



NEWCASTLE MUNICIPALITY

DEVELOPMENT PLANNING & HUMAN SETTLEMENTS – ECONOMIC DEVELOPMENT

BID NO.: A016 – 2020/21 (RE – ADVERTISEMENT)

A CALL FOR EXPRESSION OF INTEREST FOR THE OPERATIONS AND SCHEDULED PASSENGER FLIGHTS INCLUDING CARGO TRANSPORTATION AT NEWCASTLE AIRPORT

SUBMISSION OF PROPOSAL DOCUMENT DEADLINE

Closing Date: 07 September 2022

Time: 12h00

Venue: Municipal Civic Centre Offices (Rates Hall), 37 Murchison Street, Tower Block Building -1st Floor, Newcastle, 2940

Name of Company	
CSD Master Registration No	
Physical Address	
Contact Person(s)	
Phone Number(s)	
E-Mail Address	

Sealed proposals document must be deposited in the Tender Box provided at the Municipal Civic Centre (Rates hall), 37 Murchison Street, Newcastle by no later than **12h00** on **07 September 2022** where proposals will be opened in public. Please be advised that the name, address and contact details should be written at the back of the envelope.

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1. BID NOTICE & INVITATION TO BID

RE - ADVERTISEMENT

Bid number: A016 – 2020/21 Expression of Interest for Operations and Scheduling of Passenger Flights and/or Cargo Services on Newcastle Airport

The Newcastle Municipality seeks suitably qualified and accredited service providers to express an interest on the above – mentioned services.

Bid documents are obtainable from **4 August 2022 until the 2 September 2022**, at the office of the Strategic Executive Director: Budget and Treasury Office, Municipal Civic Centre Tower Block – Office B218 2nd Floor, 37 Murchison Street, Newcastle, 2940 during office hours between 08h00 to 15h00 upon a payment of a **non-refundable document fee of R 300.00**. **Alternatively the document may be downloaded free of charge from the National Treasury website (www.etenders.gov.za) or the municipal website @ www.newcastle.gov.za**

Banking Details - Banking Details - The Newcastle Municipality, Nedbank - Account No: 1162 6600 66, Br Code: 133 724 (the proof of payment must reflect the bid number and bidder's name as reference).

Procurement enquiries: Mr S Vilakazi / **Mrs D Marais** Telephone no.: 034 328 7818/7769

Technical enquiries: Ms R Pather

Telephone no.: 034 328 7656

Technical enquiries: Mr A. Thulasee

Telephone no.: 034 328 8611

Bids will be adjudicated in terms of the Preferential Procurement Regulations, 2017 pertaining to Preferential Procurement Policy Framework Act, 5/2000 and other applicable legislations and will be based on 80/20 points system. Preference points will be awarded to service providers using their B-BBEE status level of contribution. This bid will remain valid for 120 days. The Council reserves the right to accept all, some, or none of the bids submitted, either wholly or in part and it is not obliged to accept the lowest bid.

Completed bid documents complying with the conditions of bid must be sealed and endorsed "**Bid number: A016 – 2020/21 Expression of Interest for Operations and Scheduling Passenger Flights and/or Cargo Service on Newcastle Airport**" bearing the name and address of the bidder at the back of the envelope to be deposited in the official bid box provided in the foyer of Newcastle Municipality – Municipal Civic Offices (Rates Hall), 37 Murchison Street, 1st floor, Newcastle by no later than **12:00 on Wednesday, 07 September 2022** where bids will be opened in public. Late quotations or tenders received by way of facsimile or e-Mail will under no circumstances be considered.

Minimum Local Content Requirements

Only locally produced goods, services or works or locally manufactured goods with a stipulated minimum threshold for local production and content will be considered.

Functional Evaluation

Only bids that comply with all administrative requirements (Acceptable Bids) will be considered during the functionality evaluation phase and the allocation of points will be based on functional criterions as indicated under the Terms of Reference from page 42

Minimum functional requirement score: Potential Service Providers that submitted acceptable bids and that score at least **80%** on functionality will be eligible to conclude a contract with the Council after relevant pre-qualification negotiations.

Only prospective suppliers who are registered on the National Treasury Supplier database are legible to bid. To register on the CSD log onto www.csd.gov.za

**Mr. Z. W. Mcineika
Acting Municipal Manager
Newcastle Municipality
Municipal Civic Centre
37 Hardwick Street
Private Bag X6621
Newcastle
2940**

2. GENERAL CONDITIONS FOR EXPRESSION OF INTEREST

1. I/We hereby bid to supply all or any of the supplies and/or to render all or any of the services described in the attached documents to the Newcastle Municipality on the terms and conditions and be in accordance with the specifications stipulated in the bid documents (and which shall be taken as part of and be incorporated into this bid) at the prices and on the terms regarding time for delivery and/or execution inserted therein.
2. I/we agree that:
 - (a) the offer herein shall remain binding upon me and open for acceptance by the Newcastle Municipality during the validity period indicated and calculated from the closing time of the bid;
 - (b) this bid and its acceptance shall be subject to Supply Chain Management Regulations, the Municipal Finance Management Act, No 56 of 2003, the Newcastle Municipality Supply Chain Management Policy and the General and Special Conditions of Contract, with which I/we am fully acquainted;
 - (c) if I/we withdraw my bid within the period for which I/we have agreed that the bid shall remain open for acceptance, or fail to fulfill the contract when called upon to do so, the Municipality may, without prejudice to its other rights, agree to the withdrawal of my bid or cancel the contract that may have been entered into between the Municipality and myself. I/we will then pay to the Municipality any additional expenses incurred by the Municipality having either to accept any less favorable bid or, if fresh bids have to be invited, the additional expenditure incurred by the invitation of fresh bids and by the subsequent acceptance of any less favorable bid. The Municipality shall have the right to recover such additional expenditure by set-off against monies which may be due to me under this or any other bid or contract or against any guarantee or deposit that may have been furnished by me or on my behalf for the due fulfillment of this or any other bid or contract and pending the ascertainment of the amount of such additional expenditure to retain such monies, guarantee or deposit as security for any loss the Municipality may sustain by reason of my default;
 - (d) If my proposal is accepted, the acceptance may be communicated to me by registered post, and that the South African Post Office Limited shall be treated as delivery agent to me;

(e) the law of the Republic of South Africa shall govern the contract created by the acceptance of my bid and I choose domicilium citandi et executandi in the Republic at (full physical address):

.....
.....

- 3. I/we furthermore confirm that I/we have satisfied myself/ourselves as to the correctness and validity of the bid: that the price(s), rate(s) and preference quoted cover all of the work/item(s) and my obligations under a resulting contract, and I accept that any mistakes regarding the price(s) and calculations will be at my risk.
- 4. I/we hereby accept full responsibility for the proper execution and fulfillment of all obligations and conditions devolving on me under this agreement, as the Principal(s) liable for the due fulfillment of this contract.
- 5. I/we agree that any action arising from this contract may in all respects be instituted against me and I/we hereby undertake to satisfy fully any sentence or judgment which may be pronounced against me as a result of such action.
- 6. Are you duly authorized to sign the proposal?* YES NO
- 7. I/we confirm that I/we have declared all and any interest that I or any persons related to my business has with regard to this bid or any related bids by completion of the Declaration of Interest Section.
- 8. Has the Declaration of Interest been duly completed and included with the bid forms?* YES NO

* Delete whichever is not applicable

9. CERTIFICATION OF CORRECTNESS OF INFORMATION SUPPLIED IN THIS DOCUMENT

I/we, THE UNDERSIGNED, WHO WARRANT THAT I AM DULY AUTHORIZED TO DO SO ON BEHALF OF THE BIDDER, CERTIFY THAT THE INFORMATION SUPPLIED IN TERMS OF THIS DOCUMENT IS CORRECT AND TRUE, THAT THE SIGNATORY TO THIS DOCUMENT IS DULY AUTHORIZED AND ACKNOWLEDGE THAT:

- (1) The bidder will furnish documentary proof regarding any bidding issue to the satisfaction of the Municipality, if requested to do so.
- (2) If the information supplied is found to be incorrect and/or false then the Municipality, in addition to any remedies it may have, may:-
 - a) Recover from the contractor all costs, losses or damages incurred or sustained by the Municipality as a result of the award of the contract, and/or
 - b) Cancel the contract and claim any damages which the Municipality may suffer by having to make less favorable arrangements after such cancellation.

