

# REQUEST FOR FORMAL WRITTEN PRICE QUOTATIONS (RFQ) (PROCUREMENT LESS THAN R200 000 INCLUDING VAT)

| REFERENCE NUMBER:                       | 2618  |
|---|---|
| DESCRIPTION:                            | Protection of the Spring at Tabase: Nyandeni LM   |
| CIDB GRADING REQUIRED:                  | 1 CE or higher  |
| ADVERTISEMENT DATE:                     | 22 May 2020   |
| CLOSING DATE:<br>CLOSING TIME:          | 29 May 2020<br>12 pm  |
| VALIDITY PERIOD OF QUOTATION:           | 90 days   |
| SUBMISSION OF QUOTATIONS:               | Tender Box, O.R. Tambo House<br>O.R. Tambo District Municipality<br>Nelson Mandela Drive<br>Mthatha |
| CONTACT PERSON SCM FOR ENQUIRIES:       | Name: Zimasa Jim Tel : 047 501 6557 Email: zimasaj@ortambodm.gov.za                                 |
| CONTACT PERSON FOR TECHNICAL ENQUIRIES: | Name : Mr. S. Mkondo Tel : 082 294 5881 Email : sandile62@gmail.com                                 |

# To be completed by bidder:

| R |
|---|
|   |



# **SECTION 1: COMPULSORY RETURNABLE DOCUMENTS AND SCHEDULES**

Bidders must complete and/or submit the returnable documents and schedules listed below, together with their quotations.

| No. | Returnable document / schedule  | Compulsory<br>(Yes / No) | Non-submission will<br>render quotation<br>non-responsive<br>(Yes / No)     |
|-----|---|--------------------------|---|
| 1.  | CSD supplier number   | Yes                      | Yes   |
| 2.  | Stamp the front page with the business stamp  | Yes                      | Yes   |
| 3.  | Initial all pages   | Yes                      | Yes   |
| 4.  | Original or certified BBBEE certificate   | No                       | No<br>(However, zero points<br>will be allocated for<br>BBBEE status level) |
| 4.1 | A sworn affidavit confirming annual total revenue and level of black ownership, if bidder is an Exempted Micro Enterprise (EME) or Qualified Small Enterprise (QSE) | No                       | No<br>(However, zero points<br>will be allocated for<br>BBBEE status level) |
| 4.2 | Original or certified consolidated BBBEE scorecard, if bidder is a trust, joint venture or consortium that is an unincorporated entity                              | No                       | No<br>(However, zero points<br>will be allocated for<br>BBBEE status level) |
| 5.  | Business registration documents   | Yes                      | Yes, if the registration documents cannot be verified on CSD                |
| 6.  | Certified copy of identity documents of directors / shareholders / partners / members, as the case may be   | Yes                      | Yes, if the identity documents cannot be verified on CSD                    |
| 7.  | MBD 1 Invitation to bid - completed and signed  | Yes                      | No  |
| 8.  | MBD 4 declaration form – completed and signed   | Yes                      | Yes   |
| 9.  | MBD 6.1, 8 and 9 forms – completed and signed   | Yes                      | Yes   |
| 10. | Proof of CIDB registration 1CE or Higher  | YES                      | YES   |



# <u>Verification of bidder's documentation on the Central Supplier Database (CSD)</u>

The municipality will verify on the CSD, the following documentation submitted by bidders:

- (i) Business registration status, including details of directorships and membership
- (ii) Tax compliance status
- (iii) Identity numbers of directors, shareholders, partners, members
- (iv) Proof of bank account registration
- (v) Tender defaulters and restrictions status
- (vi) Whether any director, manager, principal shareholder or stakeholder of the bidder is in the service of the state.

## SECTION 2: PROCEDURE FOR SUBMISSION OF QUOTATIONS

- 1. No quotation will be considered unless submitted on this RFQ document.
- 2. Telephonic, telegraphic, facsimile or emailed submissions, or any other electronic submissions, will not be accepted, unless indicated otherwise in this document.
- 3. Submissions must be marked with the RFQ description and reference number, sealed and deposited in the tender box on or before the closing date and time for submissions.
- 4. Submissions deposited in the tender box after the closing time or closing date will be considered to be late.
- 5. Late submissions will not be accepted, and where practicable, shall be returned unopened to the bidder.
- 6. O.R. Tambo District Municipality accepts no responsibility for ensuring that RFQ submissions are placed in the correct box, and submissions placed in the incorrect box will not be accepted.
- 7. Bidders are entitled to submit one quotation only, either as a single tendering entity or as a member of a joint venture or consortium.
- 8. Bidders are responsible for all costs incurred in the preparation and submission of their quotation.
- 9. The RFQ submission must be signed by a person or persons duly authorised to do so.
- 10. Once the quotation is awarded, all purchases will be made through an official O.R. Tambo District Municipality purchase order.
- 11. No goods or services must be delivered or provided before an official order has been sent to, and accepted by the successful bidder.



#### **SECTION 3: TEST FOR RESPONSIVENESS**

#### Invalid submissions

Quotations shall be invalid if:

- 1. The submission is not completed in non-erasable ink.
- 2. The bidder, if he or she is a natural person, is in the service of the state, or if not a natural person, a director, manager, principal shareholder of stakeholder of the bidder is in the service of the state.
- 3. The bidder is listed on the National Treasury Register of Tender Defaulters and / or List of Restricted Suppliers and is restricted from doing business with the public sector.
- 4. The bidder has been restricted from doing business with O.R. Tambo District Municipality in terms of its supply chain management policy and procedures.

