

LOCAL MUNICIPALITY • UMKHANDLU WENDAWO
Home of Heritage and Tourism
Supply Chain Management Unit
259 KINGSWAY STREET, BERGVILLE, 3350

Date: 02 April 2025

Tel: 036 448 8000 Ext. 8054 Fax: 036 448 1986 Reference no: SCM40/2024-2025

RFQ: SUPPLY AND DELIVERY OF READY MIXED CONCRETE AND MESH WIRE FOR CONSTRUCTION OF EGANGADWENI BRIDGE WARD 4

Quotations are hereby invited from interested Service providers with a proven record of accomplishment in terms of Section 83 of the Municipal System Act, Act 32 of 2000 (as amended) and Section 110 and 112 of the Municipal Finance Management Act, Act 56 of 2003, supply and delivery of Ready Mixed Concrete and Mesh Wire for Construction Of Egangadweni Bridge Ward 4

#### Detailed specification is attached

Queries may be directed to the following official(s) during office hours: Mr N Ndaba on 073 263 5523

#### QUOTE SUBMISSION

Quotations must appear on an official letterhead or be endorsed by the official stamp of the submitting entity. Quotations must be submitted in a sealed envelope (which is clearly marked with the reference number above) in the Municipal tender box, by no later than: 11 April 2025 at 11:00.

## The following conditions, read together with the Municipality's SCM Policy will apply:

- Suppliers must be registered on the Okhahlamba Local Municipality Supplier database.
   Registration forms can be e-mailed on request, downloaded from our website or collected from our offices.
- Suppliers must be registered on the National Treasury Central Supplier Database (CSD)
- Suppliers must be tax compliant.
- Quotes will be evaluated on the 80/20 preferential points system.
- Suppliers must effect delivery within 7 (seven) working days or per specified time frame of receiving an order.
- Where a supplier is unable to deliver within the specified delivery period, the Municipality must be notified in writing should the supplier fail to deliver and not responded to three email requests the Municipality reserves the right to cancel the order.
- The Okhahlamba Local Municipality is not bound to accept the lowest or any bid and reserves the right to accept the whole or part of a bid.
- Delivery will only be accepted during office hours.
- Invitation to bid (MBD1) form must be completed and attached.
- The Declaration of interest (MBD4) form must be completed and attached.
- Preference points claim (MBD 6.1) form must be completed and attached.
- Declaration of bidder's past supply chain management practices (MBD8) form must be completed and attached (Please attach rates bill or proof of residence).
- Certificate of independent bid determination (MBD9) form must be completed and attached
- Validity period 90 days from the closing date.

SPECIFICATION

| Description                                 | Quantity |
|---|----------|
| Ready mixed concrete(30Mpa)                 | 18 cubes |
| Reinforced concrete Mesh wire y10(15m x 6m) | 2 Roll   |

