



ELIAS MOTSOALEDI

LOCAL MUNICIPALITY

EMLM 28/2026

SHORT TERM INSURANCE SERVICES FOR A PERIOD OF 3 YEARS (36 MONTHS)

CLOSING DATE:	22 MAY 2026	TIME	11H00
----------------------	--------------------	-------------	--------------

NAME OF TENDERER	
TOTAL AMOUNT	
CENTRAL SUPPLIER DATABASE NUMBER	MAAA
TOTAL SPECIFIC GOALS	
CONTACT PERSON	
CONTACT NUMBER	
EMAIL ADDRESS	

ENQUIRIES REGARDING BID PROCEDURES		TECHNICAL ENQUIRIES	
DIRECTORATE: BUDGET AND TREASURY		DIRECTORATE: BUDGET AND TREASURY	
H MASEMOLA		MC TJIANE	
MANAGER: SCM		MANAGER: ASSETS	
TEL. NUMBER	TEL.013 262 3056	TEL. NUMBER	013 262 3056
TENDER ISSUED BY			
SUPPLY CHAIN MANAGEMENT UNIT			
ELIAS MOTSOALEDI LOCAL MUNICIPALITY		P.O. BOX 48, GROBLERSDAL, 0470	

NB: ANY OBJECTIONS OR COMPLAINTS IN RESPECT WITH THIS TENDER SHOULD BE LODGED WITHIN 14 DAYS OF THE ADVERTISEMENT

ELIAS MOTSOLEDI LOCAL MUNICIPALITY

TENDER DETAILS						
TENDER NUMBER	EMLM 28/2026					
TENDER TITLE	SHORT TERM INSURANCE SERVICES FOR A PERIOD OF 3 YEARS (36 MONTHS)					
CLOSING DATE	22 MAY 2026		CLOSING TIME		11H00	
SITE MEETING	DATE	N/A	TIME	N/A	COMPULSORY	N/A
SITE MEETING ADDRESS	N/A					
CIDB GRADING REQUIRED	N/A		LEVEL AND CATEGORY		N/A	
TENDER DOCUMENT FEE	R1000.00(if collecting from the Municipality) Free when uploading from e-tender portal		PREFERENCE POINT SYSTEM		80/20	
BID BOX SITUATED AT	MAIN OFFICES, 2ND GROBLER AVENUE, Elias Motsoaledi Local Municipality					
OPERATING HOURS	The bid box is open during office hours, Monday to Thursday 07h30 to 16h30 Friday 07h30 to 13h30.					
OFFER TO BE VALID FOR	90	DAYS FROM THE CLOSING DATE OF TENDER.				
<p>PLEASE NOTE:</p> <ol style="list-style-type: none"> 1. Prospective suppliers must be registered on CSD prior to submitting bid (open tender) 2. Tenders that are deposited in the incorrect box will not be considered. 3. Mailed, telegraphic, telex, or faxed tenders will not be accepted. 4. No late bids after closing date and time will be accepted. 5. Bids not clearly marked and unamend will not be accepted. 6. Bids may only be submitted on the bid documentation provided by the municipality. 7. No awards will be made to a person: <ol style="list-style-type: none"> i. Who is in the service of the state, ii. If that person is not a natural person, of which any director, manager, principal shareholder or stakeholder is a person in the service of the state iii. Who is an advisor or consultant contracted with the municipality or municipal entity 						

BIDDER'S TENDER DOCUMENTATION DECLARATION CERTIFICATION

I the undersigned, certify that the information furnished on this declaration form is correct, completed and submitted.

NAME OF REPRESENTATIVE	
POSITION / DESIGNATION	
SIGNATURE	
DATE	



ELIAS MOTSOALEDI

LOCAL MUNICIPALITY

T1.1 TENDER NOTICE & INVITATION

ELIAS MOTSOALEDI LOCAL MUNICIPALITY

TENDER NO: EMLM 36/2023
CLOSING DATE: 22 MAY 2026 AT 11H00

In terms of Section 110 of the Municipal Finance Management Act, 2003 (No. 56 of 2003), tenders are hereby invited for **SHORT TERM INSURANCE SERVICES FOR A PERIOD OF 3 YEARS (36 MONTHS)**

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

The closing time for receipt of tenders is **22 MAY 2026 at 11h00** Telegraphic, telephonic, telex, facsimile, e-mail, unmarked and **late tenders** will under no circumstances be considered and accepted. The tender box will be emptied just after closing time on the closing date. Hereafter all bids will be open in public.

Any technical enquiries relating to the tender document may be directed to the **Budget and Treasury Office (MC Tjiane)** on 013 262 3056 ctjiane@emlm.gov.za for technical assistance.

Fully completed tender documents, clearly marked "**SHORT TERM INSURANCE SERVICES FOR A PERIOD OF 3 YEARS (36 MONTHS)**" with "**NAME of TENDERER**" must be placed in a sealed envelope and placed in the **tender box No: 3** on the **2nd Grobler Avenue**, Elias Motsoaledi Local Municipality, Main Offices, Groblersdal, **by no later than 22 MAY 2026 at 11H00**. The envelope must be endorsed with number, title and closing date as indicated above

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

No awards will be made to a person:

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

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



ELIAS MOTSOALEDI

LOCAL MUNICIPALITY

TERMS OF REFERENCE FOR

SHORT TERM INSURANCE SERVICES FOR A PERIOD OF 3 YEARS (36 MONTHS)

1. PURPOSE

The purpose is to appoint an Intermediary with vast experience in the municipal short term insurance field to provide Short Term Insurance to council for the period of 3 years (36 months) as when required with an annual performance review based on deliverables.