# **Non-responsive submissions**

Quotations will be declared as non-responsive and eliminated from further evaluation in the following instances:

- 1. The submission does not comply with the mandatory requirements of the RFQ, if any, including any minimum evaluation criteria.
- 2. The bidder's tax matters are found not to be in order upon verification by the Municipality on CSD, and the bidder fails to ensure that its tax matters are in order within such timeframe as may be granted by the municipality.
- 3. Where the bidder is not registered on CSD.
- 4. Where the bidder is not registered on the municipal supplier database, or does not meet the listing criteria for accredited suppliers specified in the municipality's SCM Policy, and does not register on the database or meet the listing criteria within such timeframe as may be granted by the municipality.



## **SECTION 4: EVALUATION OF QUOTATIONS**

# **Evaluation of quotations**

- Quotation submissions will be evaluated on the criteria specified in this document, if any.
- 2. Submissions will be evaluated in accordance with the 80/20 price and preferential procurement points system.
- Unless stated otherwise in this document, the quotation will be awarded to the bidder who meets the all the requirements of the RFQ and who scores the highest total price and BBBEE points.

# SECTION 5: SPECIFICATIONS, PRICING SCHEDULE AND EVALUATION CRITERIA

# **Work Specifications**

The following applicable standardized and particular specifications are relevant to this contract:

SANS 1200 A General

SANS 1200 C Site Clearance

SANS 1200 DAH Earthworks (small works)
SANS 1200 DB Earthworks (Pipe trenches)
SANS 1200 L Medium Pressure Pipelines

SANS 1200 GA Concrete (small works)

SANS 1200 LB Bedding (pipes)

SANS 1200 DK Gabions and Pitching

The bids will be evaluated in three stages:

**Stage 1: Mandatory requirements** 

CIDB Grading 1CE or higher

Stage 2: Functionality

Stage 3: Price and B-BBEE status level

Only Bidders who score a minimum of 60 points in Stage 2 will be evaluated further.

For fair distribution of municipal resources the highest scorer will not necessary be awarded



# **FUNCTIONALITY**

| Criteria for Functionality  | Points |
|---|--------|
| Locality  | 40     |
| From the same Local Municipality where the project base   |        |
| Within the district (Ortdm)   |        |
| Within the EC Province  |        |
| Proof of residence in the form municipal rates bill in the name of the owner or letter  |        |
| from ward Councilor   |        |
| Knowledge of the task/s   | 20     |
| <ul> <li>The bidder should reflect that it had executed and completed projects. At<br/>least 2 projects to the value of R 50 000 each with proof from the client will<br/>qualify to maximum points.</li> </ul>                 |        |
| Skills and capacity   | 20     |
| <ul> <li>Team Member/s skills and capability in project management. (Abridged CV s<br/>with references demonstrating the necessary skills and capacity)</li> </ul>  |        |
| Plant and Equipment   | 20     |
| <ul> <li>Availability of the necessary plant and equipment to execute the project.<br/>(Working vehicle in the form of LDV/ Truck). Where the company does not own the vehicle a formal lease agreement/ commitment.</li> </ul> |        |
| Total   | 100    |



# PRICING SCHEDULE AND DETAILED SPECIFICATION

#### Bidders are required to complete the pricing schedule below: Item No **Payment** Description Unit Quantity Rate Amount (R) Reference **SANS 1200 A** SECTION A: PRELIMINARY AND **GENERAL** FIXED CHARGE AND VALUE-**A.1** 8.3 **RELATED ITEMS:** A1.1 **PSA 8.3.1** Contractual requirements Sum

8.3.2 Establish facilities on site: A1.2 **PSA** Name board No A1.3 3.2.2.2 Contractors office, storage facility, plant, Sum equipment, Provision of water, electricity and communication A1.4 Sum A1.5 Contractor De-establishment 8.3.4 Sum **TOTAL CARRIED FORWARD** 

Ref.2618 Protection of the Spring at Tabase: Nyandeni LM



| Item No | Payment<br>Reference | Description  | Unit     | Quantity | Rate | Amount (R) |
|---------|----------------------|--|----------|----------|------|------------|
| BROUGH1 | FORWARD              |  |          |          |      |            |
|         | PSA 8.4.5            | Other time-related obligations:  |          |          |      |            |
| А3      | PSA 8.9              | COMPLIANCE WITH THE OHS ACT (ACT 85 OF 1993) AND THE CONSTRUCTION REGULATIONS, 2003: | Sum      | 1        |      |            |
|         | 10.2.2               | Provision and implementation of a Health and Safety File                             | Sum      | 1        |      |            |
| A4      |                      | COMMUNITY LIAISON OFFICER.   |          |          |      |            |
| A4.1    |                      | COMMUNITY LIAISON OFFICER:   |          |          |      |            |
| A4.2    |                      | (a) Community Liaison Officer cost   | Prov Sum | 1        |      |            |
|         |                      | (b) Handling cost and changes for Contractor for item (a)                            | %        | 4,500.00 |      |            |
| A5      | PSA 8.10             | COMPLIANCE WITH ENVIRONMENTAL LEGISLATION AND SPECIFICATIONS (PSEM):                 |          |          |      |            |
|         |                      | (a) Contractor   | Sum      | 1        |      |            |
| A6      |                      | DAYWORKS   |          |          |      |            |
|         |                      | Note: Dayworks executed on instruction of the Engineer only                          |          |          |      |            |
| A6.1    | 8.7.1                | LABOUR   |          |          |      |            |
| A6.1.1  |                      | (a) Supervisor   | hr       |          |      | Rate Only  |
| A6.1.2  |                      | (b) Artisan  | hr       |          |      | Rate Only  |
| A6.1.3  |                      | (c) Brick layer  | hr       |          |      | Rate Only  |
| A6.1.4  |                      | (d) Unskilled Labour   | hr       |          |      | Rate Only  |
| A6.1.5  |                      | (e) Unskilled Labour   | hr       |          |      | Rate Only  |
| A6.2    |                      | PLANT  |          |          |      |            |
| A6.2.1  |                      | (a) TLB  | hr       |          |      | Rate Only  |
| A6.2.2  |                      | (b) Tipper Truck   | hr       |          |      | Rate Only  |
| A6.2.3  |                      | (c) Bobcat   | hr       |          |      | Rate Only  |
| A6.2.4  |                      | (d) Wacker   | hr       |          |      | Rate Only  |
| A6.2.5  |                      | (e) Water tanker   | hr       |          |      | Rate Only  |
| A6.2.6  |                      | (f) Plate compactor  | hr       |          |      | Rate Only  |
| A6.2.7  |                      | (g) Pressure test pump   | hr       |          |      | Rate Only  |
|         | RRIED TO SUMM        | MARY   |          |          |      |            |



