



# **NKANGALA DISTRICT MUNICIPALITY**

**APPOINTMENT OF A PANEL OF CATERERS TO RENDER  
CATERING SERVICES AT STEVE TSHWETE, EMALAHLENI,  
THEMBISILE HANI AND DR JS MOROKA LOCAL MUNICIPALITIES  
WITHIN THE NKANGALA DISTRICT MUNICIPALITY FOR A  
PERIOD OF ONE (01) YEAR (AS AND WHEN REQUIRED)**

## **TENDER DOCUMENT**

**ISSUED BY:** NKANGALA DISTRICT MUNICIPALITY  
2A Walter Sisulu Street  
Middelburg  
1050

**NAME OF TENDERER:** .....

**CSD NUMBER** .....



## NKANGALA DISTRICT MUNICIPALITY



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## NKANGALA DISTRICT MUNICIPALITY



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## TENDERING PROCEDURES

### THE TENDER

#### Part T1: Tendering Procedures

- T1.1 Tender notice and invitation to tender
- T1.2 Tender Data



## NKANGALA DISTRICT MUNICIPALITY



### APPOINTMENT OF A PANEL OF CATERERS TO RENDER CATERING SERVICES AT STEVE TSHWETE, EMALAHLENI, THEMBISILE HANI AND DR JS MOROKA LOCAL MUNICIPALITIES WITHIN THE NKANGALA DISTRICT MUNICIPALITY FOR A PERIOD OF ONE (01) YEAR (AS AND WHEN REQUIRED)

#### **T1.1 TENDER NOTICE AND INVITATION TO TENDER**

Nkangala District Municipality invites tenders from suitably qualified caterers for **APPOINTMENT OF A PANEL OF CATERERS TO RENDER CATERING SERVICES AT STEVE TSHWETE, EMALAHLENI, THEMBISILE HANI AND DR JS MOROKA LOCAL MUNICIPALITIES WITHIN THE NKANGALA DISTRICT MUNICIPALITY FOR A PERIOD OF ONE (01) YEAR (AS AND WHEN REQUIRED)**

Tender Documents will be obtainable from **30<sup>TH</sup> JULY 2021** on the following websites: [www.etenders.gov.za](http://www.etenders.gov.za) and [www.nkangaladm.gov.za](http://www.nkangaladm.gov.za)

Tenders are to be completed in black ink and completed in accordance with the conditions and rules contained in the tender documents. The tenders and relevant documents must be sealed in an envelope and externally endorsed with **APPOINTMENT OF A PANEL OF CATERERS TO RENDER CATERING SERVICES AT STEVE TSHWETE, EMALAHLENI, THEMBISILE HANI AND DR JS MOROKA LOCAL MUNICIPALITIES WITHIN THE NKANGALA DISTRICT MUNICIPALITY FOR A PERIOD OF ONE (01) YEAR (AS AND WHEN REQUIRED)**

and be deposited in the Tender Box, Ground Floor, Nkangala District Municipality, 2A Walter Sisulu Street, Middelburg, Mpumalanga not later than **12H00 on 30<sup>th</sup> of August 2021**. The tenders will immediately be opened in public. **The Tenders shall remain valid for a period of 90 days from the closing date.** Telegraphic, telephonic, fax, telex e-mail or late tenders will not be accepted.

Tenders will be evaluated in terms **80/20** criteria of the Supply Chain Management policy of the Nkangala District Municipality. The lowest or any tender will not necessarily be accepted and suitably the Nkangala District Municipality reserves the right not to consider any tender **not suitably endorsed or comprehensively completed**, as well as the right to accept the tender in whole or part.

Technical and administrative enquiries may be directed to the Department of Finance – Supply Chain Management Unit at Nkangala District Municipality at **013 249 2103 / 4 / 5 / 6 / 7 / 10 & 2096**

**MM SKOSANA**  
**NKANGALA DISTRICT MUNICIPALITY**



## TENDER DATA

1.	The Employer is: Nkangala District Municipality P.O Box 437 Middelburg 1050		
2.	Tender Documents		
	<p><b>Tendering Procedures</b> Tender notice and invitation to tender Tender data</p> <p><b>Returnable Documents</b> List of Returnable Documents</p> <p><b>The Contract</b> <b>Agreements and Contract data</b> Forms of Offer and Acceptance Contract Data</p> <p><b>Pricing Data</b> Pricing Instruction Bill of Quantities</p> <p><b>Terms of Reference</b> Terms of Reference</p> <p><b>Additional Relevant Documents</b> Supply Chain Management Policy</p>		
3.	<p><b>Interpretation</b></p> <p>The tender data and additional requirements contained in the tender schedules that are included in the returnable documents are deemed to be part of these tender conditions.</p>		
4	<p><b>Communication.</b></p> <p>The Employer's Representative is;</p> <table border="1"> <tr> <td> <p><b><u>Accounting Officer:</u></b> Mrs MM Skosana P. O. Box 437 Middelburg 1050. Tel : 013 249 2000/2006 Fax: 013 249 2087</p> </td><td> <p><b><u>Procurement and Technical Enquiries Eng.</u></b> Ms SA Mashaba P.O. Box 437 Middelburg 1050 013 249 2104 013 249 2087</p> </td></tr> </table>	<p><b><u>Accounting Officer:</u></b> Mrs MM Skosana P. O. Box 437 Middelburg 1050. Tel : 013 249 2000/2006 Fax: 013 249 2087</p>	<p><b><u>Procurement and Technical Enquiries Eng.</u></b> Ms SA Mashaba P.O. Box 437 Middelburg 1050 013 249 2104 013 249 2087</p>
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4.1	<p>Attention is drawn to the fact that verbal communication given by the Employer's representative prior to the close of tenders will not be regarded as binding on the employer. Only information issued formally by the employer in writing to the tenders, under the signature of the Accounting Officer will be regarded as amending the tender documents. Tender offer communicated on paper shall be submitted as an original. Questions or queries must be submitted five (5) working days before the stipulated closing date and time of the tender. However, NDM shall not be liable nor assume liability for failure to respond to any questions and / or queries raised by the tender, in the event that no correspondence or communication is received from the NDM within ninety (90) days after the stipulated closing date and time of the tender. The tender proposal will be deemed to be unsuccessful.</p>		



5	<p><b>Eligibility</b></p> <p>In order to be considered for this tender you have to be in a position of a <b>Certificate of Acceptability for Food Premises</b> or <b>Certificate in Foodstuffs, Cosmetics and Cosmetics and Disinfectants Act 1972 (Act 54 of 1972)</b> obtainable from various municipalities under the (MHS) Municipal health Services Unit</p>
6	<p><b>The Employer's right to accept or reject any tender offer</b></p> <p>The employer has the right not to accept the lowest tender and to accept the whole or part of any tender or not to consider any tender not suitably endorsed is fully reserved by the Nkangala District Municipality.</p>
7	<p><b>Tenderer Obligations</b></p>
7.1	<p>The Council retains the right to call for any additional information that it may deem necessary</p>
7.2	<p>If tendering as a Joint Venture, Joint venture must be constituted by means of a comprehensive and fair, written agreement between the members, which sets out their obligations, rights, risks and rewards. Joint venture members should share at least the following aspects of the joint venture activities in a meaningful and equitable manner:</p> <ol style="list-style-type: none"> <li>1. Control</li> <li>2. Management</li> <li>3. Operations</li> <li>4. Risk</li> <li>5. Profit and Loss</li> </ol>
7.3	<p>If a Tenderer , or any person employed by him is found to have either directly or indirectly, promised or given to any person in the employment of Council, any commission, gratuity, gift or other consideration, The Council shall have the right to summarily and without recourse to law and without prejudice to any other legal remedy which it may have in regard to any loss and/ or additional costs or expenses, to disqualify the Tender or cancel the Contract without paying any compensation to the aforesaid Tender or Contract.</p>
7.4	<p>At the request of the Head of Department (Council's) or his authorised representative from furnishing him with additional information, or with a sample or specimen for testing purposes or otherwise, or from giving a demonstration so as to enable the recommendation to the Council's responsible Committee on the award of the contract be formulated,</p>
9	<p><b>Public liability insurance</b></p> <p>The Employer will require that bidders to provide a valid public liability insurance cover or letter of intent to the value of <b>R100 000.00</b>.</p>
10	<p><b>Compensation of tendering</b></p> <p>The employer will not compensate the tenderer for any costs incurred in the preparation and submission of a tender offer, including the cost of any testing necessary to demonstrate that aspects of the offer satisfy requirements.</p>
11	<p><b>Check documents</b></p> <p>The Tenderer should check the tender documents on receipt for completeness and notify the employer of any discrepancy or omission.</p>



12	<p><b>Clarification Meeting</b></p> <p>NO compulsory clarification meeting will be held:</p>
12.1	In the case of a Joint Venture a representative of each of the Companies in the Joint Venture partnership should attend the meeting.
12.2	No individual may represent more than one tenderer at the compulsory briefing session. Non-completion in full of the fields required on the attendance register may lead to automatic disqualification
13	<p><b>Confidentiality and Copyright of Documents.</b></p> <p>Treat as confidential all matters arising in connection with the tender. Use and copy the documents issued by the employer only for the purpose of preparing and submitting a tender offer in response to the invitation</p>
14	<b>Submitting tender offer:</b>
14.1	No Tender document will be considered unless submitted on Council's Official Tender Document
14.2	Return all the returnable documents to the employer after completing them.
14.3	<p>Tenders must be deposited in the tender box clearly marked: <b>APPOINTMENT OF A PANEL OF CATERERS TO RENDER CATERING SERVICES AT STEVE TSHWETE, EMALAHLENI, THEMBISILE HANI AND DR JS MOROKA LOCAL MUNICIPALITIES WITHIN THE NKANGALA DISTRICT MUNICIPALITY FOR A PERIOD OF ONE (01) YEAR (AS AND WHEN REQUIRED)</b></p> <p><b>Location of tender Box:</b> Main Entrance Ground floor Nkangala DM Building  <b>Physical Address:</b> Nkangala District Municipality, 2A Walter Sisulu Street, Middleburg 1050.</p> <p>Telephonic, telegraphic, telex, facsimile or emailed tenders will not be considered</p>
14.4	All tenders received by the Nkangala District Municipality will remain in the Municipality's possession until after the stipulated closing date and time.
14.5	Accept that a tender submitted to the employer cannot be withdrawn or substituted. No substitute tenders will be considered
15	<b>Closing Time:</b>
15.1	<p>The time and location for opening of the Tender offers are:</p> <p><b>Closing Time: 12:00</b>  <b>Closing Date: 30 August 2021</b>  <b>Location: Nkangala District Municipality</b>  <b>2A Walter Sisulu Street</b>  <b>Middelburg</b>  <b>1050</b></p> <p>Tenders will be opened in public at the same time.</p>
15.2	After the opening of the tender proposals, no information relating to the clarification, determination of responsiveness, evaluation and comparison of tender proposals and recommendations concerning the award of the tender shall be disclosed to any other tenderer or persons not concerned with such process until the award of the Tender has been announced by the NDM.



