



KING CETSHWAYO DISTRICT MUNICIPALITY

TENDER DOCUMENT REFERENCE: KCDM/30/2023

TENDER FOR THE ESTABLISHMENT OF A PANEL OF SERVICE PROVIDERS FOR THE PROVISION OF LEGAL SERVICES TO KING CETSHWAYO DISTRICT MUNICIPALITY FOR THE PERIOD ENDING 30 JUNE 2027

CLOSING DATE: Monday, 19 February 2024 @12h00

COMPULSORY TENDER MEETING: Friday, 02 February 2024 @10h00

Documents to be addressed to the Municipal Manager and deposited in Council's quote box situated at the foyer of the offices of the King Cetshwayo District Municipality, Prince Mangosuthu Buthelezi House, Corner of Kruger Rand and Barbados Bay Road, CBD, Richards Bay

SERVICE PROVIDER'S DETAILS

Name of Service Provider:	
Central data base supplier number	
Contact Person:	
E-mail Address:	
Telephone Number:	()Code
Fax Number:	()Code
Physical Address:	
Postal Address:	



KING CETSHWAYO DISTRICT MUNICIPALITY TENDER DOCUMENT

REFERENCE: KCDM/30/2023

TENDER FOR THE ESTABLISHMENT OF A PANEL OF SERVICE PROVIDERS FOR THE PROVISION OF LEGAL SERVICES TO KING CETSHWAYO DISTRICT MUNICIPALITY FOR THE PERIOD ENDING 30 JUNE 2027

King Cetshwayo District Municipality (KCDM) invites tenderers from service providers registered with Central Suppliers Database for Panel of service providers for legal services to KCDM for the period ending 30 June 2027

Interested parties must download & print the bid document from www.etenders.gov.za or www.kingcetshwayo.gov.za. If the tenderers are unable to download the tender document from etenders website, a fee per page will be charged and payable at the Cashiers Office on collection.

Prospective service providers are **required to ensure full completion and correctness of information when responding to MBD 4 and all other required declarations in the document.** The municipality **reserves the right to validate** the correctness of the declarations **through various databases inclusive of the Central Supplier Database (CSD).** **Failure to fully complete and/or provision of incorrect information in the declaration declare will** be regarded by the employer as a non-responsive tender.

Any tender submitted by a person(s) who is in the service of the state or if that person(s) is not a natural person, of which any director, manager, principal shareholder or stakeholder is a person in the service of the state or who is an advisor or consultant contracted with the Municipality shall not be considered in terms of regulation 44 of the Municipal Supply Chain Regulations.

A Compulsory tender meeting will be held on **Friday, 02 February 2024 @10h00 at Finance boardroom** of King Cetshwayo Municipality, Prince Mangosuthu Buthelezi House, Corner of Krugerrand & Barbados Bay Road, CBD, Richards Bay. Prospective tenderer's that do not attend the meeting will be disqualified.

Completed tenders in sealed envelopes bearing the tender number must be deposited in the Municipality's tender box in the foyer of Prince Mangosuthu Buthelezi House, Corner of Krugerrand & Barbados Bay Road, CBD, Richards Bay on or **before 12h00 on Tuesday, 20 February 2024**, when tenders will be opened in public. Tenders received after the due date and time will not be considered.

"King Cetshwayo District Municipality will strive to achieve the specific goals in line with the PPPFA regulations 2022 and the RDP. "

		<R50 Million
NO.	Categories	80 20
1	an EME or QSE which is at least 100% owned by black people	10
2	BBBEE Level 1	10
		20

This tender will be evaluated on a **80/20** preferential points system. Should you wish to claim any preference points please ensure that you submit an original or certified copy of your companies' B-BBEE Status level verification certificates with the tender document.

It will be the tenderer's responsibility to check the document on receipt for completeness and to notify the employer of any discrepancies or omissions. It is the tenderer's responsibility to provide all the data and information requested in the form required, failure to do so may be regarded by the employer as a non-responsive tender. Submissions may only be done on documentation supplied by the Municipality.

All communication between the employer and the tenderer shall be in a form that can be read, copied and recorded. All writing shall be in the English Language. The employer shall not take any responsibility for non-receipt of communications from a tenderer.

Please note that this tender will be evaluated on functionality and compliance. The following criteria in "*Functional Evaluation Criteria*", will be applicable for the functionality and compliance and maximum weight of each criterion is indicated in brackets and any tenderer who scores less than 70 percent, in respect of "functionality" will be regarded as submitting a non-responsive tender and will be disqualified.

