

[illegible]

## **SCOPE OF WORK:**

Johannesburg Water regularly advertises tenders, vacancies and other general notices in local newspapers to provide opportunities to interested service providers and job seekers as well as keeping the public informed on other general matters of interest.

Advertisements will be placed mainly in the Star, Citizen, Sowetan, The Sunday Times, Beeld, Mail and Guardian and City Press as these newspapers cater for our target market, i.e. both black and white owned businesses, students, job seekers and the general public and these are also widely read and circulated. However, other newspapers have also been included in instances when a need arises to utilize their services.

Johannesburg Water through this Request for Quotation, seeks responses from interested parties to perform the following:

- a) Receive draft advertisements from JW electronically.
- b) Format the advertisement to an acceptable standard and in the required space size.
- c) Proofread all advertisements.
- d) Liaise with the responsive JW official to ensure accuracy.
- e) Liaise with newspaper houses.
- f) Ensure advertisements are placed in the appropriate section of the newspapers to ensure maximum exposure to interested parties.
- g) Ensure that the advertisement appears in the newspapers as requested and, on the date, required.
- h) Make provision for urgent ad hoc placements with newspapers in exceptional cases.
- i) Maintain a good relationship with newspaper houses.
- j) Ensure a quick turnaround time.
- k) Ensure that advertisements always comply with Johannesburg Water requirements and in the format approved.
- l) Ensure that adequate credit facilities or support from newspaper houses are in order at all times.

## **Tender Adverts**

For purposes of submission, the tender must assume that the advert is a full-page advert, and the size of the advert is 38cm x 12 which translate into 456 cm.

Responsibility of Service Provider:

- a) Maintain credit facilities with newspapers houses or have a letter of support from the newspaper house and maintain a healthy working relationship with the newspaper houses for the Purchase Order duration. The newspapers that Johannesburg Water places their adverts for tenders are placed in the main with The Star, Citizen, Sowetan and City Press.
- b) Maintain a good working relationship with Johannesburg Water.
- c) Upon receiving notice from Johannesburg Water, liaise with the above newspapers to inform them that they will be confirming adverts later on and that the newspaper should reserve space.
- d) Receive draft advertisements, proofread the advert and communicate electronically to Johannesburg Water of any changes that need to be done. This must be done within two (2) hours of receiving the draft advert.
- e) Prepare a quotation for adverts that will be placed and send them to the Johannesburg Water representative.
- f) Follow up on the approval of the quotation if the authorization has not been received.

- g) Place the adverts with the newspaper houses determined by Johannesburg Water before the cut off time.
- h) Confirm if you managed to secure a spot on the above newspaper by sending tear sheets to Johannesburg water within twenty-four (24) hours.
- i) Complete and submit the statement and invoice to Johannesburg Water finance department before the end of the month for payment to be made as per agreed payment terms.

**Responsibility of Johannesburg:**

- a) Maintain a good working relationship with Johannesburg Water.
- b) Electronically liaise with the service provider before 10 am so that the service provider can inform the new newspaper houses above requesting space confirmation for an advert the following day.
- c) Send a draft advert to the Service Provider.
- d) Urgently attend to any issues picked up by the Service Provider and resend the advert.
- e) Sign off the final advert and submit electronically to the Service Provider before the agreed submission time to ensure that all the adverts will be placed on the determine newspaper houses for the advert.
- f) Pay Service Provider as per term provided Service Provider has submitted accurate and complete invoices and statements to finance before the due date and time.

**Vacancy Adverts:**

**Responsibility of Service Provider:**

For purposes of submission, the vacancy advert size must be 12 x 3 cm.

**Responsibility of Service Provider:**

- a) Maintain credit facilities with newspapers houses or have a letter of support from the newspaper house and maintain a healthy working relationship with the newspaper houses for the Purchase Order duration. The newspapers that Johannesburg Water places their adverts for tenders are placed in the main with The Star, Citizen, Sowetan and City Press.
- b) Maintain a good working relationship with Johannesburg Water.
- c) Upon receiving notice from Johannesburg Water, liaise with the above newspapers to inform them that they will be confirming adverts later on and that the newspaper should reserve space.
- d) Receive draft advertisements, proofread the advert and communicate electronically to Johannesburg Water of any changes that need to be done. This must be done within two (2) hours of receiving the draft advert.
- e) Prepare a quotation for adverts that will be placed and send them to the Johannesburg Water representative.
- f) Follow up on the approval of the quotation if the authorization has not been received.
- g) Place the adverts with the newspaper houses determined by Johannesburg Water before the cut off time.
- h) Confirm if you managed to secure a spot on the above newspaper by sending tear sheets to Johannesburg water within twenty-four (24) hours.
- i) Complete and submit the statement and invoice to Johannesburg Water finance department before the end of the month for payment to be made as per agreed payment terms.

