



BID DOCUMENT

BID NUMBER: **9/1-T005/2026/27**

PROVISION AND MAINTENANCE OF EIGHT (8) MOBILE TOILETS AT TAX RANK (QUNU) AND BUS TAX RANK

CLOSING DATE:	09 SEPT 2026	TIME	12H00 PM
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NAME OF TENDERER	
PHYSICAL ADDRESS	
CSD NUMBER	MAAA
TAX COMPLIANCE PIN	
CONTACT PERSON	
CONTACT NUMBER	
EMAIL ADDRESS	

ENQUIRIES REGARDING BID PROCEDURES		TECHNICAL ENQUIRIES	
DIRECTORATE FINANCIAL SERVICES SUPPLY CHAIN MANAGEMENT UNIT		DEPARTMENT OF FINANCE SERVICES	
MR. M. ZONDI SCM MANAGER		MR. M.K NXUMALO MANAGER: SOCIAL SERVICES	
TEL. NUMBER	035 813 7500/7555	TEL. NUMBER	035 813 7500
TENDER ISSUED BY			
NONGOMA MUNICIPALITY		LOT 103 MAIN STREET NONGOMA	

INDEX

The Bid document/s comprises of:

CERTIFICATE OF ATTENDANCE AT SITE MEETING	3
CONDITIONS OF TENDER/ TENDER PROCEDURES.....	4
SPECIAL TENDER CONDITIONS	5
T1.1 TENDER NOTICE AND INVITATION	11
INVITATION TO BID	13
T2 RETURNABLE DOCUMENTS.....	14
RESOLUTION OF BOARD OF DIRECTORS	15
RESPONSIVENESS/ COMPLIANCE CHECK CRITERIA.....	16
FUNCTIONALITY EVALUATION	17
MBD 3.3	19
PRICING SCHEDULE	19
FORM OF OFFER AND ACCEPTANCE.....	21
DECLARATION OF INTEREST	24
MBD 6.1	27
PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL PROCUREMENT REGULATIONS 2022	27
.....	31
MBD 8.....	32
DECLARATION OF BIDDER'S PAST SUPPLY CHAIN MANAGEMENT PRACTICES	32
MBD 9.....	34
CERTIFICATE OF INDEPENDENT BID DETERMINATION	34

TENDER NO.	9/1-T005/2026/27				
		BIDDER	WITNESS	EMPLOYER	WITNESS

CERTIFICATE OF ATTENDANCE AT SITE MEETING

This is to certify that (*Bidder*)

.....

of (*address*)

..... Was represented by the person(s) named below at the compulsory clarification meeting held for all Bidders at the previously-mentioned place for **CONTRACT No.: 9/1-T005/2026/27** on the **01 September 2026** starting at **10H00 AM**.

I / We acknowledge that the purpose of the meeting was to acquaint myself / ourselves with the site of the works and / or matters incidental to doing the work specified in the Bid documents in order for me / us to take account of everything necessary when compiling our rates and prices included in the Bid.

(Please print clearly)

Name of representative:

On behalf of the bidder:

Address:

..... code:

Telephone number:

Signature (bidder):

Email:

NONGOMA LOCAL MUNICIPALITY'S REPRESENTATIVE

Signature:

Surname and initials:



TENDER NO.	9/1-T005/2026/27				
		BIDDER	WITNESS	EMPLOYER	WITNESS

CONDITIONS OF TENDER/ TENDER PROCEDURES

PLEASE NOTE THAT THIS BID IS SUBJECT TO SCM REGULATIONS ISSUED AND SUPPLY CHAIN MANAGEMENT POLICY AND THE GENERAL CONDITIONS OF CONTRACT.

1. Any alteration made by the Service Provider must be initialled.
2. Use of correcting fluid is prohibited
3. Tenders will be opened in public as soon as possible after the closing time of quote.
4. Suppliers must duly complete and sign the attached MBD 3.1, MBD 4, MBD 6.1, MBD 8 & MBD 9. Failure to complete these documents may result in your bid being invalid.
5. Proposals must be in accordance with the specifications, unless otherwise stipulated.
6. The official bid document must be used.
7. Nongoma Municipality is under no obligation to accept the lowest or any bid. Further, the municipality reserves the right not to appoint or to appoint one service provider or more than one service providers.
8. The municipality reserves the right to appoint more than one bidder for this contract.
9. The financial standing of Service Providers and their ability to manufacture or to supply goods or render services may be examined before their bids are considered for acceptance.
10. **Registration on National Treasury's Central Supplier Database (CSD) is compulsory.** For more information on how to register go to www.csd.gov.za . Failure to submit a CSD supplier registration report **will** result in the disqualification of proposals.
11. Failure on the part of the tenderer to sign/mark this tender form and thus to acknowledge and accept the conditions in writing or to complete the attached forms, questionnaires and specifications in all respects, may invalidate the tender.
12. Tenderers will check the numbers of the pages and satisfy themselves that none are missing or duplicated. No liability will be accepted with regard to claims arising from the fact that pages are missing or duplicated.
13. Tenders should be hand delivered to the address provided on the Invitation to Bid so as to reach the destination no later than the closing date and time.
14. No tenders transmitted by telegram, telex, facsimile, E-mail or similar apparatus will be considered.

TENDER NO.	9/1-T005/2026/27				
		BIDDER	WITNESS	EMPLOYER	WITNESS

SPECIAL TENDER CONDITIONS

- This tender and its acceptance will be subject to the terms and conditions described below. Nongoma Municipality is/will not be liable for any costs incurred in preparation and delivery of tenders.
- Nongoma Municipality will only consider submission from the tenderers who satisfy the following criteria: The following information/ certificates must be submitted with the tender offers, tenderers must accept that failure to submit certificates stated below and fail to complete in full the tender document shall result in the tender being regarded as non-responsive, therefore shall not be evaluated further for functionality:
 - a) A successful bidder will sign with the municipality an agreement for skills transfer for a period of 12 months
- **TENDER DEFAULTERS AND RESTRICTED SUPPLIERS**
 - a. No tender shall be awarded to a bidder whose name (or any of its members, directors, partners or trustees) appear on the Register of Tender Defaulters kept by National Treasury, or who have been placed on National Treasury's List of Restricted Suppliers. Nongoma Municipality reserves the right to withdraw an award, or cancel a contract concluded with a Bidder should it be established, at any time, that a bidder has been blacklisted with National Treasury by another government institution.
- **PRECEDENCE**

This document will prevail over any information provided during any briefing session whether oral or written, unless such written information provided, expressly amends this document by reference.
- **INDEMNITY**