BIDDER`S NAME : _____

BIDDER'S REPRESENTATIVE : _____

SIGNATURE : _____

DATE : _____

WITNESSES

1. **Name** : _____

Signature : _____

Date : _____

2. **Name** : _____

Signature : _____

Date : _____

10. AUTHORITY TO SIGN THE PROPOSAL

SIGNED ON THIS..... DAY OF..... 20.....

AT.....

.....
SIGNATURE OF BIDDER OR DULY NAME OR AUTHORIZED REPRESENTATIVE
(IN BLOCK LETTERS)

ON BEHALF OF (BIDDER'S NAME).....

CAPACITY OF SIGNATORY.....

NAME OF CONTACT PERSON (IN BLOCK LETTERS, PLEASE)

.....
POSTAL ADDRESS

.....
TELEPHONE NUMBER

FAX NUMBER

CELLULAR PHONE NUMBER

E-MAIL ADDRESS

NEWCASTLE MUNICIPALITY

CONTINUATION OF SPECIAL CONDITIONS OF CONTRACT

RULES IN RESPECT OF BID DOCUMENTS

'Council' shall mean the Newcastle Municipality

'Committee' shall mean that Committee of the Council whose responsibility it is to consider tenders and advise Council on acceptance or otherwise.

'Municipal Manager' shall mean the Municipal Manager of the Local Council of Newcastle or such person appointed by Council to act in that capacity.

'Head of Department' shall mean the head of the Council department concerned with the particular tender or such person appointed by Council to act in that capacity.

All bidders are hereby advised that in the event that the bid is accepted by the Council all conditions and stipulations set out this bid and in all forms, schedule and/or annexure hereto, will be the contract between the Bidder and the Municipality.

1. Bidders must acquaint themselves fully on the Rules, General Conditions and Special Conditions of bid documents.
2. Failure on the part of the Bidder to sign this bid form and thus to acknowledge and accept the conditions in writing or to complete the attached forms, questionnaires and specifications and proposals in all respects, may in the sole discretion of the Municipality invalidate the bid.
3. Bidders shall quote delivery periods for the products specified and shall supply all the information called for on the attached data schedules.
4. **Proposals shall include for the delivery of the products to the Newcastle Municipality – Civic Centre, Murchison Street, Newcastle or as instructed by the Municipal Manager or delegated official or as per municipal official order.**
5. **GUARANTEE**
Where applicable, Bidders shall provide at the time of bidding, details of the guarantee given with the products offered together with the period for which the guarantee is effective from date of delivery.
6. **No bid will be accepted unless made out on the forms provided.**
7. Bidders are to note that tenders must hold good for a period of **one hundred and twenty (120) days** from the date of opening and the offer price must be inclusive of **VAT (the vat portion be indicated separately).**
8. A signed copy of these conditions and specifications must accompany the bid.
9. No proposal will be accepted unless made out on the forms provided.

10. No telegraphic or fax or e-mailed bids will be accepted.
11. Proposal received after 12:00 on the closing date of this bid will not be accepted.
12. After the bids have been opened, a bid may not be withdrawn by the person or firm submitting it except with the concurrence of the Council.
13. Council reserves the right to accept all or a portion only of any tender.
14. Should there be any difference between the prices or particulars contained in the official Form of bid and those contained in the covering letter from the bidder the prices and particulars contained in the official form of bid, in all circumstances, prevail.
15. If any of the conditions on this bid form are in conflict with any special conditions, stipulations or provisions incorporated in the bid, such special conditions, stipulations or provisions shall apply.
16. Bids must be submitted in sealed envelopes.
17. The bid number and title of the bid must appear on the front of the sealed envelope in which the bid is submitted.
18. It is important that only Bidders with the necessary experience, qualifications and technical ability to carry out the requirements of this bid submit bids in regard hereto. The Municipality will consider all prices and submissions made by the bidders. Should the Municipality require that a specific price and/or submission be reconsidered, it reserves the right to do so, subject to the Municipality requesting all Bidders to submit such a request or revision of the Bid Proposal.
19. The bidder undertakes that it will make itself and its members, officials and employees and agents aware of the appropriate legislation, regulations and by-laws of the Municipality that might have implications on the Bidder's activities in terms hereof.
20. Neither the Municipality nor any official of the Municipality will be held responsible for loss of a potential opportunity to bid due to the failure of the Bidder complying with any of the requirements of this bid.
21. The covering letter or other matter submitted with the official bid document may explain, amplify or illustrate, but not replace any part of the official bid document or the information furnished therein.
22. All data/information supplied by the Municipality will be received by the Bidder at his/her risk. It will be the responsibility of the Bidder to check and verify the accuracy of the data/information supplied by the Municipality. The Municipality will not be held responsible for any inaccurate or incomplete data/information.
23. **PAYMENT OF MUNICIPAL SERVICES**
Proof must be produced, together with the bidding documents that the entity is not indebted to the Municipality or Municipal area in which they are staying, for a period of more than 30 days for services rendered / rate payable. Bidders residing on farms with no municipal services should submit a letter from their Induna / owner stating the above. Municipality reserves the right to withdraw from the contract and appoint alternative bids if the bidder falls into arrears with the abovementioned monies during the period of contract.

24. INVITATION TO BID

Bids shall be invited by the Municipal Manager in terms of the Supply Chain Management Policy of the Newcastle Municipality.

25. SUBMISSION OF BIDS

The completed proposal documents are to be placed in a sealed envelope and externally endorsed "**Bid number: RE A016 – 2020/21 Expression of Interest for the Operations and Scheduled Flights Passenger and or Cargo for the Newcastle Airport**" and bearing name, address and bidder's contact details at the back of the envelope and should be placed in the bid box provided at the Municipal Civic Centre (Rates Hall) in Murchison Street (Newcastle) by no later than 12h00 noon on **07 September 2022** when it will be opened in public.

The proof of payment for the bid document must be attached to Municipal Bidding Documents when submitting the offer. The period advertised for the receipt of bids shall be as stated in the notice calling for bids and shall expire at 12:00 on the date stated in the invitation to bid.

No bids found in any other box or elsewhere subsequent to the closing date and time bid will be considered.

28. The method of submission for tender documents be a single envelope system.

29. OPENING OF BIDS

Immediately after 12:00 on the date advertised for the receipt of tenders, or as soon thereafter as possible, the tenders duly received shall be opened in public by an officer designated by the Municipal Manager and the name of each bidder shall be read out to the public in attendance.

As each bid is opened, it shall be authenticated by the supervising officer by stamping with Council's stamp and by the supervising officer's signature, witnessed by an assistant who must be an officer of Council. Each document and any annexure thereto will be stamped, signed and witnessed as described and the date of opening recorded on each document or annexure.

All bids received and endorsed in accordance with the above paragraph shall, at the conclusion of the opening procedure, be recorded in a bid register to be kept by an official designated by the Municipal Manager and such register shall be stamped, signed and witnessed as aforesaid.

