



MOHOKARE
LOCAL MUNICIPALITY



P. O. Box 20, Zastron, 9950
Tel: 051 673 9600
Fax: 051 673 1550
E-mail info@mohokare.gov.za
www.mohokare.gov.za

CONTRACT NO: SCM/MOH/08/2022

**APPOINTMENT OF A PANEL OF
PROFESSIONAL LEGAL SERVICES
PROVIDERS FOR A PERIOD OF 3 YEARS**

CLOSING DATE: 28 DECEMBER 2022 (14:00)

Prepared by:
Mohokare Local Municipality
Hoofd Street
Zastron
9950

NAME OF BIDDER	
CSD REGISTRATION NO	
SARS PIN	
AMOUNT (VAT incl.)	R

ADDRESS	
TELEPHONE NUMBER	
FAX NUMBER	
E-MAIL ADDRESS	



The following particulars must be furnished /attached failure to do so WILL result in your bid being disqualified

No.	Details	Tick(x)
1.	Original municipal account of company , if renting and the lessee is not responsible for municipal rates and taxes as stipulated in the lease agreement only a signed lease agreement /if renting and the lessee is responsible for municipal rates and taxes as stipulated in the lease agreement both signed lease agreement and municipal account not older than 3 months	
2.	Valid tax clearance certificate	
3.	Certified company registration (e.g. close corporation, company or trust) indicating the date the document was certified with all certified ID copies of the directors as indicated in the registration document. The certification must not be older than 3 months	
4.	Compulsory site briefing attended (if applicable)	
5.	Proof of banking not older than 3 months	
6.	Certificate of authority of signatory not older than 3 months	
9.	Valid BBBEE certificate issued by SANAS accredited agencies or certified Sworn Affidavits .	
10.	Joint Venture Agreement (if applicable)	
11.	Completed and signed form of offer	
12.	Signed and completed addenda to the tender (if applicable)	
13.	Proof that the supplier is registered on the Centralised Suppliers Database (CSD)	
14.	Completed and signed MBD forms (ALL MBD forms in the tender)	

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MBD 1 INVITATION TO BID

You are hereby invited to bid for the requirements of the Mohokare Local Municipality

BID NUMBER: SCM/MOH/08/2022 DESCRIPTION: APPOINTMENT OF A PANEL OF PROFESSIONAL LEGAL SERVICES PROVIDERS FOR A PERIOD OF 3 YEARS CLOSING DATE: 28 DECEMBER 2022 CLOSING TIME: 14:00

The successful bidder will be required to fill in a written Contract Form (MBD 7) and sign a service level agreement

BID DOCUMENTS SHOULD BE DEPOSITED IN THE BOX SITUATED AT THE MUNICIPAL OFFICES OR MAY BE POSTED:

**MOHOKARE LOCAL MUNICIPALITY
HOOFD STREET
ZASTRON
9950**

Enclose the envelope with the contract number and the closing date.

Bidders should ensure that bids are delivered timeously to the correct address. If the bid is late, it will not be accepted for consideration.

The bid box is generally open 5 days a week (Monday to Friday), from 08:00 to 16:30.

ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS – (NOT TO BE RE-TYPED OR PHOTO COPIED)

THIS BID IS SUBJECT TO THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER CONDITIONS OF CONTRACT

THIS BID WILL BE EVALUATED AND ADJUDICATED ACCORDING TO THE FOLLOWING CRITERIA:

1. Relevant specifications
2. Value for money
3. Capability and capacity to execute the contract
4. PPPFA & associated regulation
5. 80/20 preference point system

NB: NO BID WILL BE CONSIDERED FROM PERSONS IN THE SERVICE OF THE STATE (see definition on MBD 4 attached)

**THE FOLLOWING PARTICULARS MUST BE FURNISHED
(FAILURE TO DO SO MAY RESULT IN YOUR BID BEING DISQUALIFIED)**

NAME OF BIDDER _____

POSTAL ADDRESS _____

STREET ADDRESS _____

CONTACT PERSON _____

TELEPHONE NUMBER CODE _____ NUMBER _____

CELLPHONE NUMBER _____

FASCIMILE NUMBER CODE _____ NUMBER _____

VAT REGISTRATION NUMBER _____

HAS ORIGINAL VALID TAX CLEARANCE CERTIFICATE BEEN ATTACHED (MBD2)?

YES/NO

ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS/
SERVICES OFFERED BY YOU? (IF YES ENCLOSE PROOF)

YES/NO

SIGNATURE OF BIDDER _____

DATE _____

CAPACITY UNDER WHICH THIS BID IS SIGNED _____

TOTAL BID PRICE (R) _____

ANY ENQUIRIES REGARDING THE BIDDING PROCEDURE MAY BE DIRECTED TO:

MUNICIPALITY : Mohokare Local Municipality

DEPARTMENT : Supply Chain Management

CONTACT PERSON : Acting-Chief Financial Officer – Mr. T Mdluli

TEL NUMBER : +27 (051) 673 9600

FAX NO. : +27 (051) 673 1550

ANY ENQUIRIES REGARDING THE TECHNICAL INFORMATION MAY BE DIRECTED TO:

CONTACT PERSON : Labour Relations Officer – Mr. S Thabeng

TEL NUMBER : 051 673 9600

FAX NO. : 051 673 1550

MBD 2 APPLICATION FOR TAX CLEARANCE AND TAX CLEARANCE CERTIFICATE REQUIREMENTS

2. Trade Name: _____

4. Company/Close Corporation Registration Number:

[illegible]

Signature of contact person requiring Tax Clearance Certificate: _____

Name: _____

Tel Number: Code: Number:

Address: _____

Date: 20____/____/____

PLEASE NOTE THAT THE COMMISSIONER FOR THE SOUTH AFRICAN REVENUE SERVICES (SARS) WILL NOT EXERCISE HIS DISCRETIONARY POWERS IN FAVOUR OF ANY PERSON WITH REGARD TO ANY INTEREST, PENALTIES AND /OR ADDITIONAL TAX LEVIABLE DUE TO THE LATE – OR UNDERPAYMENT OF TAXES, DUTIES OR LEVIES OR THE RENDITION RETURNS BY ANY PERSON AS RESULT OF ANY SYSTEM NOT BEING YEAR 2000 COMPLIANT.