16	<b>Pricing the tender</b>  State the rates and prices in Rand								
17	<b>Alterations to the Tender Documents.</b>  <b>No</b> alterations may be made to the tender document issued by the employer.  Proposals and any other supporting documents must be attached to the back of this tender document								
18	<b>Alternative tender offer.</b>  No alternative tender offers will be considered or accepted								
19	<b>Tender Offer Validity</b>  The Tender offer validity period is <b>90</b> days from the closing date.								
20	<b>Tender clarification after submission</b>  A tender may be regarded as non-responsive if the tenderer fails to provide clarification requested by the employer within the time for submission stated in the employer's written request.								
20	<b>Tender evaluation points</b>								
20.1	The value of this bid is estimated not to exceed R50 000 000 (all applicable taxes included) and therefore the 80/20 system shall be applicable.								
20.2	Preference points for this bid shall be awarded for: <ul style="list-style-type: none"> <li>(a) Price; and</li> <li>(b) B-BBEE Status Level of Contribution.</li> </ul>								
20.3	The maximum points for this bid are allocated as follows:								
	<table> <tr> <td></td><td><b>POINTS</b></td></tr> <tr> <td><b>PRICE</b></td><td><b>80</b></td></tr> <tr> <td><b>B-BBEE STATUS LEVEL OF CONTRIBUTION</b></td><td><b>20</b></td></tr> <tr> <td><b>Total points for Price and B-BBEE must not exceed</b></td><td><b>100</b></td></tr> </table>		<b>POINTS</b>	<b>PRICE</b>	<b>80</b>	<b>B-BBEE STATUS LEVEL OF CONTRIBUTION</b>	<b>20</b>	<b>Total points for Price and B-BBEE must not exceed</b>	<b>100</b>
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<b>Total points for Price and B-BBEE must not exceed</b>	<b>100</b>								
21	<b>Evaluation of Tenders</b>  The Tenderers notice is drawn to the fact that the evaluation, adjudication and awarding of this tender will be in terms of the Supply Chain Management Policy of the NDM.  Clause 54.6 of the Supply Management Policy which entails balance between financial offer and functionality.								





21.1	<p><b>The following steps will be followed in evaluation;</b></p> <ol style="list-style-type: none"> <li>1. Determination of whether or not tender offers are complete.</li> <li>2. Determination of whether or not tender offers are responsive.</li> <li>3. Determination of the reasonableness of tender offers.</li> <li>4. Confirmation of the eligibility of preferential points claimed by tenderers.</li> <li>5. Determination of expertise and experience of tenderers.</li> <li>6. Awarding of points for financial offer.</li> <li>7. Ranking of tenderers according to the total points</li> <li>8. Performance of risk analysis by checking the credit record of the tenderers</li> </ol>												
21.2	<p><b>Evaluation Criteria</b></p> <p>The procedure for the evaluation of responsive Bids will be on the average of the previous three projects where the firm was involved with regards to catering. Reference of clients other than NDM <b>MUST</b> be provided.</p>												
	<p>Tenders are adjudicated in terms of NDM Supply Chain Management Policy, and the following framework is provided as a guideline in this regard.</p>												
	<p><b>Tender Responsiveness</b></p> <p>Tender responsiveness shall mean tender compliance with all the prescribed key requirements for submission with this tender which are regarded as eliminating factors. Elimination factors include non-compliance with key requirements specified for the following:</p> <ul style="list-style-type: none"> <li>• Hardware and Resources (25 Points);</li> <li>• Company Experience (30 Points)</li> <li>• Professional Registration (15 Points)</li> <li>• Approach and Methodology (10 Points)</li> </ul> <p>The professional registration, hardware and resources as well approach and methodology are regarded as key and carry a combined total of 50 points. The service provider's experience in carrying out one or more catering services carries 30 points.</p> <table border="1"> <thead> <tr> <th>Description</th><th>Points</th></tr> </thead> <tbody> <tr> <td>Hardware and resources</td><td>25</td></tr> <tr> <td>Company experience</td><td>30</td></tr> <tr> <td>Professional registration</td><td>15</td></tr> <tr> <td>Approach and Methodology</td><td>10</td></tr> <tr> <td><b>TOTAL</b></td><td><b>80</b></td></tr> </tbody> </table>	Description	Points	Hardware and resources	25	Company experience	30	Professional registration	15	Approach and Methodology	10	<b>TOTAL</b>	<b>80</b>
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<b>TOTAL</b>	<b>80</b>												



### **EVALUATION CRITERIA FOR PROJECTS**

Evaluation Criteria	Minimum Required	Elimination factor	Points Obtainable	Points Claimed
Hardware and resources (Note 2)	Food premises	No	7.5	
	Computers or laptops		05	
	Landline, Printers and access to e-mail		05	
	Vehicles and Catering equipment		7.5	
SUB-TOTAL			25	
Company experience in terms of relevant projects completed (Note 3)	1 – 5 Projects	No	10	
	5 - 10	No	20	
	10 upwards	No	30	
SUB-TOTAL			30	
Professional Registration (Note 4)	Certificate of acceptability for Food Premises or Certificate in Foodstuffs, Cosmetics and Disinfectant	Yes	15	
SUB-TOTAL			15	
Approach and Methodology	Understanding the terms of reference or brief	No	05	
	Approach and work plan	No	05	
SUB-TOTAL			10	
TOTAL			80	

**A firm must obtain a minimum of 50 points out of the 80 points above to be considered for price and BBB-EE evaluation.**



**Note 1: Hardware and resources**

- It must be noted that a total of **25 points** must be obtained by the service providers in relation to the requirements as mentioned on the table above. Proof of company's asset register with the required listed resources must be attached. Failure to provide this shall warrant for scoring zero (0) in this category.

**Note 2: Experience of Firm in terms of Company's previous completed projects**

- It must be noted that the experience of the service provider a maximum of **30 points** as indicated in the table below. If proof of appointment letters, purchase orders and testimonials in reference to **Form M** is not provided, then the bidder shall score a zero (0) in this category. Provide proof of the company's previous completed projects which in the form of appointment letters, purchase orders and testimonials must be attached. Verifiable references with contact details must be provided. Failure to provide this shall warrant for scoring zero (0) in this category.

**Note 3: Professional registration**

- It must be noted that professional registration of the service provider a maximum of **15 points** as indicated in the table above. Proof of in the form of a copy of a valid copy of a **Certificate of Acceptability for Food Premises and the Transport of food under the Foodstuffs, Cosmetics and disinfectants Act, 1972 (Act 54 of 1972)** obtainable from various Municipalities under the (MHS) Municipal Health Services Unit. Failure to provide this shall warrant for scoring zero (0) in this category

**Note 4: Approach, Work plan and Methodology**

- It must be noted that professional registration of the service provider a maximum of **10 points** as indicated in the table above
- 1. Understanding the term of reference/brief**
  - Comprehensive & Methodology – Understanding of the services requested, proposed approach to the delivery and implementation of the contract. How the contract shall be organised and implemented in response to the services requested in the terms of reference
  - Packages - Quality of the proposals submitted for each of the individual packages (under each lot applied) and their compliance with the requirements listed in the terms of reference
  - Customer service & quality assurance - Proposed quality assurance and customer service methodology. Description of the tenderers quality assurance & customer services methodology
  - Environmental considerations - Waste and recycling arrangements. Short description of internal waste and recycling arrangements and in addition any other Specific measures in place with regard to environmental issues.



21.3.1	<p><b>Technical adjudication and General Criteria</b></p> <ul style="list-style-type: none"> <li>▪ Tenders will be adjudicated in terms of inter alia:</li> <li>▪ Compliance with Tender conditions</li> <li>▪ Technical specifications</li> </ul> <p>If the Tenderer does not comply with the Tender Conditions, the Tenderer may be rejected. If technical specifications are not met, the Tender may also be rejected.</p> <p>With regard to the above, certain actions or errors are unacceptable and warrants <b>REJECTION OF THE TENDER</b>, for example</p> <ul style="list-style-type: none"> <li>▪ <b>Valid tax compliance certificates</b> must be attached to the Tender document.</li> <li>▪ Pages to be completed, removed from the Tender document, and have therefore not been submitted.</li> <li>▪ If tender document is not fully completed as required and as stipulated in the tender data.</li> <li>▪ Failure to complete the schedule of quantities as required – only lump sums provided.</li> <li>▪ Scratching out without initialling next to the amended rates or information.</li> <li>▪ Writing over / painting out rates / the use of tippex or any erasable ink, e.g. pencil.</li> <li>▪ Failure to attend compulsory site inspections</li> <li>▪ The Tender has not been properly signed by a party having the authority to do so, according to the <b>Form D – “Authority for Signatory”</b></li> <li>▪ A Resolution by a Board of Directors of the Company authorizing the Tenderer to sign the Tender document on behalf of the Company. No authority for signatory submitted.</li> <li>▪ Particulars required in respect of the Tender have not been provided – non-compliance of Tender requirements and/or specifications.</li> <li>▪ The Tenderer's attempts to influence, or has in fact influenced the evaluation and/or awarding of the contract.</li> <li>▪ The Tender has been submitted after the relevant closing date and time</li> <li>▪ Failure to complete and sign Form C1.1 Form of Offer and Acceptance</li> <li>▪ If any municipal rates and taxes or municipal service charges owed by that Tenderer or any of its directors to the municipality, or to any other municipality or municipal entity, are in arrears for more than three months.</li> <li>▪ If any Tenderer who during the last five years has failed to perform satisfactorily on a previous contract with the municipality or any other organ of state after written notice was given to that Tenderer that performance was unsatisfactory.</li> </ul>
21.3.2	<p><b>Size of enterprise and current workload</b></p> <ul style="list-style-type: none"> <li>▪ Evaluation of the Tenderer's position in terms of:</li> <li>▪ Previous and expected current annual turnover</li> <li>▪ Current contractual obligations</li> <li>▪ Capacity to execute the contract</li> </ul>
21.3.3	<p><b>Staffing profile</b></p> <p>Evaluation of the Tenderer's position in terms of:</p> <ul style="list-style-type: none"> <li>▪ Staff available for this contract being Tendered for</li> <li>▪ Qualifications and experience of key staff to be utilised on this contract.</li> </ul>



