

INGQUZA HILL LOCAL MUNICIPALITY



BID NO: IHLM/194/2025-26/MM's

TRANSPORT FOR 1440 PEOPLE ATTENDING COMMEMORATION OF INGQUZA HILL MASSACRE

CLOSING DATE: 03 JUNE 2026

CLOSING TIME: 12H00

TENDER BOX ADDRESS: 135 MAIN STREET FLAGSTAFF

TENDER DOCUMENT: Downloadable on ihlm.gov.za Procurement: Open Tender

IMPORTANT NOTES TO BIDDERS:

- Tenders/Quotations must be properly received and deposited in the above-mentioned tender box on or before the closing date at Ingquza Hill Local Municipality, 135 Main Street, Flagstaff, 4810
- No late, couriered, faxed or emailed tenders will be accepted under any circumstances.
Tender offers must be submitted in a sealed envelope clearly reflecting the tender Number and tender description as indicated above.
- Do not reproduce this tender document (do not take it apart, omit pages, change wording or put documents between its pages). All other mandatory documents must be attached as per the advert requirements.
- Initial each and every page. Site meetings will be reflected on adverts if attendance is compulsory.

TENDERER	
NAME of Company/Close Corporation or Partnership /Consortium/ Joint Venture or Sole Proprietor /Individual/Other	
TRADING AS (if different from above)	
COMPANY REGISTRATION NUMBER	

BID NOTICE

Bids are hereby invited from suitable qualified and experienced service providers for the following services:		
CONTRACT NO.	DESCRIPTION	CLOSING DATE
<u>IHLM/194/2025-26/MM's</u>	Transport For 1440 People Attending Commemoration of Ingquza Hill Massacre	03 June 2026 at 12h00 Flagstaff Municipal Offices
<p>Evaluation criteria: 80/20 Price=80 points Specific Goals=20 points</p> <p>Owned by black people who are youth (18-35 years old) 4 points, owned by black people who are women 3 points, owned by black people 9 points, owned by black people living with disability 4 points</p>		
<p>Enquiries: Technical enquiries shall be addressed to MM's Office at amosha@ihlm.gov.za, Supply Chain Management at 039 252 0131 ext 3034. antongana@ihlm.gov.za.</p>		
<p>Tender validity period: 90 (ninety) days after tender closing date</p>		
<p>REQUIRED DOCUMENTS:</p> <p>Potential bidders are urged to submit the following attachments when submitting their proposals, failure to do so will lead to disqualification.</p> <ul style="list-style-type: none"> Valid Full CSD Proof of registration Completed and Signed Declarations (MBD1-9) attached on the tender document. A Valid SARS TCS Pin printout The bidder should be a taxi owner and belong to a Taxi Association and attach proof thereof A signed letter by the bidder confirming that no undisputed municipal accounts are overdue by more than 30 days and proof thereof. 	<p>CONDITIONS OF ACCEPTANCE:</p> <p>The Ingquza Hill Local Municipality is under no obligation to accept any proposal/tender and reserves the right not to accept the whole or any part of the proposal/tender. The only or lowest bid received shall not necessarily be accepted. No proposal/tenders will be considered from persons in the service of the state, the bidder or any of its directors/shareholders listed on the Register of Tender Defaulters in terms of the Prevention and Combating of Corrupt Activities Act of 2004 as a person prohibited from doing business with the public sector; the bidder has not: abused the Employer's Supply Chain Management System; or failed to perform on any previous contract and has been given a written notice to this effect. The municipality will only consider bids submitted on the original bid documentation provided by the municipality. The Ingquza Hill Local Municipality's supply chain policy will apply in all tender stages.</p>	
<p>OBTAINING OF TENDER DOCUMENTS:</p> <p>Downloadable on ihlm.gov.za Procurement: Open Bids/ eTender Portal</p>	<p>NB. No faxed, couriered, emailed tenders will be accepted.</p>	
<p>TENDER SUBMISSION AND OPENING</p> <p>Tenders/Proposals must be submitted by hand at 135 Main Street, Flagstaff, 4810 (Municipal Reception) by 12:00 local time on 03 June 2026</p> <p>Tenders should be sealed, endorsed on the envelope with: <u>IHLM/194/2025-26/MM's</u> Advert Date: 26 May 2026</p>	<p>The municipality reserves the right to extend the tender period by notice in the press and on the municipality's official website ihlm.gov.za</p> <p>V.C. Makedama</p> <p>_____</p> <p>Municipal Manager</p>	

**PART A
INVITATION TO BID**

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE INGQUZA HILL LOCAL MUNICIPALITY

BID NUMBER:	IHLM/194/2025-26/MM's	CLOSING DATE:	03 JUNE 2026	CLOSING TIME:	12:00 PM
DESCRIPTION	TRANSPORT FOR 1440 PEOPLE ATTENDING COMMEMORATION OF INGQUZA HILL MASSACRE				
THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (MBD7).					