30. ACCEPTANCE OF BIDS

After the opening of bids, the official designated by the Municipal Manager shall forward such tender to the Head of Department for whom such tenders have been invited. The Head of Department concerned will then consider the tenders and submit them to the appropriate Committee with the written comments of the Chief Financial Officer and with details of any irregularity or defect in connection with the bid documents or matters relating to the calling of bids together with the recommendation for consideration by the Committee.

31. BID DOCUMENTS

- a. Where applicable all bid documents and drawings are to be returned at the time of bidding except that where an additional copy of the Schedule of Quantities is provided, a copy may be retained by the tender for his records.
The original Schedule of Quantities must be forwarded to the Newcastle Municipality
- b. After awarding the bid, no documents will be returned to any unsuccessful bidder, but will be retained by the Municipal Manager.
- c. All bid documents must be completed in ink and should any alteration, omission, erasure or addition be made, it will not be recognised unless authenticated with the initials of the bidder and those of the witnesses of his signature. Bidders may, however, qualify their bid by a letter accompanying the bid documents.
- d. Any irregularity, incompleteness or obscurity in a bid renders it liable for rejection.
- e. Failure to sign the bid document will invalidate the bid , provided that if it is the only acceptable bid received, the Head of Department may recommend that it be considered as an offer after signature by the bidder.
- f. Bidders shall check that they have been provided with all the documents and drawings. Bidders must advise the Department concerned immediately if there is any duplication or obscure typing or if there is any doubt as to the meaning of any words, clause, sentence, paragraph, drawing or any other particulars and have the matter rectified, otherwise it will be taken for granted that there are no doubts or errors, and no liabilities whatsoever will be admitted in respect of errors in the tender due to the foregoing.
- g. The use of correcting fluid is prohibited.

32. DEPOSITS

- a. A sum as stated in the invitation to bid being a deposit for the supply of the bid documents. The bidder must obtain a receipt for the deposit amount from the office of the Chief Financial Officer prior to receiving the bid documents.
- b. A deposit in the sum stated in the bid documents is non-refundable.
- c. The Head of the Department concerned, in the event of receiving any deposits, shall forthwith hand to the Chief Financial Officer any deposits or security received.

33. TELEGRAPHIC/FAXED/POSTED/E-MAILED BIDS

No telegraphic or faxed or posted or e-mailed bids will be accepted.

34. LATE BIDS

- a. Any bid received after the closing date and time advertised for the receipt of bids shall not be considered, provided that a late bid may be admitted by the Council when :
 - i. in the case of a bid submitted through the post, there is proof that the bid was posted in sufficient time to reach the Municipal Manager before the closing date and time advertised for the receipt of bid and the bidder has taken reasonable steps against ordinary delays and was in no way to blame for the late receipt of his bid;

II. in the case of a bid delivered by hand, there is proof that the bidder had taken reasonable steps against ordinary delays and was in no way to blame for the late delivery.

b. The Council may accept a bid which is received late and has for that reason been disallowed in terms of the provisions of this rule, provided it was the only acceptable bid received.

35. COMMUNICATION PROHIBITED

a. Except where clarification of a bid is necessary or whenever it is necessary to approach a bidder for an extension of the binding period of a bid, no communication, without written authority of the Council, shall take place between the bidder and any member or officer of Council on a question affecting any matter which is the subject of a bid between the closing date and time of a bid and the acceptance by Council of the bid. When clarification is required or an extension of time, this may be requested by a Council Officer on the authority of his Head of Department.

b. In no case shall bids be returned or referred to bidders for amendment or completion in any respect without the written authority of the Council.

36. COUNCIL NOT OBLIGED TO ACCEPT ANY BID

Council does not bind itself to accept the lowest or any bid and where the bid documents allow for such cases, reserves the right to accept a portion only of any bid.

Council will not compensate the bidder in the preparation and submission of his bid. Council reserves the right to purchase goods outside this contract if and when the need arise

37. DEVIATION FROM CONTRACT

The Council will reserve the right to purchase goods outside of the bid contract if and when the need arises.

38. ALTERNATIVES

The bidder may submit alternatives which, in his/her opinion, are to the Council's advantage economically and technically.

39. CONTRACT DURATION

The contract may be valid for a period of 36 months from the date of appointment or be negotiated.

40. POST AWARD PRODUCT COMPLIANCE PROCEDURES

The following post award product compliance procedure will apply:

i. In the case the equipment has been discontinued / replaced with a new model, the service provider(s) will be required to submit letters from the Manufacturer / Supplier stating the changes and the approval be obtained from the Accounting Officer prior to the executions of such changes.

- ii. Furthermore, service provider(s) are expected to disclose information on the following:
 - Financial Implications & Price Variances
 - Any potential risk
- iii. The new model should at least meet the minimum specification of the original model.
- iv. The delivery and installation of new equipment cannot be affected without the approval from the head of the department (Strategic Executive Director).

41. DEMONSTRATIONS AND INSPECTIONS

- i. All bidders must be prepared to demonstrate, where required, free of charge and obligation, at the Newcastle Municipality or any other area within the boundary of the Newcastle Municipality, any services offered in this bid.
- ii. Where officials are required to attend demonstrations or inspections outside the boundary of the Newcastle Area, all costs to attend such demonstration shall be borne by the bidder.

42. Pricing

- 42.1. Rates and prices offered by the bidder must be written onto the pricing schedule or form of offer of this document by hand, completed in full and signed by the duly authorised signatory.
- 42.2. All prices shall be quoted in South African currency, and be **INCLUSIVE of VAT**. Bid prices that do not include VAT shall not be considered.
- 42.3. Bid prices must include all expenses, disbursements and costs (e.g. transport, accommodation etc.) which may be required for the execution of the bidder's obligations in terms of the Contract. Bid prices shall cover the cost of all general risks, liabilities and obligations set forth or implied in the Contract, as well as overhead charges and profit (in the event that the bid is successful), unless otherwise specified.
- 42.4. All bid prices will be final and binding.
 - 2.4.1. A bid will not be invalidated if the amount in words and the amount in figures do not correspond,
 - 2.4.2. in which case the amount in words shall be read out at the bid opening and shall be deemed to be the bid amount; therefore, where there is a discrepancy between the amount in figures and the amount in words, the amount in words shall apply.

43. Forward Exchange Rate Cover

- 43.1. In the event of price(s) based on the exchange rate, the successful bidder(s) will be required to obtain exchange rate cover in order to protect the Municipality against exchange rate variations.
- 43.2. The bidder must provide proof of forward exchange rate cover within 14 days after an order was placed.
- 43.3. If proof that forward exchange rate cover was taken out within 14 days after the order was placed but is not submitted to the Municipality along with the invoice, the contract price adjustment will not be accepted and the contract may be cancelled.

44. Submission of Bids

- 44.1. Sealed bids, with the **"Bid Number and Title"** clearly endorsed on the envelope, must be deposited in the bid box on or before the closing date and time of the bid.
- 44.2. The bid box is in Municipal Civic Offices, 37 Murchison Street, Rates Hall, 1st Floor, Newcastle.
- 44.3. All literature must be securely attached to the bid. The Council shall not be held liable for any loss or damages sustained due to the service provider's failure to comply with this condition.
- 44.4. If a courier service company is being used for delivery of the bid document, the bidder description must be endorsed on the delivery note/courier packaging and the courier must ensure that documents are placed / deposited into the bid box. The Newcastle Municipality will not be held responsible for any bid document which is not timeously delivered, mislaid or incorrectly delivered due to the negligence of the courier company or any other party involved in the delivery of the bid document.

Please note:

- Bids that are deposited in the incorrect box will not be considered.
- Mailed, telegraphic or faxed tenders will not be accepted.
- Documents may only be completed in **black ink**.
- The use of correction fluid/tape on the bid documents is not allowed. If there is an error, draw a line through it, initial next to it and make the correction directly above /below/next to it.
- All bids must be submitted in writing on the official forms supplied (not to be re-typed).