If a bidder breaches the conditions of this bid and, as a result of that breach, Nongoma Municipality incurs costs or damages (including, without limitation, the cost of any investigations, procedural impairment, repetition of all or part of the bid process and/or enforcement of intellectual property rights or confidentiality obligations), then the bidder indemnifies and holds the Municipality harmless from any and all such costs which the Municipality may incur and for any damages or losses Nongoma Municipality may suffer.
- **CONFLICT OF INTEREST, CORRUPTION AND FRAUD**
 - a. **Nongoma Municipality** reserves its right to disqualify any bidder who either itself or any of whose members (save for such members who hold a minority interest in the bidder through shares listed on any recognised stock exchange), indirect members (being any person or entity who indirectly holds at least a 15% interest in the bidder other than in the context of shares listed on a recognised stock exchange), directors or members of senior management, whether in respect of Nongoma Municipality or any other government organ or entity and whether from the Republic of South Africa or otherwise ("Government Entity")

TENDER NO.	9/1-T005/2026/27				
		BIDDER	WITNESS	EMPLOYER	WITNESS

- b. engages in any collusive tendering, anti-competitive conduct, or any other similar conduct, including but not limited to any collusion with any other bidder in respect of the subject matter of this bid;
- c. seeks any assistance, other than assistance officially provided by a Government Entity, from any employee, advisor or other representative of a Government Entity in order to obtain any unlawful advantage in relation to procurement or services provided or to be provided to a Government Entity;
- d. makes or offers any gift, gratuity, anything of value or other inducement, whether lawful or unlawful, to any of Nongoma Municipality officers, directors, employees, advisors or other representatives;
- e. makes or offers any gift, gratuity, anything of any value or other inducement, to any Government Entity's officers, directors, employees, advisors or other representatives in order to obtain any unlawful advantage in relation to procurement or services provided or to be provided to a Government Entity;
- f. accepts anything of value or an inducement that would or may provide financial gain, advantage or benefit in relation to procurement or services provided or to be provided to a Government Entity;
- g. pays or agrees to pay to any person any fee, commission, percentage, brokerage fee, gift or any other consideration, that is contingent upon or results from, the award of any tender, contract, right or entitlement which is in any way related to procurement or the rendering of any services to a Government Entity;
- h. has in the past engaged in any matter referred to above; or (h) has been found guilty in a court of law on charges of fraud and/or forgery, regardless of whether or not a prison term was imposed and despite such bidder, member or director's name not specifically appearing on the List of Tender Defaulters kept at National Treasury.

➤ **CONDITIONS OF PAYMENT**

- a. No service should be provided to the Municipality in terms of this tender and no amount will become due and payable by the Nongoma Municipality;
- b. an official purchase order or similar written instruction has been issued to the supplier where service delivery will be within the specified time scale after the receipt of the official purchase order or similar written instruction; and unless otherwise determined in the contract or other agreement, all payments due to creditors will be settled within 30 days from receipt of a proper invoice or, in the case of civil claims, from the date of settlement or court judgment. This implies that amounts owing will be paid within 30 days from receipt of invoice if the goods, works or services were delivered to the satisfaction of the Municipality.

➤ **CONTRACTUAL IMPLICATIONS**

- a. The tenderer must complete all documents in full and submit these with the proposal. Failure to comply with these requirements may invalidate the tenderer or disqualify the proposal.
- b. Upon submission of the tender response, the Tenderer is unconditionally bound by the terms and conditions of the Request for Proposal (RFP) and the tender response. In the event of any conflict or confusion arising between the terms and conditions of the RFP and the tender response, the RFP shall prevail.

TENDER NO.	9/1-T005/2026/27				
		BIDDER	WITNESS	EMPLOYER	WITNESS

- c. The Tenderer acknowledges that awarding of the Tender is based solely on the information supplied in the tender response, accordingly the relevant Terms and Conditions of the Request for Proposal and the tender response will be incorporated in the subsequent written agreement, unless otherwise provided by the Nongoma Municipality.
- d. Other than providing rights to Nongoma Municipality, nothing in this Tender Request and tender response should be construed to give rise to the Municipality having any obligations or liabilities whatsoever, express or implied.
- e. The successful Tenderer shall only be entitled to render services and/or provide goods to the Nongoma Municipality once a separate written contract, which should be aligned to "GOVERNMENT PROCUREMENT GENERAL CONDITIONS OF CONTRACT" (Please visit <http://www.treasury.gov.za/divisions/ocpo/sc/GeneralConditions/default.aspx>) for further information issued in 2010 in this respect) and a service level agreement, has been signed by both the Tenderer and Nongoma Municipality, whereupon the Request for Proposal and tender response will cease to have force and effect.

I, the undersigned certify that I have read, understand and accept all the bid/ tender conditions as listed above to be used when the bid is evaluated.

NAME OF REPRESENTATIVE:

POSITION/ DESIGNATION:

SIGNATURE:

DATE:

NONGOMA MUNICIPALITY

Bid Number: 9/1-T005/2026/27

SPECIFICATION FOR THE PROVISION AND MAINTENANCE OF EIGHT 8 MOBILE TOILETS AT TAX RANK QUNU AND BUS TAX RANK – Tender No 9/1-T005/2026/27

Project Title

Hiring, Delivery, Servicing and Maintenance of Eight (8) Mobile Toilets for Nongoma Town Main Taxi Rank and Bus Taxi Rank

Scope of Work

The appointed service provider shall provide, deliver, install, service, maintain and remove eight (8) mobile toilet units for use at the Nongoma Town Main Taxi Rank and Bus Taxi Rank.

Requirements

1. Supply and install 8 mobile toilet units at designated locations.
2. Toilets must be clean, waterproof, well-ventilated and in good working condition.
3. Each toilet must be equipped with:
 - Toilet seat with lid.
 - Toilet paper holder.
 - Hand sanitiser or handwashing facility.
 - Lockable door for user privacy.
 - Adequate ventilation.
4. The service provider shall:
 - Clean and sanitise all units regularly.
 - Empty waste tanks and dispose of waste at an approved disposal facility.
 - Refill toilet paper and hand sanitiser after every service.
 - Refill fresh water where applicable.
 - Replace any damaged or unusable toilet within 24 hours.
5. The service provider shall ensure that the toilets remain hygienic and accessible throughout the contract period.
6. The service provider shall comply with all applicable health, safety and environmental legislation.
7. Transportation, installation, servicing, maintenance and collection of the toilets shall be included in the contract price.
8. The municipality reserves the right to inspect the toilets at any time to ensure compliance with the contract specifications.

Location

- Nongoma Town Main Taxi Rank
- Nongoma Bus Taxi Rank

Page 8 of 37

TENDER NO.	9/1-T005/2026/27				
		BIDDER	WITNESS	EMPLOYER	WITNESS

Contract Period

Twelve (12) months, subject to the terms and conditions of the service level agreement.

Deliverables

- Supply and installation of 8 mobile toilets.
- Routine cleaning and servicing.
- Waste removal and lawful disposal.
- Continuous maintenance and replacement of defective units where necessary.

