



CITY OF TSHWANE METROPOLITAN MUNICIPALITY

**RE-ADVERTISEMENT: QUOTATION FOR THE SUPPLY AND DELIVERY OF
ORNAMENTAL PLANTS AND SEEDS TO THE CITY OF TSHWANE MUNICIPAL
NURSERY, AS AND WHEN REQUIRED FOR A PERIOD OF ONE YEAR**

QUOTATION NO: Q6-01-2023/24

NAME OF BIDDER:

CSD NUMBER:

VENDOR NUMBER
(Compulsory)

Prepared by:
City of Tshwane
Metropolitan Municipality
Tshwane House
320 Madiba Street
PRETORIA
0001
Tel: (012) 358 9999

CLOSING DATE

9 NOVEMBER 2023

Only bidders registered on the central supplier database and with CSD Number will be considered for this tender as it is a requirement from National Treasury.



CITY OF TSHWANE
METROPOLITAN MUNICIPALITY

DEPARTMENT: ENVIRONMENT AND AGRICULTURE MANAGEMENT

BIDS ARE HEREBY INVITED FROM SUPPLIERS FOR THE FOLLOWING BID:

Bid No	Description	Dept.	Contact Officials	Compulsory Briefing Session	Closing date
Q6-01-2023/24	RE-ADVERTISEMENT: QUOTATION FOR THE SUPPLY AND DELIVERY OF ORNAMENTAL PLANTS AND SEEDS TO THE CITY OF TSHWANE MUNICIPAL NURSERY, AS AND WHEN REQUIRED FOR A PERIOD OF ONE YEAR	EAM	Josia Masenya (012) 358 0658 josiasma@tshwane.gov.za Shane Paul (012) 358 6090 shanep@tshwane.gov.za	Date: 31 October 2023 Time: 11:00 Venue: City of Tshwane municipal nursery, Nic van Vuuren place, Phillip Nel Park	9 November 2023 at 10:00

THE DOCUMENT IS DOWNLOADABLE ON E-TENDER

Each Quotation shall be enclosed in a sealed envelope, bearing the correct identification details and shall be placed in the tender box located at:

**TSHWANE HOUSE
320 MADIBA STREET
PRETORIA
0001**

Documents must be deposited in the bid box not later than **10:00 on the 9 November 2023** where bids will be opened in public.

Technical enquiries: Shane Paul at (012) 358 6090 or shanep@tshwane.gov.za

Supply Chain enquiries: Josia Masenya at (012) 358 0658 or josiasma@tshwane.gov.za

Bids will remain valid for a period of 90 days after the closing date

- Received after the closing date and time will not be considered. CoT does not bind itself to accept the lowest or any other bid in whole or in part
- Bid documents must be completed using a black pen (not re-typed or scanned)
- Mistakes made on the price schedule must be crossed out in ink and each price alteration must be initialled.
- Price corrections may not be made with correction fluid, such as Tippex or a similar product.
- If correction fluid was used on any specific item price, such an item will not be considered. No correction fluid may be used on a bill of quantities where prices are calculated to arrive at a total amount. If correction fluid was used, the quotation as a whole will be repudiated.
- The Municipality will reject the quotation if corrections are not made in accordance with the above.

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ENVIRONMENT AND AGRICULTURE MANAGEMENT DEPARTMENT

BID NAME

QUOTATION FOR THE SUPPLY AND DELIVERY OF ORNAMENTAL PLANTS AND SEEDS TO THE TSHWANE MUNICIPAL NURSERY AS AND WHEN REQUIRED FOR A PERIOD OF 1 YEAR

BID NUMBER

(Q6-01-2023-2024)

1. INTRODUCTION AND PURPOSE

Quotation for the supply and delivery of ornamental plants and seeds to the Tshwane Municipal Nursery as and when required for a period of 1 year to supply the nursery with ornamental plant seeds and vegetable seeds for propagation.

The Department is looking for one supplier to supply all the plants and seed required for this quotation.

The quotation includes the following items:

Item	Description
1	Summer season ornamental seed
2	All year season ornamental seed
3	Winter season ornamental seed
4	Vegetable seed
5	Supply seedling plugs in trays
6	Supply ornamental plant plugs in trays
7	Supply indigenous trees

2. BACKGROUND

The ornamental plants seeds are propagated twice a year providing summer and winter ornamental seedlings for the key tourist attraction parks in the city like

Burgers Park, Magnolia Del, the City Hall etc. The nursery propagates the seedlings and then supplies them for the beautification of the city.

The vegetable seeds are propagated as and when required. Once the seedlings are large enough, they are distributed through the Agriculture and Rural Development Division to their community projects. The vegetable seedlings are also distributed on special event days like Nelson Mandela Day and International Food Security Day.

The seed is required by Nursery Operations of the Environmental Management and Parks Division.

