



RFP 12/2022 – REQUEST FOR PROPOSAL FOR THE APPOINTMENT OF A SERVICE PROVIDER FOR A ONCE OFF SUPPLY AND DELIVERY OF 160 UNITS, 220V, 1100W,425mm INDUSTRIAL SCRUBBING/ POLISHING MACHINE INCLUSIVE OF PADS TO THE JOBURG PROPERTY COMPANY

Please note: Do not remove the front page of this document. Keep in order as purchased.

City of Joburg Property Company (SOC) Ltd
Department of Finance: Supply Chain Management Unit

RFP 12/2022

Note: Tender document can be downloaded from JPC website at no cost, via www.jhbproperty.co.za or www.etenders.gov.za

Important Notice

No submission(s) transmitted by fax or other electronic means will be accepted

Closing time of submission: 01 June 2022 at 10h30 (Telkom time) – no bid received after the closing date and time will be accepted or considered.

NB: ALL BIDS WILL BE DEPOSITED AT FORUM I, BLOCK A, 3RD FLOOR, TENDER BOX, AT BRAAMPARK OFFICE PARK.

Opening of submissions: Bids will be opened at City of Joburg Property Company (SOC) Ltd, Forum I, Block A, 3rd floor, Braampark Office Park, 33 Hoofd street, Braamfontein

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NAME OF BIDDER :

Documents to be deposited: 1 original document and a copy of the original on a clearly marked memory stick

Submissions under sealed cover must be addressed to City of Joburg Property Company (SOC) Ltd endorsed with bid number and description, and placed in the tender box no later than the date and time indicated below. City of Joburg Property Company (SOC) Ltd does not take any responsibility for any bids deposited into an incorrect box.

Closing Date: 01 JUNE 2022

Closing Time: 10h30 (Telkom time)

Place: City of Joburg Property Company (SOC) Ltd
Forum I, Block A, 3rd floor, must be dropped in the tender box
Braampark Office Park
33 Hoofd Street, Braamfontein



RFP 12/2022 – REQUEST FOR PROPOSAL FOR THE APPOINTMENT OF A SERVICE PROVIDER FOR A ONCE OFF SUPPLY AND DELIVERY OF 160 UNITS, 220V, 1100W, 425mm INDUSTRIAL SCRUBBING/ POLISHING MACHINE INCLUSIVE OF PADS TO THE JOBURG PROPERTY COMPANY

Contents

INTRODUCTION.....	3
INVITATION TO BID (MBD1).....	4
TENDER ADVERT FOR BID: 12/2022 (JPC MBD 2).....	6
GENERAL TERMS OF REFERENCE PROCEDURES AND CONDITIONS (JPC MBD3).....	9
DECLARATION OF INTEREST (MBD 4)	11
PRICING SCHEDULE (MBD 5).....	15
PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL PROCUREMENT REGULATIONS 2017 (MBD 6.1).....	16
LOCAL CONTENT	
BIDDER'S INFORMATION (JPC MBD 7.1).....	21
DECLARATION OF BIDDERS PAST SUPPLY CHAIN MANAGEMENT PRACTICES (MBD 8).....	22
CERTIFICATE OF INDEPENDENT BID DETERMINATION (MBD 9).....	24
SCOPE OF WORK (JPC MBD 10).....	27
BID SPECIFICATIONS (JPC MBD 11).....	28
EVALUATION CRITERIA (JPC MBD 12).....	29
STANDARD CONDITIONS OF SUBMISSION (JPC MBD 13)	34
JPC STANDARD CONDITIONS OF APPOINTMENT (JPC MBD 14).....	38
REGISTRATION DOCUMENTS (JPC MBD 15).....	41
BIDDER'S COMPANY PROFILE (JPC MBD 16).....	42
POWER OF ATTORNEY OR COMPANY RESOLUTION (JPC MBD 17)	43
PROOF OF UP TO DATE MUNICIPAL ACCOUNT / AFFIDAVIT / PROOF OF ARRANGEMENTS TO SETTLE ARREARS (JPC MBD 18).....	44
JOINT VENTURE / CONSORTIUM AGREEMENT (JPC MBD 19).....	45



RFP 12/2022 – REQUEST FOR PROPOSAL FOR THE APPOINTMENT OF A SERVICE PROVIDER FOR A ONCE OFF SUPPLY AND DELIVERY OF 160 UNITS, 220V, 1100W, 425mm INDUSTRIAL SCRUBBING/ POLISHING MACHINE INCLUSIVE OF PADS TO THE JOBURG PROPERTY COMPANY

INTRODUCTION

The City of Johannesburg

- a) In 2000, Johannesburg was restructured to become a single metropolitan authority and elections were held for an executive mayor and unified local government.
- b) Since then, the City has enjoyed a financial turnaround, with the creation of a credible and stable operating environment. This stability, strong centralised co-ordination and oversight has allowed the City to play a crucial role in building the economy, and implementing policies and structures to support economic growth and poverty alleviation.
- c) All urban development in Joburg is guided by the Growth and Development Strategy.

The City of Joburg Property Company (JPC)

- a) The City of Joburg Property Company SOC Ltd (JPC), established in 2000, is a dynamic company mandated to manage and develop the City of Johannesburg's (CoJ) property assets for the purpose of maximising both social and commercial opportunities for the Council.
- b) Dedicated to finding solutions to the developmental challenges facing the City of Johannesburg, the JPC utilises council-owned land assets to leverage private sector investment in public infrastructure. The JPC, on behalf of the CoJ, provides Property Asset Management, Property Management (Commercial), Property Management (Social), as well as Facilities Management and Maintenance Services; and its relevant subsidiary services.
- c) Therefore the JPC prides itself as the arm responsible for maximising the social, economic and financial value of the CoJ's total property portfolio and enhancing its efficient use of property to drive investment, economic growth and job creation. The JPC aims to achieve its objectives by focusing on the following imperatives:
 - Realising value (social, financial and economic) for the CoJ;
 - Supporting economic development and aligning the CoJ property portfolio with CoJ priorities;
 - Increasing the effectiveness of economically viable municipalities and social use of properties; and
 - Management of risk and return with respect to the property portfolio and property transactions for the CoJ.



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INVITATION TO BID (MBD1)

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE CITY OF JOBURG PROPERTY COMPANY SOC LTD

BID NUMBER:	RFP 12/2022	CLOSING DATE	01 JUNE 2022	CLOSING TIME	10H30 (Telkom Time)
DESCRIPTION	REQUEST FOR PROPOSAL FOR THE APPOINTMENT OF A SERVICE PROVIDER FOR A ONCE OFF SUPPLY AND DELIVERY OF 160 UNITS, 220V, 1100W,425mm INDUSTRIAL SCRUBBING/ POLISHING MACHINE INCLUSIVE OF PADS TO THE JOBURG PROPERTY COMPANY				

THE SUCCESSFUL BIDDERS WILL BE REQUIRED TO ENTER INTO AN AGREEMENT WITH THE CITY OF JOBURG PROPERTY COMPANY SOC LTD

BID RESPONSE DOCUMENTS MUST BE DEPOSITED IN THE BID BOX SITUATED AT THE FORUM 1, BLOCK A, 3RD FLOOR, BRAAMPARK OFFICE PARK, 33 HOOFD STREET, BRAAMFONTEIN, JOHANNESBURG. ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS – (NOT TO BE RE-TYPED OR AMENDED)

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:	
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		

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

<i>SIGNATURE OF BIDDER</i>	<i>DATE</i>	
<i>CAPACITY UNDER WHICH THIS BID IS SIGNED</i>			

**Municipal Entity: City of Joburg Property Company (SOC) Ltd.
Contact Person : Supply Chain Management Unit
Email : tenders@jhbproperty.co.za**



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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–OR DOWNLOADED ONLINE (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.