2. BACKGROUND

Council must minimize its risks by ensuring the allocation of risk to the party best suited to manage dual risk, and that all its assets are insured under the following asset classes:

- Buildings combined
- Office contents
- Business all risks
- Theft
- Money
- Commercial Crime
- Stated Benefits
- Electronic equipment
- Motor Fleet
- Public and employee's liability
- Contractors All Risk
- Business Interruption
- Glass
- Accidental Damage
- Group Personal Accident
- Machinery Breakdown
- Directors and Officers Liability
- SASRIA for Councillors
- SASRIA

3. CONTRACT OBJECTIVES, ASSUMPTIONS AND RISKS

1. Bidders may approach all service providers who comply with the relevant statutory solvency and related requirements.
2. Bidders' proposals should be accompanied by a detailed summary of the salient features of their recommended insurance and risk mitigation structures.
3. Support for the bidders' proposals should be evidenced by a signed participation confirmation from Insurers/Reinsurers/Service Providers who will support their recommended structure at the terms, conditions and exceptions proposed by tenderer.
4. All premiums are to be rounded off to the next full rand. Where extensions are granted free of charge, please state "free" in the premium column. Where a line of cover or an extension is not tendered for, please state "no tender" in the premium column. All premiums quoted are to INCLUDE VAT. Should a deposit premium apply, it must be shown and a full explanation must be given as to how the deposit premium will operate. Nevertheless only 100% or maximum premiums must be shown in the summary page of insurance cost. If the policy is subject to declarations, please advise how it would affect the premium.
5. Bidders' proposals should be accompanied by a detailed premium calculation for each class of insurance submitted.
6. The bidder must disclose the Insurers/Reinsurers/Service Providers or consortium on each policy type as well as the type of policy wording as indicated in tender documents.
7. The bidder (whether intermediary or insurer or service provider) must submit/declare any litigation against any local authority/public sector institution and/or any organ of state for whatever reason in the last 5 years.
8. Is the bidder a South African based Insurer or Broking Organization (attach proof)?
9. Do you have Professional Indemnity Cover? (attach proof)
10. Do you have Fidelity Guarantee Cover? (attach proof)
11. Will the bidder be outsourcing more than 25% of their services to other parties? (If yes, please provide equity ownership and HDI status of the beneficiary partner(s) to whom part of the contract will be outsourced). Also indicate which portion of the service will be outsourced
12. Name the local authorities where the bidder is applying risk management, risk control and risk financing solutions to (attach proof)?
13. Has the bidder been appointed in the past (3) three years as an Intermediary for short term insurance on a portfolio more than R5 billion assets. (if yes, must provide the names of these clients)
14. Has the bidder been appointed as an Intermediary for short term insurance on a municipal portfolio in the past 3 (three) years? (if yes, must provide the names of these clients)
15. Has the bidder dealt with individual claims more than R250 000 in the past 3 (three) years? (if yes, must provide the names of these clients)
16. Does the bidder have an electronic insurance claims handling system?

17. Has this electronic insurance claims handling system been implemented with the bidders' other clients? (if yes, must provide the names of these clients)

18. Failure to comply with the above requirements may render the Tender invalid at the option of the Council.

4. SCOPE OF THE WORK

4.1. Terms of appointment

The appointment of an Intermediary shall be for a 3-year period. It will be expected from the Intermediary to enter into a performance agreement for the period of appointment with the municipality to achieve this goal. Should the service provider or intermediary not perform according to the agreement, the municipality reserves its right to terminate the contract.

This contract will be valid for the period of three years from the date of appointment

4.2. Services required

Key Performance	Deliverable
1. Post renewal	1.1 Assist in scrutinising the premium invoices for correctness as per underwriters' tender
	1.2 Assist with the finalisation and submission of policy documentation and endorsements
	1.3 Preparation and submission of executive insurance summary
	1.4 Workshopping of executive insurance summary with Municipality insurance and risk management officials to ensure proper understanding of policy wording, limits excesses, categories and sections within portfolio.
2. Claims Management system	2.1 The system should have the following minimum requirements: <ul style="list-style-type: none"> - The system should be web based - The system should be windows formats - The system should be able to store documents in any of the windows formats - The system should function on a real time basis - The system should be email interactable The system should be able to generate reports and management information on an as and when required basis
	2.2 Attendance of ad - hoc claims management meetings as and when required with Elias Motsoaledi Local Municipality or underwriters
3. Liaison between the insurance claims administration services provider and Elias Motsoaledi Local Municipality	3.1 Attendance of monthly portfolio and loss control meetings as and when required (to be facilitated by account executive)
	3.2 Provide expert insurance related or underwriting advice to the Elias Motsoaledi Local Municipality upon request

	3.3 Report to Elias Motsoaledi Local Municipality on claims statistics as and when required (weekly or monthly)
	3.4 Submission of claims analysis and age analysis reports
4. Loss control and risk management	4.1 Formulate proposals to remedy loss problem areas in monthly report format
	4.3 Assist in applying / introducing remedial measures
	4.4 Pro - active management of loss control and risk preventative measures
	4.5 Develop, negotiate and implement loss control benchmarks of the management and measurement of loss control measures implemented
	4.6 Reporting on achievement of benchmarks and actual results
5. Risk Evaluation	5.2 Complete uninsurable risk evaluation process
	5.3 Submit report with proposed remedial actions
	5.4 Implementation of remedial actions
	5.5 Review Elias Motsoaledi Local Municipality's exiting underwriting questionnaires to assist in compiling new ones where required
6. Run - up to next renewal	6.1 Verification / review exposures, limits, sum insureds, risk financing structures and advise on possible / improvements adjustments
	6.2 Participates in advisory capacity during renewal negotiations between Elias Motsoaledi Local Municipality and underwriters. Formulate opinion and suggestions in report format
	6.3 Benchmark renewal quotes from Elias Motsoaledi Local Municipality's appointed underwriters by obtaining and comparing quotes in the open market. Supply written report on findings.

