



KING CETSHWAYO DISTRICT MUNICIPALITY TENDER DOCUMENT

REFERENCE: KCDM/20/2022 TENDER FOR A PANEL OF SERVICE PROVIDERS TO PROVIDE EVENTS-RELATED SERVICES FOR KING CETSHWAYO DISTRICT MUNICIPALITY FOR THE PERIOD ENDING 30 JUNE 2025

CLOSING DATE: Tuesday, 07 June 2022 at 12h00

Documents to be addressed to the Municipal Manager and deposited in Council's quote box situated at the foyer of the offices of the King Cetshwayo District Municipality, Corner of Kruger Rand and Barbados Bay Road, CBD, Richards Bay

SERVICE PROVIDER'S DETAILS

Name of Service Provider:	
Central data base supplier number	
Contact Person:	
E-mail Address:	
Telephone Number:	()Code
Fax Number:	()Code
Physical Address:	
Postal Address:	



KING CETSHWAYO DISTRICT MUNICIPALITY

TENDER

REFERENCE: KCDM/20/2022

TENDER FOR A PANEL OF SERVICE PROVIDERS TO PROVIDE EVENTS-RELATED SERVICES FOR KING CETSHWAYO DISTRICT MUNICIPALITY FOR THE PERIOD ENDING 30 JUNE 2025

Interested parties must collect tender documents from the SCM Unit at King Cetshwayo House, Suite No. 8, Corner of Krugerrand & Barbados Bay Road, CBD, Richards Bay (035 799 2500),) or alternatively download & print the bid document from www.etenders.gov.za or www.kingcetshwayo.gov.za. If the tenderers are unable to download the tender document from etenders website, a fee per page will be charged and payable at the Cashiers Office on collection.

Prospective service providers are **required to ensure full completion and correctness of information when responding to MBD 4 and all other required declarations in the document.** The municipality **reserves the right to validate** the correctness of the declarations **through various databases inclusive of the Central Supplier Database (CSD).** **Failure to fully complete and/or provision of incorrect information in the declaration declare will** be regarded by the employer as a non-responsive tender.

Any tender submitted by a person(s) who is in the service of the state or if that person(s) is not a natural person, of which any director, manager, principal shareholder or stakeholder is a person in the service of the state or who is an advisor or consultant contracted with the Municipality shall not be considered in terms of regulation 44 of the Municipal Supply Chain Regulations. **National Treasury has introduced the Central Supplier Data Base (CSD), where all suppliers are required to register.** For more information please visit the CSD website at www.csd.gov.za. **Only tenderers who are registered with CSD and King Cetshwayo District Municipality's supplier data base will be considered for this tender.**

Completed tenders in sealed envelopes bearing the tender number must be deposited in the Municipality's tender box in the foyer of King Cetshwayo House, Corner of Krugerrand & Barbados Bay Road, CBD, Richards Bay on or before 12h00 on, Tuesday, 07 June 2022. It must be noted that due to COVID-19 regulations tenders/bids will not be opened in public, however the opening list will be published on KCDM website. Tenders received after the due date and time will not be considered.

It will be the tenderer's responsibility to check the document on receipt for completeness and to notify the employer of any discrepancies or omissions. It is the tenderer's responsibility to provide all the data and information requested in the form required, failure to do so may be regarded by the employer as a non-responsive tender. Submissions may only be done on documentation supplied by the Municipality.

All communication between the employer and the tenderer shall be in a form that can be read, copied and recorded. All writing shall be in the English Language. The employer shall not take any responsibility for non-receipt of communications from a tenderer.

Please note that this tender will be evaluated on functionality and compliance. The following criteria in "*Functional Evaluation Criteria*", will be applicable for the functionality and compliance and

maximum weight of each criterion is indicated in brackets and any tenderer who scores less than 70 percent, in respect of “functionality” will be regarded as submitting a non-responsive tender and will be disqualified.

Functional Evaluation Criteria:

#	Criteria Description	Weight
1	Service providers must comply with the following pre-requisites:	
a.	Geographical Location: i. Based in King Cetshwayo District Municipality ii. Based in KZN Province iii. Based in South Africa	50 20 10
b.	Provide at least three (3) verifiable letters of reference relating to contracts of a similar nature in the last five (5) years i. Three (3) or more reference letters attached ii. Two reference letters attached iii. One reference letter attached iv. No reference letters provided	50 20 10 Disqualified
TOTAL >		100

All Tender enquiries which are non-Technical must be directed to the SCM Unit at Tel. 0357992500, Technical must be directed to Rekha Naidoo at Tel. 035-799 2707.

