

**SIYATHEMBA MUNICIPALITY**



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**TENDER SLM– 03/2026**

**REQUEST FOR PROPOSALS FOR THE COMPILATION OF ANNUAL FINANCIAL STATEMENTS AND GRAP COMPLIANT ASSET REGISTER FOR THE FINANCIAL YEARS 2025/26,2026/27 AND 2027/2028**

**CLOSING DATE: FRIDAY 20 FEBRUARY 2026 12:00**

Siyathemba Local Municipality, situated in the Northern Cape and covering the towns of Prieska, Marydale and Niekirkshoop, is committed to continuously improving the way that we do business. Proposals are hereby requested from prospective service providers for the compilation of annual financial statements for the financial years.

Companies are welcome to submit proposals. One bidder will be appointed for a three-year period. The successful bidder will report directly to the Chief Financial Officer. The appointee's main responsibilities will be as follows:

- ✓ Compilation of the Annual Financial Statements and GRAP compliant Fixed Asset register for the 2025/2026/, 2026/2027 and 2027/2028
- ✓ Assist with responses to; and addressing matters raised by the AGSA.
- ✓ Ensure that all steps are taken during the year to guarantee an improved audit opinion for the 2025/2026/, 2026/2027 and 2027/2028 financial years and a clean audit opinion for the 2025/2026/, 2026/2027 and 2027/2028 financial years.
- ✓ Work closely with municipal staff in the specific department (Finance) to ensure that skills are transferred

Before compiling your tender, please take cognisance of the following:

- ✓ Compulsory Registration on CSD
- ✓ Company profile and TCS Pin for "Tender" or CSD Report must accompany the tender.
- ✓ Certified copies of originals of company registration documents and ID documents for all directors.
- ✓ Certified copies of relevant qualifications and identity document of the individual(s) who will be assigned to the project if tender is submitted by company.
- ✓ CV's of the individual who will be assigned to work on the project.

- ✓ Siyathemba Local Municipality does not bind itself to accept the lowest bid or any tender and reserves the right to accept the whole or part of a bid.
- ✓ Late or incomplete; unsigned; electronically and faxed bids will not be accepted.

Prospective tenderers must provide full details on the costing of the project in such a way that it will be possible to fairly and accurately determine the expected annual costs of services rendered.

Tender documents are obtainable from the e-tender portal website at [www.etenders.gov.za](http://www.etenders.gov.za)

The tender will be evaluated on functionality and points will be awarded on the 80/20 Preference Points system as prescribed by the Preferential Procurement Policy Framework Act 5 of 2000 and the Preferential Procurement Regulations, 2022

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.

**MR. Thomas Van Staden**  
**MUNICIPAL MANAGER**

**TERMS OF REFERENCES FOR THE REQUEST FOR PROPOSALS FOR THE COMPILATION OF ANNUAL FINANCIAL STATEMENTS AND GRAP COMPLIANT FIXED ASSET FOR THE 2025/26; 2026/27 and 2027/28 FINANCIAL YEARS FOR SIYATHEMBA LOCAL MUNICIPALITY.**

**1. OVERALL OBJECTIVES**

1.1. In awarding this proposal, Siyathemba Local Municipality expects to, at minimum, achieve the following objectives:

1.1.1. Compile Annual Financial Statements and GRAP compliant Fixed Asset Register for the **2025/26; 2026/27 and 2027/28** financial years that fully comply with the applicable Generally Recognised Accounting Practice (GRAP) standards;

1.1.2. Ensure that all steps are taken during the year to guarantee an improved audit opinion for the **2025/26; 2026/27** financial years and a clean audit opinion for the **2027/28** financial year.

1.1.3. Skills transfer to key employees within the Chief Financial Officer's office who will be seconded to the project;

1.2. Prospective service providers must demonstrate specific experience in providing the services required by Siyathemba Local Municipality with regard to Annual Financial Statements and GRAP compliant Fixed Asset Register preparation; inter alia by compiling and executing the Audit Action Plan for both Internal and External Audits. Furthermore, prospective service providers must demonstrate that they have a proven track record in compiling Annual Financial Statements GRAP compliant Fixed Asset Register for municipalities, more specifically local municipalities.

1.3. Service Provider must have proven experience with regards to MScoa. It is required that officials working on the project, provide proof of working or attending MScoa training.

1.4. Service Provider will be required upon the conclusion of the 2025/26 Audit by AGSA, to compile the Audit Action Plan and compile all proposed journals on all financial related findings raised by the AGSA. This appointment will come to an end once a formal handover and discussions of all work files (Audit Action Plan and Proposed journals) has been done.

