REQUEST FOR FORMAL WRITTEN PRICE QUOTATIONS
SERVICES
(R 30,000 to R 200,000)

TOPOGRAPHICAL SURVEY AND SUBDIVISION OF A 43 HECTARE
PORTION OF THE REMAINDER OF PORTION 27 OF THE FARM
MIDDELBURG TOWN AND TOWNLANDS 287 JS (PORTION A)

Kindly furnish me with a written quote for the supply of the services as detailed in the enclosed schedule.

The following conditions will apply:

- Price(s) quoted must be valid for at least ninety (90) days from date of your offer.
- Price(s) quoted must be firm.
- A firm delivery period must be indicated.
- This quotation will be evaluated in terms of the 80/20 preference point system as prescribed in the Preferential Procurement Policy Framework Act (No 5 of 2000) and for this purpose the enclosed forms MBD 1, MBD 2, MBD 3.3, MBD 4, MBD 6.1, MBD 7.2, MBD 8 and MBD 9 must be scrutinized, completed and submitted together with your quotation.
- Only the bids that meet the minimum 60 points out of the total number of points for functionality will proceed to the price and preference goals evaluation stage
- The successful service provider will be the one scoring the highest points.
- The Council is not bound to accept the lowest or any quote.

All tender documents must be submitted with the following documents:

- Valid Tax Clearance Certificate
- Company Registration Certificate
- Certified copies of educational qualifications
- Company Profile as per Schedules 6,7 & 8
- Certified copy of original BBBEE Certificate (not compulsory, failure to submit will result in 0 (zero) point being awarded.
- Certified Copy of Professional Registration by at least one member

Quotation documents can be obtained at 14 SADC Street, Middelburg, Steve Tshwete Infrastructure Services Building, Office No.12 Ground Floor, Town Planning Department. Or downloaded from the website. Quotations may only be submitted on the quotation document issued.
Quotation documents are to be submitted at the Town Planning Department at 14 SADC Street, Middelburg, Steve Tshwete Infrastructure Services Building. The closing time for receipt of quotations is **12:00 on Monday, 30 November 2015**. Sealed quotations marked “QUOTATION: QTPHS-TOPO-SURVEY” must be placed in the Quotation Box at Office NO. 12 Ground Floor, Town Planning Department.

Telegraphic, telephonic, telex, facsimile, e-mail and late quotations will not be accepted. Quotations shall be adjudicated in accordance with preference procurement policy of Steve Tshwete Municipality.

Service providers not registered on the Council’s vendor database must log on to [www.stevetshwetelm.gov.za](http://www.stevetshwetelm.gov.za) or visit Mr. Jabu Mahlangu at the Service Centre to complete the necessary documentation and to submit a completed application prior to submitting the quotation.

Failure to comply with these conditions may invalidate your offer.

Yours faithfully

__________________________
SM MNGUNI
ACTING MUNICIPAL MANAGER
INDEX

1. MBD 1: Request for written price quotations – Firm Fixed Price
2. Terms of Reference
4. Schedule 7: Evaluation Schedule: Proposed organisation and staffing
5. Schedule 8: Evaluation Schedule: Experience of key staff
6. MBD 2: Tax Clearance Certificate Requirements
7. MBD 3.3: Pricing Schedule – Firm Prices (Purchases)
8. MBD 4: Declaration of Interest
10. MBD 7.2: Contract for rendering of services
11. MBD 8: Declaration of bidder’s past supply chain management practices
12. MBD 9: Certificate of Independent Bid Determination
13. General Conditions of Contract
YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE STEVE TSHWETE LOCAL MUNICIPALITY

BID NUMBER: Q24.11.15  CLOSING DATE: 30/11/2015
CLOSING TIME: 12H00.