Monthly service reports submitted to the Municipality



TENDER NO.	9/1-T005/2026/27				
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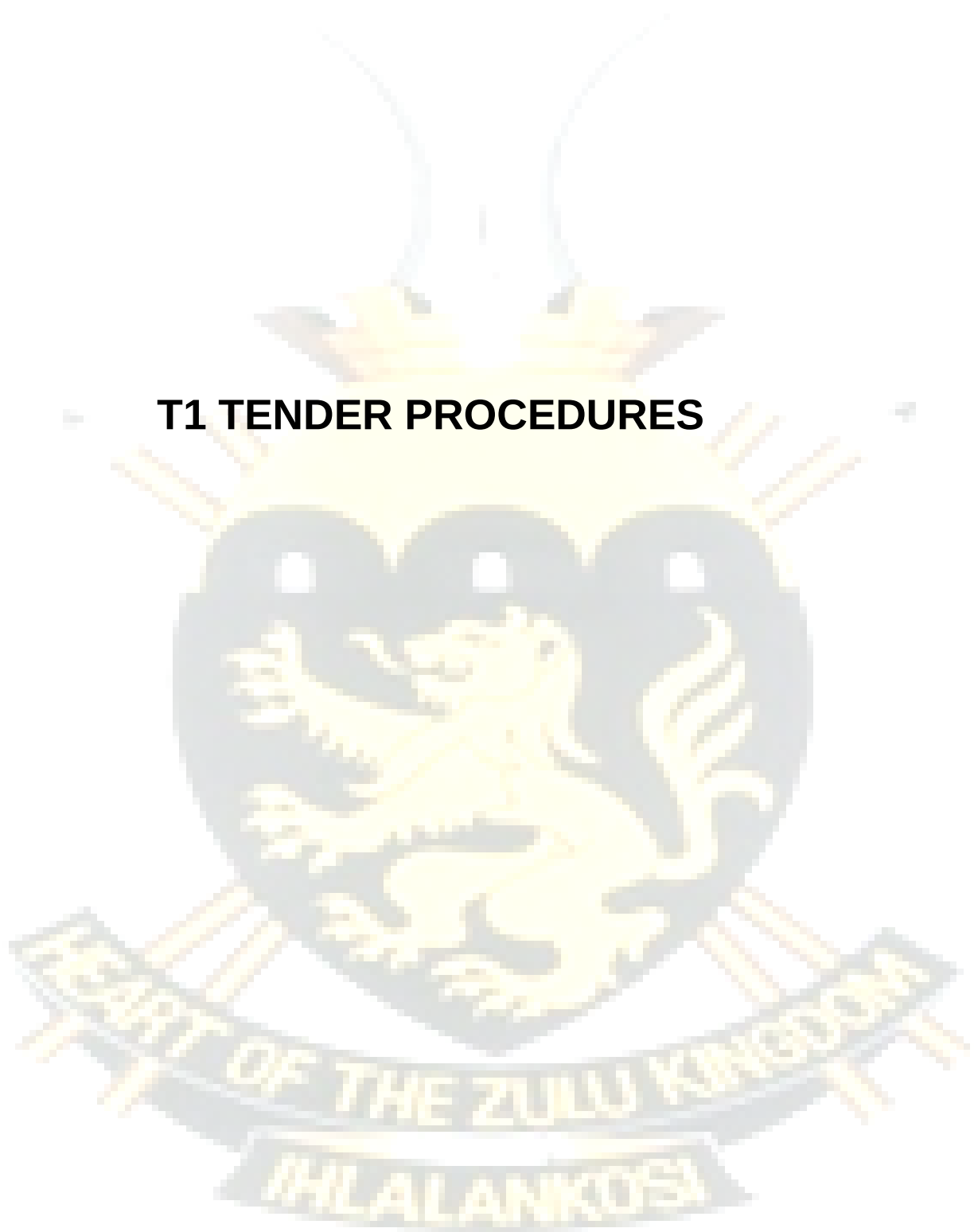
BIDDER

WITNESS

EMPLOYER

WITNESS

T1 TENDER PROCEDURES



T1.1 TENDER NOTICE AND INVITATION PART A INVITATION TO BID

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE (NAME OF MUNICIPALITY/ MUNICIPAL ENTITY)					
BID NUMBER:	9/1-T005/2026/27	CLOSING DATE:	09 SEPT. 2026	CLOSING TIME	12H00 PM
DESCRIPTION	PROVISION AND MAINTENANCE OF EIGHT 8 MOBILE TOILETS AT TAX RANK QUNU AND BUS TAX RANK				
THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (MBD7).					

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

Lot 103, Main Street, Nongoma no later than **12h00 on Wednesday, 09 September 2026**. Incomplete, emailed, faxed and late proposal documents will not be considered.

SUPPLIER INFORMATION

NAME OF BIDDER			
POSTAL ADDRESS			
STREET ADDRESS			
TELEPHONE NUMBER	CODE	NUMBER	
CELLPHONE NUMBER			
FACSIMILE NUMBER	CODE	NUMBER	
E-MAIL ADDRESS			
VAT REGISTRATION NUMBER			
	Tax PIN No.:	CSD No:	
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:

DEPARTMENT	FINANCE
CONTACT PERSON	MR. M. ZONDI
TELEPHONE NUMBER	035 831 7500
FACSIMILE NUMBER	035 831 3152
E-MAIL ADDRESS	scmmanager@nongoma.gov.za

TECHNICAL INFORMATION MAY BE DIRECTED TO:

CONTACT PERSON	MR. MK NXUMALO
TELEPHONE NUMBER	035 831 7500
FACSIMILE NUMBER	035 831 3152
E-MAIL ADDRESS	mpathon@nongoma.gov.za

Appeals/ objections persons/ tenderers aggrieved by tender award decisions taken by Nongoma Local Municipality, may lodge an appeal within 14 days of the date of the intention to award advertisement. Nongoma Local Municipality shall only consider written appeals/objections clearly stating the reasons for appeal directed to: mm@nongoma.gov.za. **NB:** Appeals/ objections received after 14 days of the published intention to award has lapsed will be considered invalid.

TENDER NO.	9/1-T005/2026/27				
		BIDDER	WITNESS	EMPLOYER	WITNESS

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 MAY 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:

TENDER NO.	9/1-T005/2026/27				
		BIDDER	WITNESS	EMPLOYER	WITNESS



INVITATION TO BID

Bidders are hereby invited to tender their proposal for the below mentioned project:

Tender No:	Description:	Closing Date and Time:	Compulsory briefing:
9/1 - T005/2026/27	Provision and Maintenance of Eight 8 Mobile Toilets at Tax Rank (Qunu) and Bus Tax Rank	09 September 2026, Wednesday	01 September 2026, Tuesday

Compulsory Tender Briefing to this project will be held in Nongoma Municipality Offices next to the Reception in Lot 103, Main Street Nongoma 3950 on the 01 September 2026, Tuesday at 10h00AM. No late arrivals will be allowed to the venue and to the site.