**2. OTHER IMPORTANT MATTERS**

2.1. Only one proposal per Prospective Service Provider will be considered;

**2.2. Returnable Documents:**

2.2.1. Fully Completed Tender Document

2.2.2. BBBEE Certificate or Original Sworn Affidavit

2.2.3. TCS Pin or CSD Report

2.2.4. Municipal Rates and Taxes Account not older than 3 Months from the date of closing of this bid.

2.2.5. Certified copies of all Company Documents, ID's of Directors and Staff for the project, Qualifications of all project team.

2.3. The Municipality will make available the Management and Audit Reports for 2024/25 upon request to assist you with your proposal (note should be taken that these documents are to assist prospective service providers with their proposal and should be used for this purpose only);

2.4. If your company is successful, it will be expected to enter into a service level agreement with the Municipality, prior to commencement of the work. The Municipality reserves the right to cancel any appointment made with a Service Provider who is not willing to conclude a Service Level Agreement with the Municipality in this regard;

2.5. No faxed or e-mailed proposals will be accepted and the municipality is not bound to accept the lowest proposal and reserves the right to accept the proposal wholly or partially;

2.6. Prospective Service Providers who are not registered on the Central Supplier Database must promptly register at [www.csd.gov.za](http://www.csd.gov.za) and submit the register report together with their proposal;

2.7. Failure to comply with the above-mentioned conditions may invalidate your proposal.

### **3. SCOPE OF WORK**

- Financial processes and General ledger review of policy/procedure Manuals
  - Review the financial system modules to control accounts on INZALO FINANCIAL SYSTEM, including and not limited to Consumer Debtors, Sundry Debtors, Creditors, Stores, Bank, Income, and Expenditure and accumulated surplus/deficit.
  - Review all control accounts and suspense votes
  - Review the general ledger in its entirety
  - Review deposits and control accounts
  - Direct expenditure – correct allocations, budgetary control
- Reconciliations of General Ledger, Asset register and Annual Financial Statements
  - Agree the general ledger to the AFS and accumulated surplus
  - Align the Annual Financial Statements to the asset register
  - Creditors as reflected in the Financial Statements
  - Determine the accrual transactions
  - Analyse and clear suspense accounts
  - Reconcile all transactions to audit evidence for the year. (Debtors, Creditors, Payroll, Bank and VAT.) Annual Financial Statements preparation
  - Present the completed interim and Annual Financial Statements working papers
  - Prepare a programme to transfer skills to Finance staff
  - Compliance with GRAP 3 for correction of errors
  - Unbundling of Assets (Infrastructure)
  - Update of Asset register and GIS System
  - Update of Investment Property Register

- Update Intangible Asset Register
  - Verification of Assets (Movable and Immovable Assets)
  - Calculation of Depreciation and Impairment
  - Conduct all processes for the physical verification for the rehabilitation of landfill sites (3 sites) one in each Prieska, Niekerkshoop and Marydale and include in AFS
  - Include GRAP 25 reports in AFS
  - Assist with VAT control reconciliation
  - Any other adhoc accounting support as identified.
  - Assist with related audit queries
- Analysis and correction of all significant financial statement areas
    - Presentation of prior year error note for all significant Annual Financial Statements areas above
    - Preparation of working papers
    - Reconciliation of working papers for corrections
    - Compilation of audit file
    - Address prior year audit findings
- Assist with municipal Standard Chart of Accounts (mSCOA) setup
    - Reviewing of the municipality's compliance in terms of mSCOA implementation
    - Unbundling of the TB of the municipality for integration into the mSCOA financial system
    - Reporting on issues and risks identified
- Training and Transfer of skills to the municipal staff
    - Provide hands on training throughout the duration of the project
    - Organise group training on specific financial reporting topic

3.2. It is preferable that the Annual Financial Statements (including notes, workings and schedules) be compiled/done on a reputable accounting system. Therefore, it is essential that Prospective Service Providers are in possession- and are well conversant with this software;

3.3. Compilation of audit files for each of the financial years in line with National Treasury guidelines;

3.4. Addressing audit queries raised by Auditor General during the audits of the **2025/26; 2026/27 and 2027/28** financial years as well as addressing prior year finding of **2024/2025**. financial years and adjust accordingly where necessary/as agreed upon with the AG;

3.5 Addressing audit queries raised by the Internal Auditor;

3.86 Detailed skills transfer program for the purpose of skills transfer to municipal officials who will be seconded to this project.