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 3 BELOW.
- 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:.....



RFP 12/2022 – REQUEST FOR PROPOSAL FOR THE APPOINTMENT OF A SERVICE PROVIDER FOR A ONCE OFF SUPPLY AND DELIVERY OF 160 UNITS, 220V, 1100W,425mm INDUSTRIAL SCRUBBING/ POLISHING MACHINE INCLUSIVE OF PADS TO THE JOBURG PROPERTY COMPANY

TENDER ADVERT FOR BID: RFP 12 /2022 (JPC MBD 2)

RFP 12/2022 – REQUEST FOR PROPOSAL FOR THE APPOINTMENT OF A SERVICE PROVIDER FOR A ONCE OFF SUPPLY AND DELIVERY OF 160 UNITS, 220V, 1100W,425mm INDUSTRIAL SCRUBBING/ POLISHING MACHINE INCLUSIVE OF PADS TO THE JOBURG PROPERTY COMPANY

Bid Number	RFP 12 /2022
Bid Description	RFP 12/2022 – REQUEST FOR PROPOSAL FOR THE APPOINTMENT OF A SERVICE PROVIDER FOR A ONCE OFF SUPPLY AND DELIVERY OF 160 UNITS, 220V, 1100W,425mm INDUSTRIAL SCRUBBING/ POLISHING MACHINE INCLUSIVE OF PADS TO THE JOBURG PROPERTY COMPANY
Non Compulsory Briefing Session Date	No Briefing Sessions
Document Availability Date	18 May 2022
Document Cost	Tender document can be downloaded from JPC website and E-tenders website at no cost, via www.jhbproperty.co.za or www.etenders.gov.za
Closing Date	01 June 2022 at 10h30 (Telkom time)
Compliance Requirements before an award is made to the successful Bidder	<ul style="list-style-type: none"> Valid Tax Compliant Verification PIN number issued by SARS. Proof of registration of the Bidder as follows: <ul style="list-style-type: none"> Natural persons- certified copy of ID document/ passport Partnership- copy of Partnership Agreement plus IDs of all partners Company- current CM29/COR 20.1 Close Corporation- current copy of CK1 and/or CK2C and/or COR 20.1 Trust- letter of appointment from the Master of the High Court of SA and deed of trust JV/Consortium- JV/Consortium Agreement plus CIPC and/or ID documents of all JV/Consortium partners Entity BBBEE Certificate or JV/Consortium Consolidated BBBEE Certificate or BBBEE Sworn Affidavit Up to date Municipal Account not older than three (3) months and not over three (3) months in arrears for the individual / Proof that acknowledgements or arrangements have been made to settle arrears / Valid Lease agreement / Affidavit stating why an up to date municipal account cannot be submitted. Up to date Municipal Account not older than three (3) months and not over three (3) months in arrears for the Entity / Proof that acknowledgements or arrangements have been made to settle arrears / Valid Lease agreement / Affidavit stating why an up to date municipal account cannot be submitted



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	<ul style="list-style-type: none"> Up to date Municipal Account not older than three (3) months and not over three (3) months in arrears for the Director (s) or Member (s) / Proof that acknowledgements or arrangements have been made to settle arrears /Valid Lease agreement / Affidavit stating why an up to date municipal account cannot be submitted In the event the bidder is tendering as a Joint Venture/Consortium, all members of the JV/Consortium must submit all required documentation and a JV / Consortium agreement Central Supplier Database (CSD) registration valid on tender closing date Company resolution. Signature of the following documents; <ul style="list-style-type: none"> Declaration of interest in MBD 4 Bidders Information in JPC MBD 7.1 Declaration of the Bidder's Past Supply Chain Practices in MBD 8, and Certificate of Independent Bid Determination in MBD 9, If the entity or any of its Directors are listed on the National Treasury register of defaulters, they will be disqualified.
Evaluation Criteria	Functionality, Price and B-BBEE $P_s = 80 \left(1 - \frac{P_t - P_{min}}{P_{min}} \right)$
Submissions Address	City of Joburg Property Company SOC Ltd, Forum I, Block A, 3 rd floor, 33 Hoofd Street, Braam Park, Office Park, Braamfontein
Enquiries	tenders@jhbproperty.co.za

Please note the following conditions of submission:

- No late proposals will be considered.
- City of Joburg Property Company (SOC) Ltd reserves the right not to accept any proposals/accept part of the proposals, or to withdraw the call for proposals.
- 1 original document and a copy of the original in clearly marked memory stick

Helen Botes
Chief Executive Officer
City of Joburg Property Company SOC Ltd
Forum I, Building, Braam Park
Office Park, 33 Hoofd Street,
Braamfontein Johannesburg

Contact Details
Supply Chain Management
Department
tenders@jhbproperty.co.za



www.jhbproperty.co.za



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BID DESCRIPTION: RFP 12/2022 – REQUEST FOR PROPOSAL FOR THE APPOINTMENT OF A SERVICE PROVIDER FOR A ONCE OFF SUPPLY AND DELIVERY OF 160 UNITS, 220V, 1100W,425mm INDUSTRIAL SCRUBBING/ POLISHING MACHINE INCLUSIVE OF PADS TO THE JOBURG PROPERTY COMPANY

BID DOCUMENTS CANNOT BE POSTED.

BID DOCUMENTS MUST BE PLACED IN A SEALED MARKED ENVELOPE AND DEPOSITED IN THE BID BOX SITUATED AT: **FORUM I, BLOCK A, 3rd FLOOR, BRAAMPARK OFFICE PARK, 33 HOOFD STREET, BRAAMFONTEIN.**

BIDDERS SHOULD ENSURE THAT BIDS ARE DELIVERED TIMEOUSLY AT THE CORRECT ADDRESS.

INCOMPLETE, UNSIGNED DOCUMENTS/FORMS MAY BE REJECTED. JPC WILL NOT ACCEPT LATE RESPONSES.

ALL PAGES MUST BE INITIALLED.

1 ORIGINAL DOCUMENT AND A COPY OF THE ORIGINAL IN CLEARLY MARKED MEMORY STICK

The bid box is accessible until 10:30 (Telkom Time) on the day of closing.

ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS (NOT TO BE RE-TYPED).

THIS BID IS SUBJECT TO JPC'S STANDARD CONDITIONS OF APPOINTMENT (JPC MBD 15) AND, IF APPLICABLE, ANY OTHER SPECIAL CONDITIONS OF CONTRACT.