4.2.1. Insured value and claims experience

1. The enclosed attached present the asset values for the period 1 July 2023 up to 30 June 2026(Annexure A). Endorsements, if necessary, will be done during the year.

5. GENERAL CONDITIONS

5.1 DEFINITIONS

Unless indicated by the context or explicitly stated otherwise, the following expressions will have the following meanings:

5.1.1 Proposal

A proposal for the arrangement of short-term insurance and risk services for the Council at an agreed premium.

5.1.2 Tenderer

Any person or persons or anybody, incorporated or otherwise, making an offer to arrange short-term insurance and risk services for the Council.

5.1.3 Contract Period

This contract will be valid from _____ to _____, subject to an annual assessment on price and performance deliverables. An extended term of two (2) years is to be negotiated.

5.2 FAILURE TO PERFORM

- The tenderer would be deemed to have failed to perform if
- The tenderer fails to arrange the short-term insurance cover with Insurers/Reinsurers/Service Providers stated in the contract.

Or

- Council suffer damage because of the tenderer's failure to perform,

5.3 CEDING OF CONTRACT

The tenderer undertakes not to sub-contract or cedes this contract, including any portion thereof or interest therein, unless written permission is granted by the council and on such conditions as the council may approve.

5.4 ACCEPTANCE

5.4.1 Written acceptance of this tender will make the contract binding on both parties.

5.5 USE OF OTHER BROKERS/INTERMEDIARIES

Will you be making use of other service providers or parties? If so, whom, and what is your relationship?

5.6 PARTICULARS OF PROFESSIONAL INDEMNITY INSURANCE

Provide full details of your Professional Indemnity insurance arrangements. State limits of any one occurrence and deductible.

5.7 COMMERCIAL CRIME INSURANCE

Provide full details of your Commercial Crime insurance arrangements.

5.8 AUDITED FINANCIAL STATEMENTS

Please attach a copy of your latest audited financial statements.

5.9 SIMILAR PORTFOLIOS (LOCAL AUTHORITIES ONLY)

5.9.1 *If you are currently dealing with any similar portfolios, please provide full details, including names of contactable references*

<i>Council</i>	<i>Contact Person</i>	<i>Tel No.</i>	<i>Fax</i>

5.9.2 *Please provide information of municipal claims in excess of R250 000 handled by you during the past 3 years.*

5.10 INSURANCE MARKETS

- Which markets do you have access?*
- Does your proposed market have experience with Local Authorities?*

5.11 EMPOWERMENT

5.11.1 BLACK EMPOWERMENT

Provide a statement on the tenderer's policy regarding empowerment of the previous disadvantage sector and of SMEs. The tenderer must comply with the Employment Equity Act No. 55 of 1998.

5.11.2 PERSONNEL MANAGEMENT

Provide a statement on the tenderer's policy covering, inter alia, human resources and labour relations policy, specifically addressing recruitment, training, conditions of service and management of its employees.

5.11.3 EQUAL OPPORTUNITIES

Provide a statement on the tenderer's policy and intention regarding equal opportunities of employment.

5.12 OPERATING COMPANY INFORMATION

Indicate which company, division or branch will be responsible for the handling of our portfolio, if appointed.

5.12.1 NAME

.....
.....

5.12.2 PHYSICAL ADDRESS

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

5.12.3 POSTAL ADDRESS

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

5.12.4 TELEPHONE/FACSIMILE NUMBER

.....
.....

5.12.5 COMPANY/ENTERPRISE INCOME TAX REFERENCE NUMBER

.....
.....

5.12.6 VAT REGISTRATION NUMBER

.....
.....

5.12.7 COMPANY REGISTRATION NUMBER

.....

.....

5.12.8 CHIEF EXECUTIVE

.....

.....

5.12.9 STRUCTURE OF DIVISION

.....

.....

5.12.10 ACCOUNT EXECUTIVES

.....

.....

5.13 PORTFOLIO MANAGEMENT

5.13.1 Do you have a Loss Control Resource?

Is it In-house or external?

5.13.2 Do you have a Risk Finance Resource?

Is it in-house or external?

Describe fully the services you are able to offer on the field of Risk Management, Risk Control and Risk Financing

5.13.3 How would you apply your Resources to our benefit

5.14 CLAIMS HANDLING

5.14.1 Describe fully the services you are able to offer under this heading.

5.14.2 *If you consider it applicable, comment upon the role to be undertaken by the Council in connection with the review and settlement of claims.*

5.14.3 *Describe fully the service you are able to offer and your recommended method for self-insurance.*

5.15 PROPOSED STRATEGY

5.15.1 *Describe your proposed strategy and plan of action based on the information provided, should you be appointed.*

5.16 SERVICE AND REMUNERATION

5.16.1 *Service*

16.1.1 *Provide full details of the services you propose providing and the extent of such services.*