The tender will be dealt with in a two-stage manner as follows:

## STAGE 1: FUNCTIONALITY

### Pre-qualification for Functionality:

Tenders will be subjected to a pre-qualification evaluation process for functionality, based on specific quality criteria. Only tenderers who attain a minimum score of 75% (75 points) will be considered for further evaluation. Tenders that score less than 50% in more than three categories will be rejected as they will be non-responsive.

Tenderers must complete and submit sufficient and all relevant information for each of the Categories they are tendering for.

The description of the functionality criteria and the maximum possible score for each is shown in the table below. The score achieved for functionality will be the sum of the scores achieved for the individual criteria.

No.	Evaluation criteria	Description	Maximum Points
1	Experience in compilation of GRAP compliant AFS in Northern Cape	10 points for each similar project in last 3 year with an unqualified or clean audit opinion. Reference letter from municipality to be attached.	30
2	Company years experience	<div>&gt; 10 years - 10 points</div> <div>&gt; 5 to 10 years experience - 5 points</div> <div>&gt; 0 to 5 years experience - 2 points</div>	10
3	Experience in compilation of GRAP compliant Asset Register in Northern Cape	10 points for each similar project in last 3 year with an unqualified or clean audit opinion. Reference letter from municipality to be attached.	30
3	Qualification:	At least one Director or Team Leader of the team must be a Chartered Account (CA). Qualification to be attached.	10
4	Approach and Methodology	Detailed approach and project plan with timelines on how the project will be executed in terms of the project deliverables.	10
5	Transfer of skills	Bidders are required to demonstrate how they will transfer skills to internal officials during project implementation.	10

**Bidders who score less than 75% (i.e. less than 96 points) on functionality will not be considered further for stage 2.**

## STAGE 2

### **80/20 Preference Point System for Acquisition of Goods or Services for Rand value exceeding R10 000 or below R50 million.**

The following formula must be used to calculate the points out of 80 for price in respect of a tender with a Rand value above R10 000, up to a Rand value of R50 million, inclusive of all applicable taxes:

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

Where-

$P_s$  = Points scored for price of tender under consideration;

$P_t$  = Price of tender under consideration;

$P_{min}$  = Price of lowest acceptable tender.

(2) A maximum of 20 points may be awarded to a tenderer for the specific goal specified for the tender.

(3) The points scored for the specific goal must be added to the points scored for price and the total must be rounded off to the nearest two decimal places.

(4) A tenderer must supply proof of BBBEE certification with quotation, failure to do so will result in zero being applied for specific goal. A non-compliant contributor to BBBEE will not be disqualified but zero will also be awarded for specific goal.

(5) A Tenderer must supply proof of Locality with tender documents/ written quotation. Failure to do so will not lead to disqualification but will result in zero being allocated for that specific goal.

(6) A tenderer must provide proof that a shareholder or shareholders of entity satisfies the definition of youth or zero will be allocated for that specific goal.

(7) A tenderer that scores zero for BBBEE and/or locality and/or Youth category must be evaluated on price as per formula prescribed.

(8) Subject to section 2(1)F of the act, the contract will be awarded to the tenderer with the highest points.

(4) Subject to section 2(1)(f) of the Act, the contract must be awarded to the tenderer scoring the highest points.



### **Specified contract participation goals**

The tendering conditions will stipulate the specific goals, as contemplated in section 2(1)(d)(ii) of the Preferential procurement act.

For any tenders a maximum of 20 points (80/20 preference points system) and maximum of 10 points (90/10 preference points system) will be allocated for specific goals. These specific goals are:

- (a) Contracting with persons or categories of persons, historically disadvantaged by discrimination on the basis of race, gender or disability.
- (b) local and/or promotion of enterprises located in the municipal area.
- (c) Contracting with entities that have youth representation within their ownership

the table below indicates the maximum points available for these specific goals

<b><u>POINTS SYSTEM</u></b>		<b>80/20</b>	<b>90/10</b>
<b><u>MAXIMUM POINTS AVAILABLE</u></b>		<b>20</b>	<b>10</b>
	<b>CATOGORIES OF SPECIFIC GOALS</b>		
	<b>PREVIOUSLY DISADVANTAGE GROUPS</b>	10	5
	<b>LOCALITY</b>	6	3
	<b>YOUTH REPRESENTATION</b>	4	2

Regarding 5.2(a) 50% of the 20 points (80/20 preference point system) and 50% of the 10 points (90/10 preference points system) will be allocated to promote this goal and points will be allocate as follows.