DESCRIPTION: TOPOGRAPHICAL SURVEY AND SUBDIVISION OF A 43 HECTARE PORTION OF THE REMAINDER OF PORTION 27 OF THE FARM MIDDELBURG TOWN AND TOWNLANDS 287 JS

The successful bidder will be required to fill in and sign a written Contract Form (MBD 7.1)

Bid documents may be deposited in the bid box situated at:

Director Town Planning and Human Settlements
Office No.12 Ground Floor, Infrastructure Services Building
14 SADC Street
Middelburg
1050
Mpumalanga

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

The bid box is generally open 7H30 TO 16H00 hours Monday to Thursday and 7H30 TO 13H00 hours Friday

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

THIS BID IS SUBJECT TO THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER SPECIAL CONDITIONS OF CONTRACT

THIS BID WILL BE EVALUATED AND ADJUDICATED ACCORDING TO THE FOLLOWING CRITERIA:

1. Relevant specifications
2. Value for money
3. Capability to execute the contract
4. PPPFA and associated criteria

NB: NO QUOTATIONS WILL BE CONSIDERED FROM PERSONS IN THE SERVICE OF THE STATE
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:

Cellphone Number:

Facsimile Number:

Code ………… Number …………………………………………….......………………

Vat Registration Number: ……………………………………………….………………………

Has an original tax clearance certificate been attached (MBD 2)?  Yes / No

Are you the accredited representative in South Africa for the services offered by you?  Yes / No

SIGNATURE OF BIDDER: …………………………………………………………………………………..

DATE: ……………………………

CAPACITY UNDER WHICH THIS BID IS SIGNED:

TOTAL BID PRICE CARRIED OVER FROM MBD 3.1: R …………………………………………………
ANY ENQUIRIES REGARDING THE BIDDING PROCEDURE MAY BE DIRECTED TO:

Municipality: Steve Tshwete Local Municipality.

Department: Finance – Supply Chain Management

Contact Person: Mr. P. Van der Merwe

Tel: (013) 249 7000 Mobile:

Fax: (013) 243 2550

ANY ENQUIRIES REGARDING TECHNICAL INFORMATION MAY BE DIRECTED TO:

Contact Person: Meshack Mahamba

Department: Town Planning and Human Settlements.

Tel (013) 249 7178.

Fax: ……………………………………………………………………………………………………………………………
TERMS OF REFERENCE FOR CONDUCTING A TOPOGRAPHICAL SURVEY AND SUBDIVISION OF THE 43 HECTARE PORTION OF THE REMAINDER OF PORTION 27 OF THE FARM MIDDELBURG TOWN AND TOWNLANDS 287 JS (PORTION A)

1. Project Description and scope of services

The Steve Tshwete Local Municipality in process of planning and designing a precinct of a mixed-use development that will cater for businesses including motor sales market, commercial and high density purposes, roads and public open spaces Portion 365 of the Remainder of Portion 27 of the farm Middelburg Town and Townlands 287 JS which stretches over 75 hectares of land. The parameters of the proposed development are maximum of 70% coverage, 1 – 5 storey buildings, Floor Area Ratio ranging between 0,7 – 2,1 and maximum housing density of 80 dwelling units per hectare. The draft concept plan is hereby attached to this document.

As part of the planning process the envisage precinct plan, registered and competent Professional Land Surveyors are hereby invited to submit quotations for:

i. Subdivision a 43 hectare portion of the Remainder of Portion 27 of the farm Middelburg Town and Townlands 287 JS as shown on the draft Subdivision Sketch Plan

ii. Conducting of topographical survey (contour survey) on the 43 hectare piece of land.

2. Available information

- Locality Plan
- Draft Precinct Plan

3. Pricing Schedule

The pricing will be done according to the following schedule:

<table>
<thead>
<tr>
<th>ITEM</th>
<th>TASK</th>
<th>REF.</th>
<th>UNIT</th>
<th>QUANTITY</th>
<th>RATE</th>
<th>AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Subdivision of 43 hectare portion of the remainder of Portion 27 of the farm Middelburg Town and Townlands 287 JS</td>
<td>sum</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>1.1</td>
<td>Compilation of survey records and framing of diagram</td>
<td>sum</td>
<td>1</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>1.2</td>
<td>Submission to the Surveyor General</td>
<td>sum</td>
<td>1</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>2</td>
<td>Topographical survey</td>
<td></td>
<td></td>
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<td></td>
<td></td>
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<tr>
<td>2.1</td>
<td>Establishment of control and benchmarks</td>
<td>sum</td>
<td>1</td>
<td></td>
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<tr>
<td>2.2</td>
<td>Picking up of details including ground levels on the 43 hectare piece of land</td>
<td>sum</td>
<td>1</td>
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<tr>
<td>2.3</td>
<td>Reduction of observations</td>
<td>sum</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2.4</td>
<td>Generation of contour maps</td>
<td>sum</td>
<td>1</td>
<td></td>
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</tr>
</tbody>
</table>
4. **Required deliveries**