3. PROJECT SCOPE

Specifications for The Ornamental Plant and Vegetable seeds

3.1 Quality of ornamental seed

- Annual/ornamental plant seed is usually graded. Most seeds are available as F¹, F² or F³ hybrid seed. The City of Tshwane is only interested in the best quality available.
- The seed provided by the wholesale seed supplier must be guaranteed so that if the germination is poor then the service provider will replace the seed. If the supplier requires that the seed be sown in a specific way to guarantee the seed, then such guidelines must be provided upon delivery.
- The seed will be procured per 1000 seeds per packet or per gram depending on the type of seed.

3.2 Ornamental Plant and Vegetable seeds to be supplied.

The City requires the following seed to be supplied.

TABLE 1		Item 1: Summer season ornamental seed			
item	Genus species (seed name)	Flower colour	Height of plant	Season	Unit
1.1	Dahlia miniatures mix colours	mix	45 cm	summer	Per gram
1.2	Lobelia Riviera mix	Mix	15 cm	summer	Per gram
1.3	Marigold orange - tall	Orange	35 cm	summer	Per 1000 seeds
1.4	Marigold yellow - tall	Yellow	35 cm	summer	Per 1000 seeds
1.5	Marigold miniature mix colours	Orange/ yellow mix	20 cm	summer	Per 1000 seeds
1.6	Marigold miniature orange	Orange	20 cm	summer	Per 1000 seeds

TABLE 1		Item 1: Summer season ornamental seed			
item	Genus species (seed name)	Flower colour	Height of plant	Season	Unit
1.7	Marigold miniature yellow	Yellow	20 cm	summer	Per 1000 seeds

TABLE 2		Item 2: All year season ornamental seed			
item	Genus species (seed name)	Flower colour	Height of plant	Season	Unit
2.1	Alyssum white	White	15-25 cm	All year	Per 1000 seeds
2.2	Gazania new day mix	Mix	20 cm	All year	Per 1000 seeds
2.3	Petunia carpet blue	Blue	20-25 cm	All year	Per 1000 seeds
2.4	Petunia carpet mix	Mix	20-25 cm	All year	Per 1000 seeds
2.5	Petunia carpet red	Red	20-25 cm	All year	Per 1000 seeds
2.6	Petunia carpet white	White	20-25 cm	All year	Per 1000 seeds

TABLE 3		Item 3: Winter season ornamental seed			
item	Genus species (seed name)	Flower colour	Height of plant	Season	Unit
3.1	African daisy mix	Shades of orange/ yellow	30-35 cm	winter	Per gram
3.2	Calendula pacific beauty mix	Orange and yellow mixed	20-30cm	winter	Per gram
3.3	Kale kamone red	Red foliage	30 cm	winter	Per 1000 seeds
3.4	Kale kamone white	White foliage	30 cm	winter	Per 1000 seeds
3.5	Primula malacoides mix mixed colours	mix	25-30 cm	winter	Per 5000 seeds
3.6	Primula malacoides white	White	25-30 cm	winter	Per 5000 seeds

TABLE 4		Item 4: Vegetable seed
item	Genus species (seed name)	Unit
4.1	Spinach deracea - variety Swiss chard Foodhoek Giant (spinach)	Per 1000 grams seed
4.2	Brassica oleracea var capita - variety Glory of Enkhuizen (cabbage seed)	Per 1000 grams seed
4.3	Lycopericon lypopersicum variety floradale (tomato seeds)	Per 1000 grams seed
4.4	Beetroot vulgaris variety Detroit dark red (beetroot seed)	Per 1000 grams seed

TABLE 5 - Item 5. Supply seedling plugs in trays		
item	Genus species	Unit
5.1	Primula malacoides mix mixed colours	1 x 128 tray
5.2	Petunia carpet mix (white, pink, red, blue)	1 x 128 tray
5.3	Alyssum white	1 x 128 tray
5.4	Marigold orange/ yellow - (miniature marigolds)	1 x 128 tray
5.5	Gazania mixed	1 x 128 tray
5.6	Vegetable – Spinach - Swiss chard Foodhoek Giant	1 x 128 tray
5.7	Vegetable - Beetroot vulgaris variety Detroit dark red	1 x 128 tray
5.8	Vegetable - Lycopersicon lypopersicum variety floradale	1 x 128 tray

Supply and delivery of established bedding plants in 128 polystyrene trays. The seedlings must be well established and well rooted. Trays must be full and contain 128 growing plants.

Minimum order will be 10 x 128 trays.

TABLE 6 - Item 6. Supply ornamental plant plugs in trays		
item	Genus species	Unit
6.1	Ornamental shrubs (easy) – Tecomaria capensis (yellow/ orange/ red); Plumbago auriculata,	1 plug
6.2	Ornamental shrubs (difficult) – Carissa macrocarpa; Buxus sempervirens; Lagerstroemia indica (tree); Nandian domestica pygmae;	1 plug
6.3	Tree seedlings (easy)– Rhus lancea; Heteropyxis natalensis;; Celtis africana; Combretum erythrophyllum; Ekebergia capensis; strelitzia reginae;	1 plug
6.4	Tree seedlings (difficult)- Olea europaea ssp Africana; Euclea crispa; Dombeya rotundifolia; Schotia brachypetala	1 plug

Supply and delivery of established rooted cuttings or seedlings of ornamental plants in 128 or 98 plug polystyrene or plastic trays. The cuttings or seedlings must be well established and well rooted. Trays must be full and contain 128 or 98 plugs well established plants.

