

SPECIFICATIONS FOR SOFTWARE

1. PURPOSE

The contract intends to continue with the use of specialist Integrated Master Planning Software solutions for water and sanitation infrastructure through related software licenses (the right to use software, obtained through an initial once-off purchase followed by annual license fee payments; or software as-a-service leased on annual basis). It also needs to include related professional services of training and possible ad-hoc enhancement developments (through an hourly or event-based unit rate) as well as system support, system maintenance and the receipt of all vendor version upgrades (normally through software maintenance agreements or SMA's paid for annually).

Services include software maintenance via a Software Maintenance Agreement (SMA), purchase and/or rental of additional licenses, training and ad-hoc software support on an hourly rate or per event basis.

2. DEFINITIONS OF SERVICES AND SUPPLIED ITEMS

Software licenses (the right to use the software) are priced as annual fees.

All unit rates for services are defined in Part 5 below.

3. SOFTWARE ARCHITECTURE

The Integrated Master Planning software needs to align with the data analysis process flow, with specialised modules dealing with each of the sequential analysis steps as well as different infrastructure categories.

The software needs to essentially be GIS-based, have full intra-operability and operate on the same data structures and files, other than where the latter is applicable only to a specific module.

They must share a common look-and-feel and similar process as far as possible, to ease in learning and use of complex processes.

The licences must be floating.

Submit a brochure containing information about the software.

Items 1 below list the software specialised module required, with listing features:

Details of the software module listed below

| ITEM NO | DESCRIPTION | CURRENT LICENSE QUANTITY |
|---------|--|--------------------------|
| 1 | Sewer (Gravity network) Hydraulic modelling and conceptual planning package Utilising the node/link network database generated by package 2, be able to do the analysis and determination of all engineering parameters, then enabling optimal design of sewer drainage or other gravity network systems, including automatic optimisation of pipe sizes for planning. | X 5 |

| | | |
|---|---|----|
| | <p>It should use the theory of contributor hydrographs for analysis and time-lag routing in order to determine the spare capacities in sewer systems, taking cognisance of the land use water demand vs sewage discharge relationship, infiltration and leakage. It uses either the Annual Average Daily Demand (AADD) or Unit hydrograph peak inflow method.</p> <p>Must be able to cater for the range of infrastructure features namely pumps, gravity pipes, siphons, valves, chambers, surcharge ponds, diversion structures or manholes.</p> <p>For Analysis and design modules it must utilise the <i>Contributor Hydrograph Theory</i> hydraulic network engine, making use of pipe invert levels where these are known or pipe slopes where they are not. A key benefit of this engine is that invert levels are not required for all manholes. Optionally, parts of a sewer system where invert levels are available, can be analysed using the built-in EPASWMM analyses engine. Must be able to directly read or easily convert (without loss of any data elements) the equivalent SEWSAN data files of specialist Software currently in use.</p> <p>CAD and GIS platform built for working with large amounts of data fast and easily. Utilise sophisticated database wrapping techniques to provide flexibility and compatibility with workflow as for editing a spreadsheet.</p> <p>Must expose all the functions of the CAD/GIS engine to its power users. it must allow very fast processing of very large model datasets, automated GIS feature error location and correction (e.g. duplicate lines, misclosures) as well as generic.</p> <p>GIS datasets in the GIS environment compatible with ESRI™ Shapefiles as well as supporting the loading of detailed CAD background drawings compatible with the AutoCAD™ DWG format. Models, GIS and CAD should work with the various South African old and new survey coordinate projection systems.</p> <p>In terms of data processing, the transition from CAD to GIS must be very fluid and support the workflow of most engineering-related projects.</p> <p>In terms of data integration, this tool must support the loading of large Digital Terrain Model (DTM) point files for building a 3D mesh for rendering contours or interpolating elevations of model elements such as manhole levels.</p> <p>It must be able to accurately underlay geo-located aerial photography images in major industry-standard formats including JPG, TIFF, BMP and Google Maps™ (or similar) to trace against or inform vector layers above.</p> <p>Even if the package uses its own proprietary files format, full compatibility must be guaranteed via import/export of abovementioned GIS, CAD or DTM file formats. The current specialist integrated master planning software is written in several languages in order to link up with infrastructure and web-based components of the software which are Microsoft C++, HTML5 and JavaScript. The remaining engineering components of has been written in Embarcadero Delphi RAD Studio.</p> | |
| 2 | <p>Architecture</p> <p>CAD/GIS functions</p> | X5 |

| | | |
|----------|--|------------|
| | <p>The Module above should run on Windows™ platform for standalone desktop environment or as server thick client. All modules need to be able to make use of the same AutoCAD™-compatible CAD, ESRI™-compatible GIS, SQL™ databases and Excel™-compatible data table structures.</p> <p>In addition, a user-friendly SQL query builder able to operate on multiple layers and databases, building relational database views, that allows the system user to perform any further queries on the data that may be required. Data integration with several SQL database format should be guaranteed. Must be able to export SQL™ and Shapefile or SpatialLite™ datasets to a query tool for spatial rendering.</p> | |
| 3 | <p>Functionality to Export to IMQS8 (Information Management Query Software)</p> <p>The IMQS Water Infrastructure Module is a web-based, viewing tool that is used for Planning and operations management of the CoJ's Hydraulic System. The module integrates with specialist hydraulic software packages and curates information to offer a geographically linked, infrastructure-lifecycle focused representation of a municipality's water/sewer reticulation network.</p> <p>For only one of the Five (5) licences, the service provider is required to develop a functionality within the Pipe Replacement Prioritisation that will enable the Johannesburg Water-Planning Networks to export data/information from the Sewer hydraulic modelling Software into IMQS8. The exported reports may be done in the form of alphanumeric reports, graphs, and GIS type maps.</p> <p>The information that is exported into IMQS8 from the sewer Hydraulic modelling Software includes:</p> <ul style="list-style-type: none"> a). Hydraulic Information i.e. pipe diameters, velocities, relative and absolute spare capacities, etc. b) Asset Information i.e. pipe diameters, material age, performance, replacement value etc. c) Master planning information (future diameters, future velocities, etc. <p>Water demand management information (i.e. land use, zoning, AADD's, etc</p> <p>Data import formats shall include ERSI shape files, CSV text files and KML.</p> | X 1 |

3. SUPPORT SERVICES

Definition of support service listed below:

| ITEM NO | DESCRIPTION | RESPONSE: ABILITY TO PERFORM |
|----------|--|--|
| 1 | <p>Training</p> <p>Ad-hoc classroom software training in each module to different levels of proficiency such as:</p> <ul style="list-style-type: none"> (a) Basic/ Introductory/ Theory (b) Standard / Comprehensive (c) Advanced features | <p>Training:</p> <p>R/event/day (a) at supplier's local venue; (b) at client's venue</p> <p>R/person/day (a) at supplier's local venue; (b) at client's venue</p> |

| | | |
|---|---|--|
| | <p>Training will be called for as the need is identified by the client. Allow for 2 locations for training: either at the supplier's local or at the client's premises.</p> | |
| 2 | <p>Software Maintenance agreement (SMA)</p> <p>Software maintenance and support is required during normal office hours. These services are covered in an annual licensing fee,</p> <ul style="list-style-type: none"> (a) Telephonic software support (b) On-site (client site) resolution of software problems within office hours if needed (c) Online support system access (d) Access to all software version upgrades or updates at no charge. <p>Submit, a draft Software Maintenance Agreement covering the above.</p> | <p>SMA:</p> <p>R/user/annum</p> |
| 3 | <p>Professional Services Charge-out rates</p> <p>The supplier must have access to professionals with the skills required for this software and its support, such as:</p> <ul style="list-style-type: none"> (a) Master Planning/ Hydraulic Engineers and Technicians (b) Database designers and System administrators (c) Business Analysts and Software developers (d) GIS Analysts and Technicians <p>Available resources the supplier requires are listed above and are to charge hourly rate/s.</p> <p>The supplier's submission must be accompanied by a reference letter detailing experience of where the software has been supplied for a period of not less than 12months in the last 5years.</p> <p>The reference letter must contain contact details of the referees.</p> | <p>Resource charge-out rates:</p> <p>R/hour</p> |

Guide: How to submit a response on the E-tender Portal

- Submit on E tender portal, following the below:
 1. (<https://www.etenders.gov.za/>)
 2. Search/Click Browse Opportunities by organ of state (Johannesburg Water)/search by RFQ reference number .
 3. Click the **+ sign** to expand the tender/ RFQ information.
 4. start the e submission process.
 5. Supplier login
 6. Use your CSD Credentials to Login. Contact CSD on (csd@treasury.gov.za) in case you forgot your login credentials. “My profile should show if you have logged in successfully”.
 7. select supplier.
 8. check the submission checklist and attached the compulsory documents.
 9. confirm and proceed .

If the application is not going through on the E-tender portal Contact:

eTenders Contact Centre

+27(0)12 406 9222 / 012 406-9229 / 012 312-5000

etenders@treasury.gov.za

<https://etenders.treasury.gov.za>

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 |
| Total points for Price and SPECIFIC GOALS | 100 |

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

1.6 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

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

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

$$Ps = 80 \left(1 + \frac{Pt - Pmax}{Pmax} \right) \circ$$

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 |
|---|---|---|--|
| Businesses owned by Women - 51% or more. | 20 | | Valid BBBEE Certificate issued by SANAS accredited verification agency or DTI/CIPC BBBEE Certificate for Exempted Micro Enterprises or Affidavit sworn under oath. |

DECLARATION WITH REGARD TO COMPANY/FIRM

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

4.3. Company registration number:

4.4. TYPE OF COMPANY/ FIRM

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

4.5. I, the undersigned, who is duly authorised to do so on behalf of the company/firm,

certify that the points claimed, based on the specific goals as advised in the tender, qualifies the company/ firm for the preference(s) shown and I acknowledge that:

- i) The information furnished is true and correct;
- ii) The preference points claimed are in accordance with the General Conditions as indicated in paragraph 1 of this form;
- iii) In the event of a contract being awarded as a result of points claimed as shown in paragraphs 1.4 and 4.2, the contractor may be required to furnish documentary proof to the satisfaction of the organ of state that the claims are correct;
- iv) If the specific goals have been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the organ of state may, in addition to any other remedy it may have –
 - (a) disqualify the person from the tendering process;
 - (b) recover costs, losses or damages it has incurred or suffered as a result of that person's conduct;
 - (c) cancel the contract and claim any damages which it has suffered as a result of having to make less favourable arrangements due to such cancellation;
 - (d) recommend that the tenderer or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, be restricted from obtaining business from any organ of state for a period not exceeding 10 years, after the *audi alteram partem* (hear the other side) rule has been applied; and
 - (e) forward the matter for criminal prosecution, if deemed necessary.

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

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, 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.



a world class African city



City of Johannesburg

Johannesburg Water SOC Ltd

Turbine Hall
65 Ntengi Piliso Street
Newtown
Johannesburg

Johannesburg Water
PO Box 61542
Marshalltown
2107

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

www.johannesburgwater.co.za

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) | | COMPULSORY |
| 2 | Municipal rates and taxes (Must not be older than 90 days in arrears in line with regulation 38. | | COMPULSORY |
| 3 | Signed Declaration of Interest form (MBD 4) | | COMPULSORY |
| 4 | Declaration of Bidders past supply chain management practices (MBD 8) | | COMPULSORY |
| 5 | Certificate of Independent Proposal Determination (MBD 9) | | COMPULSORY |
| 6 | Proof of CSD registration /MAAA Supplier Number | | COMPULSORY |
| 7 | Preference points claim form in terms of the preferential procurement regulations 2022 (MBD 6.1) | | COMPULSORY |
| | | | |

MBD 4

DECLARATION OF INTEREST

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

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

3.2 Identity Number:

3.3 Position occupied in the Company (director, trustee, hareholder²):.....

3.4 Company Registration Number:

3.5 Tax Reference Number:.....

3.6 VAT Registration Number:

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

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

3.8.1 If yes, furnish particulars.

.....

