

.....TOTAL AMOUNT

.....NAME OF BIDDER

BID NUMBER: RFQ/VDM/TECH/27/03/2024/01

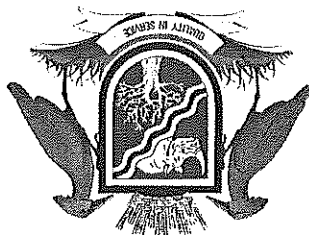
**REQUEST FOR THE APPOINTMENT OF
SERVICE PROVIDER TO CONDUCT ANNUAL
AUDIT ON COMPLIANCE WITH THE
CONDITION OF THE LICENSE AT HARPER
WWTW.**

TECHNICAL SERVICES DEPARTMENT.

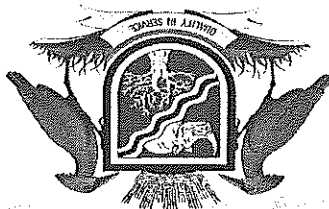
**TEL: (015) 960 2000
FAX: (015) 962 1017**

**VHEMBE DISTRICT MUNICIPALITY
P/BAG X5006
THOHAYANDOU
0950**

TERMS OF REFERENCES



VHEMBE DISTRICT MUNICIPALITY



REQUEST FOR QUOTATIONS

REQUEST FOR THE APPOINTMENT OF SERVICE PROVIDER TO CONDUCT ANNUAL AUDIT ON COMPLIANCE WITH THE CONDITION OF THE LICENSE AT HARPER WWTW.

QUOTATION NUMBER: RFQ/VDM/TECH/27/03/2024/01

Quotations are hereby invited from service providers for the appointment of service provider to conduct annual audit on compliance with the condition of the license at Harper WWTW.

Quotation documents will be available on **28th MARCH 2024** and can be obtained in a non-refundable amount of **R406.00** per bid document at the cashier's office, Ground Floor, Vhembe District Municipality offices or freely download at National Treasury E-tender Document.

NB: Compulsory Briefing Session will be held at the entrance of Vhembe District Municipality Offices on the 05th APRIL 2024 at 10h00.

The following information should be included in the quotation:

- CSD Summary report
- Tax Clearance Certificate or Tax Clearance compliance letter
- Company registration certificate
- Proof of purchased tender document receipt, for only purchased document
- Proof that the bidder's municipal business account or any of the directors of the company's municipal account is not in arrears (N.B. Municipal clearance not older than three months) or a letter from traditional authority indicating that you are not paying rates and taxes.
- Quotations shall be evaluated on an 80/20 point scoring system and in line with sec18(e) & (f) of SCM policy and para 4.1 of municipal preferential procurement policy 2022

Specific goals for 80/20 will be allocated as follows

NO	SPECIFIC GOALS	POINT ALLOCATION	HDI
1		10	CSD
			VERIFICATION DOCUMENT

2	Locality	4	CSD(04 points within the district, 02 points within Limpopo Province, and 01 point within South Africa)
3	Youth	02	ID or CSD
4	Women	02	ID or CSD
5	Disability	02	Medical Certificate should be attached

NB: All service providers /bidders are requested to pre-number and initial their tender documents before submission.

No bid will be accepted from a person in the service of the state

NB: Quotations for the above should be enclosed in an envelope marked,

“REQUEST FOR THE APPOINTMENT OF SERVICE PROVIDER TO CONDUCT ANNUAL AUDIT ON COMPLIANCE WITH THE CONDITION OF THE LICENSE AT HARPER WWTW.” RFO/DM/TECH/27/03/2024/01

Quotations must be placed in the bid box next to the entrance of Vhembe District Municipality's offices not later than **09th APRIL 2024 at 12H00**, where the quotations will be opened for the public in the Municipal offices.

Quotations may also be posted to the Private Bag X5006, Thohoyandou, 0950 to reach before the above-mentioned time and date. The municipality will not be responsible for quotations not received or received late by mail.

Administrative enquiries may be directed to the Supply Chain Practitioners of Vhembe District Municipality at (015) 960 2000 or at (015) 960 2075 while Technical enquiries may be directed to General Manager Technical Services Department Mr Maluleke W, under the Office of Municipal Manager Kutama Z.N at (015) 960 2000 during office hours

Municipal Manager

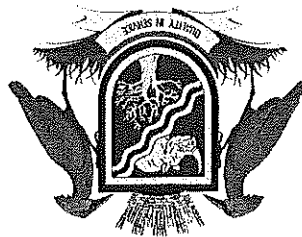
KUTAMA Z.N

REQUEST FOR THE APPOINTMENT OF SERVICE PROVIDER TO CONDUCT ANNUAL AUDIT ON COMPLIANCE WITH THE CONDITION OF THE LICENSE AT HARPER WWTW.

