



ELIAS MOTSOLEDI LOCAL MUNICIPALITY

EMLM 02/2023

PROVISION OF PHYSICAL SECURITY SERVICES AND RISK MANAGEMENT IN ELIAS MOTSOLEDI LOCAL MUNICIPALITY AREA - FOR A PERIOD OF THREE (3) YEARS

CLOSING DATE:	02 SEPTEMBER 2022	TIME	11H00
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NAME OF TENDERER / BIDDER	
TOTAL BID PRICE	R
CENTRAL SUPPLIER DATABASE NUMBER	MAAA
B-BBEE LEVEL (e.g Level 1)	LEVEL
CONTACT PERSON	
TELEPHONE NUMBER	
FAX NUMBER	

ENQUIRIES REGARDING BID PROCEDURES		TECHNICAL ENQUIRIES	
MANAGER: SUPPLY CHAIN MANAGEMENT		MANAGER: RISK OFFICE	
V.E MASILELA		L.K MATHEBE	
TEL. NUMBER	TEL.013 262 3056	TEL. NUMBER	013 262 3056
TENDER ISSUED BY			
SUPPLY CHAIN MANAGEMENT UNIT			
ELIAS MOTSOLEDI LOCAL MUNICIPALITY			
P.O. BOX 48, GROBLERSDAL, 0470		TEL. NUMBER	013 262 3056

ELIAS MOTSOLEDI LOCAL MUNICIPALITY

TENDER DETAILS						
TENDER NUMBER	EMLM 02/2023					
TENDER TITLE	PROVISION OF PHYSICAL SECURITY SERVICES AND RISK MANAGEMENT IN ELIAS MOTSOLEDI LOCAL MUNICIPALITY AREA - FOR A PERIOD OF THREE (3) YEARS					
CLOSING DATE	02 SEPTEMBER 2022		CLOSING TIME		11H00	
SITE MEETING	DATE	16 AUGUST 2022	TIME	11H00	COMPULSORY	YES
SITE MEETING ADDRESS	2nd GROBLER AVENUE GROBLERSDAL					
CIDB GRADING REQUIRED	NIA		LEVEL AND CATEGORY		N/A	
TENDER DOCUMENT FEE	R1000.00(if collecting from the Municipality) Free when uploading from e-tender portal		PREFERENCE POINT SYSTEM		80/20	
BID BOX SITUATED AT	MAIN OFFICES, 2ND GROBLER AVENUE , Elias Motsoaledi Local Municipality.					
OPERATING HOURS	The bid box is open during office hours, Monday to Friday from 07h30 to 16h15.					
OFFER TO BE VALID FOR	90	DAYS FROM THE CLOSING DATE OF TENDER.				
<p>PLEASE NOTE:</p> <ol style="list-style-type: none"> Prospective suppliers must be registered on CSD prior to submitting bid (open tender) Tenders that are deposited in the incorrect box will not be considered. Mailed, telegraphic, telex, or faxed tenders will not be accepted. No late bids after closing date and time will be accepted. Bids not clearly marked and unamend will not be accepted. Bids may only be submitted on the bid documentation provided by the municipality. No awards will be made to a person: <ol style="list-style-type: none"> Who is in the service of the state, If that person is not a natural person, of which any director, manager, principal shareholder or stakeholder is a person in the service of the state Who is an advisor or consultant contracted with the municipality or municipal entity 						

BIDDER’S TENDER DOCUMENTATION DECLARATION CERTIFICATION

I, the undersigned certify that the information furnished on this declaration form is correct, completed and submitted.	
NAME OF REPRESENTATIVE	
POSITION / DESIGNATION	
SIGNATURE	
DATE	



T1.1 TENDER NOTICE & INVITATION
ELIAS MOTSOALEDI LOCAL MUNICIPALITY
TENDER NO.: EMLM 02/2023
CLOSING DATE: 02 SEPTEMBER 2022 AT 11H00

In terms of Section 110 of the Municipal Finance Management Act, 2003 (No. 56 of 2003), tenders are hereby invited for **PROVISION OF PHYSICAL SECURITY SERVICES IN ELIAS MOTSOALEDI LOCAL MUNICIPALITY AREA - FOR A PERIOD OF THREE (3) YEARS**

Tender documents and specifications are available and can be obtained from CASHIERS OFFICE IN THE MAIN OFFICES, 2ND Grobler Avenue Groblersdal, P.O. Box 48, Groblersdal, 0470 (Tel: [013] 262 3056, at a non-refundable deposit of **R1000.00** when the bidder request/need a document from the municipality and it is free of charge when downloaded from the e-Tender Portal. Payments can be made through cash payable to the Elias Motsoaledi Local Municipality

The closing time for receipt of tenders is **02 SEPTEMBER 2022 at 11H00**. Telegraphic, telephonic, telex, facsimile, e-mail, unmarked and **late tenders** will under no circumstances be considered and accepted. The tender box will be emptied just after closing time on the closing date. Hereafter all bids will be open in public.

Any technical enquiries relating to the tender document may be directed to the **Municipal Managers Office (Mr. L.K Mathebe)** on 013 262 3056 or at kmathebe@emlm.gov.za for technical assistance.