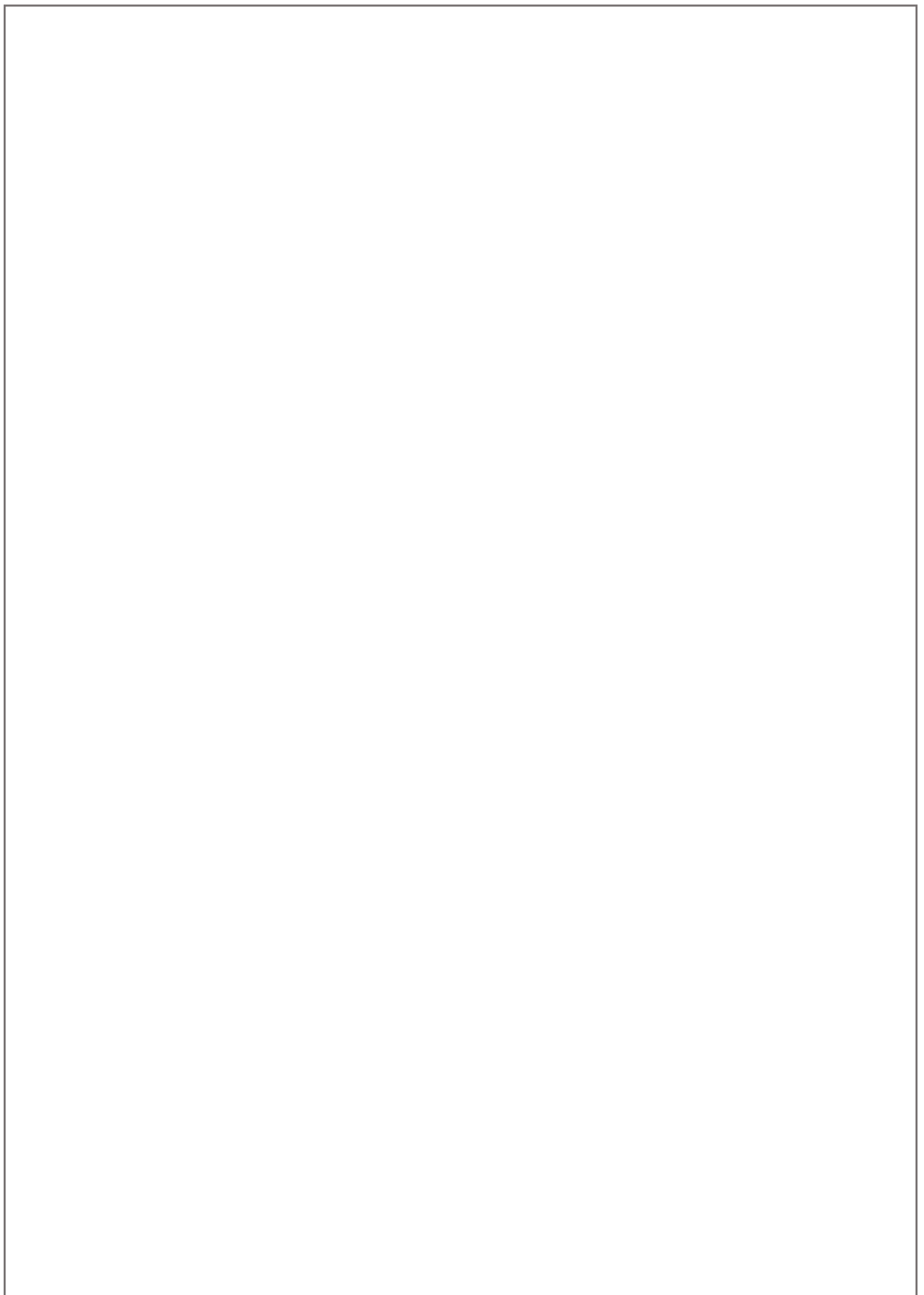
16.1.2 *Provide a full-service plan*

5.16.2 *List your personnel resource level of experience and position that you would use in managing this account if appointed.*

5.17 SOCIAL RESPONSIBILITY

5.17.1 *List your social responsibility investment currently implemented by yourself.*

5.17.2 *What social investments would you propose for the _____ Municipality if successful?*



6. BILL OF QUANTITY

Item No.	Category	Description	Unit	Qty	Rate (R)	Amount (R)	VAT	Total (R)
1.1	Assets	Buildings & Infrastructure (All Risks)	Per annum	3				
1.2	Assets	Plant, Machinery & Equipment	Per annum	3				
1.3	Assets	Furniture, Fixtures & Office Equipment	Per annum	3				
1.4	Assets	Electronic Equipment Insurance	Per annum	3				
1.5	Assets	Roads and Stormwater	Per annum	3				
1.6	Assets	Newly Acquired Assets (Pro-rata)	Per annum	3				
2.1	Fleet	Comprehensive Cover – Light Vehicles: Value below R500 000.00	Per vehicle/annum	32				
2.2	Fleet	Comprehensive Cover – Heavy Vehicles: Value of R500 000.00 and above	Per vehicle/annum	43				
2.3	Fleet	Third Party, Fire & Theft	Per vehicle/annum	75				
3.1	Liability	Public Liability Insurance	Per annum	3				
3.2	Liability	Employers' Liability	Per annum	3				
4.1	SASRIA	SASRIA Cover – Buildings & Assets	Per annum	3				
4.2	SASRIA	SASRIA – Motor Fleet	Per annum	3				
5.2	Services	Claims Administration & Support	Per annum	3				
5.3	Services	Annual Risk Assessment, mitigation, Risk Finance & Valuation Support	Per annum	3				

