

NAME OF BIDDER:

CSD NUMBER:

NOTICE AMOUNT

EMAIL & CONTACT NUMBER

CLOSING DATE 12 AUGUST 2022

REQUEST FOR FORMAL WRITTEN QUOTATIONS

NOTICE 5 OF 2022 - PROVISION OF TALENT SEARCH/ HEADHUNTING SERVICES

Buffalo City Metropolitan Development Agency hereby invites suitably qualifying Service Providers to submit formal written quotations for Provision of Talent Search/ Headhunting Services

Enquiries should be addressed to Ms. Z. Madabane at email address: zisanda@bcmda.org.za.

The detailed specifications are attached hereunder.

To ensure responsiveness to the notice Service Providers to take note of the following requirements (Compliance Evaluation):

1. Service Providers must be registered on National Treasury's Central Supplier Database and submit a summary report as proof of registration or alternatively reflect the CSD supplier number on their proposal;
2. All prospective/interested Service Providers should complete the MBD 4, MBD 7.1, MBD 8, MBD 9 and Declaration of Bidder forms which may be obtained from the BCMDA website: www.bcmda.org.za AND are appended to the notice document;
3. Submission of Certificate of Registration with Department of Employment and Labour for Private Employment Agency/ Temporary Employment Service must be attached
4. All prices must be inclusive of VAT, where applicable;
5. Use of Tippex and erasable ink will result in non- responsiveness.
6. Service Providers are required to submit valid B-BBEE Status Level Verification Certificates together with their notice, to substantiate their B-BBEE rating claims, failing which will result in a status level score of zero be assigned to the tenderer; a joint venture, trust or consortium; must submit a consolidated B-BBEE status level verification certificate.

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7. Service Providers must submit confirmation that the bidder's municipal accounts are not in arrears for a period exceeding 3 months. Such confirmation must be for the company must be as follows:
 - statements of municipal accounts showing the age of the municipal debt; OR
 - a tenderers debt clearance certificate from their respective municipality that is stamped and signed by that municipality; OR
 - lease agreements (signed by both lessor and lessee) must be submitted and must be supported by:
 - a written confirmation from the lessor stating that the bidder is not in arrears with regards to their payment obligations in terms of the lease agreement.
 8. IN ADDITION TO 6 ABOVE : Service Providers must submit confirmation that its directors' municipal accounts are not in arrears for a period exceeding 3 months. Such confirmation must be for the directors and must be as follows:
 - statements of municipal accounts showing the age of the municipal debt; OR
 - a tenderers debt clearance certificate from their respective municipality that is stamped and signed by that municipality; OR
 - lease agreements (signed by both lessor and lessee) must be submitted and must be supported by:
 - a written confirmation from the lessor stating that the bidder is not in arrears with regards to their payment obligations in terms of the lease agreement.
 9. BCMDA reserves the right to request further written information or clarification on any aspect pertaining to this tender;
 10. Quotations received after the specified closing time and date will not be considered;
 11. The BCMDA does not bind itself to accept the lowest priced tender or any tender and reserves the right to accept the whole or part of the tender.
 12. All quotations are valid for 90 days after the closing date;
 13. Quotations must be sealed and completed in full. Unsigned or quotations submitted by facsimile, will not be accepted;
 14. BCMDA will not take responsibility for incorrectly delivered quotations sent by courier. It is the bidder's responsibility to make sure that their quotation is correctly delivered in the tender box on or before the closing date of this notice;
 15. **The proposal or quotation must demonstrate the requirements detailed on the specifications below.**
 16. **NO QUOTATIONS WILL BE CONSIDERED FROM PERSONS IN THE SERVICE OF THE STATE AS DEFINED IN THE LOCAL GOVERNMENT MUNICIPAL FINANCE MANAGEMENT ACT 56 OF 2003: MUNICIPAL SUPPLY CHAIN MANAGEMENT REGULATIONS.**
 17. **EMAILED QUOTATIONS WILL NOT BE ACCEPTED;**

Failure to submit the documents requested above (with the exception of the BBBEE certificate) will result in a tender being considered non-responsive and therefore not considered for the award of the contract.

EVALUATION CRITERIA:

Quotations meeting the tender conditions shall be evaluated on 80/20 basis, in line with the PPPFA. Responses to this NOTICE shall be evaluated on:

A. COMPLIANCE EVALUATION

B. BIDS WILL BE EVALUATED ON THE FUNCTIONALITY CRITERIA AND BIDS THAT SCORE LESS THAN 70 POINTS OUT OF 100 POINTS WILL NOT BE ELIGIBLE FOR APPOINTMENT. EVALUATION CRITERIA AND WEIGHT IS DETAILED IN THE BID DOCUMENT.

C. PPPFA PREFERENTIAL POINTS CALCULATION AND PRICE

Quotations must be submitted in hard copy in a sealed envelope, clearly marked: ***NOTICE 5 OF 2022 – PROVISION OF TALENT SEARCH/ HEADHUNTING SERVICES*** and must be deposited in the ***QUOTATIONS BOX***, At the offices of the Buffalo City Metropolitan Development Agency, 12 Esplanade Road, Quigney, East London, 5201 ***NOT LATER THAN THE CUT-OFF TIME OF 12H00 (MIDDAY), 12 AUGUST 2022.***



TERMS OF REFERENCE

APPOINTMENT OF SERVICE PROVIDER FOR TALENT SEARCH / HEADHUNTING FOR BCMDA

Buffalo City Metropolitan Development Agency ("BCMDA")

1. INTRODUCTION

The Buffalo City Metropolitan Development Agency (BCMDA) is a municipal entity wholly owned by the Buffalo City Metropolitan Municipality. It is a successor to the Buffalo City Development Agency which was established as a non-profit company by the Municipality in 2004. As the legislation evolved, it was deemed necessary to become a profit-orientated company and was established as a profit company on 20 April 2016, in terms of the Companies Act, 1973 as amended. This allows the Agency to transact, generate funds, and have a borrowing capacity to carry its mandate to increase economic growth through tourism, economic and social development as well as property management and commercialization.

2. PURPOSE

The required Talent Search Provider will be tasked with sourcing prospective candidates eligible for the Chief Financial Officer role in the Executive Management level of the Agency. The focus is on filling the role of Chief Financial Officer required within the BCMDA.

The Agency extends a call for the submission of formal written quotations from suitably qualified and experienced service providers to undertake the headhunting exercise in line with the achievement of the Strategic goals and objectives of BCMDA.

3. SCOPE OF PROJECT

The scope of services is a comprehensive talent search/ headhunting service.

The post of Chief Financial Officer is for a Five-Year Fixed Term Contract and is based at Buffalo City Metropolitan Area (East London).

Annual package for the position is R 1 732 489.00 (**Total Cost to Company**)

Key Responsibilities of the Chief Financial Officer:

a) Policy Formulation and Implementation

- To provide a written basis for the Agency's operations that informs legislation, regulations and the Agency's Strategy document.

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- To develop Finance and Supply Chain policies on research, analysis, consultation and synthesis of information and implement the recommendations on procedures and mechanisms that are aimed at achieving the strategic goals of the Agency.
 - To develop a policy framework that tabulates procedures, principles, values and standards that staff must comply with to ensure the realisation of the Agency's adopted policies and their implementation.
 - To align the Agency Strategy to the legislative architecture and policy frameworks that are intrinsically linked to the following policy framework:
 - i. The Constitution, Act 108 of 1996;
 - ii. Public Service Act (1994 as amended by Act 30 of 2007);
 - iii. Public Finance Management Act (PFMA, 1999);
 - iv. The Municipal Finance Management Act (MFMA, 2000);
 - v. Treasury Regulations;
 - vi. Framework for Programme Performance Information.

b) Strategic Leadership

Provide strategic leadership, directions, advice and support to the Division and the Agency to:

- Provide strategic direction and leadership to the office of the CFO and the Agency and ensuring focus on strategic imperatives from a financial perspective.
- Provide advice and contributing towards the financial aspects of the strategic planning process of the Agency.
- Provide financial performance management and monitoring.
- Support the Accounting Officer and the senior managers in the execution of their functions in terms of the MFMA and Treasury Regulations.
- Compile financial and procurement delegations of authority and ensuring that they are approved by the Accounting Officer and monitoring the implementation thereof.
- Formulate creative solutions to enhance cost effectiveness and efficiency in the delivery of services.
- Plan, organise and control activities and resources pertaining to the functions of the department/division.

c) Financial Management

Ensure the provision of sound financial management services to:

- Ensure the financial health and sustainability of the Agency and taking measures to prevent disclaimers on the audit reports
- Establish and maintain a system to properly evaluate all major capital projects prior to a final decision on the project.
- Ensure the implementation of an effective Financial Management system inclusive of policies, procedures, standards, systems, practices, mechanisms and anti-corruption measures
- Ensure the provision of an effective accounting service within the Agency
- Ensure the implementation of a procurement system which is fair, equitable, transparent, competitive and cost effective.
- Provide advice and oversight in terms of financial implications relating to current and new contracts entered into by the Agency.
- Oversee the effective compilation of the annual financial statements for inclusion in the Annual Report.
- Ensure that all financial reporting requirements as prescribed by the MFMA are met.

d) Procurement of Assets

Manage and implement the procurement, assets and provisioning system to:

- Ensure the implementation of a procurement system which is fair, equitable, transparent, competitive and cost effective.
- Provide advice and oversight in terms of current and new supply chain management contracts entered into by the Agency.
- Ensure that all supply chain management reporting requirements as prescribed by the MFMA and relevant regulations are met.

e) Financial Planning and Budgeting

Oversee the Agency's financial planning and budgeting process to:

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- Provide inputs into the formulation of the medium-term objectives, policies, and strategies in support of the strategic and operational plans of the Division.
 - Ensure that the Agency's strategic plan is consistent with the MTEF, MFMA, and Treasury Regulations.
 - Ensure that measurable outputs are specified per programme in the Agency's budget.
 - Ensure accurate forecasting, budgeting and allocation of financial resources.

f) Revenue Collection and Management of Expenditure

Ensuring effective revenue collection and expenditure management to:

- Ensure that the Agency has and maintains an effective management accounting and information system.
- Ensure that the Agency has and maintains a system of internal control in respect of debtors and revenue as may be prescribed.
- Collect timely deposit of revenue that is due to the Agency and prevent unauthorised, irregular, fruitless and wasteful expenditure.
- Regularly monitor the Agency's expenditure.

Required Qualification and Experience of the position

- At least NQF Level 7 in fields of Accounting OR Finance OR Economics
- Chartered Accountant (SA)
- Certificate in Municipal Financial Management (SAQA Qualification ID 48965)
- Minimum of seven (7) years at senior and middle management level, of which at least 3 years must be at senior management level.
- Proven experience in financial planning, analysis and reporting.
- Sound knowledge of interpretation and application of legal framework of accounting in the local government and public sector.
- Auditing experience will be an added advantage

Competency Skills and Attributes

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- Strong experience in leading, supervising, and motivating a team of professionals
 - Knowledge of legislation related to Financial Management, and Supply Chain management, etc.
 - Strategic leadership and management
 - Strategic Financial Management
 - Operational financial management
 - Governance, ethics and values in financial management
 - Financial and performance reporting
 - Risk and change management
 - Project management
 - Legislation, policy and implementation
 - Stakeholder relations
 - Supply Chain Management
 - Audit and assurance

Knowledge and Behaviors

- Honesty and integrity
 - Ability to deal with pressures and setbacks
 - Decision making and initiating action
 - Objectivity and sound judgement
 - Professionalism
 - Ability to engage with people at different levels
 - Excellent interpersonal skills and team work
 - Adaptability, meticulous and attention to detail
 - Knowledge of all relevant legislation, policies and procedures
 - Knowledge of accounting principles and procedures
 - Knowledge and an understanding of developmental local governmental prescripts, processes and procedures
 - Knowledge and understanding of the Municipal Systems Acts
 - Knowledge of developmental local government
 - Knowledge of Performance Management Reporting
 - Knowledge of oversight and governance principles (The King Report)
 - Knowledge of developmental local government
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- Knowledge of global and South African specific political, social and economic contexts
 - Knowledge of more than one functional municipal field/discipline

4. REQUIREMENTS FOR THE SERVICE PROVIDER

The following expertise are crucial to undertake the above scope of services:

- Demonstrate experience in managing projects of this nature with references accompanying the proposal document
- Provide a comprehensive resume of the Project leader
- Broad knowledge and understanding of recruitment and selection methods
- Experience in managing fixed-term contracts for the executive management level
- Experience in recruitment consulting role with a specific focus on Executive Search
- Understanding of legislation frameworks governing the employment environment (Labour relations Act and Basic Conditions of employment).
- Good communication, reporting, analysing, and facilitation skills.
- Experience in the Local Government Sector

5. DURATION OF CONTRACT

The bidder's appointment will commence as soon as the contract has been signed.
The contract is for **6 months**.

6. FUNCTIONALITY

The below-mentioned criteria will guide the evaluation of the functionality / technical phase and bidders who score less than **70%** in this phase will be disqualified for the next phase of evaluation.

FUNCTIONALITY	EVIDENCE REQUIRED TO CLAIM POINTS	POINTS
<u>EXPERIENCE OF BIDDER (50/100):</u> <ul style="list-style-type: none">• Relevant track record, reputation, and experience in talent search/ headhunting service services in organs of the state. This must be supported by letters of completion and/or references from previous clients.• Rating score values for similar projects is allocated as follows:<ul style="list-style-type: none">○ One similar project completed = 10.○ Two similar projects completed = 20.○ Three similar projects completed = 30.○ Four similar projects completed = 40.○ Five similar projects or more = 50.• NB: Appointment letters/purchase orders/invoices will not be accepted as proof of reference.	Letters of completion and/or references from previous clients for each project completed.	50

FUNCTIONALITY	EVIDENCE REQUIRED TO CLAIM POINTS	POINTS
<u>KEY PERSONNEL (50/100):</u> <ul style="list-style-type: none"> Demonstrated ability of the Project Manager to render the service in the Human Resources field. This must be supported by the CV of and certificates of the Project Manager. The Project Manager must hold at least an NQF Level 6 certificate in Human Resources/Industrial Psychology and the CV must demonstrate number of years' experience to claim points. Rating score values for key personnel are allocated as follows: <ul style="list-style-type: none"> 1 year to 2 years = 10. 3 years to 4 years = 20. 5 years to 6 years = 30. 7 years to 8 years = 40. 9 years and above = 50. 	CV demonstrating the number of years' experience supported by proof of NQF Level 6 qualification / certificate in Human Resources/Industrial Psychology. Failure to submit any of the above will result in nil points being awarded for key personnel	50

7. PRICING SCHEDULE

Bidders are required to provide a pricing schedule in the following format to allow for evaluation of price on an equitable basis:

SERVICE DESCRIPTION	TOTAL
TASK : Talent Search/ Headhunting of Chief Financial Officer	R
SUBTOTAL	R
VAT @ 15%	R
TOTAL	R

SPECIAL CONDITION

The service providers must register with Department of Employment and Labour as Private Employment Services.

DECLARATION OF INTEREST

1. No bid will be accepted from persons in the service of the state¹.
2. Any person, having a kinship with persons in the service of the state, including a blood relationship, may make an offer or offers in terms of this invitation to bid. In view of possible allegations of favouritism, should the resulting bid, or part thereof, be awarded to persons connected with or related to persons in service of the state, it is required that the bidder or their authorised representative declare their position in relation to the evaluating/adjudicating authority.
- 3 **In order to give effect to the above, the following questionnaire must be completed and submitted with the bid.**

3.1 Full Name of bidder or his or her representative:.....

3.2 Identity Number:

3.3 Position occupied in the Company (director, trustee, shareholder²):.....

3.4 Company Registration Number:

3.5 Tax Reference Number:.....

3.6 VAT Registration Number:

3.7 The names of all directors / trustees / shareholders members, their individual identity numbers and state employee numbers must be indicated in paragraph 4 below.

3.8 Are you presently in the service of the state? **YES / NO**

3.8.1 If yes, furnish particulars.

.....

¹MSCM Regulations: "in the service of the state" means to be –

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

² Shareholder" means a person who owns shares in the company and is actively involved in the management of the company or business and exercises control over the company.

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

3.9.1 If yes, furnish particulars.....

.....

3.10 Do you have any relationship (family, friend, other) with persons in the service of the state and who may be involved with the evaluation and or adjudication of this bid? **YES / NO**

3.10.1 If yes, furnish particulars.

.....

.....

3.11 Are you, aware of any relationship (family, friend, other) between any other bidder and any persons in the service of the state who may be involved with the evaluation and or adjudication of this bid? **YES / NO**

3.11.1 If yes, furnish particulars

.....

.....

3.12 Are any of the company's directors, trustees, managers, principle shareholders or stakeholders in service of the state? **YES / NO**

3.12.1 If yes, furnish particulars.

.....

.....

3.13 Are any spouse, child or parent of the company's directors trustees, managers, principle shareholders or stakeholders in service of the state? **YES / NO**

3.13.1 If yes, furnish particulars.

.....

.....

3.14 Do you or any of the directors, trustees, managers, principle shareholders, or stakeholders of this company have any interest in any other related companies or business whether or not they are bidding for this contract. **YES / NO**

3.14.1 If yes, furnish particulars:

.....

.....

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

Full Name	Identity Number	State Employee Number

.....
Signature

.....
Date

.....
Capacity

.....
Name of Bidder

CONTRACT FORM – PURCHASE OF GOODS/WORKS/ SERVICES

PART I – FORM OF OFFER

(To be filled by the bidder)

- a) I hereby undertake to supply all goods / works / service as described in the attached bidding documents:

_____ (Name of Company)
in accordance with the requirements and specification stipulated in this document with **NOTICE 5 OF 2022** at the prices by quoted. My offer remains binding upon me and open for acceptance by the BCMDA during the validity period indicated and calculated from the closing time of bid.

- b) THE OFFERED TOTAL OF THE PRICE INCLUSIVE OF VALUE ADDED TAX IS:

_____ Rand (in words);

R_____ (in figures)

- c) Binding documents, viz
- Invitation to bid
 - Pricing schedule
 - Specification
 - Declaration of interests
 - Form of offer and acceptance
 - General and Special conditions of the contract
 - Other (please specify)
- _____

- d) I confirm that I have satisfied myself as to the correctness and validity of my bid that the prices and rates quoted cover all the goods/ works / services specified in the bidding documents; that the prices and rates cover all my obligations and I accept that any mistakes regarding prices / rates and calculations will be at my own risk.

- e) I accept full responsibility for the proper execution and fulfilment of all obligations and conditions devolving on me under this agreement as the principal liable for the due fulfilment of this contract.

- f) I declare that I have no participation in any collusive practices with any bidder or any other person regarding this bid or any other bid.

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- g) Certify that the information furnished on declaration forms is true and correct.
 - h) I accept that, in addition to cancellation of a contract, action may be taken against me should the declarations proved to be false.
 - i) A Service Level Agreement (SLA) will be signed on acceptance of your offer which will detail the conditions of contract.
 - j) I confirm that I am duly authorised to sign this bid and the contract.

Signed at _____ on this _____ day of _____
2022.

Name _____ & _____ Surname: _____

Capacity: _____

Signature: _____

Name of Firm: _____

Date: _____

Initials & Surname of Witness: _____

12.2 PART II – ACCEPTANCE FORM

(To be filled by the BCMDA)

- a) I _____ in my capacity as _____ accept your bid under reference **NOTICE 5 OF 2022** for the supply of goods / works / services indicated hereunder and further specified in the annexure(s).
- b) I undertake to make payment for the goods delivered / works / services rendered in accordance with the terms and conditions of this contract within 30 (thirty) days after receipt of invoice accompanied by proof of delivery note /.
- c) I confirm that I am duly authorised to sign this contract.

Signed at _____ on this ____ day of _____ 2022.

Initials & Surname:

Signature:

Name of Institution:

Date:

Initials & Surname of Witness:

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	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? (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). 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.	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.1.1	If so, furnish particulars:		
4.2	Is the bidder or any of its directors listed on the Register for Tender Defaulters in terms of section 29 of the Prevention and Combating of Corrupt Activities Act (No 12 of 2004)? The Register The Register for Tender Defaulters can be accessed on the National Treasury's website (www.treasury.gov.za) by clicking on its link at the bottom of the home page.	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.2.1	If so, furnish particulars:		
4.3	Was the bidder or any of its directors convicted by a court of law (including a court of law outside the Republic of South Africa) for fraud or corruption during the past five years?	Yes <input type="checkbox"/>	No <input type="checkbox"/>

4.3.1	If so, furnish particulars:		
Item	Question	Yes	No
4.4	Does the Does Is 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

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CERTIFICATE OF INDEPENDENT BID DETERMINATION

- 1 This Municipal Bidding Document (MBD) must form part of all bids¹ invited.
- 2 Section 4 (1) (b) (iii) of the Competition Act No. 89 of 1998, as amended, prohibits an agreement between, or concerted practice by, firms, or a decision by an association of firms, if it is between parties in a horizontal relationship and if it involves collusive bidding (or bid rigging).² Collusive bidding is a *pe se* prohibition meaning that it cannot be justified under any grounds.
- 3 Municipal Supply Regulation 38 (1) prescribes that a supply chain management policy must provide measures for the combating of abuse of the supply chain management system, and must enable the accounting officer, among others, to:
 - a. take all reasonable steps to prevent such abuse;
 - b. reject the bid of any bidder if that bidder or any of its directors has abused the supply chain management system of the municipality or municipal entity or has committed any improper conduct in relation to such system; and
 - c. cancel a contract awarded to a person if the person committed any corrupt or fraudulent act during the bidding process or the execution of the contract.
- 4 This MBD serves as a certificate of declaration that would be used by institutions to ensure that, when bids are considered, reasonable steps are taken to prevent any form of bid-rigging.
- 5 In order to give effect to the above, the attached Certificate of Bid Determination (MBD 9) must be completed and submitted with the bid:

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

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

CERTIFICATE OF INDEPENDENT BID DETERMINATION

I, the undersigned, in submitting the accompanying bid:

(Bid Number and Description)

in response to the invitation for the bid made by:

(Name of Municipality / Municipal Entity)

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

I certify, on behalf of: _____ that:

(Name of Bidder)

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

-
- (b) geographical area where product or service will be rendered (market allocation)
 - (c) methods, factors or formulas used to calculate prices;
 - (d) the intention or decision to submit or not to submit, a bid;
 - (e) the submission of a bid which does not meet the specifications and conditions of the bid; or
 - (f) bidding with the intention not to win the bid.

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

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

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

.....
Signature

.....
Date

.....
Position

.....
Name of Bidder

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DECLARATION OF BIDDER

The undersigned, who warrants that he / she is duly authorised to do so on behalf of the enterprise:

- i) authorizes the Employer to obtain a tax clearance certificate from the South African Revenue Services that my / our tax matters are in order;
- ii) confirms that neither the name of the enterprise or the name of any partner, manager, director or other person, who wholly or partly exercises, or may exercise, control over the enterprise appears on the Register of Tender Defaulters established in terms of the Prevention and Combating of Corrupt Activities Act of 2004;
- iii) confirms that no partner, member, director or other person, who wholly or partly exercises, or may exercise, control over the enterprise appears, has within the last five years been convicted of fraud or corruption;
- iv) confirms that I / we are not associated, linked or involved with any other tendering entities submitting tender offers and have no other relationship with any of the tenderers or those responsible for compiling the scope of work that could cause or be interpreted as a conflict of interest; and
- iv) confirms that the contents of this questionnaire are within my personal knowledge and are to the best of my belief both true and correct.

SIGNATURE

NAME

ENTERPRISE NAME