RFP 12/2022 – REQUEST FOR PROPOSAL FOR THE APPOINTMENT OF A SERVICE PROVIDER FOR A ONCE OFF SUPPLY AND DELIVERY OF 160 UNITS, 220V, 1100W, 425mm INDUSTRIAL SCRUBBING/ POLISHING MACHINE INCLUSIVE OF PADS TO THE JOBURG PROPERTY COMPANY

GENERAL TERMS OF REFERENCE PROCEDURES AND CONDITIONS (JPC MBD3)

1. Purpose

The purpose of this request is to obtain proposals from service providers to supply and deliver 160 units, 220V, 425mm Industrial Scrubbing/Polishing Machine inclusive of pads to the Joburg Property Company.

2. Conditions of Proposal

- 2.1 The City of Joburg Property Company (SOC) Ltd (Reg. No 2000/017147/07) (“JPC”), hereby invites interested suitable qualified/experienced Bidders to submit proposals for consideration for the appointment for the work described in this RFP.
- 2.2 Appointment will be made in accordance with JPC’s standard conditions of contract.

3. Submission of Proposals

- a. 1 original document and a copy of the original in clearly marked memory stick
- b. Proposals must be submitted on or before 10:30 (Telkom Time) on the closing date.
- c. Each Proposal must be clearly marked with the title of the bid as per the cover page.
- d. The completed proposal call documents must be deposited in the tender box made available at **Forum I, Block A, 3rd floor, Braampark Office Park, 33 Hoofd Street, Braamfontein.**

BID DOCUMENTS CANNOT BE POSTED

BID DOCUMENTS MUST BE PLACED IN A SEALED MARKED ENVELOPE AND DEPOSITED IN THE BID BOX SITUATED AT: FORUM I, BLOCK A, 3RD FLOOR, BRAAMPARK OFFICE PARK, 33 HOOFD STREET, BRAAMFONTEIN.

BIDDERS SHOULD ENSURE THAT BIDS ARE DELIVERED TIMEOUSLY TO THE CORRECT ADDRESS. BID SUBMITTED AFTER THE CLOSING DATE AND CLOSING TIME WILL NOT BE ACCEPTED FOR CONSIDERATION.

The bid box is accessible until 10:30 (Telkom Time) on the day of closing.

4. Further Conditions

- a. The Bidder(s) shall be deemed to have satisfied itself as to all of the conditions, procedures and performance and discharge of the obligations required in terms of this document.
- b. The Bidder(s) shall be deemed to know and understand the content of this document and a submission of a Proposal will indicate the Proposer(s) unconditional acceptance of all the terms and conditions contained in this document.
- c. The information required in the Proposal must be provided accurately and honestly. Bidder(s), who fail to provide such information to the satisfaction of the JPC, will be disqualified from the proposal call process.



RFP 12/2022 – REQUEST FOR PROPOSAL FOR THE APPOINTMENT OF A SERVICE PROVIDER FOR A ONCE OFF SUPPLY AND DELIVERY OF 160 UNITS, 220V, 1100W, 425mm INDUSTRIAL SCRUBBING/ POLISHING MACHINE INCLUSIVE OF PADS TO THE JOBURG PROPERTY COMPANY

- d. All details provided by the Bidder(s) will be regarded as material representations, on the basis of which the JPC based the evaluation of the proposal. Any misrepresentation will be treated as material and will, result in the disqualification of the specific proposal by JPC and/or termination of the subsequent appointment.
- e. JPC will not be held responsible or liable for any costs whatsoever and /or losses incurred or suffered by the Bidder(s) or any other party or parties for whatsoever reason as a result of the Proposal.
- f. Neither the appointed Bidder(s) nor the resulting contract may be ceded or assigned to a third party unless the Bidder(s) state that he/she/it is acting as agent on behalf of a another person or entity or such cession or assignment is approved by JPC for justifiable reasons.
- g. The evaluation of bids will be completed by the JPC.
- h. JPC reserves the right to seek clarification or further information from Bidders and or to the request the submission of required documents within a specified time, and to appoint professionals to advise on aspects of the proposals submitted.
- i. JPC reserve the right to make an appointment to more **than one bidder**, in whole or in part.
- j. JPC reserve the right to negotiate a final proposal with any of the Bidder(s).
- k. JPC does not bind itself to accept any proposal submitted.
- l. JPC may at its discretion withdraw the proposal call process at any stage during the process.

Enquiries

Only email enquiries will be accepted, such enquiries must be directed to:
tenders@jhbproperty.co.za

POSTAL ADDRESS
STREET ADDRESS
TELEPHONE NUMBER CODE NUMBER
CELLPHONE NUMBER CODE NUMBER
FACSIMILE NUMBER CODE NUMBER
E-MAIL ADDRESS
SIGNATURE OF BIDDER
DATE
CAPACITY UNDER WHICH THIS BID IS SIGNED

DECLARATION OF INTEREST (MBD 4)

1. No bid will be accepted from persons in the service of the state¹.
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 favoritism, 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 authorized 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.

No.	Information	Please provide detail	
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		
Note	<i>(The names of all directors / trustees / shareholders members, their individual identity numbers and state employee numbers must be indicated in paragraph 4 below.)</i>		
3.7	Are you presently in the service of the state?	Yes	No
	If yes, please furnish particulars :		
3.7.1	Name of director		

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No.	Information	Please provide detail	
3.7.2	Service of state organisation		
3.8	Have you been in the service of the state for the past twelve months? If yes, please furnish particulars :	Yes	No
3.8.1	Name of director		
3.8.2	Service of state organisation		
3.9	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? If yes, please furnish particulars :	Yes	No
3.9.1	Name of person in the service of state		
3.9.2	Relationship		
3.10	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? If yes, please furnish particulars :	Yes	No
3.10.1	Name of person in the service of state		
3.10.2	Relationship		
3.11	<i>Are any of the company's directors, trustees, managers, principle shareholders or stakeholders in service of the state?</i> If yes, please furnish particulars :	Yes	No
3.11.1	Name of director		
3.11.2	Service of state organisation		

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No.	Information	Please provide detail	
3.12	Is any spouse, child or parent of the company's director trustees, managers, principle shareholders or stakeholders in service of the state? If yes, please furnish particulars:	Yes	No
3.12.1	Name of director		
3.12.2	Name of relative		
3.12.3	Relationship		
3.13	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? If yes, please furnish particulars:	Yes	No
3.13.1	Name of director		
3.13.2	Related company		
Note:	<p>SCM Regulations:</p> <p>"1In the service of the state" means to be –</p> <ul style="list-style-type: none"> (a) a member of – <ul style="list-style-type: none"> (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. <p>"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.</p>		



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

Full Name	Identity Number	State Employee Number

5. I, the undersigned certify that the information furnished on this declaration form is correct.

I accept that the state may act against me should this declaration prove to be false.	
NAME OF REPRESENTATIVE	AUTHORISED SIGNATURE (UNDERSIGNED)
DATE	CAPACITY



RFP 12/2022 – REQUEST FOR PROPOSAL FOR THE APPOINTMENT OF A SERVICE PROVIDER FOR A ONCE OFF SUPPLY AND DELIVERY OF 160 UNITS, 220V, 1100W,425mm INDUSTRIAL SCRUBBING/ POLISHING MACHINE INCLUSIVE OF PADS TO THE JOBURG PROPERTY COMPANY

PRICING SCHEDULE (JPC MBD 5)

#	Description	Unit price (VAT exclusive)	Required quantity	Total
1	220V, 1100V, 425mm Industrial Scrubbing/Polishing Machine inclusive of pads and must be SABS approved.		160	
VAT @ 15%				
TOTAL PRICE OFFER VAT INCLUSIVE				

PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL PROCUREMENT REGULATIONS 2017 (MBD 6.1)

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.