B-BBEE status level of contributor	Number of points 80/20 Preference point system	Number of points 90/10 preference point system
Maximum points available	10	5
1	10	5
2	9	4
3	8	3.5
4	5	3
5	4	2.5
6	3	2
7	2	1.5
8	1	1
Non- compliant contributor	0	0

- (i) Tenderer must provide proof of B-BBEE status and level of contribution(scorecard). Non- compliant contributors will not be disqualified but zero will be allocated for this goal.
- (ii) Failure to provide B-BBEE statues will result in the following:
  - Zero will be allocated for this specific goal which is in line with section 2(1) of the act

Regarding 5.2(b) 30% of the 20 points (80/20 preference point system) and 30% 10 points (90/10 preference points system) will be allocated to promote this goal and points will be allocate as follows.

Locality	80/20 preferential points system	90/10 Preferential points system
Maximum points available	6	3
Within the Siyathemba local municipal boundary	4	2
Within boundary of the Northern Cape province	2	1

- (i) Tenderer must provide proof of locality as defined in this policy. Failure to so will result in Tenderer scoring zero in regards to this goal.

5.2.2.1 Regarding 5.2('c) 20% of the 20 points (80/20 preference point system) and 20% of the 10 points (90/10 preference points system) will be allocated to promote this goal and points will be allocate as follows.

	80/20 preferential points system	90/10 preferential points system
Maximum points available	4	2
Has a shareholder(s) who meets definition of youth	4	2

- (i) The tenderer must provide proof of youth representation - this will be identity document of shareholder as well as shareholders certificates or brake-down of ownership. Failure to do so will result in:
  - Zero being allocated for this specific goal

5.3 if tenderer fails to provide proof that they meet criteria for specific goal consideration it will result in the following

- zero being scored for that specific goal.
- That may result that only the 80/20 or 90/10 points system will be applied in terms of price.

- 5.4 This policy states that tenders may not include any pre-qualifications.
- 5.5 Any specific goals for which points may be scored must be clearly specified in the invitation to submit tender.
- 5.6 if tenderer fails to provide proof that they meet criteria for specific goal specified in invitation to submit tender will result in the following:
- zero being scored for that specific goal.
  - That may result that only the 80/20 or 90/10 points system will be applied in terms of price
- 5.7 Preferences points scored for specific goals must be added to points scored for price as determined by formulas.
- 5.8 The points scored must be rounded off to nearest two decimal places
- 5.9 The contract must be awarded to the tenderer with the overall highest points – which includes points scored for price and specific goals.

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## PART A INVITATION TO BID

<b>YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE (SIYATHEMBA LOCAL MUNICIPALITY)</b>					
BID NUMBER:	SLMSLM03/2026	CLOSING DATE:	20 February 2026	CLOSING TIME:	12:00
DESCRIPTION	PROPOSALS FOR THE COMPILATION OF ANNUAL FINANCIAL STATEMENTS AND GRAP COMPLIANT FIXED ASSET REGISTER FOR THE 2025/2026/, 2026/2027 and 2027/2028; FINANCIAL YEARS FOR SIYATHEMBA LOCAL MUNICIPALITY				
<b>THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (MBD7).</b>					
BID RESPONSE DOCUMENTS MAY BE DEPOSITED IN THE BID BOX SITUATED AT (STREET ADDRESS)					
Victoria Street					
Municipal Buildings					
Prieska					
8940					
<b>SUPPLIER INFORMATION</b>					
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
<b>[A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE/ SWORN AFFIDAVIT (FOR EMES &amp; QSEs) MUST BE SUBMITTED IN ORDER TO QUALIFY FOR PREFERENCE POINTS FOR B-BBEE]</b>			
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			
<b>BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO:</b>		<b>TECHNICAL INFORMATION MAY BE DIRECTED TO:</b>	
DEPARTMENT	FINANCE	CONTACT PERSON	
CONTACT PERSON	DAVID VAN DER WESTHUIZEN	TELEPHONE NUMBER	
TELEPHONE NUMBER	053 492 3381	FACSIMILE NUMBER	
FACSIMILE NUMBER		E-MAIL ADDRESS	
E-MAIL ADDRESS	david@siyathemba.gov.za		

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## PART B TERMS AND CONDITIONS FOR BIDDING