BID NUMBER: RFQ/VDM/TECH/27/01/2024/01

SPECIFICATION

ITEM NO	DESCRIPTION	QUANTITY	UNIT PRICE	TOTAL PRICE
1	CONDUCT ANNUAL AUDIT ON COMPLIANCE WITH CONDITION OF THE LICENSE AT HARPER WWTW	01		
SUB-TOTAL				
VAT@15%				
GRAND-TOTAL				



REQUEST FOR THE APPOINTMENT OF SERVICE PROVIDER TO CONDUCT ANNUAL AUDIT ON COMPLIANCE WITH THE CONDITION OF THE LICENSE AT HARPER WWTW

TERMS OF REFERENCE: AUDIT LICENSE HARPER WWTW

QUALIFICATIONS

- Qualification in Water Treatment Practice, Community Water and Sanitation, Analytical chemistry, Water care, Freshwater technology
- Professional natural scientist in microbiology, freshwater technology, Aquatic science

EXPERIENCE

- Detailed Proof of experience

SPECIFICATION

- Planning and initiation
- License audit
- Develop action plan
- Document development

DEVELOPING LICENSE AUDIT REPORT

The following criteria should be audited but not limited to:

- ❖ General condition of the license
- ❖ Quantity of wastewater discharged
- ❖ Quantity of wastewater discharged
- ❖ Surface water monitoring (Quantity and quality)
- ❖ Flow (Inflow and Outflow)
- ❖ Biomonitoring of aquatic macroinvertebrates and habitat integrity
- ❖ Groundwater monitoring
- ❖ Protection of water resources (groundwater and surface water)
- ❖ Method of analysis
- ❖ Sludge management
- ❖ Storm water management
- ❖ Construction, operation and maintenance of wastewater treatment works
- ❖ Pipelines
- ❖ Fencing, notices and drains
- ❖ Pollution prevention, incidents and malfunctions
- ❖ Contingency plans and incident reporting
- ❖ Reporting

DOCUMENTATION

The report must include but not limited to:

- ❖ General condition of the license
- ❖ Quantity of wastewater discharged
- ❖ Quality of wastewater discharged
- ❖ Surface water monitoring (Quantity and quality)
- ❖ Flow (Inflow and Outflow)
- ❖ Biomonitoring of aquatic macroinvertebrates and habitat integrity
- ❖ Groundwater monitoring
- ❖ Protection of water resources (groundwater and surface water)
- ❖ Method of analysis
- ❖ Sludge management
- ❖ Storm water management
- ❖ Construction, operation and maintenance of wastewater treatment works
- ❖ Pipelines
- ❖ Fencing, notices and drains
- ❖ Pollution prevention, incidents and malfunctions
- ❖ Contingency plans and incident reporting
- ❖ Reporting
- ❖ Action plan
- ❖ Recommendations



VHEMBE DISTRICT MUNICIPALITY

Evaluation Criteria: APPOINTMENT OF SERVICE PROVIDER TO CONDUCT LICENSE AUDIT AT HAPPER WWTW

BID NUMBER: VDM/TECH/

KPA	
Weighting	FUNCTIONALITY 100
60	<p>Experience of the company to conduct license audit – 3 references (20 points per each project). Attach signed appointment letter or purchase order with signed delivery note or completion certificate</p>
30	<p>Qualifications: Water and wastewater treatment practice, Community water and Sanitation, Water care, Analytical chemistry, Freshwater Technology, Civil water or equivalent</p> <ul style="list-style-type: none"> • Degree or higher: 30 • Diploma: 20 • Certificate: 10
10	<p>Professional Natural scientist certificate (SACNASP) in Microbiology, chemistry, Aquatic sciences, Freshwater technology or equivalent</p>
PRICING 80	
	Pricing
SPECIALIALS 20	
60	Minimum Functionality Score

INVITATION TO BID

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE (NAME OF MUNICIPALITY/ENTITY)

BID NUMBER: CLOSING DATE: CLOSING TIME:

DESCRIPTION:

The successful bidder will be required to fill in and sign a written Contract Form (MBD 2).

BID DOCUMENTS MAY BE POSTED TO:

.....
.....

OR

DEPOSITED IN THE BID BOX SITUATED AT (STREET ADDRESS)

.....
.....

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

The bid box is generally open 24 hours a day, 7 days a week.

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

THIS BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT AND THE PREFERENTIAL PROCUREMENT REGULATIONS, 2011, THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER SPECIAL CONDITIONS OF CONTRACT

NB: NO BIDS WILL BE CONSIDERED FROM PERSONS IN THE SERVICE OF THE STATE (as defined in Regulation 1 of the Local Government Municipal Supply Chain Management Regulations)

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

NAME OF BIDDER

POSTAL ADDRESS

STREET ADDRESS

TELEPHONE NUMBER

NUMBER

CELLPHONE NUMBER

CODE

FACSIMILE NUMBER

E-MAIL ADDRESS

VAT REGISTRATION NUMBER

YES/NO

HAS AN ORIGINAL AND VALID TAX CLEARANCE CERTIFICATE BEEN ATTACHED? (MBD 2)

YES/NO

HAS A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE BEEN SUBMITTED? (MBD 6.1)

IF YES, WHO WAS THE CERTIFICATE ISSUED BY?