The deliverables of the project shall include the following:

- Complete application for subdivision of the Remainder of Portion 27 of the farm Middelburg Town and Townlands 287 JS.
- Hard and soft copies of the subdivision diagram for the portion.
- Hard and soft copies of the generated contour map

5. **Time frames**

It is expected of the appointed service provider to comply with the following time frames:

- The appointed service provider will commence with the execution of the project within 7 days from the date of appointment.
- The submission of the subdivision application to the municipality and relevant authorities will be done within 3 weeks from the date of appointment.
- Delivery of the hard and soft copies of the generated maps will be done within 3 weeks from the date of appointment.
- Submission of the approved subdivision diagrams will be done within 12 weeks from the date of appointment.
SCHEDULE 6

EVALUATION SCHEDULE: TENDERER’S EXPERIENCE

The experience of the tenderer as opposed to the key staff members / experts in similar projects or similar areas and conditions in relation to the scope of work will be evaluated.

Tenderers should very briefly describe his or her experience in this regard and attach this to this schedule.

The description should be put in tabular form with the following headings:

<table>
<thead>
<tr>
<th>Employer, contact person and telephone number, where available</th>
<th>Description of work (service)</th>
<th>Value of work (i.e. the service provided) inclusive of VAT (Rand)</th>
<th>Date completed</th>
</tr>
</thead>
<tbody>
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</tbody>
</table>

The scoring of the tenderer’s experience will be as follows:

<table>
<thead>
<tr>
<th>Score</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Non-responsive (score 0)</td>
<td>Tenderer has no experience or no information has been provided</td>
</tr>
<tr>
<td>Poor (score 10)</td>
<td>Tenderer has limited experience in land surveying field</td>
</tr>
<tr>
<td>Satisfactory (score 25)</td>
<td>Tenderer has relevant experience in land surveying but has not dealt with the critical issues specific to the assignment.</td>
</tr>
<tr>
<td>Good (score 35)</td>
<td>Tenderer has extensive experience in relation to the similar projects and has worked previously under similar conditions and circumstances</td>
</tr>
<tr>
<td>Very good (score 50)</td>
<td>Tenderer has outstanding experience in projects of a similar nature.</td>
</tr>
</tbody>
</table>

The undersigned, who warrants that he / she is duly authorised to do so on behalf of the enterprise, confirms that the contents of this schedule are within my personal knowledge and are to the best of my belief both true and correct.

Signed: ________________________________ Date:______________________________

Name: _________________________________  Position:_____________________________
SCHEDULE 7

EVALUATION SCHEDULE: PROPOSED ORGANISATION AND STAFFING

The tenderer should propose the structure and composition of their team i.e. the main disciplines involved, the key staff member / expert responsible for each discipline, and the proposed technical and support staff.

The roles and responsibilities of each key staff member / expert should be set out as job descriptions. In the case of an association / joint venture / consortium, it should, indicate how the duties and responsibilities are to be shared.

The tenderer must attach his / her organization and staffing proposals to this page.