<b>1. BID SUBMISSION:</b>
<p>1.1. BIDS MUST BE DELIVERED BY THE STIPULATED TIME TO THE CORRECT ADDRESS. LATE BIDS WILL NOT BE ACCEPTED FOR CONSIDERATION.</p> <p>1.2. <b>ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS PROVIDED-(NOT TO BE RE-TYPED) OR ONLINE</b></p> <p>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.</p>
<b>2. TAX COMPLIANCE REQUIREMENTS</b>
<p>2.1 BIDDERS MUST ENSURE COMPLIANCE WITH THEIR TAX OBLIGATIONS.</p> <p>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.</p> <p>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.</p> <p>2.4 FOREIGN SUPPLIERS MUST COMPLETE THE PRE-AWARD QUESTIONNAIRE IN PART B:3.</p> <p>2.5 BIDDERS MAY ALSO SUBMIT A PRINTED TCS CERTIFICATE TOGETHER WITH THE BID.</p> <p>2.6 IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED, EACH PARTY MUST SUBMIT A SEPARATE TCS CERTIFICATE / PIN / CSD NUMBER.</p> <p>2.7 WHERE NO TCS IS AVAILABLE BUT THE BIDDER IS REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD), A CSD NUMBER MUST BE PROVIDED.</p>
<b>3. QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS</b>
<p>3.1. IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)? <span style="float: right;"><input type="checkbox"/> YES <input type="checkbox"/> NO</span></p>

- 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.**

- 5.2 Other expenses, for example accommodation (specify, eg. Three star hotel, bed and breakfast, telephone cost, reproduction cost, etc.). On basis of these particulars, certified invoices will be checked for correctness. Proof of the expenses must accompany invoices.

DESCRIPTION OF EXPENSE TO BE INCURRED	RATE	QUANTITY	AMOUNT
.....	.....	.....	R.....
.....	.....	.....	R.....
.....	.....	.....	R.....
.....	.....	.....	R.....
TOTAL: R.....			

6. Period required for commencement with project after acceptance of bid .....
7. Estimated man-days for completion of project .....
8. Are the rates quoted firm for the full period of contract? .....\*YES/ NO.
9. If not firm for the full period, provide details of the basis on which adjustments will be applied for, for example consumer price index.....
- .....
- .....
- .....

\*Delete if not applicable

## DECLARATION OF INTEREST

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

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. ....

.....

<sup>1</sup>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.

<sup>2</sup> Shareholder” means a person who owns shares in the company and is actively involved in the management of the company or business and exercises control over the company.

3.9 Have you been in the service of the state for the past twelve months? .....**YES / NO**

3.9.1 If yes, furnish particulars.....

.....

3.10 Do you have any relationship (family, friend, other) with persons in the service of the state and who may be involved with the evaluation and or adjudication of this bid? **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 (**this section is compulsory**)

Full Name	Identity Number	State Employee Number	Personal Income Tax Reference Number

.....  
**Signature**

.....  
**Date**

.....  
**Capacity**

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



## **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 000 001 (all applicable taxes included).

1.2 The value of this bid is estimated to between R200 000 and R50 000 000 spread over 3 years (all applicable taxes included) and therefore the 80/20 system shall be applicable.

1.3 Preference points for this bid shall be awarded for:

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

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

	<b>POINTS</b>
<b>1.3.1.1 PRICE</b>	<b>80</b>
<b>1.3.1.2 B-BBEE STATUS LEVEL OF CONTRIBUTION</b>	<b>20</b>
<b>Total points for Price and B-BBEE must not exceed</b>	<b>100</b>

1.4 Failure on the part of a bidder to fill in and/or to sign this form and submit a B-BBEE Verification Certificate from a Verification Agency accredited by the South African Accreditation System (SANAS) or a Registered Auditor approved by the Independent Regulatory Board of Auditors (IRBA) or an Accounting Officer as contemplated in the Close Corporation Act (CCA) together with the bid, will be interpreted to mean that preference points for B-BBEE status level of contribution are not claimed.

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

### **2. DEFINITIONS**

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

2.2 **“B-BBEE”** means broad-based black economic empowerment as defined in section 1 of the

Broad -Based Black Economic Empowerment Act;