BID RESPONSE DOCUMENTS MAY BE DEPOSITED IN THE BID BOX SITUATED AT (STREET ADDRESS

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:	

ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES OFFERED?	<input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES ENCLOSE PROOF]	ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES OFFERED?	<input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES, ANSWER PART B:3]
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TOTAL NUMBER OF ITEMS OFFERED		TOTAL BID PRICE	R
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SIGNATURE OF BIDDER		DATE	
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CAPACITY UNDER WHICH THIS BID IS SIGNED

BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO: TECHNICAL INFORMATION MAY BE DIRECTED TO:

DEPARTMENT	MM's Office	CONTACT PERSON	A Mosha
CONTACT PERSON	A Ntongana	TELEPHONE NUMBER	039 252 0131
TELEPHONE NUMBER	039 252 0131	FACSIMILE NUMBER	N/A
FACSIMILE NUMBER	N/A	E-MAIL ADDRESS	amosha@ihlm.gov.za
E-MAIL ADDRESS	antongana@ihlm.gov.za		

**PART B
TERMS AND CONDITIONS FOR BIDDING**

1. BID SUBMISSION:	
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 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)? <input type="checkbox"/> YES <input type="checkbox"/> NO
3.2.	DOES THE ENTITY HAVE A BRANCH IN THE RSA? <input type="checkbox"/> YES <input type="checkbox"/> NO
3.3.	DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA? NO <input type="checkbox"/> YES <input type="checkbox"/>
3.4.	DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA? NO <input type="checkbox"/> YES <input type="checkbox"/>
3.5.	IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION? NO <input type="checkbox"/> YES <input type="checkbox"/>
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:

MBD 2

1. 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 the attached form TCC 001 "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.
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. 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.
6. 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.

2.1 SARS APPLICATION FOR TCC MBD

MBD 3.1

**2. PRICING SCHEDULE – FIRM PRICES
(PURCHASES)**

NOTE: ONLY FIRM PRICES WILL BE ACCEPTED. NON-FIRM PRICES (INCLUDING PRICES SUBJECT TO RATES OF EXCHANGE VARIATIONS) WILL NOT BE CONSIDERED

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

Name of Bidder.....	Bid Number.....
Closing Time	Closing Date

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

ITEM NO.	QUANTITY	DESCRIPTION	BID PRICE IN RSA CURRENCY **(ALL APPLICABLE TAXES INCLUDED)
-	Required by:	.....
-	At:	.....
-	Brand and Model	.....
-	Country of Origin	.....
-	Does the offer comply with the specification(s)?		*YES/NO
-	If not to specification, indicate deviation(s)	.....
-	Period required for delivery	.....	*Delivery: Firm/Not firm
-	Delivery basis	.....

Note: All delivery costs must be included in the bid price, for delivery at the prescribed destination.

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

MBD 3.3
3.1 PRICING SCHEDULE AND SPECIFICATION
(SECTION 2)

Pricing Instructions:

1. All prices shall be tendered including VAT, customs or excise duty and any other duty, levy, or other applicable tax.
2. All prices shall be tendered in accordance with the units specified in this schedule.
3. All prices tendered must include all expenses, disbursements and costs (e.g. transport, overheads, accommodation etc.) that may be required in and for the execution of the work described in the Specification, and shall cover the cost of all general risks, liabilities and obligations set forth or implied in the Contract as well as overhead charges and profit (in the event that the tender is successful). All prices tendered will be final and binding.