45. Opening, Recording and Publications of Bids Received

- 45.1. Bids will be opened on the closing date immediately after the closing time specified in the bid documents. If requested by any bidder present, the names of the bidders, and if practical, the total amount of each bid and of any alternative bids will be read out aloud.
- 45.2. Details of bids received in time will be recorded in a register which is open to public inspection.
- 45.3. Any bid received after the appointed time for the closing of bids **will not be considered** but shall be filed unopened with the other bids received, which bid(s) can be returned to the bidder at his request and cost.

47. Incorrect Information

Where a contract has been awarded on the strength of the information furnished by the bidder which after the conclusion of the relevant agreement, is proven to have been incorrect, the municipality may, in addition to any other legal remedy it has or may have, recover from the contractor all costs, losses or damages incurred or sustained by the municipality as a result of the award of the contract.

48. Withdrawal of Bid during and After the SCM Process:

- 48.1. When a bidder withdraws his/her bid during the SCM bidding process, it must be in writing, prior to the award of the bid, of which Newcastle holds the right to accept or reject with or without a claim for any damages.
- 48.2. When a bidder withdraws or cancels the contract after award of the bid to the particular winner of the bid, the awarded bidder will be held responsible for any damages or administrative expenses incurred prior to the award of the bid.

49. Invoices

All invoices must be forwarded to the following address:

Newcastle Municipality
Private Bag x6621
Newcastle, 2940

49.1. Legal requirements for invoices

10.1.1. Please ensure that your tax invoices complies with the requirements as stipulated by SARS (VAT Act No 89 of 1991), i.e.:

49.1.1.1. Ordinary invoice (not VAT Registered)

- a) The word „**INVOICE** “ in a prominent place
- b) Official invoice number and date of transaction
- c) Trade name, legal name, registration number (if any) and address of supplier
- d) The Official order number of Newcastle Municipality is compulsory – non-compliance – no payment
- e) The Municipality's name and postal address (Private Bag X6621, Newcastle, 2940)
- f) Accurate description of goods and / or services supplied / provided.
- g) Unit of measurement of goods or services supplied
- h) Price

49.1.1.2. VAT/Tax invoice (VAT registered)

- a) Word „**TAX INVOICE**’ in a prominent place
- b) Trade, legal name and registration number (if any) of supplier
- c) Address and VAT number of supplier
- d) The official invoice number and date of invoice
- e) The Official order number of Newcastle Municipality is compulsory – non-compliance – no payment
- f) The Municipality's name and postal address (Private Bag X6621, Newcastle, 2940) and VAT registration number (4000791824)
- g) Accurate description of goods and / or services supplied / provided.
- h) Unit of measurement of goods or services supplied
- i) Price and VAT amount

50. Payment Terms

50.1. It is the policy of the Newcastle Municipality to pay all creditors by means of electronic bank transfers.

50.2. Creditors will be paid within 30 days after receipt of an invoice and statement for the month in question, detailing all invoices during that month and reflecting the total amount due by the Municipality. In exceptional circumstances, the Municipality may, at its discretion, deviate from the above.

51. Poor Performance

Where the supplier fails to render the services within the stipulated period, or should services rendered be deemed not to the satisfaction of the Newcastle Municipality, the tenderer will

receive written notice of poor performance. Failure to address performance issues could result in the entire contract being reviewed or cancelled.

52. Central Supplier Database

No awards will be made to a tenderer who is not registered on the Central Supplier Database.

53. Disbursements, Travel and Subsistence

- 53.1. No bidder will be refunded any cost or disbursements incurred in respect of the project, save where the prior written approval of Newcastle Municipality has been obtained in respect of such expenditure.
- 53.2. Any authorized disbursements will be refunded at the reasonable and actual cost determined by Newcastle Municipality. Any expenditure incurred by the successful bidder in respect of authorized travel for the project will be refunded in accordance with the Newcastle Municipality travel policy as applicable from time to time. The rates payable for the use of private vehicles will be the prevailing rates quoted by the Automobile Association of South Africa.
- 53.3. All claims in respect of authorized disbursements (travel and subsistence costs) must be substantiated by documentary evidence such as receipts and logs of kilometres travelled.
- 53.4. All expenses incurred by the bidder for the proposal and presentations are the responsibility of the bidder and will not be reimbursed by Newcastle Municipality.



PART A

– ADMINISTRATIVE REQUIREMENTS IN TERMS OF THE SUPPLY CHAIN MANAGEMENT POLICY

3. AUTHORITY OF SIGNATORY

Indicate the status of the Bidder by ticking the appropriate box hereunder. The Bidder must complete the certificate set out below for the relevant category.

A COMPANY	B PARTNERSHIP	C JOINT VENTURE	D SOLE PROPRIETOR	E CLOSE CORPORATION

A. Certificate for Company

I,, chairperson of the board of, hereby confirm that by resolution of the board (copy attached) taken on 20..... , Mr/Ms.....acting in the capacity of, was authorised to sign all documents in connection with this bid for **Bid no.: A016 - 2020/21** and any contract resulting from it on behalf of the company.

As witnesses:

1. Chairman:

2. Date:

B. Certificate for Partnership

We, the undersigned, being the key partners in the business trading as, hereby authorise Mr/Ms, acting in the capacity of, to sign all documents in connection with this bid for **Bid no.: A016 - 2020/21** and any contract resulting from it on our behalf.

Name	Address	Signature	Date

Note: This certificate is to be completed and signed by all key partners upon whom rests the direction of the affairs of the Partnership as a whole.

C. Certificate for Joint Venture

We, the undersigned, are submitting this tender offer in Joint Venture and hereby authorise Mr/Ms , authorised signatory of the company , acting in the capacity of lead partner, to sign all documents in connection with this bid for **Bid no.: A016 - 2020/21** and any contract resulting from it on our behalf. This authorisation is evidenced by the attached power of attorney signed by legally authorised signatories of all the partners to the Joint Venture.

Name of Firm	Address	Authorising Name and Capacity	Authorising Signature
Lead Partner:			

NOTE: A copy of the Joint Venture Agreement indicating clearly the percentage contribution of each partner to the Joint Venture, is to be submitted with the bid. A board resolution, authorising each signatory who signed above to do so, is to be submitted with the bid.

D. Certificate for Sole Proprietor

I, , hereby confirm that I am the sole owner of the business trading as

As witnesses:

- 1. Sole Owner:
- 2. Date:

E. Certificate for Close Corporation

We, the undersigned, being the key members in the business trading as , hereby authorise Mr/Ms acting in the capacity of , to sign all to sign all documents in connection with this bid for **Bid no.: A016 - 2020/21** and any contract resulting from it on our behalf.

Name	Address	Signature	Date

Note: This certificate is to be completed and signed by all key partners upon whom rests the direction of the affairs of the Partnership as a whole.

4. AUDITED FINANCIAL STATEMENTS

Please attach onto this page audited financial statements

Alternatively, the Potential Service Provider may submit a letter/declaration from his bank worded as above, providing the required details and signed by an appropriate Bank Official (attached behind this page).