Bid documents can either be downloaded freely at the bidder's own cost as from 24 August 2026, Tuesday in the e-tender portal website www.etenders.gov.za or obtainable at Cashier's office from Nongoma Municipality Main Offices (Lot 103, Main Street, Nongoma 3950) from 24 August 2026 at 07:30AM to 15:30 till the 31 August 2026, Monday at 16h00. A non-refundable amount of **R400.00 cash only (no other alternative payment will be accepted)**, per document will be payable.

All technical enquires about the bid shall be directed to Nongoma Local Municipality's Community services Manager Social Services. Mr. M.K Nxumalo on 035 831 7500 or mpathon@nongoma.gov.za.

Tenders must be enclosed in a sealed envelope, addressed to the Municipal Manager of Nongoma Local Municipality and clearly marked: **Tender No.: 9/1 – T005/2026/27 and the description**. Tender document must be deposited into the Tender Box situated at the reception of Nongoma Local Municipality's main offices (Lot 103; Main Street; Nongoma; 3950) on or before **12h00 PM, 09 September 2026, Wednesday**. No late or faxed or emailed tenders will be considered.

The evaluation and adjudication of tenders will be done in line with the Nongoma Local Municipality's approved Supply Chain Policy, bid document will be evaluated using Responsiveness criteria, Functionality and 80/20 PPPFA with its 2022 regulations. Only tenderers meet minimum qualifying score of 60% on functionality as detailed in the tender document shall qualify for further evaluation.

Claims for specific Goals for 20 points allocations

To claim 20 points for specific goals, the company must have the

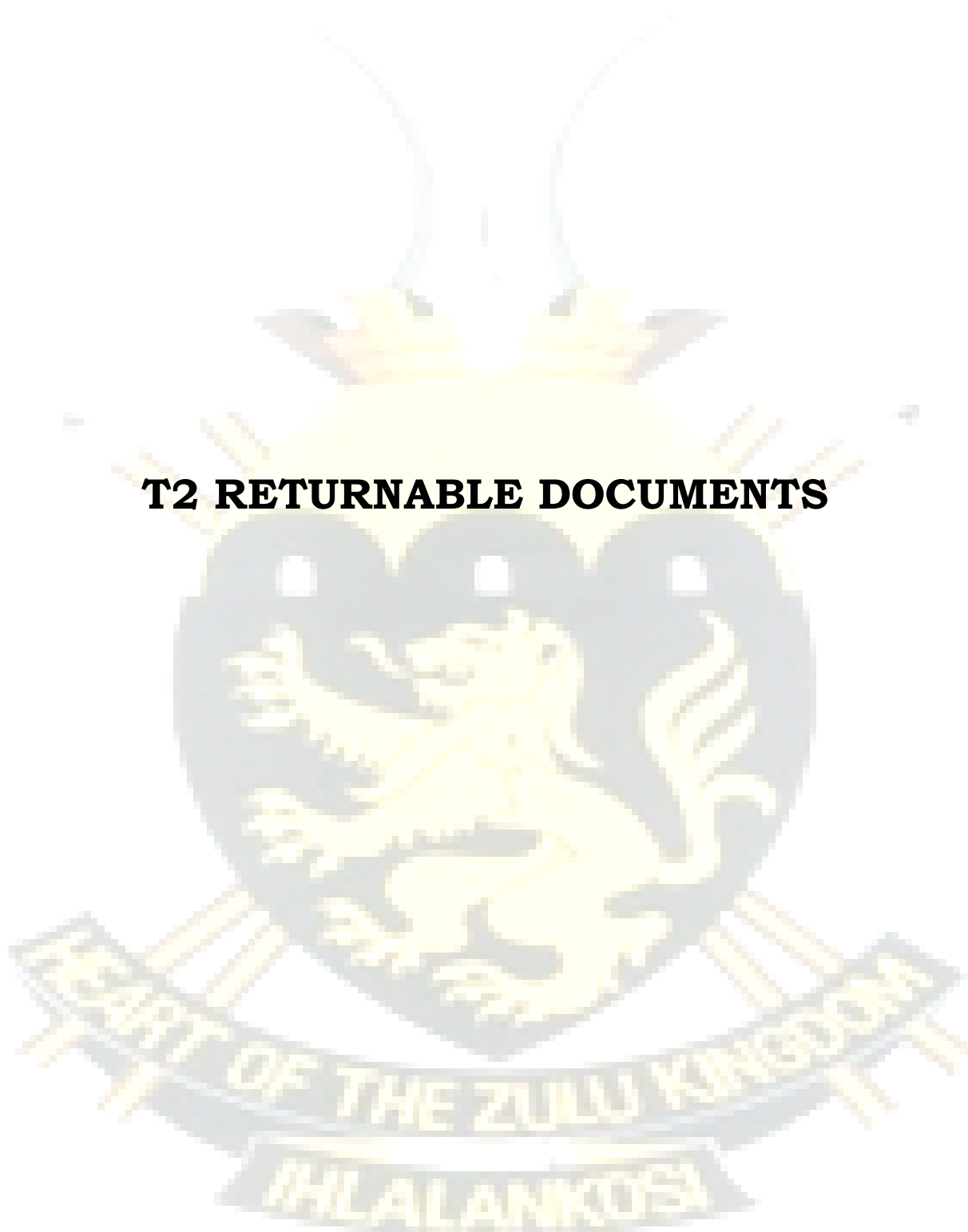
GOALS	POINTS	VERIFICATION METHOD
RDP	15 MAX	
Enterprise located in Nongoma Municipality	15	Proof of Business Operating Address Similar to The One Address On CSD
Enterprise located in Zululand District	10	
Enterprise located in the KZN Province	3	
Enterprise located in South Africa	2	
Historical Disadvantaged Women	05 MAX	
100% Women Owned	5	Certified ID Copies of All Company Directors and CSD Report not older than 2 months
Equal or greater than 51% Women Owned	2.5	

Tenders shall be valid for a period of 120 days. The Nongoma Local Municipality does not bind itself to accept the lowest or any tender.

- NB: NO BIDS WILL BE CONSIDERED FROM PERSONS IN THE SERVICE OF THE STATE**
(As defined in Regulation 1 of the local government: Municipal Supply Chain Management Regulations)

MR. MB. MNGUNI
ACTING MUNICIPAL MANAGER

TENDER NO.	9/1-T005/2026/27				
		BIDDER	WITNESS	EMPLOYER	WITNESS



T2 RETURNABLE DOCUMENTS

Page 14 of 37

TENDER NO.	9/1-T005/2026/27				
		BIDDER	WITNESS	EMPLOYER	WITNESS

SCHEDULE 1

RESOLUTION OF BOARD OF DIRECTORS

Resolution of a meeting of the Board of Directors/ Members/ Partners of:

		(Enterprise Name)
Held at		
On		
	(date)	

RESOLVED that:

1	The enterprise submits a bid/ tender to Nongoma Municipality in respect of the following project: TENDER 9/1-T005/2026/27: PROVISION AND MAINTENANCE OF EIGHT 8 MOBILE TOILETS AT TAX RANK QUNU AND BUS TAX RANK		
2	Mr./ Mrs./ Ms.		
	In his/ her capacity as:	(Position in the Enterprise)	
	And who will sign as follows:	(Authorized signature)	
Be, and is hereby authorized to sign the bid/ tender, and any and all other documents and/or correspondence in connection with and relating to the bid/ tender, as to sign any contract, and any and all document, resulting from the of the bid/ tender to the enterprise mentioned above.			