Year	Adjustment Basis	% Increase	Amount (R)	Notes
Year 1	Fixed	0%		
Year 2	CPIX / Claims Ratio			
Year 3	CPIX / Claims Ratio			

7. MINIMUM REQUIREMENTS

RETURNABLE TENDER DOCUMENTS MUST BE COMPILED WITH CLEAR FILES DIVIDERS IN NUMERICAL ORDER AS PER THE BELOW MINIMUM REQUIREMENTS

Minimum Qualifying Requirements /Compulsory Returnable Documents:

1. Fully Completed and Signed MBD Forms with a black ink (1; 4; 6.1; 8 & 9).
2. Attach CSD registration report (**Detailed not Summary**).
3. Valid copy Entity / Company registration certificate.
4. Any alteration on the tender document must be signed (**NB: Not Initialled**).
5. Every page on the tender documents must be signed (**NB: Not Initialled**).
6. Proof of registration with the following institution:
 - Financial Services Conduct Authority (FSCA) (Attach Proof)
 - Institute of independent directors' certification (Attach Proof)
7. Proof of public liability / indemnity cover of R100 million or higher (**Confirmation of cover not intent of cover**).
8. Annual financial statement (**if the bidder is required by law to prepare annual financial statements for auditing, their audited annual financial statements - for the past three years; or since their establishment if established during the past three years**)
 - If the PI score of a bidder is more than 350, submit audited annual financial statements.
 - If the PI score of a bidder is below 350, submit independently reviewed annual financial statements
9. Valid CIPC Abridged Certificate of Annual returns (**Figures / Amount page**) (**NB applicable to entities that are in business for more than 12 months and must be paid within 30 days after the anniversary of the company's incorporation date**)
10. Company Profile (**Detailing; Name of Client; Service Provided; Award Amount; Contact Person and Contact Number**).
11. Proof of Municipal rates and taxes or services charges:
 - Of the company and all of its directors not in arrears for more than 90 days or
 - Confirmation from the municipality if municipal rates and taxes are not levied (for the company and all its director(s) as per address on the CIPC registration certificate or
 - if leasing, a signed lease agreement by the lessor and the lessee and a Municipal rates and taxes in the name of the lessor for both company and director(s) not in arrears for more than 90 days (3 months).
12. Original Certified copies of ID's of the Director(s) (**Certification not older than 6 months before the closing date**)
13. **In case of a Joint Venture**, Association or Consortium a formal contract agreement must be signed by both parties and be attached and the following must be adhered to:

All of the above requirements must be for both entities.

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

8. TECHNICAL EVALUATION CRITERIA

BIDDER EVALUATION CRITERIA FOR FUNCTIONALITY	DESCRIPTION	TOTAL POINTS
COMPANY PREVIOUS EXPERIENCE (Public sector insurance experience) <i>(Attach Appointment Letter(s) and corresponding reference letter(s) signed and stamped)</i>	Public sector insurance experience. <ul style="list-style-type: none"> • Above 8 years =40 points • Between 7-5 years =20 points • Between 3-5 years =10 points 	40
KEY PERSONNEL <i>(Attach Curriculum Vitae and certified copies of qualification and ID)</i>	Dedicated Account manager <ul style="list-style-type: none"> • Qualification- BCom Honours =10 points Risk Management Administrator <ul style="list-style-type: none"> • Qualification- Diploma in Risk Management =10 points 	20
CLAIMS ADMINISTRATION SYSTEM Claims management turnaround & process <i>(Attach system print out)</i>	Claims process flow with timelines, sample monthly claims report Proven turnaround timelines (attach system print out) = 10 points	10
QUALITY ASSURANCE <i>(Attach certification)</i>	ISO9001 certified = 10 points	10
Proof of Professional Indemnity	Confirmation of cover for R100 million Professional Indemnity = 10 points	10
Proof of Fidelity Guarantee	Confirmation of Cover for R100 million Fidelity Guarantee = 10 points	10
TOTAL POINTS (MINIMUM QUALIFYING POINTS 70 (70%) POINTS)		100

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

PHASE 2: PRICE AND PREFERENTIAL POINTS ALLOCATIONS

For quotes with a Rand value up to R50 000 000, the preference point system of 80/20 will apply, where 80 points will be for **(Price)** and 20 points will be for **Specific Goals** (Black, Women, Disability & people living in rural underdeveloped areas) in terms of section 2(1)(d) of the Preferential Procurement Policy Framework Act, 2000, (Act No 5 Of 2000)

Price	=	80 Points
Specific Goals	=	20 Points
Total	=	100 Points

The specific goals allocated points in terms of this tender	Number of points allocated (80/20 system) (To be completed by the organ of state)	Number of points claimed (80/20 system) (To be completed by the tenderer)
Local area of Supplier (Choose one applicable to you)	10	
Within the area of Elias Motsoaledi Local Municipality	- 10	
Within the area of Sekhukhune District Municipality	- 6	
Within the area of Limpopo Province	- 4	
Within the Republic of South Africa	- 2	
Company which is at least 51% is owned by black	10	
TOTAL POINTS	20	

CONCLUSION

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

The council reserves the right to accept either the whole or part of any Bid, or not to appoint at all. Faxes or e-mail is not acceptable. Bidders will be required to show compliance with the New Preferential Procurement Regulation of 2022

COMPULSORY MUNICIPAL BID DOCUMENTATION

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

N.R MAHLAKWANE Pr Tech Eng

MUNICIPAL MANAGER.