Name of Bidder			
Signature		Name (print)	
Capacity		Date	

5. PROOF OF GOOD STANDING WITH MUNICIPAL ACCOUNTS

MUST BE COMPLETED FOR THIS BID

Declaration in terms of paragraph 38(1)(d)(i) of the Supply Chain Management Regulation, irrespective of the contract value of the bid:

NB: Please note that this declaration must be completed by ALL bidders

- i. I, the undersigned hereby declare that the signatory to this tender document; is duly authorised and further declare:
- ii. I acknowledges 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 Newcastle Municipality, or to any other municipality or municipal entity, are in arrears for more than 3 (three) months.
- iii. I acknowledge that should it be found that any municipal rates and taxes or municipal charges as set out in (ii) above are in arrears for more than three (3) months, the bid will be rejected and the Newcastle Municipality may take such remedial action as is required, including the rejection of the bid and/or termination of the contract; and
- iv. The following account/s of the bidding entity has reference:

Physical Business Address(es) of the Tenderer	Municipality	Municipal Account Number

NB: If insufficient space above, please submit on a separate_page

PLEASE NOTE further that if no municipal rates and taxes or municipal charges are payable by the bidding entity, indicate the reason/s for that in the space below by means of a tick next in the relevant block,

Reason	Tick	Portfolio of evidence
Bidding entities who rent premises from a landlord		Signed copy of the lease agreement together with a letter from the landlord stating that no levies are in arrears.
Bidding entities who operate from a property owned by a director / member / partner		Municipal account statement/s of a director / member / partner
Bidding entities who operate from farms / informal settlements		A letter from their Induna/owner.
Bidding entities who operate from somebody else's property		Sworn affidavit stating the details and relationship with the property owner.
Other (Please specify)		

Attach latest municipal account statement behind this page. The portfolio of evidence must not be older than three months from the close of this tender.

SIGNED AT.....THIS.....DAY OF..... 20.....

Name of Duly Authorised Signatory: (Please print).....

Authorised Signature:

As witness: 1.

2.

6. CENTRAL SUPPLIER DATABASE REGISTRATION

No awards will be made to a tenderer who is not registered on the Central Supplier Database (CSD).

The establishment of a Central Supplier Database (CSD) will result in one single database to serve as the source of all supplier information for all spheres of government. The purpose of centralising government's supplier database is to reduce duplication of effort and cost for both supplier and government while enabling electronic procurement processes.

Registration on the Central Supplier Database must be done online via the website:

<https://secure.csd.gov.za/>

<u>Name of Bidder</u>			
<u>Signature</u>		<u>Name (print)</u>	
<u>Capacity</u>		<u>Date</u>	

7. PROOF OF ACCREDITATION WITH THE RELEVANT BODY IN AVIATION INDUSTRY

Please attach the certificate onto this page – Proof accreditation in the Name of the enterprise

<u>Name of Bidder</u>			
<u>Signature</u>		<u>Name (print)</u>	
<u>Capacity</u>		<u>Date</u>	

NB: THE FOLLOWING CLAUSES HAVE BEEN REPEATED AS THESE WILL LEAD TO THE REJECTION OF THE BID

- All bid documents must be completed in black ink and should any alteration, omission, erasure or addition be made, it will not be recognised, unless authenticated with the initials of the bidder and those of the witnesses of his signature.
- Failure to sign the bid document will invalidate (Invitation to Bid) the bid, provided that it is the only acceptable bid received, Council may recommend that it be considered as an offer after signature by the bidder.
- NO correction fluid/tape may be used.
- Bidders shall ensure that they have been provided with all the documents and drawings. Bidders must advise the Department concerned immediately if there is any duplication or obscure typing or if there is any doubt as to the meaning of any words, clause, sentence, paragraph, drawing or any other particulars and have the matter rectified, otherwise it will be assumed correct and no liabilities whatsoever will be admitted in respect of errors in the bid due to the foregoing.
- Bids received after the official closing date and time of this bid, will not be accepted.
- Proof must be produced, together with the bidding document that the entity is not indebted to the Municipality or municipal area in which they are staying, for a period of more than 30 days for services rendered / rates payable. Bidders residing on farms with no municipal services should submit a letter from their Induna/owner stating the above.
- **TAX COMPLIANCE STATUS**
A valid Tax Compliance Status Pin or CSD Master Registration Number should be supplied on MBD 1 for verification.

NAME OF BIDDER

ADDRESS

TELEPHONE NUMBER

NAME OF THE OFFICIAL POSITION.....

SIGNATURE DATE.....

WITNESSES

NAME NAME

SIGNATURE SIGNATURE

ID NUMBER ID NUMBER

**8. MBD 1: INVITATION TO BID
(TO BE COMPLETED AND BE SUBMITTED WITH FINANCIAL PROPOSAL)**

PART A

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE NEWCASTLE MUNICIPALITY

Bid Number	A016 – 2020/21	Closing Date	07 September 2022	Closing Time	12h00
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Description	Expression of Interest for the Operations and Scheduled Flights Passenger and or Cargo for the Newcastle Airport
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THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (MBD7).

BID RESPONSE DOCUMENTS MAY BE DEPOSITED IN THE BID BOX SITUATED AT

**FIRST (1st) FLOOR OF THE NEWCASTLE MUNICIPALITY
MUNICIPAL CIVIC CENTRE OFFICES (RATES HALL)
37 MURCHISON STREET
NEWCASTLE
2940**

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]

Are you the Accredited Representative in South Africa for the Goods /Services /Works Offered?	<input type="checkbox"/> Yes <input type="checkbox"/> No (if yes enclose proof)	Are you a Foreign Based Supplier for the Goods /Services /Works Offered?	<input type="checkbox"/> Yes <input type="checkbox"/> No (if yes, answer part B:3)
--	---	---	--

Total Number of Items Offered	
--------------------------------------	--

Signature of Bidder		Date:	
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Capacity under which this bid is signed:

ENQUIRIES MAY BE DIRECTED TO:

Bidding Procedure Enquiries		Technical enquiries
Contact person	Mr S Vilakazi/ Dalene Marais	Ms R. Pather and Mr A. Thulasee
Telephone number	034 328 7818 /034 328 7769	034 328 7656 /034 328 8611
E-mail address	Sabelo.Vilakazi@newcastle.gov.za	Rivena.pather@newcastle.gov.za
	Dalene.marais@newcastle.gov.za	Anesh.thulasee@newcastle.gov.za

Terms and Conditions for Bidding

1. BID SUBMISSION:

- 1.1. Bids must be delivered by the stipulated time to the correct address. Late bids will not be accepted for consideration.
- 1.2. **All bids must be submitted on the official forms provided–(not to be re-typed) or online**
- 1.3. This bid is subject to the Preferential Procurement Policy Framework Act and the Preferential Procurement Regulations, 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 B:3.
- 2.5 Bidders may also submit a printed TCS certificate together with the bid.
- 2.6 In bids where consortia / joint ventures / sub-contractors are involved, each party must submit a separate TCS certificate / Pin / CSD number.
- 2.7 Where no TCS is available but the bidder is registered on the Central Supplier Database (CSD), a CSD number must be provided.

3. QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS

- 3.1. Is the entity a resident of the Republic of South Africa (RSA)? Yes No
- 2.8 Does the entity have a branch in the RSA? Yes No
- 3.1. Does the entity have a permanent establishment in the RSA? Yes No
- 2.9 Does the entity have any source of income in the RSA? Yes No
- 3.1. 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:

**12. MBD 3.3
PRICING SCHEDULE
(Professional Services)**

Name of Bidder:..... Bid Number:

Closing Time: Closing Date

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

ITEM NO	DESCRIPTION	BID PRICE IN RSA CURRENCY **(ALL APPLICABLE TAXES INCLUDED)	
1.	The accompanying information must be used for the formulation of proposals.		
2.	Bidders are required to indicate a ceiling price based on the total estimated time for completion of all phases and including all expenses inclusive of all applicable taxes for the project.		R.....
3.	PERSONS WHO WILL BE INVOLVED IN THE PROJECT AND RATES APPLICABLE (CERTIFIED INVOICES MUST BE RENDERED IN TERMS HEREOF)		
4.	PERSON AND POSITION	HOURLY RATE	DAILY RATE
	-----	R-----	-----
	-----	R-----	-----
	-----	R-----	-----
	-----	R-----	-----
	-----	R-----	-----
	-----	R-----	-----
	-----	R-----	-----

5 PHASES ACCORDING TO WHICH THE PROJECT WILL BE COMPLETED, COST PER PHASE AND MANDAYS TO BE SPENT

-----	R-----	----- days
-----	R-----	----- days
-----	R-----	----- days
-----	R-----	----- days

5.1 Travel expenses (specify, for example rate/km and total km, class of airtravel, etc). Only actual costs are recoverable. Proof of the expenses incurred must accompany certified invoices.