1. GENERAL CONDITIONS

1.1 The following preference point systems are applicable to this bid:

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

1.2

- a) The value of this bid could not be determined, therefore the highest acceptable tender will be used to determine the applicable preference point system; or
- b) The 80/20 preference point system will be applicable to this tender.

1.3 Points for this bid shall be awarded for:

- (a) Financial Offer; and
- (b) B-BBEE Status Level of Contributor.

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

	POINTS
FINANCIAL OFFER	80
B-BBEE STATUS LEVEL OF CONTRIBUTOR	20
TOTAL POINTS FOR FINANCIAL OFFER AND B-BBEE MUST NOT EXCEED	100

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:
 - 1) B-BBEE Status level certificate issued by an authorised body or person;
 - 2) A sworn affidavit as prescribed by the B-BBEE Codes of Good Practice;
 - 3) 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 FINANCIAL OFFER

3.1 THE 80/20 PREFERENCE POINT SYSTEMS

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

80/20

$$P_s = 80 \left(1 - \frac{P_t - P_{min}}{P_{min}} \right)$$

Where

Ps = Points scored for financial offer of bid under consideration

Pt = Financial Offer of bid under consideration

Pmin = Financial Offer of lowest acceptable minimum 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:

Price	80
B-BBEE Status Level of Contribution	Number of Points 20
1	20
2	18
3	14
4	12
5	8
6	6
7	4
8	2
Non - Contributor	0
Maximum	20
Total	100

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 Contributor: . =(maximum of 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.

7. SUB-CONTRACTING

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



RFP 12/2022 – REQUEST FOR PROPOSAL FOR THE APPOINTMENT OF A SERVICE PROVIDER FOR A ONCE OFF SUPPLY AND DELIVERY OF 160 UNITS, 220V, 1100W,425mm INDUSTRIAL SCRUBBING/ POLISHING MACHINE INCLUSIVE OF PADS TO THE JOBURG PROPERTY COMPANY

(Tick applicable box)

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

7.1.1 If yes, indicate:

- i) What percentage of the contract will be subcontracted.....%
- ii) The name of the sub-contractor.....
- iii) The B-BBEE status level of the sub-contractor.....
- iv) Whether the sub-contractor is an EME or QSE

(Tick applicable box)

YES	<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:

Designated Group: An EME or QSE which is at least 51% owned by:	EME √	QSE √
Black people (As defined by the Act B-BBEE Number 46 of 2013 and any amended)		

8. DECLARATION WITH REGARD TO COMPANY/FIRM

8.1 Name of company/firm:.....

8.2 VAT registration number:.....

8.3 Company registration number:.....

8.4 TYPE OF COMPANY/ FIRM

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

[TICK APPLICABLE BOX]

8.5 DESCRIBE PRINCIPAL BUSINESS ACTIVITIES

.....
.....

8.6 COMPANY CLASSIFICATION

- ☐ Manufacturer

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

[TICK APPLICABLE BOX]

8.7 MUNICIPAL INFORMATION

Municipality where business is situated:

Registered Account Number:

Stand Number:.....

8.8 Total number of years the company/firm has been in business:.....

8.9 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-BBEE 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.



RFP 12/2022 – REQUEST FOR PROPOSAL FOR THE APPOINTMENT OF A SERVICE PROVIDER FOR A ONCE OFF SUPPLY AND DELIVERY OF 160 UNITS, 220V, 1100W,425mm INDUSTRIAL SCRUBBING/ POLISHING MACHINE INCLUSIVE OF PADS TO THE JOBURG PROPERTY COMPANY

BIDDER'S INFORMATION (JPC MBD 7.1)

Name of Bidder			
ID /Passport/ Registration Number			
Nature of bidder (tick one)	Natural Person/ Sole Proprietor		
	School/NGO/Trust		
	Company/ CC/ Partnership		
	Joint Venture (JV)		
Postal Address		Tel	
		Cell	
		Email	
		Fax	
BIDDER BANKING DETAILS			
Name of bidder's Banker			
Contact details of banker			

Please indicate how you became aware of the invitation to submit this Proposal			
The Star		JPC website	
Sowetan		E- Tenders	
JPC Social Media Accounts		Business Day	

I, the undersigned certify that the information furnished on this declaration form is correct.

I accept that the state may act against me should this declaration prove to be false.	
NAME OF REPRESENTATIVE	AUTHORISED SIGNATURE (UNDERSIGNED)
DATE	CAPACITY

DECLARATION OF BIDDERS PAST SUPPLY CHAIN MANAGEMENT PRACTICES (MBD 8)

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:
 - 3.1. Abused the municipality's / municipal entity's supply chain management system or committed any improper conduct in relation to such system;
 - 3.2. been convicted for fraud or corruption during the past five years;
 - 3.3. willfully neglected, reneged on or failed to comply with any government, municipal or other public sector contract during the past five years; or
 - 3.4. 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	<p>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?</p> <p>(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 <i>audi alteram partem</i> rule was applied).</p> <p>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</p>	Yes	No
4.1.1	If so, furnish particulars:		
4.2	<p>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)?</p> <p>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.</p>	Yes	No



RFP 12/2022 – REQUEST FOR PROPOSAL FOR THE APPOINTMENT OF A SERVICE PROVIDER FOR A ONCE OFF SUPPLY AND DELIVERY OF 160 UNITS, 220V, 1100W, 425mm INDUSTRIAL SCRUBBING/ POLISHING MACHINE INCLUSIVE OF PADS TO THE JOBURG PROPERTY COMPANY

Item	Question	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:		

I, the undersigned certify that the information furnished on this declaration form is correct.

I accept that the state may act against me should this declaration prove to be false.	
NAME OF REPRESENTATIVE	AUTHORISED SIGNATURE (UNDERSIGNED)
DATE	CAPACITY



RFP 12/2022 – REQUEST FOR PROPOSAL FOR THE APPOINTMENT OF A SERVICE PROVIDER FOR A ONCE OFF SUPPLY AND DELIVERY OF 160 UNITS, 220V, 1100W, 425mm INDUSTRIAL SCRUBBING/ POLISHING MACHINE INCLUSIVE OF PADS TO THE JOBURG PROPERTY COMPANY

CERTIFICATE OF INDEPENDENT BID DETERMINATION (MBD 9)

1. This municipal bidding document (MBD) must form part of all bids¹ 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 per 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:
 - 3.1. take all reasonable steps to prevent such abuse;
 - 3.2. 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
 - 3.3. 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.