Minimum order will be 5 x 128 or 98 plug trays per species. (Bidder will inform on the tray size available.

TABLE 7 - Item 7. Supply indigenous trees		
item	Genus species	Unit
7.1	Indigenous tree unspecified	50 litre containers
7.2	Indigenous tree unspecified	100 litre containers

Specifications for the trees

The table specifications are as follows.

Height	Minimum tree height as measured from the level of the soil in the container
Stem diameter	The stem must be not being narrower than the specified width. as measured 30cm from the ground. Trees must be single stemmed with a spreading crown (branched)

Container	Trees must be planted in black plastic nursery planting bags for 50 and 100 litre trees can be planting in plastic planting bags, or wire frame bags with plastic bags inside.
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	Genus species	Minimum Height of tree stem	Minimum Diameter of tree stem
Trees species 50 litre container	Tree Apodytes dimidiata Tree Bolusanthus speciosus Tree Celtis Africana Tree Dombeya rotundifolia Tree Heteropyxis natalensis Tree Schotia bachypetala	1.8 m	2 cm
Trees species 100 litre container	Tree Apodytes dimidiata Tree Bolusanthus speciosus Tree Celtis Africana Tree Dombeya rotundifolia Tree Heteropyxis natalensis Tree Schotia bachypetala	2 m	3 cm

4. DELIVERABLES

Delivery must take place within 21 days of receiving an official purchase order. Delivery will be to the Tshwane Municipal Nursery in Nic van Vuuren place in Phillip Nel Park.

5. QUOTATION EVALUATION

The Quotation will be evaluated in 3 phases:

- **Stage 1:** Administrative compliance
- **Stage 2:** Mandatory Requirements
- **Stage 3:** Preference Points System

5.1 ADMINISTRATIVE COMPLIANCE

All the bids will be evaluated against the administrative responsiveness requirements as set out in the table below.

Compulsory Returnable Documentation (Submission of these are compulsory)	Submitted (YES or NO)	Checklist (Guide for Bidder and the Bid Evaluation Committee)
a) To enable The City to verify the bidder's tax compliance status, the bidder must provide; <input type="checkbox"/> A copy of their Tax Clearance Certificate (TCS); or <input type="checkbox"/> Indicate their tax compliance status PIN.		TCS must be in the same business name as the bidding company. TCS must be valid. Tax status must be compliant before the award.
b) a copy of their Central Supplier Database (CSD) registration; or indicate their Master Registration Number / CSD Number;		CSD must be valid. Tax status must be compliant before the award.
c) Confirmation that the bidding company's rates and taxes are up to date: • Original or copy of Municipal Account Statement of the Bidder (bidding company) not older than 3 months and account must not be in arrears for more than ninety (90) days; or signed lease agreement. In case of bidders located in informal settlement, rural areas or areas where they are not required to pay Rates and Taxes a letter from the local councilors confirming they are residing in that area		Was a Municipal Account Statement or landlord letter provided for the bidding company? The name and / or addresses of the bidder's statement correspond with CIPC document? Are all payment(s) up to date (i.e. not in arrears for more than 90 days?
d) Duly Signed and completed MBD forms (MBD 1, 4,8 and 9) The person signing the bid documentation must be authorised to sign on behalf of the bidder. Where the signatory is not a Director / Member / Owner / Shareholder of the company, an official letter of authorization or delegation of authority should be submitted with the bid document. NB: Bidders must ensure that the directors, trustees, managers, principle shareholders, or stakeholders of this company declare any interest in any other related companies or business whether or not they are bidding for this contract. <u>See Question 3.14 of MBD 4. Failure to declare interest will result in a disqualification</u>		All documents fully completed (i.e. no blank spaces)? All documents fully signed? Signature authorised (any director / member / trustee as indicated on the CIPC document, alternatively a delegation of authority would be required? Documents completed in black ink (i.e. no "Tippex" corrections, no pencil, no other colour ink, or none submission of the above , will be considered)?
e) Joint Ventures (JV) – (Only applicable when the bidder tender as a joint venture) • Where the bidder bid as a Joint Ventures (JV), the required or relevant documents as per (a) to l above must be provided for all JV parties. • In addition to the above		If applicable. JV agreement provided? JV agreement complete and relevant? Agreement signed by all parties? All required documents as per (i.e. a to

Compulsory Returnable Documentation (Submission of these are compulsory)	Submitted (YES or NO)	Checklist (Guide for Bidder and the Bid Evaluation Committee)
the bidder must submit a Joint Venture (JV) agreement signed by the relevant parties. • Note: It is a condition of this bid that the successful bidder will continue with same Joint Venture (JV) for the duration of the contract, unless prior approval is obtained from The City.		e) must be provided for all partners of the JV.
Bidder attended a compulsory briefing session where applicable		A compulsory briefing register must be signed by the bidder. Bidders will be disqualified should they fail to attend compulsory briefing session
Pricing schedule (All items must be quoted for in pricing schedule and if not all items are quoted the bidder will be disqualified). Unless the tender is awarded per item or per section where the bidder only quoted the items or sections they are interested in.		Incomplete pricing schedule results in totals being incomparable. Bidder must be disqualified. Bidder will be disqualified should they make corrections on the price schedule without attaching a signature thereto. Bidder will be disqualified should they use tippex/ correction ink, on the price schedule.