SPECIFICATION FOR TRANSPORT FOR 1440 PEOPLE ATTENDING COMMEMORATION OF INGQUZA HILL MASSACRE

WARD	PICK UP POINTS	TYPE OF TRANSPORT	UNIT PRICE	AMOUNT
01	<ol style="list-style-type: none"> 1. Thembukazi to Ngquza Memorial Site 2. Mzamo to Ngquza Memorial Site 3. Dlongothi to Ngquza Memorial Site 4. Cokotho to Ngquza Memorial Site 5. Mangcwanguleni to Ngquza Memorial Site 6. Holweni to Ngquza Memorial Site 7. Maphoyi to Ngquza Memorial Site 	3 X 15-seater mini-buses (45 people)		
02	<ol style="list-style-type: none"> 1. Qhasa to Ngquza Memorial Site 2. Bhutshu to Ngquza Memorial Site 3. Nogwitsi to Ngquza Memorial Site 4. Giliziphunzi to Ngquza Memorial Site 5. Nkqoqheni to Ngquza Memorial Site 6. Ngcengce to Ngquza Memorial Site 	3 X 15-seater mini-buses (45 people)		
03	<ol style="list-style-type: none"> 1. Mathithiyeni to Ngquza Memorial Site 2. Sikhulu to Ngquza Memorial Site 3. Ngozi to Ngquza Memorial Site 4. Rome to Ngquza Memorial Site 5. Bhakaleni to Ngquza Memorial Site 6. KwaGoli to Ngquza Memorial Site 7. Mqatyeni to Ngquza Memorial Site 8. KwaLuka to Ngquza Memorial Site 9. KwaQhoma to Ngquza Memorial Site 10. Masantalala to Ngquza Memorial Site 	3 X 15-seater mini-buses (45 people)		
04	<ol style="list-style-type: none"> 1. Mbayi to Ngquza Memorial Site 2. Qebedu to Ngquza Memorial Site 3. Nozayo to Ngquza Memorial Site 4. Mhlophekazi to Ngquza Memorial Site 5. Magwambu to Ngquza Memorial Site 	3 X 15-seater mini-buses (45 people)		

	<ol style="list-style-type: none"> 6. Thafabanzi to Ngquza Memorial Site 7. Bukazi to Ngquza Memorial Site 			
05	<ol style="list-style-type: none"> 1. Dikidikini to Ngquza Memorial Site 2. Mcelu to Ngquza Memorial Site 3. Bisana to Ngquza Memorial Site 4. Gxelesha to Ngquza Memorial Site 5. Mneketshe to Ngquza Memorial Site 6. Ndimankulu to Ngquza Memorial Site 7. Ludeke to Ngquza Memorial Site 	3 X 15-seater mini-buses (45 people)		
06	<ol style="list-style-type: none"> 1. Mthwaku to Ngquza Memorial Site 2. Mngeni to Ngquza Memorial Site 3. Gabajana to Ngquza Memorial Site 4. Mbeki to Ngquza Memorial Site 5. Flagstaff Town to Ngquza Memorial Site 6. Nkululekweni to Ngquza Memorial Site 	3 X 15-seater mini-buses (45 people)		
07	<ol style="list-style-type: none"> 1. Eludiwane to Ngquza Memorial Site 2. Esiphezini to Ngquza Memorial Site 3. EBisi to Ngquza Memorial Site 	3 X 15-seater mini-buses (45 people)		
08	<ol style="list-style-type: none"> 1. Dukuza from Pakamani to Ngquza Memorial Site 2. Luthulini to Ngquza Memorial Site 3. Mkhumbi to Ngquza Memorial Site 4. Ngcweleni to Ngquza Memorial Site 5. Ngcungeni to Ngquza Memorial Site 6. Mdudwa to Ngquza Memorial Site 7. Mtshekelweni to Ngquza Memorial Site 8. Mhlanga to Ngquza Memorial Site 9. Mkhumeni to Ngquza Memorial Site 10. Zadungeni to Ngquza Memorial Site 	3 X 15-seater mini-buses (45 people)		
09	<ol style="list-style-type: none"> 1. Ndukudeni to Ngquza Memorial Site 2. Dlibona to Ngquza Memorial Site 	3 X 15-seater mini-buses (45 people)		