RFP 12/2022 – REQUEST FOR PROPOSAL FOR THE APPOINTMENT OF A SERVICE PROVIDER FOR A ONCE OFF SUPPLY AND DELIVERY OF 160 UNITS, 220V, 1100W, 425mm INDUSTRIAL SCRUBBING/ POLISHING MACHINE INCLUSIVE OF PADS TO THE JOBURG PROPERTY COMPANY

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 authorised 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 authorised 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 organisation, 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 consortium³ will not be construed as collusive bidding.
7. In particular, without limiting the generality of paragraphs 6 above, there has been no



RFP 12/2022 – REQUEST FOR PROPOSAL FOR THE APPOINTMENT OF A SERVICE PROVIDER FOR A ONCE OFF SUPPLY AND DELIVERY OF 160 UNITS, 220V, 1100W, 425mm INDUSTRIAL SCRUBBING/ POLISHING MACHINE INCLUSIVE OF PADS TO THE JOBURG PROPERTY COMPANY

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.

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

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

.....
Signature

.....
Date

.....
Position

.....
Name of Bidder



RFP 12/2022 – REQUEST FOR PROPOSAL FOR THE APPOINTMENT OF A SERVICE PROVIDER FOR A ONCE OFF SUPPLY AND DELIVERY OF 160 UNITS, 220V, 1100W, 425mm INDUSTRIAL SCRUBBING/ POLISHING MACHINE INCLUSIVE OF PADS TO THE JOBURG PROPERTY COMPANY

SCOPE OF WORK (JPC MBD 10)

The successful Bidder/s of RFP 12/2022 will be required to supply and deliver 160 units, 220V, 425mm, 1100W, Industrial Scrubbing/Polishing Machine inclusive of pads to the Joburg Property Company in a satisfactory manner that also meets compliance on transportation safety regulations, within the maximum time frame of **7days**.

1. SPECIAL CONDITIONS

- ✓ **The equipment must be SABS approved**
- ✓ **The bidder to provide 12 months' guarantee on the equipment on delivery**
- ✓ **The bidder to provide 12 months' warranty on the equipment on delivery**
- ✓ **The Bidder to provide training on the equipment to staff within 14 days of delivery thereof.**



RFP 12/2022 – REQUEST FOR PROPOSAL FOR THE APPOINTMENT OF A SERVICE PROVIDER FOR A ONCE OFF SUPPLY AND DELIVERY OF 160 UNITS, 220V, 1100W,425mm INDUSTRIAL SCRUBBING/ POLISHING MACHINE INCLUSIVE OF PADS TO THE JOBURG PROPERTY COMPANY

BID SPECIFICATIONS (JPC MBD 11)

#	Description	Specification	Required Quantities
1	160 units, 220V, 1100W,425MM Industrial Scrubbing/Polishing Machine inclusive of pads	Product must be able to change easily from a scrubbing brush to a drive pad. Product type: Should be an entry level industrial scrubbing/polishing machine Scrubbing width: 425mm Must come with: <ul style="list-style-type: none">➤ solution tank,➤ drive disc,➤ hard scrubbing brush and➤ soft scrubbing brush➤ 10 Litre tank	160



RFP 12/2022 – REQUEST FOR PROPOSAL FOR THE APPOINTMENT OF A SERVICE PROVIDER FOR A ONCE OFF SUPPLY AND DELIVERY OF 160 UNITS, 220V, 1100W, 425mm INDUSTRIAL SCRUBBING/ POLISHING MACHINE INCLUSIVE OF PADS TO THE JOBURG PROPERTY COMPANY

EVALUATION CRITERIA (JPC MBD 12)

Bids will be evaluated as follows:

1. COMPLIANCE CRITERIA BEFORE AN AWARD IS MADE TO THE SUCCESSFUL BIDDER

- Valid Tax Compliant Verification PIN number issued by SARS.
- Proof of registration of the Bidder as follows:
 - Natural persons- certified copy of ID document/ passport
 - Partnership- copy of Partnership Agreement plus IDs of all partners
 - Company- current CM29/COR 20.1
 - Close Corporation- current copy of CK1 and/or CK2C and/or COR 20.1
 - Trust- letter of appointment from the Master of the High Court of SA and deed of trust
- JV/Consortium- JV/Consortium Agreement plus CIPC and/or ID documents of all JV/Consortium partners
- Entity BBBEE Certificate or JV/Consortium Consolidated BBBEE Certificate or BBBEE Sworn Affidavit
- Up to date Municipal Account not older than three (3) months and not over three (3) months in arrears for the individual / Proof that acknowledgements or arrangements have been made to settle arrears / Valid Lease agreement / Affidavit stating why an up to date municipal account cannot be submitted.
- Up to date Municipal Account not older than three (3) months and not over three (3) months in arrears for the Entity / Proof that acknowledgements or arrangements have been made to settle arrears Valid Lease agreement / Affidavit stating why an up to date municipal account cannot be submitted
- Up to date Municipal Account not older than three (3) months and not over three (3) months in arrears for the Director (s) or Member (s) / Proof that acknowledgements or arrangements have been made to settle arrears /Valid Lease agreement / Affidavit stating why an up to date municipal account cannot be submitted
- In the event the bidder is tendering as a Joint Venture/Consortium, all members of the JV/Consortium must submit all required documentation and a JV / Consortium agreement
- Central Supplier Database (CSD) registration valid on tender closing date
- Company resolution.
- Signature of the following documents;
 - Declaration of interest in MBD 4
 - Bidders Information in JPC MBD 7.1
 - Declaration of the Bidder's Past Supply Chain Practices in MBD 8, and
 - Certificate of Independent Bid Determination in MBD 9,
- If the entity or any of its Directors are listed on the National Treasury register of defaulters, they will be disqualified.

3 EVALUATION CRITERIA

TECHNICALITY / FUNCTIONALITY EVALUATION

Bids will be evaluated in order to establish whether they meet the minimum required thresholds for functionality. In this regard, bidders are required to achieve a functional score of not less than 70 points out of 100. Failure to meet 70 points, the bidder will not be evaluated further.

FUNCTIONALITY	WEIGHT	REQUIRED EVIDENCE
<p>DELIVERY</p> <p>Bidder to provide confirmation/commitment letter that the 160 units, 220V, 1100W,425MM Industrial Scrubbing/Polishing Machine inclusive of pads are available and will be delivered within 7 days from the date of the purchase order (40 points)</p> <ul style="list-style-type: none"> No confirmation/commitment letter would result in the bidder scoring zero (0) 	40	<p>Bidder to provide signed confirmation/commitment letter on the bidder's letterhead confirming that the required equipment is available and commit that it would be delivered within a maximum of 7 days from the date of the purchase order.</p>
<p>FINANCIAL CAPABILITY</p> <p>The Bidder to provide proof of its financial capability to provide the cleaning equipment. (60 points):</p> <ul style="list-style-type: none"> The Bidder to provide proof of access to R2 324 000.00 or more. (60 points) Proof of access to below R2 324 000.00 (0 points) Failure to provide proof will result in the bidder scoring zero (0 points) <p>NOTE: VERIFICATIONS WILL BE DONE ON THE RECOMMENDED BIDDER</p>	60	<p>Approved Credit line from the Bidder's Service Provider/ Manufacturer/ Supplier for the amount not less than R2 324 000.00</p> <p>OR</p> <p>Bidder's Bank Statement showing available funds not less than R2 324 000.00 (statement not older than 30 days on date of closing)</p> <p>OR</p> <p>Confirmation of any other source of funding <u>and</u> related proof of available funding from that source for not less than R2 324 000.00</p> <p>The Bidder must note that JPC has advertised 5 RFP's for cleaning</p>



