel the notice to tender.

**Kindly note: Regulation 44 of Municipal Supply Chain Management Regulations states that the Municipality may not make any award to a person who is in the service of the state**

DR EMS NTOMBELA  
ACTING MUNICIPAL MANAGER  
UGU DISTRICT MUNICIPALITY

<b>YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF UGU DISTRICT MUNICIPALITY</b>					
BID NUMBER:	UGU-05-1592-2021	CLOSING DATE:	05 NOVEMBER 2021	CLOSING TIME:	12H00
DESCRIPTION	<b>PROVISION OF SUPPORT SERVICES AND A SERVICE LEVEL AGREEMENT OF THE EXISTING LIMS (LABWARE) SYSTEM FOR A PERIOD OF THIRTY-SIX (36) MONTHS</b>				
<b>THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (MBD7).</b>					

BID RESPONSE DOCUMENTS MAY BE DEPOSITED IN THE BID BOX  
 SITUATED AT (STREET ADDRESS) \_\_\_\_\_

<b>UGU DISTRICT MUNICIPALITY</b>					
<b>93 MARINE DRIVE</b>					
<b>PHASE 2 BUILDING</b>					
<b>OSLO BEACH</b>					
<b>SUPPLIER INFORMATION</b>					
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:	
B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE [TICK APPLICABLE BOX]	<input type="checkbox"/> Yes <input type="checkbox"/> No		B-BBEE STATUS LEVEL SWORN AFFIDAVIT	<input type="checkbox"/> Yes <input type="checkbox"/> No	
ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS ISERVICES IWORKS OFFERED?	<input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES ENCLOSE PROOF]		ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS ISERVICES IWORKS OFFERED?	Yes	No
TOTAL NUMBER OF ITEMS OFFERED			TOTAL BID PRICE	R	
SIGNATURE OF BIDDER	.....		DATE		
CAPACITY UNDER WHICH THIS BID IS SIGNED					
<b>BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO:</b>			<b>TECHNICAL INFORMATION MAY BE DIRECTED TO:</b>		
DEPARTMENT	SCM Unit		CONTACT PERSON	Mr L Esterhuizen	
CONTACT PERSON	Ms N Mkhize		TELEPHONE NUMBER	N/A	
TELEPHONE NUMBER	039-688 5743		FACSIMILE NUMBER	039-688 3503	
FACSIMILE NUMBER	N/A		E-MAIL ADDRESS	<a href="mailto:Leon.Esterhuizen@ugu.gov.z">Leon.Esterhuizen@ugu.gov.z</a>	
E-MAIL ADDRESS	<a href="mailto:Tarulethu.Mafungwa@ugu.gov.za">Tarulethu.Mafungwa@ugu.gov.za</a>				

## PART B TERMS AND CONDITIONS FOR BIDDING

<b>1. BID SUBMISSION:</b>
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)  1.3. THIS BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT AND THE PREFERENTIAL PROCUREMENT REGULATIONS, 2017, THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER SPECIAL CONDITIONS OF CONTRACT.
<b>2. TAX COMPLIANCE REQUIREMENTS</b>
2.1 BIDDERS MUST ENSURE COMPLIANCE WITH THEIR TAX OBLIGATIONS AND ARE REQUIRED TO SUBMIT VALID TAX CLEARANCE CERTIFICATE.  2.2 IN BIDS WHERE CONSORTIA I JOINT VENTURES I SUB-CONTRACTORS ARE INVOLVED, EACH PARTY MUST SUBMIT A SEPARATE TCS CERTIFICATE / PIN / CSD NUMBER.

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: .....

Please attach copies of the following documents. Failure to provide the following duly completed and up to date documents and certified where applicable will lead to automatic disqualification.

- **Company registration documents.**
- **Tax Reference Number and Pin**
- **Declarations**
- **ID Document (for sole proprietors)**
- **Joint Venture Agreement (where applicable)**
- **Declaration Certificate of Payment for Municipal Services**
- **Proof of payment for Municipal Services**
- **Central Supplier Database Registration**
- **Form of Offer**
- **Pricing Schedule**

**MBD 4**

**DECLARATION OF INTEREST**

- 1. No bid will be accepted from persons in the service of the state'.
- 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 positioning 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"): - . . . . .