Fully completed tender documents, clearly marked **"PROVISION OF PHYSICAL SECURITY SERVICES IN ELIAS MOTSOALEDI LOCAL MUNICIPALITY AREA - FOR A PERIOD OF THREE (3) YEARS** with **"NAME of TENDERER"** must be placed in a sealed envelope and placed in the **tender box 1** on the **2nd Grobler Avenue**, Elias Motsoaledi Local Municipality, Main Offices, Groblersdal, **by no later than 02 SEPTEMBER 2022 at 11H00**. The envelope must be endorsed with number, title and closing date as indicated above.

Bidders will be evaluated on functionality whereby **70 points (70%)** has to be attained before financial proposals can be looked at. A preferential point system shall apply whereby a contract will be allocated to a tenderer in accordance with the Preferential Procurement Policy Framework Act, Act No. 5 of 2000 and as defined in the Conditions of Tender in the tender document, read in conjunction with the Supply Chain Management Policy of Elias Motsoaledi Local Municipality where **80 points** will be allocated in respect of price and **20 points** in respect of B-BBEE Status Level of Contribution.

No awards will be made to a person:

- Who is not registered on the Central Supplier Database;
- Who is in the service of the state;
- If that person is not a natural person, of which any director, manager, principal shareholder or stakeholder is a person in the service of the state; and/or
- Who is an advisor or consultant contracted with the municipality or municipal entity?

The municipality reserves the right to withdraw any invitation to tender and/or to re-advertise or to reject any tender or to accept a part of it. The municipality does not bind itself to accepting the lowest tender or award a contract to the bidder scoring the highest number of points



**TERMS OF REFERENCE
FOR
PROVISION OF PHYSICAL SECURITY SERVICES IN ELIAS MOTSOLEDI LOCAL MUNICIPALITY AREA -
FOR A PERIOD OF THREE (3) YEARS**

1. INTRODUCTION

- 1.1. The Elias Motsoaledi Local Municipality requires suitably qualified security contractors to provide security guarding services that covers the Elias Motsoaledi Local Municipality Municipal area.

2. SCOPE

- 2.1. A service provider will be responsible to provide security guarding services at Municipal buildings and sites in the Elias Motsoaledi Local Municipality areas.
- 2.2. Service Providers are hereby invited to tender for the provision of security guarding services and supply security items listed at municipal buildings and sites in the Elias Motsoaledi Local Municipality area.

3. GENERAL

3.1. Validity period

The tender must be valid for a period of 90 days from closing date of tender.

3.2. Compulsory clarification session

A compulsory clarification session will be held on **16 August 2022 at 11:00** at the Municipal chamber, 2nd Grobler avenue, Groblersdal.

3.3. Contract period

The contract period will be for 36 months after successful conclusion of the service level agreement.

3.4. Pricing and escalation

- 3.4.1. Prices tendered shall be firm for the period of 36 months.

3.5. Professional registration

- 3.5.1. Service Providers and staff members must be registered with the Private Security Industry Regulatory Authority (PSIRA). Certified proof of registration of the company and staff must accompany the tender. Failure to submit these documents with the tender will result in your bid being disqualified.

- 3.5.2. Proof of PSIRA registration of all new personnel that will be deployed at the municipal sites, appointed during the duration of the contract, must be submitted to the chief Risk Officer or immediate subordinate. It will be considered a breach of contract should it be discovered that any services within the scope of this tender is carried out by an unqualified and unregistered person.

3.6. Workmen's Compensation

The bidder must be COIDA compliant before the execution of any work in terms of the contractual obligations. A letter of good standing in terms of COIDA or latest assessment and proof of payment thereof or proof of registration (only in cases of a new registration) will suffice

3.7. Evaluation and award

- 3.7.1. The estimated quantities for the contract are for pricing comparison purposes only (tender evaluation) and may vary.

3.7.2. A rate per month will be awarded per area.

4. TECHNICAL REQUIREMENTS

4.1. Guards must be deployed at the following areas:

It should be noted that the sites listed below are the current sites which require security guards. The Elias Motsoaledi Local Municipality may reduce or increase the number of security guards due to the fact that cameras may be installed in the future. 30 days' notice will be given to the successful bidder.

	Existing sites	Quantity of Guards (TOTAL)	Week	Weekend
4.1.1	GROBLERSDAL			
(a)	Main entrance Groblersdal	6	4	2
(b)	Municipal Manager Office	1	1	0
(c)	Mayor /Speaker Manager Office	1	1	0
(d)	Parking entrance Groblersdal	4	2	2
(e)	Stores Groblersdal	6	3	3
(f)	Infrastructure and Community Services	5	3	2
(g)	Groblersdal Waste station	4	2	2
(h)	Commando Offices	4	2	2
(i)	Game Farm Groblersdal**	4	2	2
(j)	Pack house Groblersdal	4	2	2
(k)	Traffic control	1	1	1
(l)	Cashier Offices(treasury and Licence)	2	2	0
(m)	Library Entrance	2	1	1
(n)	Driver Licence Testing Station	4	2	2
4.1.2	HLOGOTLO SATELLITE			
(a)	Hlogotlou Office	6	3	3
(b)	Hlogotlou stadium	4	2	2
(c)	Hlogotlou Waste Transfer	5	3	2
4.1.3	ROOSSENEKAL SATELLITE			
(a)	Roosenekal Office	8	4	4
(b)	Roosenekal Waste Station	4	2	2
4.1.4	MOTETEMA, ELANDSDOORN & UITSPANNING SATELLITE			
(a)	Motetema Office	6	3	3