#### Responsibility of Johannesburg Water:

- a. Maintain a good working relationship with service provider.
- b. Electronically liaise with the service provider before 10 am so that the service provider can inform the new newspaper houses above requesting space confirmation for an advert the following day.
- c. Send a draft advert to the Service Provider.
- d. Urgently attend to any issues picked up by the Service Provider and resend the advert.
- e. Sign off the final advert and submit electronically to the Service Provider before the agreed submission time to ensure that all the adverts will be placed on the determined newspaper houses for the advert.
- f. Pay Service Provider as per term provided Service Provider has submitted accurate and complete invoices and statements to finance before the due date and time.

#### DURATION OF THE PURCHASE ORDER:

The contract duration will be for a maximum amount of R750 000.00 or a period of six (06) months on a month-to-month basis.

#### AWARD STRATEGY:

Evaluation in terms of Price and Preference will be per item and award will be made to the highest scoring tenderer per item. In this instance award may be to one of more tenderers. Total funding requirements will be based on the overall total estimated cost for the three years contract term.

#### Stage 1: Mandatory Evaluation

The tenderer is required to have Credit facilities or letter of support for the listed newspapers where advertisements will be placed. The Star, Citizen, Sowetan, The Sunday Times, Beeld, Mail and Guardian and City Press.

#### Stage 2: Administrative Evaluation

NO.	REFERENCE TO TENDER DOCUMENT	DESCRIPTION	REQUIREMENT
1.	CSD	Central Supplier Database Registration	Provide proof of CSD registration. Complete MAAA number on cover page or copy of CSD report.
2.	MBD 4	Declaration of Interest	Completed and signed MBD 4 Form. If directors are directors in more than one company, the disclosures must be made under clause 3.14.
3.	MBD 6.1	Preference Points Claim in Terms of The Preferential Procurement Regulations 2022	Completed and signed MBD 6.1 Form.
4.	MBD 8	Declaration of Bidder's Past Supply Chain Management Practices	Completed and signed MBD 8 Form.

5.	MBD 9.	Certificate of Independent Bid Determination	Completed and signed MBD 9 Form.
6.	Annexure	Municipal Rates and Taxes for the Tenderer - Current municipal rates for the entity not in arrears by more than 90 days. If leasing/renting, submitted copy of valid lease agreement where premises are rented OR Confirmation that suitable arrangements are in place for arrear municipal obligations with your local municipality OR Current municipal rates which is not older than 90 days or valid lease agreement with affidavit from owner of property in cases stated in Proof of Good Standing with regards to Municipal Accounts document	Submit applicable documentation with the tender submission
7.	Annexure	Municipal Rates and Taxes - Current municipal rates for the directors of the entity not in arrears by than 90 days. If leasing/renting, submitted copy of valid lease agreement where premises are rented OR Confirmation that suitable arrangements are in place for arrear municipal obligations with your local municipality OR Current municipal rates which is not older than 90 days or valid lease agreement with affidavit from owner of property in cases stated in Proof of Good Standing with regards to Municipal Accounts document.	Submit applicable documentation with the tender submission

**Tenderers will be notified of any omitted, outstanding, missing and or incomplete administrative documents and will be offered a period of 3 days to complete or submit those pages i.e., Municipal Bidding Documents (MBD), authority to sign and other administrative documents that require completion and signatures. These exclude documentation on functionality, price and preference points for specific goals, and MBD 6.2 Local Production and Content.**

**Tenders that are received contrary to the above requirements will be disqualified after three (3) days period has lapsed. If locality is a specific goal in MBD6.1 – the requested documentation may not be used to allocate points for specific goals.**

**Stage 3: Technical Evaluation Criteria:**

The tender will be evaluated and adjudicated in terms of the Municipal Finance Management Act (MFMA), Preferential Procurement Policy Framework Act, 2000, relevant Supply Chain Management Policy of Johannesburg Water (JW) and applicable Regulations.