21.3.4	<p><b>Proposed Key Personnel</b></p> <p>In this part of the tender, the Tenderer shall also supply Curriculum Vitae (CV's) for the Staff available named and working on full time basis for the Tenderer. The CV should follow the normal Professional Format as used by Professional Service Providers.</p> <p>Each CV should give at least the following:</p> <ul style="list-style-type: none"> <li>○ Position in the firm and within the organisation of this assignment</li> <li>○ PDI status (describing population group, gender and disabilities)</li> <li>○ Educational qualifications</li> <li>○ Professional Registrations</li> <li>○ Relevant experience (actual duties performed, involvement and responsibility), including locations, dates and durations of assignments, starting with the latest.</li> <li>○ Language proficiency and</li> <li>○ References (company name, individual name, position held, contact details)</li> </ul> <p>Much importance will be placed on the experience of the staff proposed. The Tender must ensure that, if selected, the nominated staff will be assigned as proposed. Failure to do so may result in the annulment of any acceptance of the Tenders' proposal and/ or Agreement entered into by the Client for the execution of the services</p>
21.3.5	<p><b>Previous experience</b></p> <p>The procedure for the evaluation of responsive Bids will be on the average of the <b>previous three services</b> where the firm was involved.</p> <p>The tenderer shall list in the appropriate Forms the appropriate related projects undertaken by the member firms of the tenderer within the last five (5) years.</p> <p>Evaluation of the Tenderer's position in terms of his previous experience. Emphasis will be placed on the following:</p> <ul style="list-style-type: none"> <li>▪ Experience in the relevant technical field</li> <li>▪ Experience of contracts of similar size</li> <li>▪ Some or all of the references will be contacted to obtain their input.</li> </ul>
21.3.6	<p>The tenderer shall provide documentation of company experience of each member of the Consortium/Joint Venture related projects.</p>
21.3.7	<p><b>Financial ability to execute the contract:</b></p> <p>Evaluation of the Tenderer's financial ability to execute the contract. Emphasis will be placed on the following:</p> <ul style="list-style-type: none"> <li>▪ Professional indemnity</li> <li>▪ Contact the Tender's bank manager to assess the Tenderer's financial ability to execute the contract and the Tenderer hereby grants his consent for this purpose.</li> </ul>
21.3.8	<p><b>Good standing with SA Revenue Services</b></p> <ul style="list-style-type: none"> <li>▪ Determine whether a valid tax compliance certificate has been submitted.</li> <li>▪ The Tenderer <b>must affix a valid Tax Compliance Certificate</b></li> </ul>



21.3.9	If the Tender does <b>not</b> meet the requirements contained in the NDM Procurement Policy, and the mentioned framework, it will be rejected by the Council, and may not subsequently be made acceptable by correction or withdrawal of the non-conforming deviation or reservation.
21.3.10	<p><b>Penalties</b></p> <p>The Nkangala District Municipality will if upon investigation it is found that a preference in terms of the Act and these regulations has been obtained on a fraudulent basis, or any specified goals are not attained in the performance of the contract, on discretion of the Municipal Manager, one or more of the following penalties will be imposed:</p> <ul style="list-style-type: none"> <li>▪ Cancel the contract and recover all losses or damages incurred or sustained from the Tenderer.</li> <li>▪ Impose a financial penalty at the discretion of Council</li> <li>▪ Restrict the contractor, its shareholders and directors on obtaining any business from the Nkangala District Municipality for a period of 5 years</li> </ul>
22	<b>Proposals</b>
22.1	<p>Proposals should be well organized, straight forward, clear and concise. Proposals must respond specifically to the criteria specified in this tender document. Colour: black Font: Aerial: Size 12: Spacing one and half: pages not more than 12 on one side. (excluding appendices)</p> <p><b>THE HEADINGS OF THE PROPOSAL SHOULD FOLLOW THE CRITERIA ON CLAUSE 54.6 OF THE SUPPLY CHAIN MANAGEMENT POLICY ATTACHED TO THIS DOCUMENT.</b></p>
22.2	The service provider in his/her proposal, shall state the categories and number of staff and personnel that he considers necessary to perform the services, including the core professional team and support staff. The service provider shall provide brief descriptions of the responsibilities and duties envisaged for the professional positions of the supervision team. The service provider shall make a clear distinction between resources required, time allocation and costs for the project. The proposals and all supplementary documents and correspondences shall be drawn up and submitted in English.
23	<p><b>The additional conditions of Tender are:</b></p> <ol style="list-style-type: none"> <li>1 Nkangala District Municipality may also request that the Tenderer provide written evidence that his financial, labour and resources are adequate for carrying out the project.</li> <li>2 The Nkangala District Municipality reserves the right to appoint a firm of chartered accountants and auditors and / or execute any other financial investigations on the financial resources of any Tenderer. The Tenderer shall provide all reasonable assistance in such investigations.</li> </ol>



## NKANGALA DISTRICT MUNICIPALITY



### ***APPOINTMENT OF A PANEL OF CATERERS TO RENDER CATERING SERVICES AT STEVE TSHWETE, EMALAHLENI, THEMBISILE HANI AND DR JS MOROKA LOCAL MUNICIPALITIES WITHIN THE NKANGALA DISTRICT MUNICIPALITY FOR A PERIOD OF ONE (01) YEAR (AS AND WHEN REQUIRED)***

#### **RETURNABLE DOCUMENTS**

##### **Returnable Documents**

List of returnable documents



## NKANGALA DISTRICT MUNICIPALITY



### T2.1 LIST OF RETURNABLE DOCUMENTS

1. Failure to fully complete the **compulsory** returnable documents shall render such a tender offer unresponsive.
2. Tenderers shall note that their signatures appended to each returnable form **represents a declaration that they vouch for the accuracy and correctness of the information provided**, including the information provided by candidates proposed for the specified key positions.
3. Notwithstanding any check or audit conducted by or on behalf of the Employer, the information provided in the returnable documents is accepted in good faith and as justification for entering into a contract with a tenderer. **If subsequently any information is found to be incorrect such discovery shall be taken as wilful misrepresentation by that tenderer to induce the contract.** In such event the Employer has the discretionary right under contract condition 8.4 to terminate the contract.

The Tenderer must complete the following returnable Schedules:

#### Returnable Schedules required for Tender evaluation purposes

COMPULSORY BID DOCUMENTS	
FORM A	COMPULSORY ENTERPRISE QUESTIONNAIRE
FORM B	DECLARATION OF BIDDER'S PAST SUPPLY CHAIN MANAGEMENT PRACTICES
FORM C	DECLARATION OF INTEREST
FORM D	AUTHORITY OF SIGNATORY
FORM E	DECLARATION OF GOOD STANDING REGARDING TAX
FORM F	FINANCIAL REFERENCES /TENDERER'S CREDIT RATING AND BANK DETAILS
FORM G	MUNICIPAL UTILITY ACCOUNT
FORM H	CERTIFICATE OF INDEPENDENT BID DETERMINATION
FORM I	PROOF OF PUBLIC LIABILITY INSURANCE
FORM J	PREFERENCE SCHEDULE
FORM K	DECLARATION TENDERER'S LITIGATION HISTORY
RETURNABLES FOR EVALUATION PURPOSES	
FORM L	PROPOSED KEY PERSONNEL
FORM M	SCHEDULE OF PREVIOUS EXPERIENCE
FORM N	SCHEDULE OF CURRENT PROJECTS
FORM O	SCHEDULE OF INFRASTRUCTURE AND RESOURCES
FORM P	SCHEDULE OF APPROACH AND METHODOLOGY
FORM Q	SCHEDULE OF PROPOSED SUB CONSULTANT
FORM R	RECORD OF ADDENDA TO TENDER DOCUMENTS
FORM S	TENDERER'S PROJECT STRUCTURE





# COMPULSORY BID DOCUMENTS



## FORM A: COMPULSORY ENTERPRISE QUESTIONNAIRE MBD 1

*In the case of a Joint Venture – “PART C” needs to be completed*

### PART A INVITATION TO BID

<b>YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE (NAME OF MUNICIPALITY/ MUNICIPAL ENTITY)</b>					
BID NUMBER:		CLOSING DATE:		CLOSING TIME:	
DESCRIPTION					
<b>THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (MBD7).</b>					
BID RESPONSE DOCUMENTS MAY BE DEPOSITED IN THE BID BOX SITUATED AT (STREET ADDRESS)					
<b>SUPPLIER INFORMATION</b>					
NAME OF BIDDER					
POSTAL ADDRESS					
STREET ADDRESS					
TELEPHONE NUMBER	CODE		NUMBER		
CELLPHONE NUMBER					
FACSIMILE NUMBER	CODE		NUMBER		
E-MAIL ADDRESS					
VAT REGISTRATION NUMBER					
TAX COMPLIANCE STATUS	TCS PIN:		OR	CSD No:	
B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE [TICK APPLICABLE BOX]	<input type="checkbox"/> Yes <input type="checkbox"/> No		B-BBEE STATUS LEVEL SWORN AFFIDAVIT <input type="checkbox"/> Yes <input type="checkbox"/> No		
<b>[A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE/ SWORN AFFIDAVIT (FOR EMES &amp; QSEs) MUST BE SUBMITTED IN ORDER TO QUALIFY FOR PREFERENCE POINTS FOR B-BBEE]</b>					
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			TOTAL BID PRICE		R
SIGNATURE OF BIDDER	.....		DATE		
CAPACITY UNDER WHICH THIS BID IS SIGNED					
<b>BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO:</b>			<b>TECHNICAL INFORMATION MAY BE DIRECTED TO:</b>		
DEPARTMENT			CONTACT PERSON		

APPOINTMENT OF A PANEL OF CATERERS TO RENDER CATERING SERVICES AT STEVE TSHWETE, EMALAHLENI, THEMBSILE HANI AND DR JS MOROKA LOCAL MUNICIPALITIES WITHIN THE NKANGALA DISTRICT MUNICIPALITY FOR A PERIOD OF ONE (01) YEAR (AS AND WHEN REQUIRED)



CONTACT PERSON		TELEPHONE NUMBER	
TELEPHONE NUMBER		FACSIMILE NUMBER	
FACSIMILE NUMBER		E-MAIL ADDRESS	
E-MAIL ADDRESS			



## PART B TERMS AND CONDITIONS FOR BIDDING

### 1. BID SUBMISSION:

- 1.1. BIDS MUST BE DELIVERED BY THE STIPULATED TIME TO THE CORRECT ADDRESS. LATE BIDS WILL NOT BE ACCEPTED FOR CONSIDERATION.
- 1.2. **ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS PROVIDED–(NOT TO BE RE-TYPED) OR ONLINE**
- 1.3. THIS BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT AND THE PREFERENTIAL PROCUREMENT REGULATIONS, 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)? | <input type="checkbox"/> YES <input type="checkbox"/> NO |
| 3.2. DOES THE ENTITY HAVE A BRANCH IN THE RSA?                       | <input type="checkbox"/> YES <input type="checkbox"/> NO |
| 3.3. DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA?      | <input type="checkbox"/> YES <input type="checkbox"/> NO |
| 3.4. DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA?           | <input type="checkbox"/> YES <input type="checkbox"/> NO |
| 3.5. IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION?       | <input type="checkbox"/> YES <input type="checkbox"/> 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: .....