Functional Evaluation Criteria: (Please refer to Section A: Page 4 of 6 and Page 5 of 6)

All Tender enquiries which are non-Technical must be directed to the SCM Unit to Mr Z Mkhwanazi at Tel. 035 799 2790, Technical Enquiries must be directed to Mr. G. Dlamini at Tel. 035 799 2525.

Tenderers who do not hear from King Cetshwayo Municipality within 90 days of the closing date of the tender should consider their tender unsuccessful.

Please note that no tender will be accepted by fax or e-mail.

Mr P.P Sibiya
Municipal Manager
King Cetshwayo District Municipality
Private Bag X1025
RICHARDS BAY
3900

ENCLOSURES

- | | |
|--|------------------|
| 1. FORM OF TENDER & SPECIFICATIONS | SECTION A |
| <ul style="list-style-type: none">• FORM OF SPECIFICATION• FORM OF TENDER• FORM OF OFFER | |
| 2. PREFERENTIAL PROCUREMENT | SECTION B |
| PRICE PREFERENCE FORMS | |

(TO BE INCLUDED SHOULD PREFERENTIAL POINTS BE CLAIMED)

- | | | |
|----|--|-----------|
| 3. | CONDITIONS OF TENDER | SECTION C |
| 4. | CONDITIONS OF CONTRACT | SECTION D |
| | NATIONAL TREASURY GENERAL CONDITIONS OF CONTRACT | |
| 5. | FORM OF ACCEPTANCE & DECLARATION | SECTION E |

EVALUATION DOCUMENTS:

- DECLARATION OF TENDERERS PAST SUPPLY CHAIN MANAGEMENT PRACTICES
- DECLARATION OF INTEREST
- CERTIFICATE OF INDEPENDENT BID DETERMANATION (MBD 9)
- ACCEPTANCE FORM
- FORM OF ACCEPTANCE & DECLARATION
- MUNICIPAL ACCOUNTS
- WORKMEN'S COMPENSATION
- BBBEE CERTIFICATE
- VALID FIDELITY FUND CERTIFICATE
- LETTER OF GOOD STANDING WITH THE LEGAL PRACTICE COUNCIL
- CONVEYANCER ADMISSION CERTIFICATE – FOR CONSIDERATION ON CONVENYANCING PANEL
- REFERENCE LETTERS AS PER TENDER REQUIREMENTS

NB:

- ♣ All forms must be completed, failure to do this **may** invalidate your bid.
- ♣ If any of the forms, or portion of any form, is not relevant, please indicate it on the form by marking it N/A.
- ♣ All certified documents must not be certified by bidder's own employee/ director as this may invalidate your bid.

FORM OF TENDER AND SPECIFICATIONS

1. INTRODUCTION

King Cetshwayo District Municipality seeks professional service providers to be placed on the panel of attorneys to provide legal services and support to the municipality for the period ending 30 June 2027 in respect of the following areas of law:

- (a) Litigation
- (b) Labour law matters
- (c) Legal opinions
- (d) Collection matters
- (e) Conveyancing
- (f) Miscellaneous legal matters

Due to the high volume of the work undertaken, it may become necessary for the municipality to appoint external service providers to its Panel of Attorneys to assist the municipality's Legal Services Section in the execution of its work. Suitably qualified and experienced firms of attorneys are hereby invited to submit their bids for consideration by the municipality. It is important that the firm of attorneys ensure continuous quality and consistency of services. Appointment to the panel will be done according to the firm's area of expertise. Appointment to the panel does not guarantee work. King Cetshwayo District Municipality reserves the right to appoint outside of the panel.

2. DOCUMENTS MUST INCLUDE THE COMPULSORY RETURNABLE DOCUMENTS IN THEIR BIDS AS REFERRED TO IN SECTION E ABOVE

2.1 LAW FIRM'S PROFILE

The profile of the law firm must address the following areas /headings in the following order with an index numbered in accordance with the numbering below:

- (a) History
Provide a brief history of the firm and outline the firm's geographic structure (excluding alliances or affiliation with other firms)
- (b) Client Base
Provide a list of clients for whom legal services were rendered on a regular basis in the past 3 years and specify the nature of work done.
- (c) Field of Expertise
Each bid must include the specialist fields of the law firm with specific reference to the fields as set out in 1 above. If a firm of attorneys has expertise in more than one field of law, all relevant fields must be indicated in the bid together with demonstrated experience in the specified areas of law. Clearly indicate for which of the specialist fields your firm tenders to provide legal services to the municipality in the table in 6 below.
- (d) The Firm's team
CV's of Partners, Directors, Sole Proprietor and core service team that will be attending to the municipality's work with specific reference to their educational /professional background and their relevant experience including at least the following:
Personal Information, certified copies of qualifications, certificate of admission and work experience.