	Existing sites	Quantity of Guards (TOTAL)	Week	Weekend
(b)	Tafelkop Stadium	4	2	2
(c)	Elandsdoorn Office	4	2	2
(d)	Uitspanning Office	4	2	2
4.1.5	CCTV Cameras upgrading and Monitoring			
4.1.6	Security Risk Assessment report on appointment			
4.1.7	Alarms and Armed Responses			
4.1.8	Ad-hoc Security and including Vehicles			

4.2. Shifts

- 4.2.1. A 12-hour day shift will start at 06:00 and end at 18:00.
- 4.2.2. A 12-hour night shift will start at 18:00 and end at 06:00.
- 4.2.3. A 5-day day-shift week will commence from 06:00 on Monday and end at 18:00 on Friday.
- 4.2.4. A 5-day night-shift week will commence from 18:00 on Monday and end at 06:00 on Saturday.
- 4.2.5. Certain sites will require weekend guarding services and a weekend will start on Friday night from 18:00 and end on Monday at 06:00

4.3. Function of the Service Provider:

The Service Provider must:

- 4.3.1. Ensure that personnel are deployed at sites on time, in correct attire and in possession of the necessary equipment.
- 4.3.2. Ensure that premises and guards be visited and inspected during a shift period excluding shift changes. The visit must be entered into the logbook of the guard.
- 4.3.3. Report any emergencies and possible illegal activities to Elias Motsoaledi Local Municipality Risk Management Unit.
- 4.3.4. Control and supervise all personnel on duty.
- 4.3.5. Ensure that registers are up to date and available for inspection by a Safety and Security official(s) of the municipality.
- 4.3.6. Submit a monthly report to the Chief Risk Officer or immediate Sub-Ordinate regarding all incidents within 10 days after the end of the month.
- 4.3.7. Make recommendations to Safety and Security official(s) with regard to improvement or preventative measures with regard to security issues relating to a site.
- 4.3.8. Ensure that a supervisor is available at all times.
- 4.3.9. If a service provider fails to comply with any of its functions, it may result in the contract being cancelled.

4.4. Function of guards:

The guard on duty at the municipal site must:

- 4.4.1. Be on duty at least 15 minutes before the start of the shift and he/she may not leave the site before the time the shift has ended.
 - 4.4.2. Fill in a daily log sheet indicating the following:
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- 4.4.2.1. Shift start time
 - 4.4.2.2. Shift end time
 - 4.4.2.3. Visitors to the site – entrance and exit times
 - 4.4.2.4. Inspections from Managers and Safety and Security Officials.
 - 4.4.3. Record inspection results and activities on hourly basis.
 - 4.4.4. Report all emergencies and possible illegal activities to the designated managers.
 - 4.4.5. Ensure that no unauthorised person enters the premises.
 - 4.4.6. Patrol the facilities and perimeters of the site.
 - 4.5. **Special Conditions**
 - 4.5.1. **Security Personnel**
 - 4.5.1.1. The following is required from all security personnel:
 - When on duty:
 - (a) Personnel must be dressed in full company security uniform when on duty.
 - (b) Guards must be in possession of a truncheon, torch, and a two way communication device.
 - (c) Guards must be in possession of a firearm (as and when required).
 - (d) Guards must be accompanied by a dog (as and when required).
 - (e) Security personnel must wear an ID card whilst on duty in such a manner that it can be clearly seen. The ID card must contain the members' name, surname, PSIRA number, employee number and a photo of the employee.
 - 4.5.2. All personnel must be registered with PSIRA.
 - 4.5.3. Security personnel must be registered as a company employee with PSIRA.
 - 4.5.4. All personnel must have police clearance and may not have a criminal record. A six monthly report regarding the police clearance of all guards must be submitted with the monthly report.
 - 4.5.5. All guards must at least have a Grade D security grading.
 - 4.5.6. All guards must be fluent in two of the three official languages.
 - 4.6. **General requirements – Service provider**
 - 4.6.1. The service provider must have a 24 hour dedicated control room in the Elias Motsoaledi Local Municipality Area when submitting the tender. Proof of address must be submitted with the tender documents. A Risk Management Unit will inspect the control room during the evaluation of the tender.
 - 4.6.2. The business premises must be registered with PSIRA as a security business at that location.
 - 4.6.3. The control room must have an electronic two-way radio base set that is connected to a radio network which enables radio communication through the Over strand.
 - 4.6.4. Emergency Radio's with spare battery in the case of power failure.
 - 4.6.5. Operational computer with email/fax facilities and capable to do live tracker monitoring to ensure that the security guard patrols the designated area regularly.
 - 4.6.6. The Control room must have at least a table, chair, toilet, basin and a landline.
 - 4.6.7. The registered premises must have an administration officer from Monday to Friday during normal office hours.
 - 4.6.8. The control room must have strict access control and it must be according to PSIRA standards. A PSIRA certificate with regard to the control room standard must be submitted with the tender documents.
 - 4.6.9. Guards must be paid equal to or above required PSIRA salary rates. Proof of salary rates of the service provider must be submitted with the tender documents.
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- 4.6.10. All personnel must belong to a provident fund. A compliance letter from the fund must be attached to the tender.
 - 4.6.11. The Service Provider must submit proof of a Public Liability Insurance Policy to the value of at least R5 Million providing cover against all claims (including claims related to the use or misuse of fire-arms), against the Council, Contractor or its employees.
 - 4.6.12. The Service Provider must have at least 10 vehicles in road worthy condition and must submit a certified copy of the registration certificate and road worthy certificate of the vehicles. Where a Service Provider leases a vehicle a copy of the lease agreement must accompany the tender documents.
 - 4.6.13. An inspection by a dedicated official will be done after the closing date of the tender.
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Minimum Qualifying Requirements /Compulsory Returnable Documents:

1. Fully Completed and Signed MBD Forms with a black ink (1; 4;5; 6.1; 8 & 9).
2. Attach CSD registration report (summary or detailed).
3. Valid copy Entity / Company registration certificate.
4. Any alteration on the tender document must be signed **(NB: Not Initialed)**.
5. Every page on the tender documents must be signed **(NB: Not Initialed)**.
6. Forms must be signed in Black ink.
7. Attendance of Compulsory Briefing Session.
8. ICASA licence (Proof for Radios)
9. PSIRA registration certificate for the Company and all its directors.
10. PSIRA registration certificate for all the employees (minimum of 30 personnel)
11. Four (4) road worthy vehicles. Proof of ownership or lease agreement with proof of ownerships (eNATIS).
12. Proof of Public Liability Insurance Policy to the value of at least R5 Million providing cover against all claims (including claims related to the use or misuse of fire-arms), against the Council, service provider or its employees.
13. Annual financial statement: **if the bidder is required by law to prepare annual financial statements for auditing, their audited annual financial statements - for the past three years; or since their establishment if established during the past three years; NB (Approved/ Signed by the Member(s) / Director(s).**
14. Letter of good standing (Compensation for Occupational Injuries and Disease Act (COIDA)) from Department of Labour OR any company accredited by the Department of Labour
15. Company Profile **(Detailing; Name of Client; Service Provided; Award Amount; Contact Person and Contact Number).**
16. CIPC Abridged Certificate Annual returns **(NB applicable to entities that are in business for more than 12 months).**
17. Proof of Municipal rates and taxes or services charges:
 - Of the company and all of its directors not in arrears for more than 90 days or
 - Confirmation from the municipality if municipal rates and taxes are not levied (for the company and all its director(s)) as per CK/Company form of address on the registration certificate or
 - if leasing, a signed lease agreement by the lessor and the lessee and a declaration/letter indicating that the bidder and/or the director does not have municipal account and that the municipal services; rates and taxes are paid by the property owner, should be signed by the lessor and such declaration/letter must be attached / Municipal rates in the name of the lessor for both company and director(s).
18. Original Certified copies of ID's of the Director(s) **(Certification not older than 3 months before the closing date).**
19. **In case of a Joint Venture**, Association or Consortium a formal contract agreement must be signed by both parties and be attached and the following must be adhered to:

- All of the above requirements must be for the both entities.
- Consolidated Valid B-BBEE Certificate issued by a SANAS

Verification agency; **NB: No sworn affidavits will be considered.**

20. Original certified copy of B-BBEE Certificate issued by a SANAS verification agency; original Sworn Affidavit from commissioner of oaths or Original / Certified copy of CIPC Sworn Affidavit. **(if not submitted will not be disqualified but no points will be allocated for B-BBEE)**

NB: FAILURE TO MEET ANY OF THE ABOVE REQUIREMENTS WILL LEAD TO IMMEDIATE DISQUALIFICATION,

Mandatory Compliance

1. Submission of a Bid Price indicating a detailed breakdown
2. The 1st phase will be the evaluation of bids on functionality and during this stage bids that do not meet the minimum threshold for functionality will be disqualified and will not be considered for the second phase of evaluation, i.e.
3. commercial evaluation based on price and preference points. The 2nd phase evaluation will be on price points (80 points) and preference points (20)
 - Price = 80 points
 - Preference = 20 points

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

2. EVALUATION ON QUALITY/FUNCTIONALITY = 100

The bids will be evaluated based on the following criteria for functionality and site Inspection, whereby the bidder must obtain a minimum score of 70 points to qualify for further evaluation on Price.

