



## Knysna

Municipality ♦ Munisipaliteit ♦ uMasipala  
INCLUSIVE. INNOVATIVE. INSPIRED.

<b>ADVERTISEMENT DATE:</b>	<b>02/11/2018</b>
<b>RFQ NUMBER:</b>	<b>B304/2018/19</b>
<b>DESCRIPTION OF GOODS/SERVICES:</b>	<b>Music Rights and Business Workshop</b>
<b>RFQ DOCUMENTS ARE OBTAINABLE FROM:</b>	Supply Chain Management Section Clyde Street Knysna <b>or</b> Knysna Municipality website: <a href="http://www.knysna.gov.za">www.knysna.gov.za</a> (Information centre>SCM>QUOATIONS)
<b>CLOSING DATE: TIME:</b>	<b>05/11/2018 12:00</b>
<b>SUBMISSIONS:</b>	Sealed quotations clearly marked, <b>B304/2018/19: Music Rights and Business Workshop</b> By hand to: Supply Chain Management Section Knysna Municipality Clyde Street Knysna By fax to: 086 650 1415 By email to: <a href="mailto:pmseleni@knysna.gov.za">pmseleni@knysna.gov.za</a>  Contact person: Phindiswa Mseleni (Tel: 044 302 6269) Electronic bid documents must reach the Supply Chain Management Section before the closing time.
<b>COMPULSORY REQUIREMENTS:</b>	
<b>TECHNICAL ENQUIRIES:</b>	Contact Person : Sikhanyiso Magodla Email : <a href="mailto:smagodla@knysna.gov.za">smagodla@knysna.gov.za</a> Tell : 0443026599

**The following conditions will apply:**

- Price(s) quoted must be firm and must be inclusive of VAT when applicable.
- Attached KMBD6.1 must be completed to qualify for B-BBEE Status Level of Contribution.
- Tax Clearance Certificate or Sufficient Evidence that Tax matters are raised with SARS must be attached.
- An original or certified copy of B-BBEE Certificate must be attached to qualify for points.
- Price must include all related expenses, i.e. transport, accommodation etc.
- Attached KMBD 4 document must be completed.
- Status of Municipal accounts must be submitted.
- More than 1 supplier could be appointed.
- Invoices must be submitted to [jcordier@knysnagov.za](mailto:jcordier@knysnagov.za) and will be paid within 30 days of delivering the service.
- Only an Official order and appointment letter will bind the Council.

## **REQUIREMENTS:**

### **EVALUATION**

All bids will be evaluated by a panel on basis of functionality (100%) and Price 80. The points scored for functionality will not be carried over to price, but will only be used as a gate keeping exercise. The final evaluation will be done in terms of the Council's Preferential Procurement Policy which states 80 for price and the remaining 20 for B-BEE.

#### **Point's allocation for functionality**

1. Company history and experience on similar works with references to previous experiences. (15)
2. List of contactable references of similar municipal services previously done. (15)

#### **EVALUATION SCHEDULE**

**\*\*\* (Your pricing schedule will not be considered if proof relating to this table is not attached to this document)**

<b>Criteria</b>	<b>Scoring criteria</b>	<b>Points Claimed</b>
Provide company profile, history, years of experience. Years of experience must be clearly indicated in the company profile or CV	Years 1 - 2(5) 3 - 4(10) 5 + (15)	
Provide a list of contactable references of similar municipal services previously provided	1 ref (5) 2 refs (10) 3 refs or more (15)	
<b>Total</b>	<b>30</b>	

***Tenderers must achieve a minimum of 20 points in order to qualify for further evaluation on price and preference points***

## **SPECIFICATIONS:**

### ***Scope of Work***

- **Day 1, Copyrights and Registration:** Cover the importance of copyrights your music and the reasons for copyrights. Clarify the issues of registering your music. Explain SAMRO forms and Notifications.  
**Focus on:**  
What is copyright?  
What do you copyright?  
Where do you copyright?  
Registration, SAMRO and Membership.
- **Day 2, Duties and Benefits:** Cover the identification and explanation of duties for all involved. What percentage do they get? Who owns what in a song or composition?

People involved in a song, what shares do they get? What documentation needs to be signed in studio.

**Focus on:**

What is an artist, composer, author, arranger, producer, session artist and executive producer?

How do you split a song and get a fair share for your contribution in creation Business Formula.

- Supply and deliver **120 “Music Rights Booklet”** before the workshop that will be held on the 16 & 17 November 2018.
- All prices must exclude accommodation, travelling & subsistence.