| Item No  | Payment<br>Reference    | Description   | Unit           | Quantity | Rate | Amount (R) |
|----------|-------------------------|---|----------------|----------|------|------------|
| B 1      | SANS 1200A<br>PSC 8.2.1 | SECTION B : SPRING PROTECTION<br>SITE CLEARANCE   |                |          |      |            |
| B 1.1    | PSC 8.2.1               | Clear and grubb   | $m^2$          | 60       |      |            |
| B.1.2    | 8.2.2                   | Remove and grub large trees and tree stumps of girth  |                |          |      |            |
|          |                         | (a) Over 1m and up to including 2m  | No             | 6        |      |            |
| B.1.3    | 8.2.10                  | Remove topsoil to nominal depth of 150 mm and stockpile   | m <sup>3</sup> | 10       |      |            |
| B2       | SANS 1200D              | EARTHWORKS  |                |          |      |            |
| B2.1     | PSD 8.3.2               | Bulk excavation:  |                |          |      |            |
|          |                         | (a) Excavate in all materials and use for embankment or backfill or dispose as ordered                        | m <sup>3</sup> | 24       |      |            |
| B2.2     | 8.3.2(b)                | (b) Extra over item above for hard rock excavation  | m <sup>3</sup> | 6        |      |            |
| B2.3     |                         | Restricted excavation:  |                |          |      |            |
|          |                         | (a) Excavate in all materials and use for embankment or backfill or dispose as ordered                        |                |          |      |            |
| B2.3.1   |                         | (i) Spring capture box  | $m^3$          | 7        |      |            |
| B2.3.2   |                         | (ii) Overflow and scour chamber   | $m^3$          | 3        |      |            |
| B2.3.3   |                         | (iii) Air & gate valve chamber  | $m^3$          | 3        |      |            |
| B2.4     | 8.3.3(b)                | (b) Extra over item above for hard rock excavation  | m <sup>3</sup> | 7        |      |            |
| B2.5     | 1200DA 8.3.4            | Importing of material from commercial sources or from borrow pits   |                |          |      |            |
| B2.5.1   |                         | (i) G7 material compacted to 98% mod<br>AASHTO for cut-off berm   | m <sup>3</sup> | 28       |      |            |
| B2.5.2   |                         | (ii) G7 material compacted to 98% mod AASHTO for stone-pitching   | $m^3$          | 28       |      |            |
| B2.6     | 8.3.10                  | Spread top soil   | $m^2$          | 58       |      |            |
| B2.7     | 8.3.11                  | Grassing and other vegetation cover   | $m^2$          | 58       |      |            |
|          | SANS 1200 L             | HDPE PIPES: Supply, lay, joint, and bed complete with couplings, test and disinfect, SANS 533 HDPE pipes for: |                |          |      |            |
| B 2.8    |                         | (a) 63mm diameter PN 10   | m              | 200      |      |            |
| TOTAL CA | ARRIED FORWAR           | D   |                |          |      |            |



| Item No               | Payment<br>Reference | Description   | Unit           | Quantity | Rate | Amount (R) |  |  |  |
|-----------------------|----------------------|---|----------------|----------|------|------------|--|--|--|
| TOTAL BROUGHT FORWARD |                      |   |                |          |      |            |  |  |  |
| C 3                   | SANS 1200DK          | SPRING PROTECTION   |                |          |      |            |  |  |  |
|                       | 8.2.5                | Construct, complete as per detail, including all fittings, brickworks and concrete:                             |                |          |      |            |  |  |  |
| C 3.1                 |                      | (i) Spring capture box  | No             | 1        |      |            |  |  |  |
| C 3.2                 |                      | (ii) Overflow and scour chamber   | No             | 1        |      |            |  |  |  |
| C 3.3                 |                      | (iii) Air & gate valve chamber  | No             | 1        |      |            |  |  |  |
| C 3.4                 |                      | GABIONS AND STONE PITCHING  |                |          |      |            |  |  |  |
|                       |                      | Stone Pitching (light grout)  | m <sup>2</sup> | 20       |      |            |  |  |  |
| C 3.5                 |                      | FENCING   |                |          |      |            |  |  |  |
| C 3.5.1               |                      | Supply and erect 1,8m high security fencing with galvanised posts cast into concrete blocks as per detail       | m              | 30       |      |            |  |  |  |
| C 3.5.2               |                      | Supply and erect vehicular access gate complete with hinges, locking devices, posts and padlocks as per detail  | No             | 1        |      | Rate Only  |  |  |  |
| C 3.5.3               |                      | Supply and erect pedestrian access gate complete with hinges, locking devices, posts and padlocks as per detail | No             | 1        |      |            |  |  |  |
| C 3.5.4               |                      | Erect and install 10 000 I plastic storage tank (with fittings) complete with 25 Mpa platform                   | No             | 4        |      |            |  |  |  |
|                       |                      |   |                |          |      |            |  |  |  |
|                       |                      |   |                |          |      |            |  |  |  |
|                       |                      |   |                |          |      |            |  |  |  |
|                       |                      |   |                |          |      |            |  |  |  |
|                       |                      |   |                |          |      |            |  |  |  |
|                       |                      |   |                |          |      |            |  |  |  |
|                       |                      |   |                |          |      |            |  |  |  |
| TOTAL CA              | RRIED TO SUMM        | ARY   |                |          | 1    | ·          |  |  |  |