3. FEES

Set tariffs such as the Magistrates Court and High Court tariff are the maximum fees that the municipality will pay an attorney for his/her services as agreed between the attorney and own client. It is specifically agreed upon that Attorneys will not demand rates exceeding the prescribed fees. The bid must expressly confirm the acceptance of this condition.

4. Indicate the Corporate Social Investment (CSI) services that your firm is prepared to offer.

5. Nature of Legal Services to be provided.

(
	Yes	No
Litigation		
Labour Law Matters		
Legal Opinions		
Collection Matters		
Conveyancing		
Miscellaneous Legal Matters		

6. GENERAL REQUIREMENTS

- (a) Only firms attorneys established in terms of the provisions of the Legal Practice Act No 24 of 2014 (as amended) and duly registered to practice with the Legal Practice Council will be considered for this tender.
- (b) A service level agreement will be entered into with each firm of attorneys appointed to render services to the municipality.
- (c) The cost of each assignment will be based on the applicable tariff (Magistrate's Court or High Court Tariff)
- (d) The municipality does not guarantee that any work or assignment will be given to any firm of attorneys on the panel
- (e) The municipality may in its sole discretion award any assignment or part thereof to more than one firm of attorneys.
- (f) The services of an appointed firm of attorneys will be utilized by the municipality as and when the need arises.
- (g) The municipality reserves the right to categorise the tenderers into the different fields of expertise.
- (h) A firm of attorneys assigned any work may not cede or subcontract any part thereof to any person unless with the written consent of the municipality as may be required by the applicable laws, e.g. in instances where a correspondent attorney may be necessary.

7. COMPLIANCE AND FUNCTIONALITY

Tenders will be evaluated in respect of administrative compliance and failure to submit information as required in section E may lead to your tender being disqualified.

8. EVALUATION

- (a) Functionality evaluation will be as per the following criteria explained below. A tenderer who scores less than 70 percent, in respect of functionality will be regarded as submitting a non – responsive tender and will be disqualified.
- (b) The following criteria will be applicable and the maximum weight of each criterion is indicated in the table below.
- (c) The municipality will evaluate all tenders in order to award the contract. The evaluation of bids will be done in terms of King Cetshwayo District Municipality's Supply Chain Management Policy.

EVALUATION CRITERIA 2			
Criteria	Applicable values/points	Weight	Verification Method
Track Record Bidders must have specific experience (e.g. Legal Services) and submit references (in a form of written proof/(s) on organization's letterhead including relevant contact person and contact details.	8 or more (10 points)	10	Reference Letter from previous clients
	5 to 7 References (8 points)		
	3 to 4 References (6 points)		
	1 to 2 Reference (4 points)		
	0 references (0 points)		
Clients must further include on such written references their rating of the Bidder according to any of the following criteria: Turn-around times;	8 or more good references (10 points)	10	Reference letters
	5 to 7 good references (8 points)		
	3 to 4 good references (6 points)		
	1 to 2 good references (4 points)		
	0 good references (0 points)		
Quality of feedback	8 or more good references (10 points)	10	Reference letters
	5 to 7 good references (8 points)		
	3 to 4 good references (6 points)		
	1 to 2 good references (4 points)		
	0 good references (0 points)		
Accessibility and availability	8 or more good references (10 points)	10	Reference letters
	5 to 7 good references (8 points)		
	3 to 4 good references (6 points)		
	1 to 2 good references (4 points)		
	0 good references (0 points)		
Reliability and Customer satisfaction	8 or more good references (10 points)	10	Reference letters
	5 to 7 good references (8 points)		
	3 to 4 good references (6 points)		
	1 to 2 good references (4 points)		
	0 good references (0 points)		

<p>Experience This tests the tendering entity's capacity to execute the contract and deliver within time frame.</p>	<p>Company's experience in dealing with legal matters</p> <ul style="list-style-type: none"> • 10 years and more (20 points) • 5-6 years (15 points) • 1-4 years (10 points) <p>* If not indicated (0)</p>	<p>20</p>	<p>Company Profile</p>
<p>Personnel's Experience Bidders should provide qualifications, skills and experience of individuals to be assigned and committed to work on the project.</p>	<p>A Partner(s) or Director(s) and/or Sole Proprietor experience will be allocated a scoring in the following manner.</p>	<p>30</p>	<p>CVs of Partner/s or Director/s (certified copies of qualifications and work experience)</p>
	<p>10 years and more post admission experience in their area of specialization as per CV (30 points)</p>		
	<p>5-9 years post admission experience in the area of specialisation as per CV (20 points)</p>		
	<p>1-4 years post admission experience in the area of specialisation as per CV (10 points)</p>		

FORM OF OFFER

TENDER: KCDM/30/2023

NOTE: THE FORM OF OFFER MUST BE COMPLETED CORRECTLY, SIGNED AND WITNESSED. FAILURE TO COMPLY MAY MEAN THAT NO OFFER HAS BEEN MADE AND THE TENDER MAY NOT BE FURTHER EVALUATED.