#### INVITATION TO BID - PART A

| YOU ARE HEREBY INVITED  |  |                               |               |  |            |                                       |          |          |           |   |
|---|--|-------------------------------|---------------|--|------------|---------------------------------------|----------|----------|-----------|---|
|   | 2024-2025  | CLOSING DATE:                 |               | 1 April 202  |            |                                       | LOSING T |          | 11: 00AM  |   |
|   | SUPPLY AND DELIVERY OF READY MIXED CONCRETE AND MESH WIRE FOR CONSTRUCTION OF EGANGADWENI BRIDGE ESCRIPTION WARD 4 |                               |               |  |            |                                       |          |          |           |   |
| THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (MBD7).    |  |                               |               |  |            |                                       |          |          |           |   |
| BID RESPONSE DOCUMENTS MAY BE DEPOSITED IN THE BID BOX SITUATED AT                            |  |                               |               |  |            |                                       |          |          |           |   |
| (STREET ADDRESS   |  |                               |               |  |            |                                       |          |          |           |   |
| 259 KINGSWAY STREET (C  | PPOSITE TO A   | STRON GARAGE)                 |               |  |            |                                       |          |          |           |   |
| PO BOX 71   |  |                               |               |  |            |                                       |          |          |           |   |
| BERGVILLE   |  |                               |               |  |            |                                       |          |          |           |   |
| 3350  |  |                               |               |  |            |                                       |          |          |           |   |
| SUPPLIER INFORMATION  |  |                               |               |  |            |                                       |          |          |           |   |
| NAME OF BIDDER  |  |                               |               |  |            |                                       |          |          |           |   |
| POSTAL ADDRESS  |  |                               |               |  |            |                                       |          |          |           |   |
| STREET ADDRESS  |  |                               |               |  |            |                                       | 4        |          |           |   |
| TELEPHONE NUMBER  |  | CODE                          |               |  |            | NUMBE                                 | R        |          |           |   |
| CELLPHONE NUMBER  |  |                               |               |  |            |                                       |          |          |           |   |
| FACSIMILE NUMBER  |  | CODE                          |               |  |            | NUMBE                                 | R        |          |           |   |
| E-MAIL ADDRESS  |  |                               |               |  |            |                                       |          |          |           |   |
| VAT REGISTRATION NUMB   | ER   |                               |               |  |            |                                       |          |          |           |   |
| TAX COMPLIANCE STATUS   | 3  | TCS PIN:                      |               |  | OR         | CSD No                                | ):       |          |           |   |
| PREFERENTIAL POINTS (80/20) PRICE = 80 PREFERENT POINTS = 20 TOTAL = 100                      |  |                               |               |  |            |                                       |          |          |           |   |
|   |  |                               |               |  |            | 20                                    |          |          | TICK FOR  | T |
| RACE (EQUITY HDI'S)   | SPECIFIC CONT  | RACT PARTICIPATION            | GOALS         |  | +          | 10                                    |          |          | CLAIM     | - |
| BLACK PEOPLE WHO ARE  | WOMEN  |                               |               |  | +          | 2                                     |          |          |           | + |
| YOUTH   |  |                               |               |  | 1          | 2                                     |          |          |           |   |
| DISABILITY  |  |                               |               |  |            | 1                                     |          |          |           | 1 |
| LOCALITY  |  |                               |               |  |            | 5                                     |          |          |           |   |
| TOTAL HDI SCORE   |  |                               |               |  |            | 20                                    |          |          |           |   |
| ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES /WORKS OFFERED? |  | Yes No E                      |               | ARE YOU A FOREIGN<br>BASED SUPPLIER FOR<br>THE GOODS /SER-<br>VICES /WORKS OF-<br>FERED? |            | Yes N<br>[IF YES, ANSWER PART<br>B:3] |          | No<br>RT |           |   |
| TOTAL NUMBER OF ITEMS   |  |                               |               | TOTA   | AL BID PRI | CE                                    | R        |          |           |   |
| SIGNATURE OF BIDDER   |  |                               |               |  | DAT        | F                                     |          |          |           |   |
| CAPACITY UNDER WHICH SIGNED   | THIS BID IS  |                               |               |  | יאמ        |                                       |          | 1        |           |   |
| BIDDING PROCEDURE EN  | QUIRIES MAY B  |                               |               | TECHNI   | CAL        | NFORMAT                               | ION MAY  | BE DIRI  | ECTED TO: |   |
| DEPARTMENT  |  | FINANCE - SUPPLY<br>MENT DEPT | CHAIN MANAGE- | CONTACT PERSON MR N NDA  |            | DABA                                  |          |          |           |   |
| CONTACT PERSON  |  | ZANDI MQADI                   |               | TELEPHONE NUMBER 073 263 5523  |            |                                       | 5523     |          |           |   |
| TELEPHONE NUMBER  |  | 036 - 448 8054                |               | FACSIMILE NUMBER 036 – 448 1986  |            | 48 1986                               |          |          |           |   |
| FACSIMILE NUMBER  |  | 036 – 448 1986                |               | E-MAIL   | ADDF       | RESS                                  |          |          |           |   |
| E-MAIL ADDRESS  |  | zandi.mqadi@okhahla           | mba.gov.za    | nhlanhle   | enhle.     | ndaba @ok                             | hahlamba | gov.za   |           |   |