| DESCRIPTION                            | AMOUNT |
|--|--------|
| 1. PRELIMINARY AND GENERAL             |        |
| 2. SPRING PROTECTION                   |        |
| SUBTOTAL                               |        |
| 3. ADD 5% CONTINGENCIES                |        |
| SUBTOTAL                               |        |
| 4. Add 15% VAT                         |        |
| TOTAL CARRIED FORWARD TO FORM OF OFFER |        |
|  |        |
| Name of Service provider:              |        |
| Date:                                  |        |
| Signature:                             |        |
| Full name of signatory:                |        |



#### SECTION: 6 SCOPE OF WORK

All definitions, interpretations and general provisions for the General Conditions of Contract for Construction Work (2015) (3<sup>rd</sup> edition) are applicable.

# C 6.1 <u>DESCRIPTIONS OF WORKS</u>

#### C6.1.1 Client's Objective

The Clients objectives is to protect the spring in the TABASE village in Libode (Nyandeni Local Municipality) and surrounding areas. The contractor shall use reasonable resources. These resources include local labour, sub-contractors, and plant hire. The specification of the material should be specified by the engineer.

It is a specific goal of this project that the labour component where possible be maximised where it is economically feasible, and that the use of this labour goes hand in hand with on the job training of the labour force. The project is thus process and product orientated, and it is expected that the contractor will pursue these goals in the execution of the project.

#### C6.1.2 Overview of the Works

The work entails the construction of a spring box, pipe installation, storage tank installation and fencing of the spring in Libode. The proposed work requires the contractor to be ingenuitive in the approach, ensure that the spring flow is not hindered or obstructed during construction and that the water course is not contaminated during construction.

#### C6.1.3 Extent of the Works

The work to be carried out by the Service provider under this contract comprises mainly of the following:

- Clear and grub
- Excavation to expose spring eye
- Construction of spring eye
- The complete spring protection is shown in the attached detail drawing.

### C6.1.4 Location of the Works

The site is situated in rural area of Nyandeni Local Municipality (Libode) in TABASE village.

# **C6.1.5** Construction program

It is specifically brought to the notice of the Contractor that time is critical on this project, and the construction period will be a major factor in the award of the tender.

Service providers shall submit with their tender their **Preliminary weekly programme for the construction** of the Works under this contract to suit their proposed method of executing the Works. The programme shall be sufficiently detailed to differentiate between the various activities so that the contract may be properly evaluated.



# C6.1.6 Change in works

The Employer Agent may, from time to time by order in writing without in any way vitiating the Contract or giving to the Contractor any claim for additional payment, require the Contractor to proceed with the execution of the works in such order as in his opinion may be necessary, and may alter the order of or suspend any part of the Works at such time and times as he may deem desirable and the Contractor shall not, after receiving such written order, proceed with work ordered to be suspended until he shall receive a written order to do so from the Employer Agent. Where the work must of necessity be carried out in conjunction with work of other Contractors, or with that of the Employer, it shall be co-ordinated and arranged in such a manner as to Interfere as little as possible with the progress of such other work so as to offer every reasonable facility to other Contractors or to employees of the Employer.

# C6.2 **ENGINEERING**

# C6.2.1 Design Services and Activity Matrix

| Description  | Responsibility |
|--|----------------|
| Design of Works                                      | Engineer       |
| Concept, feasibility and overall process             | Engineer       |
| Basic Engineering and detail layouts to tender stage | Engineer       |
| Final Design of Works                                | Engineer       |
| Final Design to approved for construction stage      | Engineer       |
| Preparation of tender documentation & adverts        | Engineer       |
| Appointment of soil test / topographical surveyors   | Contractor     |
| Appointment of sub-contractors                       | Contractor     |
| Supervision  | Engineer       |
| Preparation of as-built drawings                     | Engineer       |
| Completion certificate                               | Engineer       |

# C6.2.2 Drawings

The Employers Agent will provide the Client with three full set of drawings, which will be used exclusively for the recording of as built information.

The location, dimensions of each component will be recorded, significantly when the dimensions had altered prior to construction.

The following drawings are applicable to this contract:

• Spring capture box and valve box with fittings



#### **C6.3 PROCUREMENT**

Tenders will be evaluated in terms of the Supply Chain Management policy of the O. R. Tambo District Municipality and the lowest tender will not necessarily be accepted and the right to accept the whole or part of any tender or not to consider any tender not suitably endorsed is fully reserved by the OR Tambo District Municipality.

Tender shall be scored on an 80/20-point system where 80 will be for the price and 20 points is in terms of B-BBEE status level of contributor as follows:

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

### C6.4 CONTACT PERSON ON PROJECT

The contact person on this project is as follows:

Contact Person: Mr M Mtengwane 047 501 6400 / 6503

# C6.5 <u>EMPLOYMENT OF UNSKILLED AND SEMI-SKILLED WORKERS IN LABOUR INTENSIVE</u> <u>WORKS</u>

#### C6.5.1 Requirements for the sourcing and engagement of labour

6.5.1.1 Unskilled and semi-skilled labour required for the execution of all labour intensive works shall be engaged strictly in accordance with prevailing legislation and SANS 1914-5, Participation of Targeted Labour.