BIDDER EVALUATION CRITERIA FOR FUNCTIONALITY	DESCRIPTION	MAXIMUM POINTS
COMPANY EXPERIENCE: Previous experience of the company in providing physical security services; Riots or crowd control or etc (attach appointment letters and stamped reference letters. The reference letter must indicate contract/Bid number and the value of the contract. <i>N.B The reference letter must support similar/ same appointment letter. (if the bidder provides different appointment letter to the reference letter the municipality will not consider the reference letter as part of evaluation).</i>	The bidder has successful rendered security services in the (public or private sector) (Attach appointment letters and stamped reference letters for current or previous clients.) <ul style="list-style-type: none"> • R40 million and above = 15 Points per letter • R25 million – below R40 million = 10 Points per letter • R10 million – below R25 million = 05 Points per letter 	30
PROVIDENT FUND	Provident Fund Confirmation letter	10

KEY PERSONNEL KNOWLEDGE: (Area Manager, Manager; Areas Supervisor, Supervisor) Attached ID, C.V, certified copy of qualifications & 10Organizational structure <i>NB: Certification not older than 3 months before the closing date.</i>	<ul style="list-style-type: none"> • Area Manager with a maximum of 10 years' experience in the security industry and post graduate Diploma in security management or equivalent = 2.5 points • Manager with 5 to 9 years' experience in the security industry and National Diploma in Security Management or equivalent = 2.5 points • Area Supervisor with 2 to 5 years' experience and Certificate in security management or equivalent = 2.5 points • Supervisor with 2 to 5 years' experience and Certificate in security management or equivalent = 2.5 points <p><i>Non-attachment of the CV, ID and qualification will result in no points allocation.</i></p>	10
FIREARM COMPETENCY CERTIFICATE	Attach minimum of 30 Firearm Competency Certificates	20
BANK RATING	Banking grading/ ratings requirements: <ul style="list-style-type: none"> • A or B grading (10points) • C grading (08 points) • D grading (05 points) • E grading (02 points) 	10
PRESENTATION (Only those service provider who scored a minimum of 40 points will be invited for a presentation)	Project well organized and easy to follow and with clear understanding of our security environment = 10 Points	20
	Creativity = 2.5 Points	
	Did the presentation give clear and Concrete explanation and examples = 2.5 Points	
	Overall rating, including presentation style organization = 2.5 Points	
	Project well organized and easy to follow = 2.5 Points	
	MINIMUM QUALIFYING SCORE 70 POINTS	TOTAL 100

The bidder must obtain a minimum score of 70 points to qualify for further evaluation.

The bidders who complied with the administrative evaluation criteria and obtained a minimum of 70% on functionality will be evaluated further in terms of phase 3 of the tendering process.

1. SCHEDULE OF EXPERIENCE OF THE BIDDER

	Employer (Name, Tel, Fax, Email)		Nature of work	Value of work (Incl. VAT)	Date started	Date completed
1.	Name of					
	Contact					
	Tel					
	Fax					
	Email					
2.	Name of					
	Contact					
	Tel					
	Fax					
	Email					
3.	Name of					
	Contact					
	Tel					
	Fax					
	Email					
4.	Name of					
	Contact					
	Tel					
	Fax					
	Email					
5.	Name of					
	Contact					
	Tel					
	Fax					
	Email					

Attach more pages if necessary.

2. SCHEDULE OF VEHICLES

The following are lists of major items of relevant equipment that I/we **presently** own or lease and will have available for this contract or will acquire or hire for this contract if my / our tender is accepted.

1. DETAILS OF VEHICLES OWNED BY AND IMMEDIATELY AVAILABLE FOR THIS CONTRACT.			
QUANTITY	DESCRIPTION	SIZE	CAPACITY

Attach additional pages if more space is required.

Number of sheets appended by the tenderer to this schedule (If nil, enter NIL)	
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3. PRICING SCHEDULE

NOTE:

- Only firm prices will be accepted. Non-firm prices will not be considered.
- All delivery costs **MUST** be included in the bid price, for delivery at the prescribed destination.
- Document **MUST** be completed in non-erasable black ink.
- NO** correction fluid/tape may be used.
 - In the event of a mistake having been made, it shall be crossed out in ink and be accompanied by an initial at each and every alteration.
- The Bidder **MUST** indicate whether he/she/the entity is a registered VAT Vendor or not.
 - In the case of the Bidder not being a registered VAT Vendor, both columns (amount/rate excluding AND including VAT) must reflect the same amount.

	INDICATE WITH AN 'X'									
Are you/is the firm a registered VAT Vendor	YES					NO				
If "YES", please provide VAT number										

I / We _____ (full name of Bidder) the undersigned in my capacity as _____ of the firm _____ hereby offer to Elias Motsoaledi Local Municipality to render the services as described, in accordance with the specification and conditions of contract to the entire satisfaction of the Elias Motsoaledi Local Municipality and subject to the conditions of tender, for the amounts indicated hereunder:

BILL OF QUANTITY (BOQ):

Shift	PERSONNEL PER SHIFT	TOTAL PERSONNEL	Rate Per Month e.g R500 x 15 =R7,500.00	GROBLERSDAL		
				Year 1	Year 2	Year 3
				Price VAT Exc e.g R7,500.00 x 12 =R90,000.00	Price VAT Exc. e.g R90,000.00 + 10% =R99,000.00	Price VAT Exc e.g R99,000.00 + 10% = R108,900.00
Day Shift (5 day week)	28	48				
Night Shift (5 day week)	28					
Weekend (Night)	21					
Weekend (Day)	21					

Shift	PERSONNEL PER SHIFT	TOTAL PERSONNEL	Rate Per Month e.g R500 x 15 =R7,500.00	HLOGOTLOU SATELLITE		
				Year 1	Year 2	Year 3
				Price VAT Exc e.g R7,500.00 x 12 =R90,000.00	Price VAT Exc. e.g R90,000.00 + 10% =R99,000.00	Price VAT Exc e.g R99,000.00 + 10% = R108,900.00
Day Shift (5 day week)	8	15				
Night Shift (5 day week)	8					
Weekend (Night)	7					
Weekend (Day)	7					

Shift	PERSONNEL PER SHIFT	TOTAL PERSONNEL	Rate Per Month e.g R500 x 15 =R7,500.00	ROOSSENEKAL SATELLITE		
				Year 1	Year 2	Year 3
				Price VAT Exc e.g R7,500.00 x 12 =R90,000.00	Price VAT Exc. e.g R90,000.00 + 10% =R99,000.00	Price VAT Exc e.g R99,000.00 + 10% = R108,900.00
Day Shift (5 day week)	6	12				
Night Shift (5 day week)	6					
Weekend (Night)	6					
Weekend (Day)	6					

Shift	PERSONNEL PER SHIFT	TOTAL PERSONNEL	Rate Per Month e.g R500 x 15 =R7,500.00	MOTETEMA, ELANDSDOORN & UITSPANNING SATELLITE		
				Year 1	Year 2	Year 3
				Price VAT Exc e.g R7,500.00 x 12 =R90,000.00	Price VAT Exc. e.g R90,000.00 + 10% =R99,000.00	Price VAT Exc e.g R99,000.00 + 10% = R108,900.00
Day Shift (5 day week)	9	18				
Night Shift (5 day week)	9					
Weekend (Night)	9					
Weekend (Day)	9					

CCTV CAMERAS MONITORING FOR ENTIRE ELIAS MOTSOLEDI LOCAL MUNICIPALITY BUIDLINGS				
DESCRIPTION	MONTHLY RATE	Year 1	Year 2	Year 3
		Price VAT Exc	Price VAT Exc	Price VAT Exc
CCTV CAMERAS MONITORING				

Security Risk Assessment report on appointment.			
DESCRIPTION	Year 1	Year 2	Year 3
	Price VAT Exc	Price VAT Exc	Price VAT Exc
Security Risk Assessment report on once a year			

Alarm and Armed Responses		
DESCRIPTION	MONTHS	TOTAL VAT Exc
Alarm and Armed Response (Including maintenance and repairs on the alarm system infrastructure)	36	

DESCRIPTION	QUANTITY	PRICES VAT Exc
Ad-hoc Security and patrol vehicles (Not more than 10% of total physical security services)	As and when required	

PRICING SCHEDULE SUMMARY

GROBLERSDAL AND SATELITE OFFICES	
DESCRIPTION	BID PRICE
PHYSICAL SECURITY SERVICES	
TOTAL AMOUNT FOR YEAR 1	R
PHYSICAL SECURITY SERVICES	
TOTAL AMOUNT FOR YEAR 2	R
PHYSICAL SECURITY SERVICES	
TOTAL AMOUNT FOR YEAR 3	R
Ad-hoc Security	R
CCTV Camera monitoring	R
Security Risk Assessment	R
Alarm and Armed Response	R
Sub-Total	R
VAT @ 15%	R
Grand Total (TOTAL BID PRICE FOR 3 YEARS)	R

Attach a clear quote noting the quantities above (Monthly quote and three years) include escalation on year 2 and 3.

Price Escalation not exceeding 10% per annum will be allowed on years two and years three respectively, clearly indicated in the price quotation.

4. DECLARATION BY TENDERER

I / We acknowledge that I / we am / are fully acquainted with the contents of the conditions of tender of this tender document and that I / we accept the conditions in all respects.

I / We agree that the laws of the Republic of South Africa shall be applicable to the contract resulting from the acceptance of *my / our tender and that I / we elect *domicillium citandi et executandi* (physical address at which legal proceedings may be instituted) in the Republic at:

I / We accept full responsibility for the proper execution and fulfillment of all obligations and conditions devolving in me / us under this agreement as the principal liable for the due fulfillment of this contract.

I / We furthermore confirm I / we satisfied myself / ourselves as to the corrections and validity of my / our tender; that the price quoted cover all the work / items specified in the tender documents and that the price(s) cover all my / our obligations under a resulting contract and that I / we accept that any mistake(s) regarding price and calculations will be at my / our risk.

I / We furthermore confirm that my / our offer remains binding upon me / us and open for acceptance by the Purchases / Employer during the validity period indicated and calculated from the closing date of the bid.

SIGNATURE		NAME (PRINT)	
CAPACITY		DATE	
NAME OF FIRM			
WITNESS 1		WITNESS 2	

EMLM wishes you all good luck in the preparation your proposal.

M.M Kgware

Municipal Manager

CONCLUSION

Any false information given by the Prospective Service Provider and not meeting the minimum qualifying requirement, will lead to automatic disqualification of the PSP.