Tenderers who do not hear from King Cetshwayo Municipality within 90 days of the closing date of the tender should consider their tender unsuccessful. Please note that no tender will be accepted by fax or e-mail.

Mr P.P Sibiya
Acting Municipal Manager
King Cetshwayo District Municipality
Private Bag X1025
RICHARDS BAY
3900

ENCLOSURES

1. **FORM OF TENDER & SPECIFICATIONS** **SECTION A**
 - FORM OF SPECIFICATION
 - FORM OF TENDER
 - FORM OF OFFER
2. **PREFERENTIAL PROCUREMENT** **SECTION B**

PRICE PREFERENCE FORMS
(TO BE INCLUDED SHOULD PREFERENTIAL POINTS BE CLAIMED)
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 - DECLARATION OF TENDERERS PAST SUPPLY CHAIN MANAGEMENT PRACTICES
 - DECLARATION OF INTEREST
 - CERTIFICATE OF INDEPENDENT BID DETERMANATION (MBD 9)
 - ACCEPTANCE FORM
 - FORM OF ACCEPTANCE & DECLARATION
 - MUNICIPAL ACCOUNTS
 - WORKMEN'S COMPENSATION
 - THREE (3) WRITTEN VERIFIABLE BUSINESS REFERENCES RELATING TO CONTRACTS OF A SIMILAR NATURE IN THE LAST FIVE (5) YEARS
 - PROOF OF BUSINESS LOCATION (MUNICIPAL ACCOUNT OR LETTER FROM LANDLORD)

NB:

- ♣ All forms must be completed, failure to do this **may** invalidate your bid.
- ♣ If any of the forms, or portion of any form, is not relevant, please indicate it on the form by marking it N/A.
- ♣ All certified documents must not be certified by bidder's own employee/ director as this may invalidate your bid.

FORM OF TENDER AND SPECIFICATIONS

King Cetshwayo District Municipality invites qualified service providers to tender to be on a panel of service providers to provide events-related services for King Cetshwayo District Municipality for the period ending June 2025.

1. FORM OF TENDER:

- 1.1. Tenders will be evaluated in respect of administrative compliance and failure to submit information as required in section “E” may lead to your tender being disqualified.

COMPLIANCE & FUNCTIONALITY

FORM OF ACCEPTANCE & DECLARATION

SECTION E

- FORM OF ACCEPTANCE & DECLARATION
- THREE (3) VERIFIABLE LETTERS OF REFERENCE RELATING TO CONTRACTS OF A SIMILAR NATURE IN THE LAST FIVE (5) YEARS
- PROOF OF BUSINESS ADDRESS (MUNICIPAL ACCOUNT OR LETTER FROM LANDLORD)
- BBBEE CERTIFICATE
- DECLARATION OF TENDERERS PAST SUPPLY CHAIN MANAGEMENT PRACTICES
- DECLARATION OF INTEREST
- CERTIFICATE OF INDEPENDENT BID DETERMINATION (MBD 9)
- ACCEPTANCE FORM

POST EVALUATION

- MUNICIPAL ACCOUNTS
- WORKMEN’S COMPENSATION

- 1.2. Functionality evaluations will be as per the following criteria explained below. A successful tenderer who scores less than **70** percent, in respect of “functionality” will be regarded as submitting a non-responsive tender and will be disqualified.
- 1.3. Tenderers will be evaluated on the following criteria in “*Functional Evaluation Criteria*” and will be applicable for the functionality and compliance and maximum weight of each criterion is indicated in brackets:

Functional Evaluation Criteria:

#	Criteria Description	Weight
1	Service providers must comply with the following pre-requisites:	
	Geographical Location:	
a.	iv. Based in King Cetshwayo District Municipality	50
	v. Based in KZN Province	20
	vi. Based in South Africa	10
	Provide at least three (3) verifiable letters of reference relating to contracts of a similar nature in the last five (5) years	
b.	v. Three (3) or more reference letters attached	50
	vi. Two reference letters attached	20
	vii. One reference letter attached	10
	viii. No reference letters provided	Disqualified
TOTAL >		100