# PART B Terms and Conditions for Bidding

| 1 |    | DI  |   | QI. | ID | MAI  | SS | in | M   |
|---|----|-----|---|-----|----|------|----|----|-----|
|   | ۱. | DI. | v | oι  | JD | IAII | JJ | IV | IV. |

- 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, 2022, 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

| nt of the Republic of South Africa (RSA)? Yes No | 3.1. |
|--|------|
| a branch in the RSA? Yes No                      | 3.2. |
| a permanent establishment in the RSA? Yes No     | 3.3. |
| any source of income in the RSA?  Yes No         | 3.4. |
| the RSA for any form of taxation?  Yes No        | 3.5. |
| any source of income in the RSA?  Yes No         | 3.4. |

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:   |  |  |  |  |

#### **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.

In order to give effect to the above, the following questionnaire must be completed and

| sub | omitted 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, hareholder²):   |                         |
| 3.4 | Company Registration Number:   |                         |
| 3.5 | Tax Reference Number:  | C+0+0+1 · · · · · · · · |
| 3.6 | VAT Registration Number:   |                         |
| 3.7 | The names of all directors / trustees / shareholders members, their individual idenumbers 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 -

3

- (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>&</sup>lt;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  | Hav  | e you be          | een in the service of the state for the past twelve months?YES   | S / NO   |
|------|------|-------------------|--|----------|
|      |      | 3.9.1             | If yes, furnish particulars  |          |
|      |      | 3                 |  |          |
|      | 3.10 | in the            | u have any relationship (family, friend, other) with persons service of the state and who may be involved with aluation and or adjudication of this bid?   | YES / NO |
|      |      | 3.10.1            | If yes, furnish particulars.   |          |
|      |      |                   |  |          |
| 3.11 | Are  | any otl           | rare of any relationship (family, friend, other) between ner bidder and any persons in the service of the state who involved with the evaluation and or adjudication of this bid?                          | YES / NO |
|      |      | 3.11.1            | If yes, furnish particulars  |          |
|      |      |                   |  | •••      |
|      | 3.12 |                   | y of the company's directors, trustees, managers,<br>le shareholders or stakeholders in service of the state?  | YES / NO |
|      |      | 3.12.1            | If yes, furnish particulars.   |          |
|      |      |                   | **************************************   |          |
|      | 3.13 | trustee           | y spouse, child or parent of the company's directors es, managers, principle shareholders or stakeholders ice of the state?  | YES / NO |
|      |      | 3.13.1            | If yes, furnish particulars.   |          |
|      |      |                   |  |          |
|      | 3.14 | princip<br>have a | or any of the directors, trustees, managers,<br>le shareholders, or stakeholders of this company<br>ny interest in any other related companies or<br>ss whether or not they are bidding for this contract. | YES / NO |
|      |      | 3.14.1            | If yes, furnish particulars:   |          |
|      |      |                   |  |          |

|                             | Full Name   | Identity Number                                | State Employee<br>Number |     |
|-----------------------------|---|--|--------------------------|-----|
|                             |   |  |                          |     |
|                             |   |  |                          |     |
|                             |   |  |                          |     |
|                             |   |  |                          |     |
|                             |   |  |                          |     |
|                             |   |  |                          |     |
| CERTIF                      | FICATION  |  |                          |     |
| I, THE L<br>CERTIF<br>CORRE | INDERSIGNED (FULL NAME)<br>Y THAT THE INFORMATION FURI<br>CT. | NISHED ON THIS DECLAR                          | ATION FORM IS TRUE       | AND |
| I ACCEI<br>AGAINS           | PT THAT, IN ADDITION TO CANCE<br>ST ME SHOULD THIS DECLARAT   | ELLATION OF A CONTRAC<br>TON PROVE TO BE FALSE | T, ACTION MAY BE TA      | KEN |
|                             | Signature   | D  | )ate                     |     |
| ••••                        | Capacity  |  | of Bidder                |     |
|                             |   |  |                          |     |

Full details of directors / trustees / members / shareholders.