## PART C: COMPULSORY ENTERPRISE QUESTIONNAIRE FOR CONSORTIA OR JOINT VENTURES

### SPECIAL RESOLUTION OF CONSORTIA OR JOINT VENTURES

**RESOLUTION** of a meeting of the duly authorised representatives of the following legal entities who have entered into a consortium/joint venture to jointly bid for the project mentioned below: *(legally correct full names and registration numbers, if applicable, of the Enterprises forming a Consortium/Joint Venture)*

1. \_\_\_\_\_  
\_\_\_\_\_
2. \_\_\_\_\_  
\_\_\_\_\_
3. \_\_\_\_\_  
\_\_\_\_\_
4. \_\_\_\_\_  
\_\_\_\_\_
5. \_\_\_\_\_  
\_\_\_\_\_
6. \_\_\_\_\_  
\_\_\_\_\_
7. \_\_\_\_\_  
\_\_\_\_\_
8. \_\_\_\_\_  
\_\_\_\_\_

Held at \_\_\_\_\_ (place)

On \_\_\_\_\_ (date)



**RESOLVED that:**

The above-mentioned Enterprises submit a Bid in Consortium/Joint Venture to the Nkangala District Municipality in respect of the following project:

Bid / Project Number: \_\_\_\_\_ {insert number}

A. Mr/Mrs/Ms: \_\_\_\_\_

in \*his/her Capacity as: \_\_\_\_\_ (Position in the Enterprise)

and who will sign as follows: \_\_\_\_\_

be, and is hereby, authorised to sign the Bid, and any and all other documents and/or correspondence in connection with and relating to the Bid, as well as to sign any Contract, and any and all documentation, resulting from the award of the Bid to the Enterprises in Consortium/Joint Venture mentioned above.

B. The Enterprises constituting the Consortium/Joint Venture, notwithstanding its composition, shall conduct all business under the name and style of:

\_\_\_\_\_

C. The Enterprises to the Consortium/Joint Venture accept joint and several liability for the due fulfilment of the obligations of the Consortium/Joint Venture deriving from, and in any way connected with, the Contract entered into with the municipality in respect of the project described under item A above.

D. Any of the Enterprises to the Consortium/Joint Venture intending to terminate the consortium/joint venture agreement, for whatever reason, shall give the Department 30 days written notice of such intention. Notwithstanding such decision to terminate, the Enterprises shall remain jointly and severally liable to the municipality for the due fulfilment of the obligations of the Consortium/Joint Venture as mentioned under item C above.

E. No Enterprise to the Consortium/Joint Venture shall, without the prior written consent of the other Enterprises to the Consortium/Joint Venture and of the municipality, cede any of its rights or assign any of its obligations under the consortium/joint venture agreement in relation to the Contract with the municipality referred to herein.

F. The Enterprises choose as the *domicilium citandi et executandi* of the Consortium/Joint Venture for all purposes arising from the consortium/joint venture agreement and the Contract with the municipality in respect of the project under item A above:

Physical address: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_ (code)

Postal Address: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_ (code)

Telephone number: \_\_\_\_\_ (code)

Fax number: \_\_\_\_\_ (code)



NO	NAME OF ENTITY	NAME OF REPRESENTATIVE	CAPACITY	SIGNATURE
1				
2				
3				
4				
5				
6				
7				
8				
9				
10				

*Note:*

1. \* Delete which is not applicable
2. **NB.** This resolution must be signed by all the Duly Authorised Representatives of the Legal Entities to the Consortium/Joint Venture submitting this Bid
3. Should the number of Duly Authorised Representatives of the Legal Entities joining forces in this Bid exceed the space available above, additional names and signatures must be supplied on a separate page
4. Resolutions, duly completed and signed, from the separate Enterprises who participate in this Consortium/Joint Venture must be attached to the Special Resolution.



## **ATTACH THE FOLLOWING DOCUMENTS HERETO**

### **1. For Closed Corporations**

- CK1 or CK2 as applicable (Founding Statement)
- Copies of the ID's of the Directors

### **2. For Companies**

- A copy of the Certificate of Incorporation
- Copies of the ID's of the Directors, and
- the shareholders register

### **3. For Joint Venture Agreements**

- Copy of the Joint Venture Agreement between all the parties,
- as well as the documents in (1) or (2) of each Joint Venture member.

### **4. For Partnership**

- Copies of the ID's of the partners

### **5. One person Business / Sole trader**

- Copy of ID

### **6. Details of tax compliance status from South African Revenue Services**

### **7. Duly Signed and dated original or copy of Authority of Signatory on company Letterhead**

### **8. B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE(original or certified copy issued by an approved body / accredited verification agency as prescribed by the National Treasury and the Department of Trade and Industry )**





## FORM B: DECLARATION OF BIDDER'S PAST SUPPLY CHAIN MANAGEMENT PRACTICES (MBD8)

- 1 This Municipal Bidding Document must form part of all bids invited.
- 2 It serves as a declaration to be used by municipalities and municipal entities in ensuring that when goods and services are being procured, all reasonable steps are taken to combat the abuse of the supply chain management system.
- 3 The bid of any bidder may be rejected if that bidder, or any of its directors have:
  - a. abused the municipality's / municipal entity's supply chain management system or committed any improper conduct in relation to such system;
  - b. been convicted for fraud or corruption during the past five years;
  - c. willfully neglected, reneged on or failed to comply with any government, municipal or other public sector contract during the past five years; or
  - d. been listed in the Register for Tender Defaulters in terms of section 29 of the Prevention and Combating of Corrupt Activities Act (No 12 of 2004).
- 4 **In order to give effect to the above, the following questionnaire must be completed and submitted with the bid.**

Item	Question	Yes	No
4.1	Is the bidder or any of its directors listed on the National Treasury's Database of Restricted Suppliers as companies or persons prohibited from doing business with the public sector?  (Companies or persons who are listed on this Database were informed in writing of this restriction by the Accounting Officer/Authority of the institution that imposed the restriction after the <i>audi alteram partem</i> rule was applied).  The Database of Restricted Suppliers now resides on the National Treasury's website( <a href="http://www.treasury.gov.za">www.treasury.gov.za</a> ) and can be accessed by clicking on its link at the bottom of the home page.	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.1.1	If so, furnish particulars:		
4.2	Is the bidder or any of its directors listed on the Register for Tender Defaulters in terms of section 29 of the Prevention and Combating of Corrupt Activities Act (No 12 of 2004)?  The Register for Tender Defaulters can be accessed on the National Treasury's website ( <a href="http://www.treasury.gov.za">www.treasury.gov.za</a> ) by clicking on its link at the bottom of the home page.	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.2.1	If so, furnish particulars:		
4.3	Was the bidder or any of its directors convicted by a court of law (including a court of law outside the Republic of South Africa) for fraud or corruption during the past five years?	Yes <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 to 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"/>
4.7.1	If so, furnish particulars:		

## CERTIFICATION

I, THE UNDERSIGNED (FULL NAME).....

CERTIFY THAT THE INFORMATION FURNISHED ON THIS DECLARATION FORM IS 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



## FORM C: DECLARATION OF INTEREST (MBD4)

### 1. No bid will be accepted from persons in the service of the state<sup>1</sup>.

2. Any person, having a kinship with persons in the service of the state, including a blood relationship, may make an offer or offers in terms of this invitation to bid. In view of possible allegations of favouritism, should the resulting bid, or part thereof, be awarded to persons connected with or related to persons in service of the state, it is required that the bidder or their authorised representative declare their position in relation to the evaluating/adjudicating authority.

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

3.1 Full Name of bidder or his or her representative: .....

3.2 Identity Number: .....

3.3 Position occupied in the Company (director, trustee, shareholder<sup>2</sup>): .....

3.4 Company Registration Number: .....

3.5 Tax Reference Number: .....

3.6 VAT Registration Number: .....

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

3.8 Are you presently in the service of the state? **YES / NO**

3.8.1 If yes, furnish particulars: .....

.....

<sup>1</sup>MSCM Regulations: "in the service of the state" means to be –

a) a member of –

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

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

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

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

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

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

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



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

3.9.1 If yes, furnish particulars: .....

.....

3.10 Do you have any relationship (family, friend, other) with persons in the service of the state and who may be involved with the evaluation and or adjudication of this bid? **YES / NO**

3.10.1 If yes, furnish particulars: .....

.....

3.11 Are you, aware of any relationship (family, friend, other) between any other bidder and any persons in the service of the state who may be involved with the evaluation and or adjudication of this bid? **YES / NO**

3.11.1 If yes, furnish particulars: .....

.....

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

3.12.1 If yes, furnish particulars: .....

.....

3.13 Are any spouse, child or parent of the company's director's trustees, managers, principle shareholders or stakeholders in service of the state? **YES / NO**

3.13.1 If yes, furnish particulars: .....

.....

3.14 Do you or any of the directors, trustees, managers, principle shareholders, or stakeholders of this company have any interest in any other related companies or business whether or not they are bidding for this contract. **YES / NO**

3.14.1 If yes, furnish particulars: .....

.....



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

FULL NAME	IDENTITY NUMBER	STATE EMPLOYEE NUMBER

**DECLARATION**

I, the undersigned (name): ..... certify that the information furnished is correct. I accept that the state may act against me in terms of paragraph 23 of the General Conditions of Contract should this declaration prove to be false.