TAX CLEARANCE CERTIFICATE REQUIREMENTS

IT IS A CONDITION OF THE BIDDER THAT: –

1. The taxes of the successful bidder must be in order, or that satisfactory arrangement has been made with Receiver of Revenue to meet his/her tax obligations.
2. The attached form “Application for Tax Clearance Certificate” (in respect of bidders), must be completed in all aspect and submitted to the Receiver of Revenue where the bidder is registered for tax purposes. The Receiver of Revenue will then furnish the bidder with a Tax Clearance Certificate that will be valid for the period of twelve (12) months from the date of issue. This Tax Clearance Certificate must be submitted in the original together with the bid. Failure to submit the original and valid Tax Clearance may invalidate the bid.
3. In bids where Consortia /Joint Venture / Sub-contractors are involved each party must submit a separate Tax Clearance Certificate. Copies of the application for Tax Clearance Certificate are available at any Receiver’s Office.

MBD 4 DECLARATION OF INTERESTS

1. No bid will be accepted from persons in the service of the state.
2. Any person, having a kinship with persons in the service of the state, including a blood relationship, may make an offer or offers in terms of this invitation to bid. In view of possible allegation of favouritism, should be resulting bid, or part thereof, be awarded to person 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 and /or take an oath declaring his/her interest.
3. **In order to give effect to the above, the following questionnaire must be completed and submitted with the bid.**

3.1 Full Name: _____

3.2 Identity Number: _____

3.3 Company Registration Number: _____

3.4 Tax Reference Number: _____

3.5 VAT Registration Number: _____

3.6 Are presently in the service of the state* **YES/NO**

3.6.1 If so, furnish particulars.

3.7 Have you been in the service of the state for the past twelve months? **YES/NO**

3.7.1 If so, furnish particulars

MSCM Regulations: "in the services of the state *means to be: –

(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 municipal 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.

3.8 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

3.8.1 If so, furnish particulars.

3.9 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 evaluation and or adjudication.
YES/NO

3.9.1 If so, furnish particulars.

3.10 Are any of the company's directors, managers, principle shareholders or stakeholders in service of the state?
YES/NO

3.10.1 If so, furnish particulars.

3.11 Are any spouses, child or parent of the company's Directors, Managers, principal shareholders or stakeholders in service of the state?
YES/NO

3.11.1 If so, 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 PROVES TO BE FALSE.

Signature

Date

Position

Name of Bidder

MBD 6.1 PREFERENCE CLAIM IN TERMS OF THE PREFERENTIAL PROCUREMENT REGULATIONS

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

PURCHASES

This preference form must form part of all bids invited. It contains general information and serves as a claim form for B-BBEE status preference points as well as a summary for preference points claimed for attainment of other specified goals.

NB: BEFORE COMPLETING THIS FORM, BIDDERS MUST STUDY THE GENERAL CONDITIONS, DEFINITIONS AND DIRECTIVES APPLICABLE IN RESPECT OF B-BBEE AS PRESCRIBED IN THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT, 2000: PREFERENTIAL PROCUREMENT REGULATIONS, 2017.

GENERAL CONDITIONS

1.1 The following preference points system are applicable to all bids;

- The 80/20 system for requirements with Rand value of up to R 50 000 000,00; and
- The 90/10 system for requirements with Rand value above R 50 000 000,00.

1.2 The value of this bid is estimated to not exceed R 50 000 000,00 and therefore the 80/20 shall be applicable.

1.3 Preference points for this bid shall be awarded for:

- (a) Price; and
- (b) B-BBEE rating certificates, issued by either verification agencies accredited by the **South African Accreditation System (SANAS)** or by registered auditors approved by the Independent or **Certified Sworn Affidavits**.

1.4 The points for this bid are allocated as follows:

	POINTS
1.4.1 PRICE	80
1.4.2 B-BBEE status level of contribution	20

Separate Preference Points Claim Form will be used for the promotion of the specific goals for which points have been allocated in paragraph 1.3 (b) above.

Failure on the part of a bidder to fill in and/or to sign this form may be interpreted to mean that preference points are not claimed.

1.5 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.

GENERAL DEFINITIONS

1.6 **“Acceptable bid”** means any bid which, in all respects, compiles with specification and conditions of bid as set out in the bid documents.

1.7 **“B-BBEE”** means broad-based black economic empowerment as defined in section 1 of the Broad-Based Black Empowerment Act;

1.8 **“B-BBEE status level of contribution”** 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 Act;

1.9 **“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, work or services.

1.10 **“Comparative price”** means the price after the factors of a non-firm price and all unconditional discounts that can be utilised have been taken into consideration

1.11 **“Consortium or joint venture”** means as association of persons for the purpose of combining their expertise, property, capital, efforts, skills and knowledge in an activity for the execution of a contract.