RFP 12/2022 – REQUEST FOR PROPOSAL FOR THE APPOINTMENT OF A SERVICE PROVIDER FOR A ONCE OFF SUPPLY AND DELIVERY OF 160 UNITS, 220V, 1100W, 425mm INDUSTRIAL SCRUBBING/ POLISHING MACHINE INCLUSIVE OF PADS TO THE JOBURG PROPERTY COMPANY

FUNCTIONALITY	WEIGHT	REQUIRED EVIDENCE
		equipment, each requiring proof of funding. The Bidder is to ensure that it provides proof of funding for the total of the bids it has tendered for across these RFP's.
TOTAL	100	

STAGE 2 PRICE AND B-BBEE

Only those bids that meet the criteria stated for Stage 1 will be evaluated at this stage. Bids will be evaluated using the 80:20 principles, as per MFMA Circular No.53 of the National Treasury, was follows:

BROAD BASED BLACK ECONOMIC EMPOWERMENT (20)

BBBEE is a deliberate socio-economic process or intervention strategy designed to redress the imbalances of the past and to facilitate the participation of Black people in the economy. JPC shall apply the provisions of the Broad Based Black Economic Empowerment Act and its codes of good practice as verification of the Tenderers' BEE status. Preference will be given to BBBEE Tenderers.

FORMULA FOR SCORING TENDER PRICE

The following formula will be used to calculate the points for price.

$$P_s = 80 [1 - (P_t - P_{min})]$$

P_{min}

Where

P_s = Points scored for price of tender under consideration

P_t = Price of tender under consideration

P_{min} = Price of lowest acceptable tender

POINTS AWARDED FOR B-BBEE STATUS LEVEL

The points allocated to a tenderer will be in accordance with the **Preferential Procurement Regulations, 2017** published in Government Gazette.

The following table is applicable.

Price	80
B-BBEE Status Level of Contribution	Number of Points 20
1	20
2	18
3	14
4	12
5	8
6	6
7	4
8	2
Non - Contributor	0
Maximum	20
Total	100

Notes:

1. “B-BBEE status level of contributor” means the B-BBEE status received by a measured entity based on its overall performance using the relevant scorecard contained in the Codes of Good Practice on Black Economic Empowerment, issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act (Act No.53 of 2003). Construction Sector
2. Tenderers must submit their valid sworn affidavit/ certified copy B-BBEE certificate substantiating their B-BBEE rating. Certificates issued by either verification agencies accredited by the South African Accreditation System (SANAS) are acceptable.
3. The submission of such certificates must comply with the requirements of instructions and guidelines issued by the National Treasury and be in accordance with notices published by the Department of Trade and Industry in the Government Gazette.
4. A consortium or joint venture will qualify for points for their B-BBEE status level as a legal entity, provided that the entity submits their combined B-BBEE status level certificate.
5. A Consortium or joint venture will qualify for points for their B-BBEE status level as an unincorporated entity, provided that the entity submits their consolidated B-BBEE scorecard as if they were a group structure and that such a consolidated B-BBEE scorecard is prepared for every separate tender.
6. Failure to submit the above will result in scoring zero (0) on B-BBEE.



RFP 12/2022 – REQUEST FOR PROPOSAL FOR THE APPOINTMENT OF A SERVICE PROVIDER FOR A ONCE OFF SUPPLY AND DELIVERY OF 160 UNITS, 220V, 1100W, 425mm INDUSTRIAL SCRUBBING/ POLISHING MACHINE INCLUSIVE OF PADS TO THE JOBURG PROPERTY COMPANY

TOTAL PREFERENCE POINTS

The total preference points for a tender are calculated with the formula

PP = P_s + P_{bee} where;

PP is the total number of preference points scored by the tenderer

P_s is the points scored for the price of the tenderer, and

P_{bee} is the number of points awarded to the tenderer based on his certified B-BBEE status level



STANDARD CONDITIONS OF SUBMISSION (JPC MBD 13)

The following conditions apply to all bids submitted:

- All bids must be submitted in compliance with the Bid Specification specified in JPC MBD 11

SUBMISSION OF PROPOSALS

- Bidder(s) are invited to submit their Proposals by completing the returnable Municipal Bidding Documents (MBDs) and JPCs' MBDs contained in this document.
- In this regard:
 - No other form of proposal will be accepted. The MBDs must not be construed as an offer.
 - 1 original document and a copy of the original in clearly marked memory stick
 - All Proposal documentation received shall be deemed JPC property and shall not be returned or thus requested back by any Bidder.
- Proposals must be sealed, clearly marked with RFP name and number, and addressed to The Chief Executive Officer, City of Joburg Property Company (SOC) Ltd
- Bidder's return address must be clearly indicated at the back of the envelope.
- The fully completed document with annexures must be submitted on the date of closing specified on the front cover, and be deposited in the tender box which will be made available at **FORUM I, Block A, 3RD Floor** of:
Braampark,
33 Hoofd Street,
Braamfontein
- **PROPOSALS WHICH ARE NOT SUBMITTED IN A PROPERLY SEALED AND MARKED ENVELOPE AND DEPOSITED IN THE CORRECT TENDER BOX BEFORE THE CLOSING DATE, WILL NOT BE OPENED.**
- **PROPOSALS WHICH ARE NOT SUBMITTED IN THE CORRECT FORMAT WITH ANNEXURES ATTACHED, DULY COMPLETED, INITIALLED AND SIGNED, WILL NOT BE CONSIDERED.**
- The information required in the MBDs must be provided accurately and honestly. All details provided by the Bidder(s) will be regarded as material representations, which the JPC base the evaluation of the Proposal on. Any misrepresentation will be treated as material and will result in the disqualification of the Proposal by the JPC. Bidders, who fail to provide such information to the satisfaction of the JPC, will be disqualified.



RFP 12/2022 – REQUEST FOR PROPOSAL FOR THE APPOINTMENT OF A SERVICE PROVIDER FOR A ONCE OFF SUPPLY AND DELIVERY OF 160 UNITS, 220V, 1100W, 425mm INDUSTRIAL SCRUBBING/ POLISHING MACHINE INCLUSIVE OF PADS TO THE JOBURG PROPERTY COMPANY

OPENING OF PROPOSALS

- Proposals will be opened immediately after the closing time on the closing date at the offices of JPC at the mentioned address. The RFP number, and the name of each Bidder(s) will be announced and recorded in a register.
- Bidder's return address must be clearly stipulated or indicated on the back of the envelope.