	<ol style="list-style-type: none"> 3. Balasi to Ngquza Memorial Site 4. Ngqandulo to Ngquza Memorial Site 5. Sipaqeni to Ngquza Memorial Site 6. Sigubudwini to Ngquza Memorial Site 7. Ngqayimbanane to Ngquza Memorial Site 	people)		
10	<ol style="list-style-type: none"> 1. Lukhahlambeni to Ngquza Memorial Site 2. Mzenge to Ngquza Memorial Site 3. Makhwesubeni to Ngquza Memorial Site 4. KwaZulu to Ngquza Memorial Site 5. Magquzu to Ngquza Memorial Site 6. Fama to Ngquza Memorial Site 7. JB to Ngquza Memorial Site 	3 X 15-seater mini-buses (45 people)		
11	<ol style="list-style-type: none"> 1. Zwelivumile to Ngquza Memorial Site 2. Mantusini to Ngquza Memorial Site 3. Hlwahlwazi to Ngquza Memorial Site 4. Khimbile to Ngquza Memorial Site 5. Sicwenza to Ngquza Memorial Site 6. Ndzaka to Ngquza Memorial Site 7. Dangwana to Ngquza Memorial Site 8. Bodweni to Ngquza Memorial Site 9. Mxhokozweni to Ngquza Memorial Site 10. Maqanyeni to Ngquza Memorial Site 	3 X 15-seater mini-buses (45 people)		
12	<ol style="list-style-type: none"> 1. Phandaphantsi to Ngquza Memorial Site 2. Didi to Ngquza Memorial Site 3. Siphezini to Ngquza Memorial Site 4. Qhamangweni to Ngquza Memorial Site 5. Mpoza to Ngquza Memorial Site 6. Buhlanyanga to Ngquza Memorial Site 	3 X 15-seater mini-buses (45 people)		
13	<ol style="list-style-type: none"> 1. Mpungutye to Ngquza Memorial Site 2. Ndimbaneni to Ngquza Memorial Site 3. Sixtrees to Ngquza Memorial Site 	3 X 15-seater mini-buses (45 people)		

	<ol style="list-style-type: none"> 4. Ndungunyeni to Ngquza Memorial Site 5. Mfinca to Ngquza Memorial Site 			
14	<ol style="list-style-type: none"> 1. Zinkumbini to Ngquza Memorial Site 2. Gubevu to Ngquza Memorial Site 3. Top-Area to Ngquza Memorial Site 4. Mmangweni to Ngquza Memorial Site 5. Nxaru to Ngquza Memorial Site 6. Nyathi to Ngquza Memorial Site 	3 X 15-seater mini-buses (45 people)		
15	<ol style="list-style-type: none"> 1. Mdikane to Ngquza Memorial Site 2. Slovo to Ngquza Memorial Site 3. Lusikisiki Town to Ngquza Memorial Site 4. Mdikane Extension to Ngquza Memorial Site 5. Malizole to Ngquza Memorial Site 	3 X 15-seater mini-buses (45 people)		
16	<ol style="list-style-type: none"> 1. Malangeni to Ngquza Memorial Site 2. Nkuzimbini to Ngquza Memorial Site 3. Mgezwe to Ngquza Memorial Site 4. Gule to Ngquza Memorial Site 5. Mcoyana to Ngquza Memorial Site 6. Luqrengqwni to Ngquza Memorial Site 	3 X 15-seater mini-buses (45 people)		
17	<ol style="list-style-type: none"> 1. Kanana to Ngquza Memorial Site 2. Mdikana to Ngquza Memorial Site 3. Gqathula to Ngquza Memorial Site 4. Tshandatsha to Ngquza Memorial Site 5. Sitshayelo to Ngquza Memorial Site 6. Diki to Ngquza Memorial Site 7. Ntsimbini to Ngquza Memorial Site 	3 X 15-seater mini-buses (45 people)		
18	<ol style="list-style-type: none"> 1. Fama to Ngquza Memorial Site 2. Ntongwana to Ngquza Mmeal Site 3. Mayalo to Ngquza Memorial Site 4. Machibi to Ngquza Memorial Site 	3 X 15-seater mini-buses (45 people)		