1.12 **“Contract”** means the agreement that results from the acceptance of a bid by an organ of state.

1.13 **“Specific contract participation goals”** means the goals as stipulated in the Preferential Procurement Regulation 2017. In addition to above-mentioned goals, the Regulations [12. (1)] also make provision for organs of state to give particular consideration top procuring locally manufactured products.

1.14 **“Control”** means the possession and exercise of legal authority and power to manage the assets goodwill and daily operations of a business and the active and continuous exercise of appropriate managerial authority and power in determining the policies and directing his operations of the business.

1.15 **“Equity Ownership”** means the percentage ownership and control, exercised by individuals within an enterprise.

1.16 **“Management”** an activity inclusive of control and performed on a daily basis, by person who is principal executive officer of the company, by whatever name that person maybe ignited, and whether or not that person is a director.

1.17 **“Owned”** means having all the customary elements of ownership, including the right of decision-making and sharing all the risks and profits commensurate with the degree of ownership interest as demonstrated by an examination of the substance, rather than the form of ownership arrangements.

1.18 **“Person”** includes reference to a juristic person.

1.19 **“Rand value”** means the total estimated value of a contract in rand denomination that is calculated at the time of bid invitations and includes all applicable taxes and excise duties.

1.20 **“Small, Medium and Micro Enterprises (SMMEs)”** bears the same meaning assigned to this expression in the National Small Business Act, 1996 (No 102 of 1996).

1.21 **“Sub – contracting”** means the primary contractor’s assigning or leasing or making out work to, or employing another person to support such primary contractor in the execution of part of a project in terms of the contract.

1.22 **“Trust”** means the arrangement through which the property of one person is made over or bequeathed to a trustee to administer such property for the benefit of another person.

1.23 **“Trustee”** means the arrangement through which the property of one person is made over or bequeathed to a trustee to administer such property for the benefit of another person.

ADJUDICATION USING A POINT SYSTEM

1.24 The bidder obtaining the highest number of points will be awarded the contract.

1.25 Preference points shall be calculated after prices have been brought to a comparative basis.

1.26 Points scored will be rounded off to 2 decimal places.

1.27 In the event of equal points scored, the bid will be awarded to the bidder scoring the highest number of points of specified goals.

POINTS AWARDED FOR PRICE SYSTEM

1.28 THE 80/20 PREFERENCE POINT SYSTEMS

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

80/20

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

Where:

Ps = Points scored for price of bid under consideration

Pt = Rand of bid under consideration

Pmin = Rand value of lowest acceptable bid

POINTS AWARDED FOR ATTAINING THE B-BBEE STATUS

1.29 The 80/20 preference point system for acquisition of services, works or goods up to a Rand value of R50 million

Points will be awarded for attaining the B-BBEE status level of contribution in accordance with the following table below:

B-BBEE Status level of contributor	Number of points
1	20
2	18
3	14
4	12
5	8
6	6
7	4
8	2
Non-compliant contributor	0

- (i) A maximum of 20 points may be allocated in accordance with the table above.
- (ii) The points scored in respect of B-BBEE contribution contemplated in the table above will be added to the points scored for the price.

1.30 The 90/10 preference point system for acquisition of services, works or goods above Rand value of R50 million

Points will be awarded for attaining the B-BBEE status level of contribution in accordance with the following table below:

B-BBEE Status level of contributor	Number of points
1	10
2	9
3	6
4	5
5	4
6	3
7	2
8	1
Non-compliant contributor	0

- (i) A maximum of 10 points may be allocated in accordance with the table above.
- (ii) The points scored in respect of B-BBEE contribution contemplated in the table above will be added to the points scored for the price.

BID DECLARATION

Bidders who claim points in respect of equity ownership must complete the Bid Declaration at the end of this form.

1. B-BBEE STATUS CLAIMED IN TERMS OF PARAGRAPH 2.3 ABOVE.

B-BBEE Status level of contributor	Number of points claim

DECLARATION WITH REGARD TO B-BBEE

1.31 Name of firm : _____

1.32 VAT Registration number : _____

1.33 Company Registration number : _____

TYPE OF FIRM

- ☐ Partnerships
- ☐ One-person business / sole trader
- ☐ Close Corporation
- ☐ Listed Company
- ☐ (Pty) Limited

[TICK APPLICABLE BOX]

DESCRIBE PRINCIPAL BUSINESS ACTIVITIES

COMPANY CLASSIFICATION

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

[TICK APPLICABLE BOX]

MUNICIPAL INFORMATION

Municipality where business is situated: _____

Registered Account No.: _____

Stand No.: _____

CONSORTIUM / JOINT VENTURE

1.34 In the event that preference points are claimed for B-BBEE by consortia / joint ventures, the following information must be furnished in order to be entitled to the points claimed in respect of the B-BBEE Status.

Name of Company (to be consistent with paragraph 9.8)	Percentage (%) of the contract value managed or executed by the Company

1.35 I/We, the undersigned, who warrant that he/she is duly authorised to do so on behalf of the firm certify that points claimed, based on the equity ownership, indicated in paragraph 8 of the foregoing certificate, qualifies the firm for the preference(s) shown and I/we acknowledge that:

- (i) The information furnished is true and correct.
- (ii) The Equity ownership claimed is 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 paragraph 8, the contractor may be required to furnish documentary proof to the satisfaction of the purchaser that the claims are correct.
- (iv) If the claims are found to be incorrect, the purchaser may, in addition to any other remedy-
 - (a) recover costs, losses or damages incurred or suffered as a result of that

- person's conduct; and
- (b) cancel the contract and claim any damages suffered as a result of having to make less favourable arrangements due to such cancellation;

MBD 6.1

WITNESSES:

1.