The scoring of the proposed organization and staffing will be as follows:

<table>
<thead>
<tr>
<th>Non-responsive (score 0)</th>
<th>No information has been provided</th>
</tr>
</thead>
<tbody>
<tr>
<td>Poor (score 5)</td>
<td>The organization chart is sketchy, the staffing plan is weak in important areas, or the staffing schedule is inconsistent with the timing of the most important deliverables. There is no clarity in allocation of tasks and responsibilities.</td>
</tr>
<tr>
<td>Satisfactory (score 10)</td>
<td>The organizational chart is complete and detailed, the technical level and composition of the staffing arrangements are adequate and staffing is consistent with both timing and deliverables</td>
</tr>
<tr>
<td>Good (score 15)</td>
<td>Besides meeting the “satisfactory” rating, staff are well balanced i.e. they show good coordination, complimentary skills, clear and defined duties and responsibilities, and limited number of short term experts. Some members of the project team have worked together before on limited occasions.</td>
</tr>
<tr>
<td>Very good (score 20)</td>
<td>Besides meeting the “good” rating, the proposed team is well integrated and several members have worked together extensively in the past.</td>
</tr>
</tbody>
</table>

The undersigned, who warrants that he / she is duly authorised to do so on behalf of the enterprise, confirms that the contents of this schedule are within my personal knowledge and are to the best of my belief both true and correct.

Signed: ________________________________ Date: ______________________________

Name: _________________________________ Position: _____________________________
SCHEDULE 8

EVALUATION SCHEDULE: EXPERIENCE OF KEY STAFF

Experience of the key staff (assigned personnel) in relation to the scope of work will be evaluated from three different points of view:

1) General experience (total duration of professional activity), level of education and training and positions held of each key staff member / expert member.
2) The education, training and experience of the key staff members / experts, in the specific sector, field, subject, etc which is directly linked to the scope of work.
3) The key staff members’ / experts’ knowledge of issues which the tenderer considers pertinent to the project e.g. local conditions, affected communities, legislation, techniques etc.

A CV of each key staff member of not more than 2 pages should be attached to this schedule. The CV should be structured under the following headings:

1. Personal particulars
   - name
   - date and place of birth
   - place (s) of tertiary education and dates associated therewith
   - professional awards
2. Qualifications (degrees, diplomas, grades of membership of professional societies and professional registrations)
3. Name of current employer and position in enterprise
4. Overview of post graduate / diploma experience (year, organization and position)
5. Outline of recent assignments / experience that has a bearing on the scope of work

The scoring of the experience of key staff will be as follows:

<table>
<thead>
<tr>
<th>Non-responsive (score 0)</th>
<th>General qualifications (Greater weighting will be given to the team leader)</th>
<th>Adequacy for the assignment (Greater weighting will be given to the team leader)</th>
<th>Knowledge of issues pertinent to the project (Greater weighting will be given to the team leader)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>No information has been provided</td>
<td>No information has been provided</td>
<td>No information has been provided</td>
</tr>
<tr>
<td>Poor (score 10)</td>
<td>Key staff have limited levels of experience in land surveying</td>
<td>Key staff have limited levels of project specific education, training and experience. No land surveying related qualification</td>
<td>Key staff have limited experience of issues pertinent to the project</td>
</tr>
<tr>
<td>Satisfactory (score 15)</td>
<td>Key staff have reasonable levels of experience in land surveying</td>
<td>Key staff have reasonable levels of project specific education, training and experience. Degree in Land Surveying and 2 years relevant</td>
<td>Key staff have reasonable experience of issues pertinent to the project</td>
</tr>
<tr>
<td>Score</td>
<td>Key Staff Experience</td>
<td>Key Staff Project Specific Experience</td>
<td>Key Staff Issue Experience</td>
</tr>
<tr>
<td>-------</td>
<td>----------------------</td>
<td>--------------------------------------</td>
<td>---------------------------</td>
</tr>
<tr>
<td>Good (score 25)</td>
<td>Key staff have extensive levels of experience in land surveying. Key staff have extensive levels of project specific education, training and experience. Degree in Land Surveying and 5 years experience including registration with PLATO.</td>
<td>Key staff have extensive experience of issues pertinent to the project.</td>
<td></td>
</tr>
<tr>
<td>Very good (score 30)</td>
<td>Key staff have outstanding levels of experience in land surveying. Key staff have outstanding levels of project specific education, training and experience. Degree in Land Surveying and more than 5 years experience including registration with PLATO.</td>
<td>Key staff have outstanding experience of issues pertinent to the project.</td>
<td></td>
</tr>
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</table>

The undersigned, who warrants that he / she is duly authorised to do so on behalf of the enterprise, confirms that the contents of this schedule are within my personal knowledge and are to the best of my belief both true and correct.