- 6.5.1.2 The rate of pay set for the SPWP is R160.00 per task or per day (Minimum).
- 6.5.1.3 Tasks established by the contractor must be such that:
  - a) the average worker completes 5 tasks per week in 40 hours or less; and
  - b) the weakest worker completes 5 tasks per week in 55 hours or less.



- 6.5.1.4 The contractor must revise the time taken to complete a task whenever it is established that the time taken to complete a weekly task is not within the requirements of 6.5.1.3.
- 6.5.1.5 The Contractor shall, through all available community structures, inform the local community of the labour intensive works and the employment opportunities presented thereby. Preference must be given to people with previous practical experience in construction and / or who come from households:
  - a) where the head of the household has less than a primary school education;
  - b) that have less than one full time person earning an income;
  - c) where subsistence agriculture is the source of income.
  - d) those who are not in receipt of any social security pension income
- 6.5.1.6 The Contractor shall endeavour to ensure that the expenditure on the employment of temporary workers is in the following proportions:
  - a) 40 % women;
  - b) 20% youth who are between the ages of 18 and 35; and
  - c) 2% on persons with disabilities.
- 6.5.1.7 The Contractor in Consultation with the Community representatives must recommend task rates to be used on the Project for approval by the O. R. Tambo District Municipality.

#### Note:

- 1. All prices quoted must include VAT, if the bidder is a registered VAT vendor.
- Prices quoted must include delivery costs and goods must be delivered to the address provided.
- 3. All prices submitted must be firm. Firm prices are deemed to be fixed prices, which are only subject to statutory changes.

#### **SECTION 7: CONDITIONS OF CONTRACT**

The contract between the municipality and the appointed bidder will be administered in accordance with the General Conditions of Contract 2010 as issued by National Treasury. A copy of the General Conditions of Contract may be obtained from the National Treasury website – www.treasury.gov.za



# PART A INVITATION TO BID YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF O.R. TAMBO DISTRICT MUNICIPALITY

MBD 1

| RFQ NUMBER:   2618   | CLOSING DATE:       | 2        | 29 May 2                   | 020               | CLO               | SING T | TIME:      | 12H00      |        |
|--|---------------------|----------|----------------------------|-------------------|-------------------|--------|------------|------------|--------|
| DESCRIPTION PROTECTION OF THE S  | SPRING AT TABASE: I | NYANDE   | NI LM                      |                   | •                 |        | I.         |            |        |
| THE SUCCESSFUL BIDDER WILL BE REC  |                     |          | I A WRIT                   | TEN CO            | NTRACT FO         | RM (M  | BD7).      |            |        |
| RFQ RESPONSE DOCUMENTS MAY BE I<br>SITUATED AT (STREET ADDRESS)  | DEPOSITED IN THE B  | ID BOX   |                            |                   |                   |        |            |            |        |
| GROUND FLOOR, O.R. TAMBO DISTRICT  | MUNICIPALITY BUIL   | DING     |                            |                   |                   |        |            |            |        |
| NELSON MANDELA DRIVE, MYEZO PAR  | K                   |          |                            |                   |                   |        |            |            |        |
| MTHATHA  |                     |          |                            |                   |                   |        |            |            |        |
| SUPPLIER INFORMATION   |                     |          |                            |                   |                   |        |            |            |        |
| NAME OF BIDDER   |                     |          |                            |                   |                   |        |            |            |        |
| POSTAL ADDRESS   |                     |          |                            |                   |                   |        |            |            |        |
| STREET ADDRESS   |                     |          |                            |                   |                   |        |            |            |        |
| TELEPHONE NUMBER   | CODE                |          |                            |                   | NUMBER            |        |            |            |        |
| CELLPHONE NUMBER   |                     |          |                            |                   |                   |        |            |            |        |
| FACSIMILE NUMBER   | CODE                |          |                            |                   | NUMBER            |        |            |            |        |
| E-MAIL ADDRESS   |                     |          |                            |                   |                   |        |            |            |        |
| VAT REGISTRATION NUMBER  |                     |          |                            |                   |                   |        |            |            |        |
| TAX COMPLIANCE STATUS  | TCS PIN:            |          |                            | OR                | CSD No:           |        |            |            |        |
| B-BBEE STATUS LEVEL VERIFICATION   | Yes                 |          |                            | B-BBEE STATUS     |                   |        | Yes        |            |        |
| CERTIFICATE [TICK APPLICABLE BOX]  | _                   |          |                            | LEVEL<br>AFFID    | SWORN —           |        |            |            |        |
| •  | │                   | =/ 0.1/0 |                            |                   |                   |        | No No      |            |        |
| [A B-BBEE STATUS LEVEL VERIFICATION ORDER TO QUALIFY FOR PREFERENCE OF THE PROPERTY OF THE PRO |                     |          |                            | IDAVII            | (FOR EMES         | S & QS | SES) MUS   | I BE SUBI  | IIIIED |
|  |                     |          |                            | ARE YOU A FOREIGN |                   |        |            |            |        |
| ARE YOU THE ACCREDITED   |                     | □No      |                            | 1                 | D SUPPLIER        | FOR    |            |            |        |
| REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES /WORKS  | ☐Yes                |          | THE GOODS /SERVICES /WORKS |                   | 'S                | □Yes   |            | □No        |        |
| OFFERED?   | [IF YES ENCLOSE P   | ROOFI    |                            | OFFE              |                   | .o     | _          | ANSWER PAI |        |
|  |                     |          |                            |                   |                   |        | . ,        |            |        |
|  |                     |          |                            |                   |                   |        |            |            |        |
| TOTAL NUMBER OF ITEMS OFFERED  |                     |          |                            | TOTA              | L BID PRICE       |        | R          |            |        |
| SIGNATURE OF BIDDER  |                     |          |                            |                   |                   |        |            |            |        |
|  |                     |          |                            | DATE              |                   |        |            |            |        |
| CAPACITY UNDER WHICH THIS BID IS SIGNED  |                     |          |                            |                   |                   |        |            |            |        |
| BIDDING PROCEDURE ENQUIRIES MAY  | BE DIRECTED TO:     |          | TECHN                      | IICAL IN          | <b>IFORMATION</b> | MAY    | BE DIREC   | TED TO:    |        |
| DEPARTMENT   | SCM                 | _        |                            | ACT PER           |                   |        | MR S. MK   | ODOC       |        |
| CONTACT PERSON   | ZIMASA JIM          |          |                            | ELEPHONE NUMBER   |                   |        | 082 294 58 | 381        |        |
| TELEPHONE NUMBER   | 047 501 6557        |          | FACSIMILE NUMBER           |                   |                   |        |            |            |        |
| FACSIMILE NUMBER   |                     |          | E-MAIL                     | ADDRE             | ESS               |        | Sandile62@ | @gmail.com |        |
| E-MAIL ADDRESS   | zimasaj@ortambodm   | i.gov.za |                            |                   |                   |        |            |            |        |