EVALUATION OF PROPOSALS

- JPC reserves the right to seek clarification or further information from Bidder(s) and to appoint professionals to advise and verify information on aspects of the Proposals submitted in a manner that the JPC or its agent deems appropriate.
- The preferred Bidder(s) may be required to make presentations to the JPC.
- The Bidder(s) shall be deemed to know and understand the content of the Proposal Call document and a submission of the MBDs will indicate the Bidder(s) unconditional acceptance of all the terms and conditions contained in the Proposal Call document.
- The Bidder(s) shall be deemed to have satisfied itself as to all of the conditions, procedures and performance and discharge of the obligations required in terms of the Proposal Call documents.
- The non-acceptance or variation of any of the conditions, or the inclusion of any other conditions in the Proposal Call document by the Bidder(s) will be treated as a qualified bid and will be disqualified
- The Proposal(s) will be evaluated by the JPC. JPC may accept any Proposal in whole or in part and is not bound to accept any Proposal
- Proposals will be evaluated using the evaluation criteria stated in JPC MBD 12.
- The Proposal(s) will be adjudicated by the JPC's Bid Adjudication Committee and awarded in terms of the JPC's Supply Chain Management Policy for Goods and Services.
- The JPC will not be held responsible or liable for any costs whatsoever and /or losses incurred or suffered by the Bidder(s) or any other party or parties for whatsoever reason as a result of the Proposal.
- Any Proposal in the name of a partnership or joint venture or consortium will, on acceptance, be deemed as joint and several agreements with all parties.
- All proposals shall remain valid for a period of **120 days** after the closing date, provided that bidders may extend the validity of the proposal on request of JPC.

RESOLUTIONS OF DISPUTES

- Persons or bidders who are aggrieved by decisions or actions taken in the implementation of Supply Chain Management system or in the awarding of the bid, must within 20 (twenty) days of the awarding of the bid, lodge a written complaint containing the details of the dispute arising to the Chief Executive Officer of JPC at the following address or telefax number:

Forum I, Block A, 3rd Floor, Braampark, 33 Hoofd Street, Braamfontein

Fax: (010) 219 9400

- The written complaint must contain the following information:
 - The bid reference number;
 - The section of the Policy, Regulations or Act that has been violated;
 - The details of the violation;
 - The City Department or Municipal Owned Entity involved;
 - Relief sought.
- The Chief Executive Officer may appoint an independent person, from outside or within the City or JPC, to investigate and propose a dispute resolution mechanism to address the complaint. The person so appointed will be someone who was not involved in the transaction in question.

PROHIBITIONS

- JPC will not, subject to such amendments to the Act and Regulations and any exemptions as the Minister may promulgate from time to time, award contracts to Bidder(s) who are owned directly or indirectly by the following categories of persons:-
 - defined as an employee or public servant in the service of the state working for Local, Provincial and National Government; or
 - defined as an employee in the service of a government owned entity including the municipal entities;
 - if the employee mentioned above is actively or inactively a director, manager or principal shareholder of the service provider concerned (refer to GN44 in GG 28411 of 18 January 2006 for the exemption);
 - is a member of the board of directors of a municipal entity within its area of jurisdiction (refer to GN44 in GG 28411 of 18 January 2006 for the exemption);
 - who is an advisor or consultant contracted to the JPC for the purposes of assisting the JPC with defining of requirements, drafting of specifications or evaluation of the Proposals.
- JPC will not award Proposals to any Bidder(s) owned directly or indirectly by politicians serving as councillors for any municipality.



RFP 12/2022 – REQUEST FOR PROPOSAL FOR THE APPOINTMENT OF A SERVICE PROVIDER FOR A ONCE OFF SUPPLY AND DELIVERY OF 160 UNITS, 220V, 1100W, 425mm INDUSTRIAL SCRUBBING/ POLISHING MACHINE INCLUSIVE OF PADS TO THE JOBURG PROPERTY COMPANY

- JPC will not award Proposals to any Bidder(s) owned directly or indirectly by politicians serving in National Assembly, Provincial Legislatures and National Council of Provinces.
- Failure by the above mentioned persons to comply with the above shall lead to cancellation of the contract.

CONSIDERATION OF PROPOSALS FROM CLOSE FAMILY MEMBERS OF PERSONS IN THE SERVICE OF THE STATE

- The JPC does not encourage awarding of contracts to close family members of employees in decision-making positions.
- The bidder must declare and state whether a spouse, child or parent of the bidder or of a director, manager or shareholder is in the service of the City of Johannesburg Municipality, the City of Joburg Property Company, or has been in the service of the state in the previous twelve months.

GENERAL ENQUIRIES

Only email enquiries will be accepted, such enquiries must be directed to tenders@jhbproperty.co.za

JPC STANDARD CONDITIONS OF APPOINTMENT (JPC MBD 14)

1. **Appointment in Force and Authorised Signatories:** This appointment is considered to have come into force immediately after all the necessary signatures have been appended.
2. **Independent Contractor:** The Service Provider is appointed as an independent contractor and no contract of agency and/or employment is created. Save as may be expressly authorised by JPC from time to time in writing, the Service Provider shall not hold itself out to be the agent of JPC and/or commit JPC to any contract or obligation of whatever nature.
3. **Alterations:** Should circumstances arise which call for modifications of the appointment, these may be made by mutual consent given in writing. Proposals in this respect from one party shall be given due consideration by the other party.
4. **Assignment:** The Service Provider shall not without the prior written consent of JPC, cede or assign any of the benefits and obligations under this appointment.
5. **Sub-Contracts:** Any sub-contracts or modifications or termination thereof relating to the performance of the services by the Service Provider shall be made only with the prior written consent of JPC.
6. **Compliance with Laws, By-laws and Ordinance:** The Service Provider shall comply strictly with every applicable law, by-law and ordinance including every regulation, code of conduct or other directive to which the Service Provider may be subject in its professional capacity. In this regard, the Service Provider's particular attention is drawn to the requirements of the Occupational Health and Safety Act (OHSA) and its regulations as well as to the Financial Intelligence Centre Act (FICA).
7. **Insurance:** If applicable, the Service Provider shall at its own cost and expense maintain professional indemnity insurance and public liability insurance with an insurer approved of by JPC in an amount and for duration as specified in the letter of appointment to which these general conditions of appointment relate.
8. **Postponement and Termination:** JPC may give written notice to the Service Provider at any time of its intention to abandon the services, in whole or in part, or to terminate this appointment. The effective termination date of this appointment shall not be less than fourteen (14) days after receipt of such notice, or such other shorter or longer periods as may be agreed between the parties. Upon receipt of such notice, the Service Provider shall take immediate steps to bring the services to a close and to reduce expenditure to a minimum.

Upon termination of the appointment the Service Provider shall deliver to JPC the originals of all documents in the possession of the Service Provider relating to and/or in connection with the appointment in both hard copy and (insofar applicable) electronic format.

9. **Force Majeure:** The Service Provider shall promptly notify JPC, in writing, of any situation or event arising from circumstances beyond its control and which he could

not reasonably foresee, which makes it impossible for the Service Provider to carry out in whole or in part, his obligations under this appointment. Upon the occurrence of such a situation or event, the services shall be deemed to be postponed for a period of time equal to the delay caused by the Force Majeure and a reasonable period not exceeding two weeks.