Signed: ________________________________ Date: ________________________________

Name: _________________________________ Position: _____________________________
MBD 2: TAX CLEARANCE CERTIFICATE REQUIREMENTS

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

1. In order to meet this requirement bidders are required to complete in full form TCC001 “Application for a Tax Clearance Certificate” and submit it to any SARS branch office nationally. The Tax Clearance Certificate Requirements are also applicable to foreign bidders / individuals who wish to submit bids. Copies of the TCC 001 “Application for a Tax Clearance Certificate” form are available from any SARS branch office nationally or on the website www.sars.gov.za.

2. SARS will then furnish the bidder with a Tax Clearance Certificate that will be valid for a period of 1 (one) year from the date of approval.

3. The original Tax Clearance Certificate must be submitted together with the bid. Failure to submit the original and valid Tax Clearance Certificate will result in the invalidation of the bid. Certified copies of the Tax Clearance Certificate will not be acceptable.

4. In bids where Consortia / Joint Ventures / Sub-contractors are involved, each party must submit a separate Tax Clearance Certificate.

5. Applications for the Tax Clearance Certificates may also be made via eFiling. In order to use this provision, taxpayers will need to register with SARS as eFilers through the website www.sars.gov.za.

6. Exemption to the provision of a Tax Clearance Certificate will be granted provided that:
   a) The bidder is registered on the vendor database of the municipality and a valid tax clearance certificate was submitted together with the application for registration
   b) If the closing date of the price quotation or bid falls within the expiry date of the tax clearance certificate that is in the municipality’s possession.
NOTE:

ONLY FIRM RATES WILL BE ACCEPTED. NON-FIRM RATES (INCLUDING PRICES SUBJECT TO 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

<table>
<thead>
<tr>
<th>ITEM</th>
<th>TASK</th>
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<th>QUANTITY</th>
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<tr>
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<td>1.1.</td>
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<td>2</td>
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<td>2.3.</td>
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<td>2.4.</td>
<td>Generation of contour maps</td>
<td>sum</td>
<td>1</td>
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</table>

Sub-total

VAT at 14%

NETT TOTAL (carried forward to MBD 1)

OFFER TO BE VALID FOR 90 DAYS FROM THE CLOSING DATE OF BID
<table>
<thead>
<tr>
<th>Reference no.</th>
<th>Pricing Instruction</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Price as a fully inclusive lump sum, inclusive of all time related costs.</td>
</tr>
<tr>
<td>2</td>
<td>Rate per hour or portion thereof. Note that no payment may be claimed for travelling time.</td>
</tr>
<tr>
<td>3</td>
<td>Rate as per AA rate for a vehicle with an engine capacity of not more than 2000 cc.</td>
</tr>
</tbody>
</table>

Delivery period from date of Order = …………………………. Days
MBD 4
DECLARATION OF INTEREST

1. No bid will be accepted from persons in the service of the state¹.

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

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

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

3.2 Identity Number: ……………………………………………………………………………………...

3.3 Position occupied in the Company (director, trustee, shareholding²):…………………………

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. ………………………………………………………………………

³MSCM 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:

……………………………………………………………………………………
……………………………………………………………………………………


<table>
<thead>
<tr>
<th>Full Name</th>
<th>Identity Number</th>
<th>State Employee Number</th>
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<tbody>
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Date  
…………………………………………

Signature
…………………………………………

Capacity
…………………………………………

Name of Bidder
…………………………………………

CERTIFICATION
I, THE UNDERSIGNED (NAME)…………………………………………….............. ................................................ 

CERTIFY THAT THE INFORMATION FURNISHED ON THIS DECLARATION FORM IS CORRECT.

I ACCEPT THAT THE STATE MAY ACT AGAINST ME SHOULD THIS DECLARATION PROVE TO BE FALSE.

.................................................................................... ..............................................................
Signature                                           Date

.................................................................................... ..............................................................
...                                               Name of Bidder

Position
BROAD-BASED BLACK ECONOMIC EMPOWERMENT (B-BBEE) STATUS LEVEL CERTIFICATES

Bidders are required to submit original and valid B-BBEE Status Level Verification Certificates or certified copies thereof together with their bids, to substantiate their B-BBEE rating claims.