4.

#### **MBD 6.1**

## PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL PROCUREMENT REGULATIONS 2022

This preference form must form part of all tenders invited. It contains general information and serves as a claim form for preference points for specific goals.

NB: BEFORE COMPLETING THIS FORM, TENDERERS MUST STUDY THE GENERAL CONDITIONS, DEFINITIONS AND DIRECTIVES APPLICABLE IN RESPECT OF THE TENDER AND PREFERENTIAL PROCUREMENT REGULATIONS, 2022

#### 1. GENERAL CONDITIONS

- 1. 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 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) Specific contract participation goals, as specified in the attached forms.

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

|   | POINTS |
|---|--------|
| PRICE                                     | 80     |
| SPECIFIC GOALS                            | 20     |
| Total points for Price and SPECIFIC GOALS | 100    |

- 1.5 Failure on the part of a tenderer to submit proof or documentation required in terms of this tender to claim points for specific goals with the tender, will be interpreted to mean that preference points for specific goals are not claimed.
- 1.6 The organ of state reserves the right to require of a tenderer, either before a tender is adjudicated or at any time subsequently, to substantiate any claim in regard to preferences, in any manner required by the organ of state.

#### 2. **DEFINITIONS**

(a) "tender" means a written offer in the form determined by an organ of state in response to an invitation to provide goods or services through price quotations, competitive tendering process or any other method envisaged in legislation;

- (b) "price" means an amount of money tendered for goods or services, and includes all applicable taxes less all unconditional discounts;
- (c) "rand value" means the total estimated value of a contract in Rand, calculated at the time of bid invitation, and includes all applicable taxes;
- (d) "tender for income-generating contracts" means a written offer in the form determined by an organ of state in response to an invitation for the origination of income-generating contracts through any method envisaged in legislation that will result in a legal agreement between the organ of state and a third party that produces revenue for the organ of state, and includes, but is not limited to, leasing and disposal of assets and concession contracts, excluding direct sales and disposal of assets through public auctions; and
- (e) "the Act" means the Preferential Procurement Policy Framework Act, 2000 (Act No. 5 of 2000).

#### 3. FORMULAE FOR PROCUREMENT OF GOODS AND SERVICES

#### 3.1 POINTS AWARDED FOR PRICE

#### 3.1.1 THE 80/20 OR PREFERENCE POINT SYSTEMS

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

$$Ps = 80\left(1 - \frac{Pt - P\min}{P\min}\right) \qquad Ps = 90\left(1 - \frac{Pt - P\min}{P\min}\right)$$

Where

Ps = Points scored for price of tender under consideration

Pt = Price of tender under consideration
Pmin = Price of lowest acceptable tender

#### 4. POINTS AWARDED FOR SPECIFIC GOALS

- 4.1 In terms of Regulation 4(2); 5(2); 6(2) and 7(2) of the Preferential Procurement Regulations, preference points must be awarded for specific goals stated in the tender. For the purposes of this tender the tenderer will be allocated points based on the goals stated in table 1 below as may be supported by proof/ documentation stated in the conditions of this tender:
  - 4.2 In cases where organs of state intend to use Regulation 3(2) of the Regulations, which states that, if it is unclear whether the 80/20 or 90/10 preference point system applies, an organ of state must, in the tender documents, stipulate in the case of—

- (a) an invitation for tender for income-generating contracts, that either the 80/20 or 90/10 preference point system will apply and that the highest acceptable tender will be used to determine the applicable preference point system; or
- (b) any other invitation for tender, that either the 80/20 or 90/10 preference point system will apply and that the lowest acceptable tender will be used to determine the applicable preference point system,