.....
SIGNATURE(S) OF BIDDER(S)

2.

DATE:.....

ADDRESS:

.....

.....

.....

BID ADVERTISEMENT



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LOCAL MUNICIPALITY



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Call for Bids

APPOINTMENT OF A PANEL OF PROFESSIONAL LEGAL SERVICES PROVIDERS FOR A PERIOD OF 3 YEARS

Mohokare Local Municipality wishes to invite bidders for the above mentioned tender.
The minimum specifications are detailed in the bid document.

Tender documents are obtainable at **R 500.00 non-refundable deposit per set**.
(Crossed cheques payable to the **Mohokare Local Municipality**).

Closing: 28 DECEMBER 2022
Contact Person for queries:

Acting-Chief Financial Officer – Mr. T Mdluli

Instructions dealing with the depositing of bids:

Address bids to:

Mohokare Local Municipality
Hoofd Street
ZASTRON
9950

4. This Supply Chain Management Policy of the Municipality has been drawn up to give effect to these principles and Preferential Procurement Legislation, and furthermore comply with the provisions of the Local Government: Municipal Finance Management Act, 2003 (Act No 56 of 2003) and regulations promulgated in terms thereof.
5. Bids that are invalid, non-responsible in terms of Clause 7.2.14 of the Supply Chain Management Policy will be disqualified at the opening of the bids.
6. Bid documents must be deposited in the bid box not later than **14H00** on the closing date (28 DECEMBER 2022)

Mr. MJ Kanwendo
Municipal Manager

and endorse the envelope with the contract number and the closing date.

Please note:

1. Late bids, telegraphic bids or bids sent by fax will not be considered.
2. The lowest or any bid will not necessarily be accepted and the Municipality reserves the right to accept where applicable a portion of any bid.
3. Section 217 of the Constitution of the Republic of South Africa requires an organ of state to contract for goods and Services in accordance with a system which is fair, equitable, transparent, competitive & cost effective.

BID SPECIFICATIONS

APPOINTMENT OF A PANEL OF PROFESSIONAL LEGAL SERVICES PROVIDERS FOR A PERIOD OF 3 YEARS

SCOPE OF WORKS

1. INTRODUCTION

Mohokare Local Municipality requires the services of five (5) appropriately qualified Legal Services Providers to render specialised services which are not available in house, on an as and when required basis. It is the objective of this appeal for proposals to identify specialists within specific arenas of competence and qualification whose services can be utilised by the municipality.

In terms of the South African Constitution, Municipal Finance Management Act 1 of 1999 (as amended) and related Supply Chain Management Policy, the municipality is obliged to follow a competitive bidding process that is fair, equitable and transparent to appoint a supplier of services.

The request for proposal is put out in an open and transparent manner to afford all professionals and entities an equal opportunity to perform specialised legal services for the municipality. From this process, the municipality will appoint a panel of specialists to render specific specialised services on an as and when required basis. Appointed Service Providers in the same area of skills will be utilised on a rotational basis.

2. GENERAL QUALIFICATION

To be considered, the service/entity must be in possession of a relevant qualification or in the case of a company or joint venture must have relevant qualifications amongst its employees. The Legal Practitioners are expected to be admitted as an attorney or advocate, such proof and membership of the High Court, Bar Council or Legal Practise Council must be provided. Proof of qualification and/or registration must therefore be submitted in respect of each bidder or employees within a company or joint venture that submits this bid.

Certified copies will be accepted provided the municipality can insist on having the original documents submitted for verification purposes. **Failure to submit the required proof with the bid documents will result in rejection of such bid irrespective whether such bidders are indeed qualified or registered.**

If at any time for the duration of this panel being valid and in operation, an appointed service provider and/or entity is struck off the roll or disbarred, the appointment of such a practitioner will also be terminated and all instructions held by that practitioner will be cancelled and recalled.

3. NATURE OF SERVICES REQUIRED

- Local government law
- Legal opinions in general matters
- Contract law/Service Level Agreements
- Planning and Environmental law
- Property law/Conveyancing
- Litigation and Arbitration
- MFMA and its Regulations
- Labour Law
- Dispute Resolution
- Commercial and Corporate law
- Construction Industry Development Board Act and its Regulations.
- Building Regulations Act
- Constitutional, Human Rights and Administrative law
- Disaster Management Laws and Regulations
- Procurement investigations or any other investigations ☐ Information and communication technology law ☐ Any auxiliary or related law to the above.
- Capacity to implement all bylaws applicable to the municipality

4. QUALIFICATIONS AND EXPERIENCE REQUIRED:

a. Qualifications

The bidder, in the case of an individual, must be in possession of a relevant degree in Law or equivalent qualification. In the case of a firm or company or consortium submitting a bid, a list of persons indicating their relevant Law degrees or qualifications must be provided. Only individuals whose names appear on the list will be used for purposes of this bid. **Failure to submit proof of admission will result in such individual / firm not being considered.**

b. Experience

All individuals, or individuals forming part of a firm, company, joint venture or consortium, submitting a bid, should indicate for which specific specialised services they are bidding. In addition, a list of names of individuals who have appropriate experience in the specified specialised field should be submitted.