ACCEPTANCE

By signing this part of this form of offer and acceptance, the Municipality identified below accepts the tenderers offer. In consideration thereof, the Municipality shall pay the contractor the amount due. Acceptance of the tenderers offer shall form an agreement between the Municipality and the tenderer upon the terms and conditions contained in this contract that is the subject of this agreement.

The terms of the contract, are contained in section "D" of this document (NT Conditions of contract) as well as any special conditions (if any)

The tenderer shall within two weeks after receiving a completed copy of this agreement, including the schedule of deviations (if any), contact the Municipality to arrange the delivery of any bonds, guarantees, proof of insurance and any other documentation to be provided in terms of this document. Failure to fulfill any of these obligations in accordance with those terms shall constitute a repudiation of this agreement.

Notwithstanding anything contained herein, this agreement comes into effect on the date when the tenderer receives one fully completed original copy of this document, including the schedule of deviations (if any). Unless the tenderer (now contractor) within five working days of the date of such receipt notifies the Municipality in writing of any reason why he cannot accept the contents of this agreement, this agreement shall constitute a binding contract between the parties.

Signed at

For the King Cetshwayo District Municipality

Signature Date

Name Capacity

Witness:
Name Signature Date

And

For the Contractor/ Service provider

Signature Date

Name Capacity

Witness:
Name Signature Date

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 **80/20** preference point system.

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:

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

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:

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

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)
1. an EME or QSE which is at least 100% owned by black people;		10		
2. BBBEE Level 1		10		

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.

.....	
SIGNATURE(S) OF TENDERER(S)	
SURNAME AND NAME:
DATE:
ADDRESS:

The RDP and specific goals preference points shall be calculated in line with the tables below:

SUMMARY TABLE FOR CALCULATION OF PRERERENTIAL POINTS FOR SPECIFIC GOALS				
			<R50 Million	>R50 Million
NO	Categories	Weight	80 20	90 10
1	Ownership Goals	50%	10	5
2	Empowerment Goals	20%	4	2
3	Reconstruction & Development Programme Goals	20%	4	2
4	Other Goals (Specify)	10%	2	1
		100%	20	10

SPECIFIC GOAL NO.1-OWNERSHIP CATEGORY

#	Specific Goal(s)	Weight	80 20 PP	90 10 PP	Verification
	Ownership Categories :				
1	EME and QSE				
	1. an EME or QSE which is at least 100% owned by black people;	100%	10	5	Sworn Affidavit - QSE/EME General
	2. an EME or QSE which is at least 51% owned by black people;	60%	6	3	Sworn Affidavit - QSE/EME General
	3. an EME or QSE which is at 25% - 50% owned by black people;	20%	2	1	Sworn Affidavit - QSE/EME General
2	Broad Based Black Economic Empowerment :				
	BBBEE Level 1	100%	10	5	BBBEE Certificate
	BBBEE Level 2	60%	6	3	BBBEE Certificate
	BBBEE Level 3 & Below	20%	2	1	BBBEE Certificate
3	Ownership %				
a)	Women Ownership(*Must be South African)				
	ownership - 100% : Black (Youth , Women , Disabled People	100%	10	5	ID Copies : Directors Co. Registration CSD Shareholders Certificate
	ownership - > 51% : Black (Youth , Women , Disabled People	80%	8	4	ID Copies : Directors Co. Registration CSD Shareholders Certificate

	ownership - 25% - 50% : Black (Youth , Women , Disabled People	40%	4	2	ID Copies : Directors Co. Registration CSD Shareholders Certificate
	ownership - 100% : White (Youth , Women , Disabled People	20%	2	1	ID Copies : Directors Co. Registration CSD Shareholders Certificate
b)	Men Ownership(*Must be South African)				
	Men ownership - 100% : Black (Youth , Men , Disabled People	80%	8	4	ID Copies : Directors Co. Registration CSD Shareholders Certificate
	Men ownership - > 51% : Black (Youth , Men , Disabled People	40%	4	2	ID Copies : Directors Co. Registration CSD Shareholders Certificate
	Men ownership - 25% - 50% : Black (Youth , Men , Disabled People	20%	2	1	ID Copies : Directors Co. Registration CSD Shareholders Certificate
4	Youth Development : (Below 35 Years)				
	Youth ownership - 100% : Black	100%	10	5	ID Copies : Directors Co. Registration CSD Shareholders Certificate
	Youth ownership - > 51% : Black	80%	8	4	ID Copies : Directors Co. Registration CSD Shareholders Certificate
	Youth ownership - 25% - 50% : Black	40%	4	2	ID Copies : Directors Co. Registration CSD Shareholders Certificate
	Youth ownership - 100% : White	20%	2	1	ID Copies : Directors Co. Registration CSD Shareholders Certificate

SPECIFIC GOAL NO.2 –EMPOWERMENT CATEGORY

#	Specific Goal(s)	Weight	80 20	90 10	Verification
	Sub-Contracting :				
1	EME and QSE				
	1. an EME or QSE which is at least 100% owned by black people;	100%	4	2	Sworn Affidavit - QSE/EME General
	2. an EME or QSE which is at least 51% owned by black people;	50%	2	1	Sworn Affidavit - QSE/EME General
	3. an EME or QSE which is at 25% - 50% owned by black people;	25%	1	0,5	Sworn Affidavit - QSE/EME General
2	Local Economic Development Sub-Contracting (10%-30%) and 40 % where it is technically possible and subject to pre-approval.				

	1. Enterprise 100% owned by Youth	100%	4	2	ID Copies : Directors Co. Registration CSD Shareholders Certificate
	1. Enterprise 100% owned by Disabled People	100%	4	2	ID Copies : Directors Co. Registration CSD Shareholders Certificate
	1. Enterprise 100% owned by Women	100%	4	2	ID Copies : Directors Co. Registration CSD Shareholders Certificate
	2. Enterprise owned by Black People with CIDB Grading 4 or Less	100%	4	2	ID Copies : Directors Co. Registration CSD Shareholders Certificate
	3. Enterprise 100% owned	100%	4	2	ID Copies : Directors Co. Registration CSD Shareholders Certificate
	3. Enterprise owned by Black Men with at least 51%	50%	2	1	ID Copies : Directors Co. Registration CSD Shareholders Certificate

SPECIFIC GOAL NO 3- RDP CATEGORY

#	Specific Goal(s)	Weight	80 20 PP	90 10 PP	Verification
	Reconstruction and Development :				
1	Promotion of Local Business(s)				
	1. Enterprise Located within the District Municipality – Rural	100%	4	2	Utilities : Directors or Co. Affidavit Existing Lease Agreement /councilor or Induna letters
	2. Enterprise Located within the District Municipality – Urban	50%	2	1	Utilities : Directors or Co. Affidavit Existing Lease Agreement
	2. Enterprise Located within the Province	25%	1	0,5	Utilities : Directors or Co. Affidavit Existing Lease Agreement
2	SMME Development (EME and QSE)				
	1. an EME or QSE which is at least 100% owned by black people;	100%	4	2	Sworn Affidavit - QSE/EME General
	2. an EME or QSE which is at least 51% owned by black people;	50%	2	1	Sworn Affidavit - QSE/EME General
	3. an EME or QSE which is at 25% - 50% owned by black people;	25%	1	0,5	Sworn Affidavit - QSE/EME General

3.	Job Creation and Community upliftment				
	1.Community upliftment project (e.g housing , schools ,infra donations etc) equal to at least 0.5% of project Value	100%	4	2	Bidder to propose
4	2. Creation of Jobs /Labour intensive activities	100%	4	2	Bidder to propose

SPECIFIC GOAL NO 4 – OTHER GOALS

#	Specific Goal(s)	Weight	80 20 PP	90 10 PP	Verification
	Other Categories :				
1	<i>Combination of any other goals</i>				
	User departments may combine any specific goals under categories 1,2 and 3 above in a manner that will help evaluate and apply preference points to the tender	100%	2	1	--Relevant Verification Documentation--

CONDITIONS OF TENDER

A. GENERAL

1. The lowest or any tender will not necessarily be accepted and King Cetshwayo District Municipality reserves the rights to accept the whole or any part of a tender.
2. The quantities called for in this tender are an estimated quantity and King Cetshwayo District Municipality reserves the right to take more or less than the quantity specified.
3. This contract will be governed by King Cetshwayo District Municipality “Conditions of TENDER” only and not any conditions supplied by the tenderer.
4. Full details of items offered and or drawings / pamphlets etc. must be supplied together with the return documents. All additional drawings/ pamphlets returned with the tender documents must be firmly bound and marked as “Additional” to the specific tender reference number.
5. All items offered on this tender must be new and of the latest design.
6. Only tenders on King Cetshwayo District Municipality official tender document will be accepted and the original document must be returned, fully completed by hand and signed, in the form presented. Failure to do so may invalidate such tender.

7. It must be clearly understood by the tenderer, that no order/s for such commodities or services required by the King Cetshwayo District Municipality will be recognized by the tenderer unless an King Cetshwayo District Municipality official order is issued and it is further understood that King Cetshwayo District Municipality will not accept responsibility for any payment to the tenderer unless the delivery notes and invoices for such goods or services quote the relevant order number and is sent to King Cetshwayo District Municipality, Financial Department, Private BagX1025, RICHARDS BAY, 3900.
8. Should it be considered necessary by the tenderer that officials of King Cetshwayo District Municipality should proceed to other centers for inspection purposes, such costs shall be for the account of the tenderer.
9. Should it be considered necessary by the tenderer, in the interest of design, quality or inspection for whatever reason that King Cetshwayo District Municipality official should proceed to other centers for inspection purposes, such costs shall be for the account of the tenderer.
10. Only tenders received by 12h00 on the given closing date will be considered. No late tender by post, e-mail, fax, courier or delivered by hand will be accepted after this time.
11. No telegraphic, e-mail or faxed tenders will be accepted and all posted or tenders sent by couriers, must be clearly marked with the postal date and time.
12. ALL PRICES QUOTED MUST INCLUDE VALUE ADDED TAX AND MUST BE FIRM FOR A PERIOD OF (90) NINETY DAYS FROM CLOSING DATE OF THIS TENDER.
13. Service Providers tax status will be verified on CSD.

14. The use of correction fluid or correction tape on this document will invalidate your tender submission.
15. Price(s) quoted must be valid for at least ninety (90) days from date of offer for evaluation purposes. Thereafter, the prices will be fixed for a period of twelve months before escalation will be allowed.
16. Local Content declaration (MBD6.2) is only applicable when quoting on goods / services in the prescribed designated sectors.
17. The successful provider will be the one scoring the highest points on Section “B” as per the Preferential Procurement Policy Framework Act (No. 5 of 2000)
18. King Cetshwayo District Municipality reserves the right to remove (from the list of service providers) any supplier who fails to comply with the municipality’s specifications in terms of service delivery, such service provider will be held responsible for any costs incurred as a result of non-compliance.

B. DEMONSTRATIONS AND INSPECTIONS

1. All tenderers must be prepared to demonstrate where required, free of charge and obligation, at the King Cetshwayo District Municipality or any other area within the boundary of the King Cetshwayo District Municipality, any items offered in this tender.
2. Where officials are required to attend demonstrations or inspections outside the District Municipality boundary of Richards Bay, all costs to attend such demonstration must be borne by the tenderer.

C. DELIVERIES, COMPLETION AND PENALTIES

1. Delivery date to be negotiated on placing the order.
2. Tenderers shall furthermore note that goods or services will not be considered acceptable and consequently their obligations not fulfilled should goods or services fail to comply with the specifications in the tender document.
3. Where the supplier fails to deliver within the scope of the specifications of this tender, the Municipality reserves the right to obtain services from any other supplier that complies with the specifications and the tenderer will be held responsible for all costs involved.

D. PAYMENTS

1. Payment will be made within 30 days from statement invoice date subject to satisfactory execution of the contract conditions and provided that the statement/invoice is without error.
2. Tenders must clearly state all settlement and trade discounts.
3. Any additional payment for extra work carried out on a contract will only be made provided that the contractor is issued with a variation order by the procurement section of the King Cetshwayo District Municipality.

- 4 King Cetshwayo District Municipality hereby indemnifies itself from any claims whatsoever, which may arise as a result of loss of income suffered by the tenderer for any reason directly or indirectly during the course of this tender and King Cetshwayo District Municipality reserves the right to consider compensation at its own terms.

5. If you have submitted a tender or quotation, your tendered amount is deemed that it will not change. Should your VAT status change, the original tendered amount will be deemed to have included VAT.

NATIONAL TREASURY GENERAL CONDITIONS OF CONTRACT

**FOR NATIONAL TREASURY GENERAL CONDITIONS OF CONTRACT
PLEASE VISITS**

<http://www.treasury.gov.za/>

FORM OF ACCEPTANCE & DECLARATION

The Municipal Manager
King Cetshwayo District Municipality
Private Bag X1025
RICHARDS BAY
3900

I/We (To be completed)
(Representative or Company Name)

The undersigned, having examined the Specification, hereby offer to supply the Municipality with the requirements called for on the Municipality's Form of Tender and Specifications, "Form A" attached, in accordance with the conditions of this tender.

I/We further undertake that this offer shall not be retracted or withdrawn from the closing date of this tender up to the order date.

I/We further undertake, in the event of the acceptance of this tender, either wholly or in part, to enter into a formal contract, if required, and to provide one good and sufficient surety for the due fulfillment of the contract to the satisfaction of the Municipality.

I/We also agree:

- (a) that if the tender be accepted, the acceptance may be communicated to us by letter through the post and that in such case the Post Office shall be regarded as our agents and delivery of such acceptance to the Post Office shall be treated as delivery to us;
- (b) The Municipality chooses as its "domicilium citandi et executandi" for the purpose of the contract, the following address:

Prince Mangusuthu Buthelezi House
King Cetshwayo District Municipality
Corner of Krugerrand and Barbados Roads
Richards Bay, CBD
3900
- (c) the law of South Africa will govern the contract created by acceptance of our tender and we agree to submit to the jurisdiction of the South African Courts;
- (d) that if our tender be accepted by the Municipality either wholly or in part, and the acceptance be notified to us, we undertake to be bound by the term of the agreement constituted by our said tender and the acceptance thereof by the said Municipality, until a formal contract has been executed between us and the Municipality, and that if we are not required by the Municipality to execute such formal contract, we undertake to be bound by the terms of the agreement constituted by our said tender and the acceptance thereof by the said Municipality.

I/WE ALSO DECLARE THAT:

- 1) The information provided is true and correct;
- 2) The signatory to the tender document is duly authorized;
- 3) I/we are registered for Workman's Compensation and the valid certificate number of the workman's compensation commissioner's letter of good standing is provided. When applicable the option to submit an original or certified copy of the letter from the agent authorized by Workmen's Compensation Commissioner will be accepted

In the case where it is not possible for a tenderer to obtain the above letter of good standing from the workmen's compensation commissioner, an affidavit is to be submitted advising that the business has registered with the workmen's compensation commissioner.

In the case where a business does not employ any employees an affidavit together with a letter from the workmen's compensation commissioner addressed to the business, confirming that registration is not required, must be submitted.

- 4) Documentary proof regarding any tendering issue will, when required, be submitted to the satisfaction of the relevant organ of state;
- 5) My municipal rates and taxes are not older than three (3) months and the following is attached:

TENDERER IS PROPERTY OWNER FOR PURPOSES OF CONDUCTING BUSINESS FROM ITS PREMISES

Please select option by ticking below

A.1

In the case where the tenderer owns the property from which the tenderer's business operates from, a certified copy of the tenderer's business municipal account not older than three (3) months indicating the status of payment of all municipal rates and taxes i.e. property rates, electricity, water, refuse & sewer from the Municipality in which jurisdiction the said property is situated, must be submitted.

☐

OR

A.2 . In the instance where the tenderer occupies Tribal land an original/certified affidavit from commissioner of oath, confirming that the tenderer is residing in the area where no municipal accounts are billed. If the property rates, electricity, water, refuse is charged by the municipality, the original or certified copy of the statement not older than three (3) months in the name of the tenderer or any of its directors must be attached

☐

NB:

Should there be separate tax invoices from the municipality for property rates and services (taxes), you are required to submit the most recent of each of these invoices
OR

B. TENDERER IS THE TENANT FOR PURPOSES OF CONDUCTING ITS BUSINESS FROM PREMISES.

B1. In the case where the tenderer does not own property and is a tenant for the purposes of its business establishment, the tenderer to provide a certified copy of a certificate from its landlord certifying that all the tenants payments in respect of all municipal rates and taxes i.e. property rates, electricity, water, refuse & sewer are paid up to date, or

☐

B2. In the case where the tenderer as tenant is responsible for its own municipal accounts with the municipality then tenderer must attach the letter from the landlord certifying the above together with a certified copies of all most recent relevant municipal invoices i.e. property rates, electricity, water refuse & sewer.

☐

B3. In the case where the tenderer operates in the property owned by relative and does not pay rent or rates, an affidavit from the relative confirming such must be attached. Also the up to date original or certified copy municipal rates statement of the relative must be attached or letter from the councilor in case of the Tribal Authority.