-
-
-

AN ACCOUNTING OFFICER AS CONTEMPLATED IN THE CLOSE CORPORATION ACT (CCA)
A VERIFICATION AGENCY ACCREDITED BY THE SOUTH AFRICAN NATIONAL ACCREDITATION SYSTEM (SAMAS)
A REGISTERED AUDITOR
(Tick applicable box)

(A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE MUST BE SUBMITTED IN ORDER TO QUALIFY FOR PREFERENCE POINTS FOR B-BBEE)

ARE YOU THE ACCREDITED REPRESENTATIVE
IN SOUTH AFRICA FOR THE GOODS/SERVICES/WORKS OFFERED?

YES/NO

(IF YES ENCLOSE PROOF)

BIDDER

OF

SIGNATURE

DATE

SIGNED

UNDER

WHICH

THIS

BID

IS

CAPACITY

TOTAL NUMBER OF ITEMS OFFERED

TOTAL BID PRICE

ANY ENQUIRIES REGARDING THE BIDDING PROCEDURE MAY BE DIRECTED TO:

Municipality / Municipal Entity:

Department:

ANY ENQUIRIES REGARDING TECHNICAL INFORMATION MAY BE DIRECTED TO:

Contact Person:
Tel:
Fax:

Contact Person:
Tel:
Fax:

PRICING SCHEDULE - FIRM PRICES (PURCHASES)

NOTE: ONLY FIRM PRICES WILL BE ACCEPTED. NON-FIRM PRICES (INCLUDING PRICES SUBJECT TO RATES OF EXCHANGE VARIATIONS) WILL NOT BE CONSIDERED. IN CASES WHERE DIFFERENT DELIVERY POINTS INFLUENCE THE PRICING, A SEPARATE PRICING SCHEDULE MUST BE SUBMITTED FOR EACH DELIVERY POINT

Name of Bidder Bid Number Closing Date Closing Time

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

Table with columns: ITEM NO., QUANTITY, DESCRIPTION, BID PRICE IN RSA CURRENCY, (ALL APPLICABLE TAXES INCLUDED) (average)

Required by: At Brand and Model Country of Origin Does the offer comply with the specification(s)? If not to specification, indicate deviation(s) Period required for delivery Delivery basis

Note: All delivery costs must be included in the bid price, for delivery at the prescribed destination. ** "all applicable taxes" includes value-added tax, pay as you earn, income tax, unemployment insurance fund contributions and skills development levies.

*Delete if not applicable

PRICING SCHEDULE - NON-FIRM PRICES
(PURCHASES)

NOTE: PRICE ADJUSTMENTS WILL BE ALLOWED AT THE PERIODS AND TIMES SPECIFIED IN THE BIDDING DOCUMENTS.

IN CASES WHERE DIFFERENT DELIVERY POINTS INFLUENCE THE PRICING, A SEPARATE PRICING SCHEDULE MUST BE SUBMITTED FOR EACH DELIVERY POINT

Name of Bidder.....
Big number.....
Closing Date
Closing Time

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

ITEM NO.	QUANTITY	DESCRIPTION	BID PRICE IN RSA CURRENCY ** (ALL APPLICABLE TAXES INCLUDED)
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Required by:

At:

Brand and model

Country of origin

Does the offer comply with the specification(s)?

If not to specification, indicate deviation(s)

Period required for delivery

Delivery:

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

*Delete if not applicable

*Firm/Not firm

*YES/NO

PRICE ADJUSTMENTS

NON-FIRM PRICES SUBJECT TO ESCALATION

IN CASES OF PERIOD CONTRACTS, NON FIRM PRICES WILL BE ADJUSTED (LOADED) WITH THE ASSESSED CONTRACT PRICE ADJUSTMENTS IMPLICIT IN NON FIRM PRICES WHEN CALCULATING THE COMPARATIVE PRICES

IN THIS CATEGORY PRICE ESCALATIONS WILL ONLY BE CONSIDERED IN TERMS OF THE FOLLOWING FORMULA:

$$P_a = (1-V)P_t \left(\frac{D1}{R10} + \frac{D2}{R20} + \frac{D3}{R30} + \frac{D4}{R40} \right) + VP_t$$

Where:

- Pa = 85% of the original bid price. Note that Pt must always be the original bid price and not an escalated price.
- (1-V) P = Each factor of the bid price eg. labour, transport, clothing, footwear, etc. The total of the various factors D1, D2, etc. must add up to 100%.
- R1, R2, etc. = Index figure obtained from new index (depends on the number of factors used).
- R10, R20, VPt = Index figure at time of bidding. 15% of the original bid price. This portion of the bid price remains firm i.e. it is not subject to any price escalations.