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 or any Directors/trustees/shareholders/ members presently in the service of the state? **YES / NO**

3.8.1 If yes, furnish particulars. . . . .

- . . . .

<sup>1</sup>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.

<sup>2</sup> 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

\_ \_ \_ \_ \_  
\_ \_ \_ \_ \_

1. 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	Are you employed by National Provincial Local Government? YES/NO	If YES, please give details

5. I duly confirm that the above information is correct until otherwise advised in writing and the company undertakes to immediately, in writing on same day of appointment, advise the Ugu District Municipality immediately if any of its directors/trustees/ members/shareholders assumes appointment as an employee in national, provincial and/or local government and the company will deregister from the Ugu District Municipality Supplier Database and cease forthwith from doing business with the Ugu District Municipality and the company shall be subject to a penalty of forfeiting all payments for services rendered or products delivered or installed if it fails to immediately disclose in writing the employment of any of its directors/trustees/ members/shareholders in national, provincial and/or local government.

-----  
**Signature**

-----  
**Date**

-----  
**Capacity**

-----  
**Name of Bidder**

**PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL PROCUREMENT REGULATIONS 2017**

This preference form must form part of all bids invited. It contains general information and serves as a claim form for preference points for Broad-Based Black Economic Empowerment (B-BBEE) Status Level of Contribution

**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, 2017.**

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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

- a) The value of this bid is estimated to not exceed R50 000 000 (all applicable taxes included) and therefore the **80/20** preference point system shall be applicable; or
- b) Either the 80/20 preference point system will be applicable to this tender (*delete whichever is not applicable for this tender*).

1.3 Points for this bid shall be awarded for: (a)

Price; and

(b) B-BBEE Status Level of Contributor.

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

	POINTS
<b>PRICE</b>	80
<b>B-BBEE STATUS LEVEL OF CONTRIBUTOR</b>	20
<b>Total points for Price and B-BBEE must not exceed</b>	<b>100</b>

1.5 Failure on the part of a bidder to submit proof of B-BBEE Status level of contributor together with the bid, will be interpreted to mean that preference points for B-BBEE status level of contribution are not claimed.

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

**2. DEFINITIONS**

- (a) **"B-BBEE"** means broad-based black economic empowerment as defined in section 1 of the Broad-Based Black Economic Empowerment Act;
- (b) **"B-BBEE status level of contributor"** means the B-BBEE status of an entity in terms of a code of good practice on black economic empowerment, issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act;
- (c) **"bid"** means a written offer in a prescribed or stipulated form in response to an invitation by an organ of state for the provision of goods or services, through price quotations, advertised competitive bidding processes or proposals;
- (d) **"Broad-Based Black Economic Empowerment Act"** means the Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003);
- (e) **"EME"** means an Exempted Micro Enterprise in terms of a code of good practice on black economic empowerment issued in terms of section 9 (1) of the Broad-Based Black Economic Empowerment Act;
- (f) **"functionality"** means the ability of a tenderer to provide goods or services in accordance with specifications as set out in the tender documents.
- (g) **"prices"** includes all applicable taxes less all unconditional discounts; (h) **"proof of B-BBEE status level of contributor"** means:
  - B-BBEE Status level certificate issued by an authorized body or person; A sworn affidavit as prescribed by the B-BBEE Codes of Good Practice; Any other requirement prescribed in terms of the B-BBEE Act;
- (i) **"QSE"** means a qualifying small business enterprise in terms of a code of good practice on black economic empowerment issued in terms of section 9 (1) of the Broad-Based Black Economic Empowerment Act;