# PART B TERMS AND CONDITIONS FOR BIDDING

MBD1

| 1 | RI | ח | SI | IJΒ | М | IS: | SIC | <u> </u> | V |  |
|---|----|---|----|-----|---|-----|-----|----------|---|--|
|   |    |   |    |     |   |     |     |          |   |  |

- 1.1. BIDS MUST BE DELIVERED BY THE STIPULATED TIME TO THE CORRECT ADDRESS. LATE BIDS WILL NOT BE ACCEPTED FOR CONSIDERATION.
- 1.2. ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS PROVIDED-(NOT TO BE RE-TYPED) OR ONLINE
- 1.3. THIS BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT AND THE PREFERENTIAL PROCUREMENT REGULATIONS, 2017, THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER SPECIAL CONDITIONS OF CONTRACT.

# 2. TAX COMPLIANCE REQUIREMENTS

- 2.1 BIDDERS MUST ENSURE COMPLIANCE WITH THEIR TAX OBLIGATIONS.
- 2.2 BIDDERS ARE REQUIRED TO SUBMIT THEIR UNIQUE PERSONAL IDENTIFICATION NUMBER (PIN) ISSUED BY SARS TO ENABLE THE ORGAN OF STATE TO VIEW THE TAXPAYER'S PROFILE AND TAX STATUS.
- 2.3 APPLICATION FOR THE TAX COMPLIANCE STATUS (TCS) CERTIFICATE OR PIN MAY ALSO BE MADE VIA E-FILING. IN ORDER TO USE THIS PROVISION, TAXPAYERS WILL NEED TO REGISTER WITH SARS AS E-FILERS THROUGH THE WEBSITE WWW.SARS.GOV.ZA.
- 2.4 FOREIGN SUPPLIERS MUST COMPLETE THE PRE-AWARD QUESTIONNAIRE IN PART B:3.
- 2.5 BIDDERS MAY ALSO SUBMIT A PRINTED TCS CERTIFICATE TOGETHER WITH THE BID.
- 2.6 IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED, EACH PARTY MUST SUBMIT A SEPARATE TCS CERTIFICATE / PIN / CSD NUMBER.
- 2.7 WHERE NO TCS IS AVAILABLE BUT THE BIDDER IS REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD), A CSD NUMBER MUST BE PROVIDED.

| 3.  | QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS                      |            |  |  |
|---|---|------------|--|--|
| 3.1.  | IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)? | YES NO     |  |  |
| 3.2.  | DOES THE ENTITY HAVE A BRANCH IN THE RSA?                       | ☐ YES ☐ NO |  |  |
| 3.3.  | DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA?      | ☐ YES ☐ NO |  |  |
| 3.4.  | DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA?           | ☐ YES ☐ NO |  |  |
| 3.5.  | IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION?       | ☐ YES ☐ NO |  |  |
| IF THE ANSWER IS "NO" TO ALL OF THE ABOVE, THEN IT IS NOT A REQUIREMENT TO REGISTER FOR A TAX COMPLIANCE STATUS SYSTEM PIN CODE FROM THE SOUTH AFRICAN REVENUE SERVICE (SARS) AND IF NOT REGISTER AS PER 2.3 ABOVE. |   |            |  |  |

NB: FAILURE TO PROVIDE ANY OF THE ABOVE PARTICULARS MAY RENDER THE BID INVALID. NO BIDS WILL BE CONSIDERED FROM PERSONS IN THE SERVICE OF THE STATE.

| SIGNATURE OF BIDDER:                     |
|--|
| CAPACITY UNDER WHICH THIS BID IS SIGNED: |
| DATE:                                    |



3.

MBD 4

#### **DECLARATION OF INTEREST**

- 1. No bid will be accepted from persons in the service of the state<sup>1</sup>.
- 2. Any person, having a kinship with persons in the service of the state, including a blood relationship, may make an offer or offers in terms of this invitation to bid. In view of possible allegations of favouritism, should the resulting bid, or part thereof, be awarded to persons connected with or related to persons in service of the state, it is required that the bidder or their authorised representative declare their position in relation to the evaluating/adjudicating authority.