The council reserves the right to accept either the whole or part of any Bid, or not to appoint at all. Faxes or e-mail is not acceptable. Bidders will be required to show compliance with the New Preferential Procurement Regulation of 2017

COMPULSORY MUNICIPAL BID DOCUMENTATION

- | | | | |
|----|---------|---|--|
| a) | MBD 1 | : | Invitation to tender |
| b) | MBD 4 | : | Declaration of interest |
| c) | MBD 5 | : | Declaration of Bid above R10 Million |
| d) | MBD 6.1 | : | Preference points in terms of Preferential Policy Regulations |
| e) | MBD 8 | : | Declaration of bidder's past supply chain management practices |
| f) | MBD 9 | : | Certificate of Independent Bid Determination |

INVITATION TO BID

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE (ELIAS MOTSOALEDI LOCAL MUNICIPALITY)					
BID NUMBER:	EMLM 02/2023	CLOSING DATE:	02 SEPTEMBER 2022	CLOSING TIME:	11:00
DESCRIPTION	PROVISION OF PHYSICAL SECURITY SERVICES IN ELIAS MOTSOALEDI LOCAL MUNICIPALITY AREA - FOR A PERIOD OF THREE (3) YEARS				
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)					
02 GROBLER AVENUE					
GROBLERSDAL					
0470					
SUPPLIER INFORMATION					
NAME OF BIDDER					
POSTAL ADDRESS					
STREET ADDRESS					
TELEPHONE NUMBER	CODE		NUMBER		
CELLPHONE NUMBER					
FACSIMILE NUMBER	CODE		NUMBER		
E-MAIL ADDRESS					
VAT REGISTRATION NUMBER					
TAX COMPLIANCE STATUS	TCS PIN:		OR	CSD No:	
B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE [TICK APPLICABLE BOX]	<input type="checkbox"/> Yes <input type="checkbox"/> No		B-BBEE STATUS LEVEL SWORN AFFIDAVIT <input type="checkbox"/> Yes <input type="checkbox"/> No		
[A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE/ SWORN AFFIDAVIT (FOR EMES & QSEs) MUST BE SUBMITTED IN ORDER TO QUALIFY FOR PREFERENCE POINTS FOR B-BBEE]					
ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES /WORKS OFFERED?	<input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES ENCLOSE PROOF]		ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES /WORKS OFFERED? <input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES, ANSWER PART B:3]		
TOTAL NUMBER OF ITEMS OFFERED			TOTAL BID PRICE		R
SIGNATURE OF BIDDER			DATE		
CAPACITY UNDER WHICH THIS BID IS SIGNED					
BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO:			TECHNICAL INFORMATION MAY BE DIRECTED TO:		
DEPARTMENT	BUDGET AND TREASURY		DEPARTMENT	MUNICIPAL MANAGER	
CONTACT PERSON	V. MASILELA		CONTACT PERSON	L.K MATHEBE	
TELEPHONE NUMBER	013 262 3056		TELEPHONE NUMBER	013 262 3056	
FACSIMILE NUMBER	013 262 2547		FACSIMILE NUMBER	013 262 2547	
E-MAIL ADDRESS	vmasilela@emlm.gov.za		E-MAIL ADDRESS	kmathebe@emlm.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, 2017, THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER SPECIAL CONDITIONS OF CONTRACT.

2. TAX COMPLIANCE REQUIREMENTS

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

3. QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS

- 3.1. IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)? ☐ YES ☐ NO
- 3.2. DOES THE ENTITY HAVE A BRANCH IN THE RSA? ☐ YES ☐ NO
- 3.3. DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA? ☐ YES ☐ NO
- 3.4. DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA? ☐ YES ☐ NO
- 3.5. IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION? ☐ YES ☐ NO

IF THE ANSWER IS "NO" TO ALL OF THE ABOVE, THEN IT IS NOT A REQUIREMENT TO REGISTER FOR A TAX COMPLIANCE STATUS SYSTEM PIN CODE FROM THE SOUTH AFRICAN REVENUE SERVICE (SARS) AND IF NOT REGISTER AS PER 2.3 ABOVE.

NB: FAILURE TO PROVIDE ANY OF THE ABOVE PARTICULARS MAY RENDER THE BID INVALID.

NO BIDS WILL BE CONSIDERED FROM PERSONS IN THE SERVICE OF THE STATE.

SIGNATURE OF BIDDER:

.....

CAPACITY UNDER WHICH THIS BID IS SIGNED:

.....

DATE:

.....

DECLARATION OF INTEREST

1. No bid will be accepted from persons in the service of the state.
2. Any person, having a kinship with persons in the service of the state, including a blood relationship, may make an offer or offers in terms of this invitation to bid. In view of possible allegations of 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
<input type="checkbox"/>	<input type="checkbox"/>

3.8.1. If yes, furnish particulars.

MSCM Regulations: "in the service of the state" means to be –

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

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
<input type="checkbox"/>	<input type="checkbox"/>

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
<input type="checkbox"/>	<input type="checkbox"/>

3.10.1. If yes, furnish particulars.....

3.11. Are you, aware of any relationship (family, friend, other) between any other bidder and any persons in the service of the state who may be involved with the evaluation and or adjudication of this bid?.....