2. FORM OF SPECIFICATION

- 2.1. King Cetshwayo District Municipality calls for experienced companies to provide services relating to the hosting of events.
- 2.2. The panel will be requested to quote for the required services as and when needed, including but not limited to:
- i. Hire of tents, marquees and related accessories, including engineer's certification of safety and provision of lightning conductors (Aluminium-framed marquees for 500-seater & above)
 - ii. Catering for community events (mass catering)
 - iii. Catering for VIP events (formal buffet menu or packed meals)
 - iv. Hire of portable toilets
 - v. Hire of sound equipment and related accessories
 - vi. Décor and podium
 - vii. Lighting and accessories, including generators
 - viii. Screens and video projection
 - ix. Live Streaming on social media
 - x. Photography and videography
 - xi. Provision of entertainment and hire of artists
 - xii. Stages, including performance stages and vinyl covered stages
 - xiii. Flooring and Carpeting
 - xiv. Speed fencing
 - xv. Transport services
 - xvi. Medical services, including ambulance hire
 - xvii. Waste Management & provision of marshalls
 - xviii. Ad hoc provision of equipment and services relating to the hosting of meetings and events

2.3. Special conditions:

- 2.3.1. Service providers will be requested to sign a Service Level Agreement with King Cetshwayo District Municipality upon being appointed to the panel.
- 2.3.2. For services such as marquees, catering, local artists, toilets and sound hire, which are available within a specific local municipality in the district where the event is being hosted, the panel MAY be requested to sub-contract to local service providers within that local municipality.
- 2.3.3. For hire of transport services, where there is a sole service provider such as taxi or bus associations operating in the municipal area, these must be utilized.
- 2.3.4. Where catering services are required, the caterer utilized must be in possession of a valid municipal health certificate for the area where the catering is being supplied.
- 2.3.5. The tenderer will be responsible for the payment of these services to the sub-contracted service providers.
- 2.3.6. Services provided must be of a high standard, on time and within the specifications of the respective quotation.
- 2.3.7. All prices quotes must be market-related, and the municipality reserves the right to compare market prices to ensure value for money for services supplied.
- 2.3.8. Services may be required at short notice from time to time, which will require a quicker turnaround for submission of quotes and provision of services.

NAME: _____

SIGNATURE: _____

DATE: _____

FORM OF OFFER

TENDER: KCDM/20/2022

NOTE: THE FORM OF OFFER MUST BE COMPLETED CORRECTLY, SIGNED AND WITNESSED. FAILURE TO COMPLY MAY MEAN THAT NO OFFER HAS BEEN MADE AND THE TENDER MAY NOT BE FURTHER EVALUATED.

ACCEPTANCE

By signing this part of this form of offer and acceptance, the Municipality identified below accepts the tenderers offer. In consideration thereof, the Municipality shall pay the contractor the amount due. Acceptance of the tenderers offer shall form an agreement between the Municipality and the tenderer upon the terms and conditions contained in this contract that is the subject of this agreement.

The terms of the contract, are contained in section "D" of this document (NT Conditions of contract) as well as any special conditions (if any)

The tenderer shall within two weeks after receiving a completed copy of this agreement, including the schedule of deviations (if any), contact the Municipality to arrange the delivery of any bonds, guarantees, proof of insurance and any other documentation to be provided in terms of this document. 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 tenderer receives one fully completed original copy of this document, including the schedule of deviations (if any). Unless the tenderer (now contractor) within five working days of the date of such receipt notifies the Municipality in writing of any reason why he cannot accept the contents of this agreement, this agreement shall constitute a binding contract between the parties.

Signed at

For the King Cetshwayo District Municipality

Signature Date

Name Capacity

Witness:
Name Signature Date

And

For the Contractor/ Service provider

Signature Date

Name Capacity

Witness:
Name Signature Date

CONDITIONS OF TENDER

A. GENERAL

1. The lowest or any tender will not necessarily be accepted and King Cetshwayo District Municipality reserves the rights to accept the whole or any part of a tender.
2. The quantities called for in this tender are an estimated quantity and King Cetshwayo District Municipality reserves the right to take more or less than the quantity specified.
3. This contract will be governed by King Cetshwayo District Municipality “Conditions of TENDER” only and not any conditions supplied by the tenderer.
4. Full details of items offered and or drawings / pamphlets etc. must be supplied together with the return documents. All additional drawings/ pamphlets returned with the tender documents must be firmly bound and marked as “Additional” to the specific tender reference number.
5. All items offered on this tender must be new and of the latest design.
6. Only tenders on King Cetshwayo District Municipality official tender document will be accepted and the original document must be returned, fully completed by hand and signed, in the form presented. Failure to do so may invalidate such tender.

7. It must be clearly understood by the tenderer, that no order/s for such commodities or services required by the King Cetshwayo District Municipality will be recognized by the tenderer unless a King Cetshwayo District Municipality official order is issued and it is further understood that King Cetshwayo District Municipality will not accept responsibility for any payment to the tenderer unless the delivery notes and invoices for such goods or services quote the relevant order number and is sent to King Cetshwayo District Municipality, Financial Department, Private BagX1025, RICHARDS BAY, 3900.
8. Should it be considered necessary by the tenderer that officials of King Cetshwayo District Municipality should proceed to other centers for inspection purposes, such costs shall be for the account of the tenderer.
9. Should it be considered necessary by the tenderer, in the interest of design, quality or inspection for whatever reason that King Cetshwayo District Municipality official should proceed to other centers for inspection purposes, such costs shall be for the account of the tenderer.
10. Only tenders received by 12h00 on the given closing date will be considered. No late tender by post, e-mail, fax, courier or delivered by hand will be accepted after this time.
11. No telegraphic, e-mail or faxed tenders will be accepted and all posted or tenders sent by couriers, must be clearly marked with the postal date and time.
12. ALL PRICES QUOTED MUST INCLUDE VALUE ADDED TAX AND MUST BE FIRM FOR A PERIOD OF (90) NINETY DAYS FROM CLOSING DATE OF THIS TENDER.
13. Service Providers tax status will be verified on CSD.

14. The use of correction fluid or correction tape on this document will invalidate your tender submission.
15. Price(s) quoted must be valid for at least ninety (90) days from date of offer for evaluation purposes. Thereafter, the prices will be fixed for a period of twelve months before escalation will be allowed.
16. Local Content declaration (MBD6.2) is only applicable when quoting on goods / services in the prescribed designated sectors.
17. The successful provider will be the one scoring the highest points on Section “B” as per the Preferential Procurement Policy Framework Act (No. 5 of 2000)
18. King Cetshwayo District Municipality reserves the right to remove (from the list of service providers) any supplier who fails to comply with the municipality’s specifications in terms of service delivery, such service provider will be held responsible for any costs incurred as a result of non-compliance.

B. DEMONSTRATIONS AND INSPECTIONS

1. All tenderers must be prepared to demonstrate where required, free of charge and obligation, at the King Cetshwayo District Municipality or any other area within the boundary of the King Cetshwayo District Municipality, any items offered in this tender.
2. Where officials are required to attend demonstrations or inspections outside the District Municipality boundary of Richards Bay, all costs to attend such demonstration must be borne by the tenderer

C. DELIVERIES, COMPLETION AND PENALTIES

1. Delivery date to be negotiated on placing the order.
2. Tenderers shall furthermore note that goods or services will not be considered acceptable and consequently their obligations not fulfilled should goods or services fail to comply with the specifications in the tender document.
3. Where the supplier fails to deliver within the scope of the specifications of this tender, the Municipality reserves the right to obtain services from any other supplier that complies with the specifications and the tenderer will be held responsible for all costs involved.

D. PAYMENTS

1. Payment will be made within 30 days from statement invoice date subject to satisfactory execution of the contract conditions and provided that the statement/invoice is without error.
2. Tenders must clearly state all settlement and trade discounts.
3. Any additional payment for extra work carried out on a contract will only be made provided that the contractor is issued with a variation order by the procurement section of the King Cetshwayo District Municipality.

- 4 King Cetshwayo District Municipality hereby indemnifies itself from any claims whatsoever, which may arise as a result of loss of income suffered by the tenderer for any reason directly or indirectly during the course of this tender and King Cetshwayo District Municipality reserves the right to consider compensation at its own terms.