- 2.3 **“B-BBEE status level of contributor”** means the B-BBEE status received by a measured entity based on its overall performance using the relevant scorecard contained in the Codes of Good Practice on Black Economic Empowerment, issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act;
- 2.4 **“bid”** means a written offer in a prescribed or stipulated form in response to an invitation by an organ of state for the provision of services, works or goods, through price quotations, advertised competitive bidding processes or proposals;
- 2.5 **“Broad-Based Black Economic Empowerment Act”** means the Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003);
- 2.6 **“comparative price”** means the price after the factors of a non-firm price and all unconditional discounts that can be utilized have been taken into consideration;
- 2.7 **“consortium or joint venture”** means an association of persons for the purpose of combining their expertise, property, capital, efforts, skill and knowledge in an activity for the execution of a contract;
- 2.8 **“contract”** means the agreement that results from the acceptance of a bid by an organ of state;
- 2.9 **“EME”** means any enterprise with an annual total revenue of R5 million or less .
- 2.10 **“Firm price”** means the price that is only subject to adjustments in accordance with the actual increase or decrease resulting from the change, imposition, or abolition of customs or excise duty and any other duty, levy, or tax, which, in terms of the law or regulation, is binding on the contractor and demonstrably has an influence on the price of any supplies, or the rendering costs of any service, for the execution of the contract;
- 2.11 **“functionality”** means the measurement according to predetermined norms, as set out in the bid documents, of a service or commodity that is designed to be practical and useful, working or operating, taking into account, among other factors, the quality, reliability, viability and durability of a service and the technical capacity and ability of a bidder;
- 2.12 **“non-firm prices”** means all prices other than “firm” prices;
- 2.13 **“person”** includes a juristic person;
- 2.14 **“rand value”** means the total estimated value of a contract in South African currency, calculated at the time of bid invitations, and includes all applicable taxes and excise duties;
- 2.15 **“sub-contract”** means the primary contractor’s assigning, leasing, making out work to, or employing, another person to support such primary contractor in the execution of part of a project in terms of the contract;
- 2.16 **“total revenue”** bears the same meaning assigned to this expression in the Codes of Good Practice on Black Economic Empowerment, issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act and promulgated in the *Government Gazette* on 9 February 2007;
- 2.17 **“trust”** means the arrangement through which the property of one person is made over or bequeathed to a trustee to administer such property for the benefit of another person; and

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

### **3. ADJUDICATION USING A POINT SYSTEM**

- 3.1 The bidder obtaining the highest number of total points will be awarded the contract.
- 3.2 Preference points shall be calculated after prices have been brought to a comparative basis taking into account all factors of non-firm prices and all unconditional discounts;.
- 3.3 Points scored must be rounded off to the nearest 2 decimal places.
- 3.4 In the event that two or more bids have scored equal total points, the successful bid must be the one scoring the highest number of preference points for B-BBEE.
- 3.5 However, when functionality is part of the evaluation process and two or more bids have scored equal points including equal preference points for B-BBEE, the successful bid must be the one scoring the highest score for functionality.
- 3.6 Should two or more bids be equal in all respects, the award shall be decided by the drawing of lots.

### **4. POINTS AWARDED FOR PRICE**

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

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

**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 comparative price of bid under consideration

$P_t$  = Comparative price of bid under consideration

$P_{\min}$  = Comparative price of lowest acceptable bid

### **5. Points awarded for B-BBEE Status Level of Contribution**

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

<b>B-BBEE Status Level of Contributor</b>	<b>Number of points (90/10 system)</b>	<b>Number of points (80/20 system)</b>
1	10	20
2	9	18
3	8	16
4	5	12

5	4	8
6	3	6
7	2	4
8	1	2
Non-compliant contributor	0	0

- 5.2 Bidders who qualify as EMEs in terms of the B-BBEE Act must submit a certificate issued by an Accounting Officer as contemplated in the CCA or a Verification Agency accredited by SANAS or a Registered Auditor. Registered auditors do not need to meet the prerequisite for IRBA's approval for the purpose of conducting verification and issuing EMEs with B-BBEE Status Level Certificates.
- 5.3 Bidders other than EMEs must submit their original and valid B-BBEE status level verification certificate or a certified copy thereof, substantiating their B-BBEE rating issued by a Registered Auditor approved by IRBA or a Verification Agency accredited by SANAS.
- 5.4 A trust, consortium or joint venture, will qualify for points for their B-BBEE status level as a legal entity, provided that the entity submits their B-BBEE status level certificate.
- 5.5 A trust, consortium or joint venture will qualify for points for their B-BBEE status level as an unincorporated entity, provided that the entity submits their consolidated B-BBEE scorecard as if they were a group structure and that such a consolidated B-BBEE scorecard is prepared for every separate bid.
- 5.6 Tertiary institutions and public entities will be required to submit their B-BBEE status level certificates in terms of the specialized scorecard contained in the B-BBEE Codes of Good Practice.
- 5.7 A person will not be awarded points for B-BBEE status level if it is indicated in the bid documents that such a bidder intends sub-contracting more than 25% of the value of the contract to any other enterprise that does not qualify for at least the points that such a bidder qualifies for, unless the intended sub contractor is an EME that has the capability and ability to execute the sub-contract.
- 5.8 A person awarded a contract may not sub-contract more than 25% of the value of the contract to any other enterprise that does not have an equal or higher B-BBEE status level than the person concerned, unless the contract is sub-contracted to an EME that has the capability and ability to execute the sub-contract.