Bidders who do not submit B-BBEE Status T Level Verification Certificates or are non-compliant contributors to B-BBEE do not qualify for preference points for B-BBEE but should not be disqualified from the bidding process. They will score points for out of 90 or 80 for price only and zero points out of 10 or 20 for B-BBEE.
PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL PROCUREMENT REGULATIONS 2011

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, 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 R1 000 000 (all applicable taxes included); and
- the 90/10 system for requirements with a Rand value above R1 000 000 (all applicable taxes included).

1.2 The value of this bid is estimated to exceed/not exceed R1 000 000 (all applicable taxes included) and therefore the……………………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:

<table>
<thead>
<tr>
<th>POINTS</th>
<th>PRICE</th>
<th>B-BBEE STATUS LEVEL OF CONTRIBUTION</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Total points for Price and B-BBEE must not exceed 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 South African Accreditation System (SANAS) or a Registered Auditor approved by the Independent Regulatory Board of Auditors (IRBA) or an Accounting Officer as contemplated in the Close Corporation Act (CCA) together with the bid, will be interpreted to mean that preference points for B-BBEE status level of contribution are not claimed.

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

2. DEFINITIONS

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

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

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

2.4 “bid” means a written offer in a prescribed or stipulated form in response to an invitation by an organ of state for the provision of services, works or goods, through price quotations, advertised competitive bidding processes or proposals;

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

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

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

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

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

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

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

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

2.13 “person” includes a juristic person;

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

2.15 “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

2.18 “trustee” means any person, including the founder of a trust, to whom property is bequeathed in order for such property to be administered for the benefit of another person.

3. ADJUDICATION USING A POINT SYSTEM

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

3.2 Preference points shall be calculated after prices have been brought to a comparative basis taking into account all factors of non-firm prices and all unconditional discounts;

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

3.4 In the event that two or more bids have scored equal total points, the successful bid must be the one scoring the highest number of preference points for B-BBEE.

3.5 However, when functionality is part of the evaluation process and two or more bids have scored equal points including equal preference points for B-BBEE, the successful bid must be the one scoring the
3.6 Should two or more bids be equal in all respects, the award shall be decided by the drawing of lots.

4. POINTS AWARDED FOR PRICE

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

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

\[
P_S = 80 \left(1 - \frac{P_t - P_{min}}{P_{min}}\right) \quad \text{or} \quad P_S = 90 \left(1 - \frac{P_t - P_{min}}{P_{min}}\right)
\]

Where

- \(P_S\) = 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. Points awarded for B-BBEE Status Level of Contribution

5.1 In terms of Regulation 5 (2) and 6 (2) of the Preferential Procurement Regulations, preference points must be awarded to a bidder for attaining the B-BBEE status level of contribution in accordance with the table below:

<table>
<thead>
<tr>
<th>B-BBEE Status Level of Contributor</th>
<th>Number of points (90/10 system)</th>
<th>Number of points (80/20 system)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>10</td>
<td>20</td>
</tr>
<tr>
<td>2</td>
<td>9</td>
<td>18</td>
</tr>
<tr>
<td>3</td>
<td>8</td>
<td>16</td>
</tr>
<tr>
<td>4</td>
<td>5</td>
<td>12</td>
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<tr>
<td>5</td>
<td>4</td>
<td>8</td>
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<tr>
<td>6</td>
<td>3</td>
<td>6</td>
</tr>
<tr>
<td>7</td>
<td>2</td>
<td>4</td>
</tr>
<tr>
<td>8</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>Non-compliant contributor</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>

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 CCA or a Verification Agency accredited by SANAS or a Registered Auditor. Registered auditors do not need to meet the prerequisite for IRBA’s approval for the purpose of conducting verification and issuing EMEs with B-BBEE Status Level Certificates.