A list of references of companies / local authorities / provincial and national departments or any other organs of state for whom similar type of legal work for which the bid is submitted has been done in the past 5 years, must be provided with the most recently serviced company / local authority / provincial and national departments or any other organ of state being mentioned first with the same sequence being followed and specifying the nature and value of all work done.

c. Capacity

A clear commitment of the availability of the individuals as provided in the list of names mentioned above in 4.1 should be given.

Profiles of practitioners that will be servicing the client must be provided, and these should also outline the BEE Status/rating of the firm. Preference will be given to BEE companies.

5. SCHEDULE OF FEES

A "Schedule of Fees", for typical work carried out by the service provider has to be completed and submitted by prospective bidders. (In terms of the Legal Practice Council and any other relevant authority)

6. DURATION

The Service provider will be appointed for a period of 3 years on as and when required basis.

7. BIDDERS EVALUATION

Bidders will be evaluated in terms of the prevailing supply chain policy applicable to the municipality. The Functionality will be utilized and the instructions to be given on a rotational basis and on the area of legal specialization.

The selection of the qualifying proposal will be at the municipality's sole discretion. The municipality does not bind itself to accept any particular bid/proposal, and reserves the right not to appoint the service provider. All decisions of the municipality in respect of the appointment or non-appointment of Bidders are final. The successful Service Providers will be selected.

The bidders must have an e-mail address and internet capacity as to ensure proper and convenient communications. The bidders must in writing confirm that at the time of submitting the bid, no investigation is pending before the Legal practice council or any other relevant authorities. If so, full particulars of such action must be provided.

8. FUNCTIONALITY

Bidders will need to pass the minimum requirement of functionality test before their bids could further be adjudicated based on the 80/20 principle in terms of preferential procurement policy framework. This bid will be evaluated and adjudicated in accordance with the 80/20 principle as provide for in the Preferential Procurement Policy Framework act, 2000 and its regulations.

The minimum percentage score required for functionality is 70% and any bidder who obtains less than the minimum score will not be considered or be further adjudicated. The applicable values which will be used when scoring each criterion is:

The relevant relative weight of each criteria is indicated next to the criteria reflected hereunder. The following criteria will be used in the evaluation process for the functionality of the service providers:

ASPECT	COMMENTS	MIN	MAX
1.Track Record/Client List (refer to no 3 and 4.2 above)	<ul style="list-style-type: none"> • 5 and above Reference letters 20 points. • 2 to 4 letters 10 points Reference letters must be on Clients official letter head	10	30
2. Support Staff	<ul style="list-style-type: none"> • The ability to execute legal instructions within a reasonable time (turnaround time of 2 weeks) (10 points) Provide a signed letter from previous clients <ul style="list-style-type: none"> • Professional and Administrative Staff Qualifications (Secretary, filing clerk, receptionist and messenger) (10 points) Provide Organogram, brief CVs and certified copies of qualification not older than 6 months	20	20
3. Qualifications and Experience of legal practitioners, partner, directors of the bidder,	Legal Qualifications and Experience of legal practitioners. (Qualification: B Proc, LLB) 10 + years plus Qualification (30 points) 8 – 10 years (25 points) 6- 8 years (20 points) (CV with certified copies of qualifications must not older than 6 months be provided).	20	30
4. Infrastructure	<input type="checkbox"/> Offices, Electronic capabilities and equipment (e-mail, Internet accessibility, research electronic legal system such as Lexis Nexus, Jura Stats, Sabinet, links to Governmental and Parastatal institutions, Deeds Office, CIPC. (20 points) Provide copies of proof of registration for research electronic legal system (print a receipt or screen shots)	20	20
Total		70	100

The minimum percentage score required for functionality is 70% and any bidder who obtains less than the minimum score will not be considered or be further adjudicated.

Bids must remain valid for ninety (90) days after the submission date.

SCHEDULE OF PRICES DETERMINATION OF FEES

The maximum fees for all other legal services and the conditions applicable to the payment of such fees are the following: **NOTE: ALL FEES ARE VAT EXCLUSIVE.**

ATTORNEY AND OWN CLIENT TARIFFS FROM 1 JULY 2018 IN RESPECT OF HIGH COURT AND MAGISTRATE'S COURT WORK DONE ON BEHALF OF THE EKURHULENI METROPOLITAN MUNICIPALITY, SHALL BE THE PREVAILING TARIFFS FOR EACH COURT AS AMENDED FROM TIME TO TIME BY THE MINISTER.

THE FEES FOR CONVEYANCING AND NOTARIAL SERVICES WILL BE THE RECOMMENDED CONVEYANCING FEES AS DETERMINED BY THE LAW SOCIETY OF THE NORTHERN PROVINCES AS SET OUT HEREUNDER AND AS AMENDED FROM TIME TO TIME.

GENERAL PROVISIONS

Relating to **High Court** and **Magistrate's Court** work done as from date of appointment in terms of this tender by attorneys acting for the Mohokare Local Municipality (MLM).

1. For work done as from date of appointment in terms of this tender the LLM's attorneys are required:
 - 1.1 To draw their bills of costs/statements of account in accordance with this tariff.
2. The forum from which a Summons was issued in a matter will determine whether the High Court or the Magistrate's Court tariff is applicable. The relevant scale on the Magistrate's Court tariff applicable is based on the following: -

If the value of claim is between R 0,001 and R 12 000 - Scale A

If the value of claim is between R 12 000 and R 50,000 - Scale B

If the value of claim is between R50,001 and R100,000 - Scale C

If the value of claim is between R100 000.01 and R300 000 – Scale D (Regional Magistrate's Court matters)

3. **The attached tariff be applied by Attorneys acting for the MLM in the following:**

-

3.1 High Court

Labour Court

Constitutional Court

Tribunals

Preparation and appearance before the Townships and

Town planning Tribunal

Appeal Board and other Statutory Tribunals

Arbitration Hearings (Non Labour) (Arbitration Rules to apply)

Objections in terms of section 49 of the Supply Chain Management Regulations (MFMA)

Appeals in terms of section 62 of the Municipal Systems Act.