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

**3. POINTS AWARDED FOR PRICE**

**3.1 THE 80/20 OR 90/10 PREFERENCE POINT SYSTEMS**

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

$$P_s = 80 \left( \frac{P_t - P_{\min}}{P_t - P_{\min}} \right) \quad \text{or} \quad P_s = 90 \left( \frac{P_t - P_{\min}}{P_t - P_{\min}} \right)$$

Where

P<sub>s</sub> = Points scored for price of bid under consideration

P<sub>t</sub> = Price of bid under consideration

P<sub>min</sub> = Price of lowest acceptable bid

**4. POINTS AWARDED FOR B-BBEE STATUS LEVEL OF CONTRIBUTOR**

- 4.1 In terms of Regulation 6 (2) and 7 (2) of the Preferential Procurement Regulations, preference points must be awarded to a bidder for attaining the B-BBEE status level of contribution in accordance with the table below:

B-BBEE Status Level of Contributor	Number of points (90/10 system)	Number of points (80/20 system)
1	10	20
2	9	18
3	6	14
4	5	12
5	4	8
6	3	6
7	2	4
8	1	2
Non-compliant contributor	0	0

**5. BID DECLARATION**

5.1 Bidders who claim points in respect of B-BBEE Status Level of Contribution must complete the following:

**6. B-BBEE STATUS LEVEL OF CONTRIBUTOR CLAIMED IN TERMS OF PARAGRAPHS 1.4 AND 4.1**

6.1 B-BBEE Status Level of Contribution = - - - (maximum of 10 or 20 points)

(Points claimed in respect of paragraph 7.1 must be in accordance with the table reflected in paragraph 4.1 and must be substantiated by relevant proof of B-BBEE status level of contributor.

**6.2 SUB-CONTRACTING**

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

*(Tick applicable box)*

YES	<input type="checkbox"/>	NO	<input type="checkbox"/>
-----	--------------------------	----	--------------------------

6.3.1 If yes, indicate:

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

ii) The name of the sub-contractor - - - - -

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

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

*(Tick applicable box)*

YES	<input type="checkbox"/>	NO	<input type="checkbox"/>
-----	--------------------------	----	--------------------------

v) Specify, by ticking the appropriate box, if subcontracting with an enterprise in terms of Preferential Procurement Regulations,2017:

vi)

Designated Group: An EME or QSE which is at least 51% owned by:	EME √	QSE √
Black people		
Black people who are youth		
Black people who are women		
Black people with disabilities		
Black people living in rural or underdeveloped areas or townships		
Cooperative owned by black people		
Black people who are military veterans		
<b>OR</b>		
Any EME		
Any QSE		

**7. DECLARATION WITH REGARD TO COMPANY/FIRM**

7.1 Name of company/firm: - - - - -

7.2 VAT registration number: - - - - -

7.3 Company registration number: - - - - -

**7.4 TYPE OF COMPANY/ FIRM**

- Δ Partnership/Joint Venture / Consortium
  - Δ One person business/sole propriety
  - Δ Close corporation
  - Δ Company
  - Δ (Pty) Limited
- [TICK APPLICABLE BOX]

**7.5 DESCRIBE PRINCIPAL BUSINESS ACTIVITIES**

- - - - -  
 - - - - -  
 - - - - -  
 - - - - -

**7.6 COMPANY CLASSIFICATION**

- Δ Manufacturer
  - Δ Supplier
  - Δ Professional service provider
  - Δ Other service providers, e.g. transporter, etc.
- [TICK APPLICABLE BOX]

**7.7 MUNICIPAL INFORMATION**

**Municipality where business is situated:** .....

**Registered Account Number:** .....

**Stand Number:** - - - - -

7.8 Total number of years the company/firm has been in business: - - - - -

7.9 I/we, the undersigned, who is / are duly authorised to do so on behalf of the company/firm, certify that the points claimed, based on the B-BBE status level of contributor indicated in paragraphs 1.4 and 6.1 of the foregoing certificate, qualifies the company/ firm for the preference(s) shown and I / we acknowledge that:

- i) The information furnished is true and correct;
- ii) The preference points claimed are in accordance with the General Conditions as indicated in paragraph 1 of this form;
- iii) In the event of a contract being awarded as a result of points claimed as shown in paragraphs 1.4 and 6.1, the contractor may be required to furnish documentary proof to the satisfaction of the purchaser that the claims are correct;
- iv) If the B-BBEE status level of contributor has been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the purchaser may, in addition to any other remedy it may have -
  - (a) disqualify the person from the bidding process;
  - (b) recover costs, losses or damages it has incurred or suffered as a result of that person's conduct;
  - (c) cancel the contract and claim any damages which it has suffered as a result of having to make less favourable arrangements due to such cancellation;
  - (d) recommend that the bidder or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, be restricted by the National Treasury from obtaining business from any organ of state for a period not exceeding 10 years, after the *audi alteram partem* (hear the other side) rule has been applied; and
  - (e) forward the matter for criminal prosecution.

<p>WITNESSES</p> <p>1. -----</p> <p>2. -----</p>
--

<p>-----</p> <p>-----</p> <p>SIGNATURE(S) OF BIDDERS(S)</p> <p>DATE: -----</p> <p>ADDRESS -----</p> <p>-----</p> <p>..</p>
--

**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 I 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 \_\_\_\_\_

DATE: \_\_\_\_\_





**CONTRACT FORM · RENDERING OF SERVICES**

**PART 2 (TO BE FILLED IN BY THE PURCHASER)**

1.     **■** \_\_\_\_\_ in my capacity 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 \_\_\_\_\_

**DECLARATION OF BIDDER'S PAST SUPPLY CHAIN MANAGEMENT PRACTICES**

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

ITEM	QUESTION	YES	NO
4.1	<p>Is the bidder or any of its directors listed on the National Treasury's database as a company or person prohibited from doing business with the public sector?</p> <p><b>(Companies or persons who are listed on this database were informed in writing of this restriction by the Accounting Officer<sup>1</sup> Authority of the institution that imposed the restriction after the audit alteram partem rule was applied).</b></p> <p><b>The database of Restricted Suppliers now resides on the National Treasury's website (<a href="http://www.treasury.gov.za">www.treasury.gov.za</a>) and can be accessed by clicking on its link at the bottom of the home page.</b></p>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.1.1	If so, furnish particulars:		
4.2	<p>Is the bidder or any of its directors listed on the Register for Bid Defaulters in terms of section 29 of the Prevention and Combating of Corruption Activities Act (No 12 of 2004)?</p> <p><b>(The Register for Bid Defaulters can be accessed on the National Treasury's website (<a href="http://www.treasury.gov.za">www.treasury.gov.za</a>) by clicking on its link at the bottom of the home page.</b></p>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.2.1	If so, furnish particulars:		
4.3	<p>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?</p>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.3.1	If so, furnish particulars:		
4.4	<p>Does the bidder or any of its directors owe any municipal rates and taxes or municipal charges to the municipality municipal entity, or any other municipality municipal entity, that is in arrears for more than three months?</p>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.4.1	If so, furnish particulars:		
4.5	<p>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?</p>	Yes <input type="checkbox"/>	No <input type="checkbox"/>

4.5.1 If so, furnish particulars:

1. 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 to combat the abuse of the supply chain management system.
  
2. **The bid of any bidder may be rejected if the bidder, or any of its directors have:**
  - a) Abused the Municipality'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 or failed to comply with any government, municipal or public sector contract during the past five years; or
  - d) Been listed in the Register for Bid Defaulters in terms of section 29 of the Prevention and Combating of Corruption Activities Act (No 12 of 2004).
  