5. If you have submitted a tender or quotation, your tendered amount is deemed that it will not change. Should your VAT status change, the original tendered amount will be deemed to have included VAT.

NATIONAL TREASURY GENERAL CONDITIONS OF CONTRACT

FORM OF ACCEPTANCE & DECLARATION

The Acting Municipal Manager
King Cetshwayo District Municipality
Private Bag X1025
RICHARDS BAY
3900

I/We (To be completed)
(Representative or Company Name)

The undersigned, having examined the Specification, hereby offer to supply the Municipality with the requirements called for on the Municipality's Form of Tender and Specifications, "Form A" attached, in accordance with the conditions of this tender.

I/We further undertake that this offer shall not be retracted or withdrawn from the closing date of this tender up to the order date.

I/We further undertake, in the event of the acceptance of this tender, either wholly or in part, to enter into a formal contract, if required, and to provide one good and sufficient surety for the due fulfillment of the contract to the satisfaction of the Municipality.

I/We also agree:

- (a) that if the tender be accepted, the acceptance may be communicated to us by letter through the post and that in such case the Post Office shall be regarded as our agents and delivery of such acceptance to the Post Office shall be treated as delivery to us;
- (b) The Municipality chooses as its "domicilium citandi et executandi" for the purpose of the contract, the following address:

King Cetshwayo District Municipality
King Cetshwayo House
Private Bag X 1025
RICHARDS BAY 3900
- (c) the law of South Africa will govern the contract created by acceptance of our tender and we agree to submit to the jurisdiction of the South African Courts;
- (d) that if our tender be accepted by the Municipality either wholly or in part, and the acceptance be notified to us, we undertake to be bound by the term of the agreement constituted by our said tender and the acceptance thereof by the said Municipality, until a formal contract has been executed between us and the Municipality, and that if we are not required by the Municipality to execute such formal contract, we undertake to be bound by the terms of the agreement constituted by our said tender and the acceptance thereof by the said Municipality.

I/WE ALSO DECLARE THAT:

- 1) The information provided is true and correct;
- 2) The signatory to the tender document is duly authorized;
- 3) I/we are registered for Workman's Compensation and the valid certificate number of the workman's compensation commissioner's letter of good standing is provided. When applicable the option to submit an original or certified copy of the letter from the agent authorized by Workmen's Compensation Commissioner will be accepted

In the case where it is not possible for a tenderer to obtain the above letter of good standing from the workmen's compensation commissioner, an affidavit is to be submitted advising that the business has registered with the workmen's compensation commissioner.

In the case where a business does not employ any employees an affidavit together with a letter from the workmen's compensation commissioner addressed to the business, confirming that registration is not required, must be submitted.

- 4) Documentary proof regarding any tendering issue will, when required, be submitted to the satisfaction of the relevant organ of state;
- 5) My municipal rates and taxes are not older than three (3) months and the following is attached:

TENDERER IS PROPERTY OWNER FOR PURPOSES OF CONDUCTING BUSINESS FROM ITS PREMISES

Please select option by ticking below

A.1

In the case where the tenderer owns the property from which the tenderer's business operates from, an original or certified copy of the tenderer's business municipal account not older than three (3) months indicating the status of payment of all municipal rates and taxes i.e. property rates, electricity, water, refuse & sewer from the Municipality in which jurisdiction the said property is situated, must be submitted.

OR

A.2 . In the instance where the tenderer occupies Tribal land an original/certified affidavit from commissioner of oath, confirming that the tenderer is residing in the area where no municipal accounts are billed. If the property rates, electricity, water, refuse is charged by the municipality, the original or certified copy of the statement not older than three (3) months in the name of the tenderer or any of its directors must be attached

NB:

Should there be separate tax invoices from the municipality for property rates and services (taxes), you are required to submit the most recent of each of these invoices
OR

B. TENDERER IS THE TENANT FOR PURPOSES OF CONDUCTING ITS BUSINESS FROM PREMISES.

B1. In the case where the tenderer does not own property and is a tenant for the purposes of its business establishment, the tenderer to provide an original or certified copy of a certificate from its landlord certifying that all the tenants payments in respect of all municipal rates and taxes i.e. property rates, electricity, water, refuse & sewer are paid up to date, or

B2. In the case where the tenderer as tenant is responsible for its own municipal accounts with the municipality then tenderer must attach the letter from the landlord certifying the above together with original or certified copies of all most recent relevant municipal invoices i.e. property rates, electricity, water refuse & sewer.

B3. In the case where the tenderer operates in the property owned by relative and does not pay rent or rates, an affidavit from the relative confirming such must be attached. Also the up to date original or certified copy municipal rates statement of the relative must be attached or letter from the councilor in case of the Tribal Authority.

B4. In case where the potential service provider is under incubation programme an original or certified copy of the letter from the incubator confirming that the service provider is using their facilities (property)

PAGE TO WHICH A VALID CERTIFICATE NUMBER OF THE WORKMEN'S COMPENSATION COMMISSIONER LETTER OF GOOD STANDING MUST BE ATTACHED.

Please provide a valid certificate number of the Workmen's Compensation if registered with the department of labour, or attach valid original (or valid certified cpy) of the Workmen's Compensation commissioner letter of good standing from applicable agencies e.g, FEM, RAM etc, if not registered with the department of labour.

Workmen's Compensation registration number: _____

Workmen's Compensation certificate number: _____

OR

In the case where it is not possible for an applicant to obtain the above letter of good standing from the Workmen's Compensation Commissioner, an affidavit is to be submitted advising that the business has registered with the Workmen's Compensation Commissioner.

OR

In the case where a business does not employ any employees an affidavit Together with a Letter from the Workmen's Compensation Commissioner addressed to the business, confirming that registration is not required, must be submitted.

FAILURE TO DO SO **MAY LEAD TO YOUR TENDER BEING DISQUALIFIED.**

PAGE TO WHICH VALID ORIGINAL / CERTIFIED COPIES OF THREE (3) REFERENCE LETTERS MUST BE ATTACHED.

Please attach valid original (or valid certified copy) of **three reference letters relating to contracts of a similar nature in the past FIVE (5) years, to this page.**

FAILURE TO DO SO MAY LEAD TO YOUR TENDER BEING DISQUALIFIED

DECLARATION OF TENDERER'S PAST SUPPLY CHAIN MANAGEMENT PRACTICES

- 1 This Municipal Tendering Document must form part of all Tenders 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 Tender of any tenderer may be rejected if that tenderer, 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 Tender.

DECLARATION OF TENDERER'S PAST SUPPLY CHAIN MANAGEMENT PRACTICES			
4.1	Is the tenderer or any of its directors listed on the National Treasury's database as a company or person 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 National Treasury after the <i>audi alteram partem</i> rule was applied).	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.1.1	If so, furnish particulars:		

4.2	<p>Is the tenderer 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>(To access this Register enter the National Treasury's website, www.treasury.gov.za, click on the icon "Register for Tender Defaulters" or submit your written request for a hard copy of the Register to facsimile number (012) 3265445).</p>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.2.1	If so, furnish particulars:		
4.3	<p>Was the tenderer 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:		
4.4	<p>Does the tenderer 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?</p>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.4.1	If so, furnish particulars:		

4.5	Was any contract between the tenderer 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"/>
4.5.1	If so, furnish particulars:		

CERTIFICATION

I, THE UNDERSIGNED (FULL NAME)
 CERTIFY THAT THE INFORMATION FURNISHED ON THIS DECLARATION
 FORM IS 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 Tenderer

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, shareholder²):.....

3.4 Company Registration Number:

3.5 Tax Reference Number:.....

3.6 VAT Registration Number:

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

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

3.8.1 If yes, furnish particulars.

.....

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

.....
Signature

.....
Date

.....
Capacity

.....
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.

MBD 9

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

MBD 9

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.

MBD 9

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

ACCEPTANCE

NB:

- ♣ **FAILING TO ATTACH ANY OF THE DOCUMENTS SPECIFIED IN THIS TENDER DOCUMENT, OR FAILURE TO COMPLETE IN FULL THOSE SECTIONS REQUIRING COMPLETION, **MAY** INVALIDATE THE TENDER.**

FOR AND ON BEHALF OF

NAME OF COMPANY

ADDRESS

NAME OF TENDERER

SIGNATURE OF TENDERER

DATE