The following index/indices must be used to calculate your bid price:

- Index..... Dated.....
- Index..... Dated.....
- Index..... Dated.....
- Index..... Dated.....

FURNISH A BREAKDOWN OF YOUR PRICE IN TERMS OF ABOVE-MENTIONED FORMULA. THE TOTAL OF THE VARIOUS FACTORS MUST ADD UP TO 100%.

FACTOR (D1, D2 etc. eg. Labour, transport etc.)	
PERCENTAGE OF BID PRICE	

PRICES SUBJECT TO RATE OF EXCHANGE VARIATIONS

Please furnish full particulars of your financial institution, state the currencies used in the conversion of the prices of the items to South African currency, which portion of the price is subject to rate of exchange variations and the amounts remitted abroad.

AMOUNT OF FOREIGN CURRENCY REMITTED	PORTRION OF PRICE SUBJECT TO	RATE	CURRENCY	PRICE	ITEM NO	PARTICULARS OF FINANCIAL INSTITUTION
	ZAR=					
	ZAR=					
	ZAR=					
	ZAR=					
	ZAR=					
	ZAR=					
	ZAR=					

Adjustments for rate of exchange variations during the contract period will be calculated by using the average monthly exchange rates as issued by your commercial bank for the periods indicated hereunder. (Proof from bank required)

DATE UNTIL WHICH CALCULATED PRICES WILL BE EFFECTIVE	DATE FROM WHICH NEW CALCULATED PRICES WILL BECOME EFFECTIVE	DATE DOCUMENTATION MUST BE SUBMITTED TO THIS OFFICE	AVERAGE MONTHLY EXCHANGE RATES FOR THE PERIOD:

DECLARATION OF INTEREST

MBD 4

1. No bid will be accepted from persons in the service of the state,
2. Any person, having a kinship with persons in the service of the state, including a blood relationship, may make an offer or offers in terms of this invitation to bid. In view of possible allegations of favoritism, 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?):

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.

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.

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

3.9 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 directors

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:

Capacity

Name of Bidder

Signature

Date

Full Name	Identity Number	State Employee Number

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

PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL PROCUREMENT REGULATIONS 2011
 MBD 6.1

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.

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, 2011.

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 R50 000 000 (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:

PRICE	B-BBEE STATUS LEVEL OF CONTRIBUTION	TOTAL POINTS FOR PRICE AND B-BBEE MUST NOT EXCEED
1.3.1.1	1.3.1.2	100
 - 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 Independent Regulatory Board of Auditors (IRBA) or a Registered Auditor approved by the Independent Regulatory Board of Auditors (IRBA) 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

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 "EMER" 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 "sub-contract" means the primary contractor's assigning, leasing, making out work to, or employing, another person to support such primary contractor in the execution of part of a project in terms of the contract;

2.16 "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;

2.17 "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 "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.

ADJUDICATION USING A POINT SYSTEM

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

3.1 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;

3.2 Points scored must be rounded off to the nearest 2 decimal places.

3.3 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.

3.4

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:

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

Where

P_s =

Points scored for comparative price of bid under consideration

P_t =

Comparative price of bid under consideration

P_{min} =

Comparative price of lowest acceptable bid

5.1 Points awarded for B-BBEE Status Level of Contribution
 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:

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

5.2 Bidders who qualify as EMES in terms of the B-BBEE Act must submit a certificate issued by an Accounting Officer as contemplated in the COA or a Verification Agency accredited by SANAS or a Registered Auditor. Registered auditors do not need to meet the prerequisites 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.

5.7 A person will not be awarded points for B-BBEE status level if it is indicated in the bid document that such a bidder intends sub-contracting more than 25% of the value of the contract to any other enterprise that does not qualify for at least the points that such a bidder qualifies for, unless the intended sub-contractor is an EME that has the capability and ability to execute the sub-contract.

5.8 A person awarded a contract may not sub-contract more than 25% of the value of the contract to any other enterprise that does not have an equal or higher B-BBEE status level than the person concerned, unless the contract is sub-contracted to an EME that has the capability and ability to execute the sub-contract.

6. BID DECLARATION

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

7. B-BBEE STATUS LEVEL OF CONTRIBUTION CLAIMED IN TERMS OF PARAGRAPHS 1.3.1.2 AND 5.1 (Points claimed in respect of paragraph 7.1 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).

8. SUB-CONTRACTING

8.1 Will any portion of the contract be sub-contracted? YES / NO (delete which is not applicable)

8.1.1 If yes, indicate:

(i) what percentage of the contract will be sub-contracted? %

(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?

DECLARATION WITH REGARD TO COMPANY/FIRM

9.1 Name of firm

9.2 VAT registration number

9.3 Company registration number

9.4 TYPE OF COMPANY/FIRM

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

[Tick applicable box]

9.5 DESCRIBE PRINCIPAL BUSINESS ACTIVITIES

.....