.....  
Signature

.....  
Date

.....  
Capacity

.....  
Name of Bidder



## FORM D: AUTHORITY OF SIGNATORY

Details of person responsible for tender process:

Name : \_\_\_\_\_

Contact number : \_\_\_\_\_

Office address : \_\_\_\_\_

Signatories for close corporations and companies shall confirm their authority by attaching to this form a **duly signed and dated original or certified copy on the Company Letterhead** of the relevant resolution of their members or their board of directors, as the case may be.

### PRO-FORMA FOR COMPANIES AND CLOSE CORPORATIONS:

"By resolution of the board of directors passed on (date) .....

Mr .....

has been duly authorized to sign all documents in connection with the Tender for Contract Number

..... and any Contract which may arise there from on

behalf of .....

(BLOCK CAPITALS)

SIGNED ON BEHALF OF THE COMPANY .....

IN HIS CAPACITY AS .....

DATE .....

FULL NAMES OF SIGNATORY .....

AS WITNESSES: 1. ....

2. ....



## PRO-FORMA FOR JOINT VENTURES:

### Certificate of Authority for Joint Ventures

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 the tender offer an any contract resulting from it on our behalf.

NAME OF FIRM	ADDRESS	DULY AUTHORISED SIGNATORY
		Signature: ..... Name: ..... Designation: .....
		Signature: ..... Name: ..... Designation: .....
		Signature: ..... Name: ..... Designation: .....
		Signature: ..... Name: ..... Designation: .....



**ATTACH HERETO THE DULY SIGNED AND DATED ORIGINAL OR COPY  
OF AUTHORITY OF SIGNATORY ON COMPANY LETTERHEAD**





**FORM E: DECLARATION OF GOOD STANDING REGARDING TAX (MBD 2)**

**DETAILS OF TAX COMPLIANCE STATUS:**

TAXPAYER NAME	
TRADING NAME	
TAX REFERENCE NUMBER (S)	
VAT	
PIN	
EXPIRY DATE	

**TAX COMPLIANCE CERTIFICATE REQUIREMENTS**

It is a condition of bid that the taxes of the successful bidder must be in order, or that satisfactory arrangements have been made with South African Revenue Service (SARS) to meet the bidder's tax obligations.

1. In order to meet this requirement bidder are required to complete in full the attached form TCC 001 "Application for a Tax Compliance Certificate" and submit it to any SARS branch office nationally. The Tax Clearance Certificate Requirements are also applicable to foreign bidders / individuals who wish to submit bids.
2. SARS will then furnish the bidder with a Tax Compliance Certificate that will be valid for a period of 1 (one) year from the date of approval.
3. The Tax Compliance Certificate must be submitted together with the bid. Failure to submit a valid Tax Compliance Certificate will result in the invalidation of the bid.
4. In bids where Consortia / Joint Ventures / Sub-contractors are involved, each party must submit a separate Tax Compliance Certificate.
5. Copies of the TCC 001 "Application for a Tax Compliance Certificate" form are available from any SARS branch office nationally or on the website [www.sars.gov.za](http://www.sars.gov.za).

Applications for the Tax Compliance Certificates 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](http://www.sars.gov.za)



## FORM F: FINANCIAL REFERENCES

### DETAILS OF TENDERERS BANKING INFORMATION

**Notes to tenderer:**

1. The tenderer shall attach to this form an original letter from the bank not older than three (3) months confirming the bank account and details. Failure to provide the required letter with the tender submission shall render the tenderer's offer unresponsive.
2. The tenderer's banking details as they appear below shall be completed.
3. In the event that the tenderer is a joint venture enterprise, details of all the members of the joint venture shall be similarly provided and attached to this form.

<b>BANK NAME:</b>									
<b>ACCOUNT NAME:</b> (e.g. ABC Civil Construction cc)									
<b>ACCOUNT TYPE:</b> (e.g. Savings, Cheque etc)									
<b>ACCOUNT NO:</b>									
<b>ADDRESS OF BANK:</b>									
<b>CONTACT PERSON:</b>									
<b>TEL. NO. OF BANK / CONTACT:</b>									
How long has this account been in existence:	<table border="1"> <tr> <td>0-6 months</td> <td></td> </tr> <tr> <td>7-12 months</td> <td></td> </tr> <tr> <td>13-24 months</td> <td></td> </tr> <tr> <td>More than 24 months</td> <td></td> </tr> </table> (Tick which is appropriate)	0-6 months		7-12 months		13-24 months		More than 24 months	
0-6 months									
7-12 months									
13-24 months									
More than 24 months									

Name of Tenderer: .....

Date: .....

Signature: .....

Full name of signatory: .....



**ATTACH HERETO A COPY OF A LETTER FROM THE BANK TO  
THIS PAGE NOT OLDER THAN THREE (3) MONTHS**



## FORM G: MUNICIPAL UTILITY ACCOUNT

### DECLARATION BY THE TENDERER

I the undersigned \_\_\_\_\_, has been duly

authorized to sign all documents with the Tender for Contract Number \_\_\_\_\_ on behalf of

\_\_\_\_\_ hereby make a declaration as follows:  
(referred to herein as "the Bidder")

1. I declare that the bidder and /or any of its director(s) / member(s) does not owe the municipality, or any other municipality and/or municipal entity any amount which is in arrears in respect of any municipal rates and taxes or municipal service charges.
2. I understand and accept that in the event that this declaration is proved to be false, the bid shall be rejected forthwith. All other rights of the municipality (including but not limited to the right to claim damages where applicable) shall remain reserved in full.

SIGNED ON BEHALF OF THE COMPANY

\_\_\_\_\_

IN HIS CAPACITY AS

\_\_\_\_\_

DATE

\_\_\_\_\_

FULL NAMES OF SIGNATORY

\_\_\_\_\_

UTILITY ACCOUNT NUMBER	NAME OF MUNICIPALITY	NAME OF OWNER



**ATTACH AN ORIGINAL OR A COPY OF A MUNICIPAL UTILITY ACCOUNT (NOT OLDER THAN THREE (3) MONTHS)**

**Important: Note the following**

- List Account(s) registered all in the name(s) of the Director(s) and the Company on the declaration form attached hereto; or
- Attach a copy lease agreement and a municipal utility account of the leased premises;



**FORM H: CERTIFICATE OF INDEPENDENT BID DETERMINATION (MBD 9)**

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

<sup>1</sup> Includes price quotations, advertised competitive bids, limited bids and proposals.

<sup>2</sup> 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 consortium<sup>3</sup> will not be construed as collusive bidding.
7. In particular, without limiting the generality of paragraphs 6 above, there has been no consultation, communication, agreement or arrangement with any competitor regarding:
  - (a) prices;
  - (b) geographical area where product or service will be rendered (market allocation)
  - (c) methods, factors or formulas used to calculate prices;
  - (d) the intention or decision to submit or not to submit, a bid;
  - (e) the submission of a bid which does not meet the specifications and conditions of the bid; or
  - (f) bidding with the intention not to win the bid.
8. In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications and conditions or delivery particulars of the products or services to which this bid invitation relates.
9. The terms of the accompanying bid have not been, and will not be, disclosed by the bidder, directly or indirectly, to any competitor, prior to the date and time of the official bid opening or of the awarding of the contract.
10. I am aware that, in addition and without prejudice to any other remedy provided to combat any restrictive practices related to bids and contracts, bids that are suspicious will be reported to the Competition Commission for investigation and possible imposition of administrative penalties in terms of section 59 of the Competition Act No 89 of 1998 and or may be reported to the National Prosecuting Authority (NPA) for criminal investigation and or may be restricted from conducting business with the public sector for a period not exceeding ten (10) years in terms of the Prevention and Combating of Corrupt Activities Act No 12 of 2004 or any other applicable legislation.

.....  
Signature

.....  
Date

.....  
Position

.....  
Name of Bidder





**FORM I: PROOF OF PUBLIC LIABILITY INSURANCE**

**AFFIX PROOF OF PUBLIC LIABILITY INSURANCE COVER OR A LETTER OF INTENT TO THE VALUE OF R100 000.00**



**FORM J: PREFERENCE SCHEDULE** (MBD 6.1)

**MBD 6.1**

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

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

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

**1. GENERAL CONDITIONS**

- 1.1 The following preference point systems are applicable to all bids:
- the 80/20 system for requirements with a Rand value of up to R50 000 000 (all applicable taxes included); and
- 1.2 a) The value of this bid is estimated to not exceed R50 000 000 (all applicable taxes included) and therefore the 80/20 preference point system shall be applicable; or
- 1.3 Points for this bid shall be awarded for:
- (a) Price; and
  - (b) B-BBEE Status Level of Contributor.
- 1.4 The maximum points for this bid are allocated as follows:

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

- 1.5 Failure on the part of a bidder to submit proof of B-BBEE Status level of contributor together with the bid, will be interpreted to mean that preference points for B-BBEE status level of contribution are not claimed.
- 1.6 The purchaser reserves the right to require of a bidder, either before a bid is adjudicated or at any time subsequently, to substantiate any claim in regard to preferences, in any manner required by the purchaser.

**2. DEFINITIONS**

- (a) **"B-BBEE"** means broad-based black economic empowerment as defined in section 1 of the Broad-Based Black Economic Empowerment Act;
- (b) **"B-BBEE status level of contributor"** means the B-BBEE status of an entity in terms of a code of good practice on black economic empowerment, issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act;
- (c) **"bid"** means a written offer in a prescribed or stipulated form in response to an invitation by an organ of state for the provision of goods or services, through price quotations, advertised competitive bidding processes or proposals;
- (d) **"Broad-Based Black Economic Empowerment Act"** means the Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003);
- (e) **"EME"** means an Exempted Micro Enterprise in terms of a code of good practice on black economic empowerment issued in terms of section 9 (1) of the Broad-Based Black Economic



Empowerment Act;

- (f) **“functionality”** means the ability of a tenderer to provide goods or services in accordance with specifications as set out in the tender documents.
- (g) **“prices”** includes all applicable taxes less all unconditional discounts;
- (h) **“proof of B-BBEE status level of contributor”** means:
- 1) certificate issued by an authorized body or person; B-BBEE Status level
  - 2) prescribed by the B-BBEE Codes of Good Practice; A sworn affidavit as
  - 3) prescribed in terms of the B-BBEE Act; Any other requirement
- (i) **“QSE”** means a qualifying small business enterprise in terms of a code of good practice on black economic empowerment issued in terms of section 9 (1) of the Broad-Based Black Economic Empowerment Act;
- (j) **“rand value”** means the total estimated value of a contract in Rand, calculated at the time of bid invitation, and includes all applicable taxes;

### 3. POINTS AWARDED FOR PRICE

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

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

**80/20**

**or**

**90/10**

$$P_s = 80 \left( 1 - \frac{P_t - P_{\min}}{P_{\min}} \right) \quad \text{or} \quad P_s = 90 \left( 1 - \frac{P_t - P_{\min}}{P_{\min}} \right)$$

Where

$P_s$  = Points scored for price of bid under consideration

$P_t$  = Price of bid under consideration

$P_{\min}$  = Price of lowest acceptable bid

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

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

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



## 5. BID DECLARATION

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

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

6.1 B-BBEE Status Level of Contributor: . = .....(maximum of 10 or 20 points)  
(Points claimed in respect of paragraph 7.1 must be in accordance with the table reflected in paragraph 4.1 and must be substantiated by relevant proof of B-BBEE status level of contributor.