5.2 MANDATORY REQUIREMENTS

The following letter of consent must be submitted with the quote. It must be on the Seed suppliers letter head and must be signed by the supplier's representative.

The bidder must attach a signed letter from a Bulk South African Seed Supplier (on their letter head) (not retailer like a supermarket or local nursery) confirming that they agree to supply the seed to the bidding person or company and confirm the quality of the seed as the City of Tshwane is only interested in the best quality seed available. (This includes items 1/2/3/4)

The bidder must provide a letter of confirmation to supply from the nursery of the ornamental seedlings and vegetable plants in trays and the ornamental trees. (This includes items 5/6/7)

5.4 Preferential Points System

The preferential points to be used will be the 80/20 points system in terms of the Preferential Procurement Policy Framework Act, 2000 (Act 5 of 2000) Regulations 2022.

- 80 points for price
- 20 points for specific goals
 - Bidders are required to submit supporting documents for their bids to claim the specific goal points.
 - Non-compliance with specific goals will not lead to disqualification but bidders will not be allocated specific goal points. Bidders will score points out of 80 for price only and zero (0) points out of 20 for specific goals.
 - Cot shall act against any bidder or person when it detects that the specific goals were claimed or obtained on a fraudulent basis.

The specific goal for this bid is outlined below. Bidders are to submit supporting documents as outlined below to be eligible for points.

Specific goals	80/20 preference point system	Proof of specific goals to be submitted
BB-BEE score of companies <ul style="list-style-type: none"> • Level 1 • Level 2 • Level 3 • Level 4 • Level 5 • Level 6 • Level 7 • Level 8 • Non-compliant 	<ul style="list-style-type: none"> • 8 Points • 7 Points • 6 Points • 5 Points • 4 Points • 3 Points • 2 Points • 1 Point • 0 Points 	Valid Certified copy of BBEE certificate. Sworn Affidavit for B-BBEE qualifying small enterprise or Exempt Micro Enterprises or CIPC BBEE certificate.
EME and/ or QSE	2 Points	Valid Sworn affidavit for B-BBEE qualifying small enterprise or Exempt Micro Enterprises or CIPC BBEE certificate
At least 51% of Women-owned companies	2 Points	Certified copy of Identity Document/s and proof of ownership (Sworn affidavit for B-BBEE qualifying small enterprise or Exempt Micro Enterprises, CIPC registration or any other proof of ownership)
At least 51% owned companies by People with disability	2 Points	Medical Certificate with doctor's details (Practice Number, Physical Address, and contact numbers) and proof of ownership (Sworn affidavit for B-BBEE qualifying small enterprise or Exempt Micro Enterprises, CIPC registration or any other proof of ownership)
At least 51% owned companies by Youth	2 Point	Certified copy of Identity Document/s and proof of ownership (Sworn affidavit for B-BBEE qualifying small enterprise or Exempt Micro Enterprises, CIPC registration or any other proof of ownership)
Local Economic Participation <ul style="list-style-type: none"> • City of Tshwane • Gauteng • National 	4 Points 2 Points 1 Point	Municipal Account statement/Lease agreement.

6. VALIDITY PERIOD

The validity period for the quotation after closure is 90 days.

7. PRICING SCHEDULE

The price must include transport and delivery to the City.

- Only quote on the seed species and cultivar requested and not for cheaper alternatives.
- Prices must be exact according to conditions specified in this quotation specifications document.
- All products under each item must be quoted for and a total for the item written in the pricing schedule. If each item number is not quoted for then the quote cannot be considered

TABLE 8		ITEM 1: Summer season ornamental seed	To be filled in by the bidder	
item	SAP Number	Genus species (seed name)	Unit of measure	Unit price. (Excluding VAT)
1.1	200000026787	Dahlia miniatures mix colours	Per gram	
1.2	200000026792	Lobelia Riviera mix	Per gram	
1.3	200000026793	Marigold Inca orange	Per 1000 seeds	
1.4	200000026794	Marigold Inca yellow	Per 1000 seeds	
1.5	200000026795	Marigold Janie mix	Per 1000 seeds	
1.6	200000026796	Marigold Janie orange	Per 1000 seeds	
1.7	200000026797	Marigold Janie yellow	Per 1000 seeds	
		Total for ITEM		R