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, shareholder²):  |
|  |
| 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<br>identity numbers and state employee numbers must be indicated in paragraph<br>4 below. |
| 3.8 Are you presently in the service of the state?   |
| 3.8.1 If yes, furnish particulars  |
|  |
|  |

- (a) a member of -
  - (i) any municipal council;
  - (ii) any provincial legislature; or
  - (iii) the national Assembly or the national Council of provinces;
- (b) a member of the board of directors of any municipal entity;
- (c) an official of any municipality or municipal entity;
- (d) an employee of any national or provincial department, national or provincial public entity or constitutional institution within the meaning of the Public Finance Management Act, 1999 (Act No.1 of 1999);
- (e) a member of the accounting authority of any national or provincial public entity; or
- (f) an employee of Parliament or a provincial legislature.

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

<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  | 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?  |
|      | 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?                    |
|      | 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?   |
| 3.13 | Are any spouse, child or parent of the company's directors, trustees, managers, principle shareholders or stakeholders in service of the state?   |
| 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? |
|      |   |



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

| Full Name | Identity Number | State Employee<br>Number |
|-----------|-----------------|--------------------------|
|           |                 |                          |
|           |                 |                          |
|           |                 |                          |
|           |                 |                          |
|           |                 |                          |
|           |                 |                          |
|           |                 |                          |
|           |                 |                          |
|           |                 |                          |
|           |                 |                          |
| Signature |                 | Date                     |
| Capacity  |                 | Name of Bidder           |



MBD 6.1

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

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

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

#### 1. GENERAL CONDITIONS

- 1.1 The following preference point systems are applicable to all bids:
  - the 80/20 system for requirements with a Rand value of up to R50 000 000 (all applicable taxes included); and
  - the 90/10 system for requirements with a Rand value above R50 000 000 (all applicable taxes included).

1.2

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

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

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

#### 2. DEFINITIONS

- (a) "B-BBEE" means broad-based black economic empowerment as defined in section 1 of the Broad-Based Black Economic Empowerment Act;
- (b) "B-BBEE status level of contributor" means the B-BBEE status of an entity in terms of a code of good practice on black economic empowerment, issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act;
- (c) "bid" means a written offer in a prescribed or stipulated form in response to an invitation by an organ of state for the provision of goods or services, through price quotations, advertised competitive bidding processes or proposals;
- (d) "Broad-Based Black Economic Empowerment Act" means the Broad-Based Black Economic



Empowerment Act, 2003 (Act No. 53 of 2003);

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

#### 3. POINTS AWARDED FOR PRICE

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

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

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

Where

Ps = Points scored for price of bid under consideration

Pt = Price of bid under consideration

Pmin = Price of lowest acceptable bid

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

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

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



| 5.      | BID DECLARATION  |            |                  |  |  |
|---------|--|------------|------------------|--|--|
| 5.1     | Bidders who claim points in respect of B-BBEE Status Level of Contribution must complete the following:  |            |                  |  |  |
| 6.      | B-BBEE STATUS LEVEL OF CONTRIBUTOR CLAIMED IN TERMS OF PAR   | AGRAPHS 1. | 4 AND 4.1        |  |  |
| 6.1     | B-BBEE Status Level of Contributor: =(maximum of 10 or 20 points)  |            |                  |  |  |
|         | (Points claimed in respect of paragraph 7.1 must be in accordance with paragraph 4.1 and must be substantiated by relevant proof of B-BBEE statu |            |                  |  |  |
| 7.      | SUB-CONTRACTING  |            |                  |  |  |
| 7.1     | Will any portion of the contract be sub-contracted?  |            |                  |  |  |
|         | (Tick applicable box)  |            |                  |  |  |
| 7.1.1   | YES NO  If yes, indicate:  |            |                  |  |  |
|         | i) What percentage of the contract will be subcontracted   |            |                  |  |  |
|         | Designated Group: An EME or QSE which is at last 51% owned by:   | EME        | QSE              |  |  |
| '       | besignated croup. An Eme of Got which is at last of howhed by.   | <b>∠∠</b>  | <b>Q</b> 3L<br>√ |  |  |
| Black p | eople  | ·          | ,                |  |  |
| •       | eople who are youth  |            |                  |  |  |
|         | eople who are women  |            |                  |  |  |
| Black p | eople with disabilities  |            |                  |  |  |
| Black p | eople living in rural or underdeveloped areas or townships   |            |                  |  |  |
| Cooper  | ative owned by black people  |            |                  |  |  |
| Black p | eople who are military veterans  |            |                  |  |  |
|         | OR   |            |                  |  |  |
| Any EN  | IE   |            |                  |  |  |
| Any QS  | E  |            |                  |  |  |
|         |  |            |                  |  |  |
| 8.      | DECLARATION WITH REGARD TO COMPANY/FIRM  |            |                  |  |  |
| 8.1     | Name of company/firm:  |            |                  |  |  |
| 8.2     | VAT registration number:   |            |                  |  |  |
| 8.3     | Company registration number:   |            |                  |  |  |
| 8.4     | TYPE OF COMPANY/ FIRM  |            |                  |  |  |