## 7. SUB-CONTRACTING

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

(Tick applicable box)

YES		NO	
-----	--	----	--

7.1.1 If yes, indicate:

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

(Tick applicable box)

YES		NO	
-----	--	----	--

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

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

## 8. DECLARATION WITH REGARD TO COMPANY/FIRM

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

8.2 VAT registration number:.....

8.3 Company registration number:.....

8.4 TYPE OF COMPANY/ FIRM

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

[TICK APPLICABLE BOX]



## 8.5 DESCRIBE PRINCIPAL BUSINESS ACTIVITIES

.....

.....

.....

.....

## 8.6 COMPANY CLASSIFICATION

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

[TICK APPLICABLE BOX]

## 8.7 MUNICIPAL INFORMATION

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

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

**Stand Number:**.....

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

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

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



**WITNESSES:**

1. ....

2. ....

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

DATE:

ADDRESS:



**ATTACH AN ORIGINAL OR A COPY OF B-BBEE STATUS VERIFICATION  
CERTIFICATE**

**NOTE THE FOLLOWING IN RESPECT OF B-BBEE CERTIFICATES:**

1. Certificates attached hereto should be those issued by approved verification agencies as directed by the National Treasury and the DTI ( Department of Trade and Industry)
2. Verification agencies should be approved by SANAS and Accounting Officers and Auditors should be approved in terms of the IRBA (Independent Regulatory Body for Auditors), and as prescribed by the Close Corporations Act for designation as an Accounting Officer
3. Certified copies of the B-BBEE certificate should be within the financial year of the issued bid or quotation.

Further information in respect of the above is obtainable from the National treasury and DTI websites and the Preferential Procurement Regulations, 2017



## FORM K: DECLARATION OF TENDERER'S LITIGATION HISTORY

Does the tenderer have any litigation with which tenderer (including its directors, shareholders or other senior members in previous companies) have been involved with any organ of state or state department within the last ten years?

YES

NO

If yes, furnish your details in table below.

**NB: It is compulsory for all bidders to sign this form**

The tenderer shall list below details of any litigation with which the tenderer (including its directors, shareholders or other senior members in previous companies) has been involved with any organ of state or state department within the last ten years. The details must include the year, the litigating parties, and the subject matter of the dispute, the value of any award or estimated award if the litigation is current and in whose favor the award, if any, was made.

CLIENT	OTHER LITIGATING PARTY	DISPUTE	AWARD VALUE	DATE RESOLVED

.....  
Signature

.....  
Date

.....  
Position

.....  
Name of Bidder





C

# RETURNABLES FOR EVALUATION PURPOSES



## FORM L: PROPOSED KEY PERSONNEL

The Tenderer shall list below the key personnel whom he proposes to employ on the project should his Tender be accepted,

No	Name	Qualification	Designation

Provide two paged CV of Each key Personnel to be used in this project.

Each CV should give at least the following:

- Position in the firm and within the organisation of this assignment
- PDI status (describing population group, gender and disabilities)
- Proof of Educational qualifications
- Proof of Professional Registrations
- Relevant experience (actual duties performed, involvement and responsibility), including locations, dates and durations of assignments, starting with the latest.
- Language proficiency and
- References (company name, individual name, position held, contact details)

***(Affix the CV's and Attachments in a form of a booklet to the following Page.)***



**ATTACH CV'S OF KEY PERSONNEL TO THIS PAGE**



## FORM M: SCHEDULE OF PREVIOUS EXPERIENCE

The procedure for the evaluation of responsive Bids will be on the average of the **previous three projects** where the firm was involved.

Evaluation of the Tenderer's position in terms of his previous experience. Emphasis will be placed on the following:

- Experience in the relevant technical field
- Experience of contracts of similar size
- At least three of the references will be contacted to obtain their input.

Provide the following information on relevant previous experience (indicate specifically projects of similar or larger size and/or which is similar with regard to type of work. **This information is material to the award of the Contract.**

Description	Value (R) VAT excluded	Period work executed		Reference		
		Appointment Date	Completion Date	Name	Organisation	Tel no

**APPOINTMENT OF A PANEL OF CATERERS TO RENDER CATERING SERVICES AT STEVE TSHWETE, EMALAHLENI, THEMBSILE HANI AND DR JS MOROKA LOCAL MUNICIPALITIES WITHIN THE NKANGALA DISTRICT MUNICIPALITY FOR A PERIOD OF ONE (01) YEAR (AS AND WHEN REQUIRED)**



**FORM N: SCHEDULE OF CURRENT PROJECTS**

Provide the following information on current projects

**This information is material to the award of the Contract.**

Description	Value (R) VAT excluded	Appointment Date	Expected Completion Date	Reference		
				Name	Organisation	Tel no



## FORM O: SCHEDULE OF INFRASTRUCTURE AND RESOURCES

Provide information on the following:

**Infrastructure and resources available for this project:**

### 1. Physical Food Premises or Offices

Description	Address	Owned / leased

### 2. Equipment

Provide information on equipment and resources that you have available for this project.

	Description:	Serial number/ telephone number/ website address	Number of units
Computers			
Laptops			
Printers			
Website			
Landline			
E-mail			
Catering Equipment			
Other			



### 3. Vehicles

Provide information on vehicles that you have available for this project.

Description:	Number of units	Registration Number

### 4. Size of enterprise and current workload

What was your turnover in the previous financial year? -----

What is the estimated turnover for your current financial year? -----



## FORM P: SCHEDULE OF APPROACH AND METHODOLOGY

**NB: ATTACH A DETAILED PROPOSAL IN RESPECT OF APPROACH AND METHODOLOGY**

***Proposals should be well organized, straight forward, clear and concise. Proposals must respond specifically to the criteria specified in this tender document. Colour: black Font: Aerial: Size 12: Spacing one and half: pages not more than 10 on one side. (Excluding appendices)***

### **Understanding the terms of reference / brief**

1. Comprehensive & Methodology – Understanding of the services requested, proposed approach to the delivery and implementation of the contract. How the contract shall be organised and implemented in response to the services requested in the terms of reference
2. Packages - Quality of the proposals submitted for each of the individual packages (under each lot applied) and their compliance with the requirements listed in the terms of reference
3. Customer service & quality assurance - Proposed quality assurance and customer service methodology. Description of the tenderers quality assurance & customer services methodology
4. Environmental considerations - Waste and recycling arrangements. Short description of internal waste and recycling arrangements and in addition any other Specific measures in place with regard to environmental issues.





**FORM Q: SCHEDULE OF PROPOSED SUB-CONSULTANT**

Are / Do you have sub-consultants?

YES

NO

If yes, complete the below

NAME OF SUB-CONSULTANT	FULL DESCRIPTION OF WORK TO BE PERFORMED BY SUB-CONSULTANT



## FORM R: RECORD OF ADDENDA TO TENDER DOCUMENTS

Was there an addendum issued?

YES

NO

If yes, fill or attached the communication that you received.

We confirm that the following communication received from the Employer before the submission of this tender offer, amending the tender documents, have been taken into account in this tender offer:

	Date	Title of Details

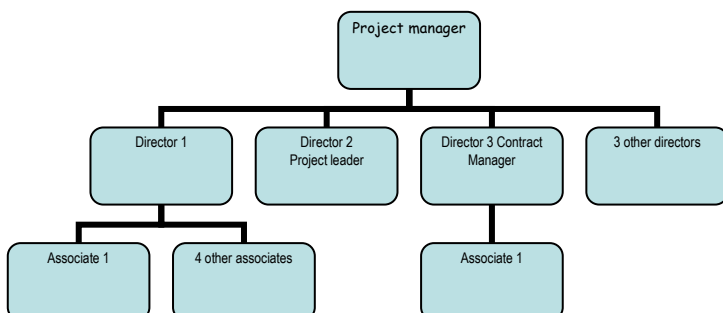
*\*An addendum is any communication issued by Nkangala District Municipality after the briefing session\**



## FORM S: TENDERER'S PROJECT STRUCTURE

### Notes to tenderer:

1. The intention of this form is to demonstrate the tenderer's project structure, as well as the lines of responsibility between members of the project team and between the project team and the overall company structure. The tenderer must attach his own organogram to this form.
2. Tenderers which are large companies may simplify the organogram by 'rolling up' portfolios e.g. combining directors/associates into one box of the organogram. However, the individual positions of the key personnel within the structure must still be shown.
3. Joint Venture tenders will require each element of the venture to submit separate organograms that show the individual structure of each member company and the lines of responsibility of the proposed personnel involved in the project. In addition there must also be a combined organogram that indicates how the joint venture itself will function and the proposed share of the work. Joint Venture tenderers shall note that the share of work indicated will be used in the analysis of such a tenderers preference proposed on returnable form D1, and that if awarded the share of work shall become a contractual obligation between the members of the joint venture.
4. State the city or town where the company's head office is located. The locality of regional or satellite office, regardless of degree of autonomy or size is not required. Only submit the number of offices other than the head office. Do not count offices outside RSA
5. Registered professional engineers, technicians or technologists' means those who are involved in the built industry as well as allied fields such as environmental professionals. Registered professionals of other disciplines (e.g. mechanical) are considered as employees only.



Head Office:	
Other Offices:	
Registered Professionals:	
Total Employees :	
%share in JV agreement	

SIGNED ON BEHALF OF THE TENDERER:.....