The following aspects will be considered during the functional evaluation:

CRITERIA NO #	CRITERIA	DOCUMENTARY EVIDENCE	SUB-CRITERIA/CLAUSE	WEIGHTING	SCORE
1.	Proof of previous experience in providing advertising services for tenders and human resources.	Purchase orders or reference letters describing the service that was advertised through the mentioned in the above.	Sub criteria / Clause	60	
			No submission / submitted unrelated evidence / number of purchase orders is one (1).		0
			Two (2) purchase orders		60
			Three (3) or purchase orders		100
MINIMUM QUALIFYING SCORE				60	
TOTAL				100	

## **Stage 4: Preferential Procurement Policy Framework**

The 80/20 Preference system will be used.

### **Applicable Terms and Conditions**

#### **General conditions of contract:**

The General Conditions of Contract (GCC) will form part of all bid documents and may not be amended.

Special Conditions of Contract (SCC) relevant to a specific bid, have been compiled for this bid

WHENEVER THERE IS A CONFLICT, THE PROVISIONS IN THE SCC SHALL PREVAIL.

#### **Special Conditions of Contract (SCC):**

1. The Purchase Order once finalized will be effective for a maximum period of six (6) months.
2. EME will be paid 15 days from date of statement. Date of statement is at the end of the month. It is the responsibility of the Service Provider to submit complete and accurate invoices and statement.
3. The commencement date of the contract will be from the date the Purchase Order is issued to the Service Provider.
4. Tenderers should indicate the notice required for the placement of advertisements
5. The tender rates must be inclusive of all costs applicable taxes less any unconditional discount.
6. The rates tendered will be fixed and firm for a period of six (6) months from date of initial Purchase Order sent to the Service Provider.
7. The contractor shall only execute items indicated in the contract and in terms of an official request. Services rendered through any other request will be regarded as unofficial and Johannesburg Water may refuse to effect payment for such publications.
8. Johannesburg Water reserves the right to not to accept the lowest or any of the offers received and to award the tender in whole or in part
9. The tender submitted shall be valid for a period of 60 days.
10. The successful tenderer will receive proposed draft advertisements in electronic format via email as well as an indication of which newspapers and date the advertisement must be published in. It will be the responsibility of the tenderer to acknowledge the receipt of the advertisement, format as per JW requirements, proofread and forward the final draft advertisement for confirmation and authorization for placement. This must be performed within 24 hours or sooner upon receiving the first notice. The responsible official from JW will confirm the approved advertisement for placement upon receipt of the draft and any amendments effected.
11. The successful tenderer will be required to submit invoices per advertisement clearly marked with the Purchase order number together with an invoice for payment processing. It is the responsibility of the contractor to adhere to this requirement to ensure timeous payment.
12. Advertisements which do not appear in the required newspaper/s and on the date required

# POPIA PRIVACY STATEMENT

Johannesburg Water SOC Limited

In terms of the Protection of Personal Information Act, 213 (Act 4 of 2013), also called the POPI Act or POPIA, Johannesburg Water SOC Limited, undertakes all reasonable measures to protect personal information and to keep it private and confidential.

## 1. Privacy Notice applies to:

Suppliers, vendors, contractors, service providers, etc whether appointed or prospective.

## 2. Definitions of personal information

According to the Act “personal information” means information relating to an identifiable living, natural person, and where it is applicable, an identifiable, existing juristic person. All addresses including residential, postal and email addresses.

## 3. About the Public Entity

Johannesburg Water (SOC) Limited, registration number 2000/029271/30

### 3.1 The information we collect

We collect information directly from you where you provide us with your personal details. Where possible, we will inform you what information you are required to provide to us and what information is optional.

### 3.2 How Johannesburg Water use your information

We will use your personal information only for the purposes for which it was collected and agreed with you. For example: to gather contact information, to confirm and verify your identity, for the evaluation and adjudication of bids and quotations for tenders, request for quotations, and other personal information for the procurement of goods and services by the Entity.

### 3.3 Disclosure of information

We may disclose your personal information to our Shareholder, the City of Johannesburg, and other Government agencies such as National Treasury, and the Auditor-General of South Africa. We have agreements in place to ensure that they comply with the privacy requirements as required by the Protection of Personal Information Act.

We may also disclose your information:

- Where we have a duty or a right to disclose in terms of law;
- Where we believe it is necessary to protect our rights.

### 3.4 Information Security

We are legally obliged to provide adequate protection for the personal information we hold and to stop unauthorised access and use of personal information. We will, on an ongoing basis, continue to review our security



# POPIA PRIVACY STATEMENT

Johannesburg Water SOC Limited

controls and related processes to ensure that your personal information remains secure.

When we contract with third parties, we impose appropriate security, privacy and confidentiality obligations on them to ensure that personal information that we remain responsible for, is kept secure. We will ensure that anyone whom we pass your personal information agrees to treat your information with the same level of protection as we are obliged to.