☐

B4. In case where the potential service provider is under incubation programme a certified copy of the letter from the incubator confirming that the service provider is using their facilities (property)

☐

**PAGE TO WHICH A VALID CERTIFICATE NUMBER OF THE
WORKMEN'S COMPENSATION COMMISSIONER LETTER OF GOOD
STANDING MUST BE ATTACHED.**

Please provide a valid certificate number of the Workmen's Compensation if registered with the department of labour, or attach valid original (or valid certified cpy) of the Workmen's Compensation commissioner letter of good standing from applicable agencies e.g, FEM, RAM etc, if not registered with the department of labour.

Workmen's Compensation registration number: _____

Workmen's Compensation certificate number: _____

OR

In the case where it is not possible for an applicant to obtain the above letter of good standing from the Workmen's Compensation Commissioner, an affidavit is to be submitted advising that the business has registered with the Workmen's Compensation Commissioner.

OR

In the case where a business does not employ any employees an affidavit Together with a Letter from the Workmen's Compensation Commissioner addressed to the business, confirming that registration is not required, must be submitted.

**FAILURE TO DO SO MAY LEAD TO YOUR TENDER BEING
DISQUALIFIED.**

**PAGE TO WHICH CERTIFIED COPIES OF REFERENCE LETTERS AS PER
EVALUATION CRITERION MUST BE ATTACHED.**

Please attach certified copies of reference letters to this page.

**FAILURE TO DO SO MAY LEAD TO YOUR TENDER BEING
DISQUALIFIED**

**PAGE TO WHICH CERTIFIED LETTER OF GOOD STANDING WITH THE
LEGAL PRACTICE COUNCIL COPY MUST BE ATTACHED.**

Please attach certified letter of good standing with the legal practice council to this page.

**FAILURE TO DO SO MAY LEAD TO YOUR TENDER BEING
DISQUALIFIED**

**PAGE TO WHICH ONE CERTIFIED CONVEYANCER ADMISSION
CERTIFICATE FOR CONSIDERATION ON CONVEYANCING PANEL MUST
BE ATTACHED.**

Please attach certified copy of conveyancer admission certificate for consideration on conveyancing panel to this page.

**FAILURE TO DO SO MAY LEAD TO YOUR TENDER BEING
DISQUALIFIED**

**PAGE TO WHICH ONE CERIFIED FIDELITY FUND CERTIFICATE MUST
BE ATTACHED.**

Please attach certified copy of valid fidelity fund certificate to this page.

**FAILURE TO DO SO MAY LEAD TO YOUR TENDER BEING
DISQUALIFIED**

DECLARATION OF TENDERER'S PAST SUPPLY CHAIN MANAGEMENT PRACTICES

- 1 This Municipal Tendering Document must form part of all Tenders 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 Tender of any tenderer may be rejected if that tenderer, 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 Tender.

4.1	Is the tenderer or any of its directors listed on the National Treasury's database as a company or person prohibited from doing business with the public sector? (Companies or persons who are listed on this database were informed in writing of this restriction by the National Treasury after the <i>audi alteram partem</i> rule was applied).	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.1.1	If so, furnish particulars:		

4.2	<p>Is the tenderer 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>(To access this Register enter the National Treasury's website, www.treasury.gov.za, click on the icon "Register for Tender Defaulters" or submit your written request for a hard copy of the Register to facsimile number (012) 3265445).</p>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.2.1	If so, furnish particulars:		
4.3	<p>Was the tenderer 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?</p>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.3.1	If so, furnish particulars:		
4.4	<p>Does the tenderer 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?</p>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.4.1	If so, furnish particulars:		

4.5	Was any contract between the tenderer 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"/>
4.5.1	If so, furnish particulars:		

CERTIFICATION

I, THE UNDERSIGNED (FULL NAME)
 CERTIFY THAT THE INFORMATION FURNISHED ON THIS DECLARATION
 FORM IS TRUE AND CORRECT.

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

.....
 Signature

.....
 Date

.....
Position

.....
Name of Tenderer

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

.....
Capacity

.....
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

MBD 9

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.

MBD 9

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

ACCEPTANCE

NB:

- ♣ **FAILING TO ATTACH ANY OF THE DOCUMENTS SPECIFIED IN THIS TENDER DOCUMENT, OR FAILURE TO COMPLETE IN FULL THOSE SECTIONS REQUIRING COMPLETION, **MAY** INVALIDATE THE TENDER.**

FOR AND ON BEHALF OF

NAME OF COMPANY

ADDRESS

NAME OF TENDERER

SIGNATURE OF TENDERER

DATE