## NKANGALA DISTRICT MUNICIPALITY



### APPOINTMENT OF A PANEL OF CATERERS TO RENDER CATERING SERVICES AT STEVE TSHWETE, EMALAHLENI, THEMBISILE HANI AND DR JS MOROKA LOCAL MUNICIPALITIES WITHIN THE NKANGALA DISTRICT MUNICIPALITY FOR A PERIOD OF ONE (01) YEAR (AS AND WHEN REQUIRED)

#### THE CONTRACT

#### THE CONTRACT

##### **Part C1: Agreements and Contract Data**

- C1.1 Form of Offer and Acceptance
- C1.2 Contract Data

##### **Part C2: Pricing Data**

- C2.1 Pricing Instructions
- C2.2 Bill of quantities

##### **Part C3: Scope of Work**

- C3 Scope of Work

##### **Part C4 : Additional Relevant Documents**

- C4.1 Supply Chain Management Policy



## NKANGALA DISTRICT MUNICIPALITY



### AGREEMENTS AND CONTRACT DATA

#### **Part C1: Agreements and Contract Data**

C1.1 Form of Offer and Acceptance

C1.2 Contract Data



## FORM C.1.1

## FORM OF OFFER AND ACCEPTANCE

### 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 CATERERS TO RENDER CATERING SERVICES AT STEVE TSHWETE, EMALAHLENI, THEMBISILE HANI AND DR JS MOROKA LOCAL MUNICIPALITIES WITHIN THE NKANGALA DISTRICT MUNICIPALITY FOR A PERIOD OF ONE (01) YEAR (AS AND WHEN REQUIRED)**

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 of the obligations and liabilities of the Contractor under the Contract including compliance with all its terms and conditions according to their true intent and meaning for an amount to be determined in accordance with the Conditions of Contract identified in the Contract Data.

**THE SUB-TOTAL OF THE PRICES EXCLUSIVE OF VALUE ADDED TAX IS**

**ONE THOUSAND AND SEVENTY EIGHT RAND EIGHTY CENTS ONLY.....**

..... Rand (in words); **R 1 078.80**..... (In figures).

**THE OFFERED TOTAL OF THE PRICES INCLUSIVE OF VALUE ADDED TAX IS**

.....

..... 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.

Signature(s) \_\_\_\_\_

Name(s) \_\_\_\_\_

Capacity \_\_\_\_\_

For the tenderer \_\_\_\_\_

(Name and address of organisation)

Name & Signature

Of Witness \_\_\_\_\_

Name

Date



## 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 this Agreement and in the Contract that is the subject of this Agreement.

The terms of the contract are contained in:

- Part 1 Agreements and Contract Data (which includes this Agreement)
- Part 2 Pricing Data
- Part 3 Scope of Work
- Part 4 Additional Documentation

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

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

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 the delivery of any bonds, guarantees, proof of insurance and any other documentation to be provided in terms of the Conditions of Contract identified in the Contract Data at or just after the date this Agreement comes into effect. Failure to fulfil any of these obligations in accordance with those terms shall constitute a repudiation of this Agreement.

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

Signature(s)	_____	_____
Name(s)	_____	_____
Capacity	_____	_____
For the tenderer	_____	
	(Name and address of organisation)	
Name & Signature	_____	_____
Of Witness	_____	_____
	Name	Date



## SCHEDULE OF DEVIATIONS

### Notes:

1. The extent of deviations from the tender documents issued by the Employer prior to the tender closing date is limited to those permitted in terms of the Conditions of Tender.
2. A Tenderer's covering letter shall not be included in the final contract document. Should any matter in such letter, which constitutes a deviation as aforesaid become the subject of agreements reached during the process of Offer and Acceptance, the outcome of such agreement shall be recorded here.
3. Any other matter arising from the process of offer and acceptance either as a confirmation, clarification or change to the tender documents and which it is agreed by the Parties becomes an obligation of the contract, shall also be recorded here.
4. Any change or addition to the tender documents arising from the above agreements and recorded here, shall also be incorporated into the final draft of the Contract.

<b>1</b>	<b>Subject</b> _____
	Details _____
<b>2</b>	<b>Subject</b> _____
	Details _____
<b>3</b>	<b>Subject</b> _____
	Details _____
<b>4</b>	<b>Subject</b> _____
	Details _____
<b>5</b>	<b>Subject</b> _____
	Details _____
<b>6</b>	<b>Subject</b> _____
	Details _____

By the duly authorised representatives signing this Schedule of Deviations, the Employer and the Tenderer agree to and accept the foregoing Schedule of Deviations as the only deviations from and amendments to the documents listed in the Tender Data and addenda thereto as listed in the Tender Schedules, as well as any confirmation, clarification or change to the terms of the Offer agreed by the Tenderer and the Employer during this process of Offer and Acceptance. It is expressly agreed that no other matter whether in writing, oral communication or implied during the period between the issue of the tender documents and the receipt by the Tenderer of a completed signed copy of this Agreement shall have any meaning or effect in the contract between the parties arising from this Agreement.





**FOR THE TENDERER:**

Signatures (s) \_\_\_\_\_

Name(s) \_\_\_\_\_

Capacity \_\_\_\_\_

\_\_\_\_\_  
(Name and address of Organisation)

Name & Signature  
Of Witness \_\_\_\_\_ Date \_\_\_\_\_

**FOR THE EMPLOYER**

Signatures (s) \_\_\_\_\_

Name(s) \_\_\_\_\_

Capacity \_\_\_\_\_

\_\_\_\_\_  
(Name and address of Organisation)

Name & Signature  
Of Witness \_\_\_\_\_ Date \_\_\_\_\_



## CONTRACT DATA

### DATA PROVIDED BY THE EMPLOYER

	Data
1	<p>The Name of the Employer is <b>Nkangala District Municipality</b></p> <p>The address of the Employer is: 2A Walter Sisulu Street MIDDELBURG 1050</p> <p>P O Box 437 Middelburg 1050</p> <p>Telephone: 013 249 2000 Facsimile: 013 249 2145</p>
2	The Project is for the Request for proposals for the <b>APPOINTMENT OF A PANEL OF CATERERS TO RENDER CATERING SERVICES AT STEVE TSHWETE, EMALAHLENI, THEMBISILE HANI AND DR JS MOROKA LOCAL MUNICIPALITIES WITHIN THE NKANGALA DISTRICT MUNICIPALITY FOR A PERIOD OF ONE (01) YEAR (AS AND WHEN REQUIRED)</b>
3	The Period of Performance is as per letter of appointment
4	The Service Provider may not release public or media statements or publish material related to the Services or Project without the written approval of the Employer.
5	The Service provision shall be completed as per letter of appointment
6	The Service Provider shall provide the Professional Liability Insurance for a cover to be negotiated with the Client (If applicable)
7	The client shall not be responsible for any overtime worked or overtime payments made to the personnel of the Service Provider.
8	Copyright of document prepared for the project shall be vested with the Nkangala District Municipality
9	Settlement of dispute is to be in terms of Clause 73 of the Supply Chain Management Policy of the Nkangala District Municipality, not excluding the provisions provided for in terms of rules / laws governing dispute resolution and employing services of the courts to remedy any dispute that may arise.
10	Service Providers will be paid in accordance with the Nkangala District Supply Chain Management Policy.
11	A Service Provider may not subcontract any work not approved by the employer the Nkangala District Municipality



**PART 1: DATA PROVIDED BY THE SERVICE PROVIDER**

1.	<p>The Service Provider is .....</p> <p>Address: .....</p> <p>Telephone: .....</p> <p>Facsimile: .....</p>
2	<p>The authorised and designated representative of the Service Provider is:</p> <p>Name: .....</p> <p>The address for receipt of communications is:</p> <p>Telephone: .....</p> <p>Facsimile: .....</p> <p>Address: .....</p>



## C 2.2. BILL OF QUANTITIES

NO	ITEM	UNIT PRICE PER PERSON
1	Ordinary Breakfast <ul style="list-style-type: none"> <li>➤ Coffee and a variety of teas served with,</li> <li>➤ Muffins</li> <li>➤ Scones</li> <li>➤ Sandwiches</li> <li>➤ Juice</li> </ul>	<b>R61.27</b>
2	VIP Breakfast <ul style="list-style-type: none"> <li>➤ Coffee and a variety of teas served with,</li> <li>➤ Full English breakfast</li> <li>➤ Cereals (assorted) with yoghurt</li> <li>➤ Fruits</li> <li>➤ 100% juice</li> </ul>	<b>R79.65</b>
3	Ordinary Lunch (pre-packed) <ul style="list-style-type: none"> <li>➤ 2 x Starch</li> <li>➤ 2 x meats</li> <li>➤ 100 % juice or Assorted cans of cold drinks</li> </ul>	<b>R49.01</b>
4	Standard Lunch (Western) <ul style="list-style-type: none"> <li>➤ 2 x Starches</li> <li>➤ 2 x Meat</li> <li>➤ 1 x Salad</li> <li>➤ 1 x Vegetable</li> <li>➤ 100 % juice or Assorted cans of cold drinks</li> </ul>	<b>R104.16</b>
5	Standard Lunch (pre-packed) <ul style="list-style-type: none"> <li>➤ 1 x Starches</li> <li>➤ 1 x Meat</li> <li>➤ 1 x Salad</li> <li>➤ 1 x Vegetable</li> <li>➤ 100 % juice or Assorted cans of cold drinks</li> </ul>	<b>R91.91</b>



6	<b>Standard Lunch (African Cuisine )</b> <ul style="list-style-type: none"> <li>➤ 2 x Starches</li> <li>➤ 2 x Meat</li> <li>➤ Tripe</li> <li>➤ 1 x salad</li> <li>➤ 1 x Vegetable</li> <li>➤ 100 % juice or Assorted cans of cold drinks</li> </ul>	<b>R116.41</b>
8	<b>Finger Lunch</b> <ul style="list-style-type: none"> <li>➤ Platters (Variety of meat) – 10 people</li> <li>➤ 100 % juice or Assorted cans of cold drinks</li> </ul>	<b>R367.61</b>
9	<b>Lunch pre-packs</b> <ul style="list-style-type: none"> <li>➤ Hotdogs/Burgers</li> <li>➤ Fruits</li> <li>➤ 100 % juice or Assorted cans of cold drinks</li> </ul>	<b>R46.90</b>
10	<b>VIP Lunch (western lunch)</b> <ul style="list-style-type: none"> <li>➤ 3 x Starches</li> <li>➤ 3 x Meat</li> <li>➤ 2 x salad</li> <li>➤ 2 x Vegetables</li> <li>➤ 100 % juice or Assorted cans of cold drinks</li> </ul>	<b>R134.79</b>
11	<b>Afternoon tea</b> <ul style="list-style-type: none"> <li>➤ Coffee and a variety of teas served with,</li> <li>➤ Variety of cakes</li> <li>➤ Biscuits</li> </ul>	<b>R36.76</b>
<b>SUB-TOTAL</b>		<b>R1 088.47</b>
<b>VAT@ 14%</b>		
<b>TOTAL</b>		

**TOTAL AMOUNT TO BE FORWARDED TO THE FORM C 1.1 (FORM OF OFFER)**



## NKANGALA DISTRICT MUNICIPALITY



### APPOINTMENT OF A PANEL OF CATERERS TO RENDER CATERING SERVICES AT STEVE TSHWETE, EMALAHLENI, THEMBISILE HANI AND DR JS MOROKA LOCAL MUNICIPALITIES WITHIN THE NKANGALA DISTRICT MUNICIPALITY FOR A PERIOD OF ONE (01) YEAR (AS AND WHEN REQUIRED)

#### SCOPE OF WORK

#### Part C3: Scope of Work

##### C3 Scope of Work

#### 1. PURPOSE

The purpose of this request is to call for proposals from suitably qualified catering service providers who are registered in terms of Regulations Governing General Hygiene Requirements for food premises and the transport of food Government Notice R 198 of 30 July 1999 (Regulation 3(6) (9) **(Certificate of acceptability)** obtainable from various municipalities under the (MHS) Municipal Health Services Unit or have a **HACCP (Hazard Analysis and Critical Control Point)** obtainable from registered service provider with **SITA** or **Universities** to submit their proposals in order to be included in the panel of catering service providers at Nkangala District Municipality (NDM) for a period of three (3) years months based on performance.