## **3.5 Your rights: Access to Information**

You have the right to request a copy of the personal information we hold about you. To do this, simply contact us at [informationofficer@jwater.co.za](mailto:informationofficer@jwater.co.za), and specify what information you require.

## **3.6 Correction of your personal information**

You have the right to ask us to update, correct or delete your personal information. We will require a copy of your identification document to confirm your identity before making changes to personal information we may hold about you. We would appreciate it if you would keep your personal information accurate and up to date.

## **3.7 How to contact us**

If you have any queries about this document; you need further information about our privacy practices; wish to withdraw consent; exercise preferences or access or correct your personal information, please contact us at the numbers listed on our website or send an email to [informationofficer@jwater.co.za](mailto:informationofficer@jwater.co.za).



a world class African city



City of Johannesburg

Johannesburg Water SOC Ltd

Turbine Hall  
65 Ntengi Piliso Street  
Newtown  
Johannesburg

Johannesburg Water  
PO Box 61542  
Marshalltown  
2107

Tel +27(0) 11 688 1400  
Fax +27(0) 11 688 1528

[www.johannesburgwater.co.za](http://www.johannesburgwater.co.za)

**PLEASE SUPPLY THE FOLLOWING DOCUMENTS TO ENABLE US TO EVALUATE YOUR SUBMISSION :**

Returnable Documents	Description	Yes/No	
1	Original Valid Tax Clearance Certificate /valid SARS PIN		<b>COMPULSORY</b>
2	A, certified /original/valid, BBBEE certificate /sworn affidavit (Please note that the Sworn Affidavit must be compliant as per B-BBEE Practice Guide 01 of 2018 , NON COMPLIANT AFFIDAVIT WILL BE SCORED ZERO)		<b>COMPULSORY</b>
3	Municipal rates and taxes (Must not be older than 90 days in arrears in line with regulation 38.		<b>COMPULSORY</b>
4	Signed Declaration of Interest form (MBD 4)		<b>COMPULSORY</b>
5	Declaration of Bidders past supply chain management practices (MBD 8)		<b>COMPULSORY</b>
6	Certificate of Independent Proposal Determination (MBD 9)		<b>COMPULSORY</b>
7	Proof of CSD registration /MAAA Supplier Number		<b>COMPULSORY</b>
8	Preference points claim form in terms of the preferential procurement regulations 2022 (MBD 6.1)		<b>COMPULSORY</b>
9	Company registration documents with ID copies of directors / shareholders.		<b>COMPULSORY</b>

**Directors:**

Ms Gugulethu Phakathi (Chairperson), Mr Ntshavheni Mukwevho (Managing Director and Executive Director),  
Mr Johan Koekemoer (Financial Director and Executive Director), Mr Phetole Modika, Mr Siphamandla Mnyani, Mr Siyabonga Mthembu,  
Mrs Zandile Meeleso, Mr Pholoso Matjele, Mr Kgaile Mogoye, Mr Sandiso Mgengwana, Mr Molate Mashifane, Ms Pamela Mabece,  
Mr Lunga Bernard

Ms Kethabile Mabe (Company Secretary),

Johannesburg Water SOC Ltd

Registration Number: 2000/029271/30

## MBD 4

## DECLARATION OF INTEREST

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

**3 In order to give effect to the above, the following questionnaire must be completed and submitted with the bid.**

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

3.2 Identity Number: .....

3.3 Position occupied in the Company (director, trustee, hareholder<sup>2</sup>):.....

3.4 Company Registration Number: .....

3.5 Tax Reference Number:.....

3.6 VAT Registration Number: .....

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

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

3.8.1 If yes, furnish particulars. ....

.....

<sup>1</sup>MSCM Regulations: "in the service of the state" means to be –

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

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

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

3.9.1 If yes, furnish particulars.....

.....

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

3.10.1 If yes, furnish particulars.

.....

.....

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

3.11.1 If yes, furnish particulars

.....

.....

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

3.12.1 If yes, furnish particulars.

.....

.....

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

3.13.1 If yes, furnish particulars.

.....

.....

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

3.14.1 If yes, furnish particulars:

.....

.....

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

Full Name	Identity Number	State Employee Number

.....  
**Signature**

.....  
**Date**

.....  
**Capacity**

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

## 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.

### 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

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.

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
<b>Total points for Price and SPECIFIC GOALS</b>	<b>100</b>

1.5 Failure on the part of a tenderer to submit proof or documentation required in terms of this tender to claim points for specific goals with the tender, will be interpreted to mean that preference points for specific goals are not claimed.