Directors/ Members/ Partners of:

	Name	Capacity	Signature
1			
2			
3			

Note:

1. Delete which is not applicable
2. **NB.** This resolution must be signed by all the Directors/ Members/ Partners of the Enterprise.

ENTERPRISE STAMP

Not Compulsory

TENDER NO.	9/1-T005/2026/27				
		BIDDER	WITNESS	EMPLOYER	WITNESS

PROVISION AND MAINTENANCE OF EIGHT 8 MOBILE TOILETS AT TAX RANK QUNU AND BUS TAX RANK

Bid Number: 9/1-T005/2026/27

RESPONSIVENESS/ COMPLIANCE CHECK CRITERIA

NB: Nongoma Municipality may verify any information submitted in terms of this bid and any information that is incorrect may result in that bid being automatically disqualified and not considered for further evaluation.

RESPONSIVENESS CRITERIA

No bid will be considered by Nongoma Municipality unless it meets the following responsiveness criteria (for the bid to be considered responsive, the bid **must** meet the following requirements amongst others):

COMPULSORY RETURNABLE DOCUMENTS:

- The **official Bid document** must be fully completed in indelible black ink. Where information requested does not apply to the Bidder and the space is left blank, it will be deemed incomplete and may be disqualified.
- The Bidder must be in **good standing** to do business with the public sector, bidder or any its directors/ shareholders is listed on the National Treasury Register of Tender Defaulters i.t.o Prevention and Combating of Corruption Activities Act of 2004 as a person prohibited from doing business with the public sector.
- Each page of this bid document must either be initiated or signed by the authorized signatory to sign on behalf of the bidder.
- The bidder must adhere to the **Pricing Instructions**,
- The **Municipal Bid Documents (MBDs) 1, 3.3, 4, 6.1, 8 & 9** must be duly completed and signed by the bidder.
- Company municipal utility bill on **rates** with a matching physical/ street address to the one on CSD proving no arrears for more than 3 months and it must not be older than two (2) months from the closing date, in the case where the company is operating in areas where municipal charges are not applicable, both Proof of Company Operating Address (letter from Ward Cllr/ Inkosi) and must be submitted or signed lease agreement and municipal utility bill on rates of landlord where a company is renting.
- Company Directors/ Members/ Owners/ Shareholder' utility bill on rates proving no arrears for more than 3 months and must not be older than 2 months before closing date, in the case where the Directors/ Members/ Owners/ Shareholders are residing in areas where municipal charges are not applicable, both Proof of Address (Ward Cllr/ Inkosi) and affidavit must be submitted or signed lease agreement and municipality utility bill (Under landlord's name) on rates where a Director/ Member/ Owner/ Shareholder is renting.
- Certified ID certificate(s) of all directors, members and/or shareholders,
- Central Supply Database (CSD) Number
- Company / CC / Trust / Partnership / registration certificates and
- Certificate of Authority for Signatory and Registration/ID.
- Skills transfer plan to cover the period of contract.

TENDER NO.	9/1-T005/2026/27				
		BIDDER	WITNESS	EMPLOYER	WITNESS

FUNCTIONALITY EVALUATION

The evaluation of this tender shall include functionality whereby the bids will be evaluated in terms of the evaluation criteria embodied in the bid documents.

- The minimum qualifying score for the functionality will be **60 out of 100 points (60%)** and the bids that fail to achieve the minimum qualifying score will not be considered for further evaluation.
- Only bids that achieved the minimum qualifying score for functionality will be evaluated

FUNCTIONAL CRITERIA	MAXIMUM TO BE AWARDED
Bidder Experience & Track Record Demonstrated experience in the provision, delivery, servicing, and maintenance of mobile toilet facilities to public sector institutions or comparable environments over the past five (5) years. • 5 or more similar projects with documented appointment letters/purchase orders and traceable reference letters and proven relevance to the public sector or large institutions = 30 points • 3 to 4 similar projects with documented appointment letters/purchase orders and traceable reference letters and proven relevance to the public sector or large institutions = 20 points • 1 to 2 similar projects with documented appointment letters/purchase orders and traceable reference letters and proven relevance to the public sector or large institutions = 10 points • No relevant experience demonstrated = 0 points	30
Technical Capability & Compliance • Fully compliant technical proposal meeting all minimum technical specifications, with clear operational methodology and no material gaps = 20 points • Substantially compliant proposal with minor gaps that do not affect service delivery = 15 points • Partially compliant proposal with notable gaps impacting service delivery = 5 points • Non-compliant or insufficient technical proposal = 0 points	20
Service Delivery, Response Time & Operational Capacity • Demonstrated capacity to deliver within two (2) hours, provide twice-daily servicing, and respond to emergencies, supported by resources and staffing plan = 20 points • Demonstrated capacity with minor limitations or reliance on subcontracting = 10 points • Limited operational capacity with risk to response times = 5 points • No clear service delivery or response plan provided = 0 points	20

TENDER NO.	9/1-T005/2026/27				
		BIDDER	WITNESS	EMPLOYER	WITNESS

Site Visit and Physical Inspection of Mobile Toilet Units**20**

A compulsory site visit to the bidder's premises or deployed site to physically inspect and evaluate the actual mobile toilet units proposed for Nongoma Municipality. Evaluation will focus on cleanliness, condition, functionality, compliance with technical specifications, and overall suitability for use.

- Units inspected are in excellent condition, fully functional, clean, compliant with all technical specifications, and suitable for immediate deployment = **20 points**
- Units are functional and compliant, with minor wear and tear not affecting usability = **15 points**
- Units show visible defects, hygiene concerns, or partial non-compliance = **5 points**
- Units are non-compliant, unhygienic, or unsuitable for deployment = **0 points**

Note: Failure to participate in or pass the mandatory site visit may result in disqualification.



TENDER NO.	9/1-T005/2026/27				
		BIDDER	WITNESS	EMPLOYER	WITNESS

PRICING SCHEDULE

(Professional Services)

Name of Bidder:RFQ Number: RFQ.....

Closing Time:H.....

Closing Date/...../ 2026

OFFER TO BE VALID FOR.....DAYS FROM THE CLOSING DATE OF A QUOTE.

Item	Description	Quantity	Unit Price in RSA Currency (All applicable taxes included)	Monthly Rate	Quote Price in RSA Currency (All applicable taxes included)
1	Provision and Maintenance of Mobile Public Toilets for a Period of 12 Months	08	R	R	R
	Sub Total				R
	Add VAT 15%				R
	Total tendered price				R

3. The accompanying information must be used for the formulation of proposals.

3. Bidders are required to indicate a ceiling price based on the total
Estimated time for completion of all phases and including all
Expenses inclusive of all applicable taxes for the project.

R.....

3. PERSONS WHO WILL BE INVOLVED IN THE PROJECT AND
RATES APPLICABLE (CERTIFIED INVOICES MUST BE
RENDERED IN TERMS HEREOF)

4. PERSON AND POSITION

HOURLY RATE

DAILY RATE

_____	R _____	R _____
_____	R _____	R _____
_____	R _____	R _____
_____	R _____	R _____

3. PHASES ACCORDING TO WHICH THE PROJECT WILL BE
COMPLETED, COST PER PHASE AND MAN-DAYS TO BE
SPENT

_____	R _____	days
_____	R _____	days
_____	R _____	days
_____	R _____	days

5.1 Travel expenses (specify, for example rate/km and total km, class
of air travel, etc.). Only actual costs are recoverable. Proof of the
Expenses incurred must accompany certified invoices.

TENDER NO.	9/1-T005/2026/27				
		BIDDER	WITNESS	EMPLOYER	WITNESS

DESCRIPTION OF EXPENSE TO BE INCURRED	RATE	QUANTITY	AMOUNT
_____	_____	_____	R.....
_____	_____	_____	R.....
_____	_____	_____	R.....
_____	_____	_____	R.....

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

DESCRIPTION OF EXPENSE TO BE INCURRED	RATE	QUANTITY	AMOUNT
_____	_____	_____	R.....
_____	_____	_____	R.....
_____	_____	_____	R.....
_____	_____	_____	R.....

TOTAL: R.....

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

Index.....

.....

.....

NOTE: It must be duly completed with no space left blank, if space is left blank it will be considered incomplete and your bid may be disqualified. Where information request does not apply to the bidder it must be indicated so (Not Applicable)

TENDER NO.	9/1-T005/2026/27				
		BIDDER	WITNESS	EMPLOYER	WITNESS

FORM OF OFFER AND ACCEPTANCE

A. OFFER

BID/ TENDER NO: 9/1-T005/2026/27

PROJECT DESCRIPTION: PROVISION AND MAINTENANCE OF EIGHT 8 MOBILE TOILETS AT TAX RANK QUNU AND BUS TAX RANK

MUNICIPAL MANAGER: NONGOMA LOCAL MUNICIPALITY

Sir,

Having examined the documentation of the above-mentioned services, I/we offer to provide a professional service for the said works in conformity with the aforesaid documentation, for the sum as set out hereunder:

Price R _____

Total Amount in words for a three-year period

Or such other sum as may be ascertained in accordance with the contract.

I/we are registered VAT vendors and the above price INCLUDES VAT.

I/we acknowledge that the VAT vending status as disclosed on this tender form shall remain constant for all purposes under this contract and no claim for adjustment will be entertained for any such claim.

In the event of there being any errors of extension or addition in the priced schedule of quantities (and/or specification), I/we agree to their being corrected, the rates being taken as correct.

I/we undertake to complete and deliver the whole of the works comprised in the contract within the time stated.

I/we are formally associated by written agreement with the following firms, corporations or companies:

(Enter Nil if no affiliations)

I/we are fully paid-up members in good standing of the following organization(s):

(Enter Nil if no affiliations)

My/Our VAT vendor registration number is: _____

I/We bank at the _____ branch of _____ Where I/we have

a _____ Account (no. _____)

Page 21 of 37

TENDER NO.	9/1-T005/2026/27				
		BIDDER	WITNESS	EMPLOYER	WITNESS

Bankers contact name _____ & Tel no. _____

I/we acknowledge that proof of the information entered in this offer required in terms of this document and/or provisional Letter of Acceptance, will be submitted and that the absence of such information or the failure to comply will render this offer unresponsive (invalid).

It is agreed and understood that this tender is valid for 60 days from the date hereof and that it, together with your final letter of acceptance, shall constitute a binding contract between us.

I/We understand that Nongoma Municipality is not bound to accept the lowest or any tender and acknowledge that the Nongoma Municipality may, if in its absolute discretion good and sufficient grounds are brought to its attention in writing within 5 working days from date hereof, decline to consider my/our offer.

Yours faithfully

SIGNATURE: _____

ON BEHALF OF: _____

POSTAL ADDRESS: _____

STREET ADDRESS: _____

(A street address where the
Tenderer can be reliably contacted
Must be given for the purpose of
domicile citandi et executandi) _____

DATE : _____

TENDER NO.	9/1-T005/2026/27				
		BIDDER	WITNESS	EMPLOYER	WITNESS

B. ACCEPTANCE

By signing this part of the Form of Offer and Acceptance, the Employer identified below accepts the Bidder's Offer. In consideration thereof, the Employer shall pay the Contractor the amount due in accordance with the Conditions of Contract identified in the Contract Data. Acceptance of the Bidder's Offer shall form an agreement between the Employer and the Bidder upon the terms and conditions contained in this Agreement and in the Contract that is the subject of this Agreement.

The terms of the contract are contained in

Part 1 Scope of Work

and the schedules, forms, drawings and documents or parts thereof, which may be incorporated by reference into Parts 1 to 4 above.

Deviations from and amendments to the documents listed in the Bid Data and any addenda thereto listed in the Bid Schedules as well as any changes to the terms of the Offer agreed by the Bidder and the Employer during this process of offer and acceptance, are contained in the Schedule of Deviations attached to and forming part of this Agreement. No amendments to or deviations from said documents are valid unless contained in this Schedule, which must be duly signed by the authorized representatives of both parties.

The Bidder shall deliver the Guarantee in terms of Clause 6.2 of the General Conditions of Contract 2015 within the period stated in the Contract Data, and he shall, immediately after receiving a completed copy of this Agreement, including the Schedule of Deviations (if any), contact the Employer's agent (whose details are given in the Contract Data) to arrange the delivery of any other bonds, guarantees, proof of insurance and any other documentation to be provided in terms of the Conditions of Contract identified in the Contract Data, within 14 days of the date on which this Agreement comes into effect. Failure to fulfill any of these obligations in accordance with those terms shall constitute a repudiation of this Agreement.

Notwithstanding anything contained herein, this Agreement comes into effect on the date when the Bidder receives one fully completed original copy of this document, including the Schedule of Deviations (if any). Unless the Bidder (now Contractor) within five days of the date of such receipt notifies the Employer in writing of any reason why he cannot accept the contents of this Agreement, this Agreement shall constitute a binding contract between the parties.

Signature:

Name: *(in capitals)*

Capacity:

Name of Employer *(organization)*

Address:

.....

Witness:

Signature: **Name:**

Date:

TENDER NO.	9/1-T005/2026/27				
		BIDDER	WITNESS	EMPLOYER	WITNESS

DECLARATION OF INTEREST

3. No bid will be accepted from persons in the service of the state*.
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 and/or take an oath declaring his/her interest.

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

3.1 Full Name:

3.2 Identity Number:

3.3 Company Registration Number:

3.4 Tax Reference Number:

3.5 VAT Registration Number:

3.6 Are you presently in the service of the state*

NO	YES
----	-----

3.6.1 If so, furnish particulars.

.....

3.7 Have you been in the service of the state for the past twelve months?

YES / NO

3.7.1 If so, 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;
- (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.

Page 24 of 37

TENDER NO.	9/1-T005/2026/27				
		BIDDER	WITNESS	EMPLOYER	WITNESS

.....

3.8 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

3.8.1 If so, furnish particulars.

.....

.....

3.9 Are you, aware of any relationship (family, friend, other) between a 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

3.9.1 If so, furnish particulars

.....

.....

3.10 Are any of the company's directors, managers, principal shareholders or stakeholders in service of the state?

YES / NO

3.10.1 If so, furnish particulars.

.....

.....

3.11 Are any spouse, child or parent of the company's directors, managers, principal shareholders or stakeholders in service of the state?

YES / NO

3.14.1 If so, furnish particulars.

.....

.....

3.14 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.

.....

.....

3.14 Are any spouse, child or parent of the company's directors

Are

TENDER NO.	9/1-T005/2026/27				
		BIDDER	WITNESS	EMPLOYER	WITNESS

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:

Name of Director	
Related company (CSD No.)	
Name of Director	
Related company (CSD No.)	

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

Full Name	Identity Number	State Employee Number

NAME OF REPRESENTATIVE	AUTHORIZED SIGNATURE
DATE	CAPACITY
COMPANY NAME: _____	

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

This preference form must form part of all bids 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 all bids:

- the 80/20 system for requirements with a Rand value of R30 000.00 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 The value of this bid is estimated to not exceed R50 000 000 (all applicable taxes included) and therefore the 80/20 system shall be applicable.

1.3 Preference points for this bid shall be awarded for:

- (a) Price; and
- (b) Specific Goal.

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

	POINTS
1.3.1.1 PRICE	80
1.3.1.2 SPECIFIC GOALS	20
Total points for Price and Specific Goals	100

1.4 Failure to submit CIPC Registration document and/or Central Data Base Report.

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

2. DEFINITIONS

- 2.1 **"all applicable taxes"** includes value-added tax, pay as you earn, income tax, unemployment insurance fund contributions and skills development levies;
- 2.2 **"Highest acceptable tender"** means a tender that complies with all specifications and conditions of tender and that has the highest price compared to the other tenders;
- 2.3 **"lowest acceptable tender"** means a tender that complies with all the specifications and conditions of tender and has lowest price compared to the other tenders;

TENDER NO.	9/1-T005/2026/27				
		BIDDER	WITNESS	EMPLOYER	WITNESS

- 2.4 **“bid”** means a written offer in a prescribed or stipulated form in response to an invitation by an organ of state for the provision of services, works or goods, through price quotations, advertised competitive bidding processes or proposals;
- 2.5 **“price”** means an amount of money tendered for goods or services and includes all applicable taxes less all unconditional discounts;
- 2.6 **“comparative price”** means the price after the factors of a non-firm price and all unconditional discounts that can be utilized have been taken into consideration;
- 2.7 **“consortium or joint venture”** means an association of persons for the purpose of combining their expertise, property, capital, efforts, skill and knowledge in an activity for the execution of a contract;
- 2.8 **“contract”** means the agreement that results from the acceptance of a bid by an organ of state;
- 2.9 **“Firm price”** means the price that is only subject to adjustments in accordance with the actual increase or decrease resulting from the change, imposition, or abolition of customs or excise duty and any other duty, levy, or tax, which, in terms of the law or regulation, is binding on the contractor and demonstrably has an influence on the price of any supplies, or the rendering costs of any service, for the execution of the contract;
- 2.10 **“functionality”** means the measurement according to predetermined norms, as set out in the bid documents, of a service or commodity that is designed to be practical and useful, working or operating, taking into account, among other factors, the quality, reliability, viability and durability of a service and the technical capacity and ability of a bidder;
- 2.11 **“non-firm prices”** means all prices other than “firm” prices;
- 2.12 **“person”** includes a juristic person;
- 2.13 **“rand value”** means the total estimated value of a contract in South African currency, calculated at the time of bid invitations, and includes all applicable taxes and excise duties;
- 2.14 **“sub-contract”** means the primary contractor’s assigning, leasing, making out work to, or employing, another person to support such primary contractor in the execution of part of a project in terms of the contract;
- 2.15 **“specific goals”** means specific goals as contemplated in section 2 (1)(d) of the Act which may include contracting with persons or categories of persons, historically disadvantaged by unfair discrimination on the basis of race, gender and disability including the implementation of programmes of the Reconstruction and Development Programme as published in Government Gazette No. 16085 dated 23 November 1994;
- 2.16 **“trust”** means the arrangement through which the property of one person is made over or bequeathed to a trustee to administer such property for the benefit of another person; and
- 2.17 **“trustee”** means any person, including the founder of a trust, to whom property is bequeathed in order for such property to be administered for the benefit of another person.

3. ADJUDICATION USING A POINT SYSTEM

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

TENDER NO.	9/1-T005/2026/27				
		BIDDER	WITNESS	EMPLOYER	WITNESS

scored equal points including equal preference points for specific goals, the successful bid must be the one scoring the highest score for functionality.

- 3.6 Should two or more bids be equal in all respects, the award shall be decided by the drawing of lots.

4. POINTS AWARDED FOR PRICE

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

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

$$P_s = 80 \left(1 - \frac{P_t - P_{\min}}{P_{\min}} \right) \quad \text{or} \quad P_s = 90 \left(1 - \frac{P_t - P_{\min}}{P_{\min}} \right)$$

Where:

P_s = Points scored for comparative price of bid under consideration

P_t = Comparative price of bid under consideration

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

5. Points awarded for a Specific Goals

- 5.1 In terms of Regulation 5 (2) and 6 (2) of the Preferential Procurement Regulations, preference points must be awarded to a bidder for a specific goal stated in the tender advert in accordance with the table below:

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.)

Specific Goals allocated points in terms of this tender	Number of points allocated (80/20 system)	Number of Points allocated (80/20 system) To be completed by the bidder
RDP	<u>15 MAX</u>	
Enterprise located in Nongoma Municipality	15	
Enterprise located in Zululand District	10	
Enterprise located in the KZN Province	3	
Enterprise located in South Africa	2	
Historical disadvantaged women	<u>05 MAX</u>	
100% Women Owned	5	
Equal or greater than 51% Women Owned	2.5	

TENDER NO.	9/1-T005/2026/27				
		BIDDER	WITNESS	EMPLOYER	WITNESS

6 DECLARATIONS WITH REGARD TO COMPANY/FIRM

6.1 Name of firm :

6.2 VAT registration number :

6.3 Company registration number :

6.4 TYPE OF COMPANY/ FIRM

☐ Partnership/Joint Venture / Consortium

☐ One person business/sole propriety

☐ Close corporation

☐ Company

☐ (Pty) Limited

[TICK APPLICABLE BOX]

6.5 DESCRIBE PRINCIPAL BUSINESS ACTIVITIES

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

6.6 COMPANY CLASSIFICATION

☐ Manufacturer

☐ Supplier

☐ Professional service provider

☐ Other service providers, e.g. transporter, etc.

[TICK APPLICABLE BOX]

6.7 MUNICIPAL INFORMATION

Municipality where business is situated

Registered Account Number

Stand Number

6.8 TOTAL NUMBER OF YEARS THE COMPANY/FIRM HAS BEEN IN BUSINESS.

6.9 I/we, the undersigned, who is / are duly authorised to do so on behalf of the company/firm, certify that the points claimed, based on the Specific Goals indicated in paragraph 5 of the foregoing certificate, qualifies the company/ firm for the preference(s) shown and I / we acknowledge that:

- (i) The information furnished is true and correct;
- (ii) The preference points claimed are in accordance with the General Conditions as indicated in paragraph 1.
- (iii) In the event of a contract being awarded as a result of points claimed as shown in paragraph 5, the contractor may be required to furnish documentary proof to the satisfaction of the purchaser that the claims are correct;
- (iv) If the Specific Goals has been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the purchaser may, in addition to any other remedy it may have –

TENDER NO.	9/1-T005/2026/27				
		BIDDER	WITNESS	EMPLOYER	WITNESS

- (a) disqualify the person from the bidding process;
- (b) recover costs, losses or damages it has incurred or suffered as a result of that person's conduct;
- (c) cancel the contract and claim any damages which it has suffered as a result of having to make less favourable arrangements due to such cancellation;
- (d) restrict the bidder or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, from obtaining business from any organ of state for a period not exceeding 10 years, after the audi alteram partem (hear the other side) rule has been applied; and
- (e) forward the matter for criminal prosecution

WITNESSES:

1.

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

2.

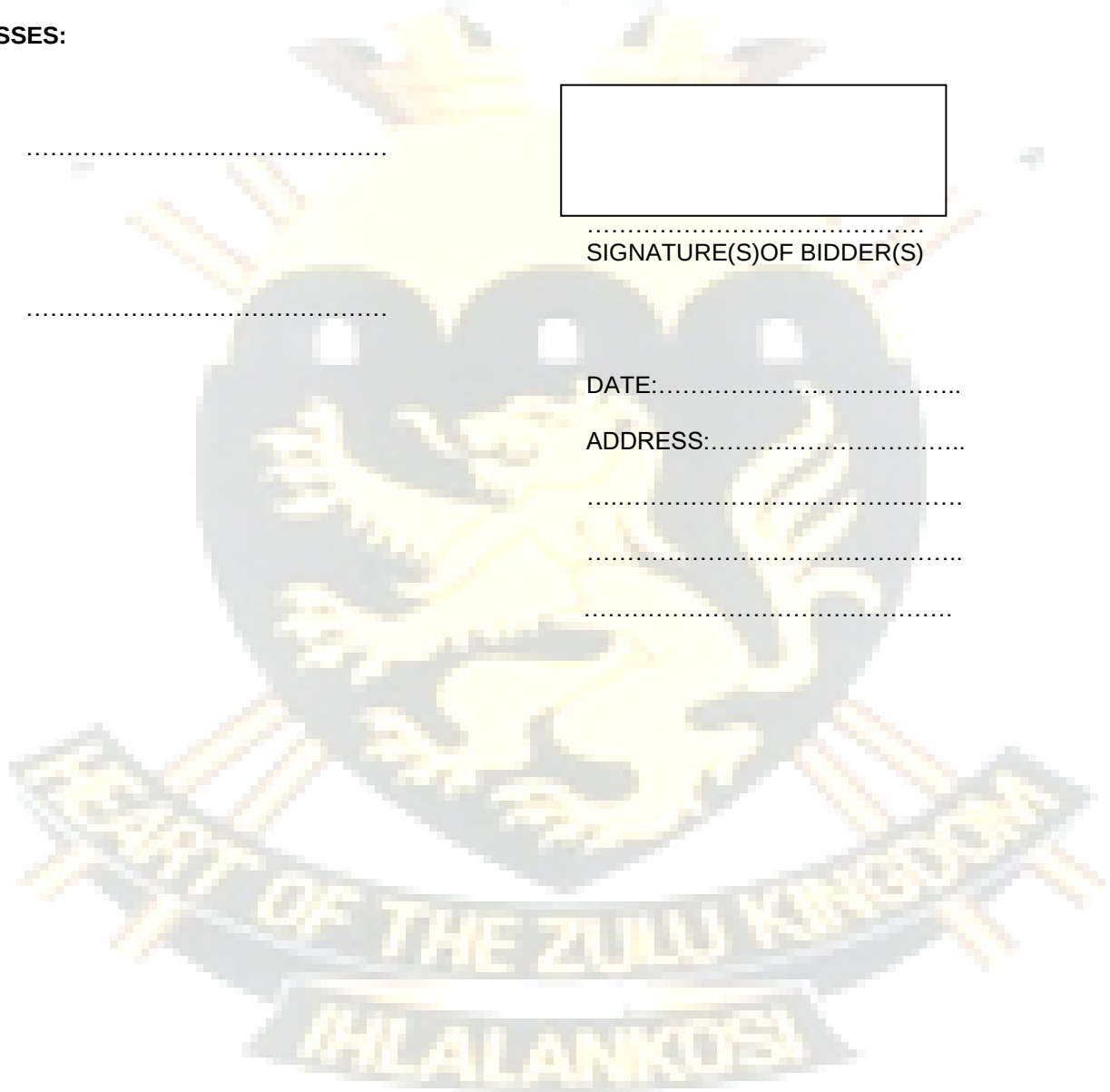
DATE:.....

ADDRESS:.....

.....

.....

.....



TENDER NO.	9/1-T005/2026/27				
		BIDDER	WITNESS	EMPLOYER	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 ☐	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 ☐

TENDER NO.	9/1-T005/2026/27				
		BIDDER	WITNESS	EMPLOYER	WITNESS

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.**

NAME OF REPRESENTATIVE		AUTHORIZED SIGNATURE	
DATE		CAPACITY	
NAME OF ENTERPRISE: _____			

TENDER NO.	9/1-T005/2026/27				
		BIDDER	WITNESS	EMPLOYER	WITNESS

MBD 9

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.

TENDER NO.	9/1-T005/2026/27				
		BIDDER	WITNESS	EMPLOYER	WITNESS

CERTIFICATE OF INDEPENDENT BID DETERMINATION

I, the undersigned, in submitting the accompanying bid:

Bid Number : _____

Tender Description : _____

(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

TENDER NO.	9/1-T005/2026/27				
		BIDDER	WITNESS	EMPLOYER	WITNESS

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.
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

TENDER NO.	9/1-T005/2026/27				
		BIDDER	WITNESS	EMPLOYER	WITNESS