.....

.....

9.6 COMPANY CLASSIFICATION

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

[Tick applicable box]

9.7 MUNICIPAL INFORMATION

Municipality where business is situated

Registered Account Number

Stand Number

9.8 TOTAL NUMBER OF YEARS THE COMPANY/FIRM HAS BEEN IN BUSINESS?

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 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

state for a period
business from any organ of
not exceeding 10 years, after the audi alteram partem (hear the other side)
rule has been applied; and

6

forward the matter for criminal prosecution

(e)

WITNESSES:

SIGNATURE(S) OF BIDDER(S)

DATE.....

ADDRESS.....

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

2

1

DECLARATION CERTIFICATE FOR LOCAL PRODUCTION AND CONTENT

MBD 6.2

This Municipal Bidding Document (MBD) must form part of all bids invited. It contains general information and serves as a declaration form for local content (local production and local content are used interchangeably).

Before completing this declaration, bidders must study the General Conditions, Definitions, Directives applicable in respect of Local Content as prescribed in the

Preferential Procurement Regulations, 2011 and the South African Bureau of Standards (SABS) approved technical specification number SATS 1286:201X.

1. General Conditions

1.1. Preferential Procurement Regulations, 2011 (Regulation 9. (1) and 9.(3) make provision for the promotion of local production and content.

1.2. Regulation 9. (1) prescribes that in the case of designated sectors, where in the award of bids local production and content is of critical importance, such bids must be advertised with the specific bidding condition that only locally produced goods, services or works or locally manufactured goods, with a stipulated minimum threshold for local production and content will be considered:

1.3. Regulation 9. (3) prescribes that where there is no designated sector, a specific bidding condition may be included, that only locally produced services, works or goods or locally manufactured goods with a stipulated minimum threshold for local production and content, will be considered.

1.4. Where necessary, for bids referred to in paragraphs 1.2 and 1.3 above, a two stage bidding process may be followed, where the first stage involves a minimum threshold for local production and content and the second stage price and B-BBEE.

1.5. A person awarded a contract in relation to a designated sector, may not sub-contract in such a manner that the local production and content of the overall value of the contract is reduced to below the stipulated minimum threshold.

1.6. The local content (LC) as a percentage of the bid price must be calculated in accordance with the SABS approved technical specification number SATS 1286:201X as follows:

$$LC = 1 - \left[\frac{x}{y} \right] \times 100$$

Where

x Imported content
y bid price excluding value added tax (VAT)

Prices referred to in the determination of x must be converted to Rand (ZAR) by using the exchange rate published by the South African Reserve Bank (SARB) at 12:00 on the date, one week (7 calendar days) prior to the closing date of the bid as required in paragraph 4.1 below.

1.7. A bid will be disqualified if:

MINIMUM THRESHOLD FOR THE LOCAL CONTENT	100%	Corporate desk with conference end and boardroom table made of Mahogany Veneer inclusive of chairs and with the following specifications
---	------	--

Stipulated minimum threshold Description of services, works or goods

- 2.1. "bid" includes advertised competitive bids, written price quotations or proposals;
- 2.2. "bid price" price offered by the bidder, excluding value added tax (VAT);
- 2.3. "contract" means the agreement that results from the acceptance of a bid by an organ of state;
- 2.4. "designated sector" means a sector, sub-sector or industry that has been designated by the Department of Trade and Industry in line with national development and industrial policies for local production, where only locally produced services, works or goods or locally manufactured goods meet the stipulated minimum threshold for local production and content;
- 2.5. "duly sign" means a Declaration Certificate for Local Content that has been signed by the Chief Financial Officer or other legally responsible person nominated in writing by the Chief Executive, or senior member / person with management responsibility (close corporation, partnership or individual).
- 2.6. "imported content" means that portion of the bid price represented by the cost of components, parts or materials which have been or are still to be imported. (Whether by the supplier or its subcontractors) and which costs are inclusive of the costs abroad, plus freight and other direct importation costs, such as landing costs, dock duties, import duty, sales duty or other similar tax or duty at the South African port of entry;
- 2.7. "local content" means that portion of the bid price which is not included in the imported content, provided that local manufacture does take place;
- 2.8. "stipulated minimum threshold" means that portion of local production and content as determined by the Department of Trade and Industry; and
- 2.9. "sub-contract" means the primary contractor's assigning, leasing, making out work to, or employing another person to support such primary contractor in the execution of part of a project in terms of the contract.
3. The stipulated minimum threshold(s) for local production and content for this bid is/are as follows:

the bidder fails to achieve the stipulated minimum threshold for local production and content indicated in paragraph 3 below; and
 this declaration certificate is not submitted as part of the bid documentation.