1.6 The organ of state reserves the right to require of a tenderer, either before a tender is adjudicated or at any time subsequently, to substantiate any claim in regard to preferences, in any manner required by the organ of state.

### 2. DEFINITIONS

- (a) **“tender”** means a written offer in the form determined by an organ of state in response to an invitation to provide goods or services through price quotations, competitive tendering process or any other method envisaged in legislation;

- (b) **“price”** means an amount of money tendered for goods or services, and includes all applicable taxes less all unconditional discounts;
- (c) **“rand value”** means the total estimated value of a contract in Rand, calculated at the time of bid invitation, and includes all applicable taxes;
- (d) **“tender for income-generating contracts”** means a written offer in the form determined by an organ of state in response to an invitation for the origination of income-generating contracts through any method envisaged in legislation that will result in a legal agreement between the organ of state and a third party that produces revenue for the organ of state, and includes, but is not limited to, leasing and disposal of assets and concession contracts, excluding direct sales and disposal of assets through public auctions; and
- (e) **“the Act”** means the Preferential Procurement Policy Framework Act, 2000 (Act No. 5 of 2000).

### 3. FORMULAE FOR PROCUREMENT OF GOODS AND SERVICES

#### 3.1. POINTS AWARDED FOR PRICE

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

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

**80/20**

$$Ps = 80 \left( 1 - \frac{Pt - P_{min}}{P_{min}} \right)$$

Where

- Ps = Points scored for price of tender under consideration
- Pt = Price of tender under consideration
- Pmin = Price of lowest acceptable tender

##### 3.1.1. POINTS AWARDED FOR PRICE

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

**80/20**

$$Ps = 80 \left( 1 + \frac{Pt - P_{max}}{P_{max}} \right) \text{ o}$$

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:

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

***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)	Number of points claimed (80/20 system)	Proof of documents per specific goals
QSEs- Businesses owned by people who are black-51% or more	20		Valid BBBEE Certificate issued by SANAS accredited verification agency or DTI/CIPC BBBEE Certificate for Exempted Micro Enterprises or Affidavit sworn under oath

#### **DECLARATION WITH REGARD TO COMPANY/FIRM**

4.2. Name of company/firm.....

4.3. Company registration number: .....

4.4. 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]

4.5. 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

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

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

4.3.1	If so, furnish particulars:		
<b>Item</b>	<b>Question</b>	<b>Yes</b>	<b>No</b>
4.4	Does the bidder or any of its directors owe any municipal rates and taxes or municipal charges to the municipality / municipal entity, or to any other municipality / municipal entity, that is in arrears for more than three months?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.4.1	If so, furnish particulars:		
4.5	Was any contract between the bidder and the municipality / municipal entity or any other organ of state terminated during the past five years on account of failure to perform on or comply with the contract?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.7.1	If so, furnish particulars:		

### CERTIFICATION

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

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

.....  
**Signature**

.....  
**Date**

.....  
**Position**

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

**CERTIFICATE OF INDEPENDENT BID DETERMINATION**

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

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

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

**CERTIFICATE OF INDEPENDENT BID DETERMINATION**

I, the undersigned, in submitting the accompanying bid:

---

(Bid Number and Description)

in response to the invitation for the bid made by:

---

(Name of Municipality / Municipal Entity)

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

I certify, on behalf of:\_\_\_\_\_that:

(Name of Bidder)

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

6. The bidder has arrived at the accompanying bid independently from, and without consultation, communication, agreement or arrangement with any competitor. However communication between partners in a joint venture or consortium<sup>3</sup> will not be construed as collusive bidding.
7. In particular, without limiting the generality of paragraphs 6 above, there has been no consultation, communication, agreement or arrangement with any competitor regarding:
  - (a) prices;
  - (b) geographical area where product or service will be rendered (market allocation)
  - (c) methods, factors or formulas used to calculate prices;
  - (d) the intention or decision to submit or not to submit, a bid;
  - (e) the submission of a bid which does not meet the specifications and conditions of the bid; or
  - (f) bidding with the intention not to win the bid.
8. In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications and conditions or delivery particulars of the products or services to which this bid invitation relates.
9. The terms of the accompanying bid have not been, and will not be, disclosed by the bidder, directly or indirectly, to any competitor, prior to the date and time of the official bid opening or of the awarding of the contract.

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

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

.....  
Signature

.....  
Date

.....  
Position

.....  
Name of Bidder

Js9141w 4