10. **Claims for Default:** Any claims for damages arising out of default and termination, shall be agreed between JPC and the Service Provider, or failing agreement, shall be referred to dispute resolution in accordance with clause 20.
11. **Rights and Liabilities of Parties:** *Termination of this appointment for whatever reason shall not prejudice or affect the accrued rights or claims and liabilities of either party to this appointment.*
12. **Confidentiality:** The Service Provider shall maintain all information relating to the appointment in the strictest confidence.
13. **Indemnity:** The Service Provider indemnifies JPC and holds JPC harmless against any loss or damage that may be suffered by JPC (including and without limiting the generality of the foregoing any claim that may be brought or threatened against JPC by any third party) arising from or by reason of the failure by the Service Provider to comply with its obligation in terms hereof.
14. **Skill, Care and Diligence:** The Service Provider shall exercise all reasonable skill, care and diligence in the performance of the services under the appointment and shall carry out all his responsibilities in accordance with recognised professional standards. If any documentation prepared or submitted by the Service Provider to JPC is approved by JPC such approval shall not limit the professional liability of the Service Provider in respect thereof. The Service Provider shall remain professionally liable in respect of such documentation notwithstanding the approval thereof by JPC.
15. **Faithful Advisor:** The Service Provider shall, in all professional matters, act as a faithful advisor to JPC and, in so far as his duties are discretionary, act fairly as between JPC and third parties.
16. **Indirect Payments:** The remuneration of the Service Provider charged to JPC, shall constitute his only remuneration in connection with the appointment and neither he nor his personnel shall accept any trade commission, discount, allowance or indirect payment or other consideration with or in relation to the appointment or to the discharge of his obligations thereunder.
17. **Royalties:** The Service Provider shall not have the benefit, whether directly or indirectly, of any royalty on or of any gratuity or commission in respect of any patented article or process used on or for the purposes of the appointment, unless it is agreed to by JPC in writing that he may.
18. **Ownership of Equipment, Materials, Supplies and Facilities:** Equipment, materials, supplies and facilities furnished to the Service Provider by JPC or purchased by the Service Provider with funds wholly supplied or reimbursed by JPC shall be the property of JPC and shall be so marked. Upon completion or termination of the



RFP 12/2022 – REQUEST FOR PROPOSAL FOR THE APPOINTMENT OF A SERVICE PROVIDER FOR A ONCE OFF SUPPLY AND DELIVERY OF 160 UNITS, 220V, 1100W, 425mm INDUSTRIAL SCRUBBING/ POLISHING MACHINE INCLUSIVE OF PADS TO THE JOBURG PROPERTY COMPANY

services under this appointment, the Service Provider shall furnish to JPC, inventories of the equipment and materials referred to above as it then remains and dispose of same as directed by JPC.

- 19. Copyright:** All copyright in and to all documents, plans, designs and other material of whatever nature prepared or produced by the Service Provider in the course and scope of its appointment shall be and remain vested in JPC for which purpose the Service Provider cedes to JPC all such copyright.

20. Dispute Resolution:

- a. Any dispute arising between the Parties in respect of this appointment shall in the first instance be referred in writing to the senior executives of the Parties by either Party for resolution. The senior executives of the Parties shall meet within five (5) business days after receiving the aforesaid written referral and shall use their best endeavours to resolve the dispute within the time foregoing.
- b. If the senior executives fails to meet within five (5) business days after a dispute has been referred to them or fail to resolve the dispute within the time in paragraph (a) above, then either Party shall be entitled to immediately institute legal proceedings from a competent court.
- c. Notwithstanding anything to the contrary contained in this paragraph 20, any party shall be entitled to approach a competent court for an appropriate relief.

21. Sequestration or Surrender of Service Provider's Estate

In the event of an order being made for the sequestration of the Service Provider's estate, whether provisional or final, or in the event of an application being made for such order, or in the event of the Service Provider making application for the surrender of his estate, or if he shall enter into, make or execute any deed of assignment or other composition or arrangement with, or assignment for the benefit of his creditors, or purport to do so, or if the Service Provider, being a company, shall pass a resolution, or if the Court shall make an order for the liquidation of such company, the Council shall have the right, summarily and without recourse to law, to determine the contract without payment of any compensation to the Service Provider, and without prejudice to the right of the Council to sue the Service Provider for any damages sustained by it in consequence of one or other of the aforementioned events.



RFP 12/2022 – REQUEST FOR PROPOSAL FOR THE APPOINTMENT OF A SERVICE PROVIDER FOR A ONCE OFF SUPPLY AND DELIVERY OF 160 UNITS, 220V, 1100W, 425mm INDUSTRIAL SCRUBBING/ POLISHING MACHINE INCLUSIVE OF PADS TO THE JOBURG PROPERTY COMPANY

REGISTRATION DOCUMENTS (JPC MBD 15)

THE FOLLOWING DOCUMENTS MUST BE ATTACHED HEREAFTER (AS MBD) AS PROOF OF REGISTRATION:

- *Natural persons, Sole proprietors and JVs of these – copy of ID document/passport*
- *Schools – copy of Provincial School registration certificate*
- *NPC – copy of Provincial registration certificate*
- *Society Club/ Association – copy of Constitution / founding document*
- *Partnership -copy of partnership agreement plus IDs of all partners*
- *Closed Corporation - Copy of CK1 and/or CK2 and members agreement*
- *Company – current CM29,*
- *Trust – letter of appointment from the Master of the High Court of SA and deed of trust*
- *Joint Venture/Consortium – JV/Consortium agreement plus ID documents/ company Registration document of all members of JV/Consortium*



RFP 12/2022 – REQUEST FOR PROPOSAL FOR THE APPOINTMENT OF A SERVICE PROVIDER FOR A ONCE OFF SUPPLY AND DELIVERY OF 160 UNITS, 220V, 1100W, 425mm INDUSTRIAL SCRUBBING/ POLISHING MACHINE INCLUSIVE OF PADS TO THE JOBURG PROPERTY COMPANY

BIDDER'S COMPANY PROFILE (JPC MBD 16)



RFP 12/2022 – REQUEST FOR PROPOSAL FOR THE APPOINTMENT OF A SERVICE PROVIDER FOR A ONCE OFF SUPPLY AND DELIVERY OF 160 UNITS, 220V, 1100W, 425mm INDUSTRIAL SCRUBBING/ POLISHING MACHINE INCLUSIVE OF PADS TO THE JOBURG PROPERTY COMPANY

POWER OF ATTORNEY OR COMPANY RESOLUTION (JPC MBD 17)



RFP 12/2022 – REQUEST FOR PROPOSAL FOR THE APPOINTMENT OF A SERVICE PROVIDER FOR A ONCE OFF SUPPLY AND DELIVERY OF 160 UNITS, 220V, 1100W,425mm INDUSTRIAL SCRUBBING/ POLISHING MACHINE INCLUSIVE OF PADS TO THE JOBURG PROPERTY COMPANY

PROOF OF UP TO DATE MUNICIPAL ACCOUNT / AFFIDAVIT / PROOF OF ARRANGEMENTS TO SETTLE ARREARS (JPC MBD 18)



RFP 12/2022 – REQUEST FOR PROPOSAL FOR THE APPOINTMENT OF A SERVICE PROVIDER FOR A ONCE OFF SUPPLY AND DELIVERY OF 160 UNITS, 220V, 1100W, 425mm INDUSTRIAL SCRUBBING/ POLISHING MACHINE INCLUSIVE OF PADS TO THE JOBURG PROPERTY COMPANY

JOINT VENTURE / CONSORTIUM AGREEMENT (JPC MBD 19)