LOCAL CONTENT DECLARATION BY CHIEF FINANCIAL OFFICER OR OTHER LEGALLY RESPONSIBLE PERSON NOMINATED IN WRITING BY THE CHIEF EXECUTIVE OR SENIOR MEMBER/PERSON WITH MANAGEMENT RESPONSIBILITY (CLOSE CORPORATION, PARTNERSHIP OR INDIVIDUAL):

IN RESPECT OF BID No.

ISSUED BY: (Procurement Authority / Name of Municipality / Municipal Entity):

NB: The obligation to complete, duly sign and submit this declaration cannot be transferred to an external authorized representative, auditor or any other third party acting on behalf of the bidder.

I, the undersigned, (full names),

NB: Bidders must submit proof of the SARB rate (s) of exchange used.

Currency	Rates of exchange
US Dollar	
Pound Sterling	
Euro	
Yen	
Other	

Indicate the rate(s) of exchange against the appropriate currency in the table below:

The relevant rates of exchange information is accessible on www.reservebank.co.za.

4.1 If yes, the rate(s) of exchange to be used in this bid to calculate the local content as prescribed in paragraph 1.6 of the general conditions must be the rate(s) published by the SARB for the specific currency at 12:00 on the date, one week (7 calendar days) prior to the closing date of the bid.

4. Does any portion of the services, works or goods offered have any imported content?
YES / NO

2500mm x 1200mm Desk with conference end	100%	
1200mm x 600mm L-extension from Desk to rear Table	100%	
2000mm x 600mm Rear Table	100%	
4x Drawer Pedestal with no top	100%	
2400mm x 1200 Boardroom Table	100%	
Swivel and Tilt Mechanism Managing Director Hing Back Chair with combo of bonded leather on the front and PVC on the back and armrests	100%	
Swivel and Tilt Mechanism black powder coated sleigh base Managing Director Visitors High Back chair with combo of bonded leather on the front and PVC on the back and armrests	100%	

do hereby declare, in my capacity as (name of bidder of entry), the following:

(a) The facts contained herein are within my own personal knowledge.

(b) I have satisfied myself that the goods/services/works to be delivered in terms of the above-specified bid comply with the minimum local content requirements as specified in the bid, and as measured in terms of SATS 1286.

(c) The local content has been calculated using the formula given in clause 3 of SATS 1286, the rates of exchange indicated in paragraph 4.1 above and the following figures:

Bid price, excluding VAT (%)	30
Imported content (%)	30
Stipulated minimum threshold for Local content (paragraph 3 above)	
Local content % as calculated in terms of SATS 1286	

If the bid is for more than one product, a schedule of the local content by product shall be attached.

(d) I accept that the Procurement Authority / Municipality / Municipal Entity has the right to request that the local content be verified in terms of the requirements of SATS 1286.

(e) I understand that the awarding of the bid is dependent on the accuracy of the information furnished in this application. I also understand that the submission of incorrect data or data that are not verifiable as described in SATS 1286, may result in the Procurement Authority / Municipal Entity imposing any or all of the remedies as provided for in Regulation 13 of the Preferential Procurement Regulations, 2011 promulgated under the Policy Framework Act (PPFA), 2000 (Act No. 5 of 2000).

SIGNATURE: _____

WITNESS No. 1 _____

DATE: _____

WITNESS No. 2 _____

DATE: _____

CONTRACT FORM - PURCHASE OF GOODS/WORKS
 THIS FORM MUST BE FILLED IN DUPLICATE BY BOTH THE SUCCESSFUL BIDDER (PART 1) AND THE PURCHASER (PART 2). BOTH FORMS MUST BE SIGNED IN THE ORIGINAL SO THAT THE SUCCESSFUL BIDDER AND THE PURCHASER WOULD BE IN POSSESSION OF ORIGINALLY SIGNED CONTRACTS FOR THEIR RESPECTIVE RECORDS.

PART 1 (TO BE FILLED IN BY THE BIDDER)

I hereby undertake to supply all or any of the goods and/or works described in the attached bidding documents to (name of institution) at the prices quoted. My offers remain binding upon me and open for acceptance by the purchaser during the validity period indicated and calculated from the closing time of bid.

The following documents shall be deemed to form and be read and construed as part of this agreement:

- (i) Bidding documents, viz
 Invitation to bid;
 Tax clearance certificate;
 Pricing schedule(s);
 Technical Specification(s);
 Preference, claims for Broad Based Black Economic Empowerment Status Level of Contribution in terms of the Preferential Procurement Regulations 2011;
 Declaration of Interest
 Declaration of bidder's past SCM practices;
 Certificate of Independent Bid Determination;
 Special Conditions of Contract;
 General Conditions of Contract; and
- (ii)
- (iii) Other (specify)

3. I confirm that I have satisfied myself as to the correctness and validity of my bid, that the price(s) and rate(s) quoted cover all the goods and/or works specified in the bidding documents; that the price(s) and rate(s) cover all my obligations and I accept that any mistakes regarding price(s) and rate(s) and calculations will be at my own risk.
4. I accept full responsibility for the proper execution and fulfillment of all obligations and conditions devolving on me under this agreement as the principal liable for the due fulfillment of this contract.
5. I declare that I have no participation in any collusive practices with any bidder or any other person regarding this or any other bid.
6. I confirm that I am duly authorised to sign this contract.