Legal opinions

3.2 **Scale D of the Magistrate's Court**

CCMA matters

Disciplinary Hearings (Presenting or Presiding)

Disciplinary Appeals (Presenting or Presiding)

Bargaining Council

Private Arbitration Hearings in Labour matters

Including charges of Chairperson and Prosecutor

Regional Magistrate's Court matters

3.3 The Supreme Court of Appeal tariff will apply for all Appeals

3.4 Attorneys acting for the LLM in Criminal matters are to charge for ALL WORK DONE on a TIME basis in accordance with the prevailing attorney and own client

Magistrate's Court Scale D. The tax invoice must indicate items billed for. E.g. 10h00 – 11h15 – To time spent on perusing and considering police docket – 42 pages – 1 Hour 15 minutes.

NOTE **no collapse fee** will be allowed under any circumstances. A once off waiting fee up to a maximum of two hours will be allowed. "collapse fee" meaning a fee chargeable for time set aside, which time is NOT used in that particular matter for reasons of postponement, settlement etc. In such instance time spent shall be billed.

SECTION A

YOUR MAIN CONTROLLING COMPANY

Supply information regarding the following

1. NAME

2. ADDRESS

3. SHAREHOLDERS of your controlling Company

(Indicate extent of shareholding especially shareholding of previously disadvantaged groups in your Controlling Company)

4. DIRECTORS

Initials & Surname	ID Number	Citizenship	B-BBEE Compliant Yes/No

5. MANAGEMENT STRUCTURE

Kindly supply information regarding positions held by Black people as defined in the B-BBEE act.

*** DEFINITION**

"Black People" is a generic term which means Africans, Coloureds and Indians

CONTRACT FORM – RENDERING OF SERVICES

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

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

1. I hereby undertake to render services described in the attached bidding documents to (name of the institution)in accordance with the requirements and task directives/proposal specifications stipulated in Bid Number..... at the price/s quoted. My Offer/s remains binding upon me and open for acceptance by the Purchaser during the validity period indicated and calculated from the closing date of the bid.
2. The following documents shall be deemed to form and be read and construed as part of this agreement:
 - (i) Bidding documents, viz
 - Invitation to bid
 - Tax Clearance Certificate
 - Proof of banking
 - Municipal rates and taxes
 - Registration documents
 - Pricing schedule(s)
 - Filled in task directive/ proposal
 - Preference claims in terms of the Preferential Procurement Regulations 2017
 - Declaration of interest
 - Special Conditions of Contract;
 - (ii) General Conditions of Contract; and
 - (iii) Other (Specify)
3. I confirm that I have satisfied myself as to the correctness and validity of my bid; that the price(s) and rate(s) quoted cover all the services specified in the bidding documents; that the price(s) and rate(s) cover all my obligations and I accept that any mistakes regarding price(s) and rate(s) and calculations will be at my own risk.

4. I accept full responsibility for the proper execution and fulfilment of all obligations and conditions devolving on me under this agreement as the principal liable for the due fulfilment of this contract.
5. I declare that I have no participation in any collusive practices with any bidder or any other person regarding this or any other bid.
6. I confirm that I am duly authorized to sign this contract

NAME (PRINT)

CAPACITY

SIGNATURE

NAME OF FIRM

DATE

WITNESSES

1.

2.

DATE:

CONTRACT FORM – RENDERING OF SERVICES

PART 2 (TO BE FILLED IN BY THE PURCHASER)

1. Iin my capacity asaccept your bid under reference numberdated for the rendering of services indicated hereunder and/ or further specified in the annexure(s).
2. An official order indicating service delivery instructions is forthcoming.
3. I undertake to make payment for the services rendered in accordance with the terms and conditions of the contract, within 30 days after receipt of an invoice.

Description of service	Price (VAT Incl.) R	Completion date	Preference Points claimed for B-BBEE status

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

SIGNED AT **ON**

NAME (PRINT)

WITNESS

1.

2.....

DATE:

SIGNATURE&MUNSTAMP

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

1. This Municipal Bidding Document forms 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 bidders may be rejected if that bidder or any of its directors have:

- (a) Abused the municipality's/municipal entity's supply chain management system or committed any improper conduct in relation to such system;
- (b) Been convicted for fraud or corruption during the past five years;
- (c) Wilfully neglected, reneged on or failed to comply with any government, municipal or other sector contract during the past five years; or
- (d) Been listed in the Register for Tender Defaulters in terms of section 29 of the Prevention; and Combating of Corrupt Activities (No 12 of 2004)

4. In order to give effect to the above, the following questionnaire must be completed and submitted with the bid:

Item	Question	Yes	No
4.1	Is the bidder or any of its directors listed on the National Treasury's database as a company or person prohibited from doing business with the public sector (Companies or person's by the National Treasury after the audi alteram partem rule was applied).		
4.1.1	If so, furnish particulars:		
4.2	Is the bidder or any of its directors listed on the Register for Tender Defaulters in terms of section 29 of the Prevention and Combating of Corrupt Activities Act (No 12 of 2004) (To access this Register enter the National Treasury's website, number (012) 326 5445.		
4.2.1	If so, furnish particulars:		
4.3	Was the bidder or any of it 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?		
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 to any other municipality / municipal entity, that is in arrears for more than three months?		
4.4.1	If so, furnish particulars:		
4.5	Was any contract between the bidder and 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?		
4.5.1	If so, furnish particulars:	Yes	No

CERTIFICATION

I, the undersigned (full name)certify that the information furnished on this declaration from true and correct.