## SPECIFIC GOALS FOR THE TENDER AND POINTS CLAIMED ARE INDICATED PER THE TABLE BELOW.

| The specific goals allocated points in terms of this t7ender  | Number of points<br>allocated<br>(80/20 system)<br>(To be completed<br>by the organ of<br>state) | Number of points claimed (80/20 system) (To be completed by the tenderer) |
|---|--|---|
| Race: *100% Black owned enterprise – 10 points *51% Black & 49% Other – 6 points *50% Black & 50% other – 4 points * Other – 2 Points | 10   |   |
| Gender: *100% women – 2 points *50% women – 1 points  | 02   |   |
| *100%Youth (18 – 35years) – 2<br>points<br>*50% Youth – 1<br>*Other - 0   | 02   |   |
| Disabled - 1 points<br>(medical document proof<br>provided)   | 01   |   |
| Geographical Location (Enterprises located in:- *Bergville - 5 *Provincial – 3 *National – 2  | 05   |   |

NB: Proof must be attached for claimed points.

- CK Document
- Certified ID Copy
- Proof of Residents
- Medical Certificate (if applicable)

#### **DECLARATION WITH REGARD TO COMPANY/FIRM**

- 4.5 TYPE OF COMPANY/ FIRM

Partnership/Joint Venture / Consortium One-person business/sole propriety Close corporation Public Company

Personal Liability Company
(Pty) Limited
Non-Profit Company
State Owned Company
[TICK APPLICABLE BOX]

- 4.6 I, the undersigned, who is duly authorised to do so on behalf of the company/firm, certify that the points claimed, based on the specific goals as advised in the tender, qualifies the company/ firm for the preference(s) shown and I 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 4.2, the contractor may be required to furnish documentary proof to the satisfaction of the organ of state that the claims are correct;
  - iv) If the specific goals have been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the organ of state may, in addition to any other remedy it may have –

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- (a) disqualify the person from the tendering process:
- 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 tenderer or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, be restricted 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, if deemed necessary.

| SIGN              | ATURE(S) OF TENDERER(S) |
|-------------------|-------------------------|
| SURNAME AND NAME: |                         |
| DATE:<br>ADDRESS: |                         |
|                   |                         |
|                   |                         |

# DECLARATION OF BIDDER'S PAST SUPPLY CHAIN MANAGEMENT PRACTICES

- (i) This Municipal Bidding Document must form part of all bids invited.
- (ii) 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.
- (iii) The bid of any bidder may be rejected if that bidder, or any of its directors have:

abused the municipality's / municipal entity's supply chain management system or committed any improper conduct in relation to such system;

been convicted for fraud or corruption during the past five years;

willfully neglected, reneged on or failed to comply with any government, municipal or other public sector contract during the past five years; or

been listed in the Register for BID Defaulters in terms of section 29 of the Prevention and Combating of Corrupt Activities Act (No 12 of 2004).

(iv) 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?   | Yes | No |
|       | (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 audi alteram partem rule was applied). |     |    |
|       | The Database of Restricted Suppliers now resides on the National Treasury's website ( <a href="https://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.       |     |    |
| 4.1.1 | If so, furnish particulars:   |     |    |