5.3 Bidders other than EMEs must submit their original and valid B-BBEE status level verification certificate or a certified copy thereof, substantiating their B-BBEE rating issued by a Registered Auditor approved by IRBA or a Verification Agency accredited by SANAS.
5.4 A trust, consortium or joint venture, will qualify for points for their B-BBEE status level as a legal entity, provided that the entity submits their B-BBEE status level certificate.

5.5 A trust, consortium or joint venture will qualify for points for their B-BBEE status level as an unincorporated entity, provided that the entity submits their consolidated B-BBEE scorecard as if they were a group structure and that such a consolidated B-BBEE scorecard is prepared for every separate bid.

5.6 Tertiary institutions and public entities will be required to submit their B-BBEE status level certificates in terms of the specialized scorecard contained in the B-BBEE Codes of Good Practice.

5.7 A person will not be awarded points for B-BBEE status level if it is indicated in the bid documents 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.

7.1 B-BBEE Status Level of Contribution: ............ = ............ (maximum of 10 or 20 points)
(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 subcontracted? ................................................%  
(ii) the name of the sub-contractor? .................................................................
(iii) the B-BBEE status level of the sub-contractor? .......................................................  
(iv) whether the sub-contractor is an EME? YES / NO (delete which is not applicable)

9 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 propriety
[ ] Close corporation
[ ] Company
[ ] (Pty) Limited

[TICK APPLICABLE BOX]
9.5 DESCRIBE PRINCIPAL BUSINESS ACTIVITIES

……………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………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CONTRACT FORM - RENDERING OF SERVICES

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.

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

1. I hereby undertake to render services described in the attached bidding documents to (name of the institution) .................................................. in accordance with the requirements and task directives / proposals specifications stipulated in Bid Number ...................... at the price(s) quoted. My offer/s 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.

2. 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);
       - 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;
   (ii) General Conditions of Contract; and
   (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 services 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 fulfilment 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 7.2
1. I……………………………………………. in my capacity as………………………………………………………………………. accept your bid under reference number ………………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.

<table>
<thead>
<tr>
<th>DESCRIPTION OF SERVICE</th>
<th>PRICE (ALL APPLICABLE TAXES INCLUDED)</th>
<th>COMPLETION DATE</th>
<th>B-BBEE STATUS LEVEL OF CONTRIBUTION</th>
<th>MINIMUM THRESHOLD FOR LOCAL PRODUCTION AND CONTENT (if applicable)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

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

SIGNED AT ……………………………………………………………..………………………… ON …………………………………………………..

NAME (PRINT) ………………………………………………………

SIGNATURE ………………………………………………………

OFFICIAL STAMP

WITNESSES
1. …………………………………
2. …………………………………

DATE …………………………………
### DECLARATION OF BIDDER’S PAST SUPPLY CHAIN MANAGEMENT PRACTICES

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.

<table>
<thead>
<tr>
<th>Item</th>
<th>Question</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>4.1</td>
<td>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 <em>audi alteram partem</em> rule was applied).</td>
<td>☐</td>
<td>☑</td>
</tr>
</tbody>
</table>

The Database of Restricted Suppliers now resides on the National Treasury’s website ([www.treasury.gov.za](http://www.treasury.gov.za)) and can be accessed by clicking on its link at the bottom of the home page.

<table>
<thead>
<tr>
<th>4.1.1</th>
<th>If so, furnish particulars:</th>
<th></th>
</tr>
</thead>
</table>

| 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](http://www.treasury.gov.za)) by clicking on its link at the bottom of the home page.

<table>
<thead>
<tr>
<th>4.2.1</th>
<th>If so, furnish particulars:</th>
<th></th>
</tr>
</thead>
</table>

| 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? | ☐ | ☑ |

<table>
<thead>
<tr>
<th>4.3.1</th>
<th>If so, furnish particulars:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Item</td>
<td>Question</td>
<td>Yes</td>
</tr>
<tr>
<td>------</td>
<td>--------------------------------------------------------------------------</td>
<td>-----</td>
</tr>
<tr>
<td>4.4</td>
<td>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?</td>
<td>Yes</td>
</tr>
<tr>
<td>4.4.1</td>
<td>If so, furnish particulars:</td>
<td></td>
</tr>
<tr>
<td>4.5</td>
<td>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?</td>
<td>Yes</td>
</tr>
<tr>
<td>4.7.1</td>
<td>If so, furnish particulars:</td>
<td></td>
</tr>
</tbody>
</table>

**CERTIFICATION**

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

CERTIFY THAT THE INFORMATION FURNISHED ON THIS DECLARATION FORM TRUE AND CORRECT.