I accept that, in addition to cancellation of a contract, action may be taken against me should this declaration prove to be false.

.....
Signature

.....
Date

.....
Position

.....
Name of Bidder

MBD 9 CERTIFICATE OF INDEPENDENT BID DETERMINATION

1. This Municipal Bidding Document (MBD) must form part of all bids invited.
2. Section 4 (1) (b) (iii) of the Competition Act No. 89 of 1998, as amended, prohibits an agreement between, or concerted practice by, firms, or a decision by an association of firms, if it is between parties in a horizontal relationship and if it involves collusive bidding (or bid rigging). Collusive bidding is a *pe se* prohibition meaning that it cannot be justified under any grounds.
3. Municipal Supply Regulation 38 (1) prescribes that a supply chain management policy must provide measures for the combating of abuse of the supply chain management system, and must enable the accounting officer, among others, to:
 - (a) take all reasonable steps to prevent such abuse;
 - (b) reject the bid of any bidder if that bidder or any of its directors has abused the supply chain management system of the municipality or municipal entity or has committed any improper conduct in relation to such system; and
 - (c) cancel a contract awarded to a person if the person committed any corrupt or fraudulent act during the bidding process or the execution of the contract.
4. This MBD serves as a certificate of declaration that would be used by institutions to ensure that, when bids are considered, reasonable steps are taken to prevent any form of bid-rigging.
5. In order to give effect to the above, the attached Certificate of Bid Determination (MBD 9) must be completed and submitted with the bid:

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)

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

I certify, on behalf of:

that:

(Name of Bidder)

1. I have read and I understand the contents of this Certificate;
2. I understand that the accompanying bid will be disqualified if this Certificate is found not to be true and complete in every respect;
3. I am authorized by the bidder to sign this Certificate, and to submit the accompanying bid, on behalf of the bidder;
4. Each person whose signature appears on the accompanying bid has been authorized by the bidder to determine the terms of, and to sign, the bid, on behalf of the bidder;
5. For the purposes of this Certificate and the accompanying bid, I understand that the word "competitor" shall include any individual or organization, other than the bidder, whether or not affiliated with the bidder, who:
 - (A) has been requested to submit a bid in response to this bid invitation;
 - (B) could potentially submit a bid in response to this bid invitation, based on their qualifications, abilities or experience; and
 - (C) provides the same goods and services as the bidder and/or is in the same line of business as the bidder
6. The bidder has arrived at the accompanying bid independently from, and without consultation, communication, agreement or arrangement with any competitor. However, communication between partners in a joint venture or consortium will not be construed as collusive bidding.
7. In particular, without limiting the generality of paragraphs 6 above, there has been no consultation, communication, agreement or arrangement with any competitor regarding:

- (a) prices;
- (b) geographical area where product or service will be rendered (market allocation)
- (c) methods, factors or formulas used to calculate prices;
- (d) the intention or decision to submit or not to submit, a bid;
- (e) the submission of a bid which does not meet the specifications and conditions of the bid; or
- (f) bidding with the intention not to win the bid.

8. In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications and conditions or delivery particulars of the products or services to which this bid invitation relates.

9. The terms of the accompanying bid have not been, and will not be, disclosed by the bidder, directly or indirectly, to any competitor, prior to the date and time of the official bid opening or of the awarding of the contract.

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

.....

Signature

.....

Position

.....

Date

.....

Name of Bidder

FORM OF OFFER AND ACCEPTANCE (AGREEMENT)

CONTRACT NO: SCM/MOH/08/2022

APPOINTMENT OF A PANEL OF PROFESSIONAL LEGAL SERVICES PROVIDERS FOR A PERIOD OF 3 YEARS

OFFER

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

APPOINTMENT OF A PANEL OF PROFESSIONAL LEGAL SERVICES PROVIDERS FOR A PERIOD OF 3 YEARS

The Tenderer, identified in the offer signature block below, has examined the documents listed in the Tender Data and addenda thereto as listed in the Tender Schedules, and by submitting this Offer has accepted the Conditions of Tender.

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

THE OFFERED TOTAL OF THE PRICES INCLUSIVE OF VALUE-ADDED TAXIS

..... rand [in words]; R [in figures],

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

Signatures (s)

Name(s)

Capacity

.....
[Name and address of organisation]

Name and signature
Of witnessDate.....

ACCEPTANCE

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

The terms of Contracts are within the Tender Document.

The Tenderer shall within two weeks after receiving a completed copy of this Agreement, including the Schedule of Deviations (if any), contact the Employer's agent (whose details are given in the Contract Data) to arrange to the delivery of any bonds, guarantees, proof of insurance and other documentation to be provided in terms

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

Signatures (s)

Name(s)

Capacity

.....
[Name and address of organisation]

Name and signature
Of witness

..... Date.....

GENERAL CONDITIONS OF BID

1. INTERPRETATION

The word “Bidder” in these conditions shall mean and include any firm of Contractors or any company or body incorporated or unincorporated.

The word “Municipality” in these conditions shall mean the Mohokare Local Municipality.

2. EXTENT OF BID

This contract is for the **APPOINTMENT OF A PANEL OF PROFESSIONAL LEGAL SERVICES PROVIDERS FOR A PERIOD OF 3 YEARS**

3. CONTRACT TO THE BINDING

The formal acceptance of this Bid by the Municipality will constitute a contract binding on both parties, and the Municipality may require sureties to its satisfaction from the contractor, for the due fulfillment of this contract.

4. MODE OF BID

All Bids shall be completed and signed: All forms, annexures, addendums and specifications shall be signed and returned with the Bid document as a whole. ***The lowest or any Bid will not necessarily be accepted.***

The Municipality wishes to deal on a prime contractual basis with the successful Bidder being responsible and accountable for all aspects of the entire solution or service offered.

5. QUALITY

Should the specifications and / or descriptions not address any aspects of quality as specified, this should be clarified with the Municipality prior to the submission of a Bid.

6. INSURANCE CLAIMS, ETC.

The Council and Municipality shall not be liable in any manner in respect of any claims, damages, accidents and injuries to persons, property or rights or any other courses of civil or criminal action that may arise from the carrying out of this contract.

The contractor shall insure his / her / their personnel and any plant, machinery or other mechanical or electronic equipment involved in the fulfillment of this contract and shall indemnify the Council and the Municipality against all risks or claims which may arise. It will be required from the successful Bidder to submit proof of insurance or any other valid form of indemnification to Council for scrutiny. Failure to do so within 14 (fourteen) days of acceptance of this Bid will be deemed to be a material breach of this contract and will render the contract null and void.

7. SIGNING OF DOCUMENTS

Bidders are required to return the complete set of documents duly signed.

8. PERIOD OF VALIDITY FOR BIDS AND WITHDRAWAL OF BID AFTER CLOSING DATE

All Bids must remain valid for a period of 120 (hundred and twenty) days from the closing date as stipulated in the bid document.

8.1 PENALTY PROVISION

Should the successful Bidder:

- [a] Withdraw the Bid during the afore-mentioned period of validity; or
- [b] Advise the Municipality of his / her / their inability to fulfill the contract; or
- [c] Fail or refuse to fulfill the contract; or
- [d] Fail or refuse to sign the agreement or provide any surety if required to do so;

Then, the Bidder will be held responsible for and is obligated to pay to the Municipality:

- [a] All expenses incurred by the Municipality to advertise for or invite and deliberate upon new Bids, should this be necessary.
- [b] The difference between the original accepted Bid price (inclusive of escalation) and:
 - [i] A less favorable (for the Municipality) Bid price (inclusive of escalation) accepted as an alternative by the Municipality from the Bids originally submitted; or
 - [ii] A new Bid price (inclusive of escalation).

9. VALUE ADDED TAX

In calculating the cost of the supply and delivery of services and / or material, the supplier will issue a "Tax Invoice" for all services rendered and / or materials supplied, which will reflect the exclusive cost of such services, goods or materials with the relevant Value Added Tax being added to the total.

VAT must be included in the Bid price, but must be shown separately.

10. PRICE ESCALATION

No claim in respect of any price escalation will be considered by the Municipality unless it is specifically stated in the Pricing Annexure that the Bid is subject to price escalation. When escalation is claimed for during the contract period, proof of such escalation must be furnished and the calculation itself must be submitted to corroborate such proof. Escalation will only be calculated on the official index figures supplied by the Department of Statistics or the Price Controller, which ever may be

applicable. All orders placed will be based on the current Bid prices. It is the responsibility of the Bidder to inform Council of any escalation prior to implementation of the escalated price. Failure to do so will negate any such claims to Council.

11. AUTHORITY TO SIGN BID DOCUMENTS

In the case of a Bid being submitted on behalf of a company, close corporation or partnership, evidence must be submitted to the Municipality at the time of submission of the Bid that the Bid has been signed by persons properly authorized thereto by resolution of the directors or under the articles of the entity.

12. SAMPLES

No sample required.

13. DURATION OF THE BID

It is envisaged that the successful Bidder will be appointed within the 120 (hundred and twenty) days of the tender validity and will be required to deliver within 21 days upon appointment.

14. DELIVERY PERIODS

Delivery periods, where indicated must be adhered to. Notwithstanding the termination date of the assignment the bidder will be required to submit progress reports to the Municipality on the contract, form and frequency and dates thereof to be stipulated and agreed upon by the parties upon the awarding of the Bid.

15. CLOSING DATE / SUBMITTING OF BIDS

Bids must be submitted in sealed envelopes clearly marked ***“APPOINTMENT OF A PANEL OF PROFESSIONAL LEGAL SERVICES PROVIDERS FOR A PERIOD OF 3 YEARS”*** the Bid must be deposited in the bid box, Mohokare Municipal Offices, Hoofd Street, Zastron, by no later than 14H00, **28 DECEMBER 2022**. Thereafter bids will be opened in public.

Bids which are not submitted in a properly sealed and marked envelope and/or deposited in the relevant bid box on or before the closing date and time will not be considered. Faxed or e-mailed Bidders will not be considered.

16. BID ENQUIRIES

Supply Chain related queries : SCM Accountant
Mr. P Lesenyeho 061 267 1582
pule@mohokare.gov.za

Technical related queries : Labour Relations Officer
Mr. S Thabeng 083 442 9274
sthabeng@mohokare.gov.za