|     |  | Partn                 | ership/Joint Venture / Consortium   |  |
|-----|--|-----------------------|---|--|
|     |  | One                   | person business/sole propriety  |  |
|     |  | Close                 | ecorporation  |  |
|     |  | Com                   | pany  |  |
|     |  | (Pty)                 | Limited   |  |
|     | [Tic   | CK APPLIC             | ABLE BOX]   |  |
| 8.5 | DE   | SCRIBE                | PRINCIPAL BUSINESS ACTIVITIES   |  |
|     |  |                       |   |  |
|     |  |                       |   |  |
|     |  |                       |   |  |
| 8.6 | СО   | MPANY                 | CLASSIFICATION  |  |
|     |  | Manu                  | ufacturer   |  |
|     |  | Supp                  | lier  |  |
|     |  | Profe                 | essional service provider   |  |
|     |  | Othe                  | r service providers, e.g. transporter, etc.   |  |
|     | [Tic   | CK APPLIC             | ABLE BOX]   |  |
|     |  |                       |   |  |
| 8.7 | MUNICIPAL INFORMATION  |                       |   |  |
|     | Mu   | nicipalit             | y where business is situated:   |  |
|     | Reg  | gistered              | Account Number:   |  |
|     | Sta  | nd Num                | ber:  |  |
| 8.8 | Tot  | al numbe              | er of years the company/firm has been in business:  |  |
| 8.9 | I/we   | e, the un             | dersigned, who is / are duly authorised to do so on behalf of the company/firm, certify that  |  |
|     | the points claimed, based on the B-BBE status level of contributor indicated in paragraphs 1.4 and 6.1 |                       |   |  |
|     |  | ine lore;<br>inowledg | going certificate, qualifies the company/ firm for the preference(s) shown and I / we e that:   |  |
|     | i)   | The info              | ormation furnished is true and correct;   |  |
|     | ii)  |                       | eference points claimed are in accordance with the General Conditions as indicated in aph 1 of this form;   |  |
|     | iii)   | and 6.1               | event of a contract being awarded as a result of points claimed as shown in paragraphs 1.4 I, the contractor may be required to furnish documentary proof to the satisfaction of the ser that the claims are correct; |  |
|     | iv)  | any of                | BBEE status level of contributor has been claimed or obtained on a fraudulent basis or the conditions of contract have not been fulfilled, the purchaser may, in addition to any emedy it may have –                  |  |
|     |  | (a)                   | disqualify the person from the bidding process;   |  |
|     |  | (b)                   | recover costs, losses or damages it has incurred or suffered as a result of that person's conduct;  |  |



- (c) cancel the contract and claim any damages which it has suffered as a result of having to make less favourable arrangements due to such cancellation;
- (d) recommend that the bidder or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, be restricted by the National Treasury from obtaining business from any organ of state for a period not exceeding 10 years, after the audi alteram partem (hear the other side) rule has been applied; and
- (e) forward the matter for criminal prosecution.

| WITNESS: 1 | SIGNATURE(S) OF BIDDER(S)  DATE: |
|------------|----------------------------------|
| 2          |                                  |
|            |                                  |



# **DECLARATION OF BIDDER'S PAST SUPPLY CHAIN MANAGEMENT PRACTICES**

- 1 This Municipal Bidding Document must form part of all bids invited.
- 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.
- 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;
  - 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).
- 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 <i>audi alteram partem</i> rule was applied).  |     | ]    |
|       | The Database of Restricted Suppliers now resides on the National Treasury's website( <a href="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 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. | Yes | 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?  | 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 rates and taxes or municipal charges to the municipality / municipal entity, or to any other municipality / municipal entity, that is in arrears for more than three months? | Yes   | 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?                         | Yes   | No 🗆 |  |  |
| 4.7.1   | If so, furnish particulars:  |       |      |  |  |
| CERTIFICATION  I, THE UNDERSIGNED (FULL NAME) CERTIFY THAT THE INFORMATION FURNISHED ON THIS DECLARATION FORM IS TRUE AND           |  |       |      |  |  |
| I ACCEPT THAT, IN ADDITION TO CANCELLATION OF A CONTRACT, ACTION MAY BE TAKEN AGAINST ME SHOULD THIS DECLARATION PROVE TO BE FALSE. |  |       |      |  |  |
|   | Signature Date   |       |      |  |  |
|   | Position Name of B   | idder |      |  |  |



#### CERTIFICATE OF INDEPENDENT BID DETERMINATION

- 1 This Municipal Bidding Document (MBD) must form part of all bids<sup>1</sup> 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).<sup>2</sup> Collusive bidding is a *pe 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 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.
- 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.
- 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.



## CERTIFICATE OF INDEPENDENT BID DETERMINATION

| I, the undersigned, in submitting the accompanying bid:                                |                |
|--|----------------|
|  |                |
|  |                |
| (Quotation Number and Description)   |                |
| in response to the invitation for bids made by:  |                |
| O.R. Tambo District Municipality   |                |
| do hereby make the following statements that I certify to be true and complete in even | ery respect:   |
| I certify, on behalf of:th   | hat:           |
| (Name of Bidder)   |                |
| I have read and I understand the contents of this Certificate;                         |                |
| 2. I understand that the accompanying bid will be disqualified if this Certificate is  | s found not to |

- I understand that the accompanying bid will be disqualified if this Certificate is found not to be true and complete in every respect;
- 3. I am authorized by the bidder to sign this Certificate, and to submit the accompanying bid, on behalf of the bidder:
- 4. Each person whose signature appears on the accompanying bid has been authorized by the bidder to determine the terms of, and to sign, the bid, on behalf of the bidder;
- 5. For the purposes of this Certificate and the accompanying bid, I understand that the word "competitor" shall include any individual or organization, other than the bidder, whether or not affiliated with the bidder, who:
  - (a) has been requested to submit a bid in response to this bid invitation;
  - (b) could potentially submit a bid in response to this invitation, based on their qualifications, abilities or experience; and
  - (c) provides the same goods and services as the bidder and/or is in the same line of business as the bidder



- 6. The bidder has arrived at the accompanying bid independently from, and without consultation, communication, agreement or arrangement with any competitor. However communication between partners in a joint venture or 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 this invitation; or
  - (f) submitting a bid 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 bid.

<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.



.....

Name of Bidder

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

......

Position