	<ol style="list-style-type: none"> 5. Dyasi to Ngquza Memorial Site 6. Bazana to Ngquza Memorial Site 7. Mgojweni to Ngquza Memorial Site 8. Mvivane to Ngquza Memorial Site 9. Nobaadula to Ngquza Memorial Site 10. Ngqxambani to Ngquza Memorial Site 			
19	<ol style="list-style-type: none"> 1. Ben Mali to Ngquza Memorial Site 2. Gunyeni to Ngquza Memorial Site 3. Wayside to Ngquza Memorial Site 4. Stadium to Ngquza Memorial Site 5. Khonjwayo to Ngquza Memorial Site 6. Ematankini to Ngquza Memorial Site 7. Excel Garage to Ngquza Memorial Site 	3 X 15-seater mini-buses (45 people)		
20	<ol style="list-style-type: none"> 1. Tyeni to Ngquza Memorial Site 2. Mtatambe to Ngquza Memorial Site 3. Bra-Move to Ngquza Memorial Site 4. Dubana-Grage to Ngquza Memorial Site 5. Nkukhwini to Ngquza Memorial Site 6. Madlelweni to Ngquza Memorial Site 7. Madamini to Ngquza Memorial Site 	3 X 15-seater mini-buses (45 people)		
21	<ol style="list-style-type: none"> 1. Ngibe to Ngquza Memorial Site 2. Nomzamo Community Hall to Ngquza Memorial Site 3. Ntsimbini Kwa-Fini to Ngquza Memorial Site 4. Ngqungqushu TVET College to Ngquza Memorial Site 5. Mavela S. P. S. to Ngquza Memorial Site 	3 X 15-seater mini-buses (45 people)		
22	<ol style="list-style-type: none"> 1. Goso Forest to Ngquza Memorial Site 2. Vellem (Lukhahlambeni) to Ngquza Memorial Site 3. Siwali to Ngquza Memorial Site 4. Mzizangwa to Ngquza Memorial Site 5. Gxeni to Ngquza Memorial Site 	3 X 15-seater mini-buses (45 people)		

23	<ol style="list-style-type: none"> 1. Ndengane to Ngquza Memorial Site 2. Role to Ngquza Memorial Site 3. Dimfi to Ngquza Memorial Site 4. Ndindi to Ngquza Memorial Site 5. Khonjwaya to Ngquza Memorial Site 6. Cuthwini to Ngquza Memorial Site 7. Mbotyi to Ngquza Memorial Site 	3 X 15-seater mini-buses (45 people)		
24	<ol style="list-style-type: none"> 1. Njombela to Ngquza Memorial Site 2. Ntlamvukazi to Ngquza Memorial Site 3. Komkhulu to Ngquza Memorial Site 4. Matheko to Ngquza Memorial Site 5. Ncoyana to Ngquza Memorial Site 6. Ntanzi to Ngquza Memorial Site 	3 X 15-seater mini-buses (45 people)		
25	<ol style="list-style-type: none"> 1. Lubala to Ngquza Memorial Site 2. Lumphondo to Ngquza Memorial Site 3. Marwaqa to Ngquza Memorial Site 4. Masimini to Ngquza Memorial Site 5. Sikhulu to Ngquza Memorial Site 6. Mdeni to Ngquza Memorial Site 7. Niyintsentse to Ngquza Memorial Site 8. Gwenyeni to Ngquza Memorial Site 9. Depho to Ngquza Memorial Site 10. Njanda to Ngquza Memorial Site 	3 X 15-seater mini-buses (45 people)		
26	<ol style="list-style-type: none"> 1. Gqibelana to Ngquza Memorial Site 2. Zinyangeni to Ngquza Memorial Site 3. Slabhini to Ngquza Memorial Site 4. Mathambo to Ngquza Memorial Site 5. Mtontsana to Ngquza Memorial Site 6. Ntakana to Ngquza Memorial Site 7. Bababe to Ngquza Memorial Site 8. Dolophini to Ngquza Memorial Site 9. Mhlanga to Ngquza Memorial Site 	3 X 15-seater mini-buses (45 people)		

	<ul style="list-style-type: none"> 10. Zidakweni to Ngquza Memorial Site 11. Mgxekwa to Ngquza Memorial Site 			
27	<ul style="list-style-type: none"> 1. Mtshayelo to Ngquza Memorial Site 2. Nkwezela to Ngquza Memorial Site 3. Vumindaba to Ngquza Memorial Site 4. Ndaliso to Ngquza Memorial Site 5. Mqhume to Ngquza Memorial Site 6. Upper-Qhopho to Ngquza Memorial Site 7. Mthombolwazi to Ngquza Memorial Site 	3 X 15-seater mini-buses (45 people)		
28	<ul style="list-style-type: none"> 1. Nkumandeni to Ngquza Memorial Site 2. Mapheleni to Ngquza Memorial Site 3. Mbono to Ngquza Memorial Site 4. Vlie to Ngquza Memorial Site 5. Qonda to Ngquza Memorial Site 6. Kwa-Velile to Ngquza Memorial Site 7. Gushu to Ngquza Memorial Site 8. Mketengeni to Ngquza Memorial Site 9. Reformed to Ngquza Memorial Site 10. Khabingele to Ngquza Memorial Site 	3 X 15-seater mini-buses (45 people)		
29	<ul style="list-style-type: none"> 1. Manqilo to Ngquza Memorial Site 2. Ndzondeni to Ngquza Memorial Site 3. Qhweza to Ngquza Memorial Site 4. Lower-Qhoqho to Ngquza Memorial Site 5. Tauka to Ngquza Memorial Site 6. Ndimakude to Ngquza Memorial Site 7. Lubala to Ngquza Memorial Site 	3 X 15-seater mini-buses (45 people)		
30	<ul style="list-style-type: none"> 1. Luphandlase to Ngquza Memorial Site 2. Jaca to Ngquza Memorial Site 3. Nonkonyana to Ngquza Memorial Site 4. Kutheli to Ngquza Memorial Site 5. Lujecweni to Ngquza Memorial Site 	3 X 15-seater mini-buses (45 people)		

	6. Thembeni to Ngquza Memorial Site			
31	<ol style="list-style-type: none"> 1. Bhungeni to Ngquza Memorial Site 2. Lwandlana to Ngquza Memorial Site 3. Gqina to Ngquza Memorial Site 4. Rhwantsana to Ngquza Memorial Site 5. OK to Ngquza Memorial Site 6. Ntlakwesikolo to Ngquza Memorial Site 7. Bala to Ngquza Memorial Site 8. Mafadobo to Ngquza Memorial Site 	3 X 15-seater mini-buses (45 people)		
32	<ol style="list-style-type: none"> 1. Mankuthe to Ngquza Memorial Site 2. Frank to Ngquza Memorial Site 3. Qwabe to Ngquza Memorial Site 4. Chibini to Ngquza Memorial Site 5. Lunikela to Ngquza Memorial Site 6. Refresher to Ngquza Memorial Site 7. Ndungunyweni to Ngquza Memorial Site 8. Cwija to Ngquza Memorial Site 9. Ntabezwe to Ngquza Memorial Site 10. Zitha to Ngquza Memorial Site 11. Mancuntsu to Ngquza Memorial Site 12. Vangomfazi to Ngquza Memorial Site 13. Machibini to Ngquza Memorial Site 	3 X 15-seater mini-buses (45 people)		
			TOTAL	R
			VAT	R
			GRAND TOTAL	R

TENDER OFFER

I, _____ (duly authorized to represent the tenderer for the purpose of this tender), hereby tender to supply all or any of the goods and/or render all or any of the services described in the attached document to the Ingquza Hill Local Municipality on the terms and conditions stipulated in this tender document and in accordance with the specification stipulated in the tender document at the prices reflected in the Contract Form/Price Schedule.

BIDDERS TOTAL OFFER (Inclusive of vat and all other charges)

R.....

The tenderer agrees that:

3.1 The tender offer submitted shall remain valid, irrevocable and open for written acceptance by the Ingquza Hill Local Municipality for a period of 90 days from the closing date or for such extended period as may be applicable;

3.2 The tender offer will not be withdrawn or amended during the aforesaid validity period;

3.3 Notwithstanding the above, the tenderer may submit a written request to the Ingquza Hill Local Municipality after the closing date for permission to withdraw the tender offer. Such withdrawal will be permitted or refused at the sole discretion of the Ingquza Hill Local Municipality after consideration of the reasons for the withdrawal, which shall be fully set out by the tenderer in the written request for withdrawal;

3.4 Should the tender offer be withdrawn in contravention of 3.1 to 3.3 above, the tenderer agrees that:

- (a) it shall be liable to the Ingquza Hill Local Municipality for any additional expense incurred by the Ingquza Hill Local Municipality in having either to accept another tender or, if new tenders have to be invited, the additional expenses incurred by the invitation of new tenders and the subsequent acceptance of any other tender;
- (b) the Ingquza Hill Local Municipality shall also have the right to recover such additional expenses by set-off against moneys which may be due or become due to the tenderer under this or any other tender or contract or against any guarantee or deposit that may have been furnished by the tenderer or on its behalf for the due fulfilment of this or any other tender or contract. Pending the ascertainment of the amount of such additional expenses, the Ingquza Hill Local Municipality shall be entitled to retain such moneys, guarantee or deposit as security for any loss the Ingquza Hill Local Municipality may suffer due to such withdrawal.