I ACCEPT THAT, IN ADDITION TO CANCELLATION OF A CONTRACT, ACTION MAY BE TAKEN AGAINST ME SHOULD THIS DECLARATION PROVE TO BE FALSE.

..................................................................................................................  .................................................................
Signature                                                              Date

..................................................................................................................  .................................................................
Position                                                               Name of Bidder

Js367bW
CERTIFICATE OF INDEPENDENT BID DETERMINATION

1 This Municipal Bidding Document (MBD) must form part of all bids¹ invited.

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

3 Municipal Supply Regulation 38 (1) prescribes that a supply chain management policy must provide measures for the combating of abuse of the supply chain management system, and must enable the accounting officer, among others, to:

   a. take all reasonable steps to prevent such abuse;

   b. reject the bid of any bidder if that bidder or any of its directors has abused the supply chain management system of the municipality or municipal entity or has committed any improper conduct in relation to such system; and

   c. cancel a contract awarded to a person if the person committed any corrupt or fraudulent act during the bidding process or the execution of the contract.

4 This MBD serves as a certificate of declaration that would be used by institutions to ensure that, when bids are considered, reasonable steps are taken to prevent any form of bid rigging.

5 In order to give effect to the above, the attached Certificate of Bid Determination (MBD 9) must be completed and submitted with the bid:

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.
CERTIFICATE OF INDEPENDENT BID DETERMINATION

I, the undersigned, in submitting the accompanying bid:

______________________________________________________________________________

(Bid Number and Description)

in response to the invitation for the bid made by:

______________________________________________________________________________

(Name of Municipality / Municipal Entity)

do hereby make the following statements that I certify to be true and complete in every respect:

I certify, on behalf of: _________________________________________________________ that:

(Name ofBidder)

1. I have read and I understand the contents of this Certificate;
2. I understand that the accompanying bid will be disqualified if this Certificate is found not to be true and complete in every respect;
3. I am authorized by the bidder to sign this Certificate, and to submit the accompanying bid, on behalf of the bidder;
4. Each person whose signature appears on the accompanying bid has been authorized by the bidder to determine the terms of, and to sign, the bid, on behalf of the bidder;
5. For the purposes of this Certificate and the accompanying bid, I understand that the word “competitor” shall include any individual or organization, other than the bidder, whether or not affiliated with the bidder, who:

   (a) has been requested to submit a bid in response to this bid invitation;
   (b) could potentially submit a bid in response to this bid invitation, based on their qualifications, abilities or experience; and
   (c) provides the same goods and services as the bidder and/or is in the same line of business as the bidder
6. The bidder has arrived at the accompanying bid independently from, and without consultation, communication, agreement or arrangement with any competitor. However communication between partners in a joint venture or consortium will not be construed as collusive bidding.
7. In particular, without limiting the generality of paragraphs 6 above, there has been no consultation, communication, agreement or arrangement with any competitor regarding:
   (a) prices;
   (b) geographical area where product or service will be rendered (market allocation)
   (c) methods, factors or formulas used to calculate prices;
   (d) the intention or decision to submit or not to submit, a bid;
   (e) the submission of a bid which does not meet the specifications and conditions of the
bid; or

(f) bidding with the intention not to win the bid.

8. In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications and conditions or delivery particulars of the products or services to which this bid invitation relates.

9. The terms of the accompanying bid have not been, and will not be, disclosed by the bidder, directly or indirectly, to any competitor, prior to the date and time of the official bid opening or of the awarding of the contract.

³ 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.

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

............................................................ ............................................................
Signature Date

............................................................ ............................................................
Position Name of Bidder
GENERAL CONDITIONS OF CONTRACT

The General Conditions of Contract is not included in this document and may be downloaded from the following website:
