

QUOTE NO: GKM-Q/93/25/26

TRAININGS FOR FIREARM REFRESHER

QUOTE SUBMITTED BY:

Name of Company:
Contact Person:
Contact No.:
Address:
Quote Amount (VAT incl.) R.....
Rand Value in Words:

NOTE:

TENDER BOX	RECEPTION AREA
CLOSING DATE AND TIME	

Issued and prepared by:
Greater Kokstad Municipality

75 Hope Street
P.O Box 8
Kokstad
4700

Municipal Manager: Mr. S.R Zwane
Contact Person: Mr A. Bubu

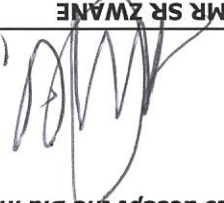
Tel: 039 797 6600
Fax: 039 727 5501
Email: Abongile.Bubu@kokstad.gov.za



Specific Goals	80/20	GOAL 1 – Ownership- Maximum Points	
		10	
			Business owned 50% or more by black person
		3	Business owned 50% or more by women black
		2	Business owned 50% or more by black youth
Documents required for verification			- Detailed CSD

Business owned 50% or more by disabled person	3	
GOAL 2 – RDP- Maximum Points	10	
Promotion of business located within Greater Kokstad Municipality	10	Refer to section A for the required documentation

SPECIFIC GOAL POINTS WILL NOT BE AWARDED IF THE REQUIRED DOCUMENTATION IS NOT ATTACHED.
Greater Kokstad Municipality does not bind itself to accept the lowest or any bid and reserves the right to accept the Bid in whole or part, at the rates quoted.


MR SR ZWANE
MUNICIPAL MANAGER

DATE _____

**SECTION A
COMPLETION OF MUNICIPAL BID DOCUMENTS (MBD FORMS)**

- All bidders must ensure that the following forms are fully completed, signed, and submitted with their tender. Failure to comply will render the bid non-responsive or lead to disqualification.

Form No.	Form Name	Purpose / What to Declare	Consequence of Non-Compliance
MBD 1	Invitation to Bid	Confirms bidder's details, pricing, and acceptance of bid conditions. Bidders must complete all parts, especially the price, offer validity period, and signature.	Omission of pricing or bidder details automatically disqualifies the bid, as the offer cannot be evaluated.
MBD 4	Declaration of Interest	Requires bidders declare interest and to declare any relationship with municipal officials. All directors, shareholders, and partners must be listed including JV partners in case of a joint venture if the form is not completed separately by the joint venture partners. Bidders must also declare if they have an interest in any other company to avoid false declarations.	Failure to disclose relationships or interests constitutes a false declaration under the Municipal Supply Chain Management Regulations, 2005 (Reg. 38) and may lead to disqualification, blacklisting, or cancellation of the contract. Bidders to note that the failure to declare interest on other related companies constitutes a false declaration and bidders will be disqualified for non-disclosure
MBD 6.1	Preference Points Claim Form (Specific Goals)	Used to claim preference points for specific goals in line with the Preferential Procurement Regulations, 2022.	Bidder forfeits preference points if not claimed and if the form is not fully completed and signed. Bidders must claim points by writing the number of points claimed and not by ticking.
MBD 8	Declaration of Bidders' Past Supply Chain Practices	Declares whether the bidder has been restricted, terminated, or failed to perform on any previous government contract.	Failure to disclose or false declaration may result in disqualification or blacklisting.
MBD 9	Certificate of Independent Bid Determination	Confirms that the bid was prepared independently without collusion or price fixing.	Omission renders bid non-responsive.

IMPORTANT REMINDER

Incomplete, unsigned, or missing mandatory documents cannot be rectified after closing. Bidders are strongly advised to review their submission using a compliance checklist before submission/delivery.

No bids/quotations will be accepted from persons in the service of the state/ persons who owe rates, services and taxes to any Municipality for a period longer than 90 days/ bidders who are listed on National Treasury list of Tender defaulters or list of restricted service providers.

NB: If at any stage of the evaluation it is discovered that the bidder has submitted a false declaration the bidder will be excluded from the bid and should it come to light that a false declaration was made by the bidder after the municipality had awarded the bid, the contract must be immediately suspended and payments made, recovered.

False declarations by bidders can be viewed as a criminal offence and charges must be laid by the municipality with the South African Police Services for further investigation

**SECTION B
RATES AND MUNICIPAL SERVICES CLEARANCE CERTIFICATE (PROOF OF LOCALITY)**

In terms of section 38(d) of the National Treasury Municipal Supply Chain Management Regulation the Greater Kokstad Municipality reserves the right to reject any tender if any municipal rates and taxes or municipal service charges owed by that tenderer or any of its directors to the municipality or to any other municipal entity are in arrears **for more than 3 (three) months/90 days.**

Tenderers are required to submit proof that the company and directors do not owe municipal rates and tariffs for the municipality.

This serves to confirm that _____ (Company Name) **municipal rates and taxes are paid up to date and the following is attached:** Your tender will be rejected if you have not attach proof that your company does not owe rates for a period longer than 90 days

Proof that the Bidder (Company) does not owe rates	
Municipal Statement not older than 90 days and not owing more than 90 days Valid Lease agreement (Must be active and must be signed by both parties) Municipal Rates clearance certificate / Affidavit if the company is operating in rural areas (non-ratable area). Affidavit to state the reason why they are not responsible for paying rates Letter or rates statement from the landlord or body corporate if the company is renting and does not have a lease agreement. An original copy of an affidavit if the company has not attached any of the document above mentioned documents - the affidavit must clearly state the reasons why the company is not owing rates and taxes or any Municipal charges.	Tick whichever is attached.

(Company Director/s) municipal rates and taxes are paid up to date and the following is attached:

Please note that you are required to attach proof that each director does not owe rates and taxes or Municipal service charges for a period longer than 90 days. Your tender will be rejected if you have not attached proof that each director does not owe rates for a period longer than 90 days.

Proof that the director/s do not owe rates for more than 90 days	
Municipal Statement not older than 90 days and not owing more than 90 days Valid Lease agreement (Must be active and must be signed by both parties) Municipal Rates clearance certificate / Affidavit if the director/s is operating in rural areas (non-ratable area). Affidavit to state the reason why they are not responsible for paying rates Letter or rates statement from the landlord or body corporate if the company is renting and does not have a lease agreement. An original copy of an affidavit if the director/s has not attached any of the document above mentioned document - the affidavit must clearly state the reasons why the director/s do not owe rates and taxes or any Municipal charges.	Tick whichever is attached.

NB: TENDERERS TO NOTE THAT THEY NEED TO SUBMIT PROOF THAT BOTH THE COMPANY AND THE DIRECTOR/S DO NOT OWE RATES/ TAXES.

Signed at this day of20.....

..... Signature of data subject/ designated person

..... Signature.....

SECTION C - SCOPE OF WORKS AND PRICING

NB: CONDITION TO BIDDERS - (BIDDERS TO PROVIDE PRICING PER LINE ITEM - ON THE BELOW SCHEDULE OR ON SEPARATE QUOTATION ON THE COMPANY LETTERHEAD OR ON MBD 3.1). FAILURE TO ADHERE TO THE ABOVE WILL LEAD TO DISQUALIFICATION.

The scope of work shall include:

1. FIREARM REFRESHER

<u>Item No.</u>	<u>Description</u>	<u>Qty</u>	<u>Rate</u>	<u>Amount</u>
1	The Greater Kokstad Municipality requires services of an accredited service provider to provide firearm refresher training. The appointed service provider will be required to issue certificates at the end of the training approved by the relevant SETA Training will be conducted in-house. Full course Training. Duration: service provider to provide a training program detailing the training duration and modules. Service provider to attach proof of (SETA accreditation related to firearm refresher).	4		
SUB-TOTAL				
ADD: 15% VAT				
TOTAL				

PART A

INVITATION TO BID

BID NUMBER:	CLOSING DATE:	CLOSING TIME:	11H00
DESCRIPTION			

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
RECEIVED AT 01/25/2018 10:55:00

SITUATED AT (STREET ADDRESS)

75 HOPE STREET
KOKSTAD
4700

SUPPLIER INFORMATION

NAME OF BIDDER							
POSTAL ADDRESS							
STREET ADDRESS							
TELEPHONE NUMBER				CODE			
CELLPHONE NUMBER							
FACSIMILE NUMBER				CODE			
E-MAIL ADDRESS							
VAT REGISTRATION NUMBER							
TAX COMPLIANCE STATUS				TCS PIN:			
B-BEE STATUS LEVEL VERIFICATION CERTIFICATE [TICK APPLICABLE BOX]				☐ Yes ☐ No		B-BEE STATUS LEVEL SWORN AFFIDAVIT ☐ Yes ☐ No	
[A B-BEE STATUS LEVEL VERIFICATION CERTIFICATE/ SWORN AFFIDAVIT (FOR EMES & QSEs) MUST BE SUBMITTED IN ORDER TO QUALIFY FOR PREFERENCE POINTS FOR B-BEE]							

[A B-BEE STATUS LEVEL VERIFICATION CERTIFICATE/ SWORN AFFIDAVIT (FOR EMES & QSES) MUST BE SUBMITTED IN ORDER TO QUALIFY FOR PREFERENCE POINTS FOR B-BBEE]

ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES/WORKS OFFERED?	☐ Yes ☐ No	[IF YES ENCLOSE PROOF]	ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES /WORKS OFFERED?	☐ Yes ☐ No [IF YES, ANSWER PART B:3]
TOTAL NUMBER OF ITEMS OFFERED			TOTAL BID PRICE	R
SIGNATURE OF BIDDER			DATE	
CAPACITY UNDER WHICH THIS BID IS SIGNED				

BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO:

TECHNICAL INFORMATION MAY BE DIRECTED TO:
TO:

DEPARTMENT	Budget and Treasury Office	DEPARTMENT	Andiswa Mahlaka
CONTACT PERSON	Andiswa Mahlaka	CONTACT PERSON	Andiswa Mahlaka
TELEPHONE NUMBER	039 797 6743	TELEPHONE NUMBER	039 797 6743
FACSIMILE NUMBER	039 727 3676	FACSIMILE NUMBER	039 727 3676
E-MAIL ADDRESS	Andiswa.Mahlaka@Kokstad.gov.za	E-MAIL ADDRESS	Andiswa.Mahlaka@Kokstad.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 ☐ NO
3.2. DOES THE ENTITY HAVE A BRANCH IN THE RSA?	☐ YES ☐ NO
3.3. DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA?	☐ YES ☐ NO
3.4. DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA?	☐ YES ☐ NO
3.5. IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION?	☐ YES ☐ NO
IF THE ANSWER IS "NO" TO ALL OF THE ABOVE, THEN IT IS NOT A REQUIREMENT TO REGISTER FOR A TAX COMPLIANCE STATUS SYSTEM PIN CODE FROM THE SOUTH AFRICAN REVENUE SERVICE (SARS) AND IF NOT REGISTER AS PER 2.3 ABOVE.	

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

SIGNATURE OF BIDDER:

CAPACITY UNDER WHICH THIS BID IS SIGNED:

DATE:

DESCRIPTION	QUANTITY	AMOUNT

NOTE: ONLY FIRM PRICES WILL BE ACCEPTED. NON-FIRM PRICES (INCLUDING PRICES SUBJECT TO RATES OF EXCHANGE VARIATIONS) WILL NOT BE CONSIDERED

MBD 3.1
PRICING SCHEDULE - FIRM PRICES (PURCHASES)

- Price(s) quoted must be valid for at least thirty (30) days from date of offer for evaluation purposes.
- Price(s) quoted must be firm and include VAT

CONDITIONS OF TENDER

** "all applicable taxes" includes value-added tax, pay as you earn, income tax, unemployment insurance fund contributions and skills development levies.

Note: All delivery costs must be included in the bid price, for delivery at the prescribed destination.

COMPANY STAMP		TOTAL	
		VAT (15%)	
		SUB-TOTAL	

MBD 4 -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 OR 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.

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

(a) a member of –

(i) any municipal council;

(ii) any provincial legislature; or

(iii) the national Assembly or the national Council of provinces;

YES / NO

stakeholders in service of the state?

3.12 Are any of the company's directors, trustees, managers, principle shareholders or

3.11.1 If yes, furnish particulars

YES / NO

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

3.10.1 If yes, furnish particulars.

YES / NO

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?

3.9.1 If yes, furnish particulars.....

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

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.

- (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.

Full Name	Identity Number	State Employee Number

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

.....

.....

3.14.1 If yes, furnish particulars:

YES / NO

3.14 Do you or any of the directors, trustees, managers, principle shareholders, or stakeholders of this company have any interest in any other related companies or business whether or not they are bidding for this contract.

3.13.1 If yes, furnish particulars.

shareholders or stakeholders in service of the state?..... **YES / NO**

3.13 Are any spouse, child or parent of the company's directors trustees, managers, principle

.....

3.12.1 If yes, furnish particulars.

Capacity

.....

Name of Bidder

.....

Signature

.....

Date

.....

PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL PROCUREMENT REGULATIONS 2022

This preference form must form part of all tenders invited. It contains general information and serves as a claim form for preference points for specific goals.

NB: BEFORE COMPLETING THIS FORM, TENDERERS MUST STUDY THE GENERAL CONDITIONS, DEFINITIONS AND DIRECTIVES APPLICABLE IN RESPECT OF THE TENDER AND PREFERENTIAL PROCUREMENT REGULATIONS, 2022

1. GENERAL CONDITIONS

1.1 The following preference point systems are applicable to invitations to tender:

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

1.2 To be completed by the organ of state

(delete whichever is not applicable for this tender).

a) The applicable preference point system for this tender is the ~~90/10~~ preference point system.

b) The applicable preference point system for this tender is the 80/20 preference point system.

c) Either the ~~90/10~~ or 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	SPECIFIC GOALS	Total points for Price and SPECIFIC GOALS
	80	20	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

2.

- (b) **“price”** means an amount of money tendered for goods or services, and includes all applicable taxes

- (d) **“tender for income-generating contracts”** means a written offer in the form determined by an organ of

- (e) **“the Act”** means the Preferential Procurement Policy Framework Act, 2000 (Act No. 5 of 2000).

3.

3.1.

3.1.1

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

01/06	07/08	08/20	09/10
-------	-------	-------	-------

Where

- $$P_t = \text{Price of tender under consideration}$$

3.2

3.2.1

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

01/06	07/08	01
-------	-------	----

Where

$$\begin{aligned} P_s &= \text{Points scored for price of tender under consideration} \\ P_t &= \text{Price of tender under consideration} \\ P_{\max} &= \text{Price of highest acceptable tender} \end{aligned}$$

4. POINTS AWARDED FOR SPECIFIC GOALS

- 4.1. In terms of Regulation 4(2); 5(2); 6(2) and 7(2) of the Preferential Procurement Regulations, preference points must be awarded for specific goals stated in the tender. For the purposes of this tender the tenderer will be allocated points based on the goals stated in table 1 below as may be supported by proof/documentation stated in the conditions of this tender.
- 4.2. In cases where organs of state intend to use Regulation 3(2) of the Regulations, which states that, if it is unclear whether the 80/20 or 90/10 preference point system applies, an organ of state must, in the tender documents, stipulate in the case of—

- (a) an invitation for tender for income-generating contracts, that either the 80/20 or 90/10 preference point system will apply and that the highest acceptable tender will be used to determine the applicable preference point system; or

- (b) any other invitation for tender, that either the 80/20 or 90/10 preference point system will apply and that the lowest acceptable tender will be used to determine the applicable preference point system, then the organ of state must indicate the points allocated for specific goals for both the 90/10 and 80/20 preference point system.

Table 1: Specific goals for the tender and points claimed are indicated per the table below.

(Note to organs of state: Where either the 90/10 or 80/20 preference point system is applicable, corresponding points must also be indicated as such.)

Note to tenderers: The tenderer must indicate how they claim points for each preference point system.)

The specific goals allocated points in terms of this tender	Number of points allocated (80/20 system) (To be completed by the organ of state)	Number of points claimed (80/20 system) (To be completed by the tenderer)	GOAL 1 – Ownership- Maximum Points	
			Business owned by 50% or more by black person	Business owned 50% or more by black women
			3	2
			10	

Business owned 50% or more by black youth	2	
Business owned 50% or more by disabled person	3	
GOAL 2 – RDP- Maximum Points	10	
Promotion of business located within Greater Kokstad	10	

DECLARATION WITH REGARD TO COMPANY/FIRM

- 4.3. Name of company/firm.....
- 4.4. Company registration number:
- 4.5. TYPE OF COMPANY/ FIRM

Partnership/Joint Venture / Consortium
 One-person business/sole propriety
 Close corporation
 Public Company
 Personal Liability Company
 (Pty) Limited
 Non-Profit Company
 State Owned Company
 [Tick APPLICABLE BOX]

4.6. I, the undersigned, who is duly authorised to do so on behalf of the company/firm, certify that the points claimed, based on the specific goals as advised in the tender, qualifies the company/ firm for the preference(s) shown and I acknowledge that:

- i) The information furnished is true and correct;
- ii) The preference points claimed are in accordance with the General Conditions as indicated in paragraph 1 of this form;
- iii) In the event of a contract being awarded as a result of points claimed as shown in paragraphs 1.4 and 4.2, the contractor may be required to furnish documentary proof to the satisfaction of the organ of state that the claims are correct;
- iv) If the specific goals have been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the organ of state may, in addition to any other remedy it may have –

- (a) disqualify the person from the tendering process;
- (b) recover costs, losses or damages it has incurred or suffered as a result of that person's conduct;
- (c) cancel the contract and claim any damages which it has suffered as a result of having to make less favourable arrangements due to such cancellation;
- (d) recommend that the tenderer or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, be restricted from

obtaining business from any organ of state for a period not exceeding 10 years, after the *audi alteram partem* (hear the other side) rule has been applied; and
(e) forward the matter for criminal prosecution, if deemed necessary.

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

DECLARATION OF BIDDER'S PAST SUPPLY CHAIN MANAGEMENT PRACTICES

MBD 8

- 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	☐ No
4.1.1	If so, furnish particulars:		
4.2	Is the bidder or any of its directors listed on the Register for Tender Defaulters in terms of section 29 of the Prevention and Combating of Corrupt Activities Act (No 12 of 2004)? The Register for Tender Defaulters can be accessed on the National Treasury's website (www.treasury.gov.za) by clicking on its link at the bottom of the home page.	☐ Yes	☐ 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 ☐
4.7.1	If so, furnish particulars:		

CERTIFICATION

I, THE UNDERSIGNED (FULL NAME) CERTIFY THAT
 THE INFORMATION FURNISHED ON THIS
 DECLARATION FORM TRUE AND CORRECT.
 I ACCEPT THAT, IN ADDITION TO CANCELLATION OF A CONTRACT, ACTION MAY BE TAKEN AGAINST
 ME SHOULD THIS DECLARATION PROVE TO BE FALSE.

Signature
 Date
 Position
 Name of Bidder

CERTIFICATE OF INDEPENDENT BID DETERMINATION

- 1 This Municipal Bidding Document (MBD) must form part of all bids¹ invited.
- 2 Section 4 (1) (b) (iiii) 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 *per 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)

Signature

Position

Name of Bidder

Date

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.

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.

- contract.
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.
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.
- (f) bidding with the intention not to win the bid.
- (e) the submission of a bid which does not meet the specifications and conditions of the bid; or
- (d) the intention or decision to submit or not to submit, a bid;
- (c) methods, factors or formulas used to calculate prices;