3.5 The tenderer agrees that this tender and its acceptance shall be subject to the terms and conditions contained in the Ingquza Hill Local Municipality's Supply Chain Management Policy ('SCM Policy') and Combating of Abuse of the Supply Chain Management System Policy ('Abuse Policy').

Signature(s)

Print name(s):
On behalf of the tenderer (duly authorised)

Date

MBD 4

3. 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, 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 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.

¹MSCM 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:

.....

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

Full Name	Identity Number	State Employee Number

.....
Signature

.....
Date

MBD 6.1**PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL PROCUREMENT REGULATIONS 2022**

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

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

1. GENERAL CONDITIONS

1.1 The following preference point systems are applicable to invitations to tender:

- 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 **To be completed by the organ of state**

(delete whichever is not applicable for this tender).

- a) The applicable preference point system for this tender is the 90/10 preference point system.
- b) The applicable preference point system for this tender is the 80/20 preference point system.
- c) Either the 90/10 or 80/20 preference point system will be applicable in this tender. The lowest/ highest acceptable tender will be used to determine the accurate system once tenders are received.

1.3 Points for this tender (even in the case of a tender for income-generating contracts) shall be awarded for:

- (a) Price; and
- (b) Specific Goals.

1.4 **To be completed by the organ of state:**

The maximum points for this tender are allocated as follows:

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

1.5 Failure on the part of a tenderer to submit proof or documentation required in terms of this tender to claim points for specific goals with the tender, will be interpreted to mean that preference points for specific goals are not claimed.

1.6 The organ of state reserves the right to require of a tenderer, either before a tender is adjudicated or at any time subsequently, to substantiate any claim in regard to preferences, in any manner required by the organ of state.

2. DEFINITIONS

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

3. FORMULAE FOR PROCUREMENT OF GOODS AND SERVICES

3.1. POINTS AWARDED FOR PRICE

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

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

$$\begin{array}{ccc}
 \mathbf{80/20} & \mathbf{or} & \mathbf{90/10} \\
 \\
 Ps = 80 \left(1 - \frac{Pt - P_{min}}{P_{min}} \right) & \mathbf{or} & Ps = 90 \left(1 - \frac{Pt - P_{min}}{P_{min}} \right)
 \end{array}$$

Where

- Ps = Points scored for price of tender under consideration
- Pt = Price of tender under consideration
- Pmin = Price of lowest acceptable tender

3.2. FORMULAE FOR DISPOSAL OR LEASING OF STATE ASSETS AND INCOME GENERATING PROCUREMENT

3.2.1. POINTS AWARDED FOR PRICE

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

$$\begin{array}{ccc}
 \mathbf{80/20} & \mathbf{or} & \mathbf{90/10} \\
 \\
 Ps = 80 \left(1 + \frac{Pt - P_{max}}{P_{max}} \right) & \mathbf{or} & Ps = 90 \left(1 + \frac{Pt - P_{max}}{P_{max}} \right)
 \end{array}$$

Where

- Ps = Points scored for price of tender under consideration
- Pt = Price of tender under consideration
- Pmax = Price of highest acceptable tender

4. POINTS AWARDED FOR SPECIFIC GOALS

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

Table 1: Specific goals for the tender and points claimed are indicated per the table below.

(Note to organs of state: Where either the 90/10 or 80/20 preference point system is applicable, corresponding points must also be indicated as such.)

Note to tenderers: The tenderer must indicate how they claim points for each preference point system.)

The specific goals allocated points in terms of this tender	Number of points allocated (90/10 system) (To be completed by the organ of state)	Number of points allocated (80/20 system) (To be completed by the organ of state)	Number of points claimed (90/10 system) (To be completed by the tenderer)	Number of points claimed (80/20 system) (To be completed by the tenderer)	Verification documents
Company owned by people who are youth (18-35 years)		5			CSD registration report/ ID Copy of the owner/ director registered
Company owned by people who are women		4			CSD registration report/ ID Copy of the owner/ director registered
Company owned by people who are living with disability		2			Letter from a medical practitioner
Company owned by black people		9			CSD registration report/ ID Copy of the owner/ director registered

DECLARATION WITH REGARD TO COMPANY/FIRM

- 4.3. Name of company/firm.....
- 4.4. Company registration number:
- 4.5. TYPE OF COMPANY/ FIRM

- Partnership/Joint Venture / Consortium
- One-person business/sole propriety
- Close corporation
- Public Company
- Personal Liability Company
- (Pty) Limited
- Non-Profit Company
- State Owned Company

[TICK APPLICABLE BOX]

4.6. I, the undersigned, who is duly authorised to do so on behalf of the company/firm, certify that the points claimed, based on the specific goals as advised in the tender, qualifies the company/ firm for the preference(s) shown and I acknowledge that:

- i) The information furnished is true and correct;
- ii) The preference points claimed are in accordance with the General Conditions as indicated in paragraph 1 of this form;
- iii) In the event of a contract being awarded as a result of points claimed as shown in paragraphs 1.4 and 4.2, the contractor may be required to furnish documentary proof to the satisfaction of the organ of state that the claims are correct;
- iv) If the specific goals have been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the organ of state may, in addition to any other remedy it may have –
 - (a) disqualify the person from the tendering 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 tenderer or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, be restricted from obtaining business from any organ of state for a period not exceeding 10 years, after the *audi alteram partem* (hear the other side) rule has been applied; and
 - (e) forward the matter for criminal prosecution, if deemed necessary.

NAME (PRINT)

CAPACITY

SIGNATURE

NAME OF FIRM

DATE

WITNESSES	
1	.....
2.	.....
DATE:.....	

**MBD 7.1
CONTRACT FORM - PURCHASE OF GOODS/WORKS**

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

PART 1 (TO BE FILLED IN BY THE BIDDER)

1. I hereby undertake to supply all or any of the goods and/or works described in the attached bidding documents to (name of institution)..... in accordance with the requirements and 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 time of 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);
 - Technical Specification(s);
 - Preference claims for Broad Based Black Economic Empowerment Status Level of Contribution in terms of the Preferential Procurement Regulations 2011;
 - Declaration of interest;
 - Declaration of bidder's past SCM practices;
 - Certificate of Independent Bid Determination;
 - Special Conditions of Contract;
 - (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 goods and/or works specified in the bidding documents; that the price(s) and rate(s) cover all my obligations and I accept that any mistakes regarding price(s) and rate(s) and calculations will be at my own risk.

4. I accept full responsibility for the proper execution and fulfilment of all obligations and conditions devolving on me under this agreement as the principal liable for the due fulfilment 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	.....
3.	.....
DATE:.....	

MBD 7.1

CONTRACT FORM - PURCHASE OF GOODS/WORKS

PART 2 (TO BE FILLED IN BY THE PURCHASER)

1. I..... in my capacity as.....
accept your bid under reference numberdated.....for the supply of goods/works indicated hereunder and/or further specified in the annexure(s).
2. An official order indicating delivery instructions is forthcoming.
3. I undertake to make payment for the goods/works delivered in accordance with the terms and conditions of the contract, within 30 (thirty) days after receipt of an invoice accompanied by the delivery note.

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

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

SIGNED ATON.....

NAME (PRINT)

SIGNATURE

OFFICIAL STAMP

WITNESSES

1.

2.

DATE

MBD 8

8. 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.**

Item	Question	Yes	No
4.1	<p>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?</p> <p>(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).</p> <p>The Database of Restricted Suppliers now resides on the National Treasury's website (www.treasury.gov.za) and can be accessed by clicking on its link at the bottom of the home page.</p>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.1.1	If so, furnish particulars:		
4.2	<p>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)?</p> <p>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.</p>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
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 <input type="checkbox"/>	No <input type="checkbox"/>

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, or to any other municipality, that is in arrears for more than three months?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.4.1	If so, furnish particulars:		
4.5	Was any contract between the bidder and the municipality 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 <input type="checkbox"/>	No <input type="checkbox"/>
4.7.1	If so, furnish particulars:		

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

MBD 9
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 *pe se* 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.

MBD 9

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 of Bidder)

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 consortium³ will not be construed as collusive bidding.
7. In particular, without limiting the generality of paragraphs 6 above, there has been no consultation, communication, agreement or arrangement with any competitor regarding:
 - (a) prices;
 - (b) geographical area where product or service will be rendered (market allocation)
 - (c) methods, factors or formulas used to calculate prices;
 - (d) the intention or decision to submit or not to submit, a bid;

- (e) the submission of a bid which does not meet the specifications and conditions of the bid; or
- (f) bidding with the intention not to win the bid.

- 8. In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications and conditions or delivery particulars of the products or services to which this bid invitation relates.
- 9. The terms of the accompanying bid have not been, and will not be, disclosed by the bidder, directly or indirectly, to any competitor, prior to the date and time of the official bid opening or of the awarding of the contract.

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