

**P O Box 61542**  
**Marshalltown 2107**  
**Tel : (011) 688-1400 Fax : (011) 688-1556**



QUOTATION VALIDITY
60 DAYS

QUOTATIONS WILL BE EVALUATED ON THE 80/20 POINT SCORING SYSTEM.80 POINTS WILL BE ALLOCATED TO PRICE AND THE REMAINING 20 POINTS WILL BE ALLOCATED FOR BBBEE SPECIFIC GOALS AS PER PPPFA 2022  
ALL SUPPLIERS RESPONDING TO QUOTATIONS SHOULD BE REGISTERED ON CENTRAL SUPPLIER DATABASE(CSD)

[illegible]



a world class African city



## City of Johannesburg

Johannesburg Water SOC Ltd

Turbine Hall  
65 Ntemi Piliso Street  
Newtown  
Johannesburg

Johannesburg Water  
PO Box 61542  
Marshalltown  
2107

Tel +27(0) 11 688 1400  
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[www.johannesburgwater.co.za](http://www.johannesburgwater.co.za)

## EVALUATION FOR REQUEST FOR QUOTATION

### DEPARTMENT: EMPLOYEE WELLNESS

### RFQ NUMBER:

### RFQ DESCRIPTION: GYM MANAGEMENT

**Supplier must meet all the Stipulated Criteria**

**RFQ will be used as an Annexure for Evaluation**

Supplier Name	Criteria 1	Criteria 2	Criteria 3	Recommended Yes/No	Comment
	Provide two (2) reference letters either on attached JW reference template or Company letterhead indicating experience in Gym Management	Submission of CV's or make use of the attached CV template of personnel (2 X Fitness coordinators & 2 X Group Aerobics Instructors)	Key Personnel (Fitness coordinators & Group Aerobics instructors to be in possession of insurance cover for professional liability.		

#### Directors:

Mr Sipho Mthembu (Chairperson), Mr Ntshavheni Mukwevho (Managing Director and Executive Director),  
Mr Phetole Modika, Mr Siphamandla Mnyani, Mrs. Zandile Meeleso, Mr Pholoso Matjele, Mr Kgaile Mogoye,  
Mr Molate Mashifane, Ms Pamela Mabece, Mr Lunga Bernard, Mr Julius Maputla

Ms Kethabile Mabe (Company Secretary),

Johannesburg Water SOC Ltd

Registration Number: 2000/029271/30



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	Two reference letters were attached with the company letterhead indicating experience in Gym Management	Two CVs for the Fitness coordinators & two CVs for Group Aerobics Instructors where submitted.	All personnel have submitted the proof of insurance cover for professional liability	Yes	The supplier is recommended and met the requirements.
--	---	--	--	-----	---

Evaluated by: Kenneth Lekalakala  
**End User Official**

\_\_\_\_\_  
**Date**

Evaluated by: Dakalo Mavhunga  
**SCMU Official**

\_\_\_\_\_  
**Date**

Evaluated by: \_\_\_\_\_  
**Reviewer SCMU Official**

\_\_\_\_\_  
**Date**

### Directors:

Mr Siphon Mthembu (Chairperson), Mr Ntshavheni Mukwevho (Managing Director and Executive Director),  
Mr Phetole Modika, Mr Siphamandla Mnyani, Mrs. Zandile Meeleso, Mr Pholoso Matjele, Mr Kgaile Mogoye,  
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Ms Kethabile Mabe (Company Secretary),  
Johannesburg Water SOC Ltd  
Registration Number: 2000/029271/30

## SCOPE OF WORK

### 1.1. Introduction

- The Gym Management service provider is required to work on the following weekdays: (Monday, Tuesday, Wednesday, Thursday and Friday) the operational hours will be between 05h30 am to 19h00.
- The primary objective is to promote effective management of in-house gym facility and its activities within Johannesburg Water in order to promote a healthy and balanced lifestyle for the employees through by ensuring professional training/ support and guidance and safe utilization of gym facilities.

### 1.2. Operational Times

The gym will only be opened at certain set hours during the day.

- Morning Session
  - 05h30 - 07:30
- Lunch Session
  - 12:00 -14:00
- Evening Session
  - 15:30 -19:00

### STAFF COMPLEMENT

- The operational requirements of the gym are that there should be always two (2) staff members on the floor when the gym is opened.
- One staff member will be responsible for supervising the floor area while the second staff members will be responsible for conducting a group Exercise class.
- As cleaner by the service provider is required to ensure the cleanliness of the gym. Where possible JW facility cleaners will assist.

### MORNING SESSION

		05:30	06:30-07:30	07:30
STAFF ONE	Floor Supervisor	Open the Gym		Close Gym
STAFF TWO	Group Training Instructor		Conduct Group Training Class	

### LUNCH SESSION

		12:00	12:15-13:00	14:00
STAFF ONE	Floor Supervisor	Open the Gym		Close Gym
STAFF TWO	Group Training Instructor		Conduct Group Training Class	

Provision of Gym Management Services for three (3) months

## EVENING SESSION

		15:30	16:30 – 17:30	19:00
STAFF ONE	Floor Supervisor	Open the Gym		Close Gym
STAFF TWO	Group Training Instructor		Conduct Group Training Class	

### 1.3. General Supervision

- Offer gym services that are both professional and personal.
- Provide a monthly programme guide for gym users.
- Ensure consistent communication in form of emails, SMS, Intranet etc. on gym activities to registered members about gym issues.
- Manage the facility and its equipment at optimum levels.
- Ensure that the gym is opened and closed as per schedule.
- Regulate access control and record every person entering the gym.
- Ensure that the gym is always clean.
- Provide sanitizers for hygienic purposes.
- Ensure that all the lockers are empty during closing time every day.
- Notify all that Gym is about to close (15) fifteen minutes before closure.
- Ensure that all safety rules, regulations, and signage are visible to all and always adhered.
- Ensure that all Gym users adhere to the J Water gym rules.
- Ensure that all Gym equipment are always secure and safe for use.
- Ensure that all Gym equipment are always accounted for.
- Ensure that Gym equipment are not removed or moved from their designated gym areas.
- Always ensure that users are bona-fide users.
- Ensure that all the facilities of the Gym are optimally utilized and there are qualified instructors to run classes.

### 1.4. Guidance

- Guide the gym users on how to use the equipment especially the first-time users or those who are not sure of how to use equipment.
- Always ensure the availability of gym instructors.
- Ensure that Gym members observe and are familiar with Gym rules.
- Provide a weekly / monthly gym schedule and ensure that there is an availability of three group classes on weekly basis (Spinning, aerobics, taebo or cardio box) depending on the presented need by gym participants
- Identify possible risks and provide mitigating measures in consultation with relevant stakeholders.
- Gym member will be allowed 60 minutes(1 hour) time to utilize the gym resources.

### 1.5. Administration

Provision of Gym Management Services for three (3) months

- Provide gym membership forms to aspirant gym members.
- Arrange booking process of studio/s for aerobics, taebo or cardio box as and when is necessary.
- Provide weekly and monthly gym programs and activities reports.
- Check, record and report all broken and dysfunctional equipment.
- Compile and provide Employee Wellness Manager with monthly, quarterly and annual reports regarding utilization, challenges and achievements of the Gym.
- Do monthly audits of gym equipment and provide written report to Employee Wellness Manager.
- Keep all records on gym utilization for duration of the gym contract on key personnel (Gym Manager, Fitness instructor/ front desk and group aerobics instructor)

## 5.6 Gym Equipment Preventative Maintenance & Repairs

Johannesburg water as an entity is responsible for gym equipment preventative maintenance and repairs for the duration of the contract. Preventative Maintenance and Repairs program is designed to keep gym assets, i.e. (cardiovascular machines, weightlifting machines, PA system components, and other electronic apparatus) working safely and efficiently and to limit the frequency of repairs through regular inspections, lubrication, calibration, adjustments, cleaning, and parts replacement. In summary, the importance to have gym equipment maintained and repaired are as follows:

- Avoidance of No more" Out –of- Order" signs.
- Lower repair costs on older equipment.
- Equipment lifespan is greatly increased.
- Create a safe workout environment limiting potential liability.
- Higher client retention.
- Greater return on investment.

During each preventative maintenance / repair work, all equipment covered under the agreement will be inspected for safety, through cleaned in the interior as well as the exterior, lubricated and adjusted according to manufacturer's specification. Upon the completion of maintenance work, a complete gym equipment preventative maintenance checklist will indicate any need for repairs that was discovered to avoid any down time in the facility.

- Gym Manager to report machines which are not in good working condition prior to any replacement / repair.
- Permission/ consultation for all maintenance and repairs to be secured through Wellness Unit prior any work is done.
- Gym Manager to keep record pertaining to gym equipment maintenance and repairs done.
- Ensuring that Gym equipment are serviced as reported according to applicable schedule.

## 5.7 Gym Personnel : Key responsibilities

- Fitness/ Front desk coordinator *is required for Morning Shift to open the gym at 05h30*

Provision of Gym Management Services for three (3) months

- Gym personnel: are required to administer the following below during operational hours:
  - Assist on pre-booked appointments.
  - Responsible for overseeing and checking clients in and out to make sure the gym never exceeds the maximum number.
  - To ensure and assist members to disinfect the machines before and after use.
  - To ensure that there is sufficient natural ventilation in the gym.
- Provide monthly gym utilization (including aerobics, spinning, etc.) statistics report to Wellness Manager.
- Facilitate administrative work.
- Plan and conduct exercise and/or activity sessions in one or more assigned fitness areas, such as stretching/flexibility, circuit training, group fitness classes, weight training, and other specialty training.
- Adhered to safety and injury prevention procedures.
- Report accidents and prepare accidents reports as required.
- Ensure the gym is clean at all times by coordinating with facilities office.
- Sets up and monitor class equipment and ensure its return in serviceable conditions.
- Demonstrate the correct way to use exercise equipment.
- Monitor the misuse of equipment accordingly.
- Conduct research on new gym equipment in the market and advice Johannesburg Water thereof.

### **5.8 Group Aerobics Instructor**

Aerobics Instructors are required to conduct class between (6:30-07:30) and 16:30 – 17:30 on Monday, Wednesday and Friday. Aerobics class can be conducted between (12:15 - 13:00), on Monday, Wednesday and Friday depending on need. This arrangement is subject to presenting gym users' circumstances/ preferences. The gym can only accommodate 20 people for group classes on hourly basis.

#### **Compliance for Group Classes**

- All instructors are required to arrive 15 minutes before their class begins.
- The service provider must ensure the replacement of instructor for the same class an hour before, if the scheduled instructor is unavailable.
- Instructor must have knowledge of group fitness teaching strategies and incorporation of music, tempo, counting, cueing technique and rhythm.
- The instructor will be evaluated on the number of complaints; the maximum complains should be less than 5 times in a month.
- Unavailability of instructor is equivalent to none-payment
- Should no member/s arrive for the group class; the instructor will however assist the client/s on the gym floor.
- If there is no facilitation of aerobics class, the instructor should allow the members to access the studio, music should be switched on and the studio must be closed once the instructor knocks off.
- Unproductive aerobics classes are subject for cancellation / interchange when necessary.

- The minimum class participants is recommended to be 10 members due gym capacity. However, this is negotiable.
- Report injuries and incidents in the occurrence book during the group fitness classes.
- Group Fitness instructors to be in possession of required insurance cover for professional liability

### **Group fitness Class Types**

Group fitness classes in the morning and mid-day and afternoon requires but not limited to different instructors to conduct the following classes. The gym can only take up to 25 people on the hourly basis:

- Functional Training
- Aerobics / Box Step
- Body Conditioning
- Group Spinning
- Pilates / Yoga
- Boot Camp
- Cardio Box
- Hi-impact
- Core-Fit
- Hi-low
- Taebo



## 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
<b>People with Disabilities</b> - Business owned by 51% or more-Black People with Disabilities	<b>10</b>		Medical Certificate from medical doctor or SARS Confirmation of Diagnosis of Disability. Valid BBEE Certificate issued by SANAS accredited verification agency, DTI/CIPC BBEE Certificate for Exempted Micro Enterprises or Affidavit sworn under Oath.
<b>EME</b> - Businesses owned by Black People - 51% or more	<b>10</b>		Valid BBEE Certificate issued by SANAS accredited verification agency, DTI/CIPC BBEE 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:** .....

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

# 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).



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

Returnable Documents	Description	Yes/No	
1	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>
2	Municipal rates and taxes (Must not be older than 90 days in arrears in line with regulation 38.		<b>COMPULSORY</b>
3	Signed Declaration of Interest form (MBD 4)		<b>COMPULSORY</b>
4	Declaration of Bidders past supply chain management practices (MBD 8)		<b>COMPULSORY</b>
5	Certificate of Independent Proposal Determination (MBD 9)		<b>COMPULSORY</b>
6	Proof of CSD registration /MAAA Supplier Number		<b>COMPULSORY</b>
7	Preference points claim form in terms of the preferential procurement regulations 2022 (MBD 6.1)		<b>COMPULSORY</b>

## 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**

## 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	Was the bidder or any of its directors convicted by a court of law (including a court of law outside the Republic of South Africa) for fraud or corruption during the past five years?	Yes <input type="checkbox"/>	No <input type="checkbox"/>

4.3.1	If so, furnish particulars:		
<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

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