**PART A
INVITATION TO BID**

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE (ELIAS MOTSOLEDI LOCAL MUNICIPALITY)					
BID NUMBER:	EMLM 28/2026	CLOSING DATE:	22 MAY 2026	CLOSING TIME:	11H00
DESCRIPTION	SHORT TERM INSURANCE SERVICES FOR A PERIOD OF 3 YEARS (36 MONTHS)				
THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (MBD7).					

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

02 GROBLER AVENUE				
GROBLERSDAL				
0470				
SUPPLIER INFORMATION				
NAME OF BIDDER				
POSTAL ADDRESS				
STREET ADDRESS				
TELEPHONE NUMBER	CODE		NUMBER	
CELLPHONE NUMBER				
FACSIMILE NUMBER	CODE		NUMBER	
E-MAIL ADDRESS				
VAT REGISTRATION NUMBER				
TAX COMPLIANCE STATUS	TCS PIN:		OR	CSD No:
<i>ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES /WORKS OFFERED?</i>	<input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES ENCLOSE PROOF]	<i>ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES /WORKS OFFERED?</i>	<input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES, ANSWER PART B:3]	
<i>TOTAL NUMBER OF ITEMS OFFERED</i>		<i>TOTAL BID PRICE</i>	R	
<i>SIGNATURE OF BIDDER</i>	<i>DATE</i>		
<i>CAPACITY UNDER WHICH THIS BID IS SIGNED</i>				
BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO:		TECHNICAL INFORMATION MAY BE DIRECTED TO:		
CONTACT PERSON	H. MASEMOLA	CONTACT PERSON	C. TJIANE	
TELEPHONE NUMBER	013 262 3056	TELEPHONE NUMBER	013 262 3056	
E-MAIL ADDRESS	hmasemola@emlm.gov.za	E-MAIL ADDRESS	ctjiane@emlm.gov.za	

PART B

TERMS AND CONDITIONS FOR BIDDING

1. BID SUBMISSION:

- 1.1. BIDS MUST BE DELIVERED BY THE STIPULATED TIME TO THE CORRECT ADDRESS. LATE BIDS WILL NOT BE ACCEPTED FOR CONSIDERATION.
- 1.2. **ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS PROVIDED--(NOT TO BE RE-TYPED) OR ONLINE**
- 1.3. THIS BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT AND THE PREFERENTIAL PROCUREMENT REGULATIONS, 2022, THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER SPECIAL CONDITIONS OF CONTRACT.

2. TAX COMPLIANCE REQUIREMENTS

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

3. QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS

- | | | | | |
|--|-----|--------------------------|--------------------------|----|
| 3.1. IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)? | YES | <input type="checkbox"/> | <input type="checkbox"/> | NO |
| 3.2. DOES THE ENTITY HAVE A BRANCH IN THE RSA? | YES | <input type="checkbox"/> | <input type="checkbox"/> | NO |
| 3.3. DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA? | YES | <input type="checkbox"/> | <input type="checkbox"/> | NO |
| 3.4. DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA? | YES | <input type="checkbox"/> | <input type="checkbox"/> | NO |
| 3.5. IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION? | YES | <input type="checkbox"/> | <input type="checkbox"/> | 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.

3. Service Providers Declaration and Privacy Notice

- 3.1 I declare that I undertake to inform Elias Motsoaledi Local Municipality of any changes in my personal information.
- 3.2 I, as a Service Provider of the Municipality hereby consent that the Municipality may collect, use, distribute, process my personal information for its business purposes, which may include, but is not limited to,
 - 3.2.1 internal administrative processes pertaining to services rendered or goods provided to the Municipality;
 - 3.2.2 conducting service provider vetting; and
 - 3.2.3 rendering services or providing goods to Elias Motsoaledi Local Municipality.
- 3.3 I also consent that the Municipality may share my personal information with the South African Revenue Service, Companies and Intellectual Property Commission, Department of Trade and Industry, Provincial Treasury, Black Economic Empowerment Commission, Competition Commission, South African Police Service, Banks, External Auditors, Suppliers Vetting Agencies, relevant governance structures, relevant government institutions and legal entities which may lawfully require such information for legal obligations.
- 3.4 I understand that in terms of the Protection of Personal Information Act (POPIA) and other laws of the country, there are instances where my express consent is not necessary to permit the processing of personal information, which may be related to investigations, litigation, compliance with legislative requirements or when personal information is publicly available.
- 3.5 I will not hold the Municipality responsible for any improper or unauthorised use of personal information that is beyond its reasonable control.
- 3.6 I confirm that I have read the notice and understand the contents.

NB: FAILURE TO PROVIDE ANY OF THE ABOVE PARTICULARS MAY RENDER THE BID INVALID. NO BIDS WILL BE CONSIDERED FROM PERSONS IN THE SERVICE OF THE STATE.