TABLE 9		ITEM 2: All year season ornamental seed	To be filled in by the bidder	
item	SAP Number	Genus species (seed name)	Unit of measure	Unit price. (Excluding VAT)
2.1	200000026799	Alyssum white	Per 1000 seeds	
2.2	200000026801	Gazania new day mix	Per 1000 seeds	
2.3	200000026802	Petunia carpet blue	Per 1000 seeds	
2.4	200000026803	Petunia carpet mix	Per 1000 seeds	
2.5	200000026804	Petunia carpet red	Per 1000 seeds	
2.6	200000026805	Petunia carpet white	Per 1000 seeds	
		Total for this item		R

TABLE 10		ITEM 3: Winter season ornamental seed	To be filled in by the bidder	
item	SAP Number	Genus species (seed name)	Unit of measure	Unit price. (Excluding VAT)
3.1	200000026807	African daisy mix Shades of orange/ yellow	Per gram	
3.2	200000026808	Calendula pacific beauty mix	Per gram	
3.3	200000026812	Kale kamone red	Per 1000 seeds	
3.4	200000026813	Kale kamone white	Per 1000 seeds	
3.5	200000026819	Primula malacoides mix	Per 5000 seeds	
3.6	200000026821	Primula malacoides white	Per 5000 seeds	
3.7	200000026823	Vilola sorbet orange duet	Per 1000 seeds	
		Total for this item		R

TABLE 11		ITEM 4: Vegetable seed	To be filled in by the bidder	
item	SAP Number	Genus species (seed name)	Unit of measure	Unit price. (Excluding VAT)
4.1	200000026824	Spinach deracea - variety Swiss chard Foodhoek Giant (spinach)	Per 1000 grams seed	
4.2	200000026825	Brassica oleracea var capita - variety Glory of Enkhuizen (cabbage seed)	Per 1000 grams seed	
4.3	200000026826	Lycopericon lypopersicum variety floradale (tomato seeds)	Per 1000 grams seed	
4.4	200000026828	Beetroot vulgaris variety Detroit dark red (beetroot seed)	Per 1000 grams seed	
		Total for this item		R

TABLE 12		Item 5. Supply bedding plants in tray	To be filled in by the bidder	
item	SAP Number	Genus species	Unit of measure	Unit price. (Excluding VAT)
5.1		Primula malacoides mix mixed colours	1 x 128 tray	
5.2		Petunia carpet mix (white, pink, red, blue)	1 x 128 tray	
5.3		Alyssum white	1 x 128 tray	
5.4		Marigold orange/ yellow - (miniature marigolds)	1 x 128 tray	
5.5		Gazania mixed	1 x 128 tray	
5.6		Vegetable – Spinach - Swiss chard Foodhoek Giant	1 x 128 tray	

TABLE 12		Item 5. Supply bedding plants in tray	To be filled in by the bidder	
item	SAP Number	Genus species	Unit of measure	Unit price. (Excluding VAT)
5.7		Vegetable - Beetroot vulgaris variety Detroit dark red	1 x 128 tray	
		Total for this item		R

TABLE 13		- Item 6. Supply ornamental plant plugs in trays	To be filled in by the bidder	
item	SAP Number	Genus species	Unit of measure	Unit price. (Excluding VAT)
6.1		Ornamental shrubs (easy) –	1 plug	
6.2		Ornamental shrubs (difficult) –	1 plug	
6.3		Tree seedlings (easy)–	1 plug	
6.4		Tree seedlings (difficult)-	1 plug	
		Total for this item		R

TABLE 14		Item 7. Supply indigenous trees	To be filled in by the bidder	
item	SAP Number	Genus species	Unit of measure	Unit price. (Excluding VAT)
7.1		Indigenous tree unspecified	50 litre containers	
7.2		Indigenous tree unspecified	100 litre containers	
		Total for this item		R

SUMMARY of TOTALS PER SECTION

Take the Vat Exclusive totals per item and add to the table below.

ITEM NO	DESCRIPTION	Total Vat EX
1	Summer season ornamental seed	
2	All year season ornamental seed	
3	Winter season ornamental seed	
4	Vegetable seed	
5	Supply bedding plants in trays	
6	Supply ornamental plant plugs in trays	
7	Supply indigenous trees	
	Total EXCL	
	Vat 15%	
	TOTAL INCL	

8. MARKET ANALYSIS

The city of Tshwane reserves the right to conduct market analysis. Should the city exercise this option, where a tenderer offers a price that is deemed not to be viable to supply goods or services as required, written confirmation will be made with the tenderer if they will be able to deliver on the price, if a tenderer confirm that they cannot, the tenderer will be disqualified on the basis of being non-responsive. If they confirm that they can deliver, a tight contract to mitigate the risk of non-performance will be entered into with the service provider. Further action on failures by the supplier to deliver will be handled in terms of the contract including performance warnings and listing on the database of restricted suppliers.