| 4.2      | Is the bidder or any of its directors listed on the Register for terms of section 29 of the Prevention and Combating of Co (No 12 of 2004)?  |                                       | Yes   | No    |
|----------|--|---------------------------------------|-------|-------|
|          | The Register for BID Defaulters can be accessed Treasury's website ( <u>www.treasury.gov.za</u> ) by clickin bottom of the home page.  (v)   |                                       |       |       |
| 4.2.1    | If so, furnish particulars:  |                                       |       |       |
|          |  | 6                                     |       |       |
| 4.3      | Was the bidder or any of its directors convicted by a court of court of law outside the Republic of South Africa) for fraud of the past five years?  |                                       | Yes   | No    |
| 4.3.1    | If so, furnish particulars:  |                                       |       |       |
| Item     | Question   |                                       | Yes   | No    |
| 4.4      | Does the bidder or any of its directors owe any municipal r<br>municipal charges to the municipality / municipal entity, or<br>municipality / municipal entity, that is in arrears for more that | to any other                          | Yes   | No    |
| 4.4.1    | If so, furnish particulars:  |                                       |       |       |
| 4.5      | Was any contract between the bidder and the municipality / any other organ of state terminated during the past five yea failure to perform on or comply with the contract?                       | municipal entity or ars on account of | Yes   | No    |
| 4.7.1    | If so, furnish particulars:  |                                       |       |       |
|          | CERTIFICATION  |                                       |       |       |
| CERT     | UNDERSIGNED (FULL NAME)<br>IFY THAT THE INFORMATION FURNISHED ON<br>AND CORRECT.   | I THIS DECLAR                         | ATION | FORM  |
|          | EPT THAT, IN ADDITION TO CANCELLATION OF<br>N AGAINST ME SHOULD THIS DECLARATION F   |                                       |       | I MAY |
|          |  | Date                                  |       |       |
| <br>Posi | ition Na   | Name of Bidder                        |       |       |

#### CERTIFICATE OF INDEPENDENT BID DETERMINATION

- 1. This Municipal Bidding Document (MBD) must form part of all bids<sup>1</sup> invited.
- 1. 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.
- 2. 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.
- 3. 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.
- 4. 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>&</sup>lt;sup>1</sup> Includes price quotations, advertised competitive bids, limited bids and proposals.

<sup>&</sup>lt;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.

#### MBD 9

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                                    |
|-----------|---|
| Nec.      |   |
| \$\$\$    | •• ************************************ |
| Position  | Name of Bidder                          |

#### MBD 9

- 6. The bidder has arrived at the accompanying bid independently from, and without consultation, communication, agreement or arrangement with any competitor. However communication between partners in a joint venture or consortium³ will not be construed as collusive bidding.
- 7. In particular, without limiting the generality of paragraphs 6 above, there has been no 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.

<sup>&</sup>lt;sup>3</sup> Joint venture or Consortium means an association of persons for the purpose of combining their expertise, property, capital, efforts, skill and knowledge in an activity for the execution of a contract.

## CERTIFICATE OF INDEPENDENT BID DETERMINATION

| I, the       | I, the undersigned, in submitting the accompanying bid:   |   |  |  |  |  |  |  |
|--------------|---|---|--|--|--|--|--|--|
|              |   | (Bid / RFQ Number and Description)  |  |  |  |  |  |  |
| In res       | sponse  | to the invitation for the bid made by:  |  |  |  |  |  |  |
|              |   | (Name of Municipality / Municipal Entity)   |  |  |  |  |  |  |
| Do h         | ereby m   | ake the following statements that I certify to be true and complete in every respect:   |  |  |  |  |  |  |
| I cert       | ify, on b   | ehalf of:that:  |  |  |  |  |  |  |
|              |   | (Name of Bidder)  |  |  |  |  |  |  |
| 1.           | I have  | I have read and I understand the contents of this Certificate;  |  |  |  |  |  |  |
| 2.<br>to     | I understand that the accompanying bid will be disqualified if this Certificate is found not be true and complete in every respect; |   |  |  |  |  |  |  |
| 3.<br>on be  |   | uthorized by the bidder to sign this Certificate, and to submit the accompanying bid, he bidder;  |  |  |  |  |  |  |
| 4.<br>the bi |   | person whose signature appears on the accompanying bid has been authorized by determine the terms of, and to sign, the bid, on behalf of the bidder;  |  |  |  |  |  |  |
| 5.           | word  | ne purposes of this Certificate and the accompanying bid, I understand that the "competitor" shall include any individual or organization, other than the bidder er 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   |  |  |  |  |  |  |