#### 2. BACKGROUND

##### 2.1 NKANGALA DISTRICT MUNICIPALITY OVERVIEW

Nkangala District Municipality (NDM) requires the services of catering companies that are duly qualified and specializing in providing catering services. NDM's political structure consists of the Mayoral Committee, which is constructed out of 9 Mayoral Portfolios, which is headed by the Executive Mayor. The Offices of the Speaker and the Chief Whip also resort under the municipality.

Nkangala District Municipality's administration is headed by the Municipal Manager. Municipal officials and councilors from time to time hold meetings and there are annual calendar events that need catering such as, State of the District Address, Budget Indaba, IDP/LED forums, Youth and Women's Month etc.



## 2.2 BACKGROUND

Service Providers are required to respond to this RFP (Request for Proposal) demonstrating that their propose approach and solutions are a probable fit to NDM's requirements and are required to complete all categories stipulated within this document.

All information contained in this RFP or given by management or staff of NDM is solely for the purpose of providing Service Providers with relevant information with which to complete and submit their proposals.

Recipients of this document will be expected to respect the confidentiality of the information contained therein or another information obtained in the course of business. It is expected that Service Providers will take all reasonable steps to ensure that their employees and associates are aware of the need for confidentiality.

The selection of a Service Provider will not constitute a binding agreement and any such acceptance will be subject the negotiation of satisfactory contractual agreements with the selected Service providers.

## 3. OBJECTIVE AND DELIVERABLES

The appointed panel of caterer's services will be utilized by the municipality throughout the seven months for 2017/18 Financial Year. The panel will be used on rotational basis depending on the rates, performance, delivery and quality of services received from the preferred service provider.

Preferred service providers will be evaluated from time to time on the following basis:

- Timeliness of service delivery;
- Quality of the service provided;
- Provision of services in compliance with clearly stated specifications;
- Professional conduct of service providers, e.g. uniform, cutlery etc.; and

The panel will be categorized or classified as follows:

CATEGORIES	Expected people to be served / catered	Certificate
A. Catering for VIP	1 -50	Valid COA
B. Catering for adhoc / regular meetings	1 – 50	Valid COA
C. Catering for medium functions	51 -50	Valid COA
D. Catering for large functions	101 – 250	Valid COA
E. Catering for big events / Gala Dinners	251 – indefinite	Valid COA



Service providers who perform well will be placed in the category for catering services for high profile events/meetings.

Potential service providers should be in place to provide catering services and make arrangements for the following meetings and events:

Expected meetings	Expected no. of people to attend	Suggested NDM menu
a) Premier, Mayors, MM and CFO's forum (refer to categories A)	1-50 people are expected at these meetings	VIP or Finger Lunch
b) Council meetings (refer to categories B or C)	101-250 people are expected at these meetings	Standard western lunch and African cuisine
c) Mayoral Committee meetings (refer to categories A or B)	30 people are expected at these meetings	Standard western lunch or VIP or finger lunch
d) Meetings of the portfolio committees (section 80) (refer to categories A or B)	10 – 45 people are expected at these meetings	Standard western lunch or VIP
e) Meetings of the TOPMANCO (top management) and other management meetings (refer to categories A or B)	10 – 20 people are expected at these meetings	Standard western lunch or VIP or finger lunch
f) Training and workshops and other committee meetings i.e LLF (refer to categories B or C)	51 - 100 people are expected at these meetings	Standard western lunch or pre-packs
g) Big events/Gala Dinners i.e State of the District Address, Budget and IDP Indabas (refer to categories D or E)	251 indefinite people are expected at these meetings	Three menu coyorse NDM Users will propose menus for these category
h) Public participation meetings (refer to categories C & D)	There will be clear specifications provided to preferred service providers for this category	

The standard menu will be as in the **Bill of Quantities**, it serves a guide, service providers are encouraged to be innovative and suggest other menus or dietary requirements such as Halaal food and vegetarian.

**Only service providers registered in terms of Muslim Council of South Africa will be allowed to serve Halaal food**

Preference will be given to companies which are locally based as a diversified approach will be applied. Consideration will also be given towards those companies which are not from Nkangala District Municipality area but has the option to enter into a JV/Consortium with a locally based caterer and sub-contracting at least 25% of the contract to them if so awarded.





Inspection of registered premises of caterers will be done as and when required by the evaluators, which would include a formal presentation by shortlisted service providers.

#### **4. BUDGET**

A detailed breakdown of costs per unit/head must be included in the proposal according to the terms of reference. Payment will be made to the service provider within 30 days from a receipt of an original invoice after the service has been provided and is subject to the payment procedure of NDM.

#### **5. CONDITION AND EVALUATION OF TENDER**

Responses will be evaluated using a predefined set of evaluation criteria. The evaluation criteria are designed to reflect NDM requirements in terms of identifying a suitable service provider and to ensure the selection process is transparent and afford all bidders a fair opportunity for evaluation and selection.

- **APPOINTMENT OF A PANEL OF CATERERS TO RENDER CATERING SERVICES AT STEVE TSHWETE, EMALAHLENI, THEMBISILE HANI AND DR JS MOROKA LOCAL MUNICIPALITIES WITHIN THE NKANGALA DISTRICT MUNICIPALITY FOR A PERIOD OF ONE (01) YEAR (AS AND WHEN REQUIRED)** The Nkangala District Municipality wishes to enter into contracts with a panel of caterers to provide catering services in various municipalities within the Nkangala District Municipality for a period of three (03) years (as and when required)
- The preferred service provider/s must be prepared to cater for all dietary preferences, including but not limited to religions, culture, vegetarian, kosher and halaal with valid certification from respective bodies where applicable.
- The quality of food prepared must adhere to acceptable food industry standards and must be prepared in a clean and hygienic manner in accordance with all health and safety regulations.
- The preferred service provider/s should provide adequate catering equipment, cutlery and crockery when required.
- The preferred service providers should be able to respond within 12 hours.
- Service providers must price each category and indicate the price per category from the below.
- Service provider must be able to deliver services within 12 hours of placing the order
- Shortlisted candidates will be subjected to hosting, food tasting coupled with site visit.
- Variety of menus to be provided
- The Supply Chain Management unit will be responsible for the implementation and co-ordination of the agreement.
- **The rates are valid for 12 months after the date of submission, where after an escalation of the smaller of CPIX + 2% or 10% be allowed for the next 12 months (CPIX based on the first 12 months average)**



The menu for all the categories is listed below and must be completed by service providers:

<b>ORDINARY BREAKFAST</b>
<ul style="list-style-type: none"> <li>➤ Coffee and a variety of teas served with,</li> <li>➤ Muffins</li> <li>➤ Scones</li> <li>➤ Sandwiches</li> </ul>
<b>VIP BREAKFAST</b>
<ul style="list-style-type: none"> <li>➤ Coffee and a variety of teas served with,</li> <li>➤ Full English breakfast</li> <li>➤ Fruits</li> </ul>
<b>ORDINARY LUNCH</b>
<ul style="list-style-type: none"> <li>➤ 2 x Starch</li> <li>➤ 2 x meats</li> <li>➤ 100 % juice or Assorted cans of cold drinks</li> </ul>
<b>ORDINARY LUNCH (PRE-PACKED)</b>
<ul style="list-style-type: none"> <li>➤ 2 x Starch</li> <li>➤ 2 x meats</li> <li>➤ 100 % juice or Assorted cans of cold drinks</li> </ul>
<b>STANDARD LUNCH</b>
<ul style="list-style-type: none"> <li>➤ 2 x Starches</li> <li>➤ 2 x Meat</li> <li>➤ 1 x Salad</li> <li>➤ 1 x Vegetable</li> <li>➤ 100 % juice or Assorted cans of cold drinks</li> </ul>
<b>STANDARD LUNCH (PRE-PACKED)</b>
<ul style="list-style-type: none"> <li>➤ 2 x Starches</li> <li>➤ 2 x Meat</li> <li>➤ 1 x Salad</li> <li>➤ 1 x Vegetable</li> <li>➤ 100 % juice or Assorted cans of cold drinks</li> </ul>
<b>LUNCH (AFRICAN)</b>
<ul style="list-style-type: none"> <li>➤ 2 x Starches</li> <li>➤ 2 x Meat</li> <li>➤ 1 x salad</li> <li>➤ 1 x Vegetable</li> <li>➤ 100 % juice or Assorted cans of cold drinks</li> </ul>
<b>FINGER LUNCH</b>
<ul style="list-style-type: none"> <li>➤ Variety of meat</li> <li>➤ Platters</li> <li>➤ 100 % juice or Assorted cans of cold drinks</li> </ul>



<b>LUNCH PRE-PACKS</b>	
➤	Hotdogs/Burgers
➤	Fruits
➤	100 % juice or Assorted cans of cold drinks
<b>VIP LUNCH (WESTERN LUNCH)</b>	
➤	3 x Starches
➤	3 x Meat
➤	2 x salad
➤	2 x Vegetables
➤	100 % juice or Assorted cans of cold drinks
<b>AFTERNOON TEA</b>	
➤	Coffee and a variety of teas served with,
➤	Variety of cakes