The city further reserves the right to negotiate a market related price with a tenderer scoring the highest points. If the tenderer does not agree to a market-related price, the city reserves the right to negotiate a market-related price with the tenderer scoring the second highest points, if the tenderer scoring the second highest points does not agree to a market-related price, negotiate a market-related price with the tenderer scoring the third highest points. If a market-related price is not agreed, the city reserves the right to cancel the quotation.

**MBD1
COMPULSORY
PART A
INVITATION TO BID**

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE (NAME OF MUNICIPALITY/ MUNICIPAL ENTITY)					
QUOTATION NUMBER:	Q6-01-2023/24	CLOSING DATE:	9 November 2023	CLOSING TIME:	10:00
DESCRIPTION	RE-ADVERTISEMENT: QUOTATION FOR THE SUPPLY AND DELIVERY OF ORNAMENTAL PLANTS AND SEEDS TO THE CITY OF TSHWANE MUNICIPAL NURSERY, AS AND WHEN REQUIRED FOR A PERIOD OF ONE YEAR				
THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (MBD7).					
BID RESPONSE DOCUMENTS MAY BE DEPOSITED IN THE BID BOX SITUATED AT (STREET ADDRESS)					
Tshwane House					
Supply Chain Management					
320 Madiba Street					
Pretoria					
GPS coordinates: 25.740695481524874°S, 28.156224925040988°E					
SUPPLIER INFORMATION					
NAME OF BIDDER					
POSTAL ADDRESS					
STREET ADDRESS					
TELEPHONE NUMBER	CODE		NUMBER		
CELLPHONE NUMBER					
FACSIMILE NUMBER	CODE		NUMBER		
E-MAIL ADDRESS					
VAT REGISTRATION NUMBER					
TAX COMPLIANCE STATUS	TCS PIN:		OR	CSD No:	
B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE [TICK APPLICABLE BOX]	<input type="checkbox"/> Yes <input type="checkbox"/> No		B-BBEE STATUS LEVEL SWORN AFFIDAVIT <input type="checkbox"/> Yes <input type="checkbox"/> No		
[A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE/ SWORN AFFIDAVIT (FOR EMES & QSEs) MUST BE SUBMITTED IN ORDER TO QUALIFY FOR PREFERENCE POINTS FOR B-BBEE]					
ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES /WORKS OFFERED?	<input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES ENCLOSE PROOF]		ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES /WORKS OFFERED? <input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES, ANSWER PART B:3]		
SIGNATURE OF BIDDER 		DATE		
CAPACITY UNDER WHICH THIS BID IS SIGNED					
BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO:			TECHNICAL INFORMATION MAY BE DIRECTED TO:		
DEPARTMENT	Supply Chain Management		CONTACT PERSON	Shane Paul	
CONTACT PERSON	Josia Masenya				
TELEPHONE NUMBER	(012) 358 0658		TELEPHONE NUMBER	(012) 358 6090	
			E-MAIL ADDRESS	shanep@tshwane.gov.za	
E-MAIL ADDRESS	josiasma@tshwane.gov.za				

**MBD1
COMPULSORY
PART B
TERMS AND CONDITIONS FOR BIDDING**

1. BID SUBMISSION:										
<p>1.1. BIDS MUST BE DELIVERED BY THE STIPULATED TIME TO THE CORRECT ADDRESS. LATE BIDS WILL NOT BE ACCEPTED FOR CONSIDERATION.</p> <p>1.2. ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS PROVIDED–(NOT TO BE RE-TYPED) OR ONLINE</p> <p>1.3. THIS BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT AND THE PREFERENTIAL PROCUREMENT REGULATIONS, 2017, THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER SPECIAL CONDITIONS OF CONTRACT.</p>										
2. TAX COMPLIANCE REQUIREMENTS										
<p>2.1 BIDDERS MUST ENSURE COMPLIANCE WITH THEIR TAX OBLIGATIONS.</p> <p>2.2 BIDDERS ARE REQUIRED TO SUBMIT THEIR UNIQUE PERSONAL IDENTIFICATION NUMBER (PIN) ISSUED BY SARS TO ENABLE THE ORGAN OF STATE TO VIEW THE TAXPAYER'S PROFILE AND TAX STATUS.</p> <p>2.3 APPLICATION FOR THE TAX COMPLIANCE STATUS (TCS) CERTIFICATE OR PIN MAY ALSO BE MADE VIA E-FILING. IN ORDER TO USE THIS PROVISION, TAXPAYERS WILL NEED TO REGISTER WITH SARS AS E-FILERS THROUGH THE WEBSITE WWW.SARS.GOV.ZA.</p> <p>2.4 FOREIGN SUPPLIERS MUST COMPLETE THE PRE-AWARD QUESTIONNAIRE IN PART B:3.</p> <p>2.5 BIDDERS MAY ALSO SUBMIT A PRINTED TCS CERTIFICATE TOGETHER WITH THE BID.</p> <p>2.6 IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED, EACH PARTY MUST SUBMIT A SEPARATE TCS CERTIFICATE / PIN / CSD NUMBER.</p> <p>2.7 WHERE NO TCS IS AVAILABLE BUT THE BIDDER IS REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD), A CSD NUMBER MUST BE PROVIDED.</p>										
3. QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS										
<table style="width: 100%; border: none;"> <tr> <td style="width: 70%;">3.1. IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)?</td> <td style="text-align: right;"><input type="checkbox"/> YES <input type="checkbox"/> NO</td> </tr> <tr> <td>3.2. DOES THE ENTITY HAVE A BRANCH IN THE RSA?</td> <td style="text-align: right;"><input type="checkbox"/> YES <input type="checkbox"/> NO</td> </tr> <tr> <td>3.3. DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA?</td> <td style="text-align: right;"><input type="checkbox"/> YES <input type="checkbox"/> NO</td> </tr> <tr> <td>3.4. DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA?</td> <td style="text-align: right;"><input type="checkbox"/> YES <input type="checkbox"/> NO</td> </tr> <tr> <td>3.5. IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION?</td> <td style="text-align: right;"><input type="checkbox"/> YES <input type="checkbox"/> NO</td> </tr> </table> <p>IF THE ANSWER IS "NO" TO ALL OF THE ABOVE, THEN IT IS NOT A REQUIREMENT TO REGISTER FOR A TAX COMPLIANCE STATUS SYSTEM PIN CODE FROM THE SOUTH AFRICAN REVENUE SERVICE (SARS) AND IF NOT REGISTER AS PER 2.3 ABOVE.</p>	3.1. IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)?	<input type="checkbox"/> YES <input type="checkbox"/> NO	3.2. DOES THE ENTITY HAVE A BRANCH IN THE RSA?	<input type="checkbox"/> YES <input type="checkbox"/> NO	3.3. DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA?	<input type="checkbox"/> YES <input type="checkbox"/> NO	3.4. DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA?	<input type="checkbox"/> YES <input type="checkbox"/> NO	3.5. IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION?	<input type="checkbox"/> YES <input type="checkbox"/> NO
3.1. IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)?	<input type="checkbox"/> YES <input type="checkbox"/> NO									
3.2. DOES THE ENTITY HAVE A BRANCH IN THE RSA?	<input type="checkbox"/> YES <input type="checkbox"/> NO									
3.3. DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA?	<input type="checkbox"/> YES <input type="checkbox"/> NO									
3.4. DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA?	<input type="checkbox"/> YES <input type="checkbox"/> NO									
3.5. IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION?	<input type="checkbox"/> YES <input type="checkbox"/> NO									

**NB: FAILURE TO PROVIDE ANY OF THE ABOVE PARTICULARS MAY RENDER THE BID INVALID.
NO BIDS WILL BE CONSIDERED FROM PERSONS IN THE SERVICE OF THE STATE.**

SIGNATURE OF BIDDER:

CAPACITY UNDER WHICH THIS BID IS SIGNED:

DATE:

**MBD 4
COMPULSORY**

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

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.

NB: BEFORE COMPLETING THIS FORM, TENDERERS MUST STUDY THE GENERAL CONDITIONS, DEFINITIONS AND DIRECTIVES APPLICABLE IN RESPECT OF THE TENDER AND PREFERENTIAL PROCUREMENT REGULATIONS, 2022

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
 - the 90/10 system for requirements with a Rand value above R50 000 000 (all applicable taxes included).

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 OR 90/10 PREFERENCE POINT SYSTEMS

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

$$\begin{array}{ccc} \text{80/20} & \text{or} & \text{90/10} \\ Ps = 80 \left(1 - \frac{Pt - P_{min}}{P_{min}}\right) & \text{or} & Ps = 90 \left(1 - \frac{Pt - P_{min}}{P_{min}}\right) \end{array}$$

Where

Ps = Points scored for price of tender under consideration

Pt = Price of tender under consideration

Pmin = Price of lowest acceptable tender

3.2. FORMULAE FOR DISPOSAL OR LEASING OF STATE ASSETS AND INCOME GENERATING PROCUREMENT

3.2.1. POINTS AWARDED FOR PRICE

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

$$\begin{array}{ccc} \text{80/20} & \text{or} & \text{90/10} \\ Ps = 80 \left(1 + \frac{Pt - P_{max}}{P_{max}}\right) & \text{or} & Ps = 90 \left(1 + \frac{Pt - P_{max}}{P_{max}}\right) \end{array}$$

Where

P_s = Points scored for price of tender under
consideration P_t = Price of tender under
consideration
 P_{max} = 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:

4.2. In cases where organs of state intend to use Regulation 3(2) of the Regulations, which states that, if it is unclear whether the 80/20 or 90/10 preference point system applies, an organ of state must, in the tender documents, stipulate in the case of—

- (a) an invitation for tender for income-generating contracts, that either the 80/20 or 90/10 preference point system will apply and that the highest acceptable tender will be used to determine the applicable preference point system; or
- (b) any other invitation for tender, that either the 80/20 or 90/10 preference point system will apply and that the lowest acceptable tender will be used to determine the applicable preference point system,

then the organ of state must indicate the points allocated for specific goals for both the 90/10 and 80/20 preference point system.

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

(Note to organs of state: Where either the 90/10 or 80/20 preference point system is applicable, corresponding points must also be indicated as such.

Note to tenderers: The tenderer must indicate how they claim points for each preference point system.)

Specific goals	80/20 preference point system	Number of points claimed (80/20 system) (To be completed by the tenderer)
BB-BEE score of companies <ul style="list-style-type: none"> • Level 1 • Level 2 • Level 3 • Level 4 • Level 5 • Level 6 • Level 7 • Level 8 • Non-compliant 	<ul style="list-style-type: none"> • 8 Points • 7 Points • 6 Points • 5 Points • 4 Points • 3 Points • 2 Points • 1 Point • 0 Points 	
EME and/ or QSE	2 Points	
At least 51% of Women-owned companies	2 Points	
At least 51% owned companies by People with disability	2 Points	
At least 51% owned companies by Youth	2 Point	
Local Economic Participation <ul style="list-style-type: none"> • City of Tshwane • Gauteng • National 	4 Points 2 Points 1 Point	

N.B For points to be allocated as per above the tenderers will be required to submit proof of documentation as evidence for claims made. Any tenderer that does not submit evidence as stated in the bid document to claim applicable points will be allocated zero points.

DECLARATION WITH REGARD TO COMPANY/FIRM

4.3. Name of company/firm.....

4.4. Company registration number:

4.5. 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]

- 4.6. 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:

.....

.....

CONTRACT FORM: PURCHASE OF GOODS/WORKS

THIS FORM MUST BE FILLED IN DUPLICATE BY BOTH THE SUCCESSFUL BIDDER (PART 1) AND THE PURCHASER (PART 2). BOTH FORMS MUST BE SIGNED IN THE ORIGINAL SO THAT THE SUCCESSFUL BIDDER AND THE PURCHASER WOULD BE IN POSSESSION OF ORIGINALLY SIGNED CONTRACTS FOR THEIR RESPECTIVE RECORDS.

PART 1 (TO BE FILLED IN BY THE BIDDER)

1. I hereby undertake to supply all or any of the goods and/or works described in the attached bidding documents to **CITY OF TSHWANE MUNICIPALITY** in accordance with the requirements and specifications stipulated in bid number **Q6-01- 2023/24** at the price/s quoted. My offer/s remain binding upon me and open for acceptance by the purchaser during the validity period indicated and calculated from the closing time of bid.
2. The following documents shall be deemed to form and be read and construed as part of this agreement:
 - (i) Bidding documents, viz
 - Invitation to bid;
 - Tax clearance certificate;
 - Pricing schedule(s);
 - Technical Specification(s);
 - Preference claims for Broad Based Black Economic Empowerment Status Level of Contribution in terms of the Preferential Procurement Regulations 2011;
 - Declaration of interest;
 - Declaration of bidder's past SCM practices;
 - Certificate of Independent Bid Determination;
 - Special Conditions of Contract;
 - (ii) General Conditions of Contract; and
 - (iii) Other (specify)
3. I confirm that I have satisfied myself as to the correctness and validity of my bid; that the price(s) and rate(s) quoted cover all the goods and/or works specified in the bidding documents; that the price(s) and rate(s) cover all my obligations and I accept that any mistakes regarding price(s) and rate(s) and calculations will be at my own risk.
4. I accept full responsibility for the proper execution and fulfilment of all obligations and conditions devolving on me under this agreement as the principal liable for the due fulfillment of this contract.
5. I declare that I have no participation in any collusive practices with any bidder or any other person regarding this or any other bid.
6. I confirm that I am duly authorised to sign this contract.

NAME (PRINT)

CAPACITY

SIGNATURE

NAME OF FIRM

DATE

WITNESSES

1.

2.

DATE:

CONTRACT FORM: PURCHASE OF GOODS/WORKS

PART 2 (TO BE FILLED IN BY THE PURCHASER)

1. I in my capacity as accept your bid under reference number dated for the supply of goods/works indicated hereunder and/or further specified in the annexure(s).
2. An official order indicating delivery instructions is forthcoming.
3. I undertake to make payment for the goods/works delivered in accordance with the terms and conditions of the contract, within 30 (thirty) days after receipt of an invoice accompanied by the delivery note.

ITEM NO.	PRICE (ALL APPLICABLE TAXES INCLUDED)	BRAND	DELIVERY PERIOD	B-BBEE STATUS LEVEL OF CONTRIBUTION

4. I confirm that I am duly authorized to sign this contract.

SIGNED AT ON

NAME (PRINT)

SIGNATURE

OFFICIAL STAMP

WITNESSES

1.

2.

DATE:

COMPULSORY
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	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:		
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.

.....
Signature

.....
Date

.....
Position

.....
Name of Bidder

Js9141w 4