**PRICING SUMMARY:**

QTY	Description	Duration (Working Days)	Unit Price	Total Price
1	<b>Day 1, Copyrights and Registration:</b> Cover the importance of copyrights your music and the reasons for copyrights. Clarify the issues of registering your music. Explain SAMRO forms and Notifications.			
1	<b>Day 2, Duties and Benefits:</b> Cover the identification and explanation of duties for all involved. What percentage do they get? Who owns what in a song or composition? People involved in a song, what shares do they get? Documentation needs to be signed in studio.			
120	Supply and deliver <b>120 “Music Rights Booklet”</b> before the workshop that will be held on the 16 & 17 November 2018			
Subtotal				
15% VAT				
TOTAL PRICE				

## Contact Details of Tenderer

Knysna Municipality Supplier number	
CSD Supplier number	
CSD Unique Registration Reference Number	
The name of the Tenderer:	
The name of the contact person:	
The address of the Tenderer:	
Telephone:	
Facsimile:	
E-mail:	
Address (physical):	
Address (postal):	
Signature:	
Date:	



# 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  
 - the 90/10 system for requirements with a Rand value above R50 000 000 (all applicable taxes included).

1.2 The value of this bid is estimated not to exceed R200 000 (all applicable taxes included) and therefore the 80/20 system shall be applicable.

1.3 Preference points for this bid shall be awarded for:

- (a) Price; and
- (b) B-BBEE Status Level of Contribution.

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

	POINTS
1.3.1.1 Price	80
1.3.1.2 B-BBEE status level of contribution	20
<b>Total points for Price and B-BBEE must not exceed</b>	<b>100</b>

1.4 Failure on the part of a bidder to fill in and/or to sign this form and submit a B-BBEE Verification Certificate from a Verification Agency accredited by the South African Accreditation System (SANAS) or a Registered Auditor approved by the Independent Regulatory Board of Auditors (IRBA) or an Accounting Officer as contemplated in the Close Corporation Act (CCA) together with the bid, will be interpreted to mean that preference points for B-BBEE status level of contribution are not claimed.

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

## 2. DEFINITIONS

2.1 **“all applicable taxes”** includes value-added tax, pay as you earn, income tax, unemployment insurance fund contributions and skills development levies;

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

2.3 **“B-BBEE status level of contributor”** means the B-BBEE status received by a measured entity based on its overall performance using the relevant scorecard contained in the Codes of Good Practice on Black Economic Empowerment, issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act;

2.4 **“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 services, works or goods, through price quotations, advertised competitive bidding processes or proposals;

2.5 **“Broad-Based Black Economic Empowerment Act”** means the Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003);

2.6 **“comparative price”** means the price after the factors of a non-firm price and all unconditional discounts that can be utilized have been taken into consideration;

2.7 **“consortium or joint venture”** means an association of persons for the purpose of combining their expertise, property, capital, efforts, skill and knowledge in an activity for the execution of a contract;

2.8 **“contract”** means the agreement that results from the acceptance of a bid by an organ of state;

2.9 **“EME”** means any enterprise with an annual total revenue of R5 million or less

2.10 **“Firm price”** means the price that is only subject to adjustments in accordance with the actual increase or decrease resulting from the change, imposition, or abolition of customs or excise duty and any other duty, levy, or tax, which, in terms of the law or regulation, is binding on the contractor and demonstrably has an influence on the price of any supplies, or the rendering costs of any service, for the execution of the contract;

2.11 **“functionality”** means the measurement according to predetermined norms, as set out in the bid documents, of a service or commodity that is designed to be practical and useful, working or operating, taking into account, among other factors, the quality, reliability, viability and durability of a service and the technical capacity and ability of a bidder;

2.12 **“non-firm prices”** means all prices other than “firm” prices;

2.13 **“person”** includes a juristic person;

2.14 **“rand value”** means the total estimated value of a contract in South African currency, calculated at the time of bid invitations, and includes all applicable taxes and excise duties;

- 2.15 “total revenue” bears the same meaning assigned to this expression in the Codes of Good Practice on Black Economic Empowerment, issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act and promulgated in the *Government Gazette* on 9 February 2007;
- 2.16 “trust” means the arrangement through which the property of one person is made over or bequeathed to a trustee to administer such property for the benefit of another person; and
- 2.17 “trustee” means any person, including the founder of a trust, to whom property is bequeathed in order for such property to be administered for the benefit of another person.

**3. ADJUDICATION USING A POINT SYSTEM**

- 3.1 The bidder obtaining the highest number of total points will be awarded the contract.
- 3.2 Preference points shall be calculated after prices have been brought to a comparative basis taking into account all factors of non-firm prices and all unconditional discounts;.
- 3.3 Points scored must be rounded off to the nearest 2 decimal places.
- 3.4 In the event that two or more bids have scored equal total points, the successful bid must be the one scoring the highest number of preference points for B-BBEE.
- 3.5 However, when functionality is part of the evaluation process and two or more bids have scored equal points including equal preference points for B-BBEE, the successful bid must be the one scoring the highest score for functionality.
- 3.6 Should two or more bids be equal in all respects, the award shall be decided by the drawing of lots.

**4. POINTS AWARDED FOR PRICE**

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

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

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

Where

- Ps = Points scored for comparative price of bid under consideration
- Pt = Comparative price of bid under consideration
- Pmin = Comparative price of lowest acceptable bid

**5. Points awarded for B-BBEE Status Level of Contribution**

- 5.1 In terms of Regulation 5 (2) and 6 (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:

5.2

who  
of  
Act  
  
in

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

Bidders qualify as EMEs in terms of the B-BBEE must submit a certificate issued by an Accounting Officer as contemplated the CCA or a Verification Agency accredited by SANAS or a

Registered Auditor. Registered auditors do not need to meet the prerequisite for IRBA’s approval for the purpose of conducting verification and issuing EMEs with B-BBEE Status Level Certificates.

- 5.3 Bidders other than EMEs must submit their original and valid B-BBEE status level verification certificate or a certified copy thereof, substantiating their B-BBEE rating issued by a Registered Auditor approved by IRBA or a Verification Agency accredited by SANAS.
- 5.4 A trust, consortium or joint venture, will qualify for points for their B-BBEE status level as a legal entity, provided that the entity submits their B-BBEE status level certificate.
- 5.5 A trust, consortium or joint venture will qualify for points for their B-BBEE status level as an unincorporated entity, provided that the entity submits their consolidated B-BBEE scorecard as if they were a group structure and that such a consolidated B-BBEE scorecard is prepared for every separate bid.
- 5.6 Tertiary institutions and public entities will be required to submit their B-BBEE status level certificates in terms of the specialized scorecard contained in the B-BBEE Codes of Good Practice.

**6. BID DECLARATION**

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

**6.1.2 B-BBEE STATUS LEVEL OF CONTRIBUTION CLAIMED IN TERMS OF PARAGRAPHS 1.3.1.2 AND 5.1**

6.1.2.1	B-BBEE Status Level of Contribution as reflected on the B-BBEE Certificate	
6.1.2.2	Points claimed in respect of Level of Contribution (maximum of 10 or 20 points)	

Points claimed in respect of paragraph 6.1 must be in accordance with the table reflected in paragraph 5.1 and must be substantiated by means of a B-BBEE certificate issued by a Verification Agency accredited by SANAS or a Registered Auditor approved by IRBA or an Accounting Officer as contemplated in the CCA

**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:				
7.1.1.1. what percentage of the contract will be subcontracted?				%
7.1.1.2. the name of the sub-contractor?				
7.1.1.3. the B-BBEE status level of the sub-contractor?				
7.1.1.4. whether the sub-contractor is an EME? (Tick applicable box)	YES		NO	

**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 (Tick Applicable Box)	Partnership/Joint Venture / Consortium		
		One person business/sole propriety		
		Close corporation		
		Company		
		(Pty) Limited		
8.5	Describe Principal Business Activities			
8.6	Company Classification (Tick Applicable Box)	Manufacturer		
		Supplier		
		Professional Service Provider		
		Other service providers, eg transporter		
8.7	<b>TOTAL NUMBER OF YEARS THE ENTERPRISE HAS BEEN IN BUSINESS</b>			

9. I/we, the undersigned, who is / are duly authorised to do so on behalf of the company/firm, certify that the points claimed, based on the B-BBE status level of contribution indicated in paragraph 7 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 paragraph 7, 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 contribution 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) restrict the bidder or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, 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

NAME OF BIDDER		DATE	
SIGNATURE			
WITNESS 1		WITNESS 2	
WITNESS 1			
DATE		DATE	

**MBD 4  
DECLARATION OF INTEREST**

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, hareholder <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: _____ _____		
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 the evaluation and or adjudication of this bid?	YES	NO
3.10.1	If yes, furnish particulars:		





--	--

5. I, the undersigned (name) \_\_\_\_\_, certify that the information furnished in paragraphs 3 and 4 above is correct.

I accept that the state may act against me should this declaration prove to be false.

Name of Bidder		Date	
Signature		Capacity	

## 11. MDB 15 – Certificate for Payment of Municipal Services

**NAME OF THE BIDDER:** \_\_\_\_\_

**FURTHER DETAILS OF THE BIDDER'S; Director / Shareholder / Partners, etc:**

Director / Shareholder / partner	Physical address of the Business	Municipal Account number(s)	Physical residential address of the Director / shareholder / partner	Municipal Account number(s)

**NB:** Please attach certified copy (ies) of ID document(s)

I, \_\_\_\_\_,

(Full name in block letters) the undersigned, certify that the information furnished on this declaration form is correct and that I / we have no undisputed commitments for municipal services towards a municipality in respect of which payment is overdue for more than 90 days.

If the value of the transaction is expected to exceed R10 million (VAT included) I certify that the bidder has no undisputed commitments for municipal services towards a **Municipality** in respect of which payment is overdue for more than 30 days;

**THUS DONE AND SIGNED** for and on behalf of the Bidder, at \_\_\_\_\_, on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Number of sheets appended by the tenderer to this schedule (If nil, enter NIL)	
--	--

SIGNATURE:		NAME (PRINT):	
CAPACITY:		NAME OF FIRM:	

**For office use (comments):**