3.11.1. If yes, furnish particulars.....

YES	NO

3.12. Are any of the company's directors, trustees, managers, principle shareholders or stakeholders in service of the state?.....

3.12.1. If yes, furnish particulars.....

YES	NO

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

3.13.1. If yes, furnish particulars.....

YES	NO

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?
.....

3.14.1. If yes, furnish particulars:

YES	NO

.....

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

Full Name	Identity Number	State Employee Number

.....

Signature

.....

Date

.....

Capacity

.....

Name of Bidder /Company

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

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

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

1. GENERAL CONDITIONS

1.1 The following preference point systems are applicable to all bids:

- the 80/20 system for requirements with a Rand value of up to R50 000 000 (all applicable taxes included); and
- the 90/10 system for requirements with a Rand value above R50 000 000 (all applicable taxes included).

1.2

- a) The value of this bid is estimated to not exceed R50 000 000 (all applicable taxes included) and therefore the 80/20 preference point system shall be applicable; or
- b) Either the 80/20 or 90/10 preference point system will be applicable to this tender (*delete whichever is not applicable for this tender*).

1.3 Points for this bid shall be awarded for:

- (a) Price; and
- (b) B-BBEE Status Level of Contributor.

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

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

1.5 Failure on the part of a bidder to submit proof of B-BBEE Status level of contributor together with the bid, will be interpreted to mean that preference points for B-BBEE status level of contribution are not claimed.

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

2. DEFINITIONS

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

“B-BBEE status level of contributor” means the B-BBEE status of an entity in terms of a code of good practice on

black economic empowerment, issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act;

- (b) **“bid”** means a written offer in a prescribed or stipulated form in response to an invitation by an organ of state for the provision of goods or services, through price quotations, advertised competitive bidding processes or proposals;
 - (c) **“Broad-Based Black Economic Empowerment Act”** means the Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003);
 - (d) **“EME”** means an Exempted Micro Enterprise in terms of a code of good practice on black economic empowerment issued in terms of section 9 (1) of the Broad-Based Black Economic Empowerment Act;
 - (e) **“functionality”** means the ability of a tenderer to provide goods or services in accordance with specifications as set out in the tender documents.
 - (f) **“prices”** includes all applicable taxes less all unconditional discounts;
 - (g) **“proof of B-BBEE status level of contributor”** means:
 - 1) B-BBEE Status level certificate issued by an authorized body or person;
 - 2) A sworn affidavit as prescribed by the B-BBEE Codes of Good Practice;
 - 3) Any other requirement prescribed in terms of the B-BBEE Act;
 - (h) **“QSE”** means a qualifying small business enterprise in terms of a code of good practice on black economic empowerment issued in terms of section 9 (1) of the Broad-Based Black Economic Empowerment Act;
- 1.
- (i) **“rand value”** means the total estimated value of a contract in Rand, calculated at the time of bid invitation, and includes all applicable taxes;

3. POINTS AWARDED FOR PRICE

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

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

80/20 or 90/10

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

Where

P_s = Points scored for price of bid under consideration

P_t = Price of bid under consideration

P_{\min} = Price of lowest acceptable bid

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

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

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

5. **BID DECLARATION**

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

6. **B-BBEE STATUS LEVEL OF CONTRIBUTOR CLAIMED IN TERMS OF PARAGRAPHS 1.4 AND 4.1**

6.1 B-BBEE Status Level of Contributor:.....=.....(maximum of 10 or 20 points)

(Points claimed in respect of paragraph 7.1 must be in accordance with the table reflected in paragraph 4.1 and must be substantiated by relevant proof of B-BBEE status level of contributor.

7. **SUB-CONTRACTING**

7.1 Will any portion of the contract be sub-contracted?

(***Tick applicable box***)

YES	<input type="checkbox"/>	NO	<input type="checkbox"/>
-----	--------------------------	----	--------------------------

7.1.1 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 or QSE

(***Tick applicable box***)

YES	<input type="checkbox"/>	NO	<input type="checkbox"/>
-----	--------------------------	----	--------------------------

v) Specify, by ticking the appropriate box, if subcontracting with an enterprise in terms of Preferential Procurement Regulations,2017:

WITNESSES

1.

2.

.....
SIGNATURE(S) OF BIDDERS(S)

DATE:

ADDRESS

.....

.....

.....

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

4.2	Is the bidder or any of its directors listed on the Register for Tender Defaulters in terms of section 29 of the Prevention and Combating of Corrupt Activities Act (No 12 of 2004)? The Register for Tender Defaulters can be accessed on the National Treasury's website (www.treasury.gov.za) by clicking on its link at the bottom of the home page.	Yes <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 / municipal entity, or to any other municipality / municipal entity, 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 / municipal entity or any other organ of state terminated during the past five years on account of failure to perform on or comply with the contract?	Yes <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 / Company

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.

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 / Company)

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 / Company

GENERAL CONDITIONS OF CONTRACT

The General Conditions of Contract are not included in this document and may be downloaded from the following website – [www.treasury.gov.za / legislation:](http://www.treasury.gov.za/legislation)