## 6. BID DECLARATION

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

## 7. B-BBEE STATUS LEVEL OF CONTRIBUTION CLAIMED IN TERMS OF PARAGRAPHS 1.3.1.2 AND 5.1

- 7.1 B-BBEE Status Level of Contribution: ..... = .....(maximum of 20 points)

(Points claimed in respect of paragraph 7.1 must be in accordance with the table reflected in paragraph 5.1 and must be substantiated by means of a B-BBEE certificate issued by a Verification Agency accredited by SANAS or a Registered Auditor approved by IRBA or an Accounting Officer as contemplated in the CCA).

## 8 SUB-CONTRACTING

8.1 Will any portion of the contract be sub-contracted? YES / NO (delete which is not applicable)

8.1.1 If yes, indicate:

- (i) what percentage of the contract will be subcontracted?.....%
- (ii) the name of the sub-contractor? .....
- (iii) the B-BBEE status level of the sub-contractor? .....
- (iv) whether the sub-contractor is an EME? YES/NO (delete which is not applicable)

## 9 DECLARATION WITH REGARD TO COMPANY/FIRM

9.1 Name of firm :.....

9.2 VAT registration number :.....

9.3 Company registration number :.....

:

9.4 TYPE OF COMPANY/ FIRM

- ☐ Partnership/Joint Venture / Consortium
- ☐ One person business/sole propriety
- ☐ Close corporation
- ☐ Company
- ☐ (Pty) Limited

[TICK APPLICABLE BOX]

9.5 DESCRIBE PRINCIPAL BUSINESS ACTIVITIES

.....  
 .....  
 .....

9.6 COMPANY CLASSIFICATION

- ☐ Manufacturer
- ☐ Supplier
- ☐ Professional service provider
- ☐ Other service providers, e.g. transporter, etc.

[TICK APPLICABLE BOX]

9.7 MUNICIPAL INFORMATION

Municipality where business is situated.....

Registered Account Number .....

Stand Number .....

9.8 TOTAL NUMBER OF YEARS THE COMPANY/FIRM HAS BEEN IN BUSINESS?

.....

9.9 I/we, the undersigned, who is / are duly authorised to do so on behalf of the company/firm, certify that the points claimed, based on the B-BBE status level of contribution indicated in paragraph 7 of the foregoing certificate, qualifies the company/ firm for the preference(s) shown and I / we 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 paragraph 7, the contractor may be required to furnish documentary proof to the satisfaction of the purchaser that the claims are correct;
- (iv) If the B-BBEE status level of contribution has been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the purchaser may, in addition to any other remedy it may have –
  - (a) disqualify the person from the bidding process;
  - (b) recover costs, losses or damages it has incurred or suffered as a result of that person's conduct;
  - (c) cancel the contract and claim any damages which it has suffered as a result of having to make less favourable arrangements due to such cancellation;
  - (d) restrict the bidder or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, 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

**WITNESSES:**

1 .....  
BIDDER(S) SIGNATURE(S) OF

2. ....  
DATE:.....  
ADDRESS:.....  
.....

**CONTRACT FORM - RENDERING OF SERVICES**

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

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

1. I hereby undertake to render services described in the attached bidding documents to (name of the institution) ..... in accordance with the requirements and task directives / proposals specifications stipulated in Bid Number..... at the price/s quoted. My offer/s remain binding upon me and open for acceptance by the Purchaser during the validity period indicated and calculated from the closing date of the bid.
2. The following documents shall be deemed to form and be read and construed as part of this agreement:
  - (i) Bidding documents, viz
    - Invitation to bid;
    - Tax clearance certificate;
    - Pricing schedule(s);
    - Filled in task directive/proposal;
    - Preference claims for Broad Based Black Economic Empowerment Status Level of Contribution in terms of the Preferential Procurement Regulations 2011;
    - Declaration of interest;
    - Declaration of Bidder's past SCM practices;
    - Certificate of Independent Bid Determination;
    - Special Conditions of Contract;
  - (ii) General Conditions of Contract; and
  - (iii) Other (specify)
3. I confirm that I have satisfied myself as to the correctness and validity of my bid; that the price(s) and rate(s) quoted cover all the services specified in the bidding documents; that the price(s) and rate(s) cover all my obligations and I accept that any mistakes regarding price(s) and rate(s) and calculations will be at my own risk.
4. I accept full responsibility for the proper execution and fulfilment of all obligations and conditions devolving on me under this agreement as the principal liable for the due fulfillment of this contract.
5. I declare that I have no participation in any collusive practices with any bidder or any other person regarding this or any other bid.
6. I confirm that I am duly authorised to sign this contract.

NAME (PRINT) .....

CAPACITY .....