4. I, the undersigned certify that the information furnished on this declaration form is correct.

SIGNATURE OF BIDDER :

CAPACITY UNDER WHICH THIS BID IS SIGNED:

DATE :

DECLARATION OF INTEREST

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

No.	Information	Please provide detail	
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 ²)		
3.4	Company registration number		
3.5	Tax reference number		
3.6	VAT registration number		
Note	<i>(The names of all directors / trustees / shareholders members, their individual identity numbers and state employee numbers must be indicated in paragraph 4 below.)</i>		
3.7	Are you presently in the service of the state? If yes, please furnish particulars :	Yes	No
3.7.1	Name of director		
3.7.2	Service of state organization		
3.8	Have you been in the service of the state for the past twelve months? If yes, please furnish particulars :	Yes	No

3.8.1	Name of director		
3.8.2	Service of state organization		
3.9	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? If yes, please furnish particulars :	Yes	No
3.9.1	Name of person in the service of state		
3.9.2	Relationship		
3.10	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? If yes, please furnish particulars :	Yes	No
3.10.1	Name of person in the service of state		
3.10.2	Relationship		
3.11	<i>Are any of the company's directors, trustees, managers, principle shareholders or stakeholders in service of the state?</i> If yes, please furnish particulars :	Yes	No
3.11.1	Name of director		
3.11.2	Service of state organization		
3.12	Is any spouse, child or parent of the company's director trustees, managers, principle shareholders or stakeholders in service of the state? If yes, please furnish particulars:	Yes	No
3.12.1	Name of director		
3.12.2	Name of relative		
3.12.3	Relationship		
3.13	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? If yes, please furnish particulars:	Yes	No

3.13.1	Name of director	
3.13.2	Related company	
Note:	<p>SCM Regulations:</p> <p>“¹In the service of the state” means to be –</p> <ul style="list-style-type: none"> (a) a member of – <ul style="list-style-type: none"> (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. <p>“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.</p>	

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

Full Name	Identity Number	State Employee Number

5. Service Providers Declaration and Privacy Notice

- 5.1 I declare that all the personal information furnished by me on this form is true and correct, and I undertake to inform Elias Motsoaledi Local Municipality of any changes in my personal information.
- 5.2 I, as a Service Provider of the Municipality hereby consent that the Municipality may collect, use, distribute, process my personal information for its business purposes, which may include, but is not limited to,
 - 5.2.1 internal administrative processes pertaining to services rendered or goods provided to the Municipality.
 - 5.2.2 conducting service provider vetting; and
 - 5.2.3 rendering services or providing goods to Elias Motsoaledi Local Municipality.
- 5.3 I also consent that the Municipality may share my personal information with the South African Revenue Service, Companies and Intellectual Property Commission, Department of Trade and Industry, Provincial Treasury, Black Economic Empowerment Commission, Competition Commission, South African Police Service, Banks, External Auditors, Suppliers Vetting Agencies, relevant governance structures, relevant government institutions and legal entities which may lawfully require such information for legal obligations.
- 5.4 I understand that in terms of the Protection of Personal Information Act (POPIA) and other laws of the country, there are instances where my express consent is not necessary to permit the processing of personal information, which may be related to investigations, litigation, compliance with legislative requirements or when personal information is publicly available.
- 5.5 I will not hold the Municipality responsible for any improper or unauthorised use of personal information that is beyond its reasonable control.
- 5.6 I confirm that I have read the notice and understand the contents.

6. I, the undersigned certify that the information furnished on this declaration form is correct.

I accept that the state may act against me should this declaration prove to be false.

NAME OF REP: _____

SIGNATURE: _____

DATE: _____

CAPACITY: _____

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

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 above R50 000 000 (all applicable taxes included).
- 1.2 **To be completed by the organ of state**
- a) The applicable preference point system for this tender is the 80/20 preference point system.
 - b) The 80/20 preference point system will be applicable in this tender. The lowest/ highest acceptable tender will be used to determine the accurate system once tenders are received.
- 1.3 Points for this tender (even in the case of a tender for income-generating contracts) shall be awarded for:
- (a) Price; and
 - (b) Specific Goals.

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

The maximum points for this tender are allocated as follows:

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

- 1.5 Failure on the part of a tenderer to submit proof or documentation required in terms of this tender to claim points for specific goals with the tender, will be interpreted to mean that preference points for specific goals are not claimed.
- 1.6 The organ of state reserves the right to require of a tenderer, either before a tender is adjudicated or at any time subsequently, to substantiate any claim in regard to preferences, in any manner required by the organ of state.

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).

2. FORMULAE FOR PROCUREMENT OF GOODS AND SERVICES

3.1. POINTS AWARDED FOR PRICE

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

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

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

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:

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

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 80/20 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 80/20 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 80/20 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 80/20 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 80/20 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 (80/20 system) (To be completed by the organ of state)	Number of points claimed (80/20 system) (To be completed by the tenderer)
Local area of Supplier (Choose one applicable to you)	10	
Within the area of Elias Motsoaledi Local Municipality	- 10	
Within the area of Sekhukhune District Municipality	- 6	
Within the area of Limpopo Province	- 4	
Within the Republic of South Africa	- 2	
Company which is at least 51% is owned by black	10	
TOTAL POINTS	20	

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 :
:
:
:

DECLARATION OF BIDDERS 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:
 - 3.1 abused the municipality's / municipal entity's supply chain management system or committed any improper conduct in relation to such system;
 - 3.2 been convicted for fraud or corruption during the past five years;
 - 3.3 willfully neglected, reneged on or failed to comply with any government, municipal or other public sector contract during the past five years; or
 - 3.4 been listed in the Register for Tender Defaulters in terms of section 29 of the Prevention and Combating of Corrupt Activities Act (No. 12 of 2004).
4. **In order to give effect to the above, the following questionnaire must be completed and submitted with the bid.**