3. **In order to give effect to the above, the following questionnaire must be completed and submitted with the bid.**

**CERTIFICATION**

**I, THE UNDERSIGNED (FULL NAME) ..... CERTIFY THAT THE INFORMATION FURNISHED ON THIS DECLARATION FORM TO BE 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 Municipal Bidding Document (MBD) must form part of all bids' 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).<sup>2</sup> 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 1 or services for purchasers who wish to acquire goods and 1 or services through a bidding process. Bid rigging is, therefore, an agreement between competitors not to compete.**

**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.**

**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 I Municipal Entity)

do hereby make the following statements that I certify to be true and complete in every respect: I certify, on behalf of: \_\_\_\_\_ that:

(Name of Bidder)

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

**CERTIFICATE FOR PAYMENT OF MUNICIPAL SERVICES  
DECLARATION IN TERMS OF CLAUSE 112(1) OF THE MUNICIPAL FINANCE MANAGEMENT ACT (NO.56  
OF 2003) - (To be signed in the presence of a Commissioner of Oaths)**

**\*FAILURE TO SUBMIT ANY PROOF AS REQUIRED, WILL INVALIDATE THE TENDER**

I, \_\_\_\_\_, \_\_\_\_\_ (full name and ID no.), hereby acknowledge that according to SCM Regulation 38(1)(d)(i), the Municipality may reject the tender of the tenderer if any municipal rates and taxes or municipal service charges owed by the Tenderer or any of its directors/members/partners to Ugu District Municipality, or to any other municipality or municipal entity, are in arrears for more than 3 (three) months.

I declare that I am duly authorised to act on behalf of \_\_\_\_\_ (name of the firm) and hereby declare, that to the best of my personal knowledge, neither the firm nor any director/member/partner of said firm is in arrears on any of its municipal accounts with any municipality in the Republic of South Africa, for a period longer than 3 (three) months.

I further hereby certify that the information set out in this schedule and/or attachment(s) hereto is true and correct.

The Tenderer acknowledges that failure to properly and truthfully complete this schedule may result in the tender being disqualified.

Director / Shareholder / partner.....

Physical /residential address of the Director /shareholder / partner.....

Municipal Account number(s).....

Director / Shareholder / partner.....

Physical /residential address of the Director /shareholder / partner.....

Municipal Account number(s).....

Physical address of the Business.....

Municipal Account number(s).....

.....

Signature Position Date

**NB: Tenderers who reside/whose businesses are situated in the rural area and are not liable for any Municipal Payment for Services MUST submit an Affidavit (SAPS) in confirmation of their declaration.**

**NB: Tenderers who are tenants and are not liable for any Municipal Payment for Services MUST submit a valid Lease Agreement**

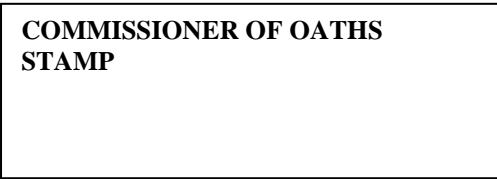
**NB: Tenderers who reside/operating their businesses in a property situated in an urban/ township area that they do not own or rent MUST submit the Municipal Account for the owner and an Affidavit from the owner confirming same.**

**COMMISSIONER OF OATHS**

Signed and sworn to before me at....., on this .....day of  
.....2021

by the Deponent, who has acknowledged that he/she knows and understands the contents of this Affidavit, it is true and correct to the best of his/her knowledge and that he/she has no objection to taking the prescribed oath, and that the prescribed oath will be binding on his/her conscience.

**COMMISSIONER OF OATHS:-**



**Name & Surname**.....

**Signature**.....

**Position:** .....

**Address:**.....



PROVISION OF SUPPORT SERVICES AND A SERVICE LEVEL AGREEMENT OF THE EXISTING LIMS (LABWARE) SYSTEM FOR A PERIOD OF THIRTY-SIX (36) MONTHS  
CONTRACT NO: UGU-05-1592-2021

**ATTACH COPY OF THE LATEST MUNICIPAL ACCOUNT OR AFFIDAVIT OR LEASE AGREEMENT**

*[Failure of a Bidder to submit this will invalidate the bid]*

**FORM OF OFFER AND ACCEPTANCE**

**A. OFFER**

The Employer, identified in the Acceptance signature block, has solicited offers to enter into a contract in respect of the following works:

**PROVISION OF SUPPORT SERVICES AND A SERVICE LEVEL AGREEMENT OF THE EXISTING LIMS (LABWARE) SYSTEM FOR A PERIOD OF 36 MONTHS**

**CONTRACT NO: UGU-05-1592-2021**

The Bidder, identified in the Offer Signature block below, has examined the documents listed in the Specifications and addenda thereto as listed in the Tender Schedules, and by submitting this Offer has accepted the Conditions of Bid.

By the representative of the Bidder, deemed to be duly authorised, signing this part of this Form of Offer and Acceptance, the Bidder offers to perform all of the obligations and liabilities of the Contractor under the Contract including compliance with all its terms and conditions according to their true intent and meaning for an amount to be determined in accordance with the Conditions of Contract identified in the Contract Data.

The offered total of the prices inclusive of Value Added Tax is: .....**AS PER THE PRICING SCHEDULE**.....

This Offer may be accepted by the Employer by signing the Acceptance part of this Form of Offer and Acceptance and returning one copy of this document to the Tenderer before the end of the period of validity stated in the Tender Data, whereupon the Tenderer becomes the party named as the Contractor in the Conditions of Contract identified in the Contract Data.

**Signature:** *(of person authorized to sign the bidder)*:.....

**Name:** *(of signatory in capitals)*:.....

**Capacity:** *(of Signatory)*:.....

**Name of Bidder:** *(organisation)*:.....

**Address:** .....

**Telephone number:** ..... **Fax number:** .....

**Witness**

**Signature:** .....

**Name:** *(in capitals)*:.....

**Date:**.....

**[Failure of a Bidder to fully complete and sign this form will invalidate the bid]**

**B. ACCEPTANCE**

By signing this part of the Form of Offer and Acceptance, the Employer identified below accepts the Tenderer's Offer. In consideration thereof, the Employer shall pay the Contractor the amount due in accordance with the Conditions of Contract identified in the Contract Data. Acceptance of the Tenderer's Offer shall form an agreement between the Employer and the Tenderer upon the terms and conditions contained in this Agreement and in the Contract that is the subject of this Agreement.

The terms of the contract are contained in

Part 1 Agreement, and Specifications (Agreement to be finalised after award)

Part 2 Pricing Schedule

and the schedules, forms and documents or parts thereof, which may be incorporated by reference into Parts 1 to 4 above.

Deviations from and amendments to the documents listed in the Specifications and any addenda thereto listed in the Tender Schedules as well as any changes to the terms of the Offer agreed by the Tenderer and the Employer during this process of offer and acceptance, are contained in the Schedule of Deviations attached to and forming part of this Agreement. No amendments to or deviations from said documents are valid unless contained in this Schedule, which must be duly signed by the authorised representatives of both parties.

**Notwithstanding anything contained herein, this Agreement comes into effect on the date when the Tenderer receives one fully completed original copy of this document, including the Schedule of Deviations (if any). Unless the Tenderer (now Service Provider) within five days of the date of such receipt notifies the Employer in writing of any reason why he cannot accept the contents of this Agreement, this Agreement shall constitute a binding contract between the parties.**

Signature:.....

Name: *(in capitals)*.....

Capacity: .....

Name of Employer *(organisation)* .....

Address: .....

**Witness:**

Signature: .....

Name: .....

Date: .....

**1. TERMS OF REFERENCE**

**1. INTRODUCTION:**

The Ugu District Municipality requires a service provider, to provide a Service Level Agreement for the support and maintenance of the existing LIMS (LABWARE) Laboratory solution as installed, for a period of 36 months for 2 concurrent licenses.

**Applicable contract period: 1 March 2022 – 28 February 2025**

**2. BRIEFING SESSION/SITE INSPECTION**

- a. No compulsory briefing session will not be held for this tender.
- b. All questions must be e-mailed to: Leon Esterhuizen at [Leon.Esterhuizen@ugu.gov.za](mailto:Leon.Esterhuizen@ugu.gov.za) or faxed to 039 688 3503.

**3. FUNCTIONALITY CRITERIA**

All bids will be scored according to the following criteria, any bids received scoring below 60% will be invalid and not considered further.

No.	Criteria	Evidence
1	CV'S OF SUPPORT STAFF  2 or More TECHNICIANS	CV'S
2	OFFICIAL DISTRIBUTOR OF LIMS LABORATORY SOFTWARE	CERTIFICATE
3	CLIENT REFERENCES  3 OR MORE REFERENCES	REFERENCE LETTERS

***All evidence supporting points scored should be annexed to the back of the document and all bidders scoring above 60 will be considered for further evaluation.***

#### 4. SPECIFICATIONS

##### 4.1 SERVICE LEVEL AGREEMENT FOR 36 MONTHS SPECIFICATIONS

Description	Qty	Period
Annual software maintenance (product assurance) LIMS LABWARE for 2 licences	12	1 October 2022 – 30 Sept 2023
	12	1 October 2023 – 30 Sept 2024
	12	1 October 2024 – 30 Sept 2025
Annual Helpdesk software support; unlimited telephonic & email support  <i>Include Entrance for 2 users to the annual Customer Education Conference (Excluding travel costs)</i>	12	1 October 2022 – 30 Sept 2023
	12	1 October 2023 – 30 Sept 2024
	12	1 October 2024 – 30 Sept 2025
LabWare LIMS Upgrade from LabWare 7 to LabWare 8 1 75,272.00 75,272.00 NE  <ul style="list-style-type: none"> <li>• System Upgrade and Installation</li> <li>• Remediate known issues with LIMS Basic routines</li> <li>• Remediation of issues uncovered during informal regression testing</li> <li>• Review Menu routines to replace Automation Scripts Menus</li> <li>• Unforeseen implementation challenges for resolution</li> </ul>	1	March 2022 – May 2022
Contingency Hours / Support for future version upgrades and other support related to the LIMS Labware system  <i>Only to be utilised on an ad-hoc required basis and paid for when / if this support is used</i>	15 days	1 March 2022 – 28 February 2025

**KEY TO SUPPORT REQUIREMENTS:**

DESCRIPTION	APPLICABLE TIMES
<b>Service Availability Times</b>	
General SERVICE availability (Excl Sat, Sun and public holidays)	08:00 – 16:30
Priority 1 INCIDENTS	08:00 – 16:30
Priority 2 INCIDENTS	08:00 – 16:30
All incidents not classified as a Priority 1 or 2	08:00 – 16:30
<b>Remote response times</b>	
Priority 1 Incidents	4 hours
Priority 2 incidents	8 hours

**PRIORITY KEY:**

Priority 1	A priority 1 incident is recognised when the general use of the system is severely restricted for more than half of the users.
Priority 2	A priority 2 incident is recognised when the use of the system by a significant number of users is restricted, as would be the case when a partial system failure occurs, or the general management of the system is adversely affected.

Note: An appropriate SLA will be signed post award of this contract.

## 4.2 OTHER REQUIREMENTS

4.3.1 Nil

## 5. DURATION OF CONTRACT:

36 MONTHS

## 6. NORM / QUALITY

- The norm / quality of the security service to be rendered, must be in accordance with the acceptable standards of the trade concerned.
- All possible steps must be taken by the Contractor to ensure that the correct intended execution of this agreement will take place. These steps include, inter alia, the following:
- The protection of property of the Municipality at the intended site and the protection of the said property against theft, vandalism and any other unlawful act.
- The protection of the Municipality's officials against unlawful acts, including offences referred to in schedule 1 of the Criminal Procedure Act, 1977 (Act 512 of 1977).

## 7. TERMINATION OF SERVICE

The stipulations of the Supply Chain Management Policies and Procedures and General Conditions of contract apply in particular to cases of any failure with any of the conditions of contract, or where an unsatisfactory service is rendered. The contracts are **NOT** automatically renewable upon the end of the 36-month period and should be considered **TERMINATED** at contract expiry.

NOTE: Any amendment(s) or waiving from the stipulations of this contract must occur in writing by mutual consent with the prior approval of the National Municipal Bid Committee.

## 8. INDEMINIFICATION

Ugu District Municipality accepts no responsibility for any loss or damage to the equipment and materials of the contractor and the contractor should ensure that insurance is in place.

## 9. INSURANCE

n/a

## 10. MINIMUM SPECIFICATIONS

These specifications are only minimum specifications. Any shortcomings in the specifications should be pointed out in the quote/bid and provided for in the price. Any additional costs incurred by the service provider because of shortcomings in the quote specifications will be for the service provider's



own account.

#### **11. COMPLIANCE**

Where necessary the service provider must attach explanatory information reference to a paragraph number. The service provider must fully describe how the required functionality will be achieved. Failure to provide sufficient information may disqualify the service provider. Any condition imposed by the service provider that is restrictive or contrary to any part of this tender will automatically disqualify the service provider.

#### **12. BID PRICE**

**Bidders are to complete the pricing schedule located at the back of this tender document.**

**Service provider to ensure pricing for Year 1 and Year 2 and Year 3 accommodates any increases as the prices quoted here will remain firm for the duration of the award**

#### **13. BID FORMAT**

1 (one) original bid must be submitted in the following format:-

- must be SIGNED IN INK by an authorized employee, agent or representative of the Bidder and all pages of the Bid must be initialed
- Bid response and supporting documents must be neatly bound in one file.
- The written delegation of authority to sign all documents must form part of the Bid.
- All documents as required MUST be included in the bid in order for the bid to be considered.

**Ugu District Municipality reserves the right to investigate and verify all the information supplied by the bidder.**

**DOMICILIUM**

The parties hereby choose as their domicilium citandi et executandi for the service of notices and legal document the following street addresses:

**Bidder :**

.....  
.....  
.....

... Tel/Fax Number:-

.....

**Ugu District Municipality**

The Municipal  
Manager 28 Connor  
Street  
Port  
Shepstone  
4240

**CONTACT DETAILS**

The following person may be contacted for more

information:- Mr L Esterhuizen

E-mail :

[Leon.Esterhuizen@ugu.gov.za](mailto:Leon.Esterhuizen@ugu.gov.za)

Fax No: 039 688 3503

**I/We hereby declare that all the information supplied is true and exact.**

\_\_\_\_\_  
SIGNATURE OWNER / MANAGER

DIRECTOR DATE: \_\_\_\_\_

WITNESS: \_\_\_\_\_ (State occupation in

company) DATE: \_\_\_\_\_

*If it is found that any of the above-mentioned information provided is false, the Municipality reserves the right to terminate this contract with immediate effect. The Municipality may VET the successful bidder.*

**CERTIFIED CK DOCUMENTS**

*[Failure of a Bidder to submit this will invalidate the bid]*

**TAX REFERENCE NUMBER AND PIN**

*[Failure of a Bidder to submit this will invalidate the bid]*

## JOINT VENTURE AGREEMENT (WHERE APPLICABLE)

*[Failure of a JOINT VENTURE Bidder to submit this will invalidate the bid]*

**CERTIFIED VALID BBBEE CERTIFICATE**

*[Bidder that does not submit this will not be awarded BBBEE points]*

## CENTRAL SUPPLIER DATABASE REGISTRATION

*[Failure of a Bidder to submit this will invalidate the bid]*

**CV/S OF TECHNICIAN/S**

*[Failure of a Bidder to submit this will result in no allocation of points]*



**PROOF OF OFFICIAL DISTRIBUTOR CERTIFICATION**

*[failure of a bidder to submit this will result in no allocation of points]*

## EXPERIENCE OF BIDDER

*[Failure of a Bidder to submit this will result in no allocation of points]*

## PRICING SCHEDULE

for the Pricing Schedule, please click on the link below and select Categories , and then Tender Attachments from the list displayed.

<https://ugu.gov.za/Pages/Downloads.aspx>