SIGNATURE .....

NAME OF FIRM .....

**WITNESSES**

1 .....

2 .....

DATE .....

**MBD 7.2**

**CONTRACT FORM - RENDERING OF SERVICES**

**PART 2 (TO BE FILLED IN BY THE PURCHASER)**

1. I..... in my capacity as..... accept your bid under reference number .....dated.....for the rendering of services indicated hereunder and/or further specified in the annexure(s).
2. An official order indicating service delivery instructions is forthcoming.
3. I undertake to make payment for the services rendered in accordance with the terms and conditions of the contract, within 30 (thirty) days after receipt of an invoice.

DESCRIPTION OF SERVICE	PRICE (ALL APPLICABLE TAXES INCLUDED)	COMPLETION DATE	B-BBEE STATUS LEVEL OF CONTRIBUTION	MINIMUM THRESHOLD FOR LOCAL PRODUCTION AND CONTENT (if applicable)

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

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

NAME (PRINT) .....

SIGNATURE .....

OFFICIAL STAMP

--

WITNESSES

1 .....

2 .....

**MBD 8**



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

- 1 This Municipal Bidding Document must form part of all bids invited.
- 2 It serves as a declaration to be used by municipalities and municipal entities in ensuring that when goods and services are being procured, all reasonable steps are taken to combat the abuse of the supply chain management system.
- 3 The bid of any bidder may be rejected if that bidder, or any of its directors have:
  - a. abused the municipality's / municipal entity's supply chain management system or committed any improper conduct in relation to such system;
  - b. been convicted for fraud or corruption during the past five years;
  - c. willfully neglected, reneged on or failed to comply with any government, municipal or other public sector contract during the past five years; or
  - d. been listed in the Register for Tender Defaulters in terms of section 29 of the Prevention and Combating of Corrupt Activities Act (No 12 of 2004).
- 4 **In order to give effect to the above, the following questionnaire must be completed and submitted with the bid.**

Item	Question	Yes	No
4.1	<p>Is the bidder or any of its directors listed on the National Treasury's Database of Restricted Suppliers as companies or persons prohibited from doing business with the public sector?</p> <p>(Companies or persons who are listed on this Database were informed in writing of this restriction by the Accounting Officer/Authority of the institution that imposed the restriction after the <i>audi alteram partem</i> rule was applied).</p> <p><b>The Database of Restricted Suppliers now resides on the National Treasury's website(<a href="http://www.treasury.gov.za">www.treasury.gov.za</a>) and can be accessed by clicking on its link at the bottom of the home page.</b></p>	<p>Yes</p> <input type="checkbox"/>	<p>No</p> <input type="checkbox"/>
4.1.1	If so, furnish particulars:		
4.2	<p>Is the bidder or any of its directors listed on the Register for Tender Defaulters in terms of section 29 of the Prevention and Combating of Corrupt Activities Act (No 12 of 2004)?</p> <p><b>The Register for Tender Defaulters can be accessed on the National Treasury's website (<a href="http://www.treasury.gov.za">www.treasury.gov.za</a>) by clicking on its link at the bottom of the home page.</b></p>	<p>Yes</p> <input type="checkbox"/>	<p>No</p> <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:		
<b>Item</b>	<b>Question</b>	<b>Yes</b>	<b>No</b>
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**

**CERTIFICATE OF INDEPENDENT BID DETERMINATION**

- 1 This Municipal Bidding Document (MBD) must form part of all bids<sup>1</sup> 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).<sup>2</sup> 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:

<sup>1</sup> Includes price quotations, advertised competitive bids, limited bids and proposals.

<sup>2</sup> Bid rigging (or collusive bidding) occurs when businesses, that would otherwise be expected to compete, secretly conspire to raise prices or lower the quality of goods and / or services for purchasers who wish to acquire goods and / or services through a bidding process. Bid rigging is, therefore, an agreement between competitors not to compete.

**CERTIFICATE OF INDEPENDENT BID DETERMINATION**

I, the undersigned, in submitting the accompanying bid:

---

(Bid Number and Description)

in response to the invitation for the bid made by:

---

(Name of Municipality / Municipal Entity)

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

I certify, on behalf

of: \_\_\_\_\_ that:

(Name of Bidder)

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

6. The bidder has arrived at the accompanying bid independently from, and without consultation, communication, agreement or arrangement with any competitor.

How-ever communication between partners in a joint venture or consortium<sup>3</sup> 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.

<sup>3</sup> Joint venture or Consortium means an association of persons for the purpose of combining their expertise, property, capital, efforts, skill and knowledge in an activity for the execution of a contract.

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