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

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

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

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

3.9.1 If yes, furnish particulars.....

.....

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

3.10.1 If yes, furnish particulars.

.....

.....

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

3.11.1 If yes, furnish particulars

.....

.....

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

3.12.1 If yes, furnish particulars.

.....

.....

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

3.13.1 If yes, furnish particulars.

.....

.....

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

3.14.1 If yes, furnish particulars:

.....

.....

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

| Full Name | Identity Number | State Employee Number |
|------------------|------------------------|------------------------------|
| | | |
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| | | |

.....
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>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.</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>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.</p> | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| 4.2.1 | If so, furnish particulars: | | |
| 4.3 | <p>Was the bidder or any of its directors convicted by a court of law (including a court of law outside the Republic of South Africa) for fraud or corruption during the past five years?</p> | Yes <input type="checkbox"/> | No <input type="checkbox"/> |

| | | | |
|-------------|--|---------------------------------|--------------------------------|
| 4.3.1 | If so, furnish particulars: | | |
| 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 <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 bids¹ invited.

- 2 Section 4 (1) (b) (iii) of the Competition Act No. 89 of 1998, as amended, prohibits an agreement between, or concerted practice by, firms, or a decision by an association of firms, if it is between parties in a horizontal relationship and if it involves collusive bidding (or bid rigging).² Collusive bidding is a *pe se* prohibition meaning that it cannot be justified under any grounds.

- 3 Municipal Supply Regulation 38 (1) prescribes that a supply chain management policy must provide measures for the combating of abuse of the supply chain management system, and must enable the accounting officer, among others, to:
 - a. take all reasonable steps to prevent such abuse;
 - b. reject the bid of any bidder if that bidder or any of its directors has abused the supply chain management system of the municipality or municipal entity or has committed any improper conduct in relation to such system; and
 - c. cancel a contract awarded to a person if the person committed any corrupt or fraudulent act during the bidding process or the execution of the contract.

- 4 This MBD serves as a certificate of declaration that would be used by institutions to ensure that, when bids are considered, reasonable steps are taken to prevent any form of bid-rigging.

- 5 In order to give effect to the above, the attached Certificate of Bid Determination (MBD 9) must be completed and submitted with the bid:

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

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

CERTIFICATE OF INDEPENDENT BID DETERMINATION

I, the undersigned, in submitting the accompanying bid:

(Bid Number and Description)

in response to the invitation for the bid made by:

(Name of Municipality / Municipal Entity)

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

I certify, on behalf of: _____ that:

(Name of Bidder)

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

6. The bidder has arrived at the accompanying bid independently from, and without consultation, communication, agreement or arrangement with any competitor. However communication between partners in a joint venture or consortium³ will not be construed as collusive bidding.
7. In particular, without limiting the generality of paragraphs 6 above, there has been no consultation, communication, agreement or arrangement with any competitor regarding:
 - (a) prices;
 - (b) geographical area where product or service will be rendered (market allocation)
 - (c) methods, factors or formulas used to calculate prices;
 - (d) the intention or decision to submit or not to submit, a bid;
 - (e) the submission of a bid which does not meet the specifications and conditions of the bid; or
 - (f) bidding with the intention not to win the bid.
8. In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications and conditions or delivery particulars of the products or services to which this bid invitation relates.
9. The terms of the accompanying bid have not been, and will not be, disclosed by the bidder, directly or indirectly, to any competitor, prior to the date and time of the official bid opening or of the awarding of the contract.

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

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

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Signature

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Date

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Position

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Name of Bidder

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