DESCRIPTION OF EXPENSE TO BE INCURRED	RATE	QUANTITY	AMOUNT
-----		R.....
-----		R.....
-----		R.....
-----		R.....

***"all applicable taxes" includes value-added taxes, pay as you earn, income tax, unemployment insurance fund contributions and skills development levies.

5.2 Other expenses, for example accommodation (specify, eg. Three star hotel, bed and breakfast, telephone cost, reproduction cost, etc.). On basis of these particulars, certified invoices will be checked or correctness. Proof of the expenses must accompany invoices.

DESCRIPTION OF EXPENSE TO BE INCURRED	RATE	QUANTITY	AMOUNT
-----		R.....
-----		R.....
-----		R.....
-----		R.....

TOTAL: R.....

6. Period required for commencement with project after acceptance of bid

7. Estimated man-days for completion of project

8. Are the rates quoted firm for the full period of contract?*YES/ NO.

9. If not firm for the full period, provide details of the basis on which adjustments will be applied for, for example consumer price index.....

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

*Delete if not applicable

10. MBD 4: DECLARATION OF INTEREST

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 favouritism, should the resulting bid, or part thereof, be awarded to persons connected with or related to persons in service of the state, it is required that the bidder or their authorised representative declare their position in relation to the evaluating/adjudicating authority.
3. In order to give effect to the above, the following questionnaire must be completed and submitted with the bid.

3.1	Full Name of bidder/ Representative	
3.2	Identity Number	
3.3	Position occupied in the Company (director, trustee, shareholder²)	
3.4	Company Registration Number	
3.5	Tax Reference Number	
3.6	Tax Reference Number	

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

3.8	Are you presently in the service of the state*?	Yes	No
3.8.1	If yes, furnish particulars.		
3.9	Have you been in the service of the state for the past twelve months	Yes	No

¹MSCM Regulations: "in the service of the state" means to be –

(a) a member of –

- (i) any municipal council;
- (ii) any provincial legislature; or
- (iii) the national Assembly or the national Council of provinces;

(b) a member of the board of directors of any municipal entity;

(c) an official of any municipality or municipal entity;

(d) an employee of any national or provincial department, national or provincial public entity or constitutional institution within the meaning of the Public Finance Management Act, 1999 (Act No.1 of 1999);

(e) a member of the accounting authority of any national or provincial public entity; or

(f) an employee of Parliament or a provincial legislature.

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

3.9.1	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 a bidder and any persons in the service of the state who may be involved with the evaluation and or adjudication of this bid?	Yes	No
3.11.1	If yes, furnish particulars.		
3.12	Are any of the company's directors, managers, principal 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, managers, principal 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, principal shareholders or stakeholders of this company have any interest in any other related companies or business whether or not they are bidding for this contract.	Yes	No
3.14.1	If yes, furnish particulars.		

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

Full Name	Identity Number	State Employee Number

Name of Bidder			
Signature		Name (print)	
Capacity		Date	

11. MBD 5: DECLARATION FOR PROCUREMENT ABOVE R10 MILLION (ALL APPLICABLE TAXES INCLUDED)

For all procurement expected to exceed R10 million (all applicable taxes included), bidders must complete the following questionnaire:

1	Are you by law required to prepare annual financial statements for auditing?	Yes	No
1.1	If yes, submit audited annual financial statements for the past three years or since the date of establishment if established during the past three years.		
2	Do you have any outstanding undisputed commitments for municipal services towards any municipality for more than three months or any other service provider in respect of which payment is overdue for more than 30 days?	Yes	No
2.1	If no, this serves to certify that the bidder has no undisputed commitments for municipal services towards any municipality for more than three months or other service provider in respect of which payment is overdue for more than 30 days. * Delete if not applicable		
2.2	If yes, provide particulars. * Delete if not applicable		
3	Has any contract been awarded to you by an organ of state during the past five years, including particulars of any material non-compliance or dispute concerning the execution of such contract?	Yes	No
3.1	If yes, furnish particulars		
4	Will any portion of goods or services be sourced from outside the Republic, and, if so, what portion and whether any portion of payment from the municipality / municipal entity is expected to be transferred out of the Republic?	Yes	No
4.1	If yes, furnish particulars		

CERTIFICATION

I, THE UNDERSIGNED (NAME) CERTIFY THAT THE INFORMATION FURNISHED ON THIS DECLARATION FORM IS CORRECT. I ACCEPT THAT THE STATE MAY ACT AGAINST ME SHOULD THIS DECLARATION PROVE TO BE FALSE.

Signature		Name of Bidder	
Capacity		Date	

12. MBD 8: DECLARATION OF BIDDER'S PAST SUPPLY CHAIN MANAGEMENT PRACTICES

1. This Municipal Bidding Document must form part of all bids invited.
2. It serves as a declaration to be used by municipalities and municipal entities in ensuring that when goods and services are being procured, all reasonable steps are to combat the abuse of the supply chain management system.
3. **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) Wilfully 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).
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 as a company or person 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 audit alteram partem 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>	<p>Yes</p> <input type="checkbox"/>	<p>No</p> <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>(The Register for Bid 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>	<p>Yes</p> <input type="checkbox"/>	<p>No</p> <input type="checkbox"/>
4.2.1	If so, furnish particulars:		

ITEM	QUESTION	YES	NO
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 <input type="checkbox"/>	No <input type="checkbox"/>
4.3.1	If so, furnish particulars:		
4.4	Does the bidder or any of its directors owe any municipal rates and taxes or municipal charges to the municipality/municipal entity, or any other municipality/municipal entity, that is in arrears for more than three months?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.4.1	If so, furnish particulars:		
4.5	Was any contract between the bidder and the municipality/municipal entity or any other organ of state terminated during the past five years on account of failure to perform on or comply with the contract?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.5.1	If so, furnish particulars:		

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.

Name of Bidder			
Signature		Name (print)	
Capacity		Date	

13. MBD 9: CERTIFICATE OF INDEPENDENT BID DETERMINATION

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:
 - a. take all reasonable steps to prevent such abuse;
 - b. reject the bid of any bidder if that bidder or any of its directors has abused the supply chain management system of the municipality or municipal entity or has committed any improper conduct in relation to such system; and
 - c. cancel a contract awarded to a person if the person committed any corrupt or fraudulent act during the bidding process or the execution of the contract.
4. This MBD serves as a certificate of declaration that would be used by institutions to ensure that, when bids are considered, reasonable steps are taken to prevent any form of bid-rigging.
5. In order to give effect to the above, the attached Certificate of Bid Determination (MBD 9) must be completed and submitted with the bid:

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

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

CERTIFICATE OF INDEPENDENT BID DETERMINATION

I, the undersigned, in submitting the accompanying bid:

(Bid Number and Description)

in response to the invitation for the bid made by:

(Name of Municipality / Municipal Entity)

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

I certify, on behalf of: _____ that:

(Name of Bidder)

1. I have read and I understand the contents of this Certificate;
2. I understand that the accompanying bid will be disqualified if this Certificate is found not to be true and complete in every respect;
3. I am authorized by the bidder to sign this Certificate, and to submit the accompanying bid, on behalf of the bidder;
4. Each person whose signature appears on the accompanying bid has been authorized by the bidder to determine the terms of, and to sign, the bid, on behalf of the bidder;
5. For the purposes of this Certificate and the accompanying bid, I understand that the word "competitor" shall include any individual or organization, other than the bidder, whether or not affiliated with the bidder, who:
 - a. has been requested to submit a bid in response to this bid invitation;
 - b. could potentially submit a bid in response to this bid invitation, based on their qualifications, abilities or experience; and
 - c. provides the same goods and services as the bidder and/or is in the same line of business as the bidder
6. The bidder has arrived at the accompanying bid independently from, and without consultation, communication, agreement or arrangement with any competitor. However communication between partners in a joint venture or consortium⁹ 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.

Name of Bidder			
Signature		Name (print)	
Capacity		Date	

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.**



PART B – TERMS OF REFERENCE

NEWCASTLE MUNICIPALITY

14. EXPRESSION OF INTEREST FOR THE OPERATIONS AND SCHEDULED FLIGHTS INCLUDING PASSENGER AND OR CARGO SERVICES THE NEWCASTLE AIRPORT

1. REQUEST FOR PROPOSALS:

An airline operator is requested to submit proposals for the Management, Operation and Scheduled flights from Gauteng to Newcastle and from Newcastle to Durban and any other routes.

2. PURPOSE

An airline operator is requested to submit proposals for the Management, Operation and Scheduled flights from Gauteng to Newcastle and from Newcastle to Durban and any other routes. The operator is also required to submit costing in terms of flight costs and scheduled times or days of operation.

14. TERMS OF REFERENCE

SUBJECT: EXPRESSION OF INTEREST FOR THE OPERATIONS AND SCHEDULED FLIGHTS AND OR CARGO FOR THE NEWCASTLE AIRPORT

2.1. INTRODUCTION AND BACKGROUND

At present Newcastle Airport plays a relatively limited role in the socio-economic life of the surrounding community. Although it is used as a base for small aircraft owners, farmers and some limited business charter travel, it is an asset utilised by only a very narrow section of the community. The lack of regular services at the airport, and the fact that so few aircraft operate with Newcastle as a base, means that the community is currently unable to benefit from the potential of the airport to support disaster management (e.g., forest fires) and medical emergencies.

A flying doctor service does come through the airport on a monthly basis, but much more frequent services are apparently in demand, and could be utilised if the airport were supporting

regular flights. It should be noted, however, that even in the context of these social needs, the airport is not identified as a priority in the municipal or district level Integrated Development Plans (IDPs). In fact, the airport goes virtually unmentioned in both of these documents.

Clearly if the investment plans noted in Section 2.2 come to fruition, it would be increasingly valuable for Newcastle to have regular air services available. Indeed, having such air services available may well be critical to attracting new investments, as air transport is seen as one of the most critical factors in location decision-making by many firms, particularly international ones. In addition, access to regular, cost effective air services is likely to increase the competitiveness of existing local firms, giving them better access both to suppliers and markets.

Several businesses in the area have noted the importance of regular air service to their development. For example, businesses stated that "*the lack of scheduled/ regular flights deters investment*" and believes that regular air services would substantially increase demand potential for businesses.

However, it is important to point out that many local businesses and tourism operators did not feel that an upgraded airport with regular services would have major impact on their existing businesses. Indeed, many tourism operators noted that an upgraded airport might be useful for the business community but would be expected to have little or no impact on their prospects for tourism.

It is also worth noting that investors dealing directly in global markets value access to international airports very highly, whilst investors dealing mainly with the domestic market (producing and selling domestically or operating as a "branch plant" for a national firm) tend to be more concerned with domestic road and rail access than air. In the case of Newcastle, which generally operates as a hub within the domestic economy, linked to Johannesburg and Durban and other cities, the economic justification for the airport as a platform for investment is less clear-cut, although there would still be a case for an effective airport supporting investment in higher order business functions (e.g. service, management and research).

Review of existing operations

Newcastle Airport, profiled in Table 2.3, is currently licensed by the Civil Aviation Administration (CAA) to handle Category 2 traffic.

Table 1: Profile of Newcastle Airport

Airport Code	NCS
Licence	CAA Category 2
Longitude	25900 E
Latitude	24600 S
Runway Designation	11-29
Runway Elevation	4,105 ft (1,251 m)
Runway Length	4,921 ft (1,500 m) 21 meters wide
Reference Temperature	AIP 24.2°C ICAO 28.5°C

4. CONTRACT OBJECTIVE

This seeks to provide an Operator who will have the capability to Manage and Maintain as well as providing scheduled flights on a regular basis.

5. SCOPE FOR EXPRESSION OF INTEREST

The following activities are required from the interested party

- a. Submit an action plan detailing the nature and type of expansion envisaged as well as a detailed Gantt chart indicating time frames of the expansion;
- b. Train ground crew and other safety personnel;
- c. Number of people to be employed;
- d. Preference will be given to airlines that have landing rights at Lanseria Airport or O.R. Tambo or King Shaka International and any other licensed airport and should be in possession of an operator's license;
- e. There is also a coffee shop facility available for the operator to manage as optional
- f. Current landing fees based on 70% of charges as per Government Gazette No 41551 Dated 29 March 2018 will be applicable in terms of The Newcastle Municipality Tariffs of charges

- g. The proof of ownership or lease agreement of Aircrafts or proof of affiliation with accredited aircraft manufacturers or business owners.
- h. That it be noted that the overall specification includes two categories namely Passenger Flights and Cargo Services and each category will be evaluated independent of each other**
- i. That it be noted the runway is maintained by the Municipality**
- j. That the method of submission be a single envelop system**
- k. That the compulsory briefing session will not be applicable due to Covid 19**

6. ANTICIPATED TIMEFRAMES

Once the Expression of interest has been obtained and accepted, then the terms of engagement will be concluded that is either we approach the market through a Turnkey agreements or the successful service provider(s) may act as implementing agents on behalf of the Municipality.

The project anticipated timeframe from the date of appointment may be for a period of three (3) years or be decided on acceptance.

15. RESPONSIVENESS AND EVALUATION CRITERIA

2.1 ELIGIBILITY CRITERIA

The Newcastle Municipality may not consider any proposals unless it meets the following responsiveness criteria:

- 2.1.1 The proposal must be properly received in a sealed envelope clearly indicating the description of the service/goods/works to be supplied and the Bid number for which the Bid is submitted;
- 2.1.2 The proposal must be deposited in the relevant Bid box as indicated on the notice of the Bids invitation on or before the closing date and time of the Bid;
- 2.1.3 A copy of TCC together with the status pin page for verification must be submitted with the Bid on or before the closing time and date of the Bid.
- 2.1.4 Costing or Financial proposals and Technical proposals should be on a single envelope system and all returnable schedules & documents be bonded together to avoid misplacement.
- 2.1.5 A Joint Venture Agreement or Consortium, where applicable, which has been properly signed by all parties must be submitted. Both parties should submit individual Tax clearance verification pins as well as for the joint venture agreement and on award it is expected that the proof of joint bank account is made available.
- 2.1.6 The proposals must comply with the requirements of the project scope. The proposal must comply in full and observe the requirements of the Notice to Bidders
- 2.1.7 The bidder must provide proof of financial ability or demonstrate that he / she has capacity to execute the contract. Copy of bank statement or Letter of bank guarantee or recent audited financial statements (not older than three years) should be produced as portfolio of evidence.
- 2.1.8 The bidder or any of its directors/shareholders is not listed on the Register of Tender Defaulters in terms of the Prevention and Combating of Corrupt Activities Act of 2004 person prohibited from doing business with the public sector;
- 2.1.9 The bidder has not:
 - a) abused the Employer's Supply Chain Management System; or
 - b) failed to perform on any previous contract and has been given a written notice to this effect;
- 2.1.10 The bidder has completed the Declaration of Interest and there are no conflicts of interest which may impact on the tenderer's ability to perform the contract in the best interests of the employer or potentially compromise the tender process and persons in the employ of the state are permitted to submit tenders or participate in the contract;
- 2.1.11 The bidder is registered on the **Central Supplier Database**;

2.1.12 The bidder is not in arrears for more than 3 months with municipal rates and taxes and municipal service charges from their own municipality anywhere in the Country. The latest municipal account and or Lease agreement is to be attached. The statement must not be older than three months from the closing date of this tender. Alternatively, if the tenderer is currently leasing premises and is not responsible for the payment of municipal services, a copy of the Lease Agreement must be attached.

2.1.13 All returnable schedules are to be completed and all relevant certificates attached where indicated.

2.1.14 **Objective criteria**

In terms of Preferential Procurement Regulation 11 and section 2(1) (f) of the Preferential Procurement Policy Framework Act, the following are the objective criteria:

- The risk of fruitless and wasteful expenditure to Newcastle Local Municipality;
- The risk of Irregular expenditure to Newcastle Local Municipality;
- The risk of poor project and contract management on existing project with Newcastle Local Municipality;
- The risk of an abnormally low bid; and
- The risk of a material irregularity.

The Municipality reserves a right to apply objective evaluation criteria should the recommended bidder pose any of the above-mentioned risks after assessment, Newcastle Local Municipality after ascertaining sufficient information will not make an award to the bidder exposing the Municipality to one or more of the above mentioned risks.

The Council reserves the right to accept all, some, or none of the Bids submitted – either wholly or in part – and it is not obliged to accept the lowest Bid.

2.1.15 **Technical Enquiries**

For enquiry purposes please contact:

Contact Person	:	Ms R Pather
Telephone number	:	034 328 7656
Email address	:	Rivena.pather@ newcastle.gov.za

OR

Contact Person	:	Mr A. Thulasee
Telephone number	:	034 328 8611
Email address	:	Anesh.thulasee@ newcastle.gov.za

2.1.16 Copyrights in any document produced, and the patent rights or ownership in any plant, machinery, thing, system or process designed or devised during the course of the consultancy service should be vested with the Council – Newcastle Municipality.

2.1.17 The method of evaluation will be based on quality assessment (functionality), administrative compliance and then the prequalified proposals will be considered in determining the contractual relationship (that is risk and obligations) and other associated business conclusions on providing the intended services; where the minimum qualifying score of **80%** in respect of the Functionality Test must be achieved for prequalification.

2.1.18 By submitting this Bid, the bidder authorises the Council or its delegate(s) to carry out any investigation deemed necessary to verify the correctness of the statements and documents submitted and that such documents reasonably reflect the ability of the Bidder to provide the goods and services required by the Council.

The Council reserves the right to accept all, some, or none of the Bids submitted – either wholly or in part – and it is not obliged to accept the lowest Bid.

The method of evaluation will be based on compliance to the scope of work issued by the Municipality

PLEASE NOTE

1. The Municipal Manager will cancel a contract awarded to a person if:

- a) The person committed a corrupt or fraudulent act during the procurement process or in the execution of the contract, or
- b) An official or other role player committed any corrupt or fraudulent act during the procurement process or in the execution of the contract that benefited that person.

2. The Municipal Manager will reject the Bid or quote of any person if that person or any of its directors has:

- a) Failed, during the last five years, to perform satisfactorily on a previous contract with The Newcastle Municipality or any other organ of State after written notice was given to that Bidder that performance was unsatisfactory;
 - b) Wilfully neglected, reneged on or failed to comply with any government, municipal or other public sector contract during the past five years.
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16. EVALUATION OF TECHNICAL PROPOSALS

16.1 Evaluation Process of Proposal for Passenger Flights

ITEM DESCRIPTION	Criterion	Total Score	Ref Page No.
1.	<p>1.1 COMPLIANCE WITH THE TERMS OF REFERENCE BY INCLUDING THE FOLLOWING DIAGRAMS:</p> <p>a. Project plan for operating the route/s - 5</p> <p>b. Cashflow projection prior and during the anticipated operation - 10</p> <p>c. Number of flights owned or leased currently and operate in other routes within the Country - 5</p> <p>(proof of evidence be submitted)</p>	20 Points	
2.	<p>2.1 Relevant Experience</p> <p>Demonstration of experience in running scheduled flights at the airport.</p> <p>a. 5 years or more - 10 points</p> <p>b. 3-4 years & 11 months - 8 points</p> <p>c. 1-2 years & 11 months - 6 points</p> <p>d. Less than 12 months - 4 points</p> <p>(Certified letters of appointment or traceable documents be submitted as portfolio of evidence)</p>	20 Points	
3.	<p>3.1 Statutory Compliance</p> <p>a. CAA accredited - 20 points</p> <p>b. Other institutions accreditation - 10 points</p> <p>c. None submission - 0 points</p> <p>(Proof accreditation be submitted – certified copies)</p>	20 Points	
4.	<p>4.1 Financial Ability to run the schedule flights</p> <p>a. Confirmation from the banking sector about the financial status of the company - 20 points</p> <p>b. Non submission - 0 points</p> <p>Authorised bank rating confirmation letter from the relevant financial institution or recently audited financial statements</p>	20 Points	
5.	<p>5.1 Skills Transfer/ Employment of local skilled personnel/ Supply of services from locally as and when needed and if available locally</p> <p>a. Expression in the proposal document that either human resource or services will first be sourced locally as and when the need arises and provided that it is available locally. - 10 points</p>	10 Points	
6	<p>6.1 Safety Plan</p> <p>a. Submission of a safety plan for both the general public and the crew - 10 points</p>	10 Points	
	TOTAL	100	

The responses will be evaluated according to the above criteria and only achievement of **80%** and above will make a bidder eligible for further evaluation – financial viability

16.2 Evaluation Process of Proposal for Cargo Services

ITEM DESCRIPTION	Criterion	Total Score	Ref Page No.
1.	<p>1.1 Compliance with the Terms of Reference by including the following diagrams:</p> <ul style="list-style-type: none"> a. Project plan for operating the route/s - 5 b. Cashflow projection prior and during the anticipated operation - 10 c. Number of flights owned or leased currently and operate in other routes within the Country - 5 <p>(proof of evidence be submitted)</p>	20 Points	
2	<p>2.1 Relevant Experience</p> <p>Demonstration of experience in running scheduled flights at the airport.</p> <ul style="list-style-type: none"> a. 5 years or more - 10 points b. 3-4 years& 11 months - 8 points c. 1-2 years& 11 months - 6 points d. Less than 12 months - 4 points <p>(Certified letters of appointment or traceable documents be submitted as portfolio of evidence)</p>	20 Points	
3.	<p>3.1 Statutory Compliance</p> <ul style="list-style-type: none"> a. CAA accredited - 20 points b. Other institutions accreditation - 10 points c. None submission - 0 points <p>(Proof accreditation be submitted – certified copies)</p>	20 Points	
4.	<p>4.1 Financial Ability to run the schedule flights</p> <ul style="list-style-type: none"> a. Confirmation from the banking sector about the financial status of the company - 20 points b. Non submission - 0 points <p>Authorised bank rating confirmation letter from the relevant financial institution or recently audited financial statement</p>	20 Points	
5.	<p>5.1 Skills Transfer/ Employment of local skilled personnel/ Supply of services from locally as and when needed and if available locally</p> <ul style="list-style-type: none"> a. Expression in the proposal document that either human resource or services will first be sourced locally as and when the need arises and provided that it is available locally. - 10 points 	10 Points	
6	<p>6.1 Safety Plan</p> <ul style="list-style-type: none"> a. Submission of a safety plan for both the general public and the crew - 10 points 	10 Points	
	TOTAL	100	

The responses will be evaluated according to the above criteria and only achievement of **80%** and above will make a bidder allegeable for further evaluation.