NAME (PRINT) _____
 CAPACITY _____
 SIGNATURE _____
 NAME OF FIRM _____
 DATE _____

WITNESSES

1 _____
 2 _____
 DATE: _____

MBD 7.1

MBD 7.1

WITNESSES	1	DATE:
	2	DATE:

DATE

NAME OF FIRM

SIGNATURE

CAPACITY

NAME (PRINT)

I confirm that I am duly authorised to sign this contract.

6. I declare that I have no participation in any collusive practices with any bidder or any other person devolving on me under this agreement as the principal liable for the due fulfillment of this contract.

4. I accept full responsibility for the proper execution and fulfillment of all obligations and conditions will be at my own risk.

3. I confirm that I have satisfied myself as to the correctness and validity of my bid; that the price(s) and rate(s) quoted cover all the services specified in the bidding documents; that the price(s) and rate(s) and calculations cover all my obligations and I accept that any mistakes regarding price(s) and rate(s) and calculations will be at my own risk.

- (i) Bidding documents, viz:
 - Invitation to bid;
 - Tax clearance certificate;
 - Pricing schedule(s);
 - Filled in task directive/proposal;
 - Preference claims for Broad Based Black Economic Empowerment Status level of
 - Contribution in terms of the Preferential Procurement Regulations 2011;
 - Declaration of interest;
 - Declaration of Bidder's past SCM practices;
 - Certificate of Independent Bid Determination;
 - Special Conditions of Contract;
 - General Conditions of Contract; and
 - Other (specify)
- (ii)
- (iii)

2. The following documents shall be deemed to form and be read and construed as part of this agreement and calculated from the closing date of the bid.

1. I hereby undertake to render services described in the attached bidding documents to (name of the institution) stipulated in Bid Number in accordance with the requirements and task directives / proposals specified at the prices quoted. My offers / proposals shall remain binding upon me and open for acceptance by the Purchaser during the validity period indicated and calculated from the closing date of the bid.

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

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

CONTRACT FORM - RENDERING OF SERVICES

CONTRACT FORM - RENDERING OF SERVICES
PART 2 (TO BE FILLED IN BY THE PURCHASER)

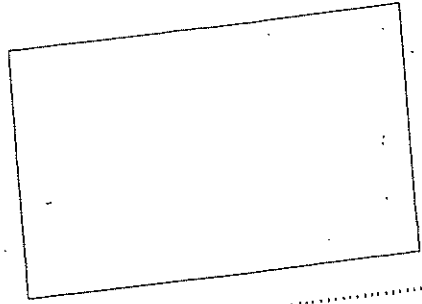
1. In my capacity as dated for the rendering of services indicated hereunder and/or further specified in the annexure(s).

2. An official order indicating service delivery instructions is forthcoming.
3. I undertake to make payment for the services rendered in accordance with the terms and conditions of the contract, within 30 (thirty) days after receipt of an invoice.

MINIMUM THRESHOLD FOR LOCAL PRODUCTION AND CONTENT (if applicable)	B-BBEE STATUS LEVEL OF CONTRIBUTION	COMPLETION DATE	PRICE (ALL APPLICABLE TAXES INCLUDED)	DESCRIPTION OF SERVICE

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

SIGNED AT ON



NAME (PRINT)
SIGNATURE
OFFICIAL STAMP

WITNESSES
1
2
DATE:

DATE
2
1
WITNESSES	

DATE

NAME OF FIRM

SIGNATURE

CAPACITY

NAME (PRINT)

1. I confirm that I have satisfied myself as to the correctness and validity of my bid; that the price(s) quoted cover all the goods and/or works specified in the bidding documents; that the price(s) cover all my obligations and I accept that any mistakes regarding price(s) and calculations will be at my own risk.
2. I accept full responsibility for the proper execution and fulfillment of all obligations and conditions devolving on me under this agreement as the principal liable for the due fulfillment of this contract.
3. I undertake to make payment for the goods/works as specified in the bidding documents.
4. I declare that I have no participation in any collusive practices with any bidder or any other person regarding this or any other bid.
5. I confirm that I am duly authorised to sign this contract.

- (i) Bidding documents, viz
 Invitation to bid;
 Tax clearance certificate;
 Pricing schedule(s);
 Declaration of interest;
 Declaration of Bidder's past SCM practices;
 Declaration of Bidder's past SCM practices;
 Special Conditions of Contract;
 General Conditions of Contract; and
- (ii)
- (iii) Other (specify)

1. I hereby undertake to purchase all or any of the goods and/or works described in the attached bidding documents from (name of institution)..... at the price/s quoted. My offers remain binding upon me and open for acceptance by the seller during the validity period indicated and calculated from the closing time of bid.