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

Item	Question	Yes	No
4.4	Does the bidder or any of its directors owe any municipal rates and taxes or municipal charges to the municipality / municipal entity, or to any other municipality / municipal entity, that is in arrears for more than three months?	Yes	No
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	No
4.5.1	If so, furnish particulars:		
5.	<p>Service Providers Declaration and Privacy Notice</p> <p>5.1 I declare that I undertake to inform Elias Motsoaledi Local Municipality of any changes in my personal information.</p> <p>5.2 I, as a Service Provider of the Municipality hereby consent that the Municipality may collect, use, distribute, process my personal information for its business purposes, which may include, but is not limited to,</p> <p>5.2.1 internal administrative processes pertaining to services rendered or goods provided to the Municipality;</p> <p>5.2.2 conducting service provider vetting; and</p> <p>5.2.3 rendering services or providing goods to Elias Motsoaledi Local Municipality.</p> <p>5.3 I also consent that the Municipality may share my personal information with the South African Revenue Service, Companies and Intellectual Property Commission, Department of Trade and Industry, Provincial Treasury, Black Economic Empowerment Commission, Competition Commission, South African Police Service, Banks, External Auditors, Suppliers Vetting Agencies, relevant governance structures, relevant government institutions and legal entities which may lawfully require such information for legal obligations.</p> <p>5.4 I understand that in terms of the Protection of Personal Information Act (POPIA) and other laws of the country, there are instances where my express consent is not necessary to permit the processing of personal information, which may be related to investigations, litigation, compliance with legislative requirements or when personal information is publicly available.</p> <p>5.5 I will not hold the Municipality responsible for any improper or unauthorised use of personal information that is beyond its reasonable control.</p> <p>5.6 I confirm that I have read the notice and understand the contents.</p>		

5.7 I, the undersigned certify that the information furnished on this declaration form is correct.

CERTIFICATION

I, the undersigned 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.

NAME OF REP: _____	SIGNATURE: _____
DATE: _____	CAPACITY: _____

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:
 - 3.1. take all reasonable steps to prevent such abuse;
 - 3.2. 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
 - 3.3. cancel a contract awarded to a person if the person committed any corrupt or fraudulent act during the bidding process or the execution of the contract.
- 4 This MBD serves as a certificate of declaration that would be used by institutions to ensure that, when bids are considered, reasonable steps are taken to prevent any form of bid rigging.
- 5 In order to give effect to the above, the attached Certificate of Bid Determination (MBD 9) must be completed and submitted with the bid:

¹ Includes price quotations, advertised competitive bids, limited bids and proposals.

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

CERTIFICATE OF INDEPENDENT BID DETERMINATION

I, the undersigned, in submitting the accompanying bid:

(Tender Number and Description)

in response to the invitation for the bid made by:

(Name of Municipality / Municipal Entity)

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

I certify, on behalf of: _____ that:

(Name of Bidder)

1. I have read and I understand the contents of this Certificate;
2. I understand that the accompanying bid will be disqualified if this Certificate is found not to be true and complete in every respect;
3. I am authorized by the bidder to sign this Certificate, and to submit the accompanying bid, on behalf of the bidder;
4. Each person whose signature appears on the accompanying bid has been authorized by the bidder to determine the terms of, and to sign, the bid, on behalf of the bidder;
5. For the purposes of this Certificate and the accompanying bid, I understand that the word "competitor" shall include any individual or organization, other than the bidder, whether or not affiliated with the bidder, who:
 - (a) has been requested to submit a bid in response to this bid invitation;
 - (b) could potentially submit a bid in response to this bid invitation, based on their qualifications, abilities or experience; and
 - (c) provides the same goods and services as the bidder and/or is in the same line of business as the bidder
6. The bidder has arrived at the accompanying bid independently from, and without consultation, communication, agreement or arrangement with any competitor. However communication between partners in a joint venture or consortium³ will not be construed as collusive bidding.
7. In particular, without limiting the generality of paragraphs 6 above, there has been no consultation, communication, agreement or arrangement with any competitor regarding:
 - (a) prices;
 - (b) geographical area where product or service will be rendered (market allocation)
 - (c) methods, factors or formulas used to calculate prices;
 - (d) the intention or decision to submit or not to submit, a bid;

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

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

Service Providers Declaration and Privacy Notice

- 10. I declare that I undertake to inform Elias Motsoaledi Local Municipality of any changes in my personal information.
- 11. I, as a Service Provider of the Municipality hereby consent that the Municipality may collect, use, distribute, process my personal information for its business purposes, which may include, but is not limited to,
 - 11.1 internal administrative processes pertaining to services rendered or goods provided to the Municipality;
 - 11.2 conducting service provider vetting; and
 - 11.3 rendering services or providing goods to Elias Motsoaledi Local Municipality.
- 12. I also consent that the Municipality may share my personal information with the South African Revenue Service, Companies and Intellectual Property Commission, Department of Trade and Industry, Provincial Treasury, Black Economic Empowerment Commission, Competition Commission, South African Police Service, Banks, External Auditors, Suppliers Vetting Agencies, relevant governance structures, relevant government institutions and legal entities which may lawfully require such information for legal obligations.
- 13. I understand that in terms of the Protection of Personal Information Act (POPIA) and other laws of the country, there are instances where my express consent is not necessary to permit the processing of personal information, which may be related to investigations, litigation, compliance with legislative requirements or when personal information is publicly available.
- 14. I will not hold the Municipality responsible for any improper or unauthorised use of personal information that is beyond its reasonable control.
- 15. I confirm that I have read the notice and understand the contents.
- 16. I, the undersigned certify that the information furnished on this declaration form is correct.

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.

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

Signature

Date

Position

Name of Bidder

GENERAL CONDITIONS OF CONTRACT

The General Conditions of Contract are not included in this document and may be downloaded from the following website – <http://www.treasury.gov.za/divisions/ocpo/sc/GeneralConditions>.