2. The following documents shall be deemed to form and be read and construed as part of this agreement:

PART 1 (TO BE FILLED IN BY THE BIDDER)

THIS FORM MUST BE FILED IN DUPLICATE BY BOTH THE SUCCESSFUL BIDDER (PART 1) AND THE SELLER (PART 2). BOTH FORMS MUST BE SIGNED IN THE ORIGINAL SO THAT THE SUCCESSFUL BIDDER AND THE SELLER WOULD BE IN POSSESSION OF ORIGINALLY SIGNED CONTRACTS FOR THEIR RESPECTIVE RECORDS.

CONTRACT FORM - SALE OF GOODS/WORKS

CONTRACT FORM - PURCHASE OF GOODS/WORKS
 PART 2 (TO BE FILLED IN BY THE PURCHASER)

1. In my capacity as dated for the supply of
 goods/works indicated hereunder and/or further specified in the annexure(s).

2. An official order indicating delivery instructions is forthcoming.
 3. I undertake to make payment for the goods/works delivered in accordance with the terms and conditions
 of the contract, within 30 (thirty) days after receipt of an invoice accompanied by the delivery note.

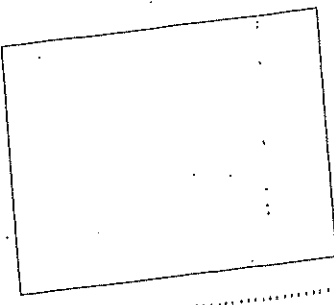
ITEM NO.	PRICE APPLICABLE TAXES INCLUDED)	BRAND	DELIVERY PERIOD	B-BEE STATUS/ LEVEL OF CONTRIBUTION	MINIMUM THRESHOLD FOR LOCAL PRODUCTION AND CONTENT (if applicable)

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

SIGNED AT ON

NAME (PRINT)

SIGNATURE



WITNESSES	DATE
1.
2.

CONTRACT FORM - SALE OF GOODS/WORKS
 PART 2 (TO BE FILLED IN BY THE SELLER)

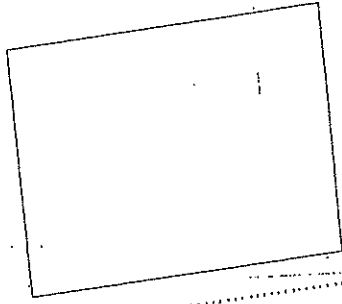
1. I, in my capacity as _____, dated _____, accept your bid under reference number _____ and/or further specified in the annexure(s) for the purchase of goods/works indicated hereunder and/or further specified in the annexure(s).

2. I undertake to make the goods/works available in accordance with the terms and conditions of the contract.

ITEM NO.	DESCRIPTION	PRICE (ALL TAXES INCLUDED)			

4. I confirm that I am duly authorized to sign this contract.
 SIGNED AT _____ ON _____

NAME (PRINT) _____
 SIGNATURE _____



WITNESSES

1. _____
 2. _____
 DATE _____

DECLARATION OF BIDDER'S PAST SUPPLY CHAIN MANAGEMENT PRACTICES

MBD 8

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.

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 (www.treasury.gov.za) and can be accessed by clicking on its link at the bottom of the home page.	<input type="checkbox"/> Yes <input type="checkbox"/> No
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 (www.treasury.gov.za) by clicking on its link at the bottom of the home page.	<input type="checkbox"/> Yes <input type="checkbox"/> No
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?	<input type="checkbox"/> Yes <input type="checkbox"/> No

15367BW

Name of Bidder

Position

Signature

Date

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.

CERTIFICATION

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?	<input type="checkbox"/> Yes <input type="checkbox"/> No
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?	<input type="checkbox"/> Yes <input type="checkbox"/> No
4.7.1	If so, furnish particulars:	

CERTIFICATE OF INDEPENDENT BID DETERMINATION

This Municipal Bidding Document (MBD) must form part of all bids invited.

Section 4 (1) (b) (iii) of the Competition Act No. 89 of 1998, as amended, prohibits an agreement between, or concerted practice by, firms, or a decision by an association of firms, if it is between parties in a horizontal relationship and if it involves collusive bidding (or bid rigging).² Collusive bidding is a per se prohibition meaning that it cannot be justified under any grounds.

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 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) must be completed and submitted with the bid:

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

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

6. The bidder has arrived at the accompanying bid independently from, and without consultation, communication, agreement or arrangement with any competitor. However communication between partners in a joint venture or consortium will not be construed

as collusive bidding.
7. In particular, without limiting the generality of paragraphs 5 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.

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.

js9141w 4

Name of Bidder

Position

Signature

Date

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 1996 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.