
APPOINTMENT OF A SERVICE PROVIDER(S) TO CONDUCT PUBLIC PARTICIPATION FOR CAPEX PROJECTS ACROSS THE CITY OF JOHANNESBURG ON AS AND WHEN BASIS

INTRODUCTION AND BACKGROUND

Johannesburg Water (JW) has a high percentage of Unaccounted for Water due to aging infrastructure and ill use of water by residents. In response to the challenges above, JW continues to implement Infrastructure upgrading projects to minimise the continuous overflow of water as a result of ageing infrastructure. While the technical intervention is crucial to address these challenges, a social approach is also important by a social consultant to complement the work that will be undertaken by technical contractors. This will create an environment where the communities will be engaged in a language that they will understand. The engagement with stakeholders would elaborate the rationale behind projects that are implemented and the processes that are relevant for such projects to be implemented with minimal disruptions.

The public participation process normally includes the introduction of projects to relevant City of Johannesburg Regional Offices (Regional Director, Ward Governance and the Citizen Relationship and Urban Management (CRUM)), one-on-one meetings with the Ward Councillors (Cllrs), Stakeholder meetings and public meetings. The implemented projects need to be introduced within a specific period of time to avoid incidents of the company incurring costs of claims from contractors for not being able to commence with the works within the stipulated period. At times, JW implements a lot of projects in one Region within the same period, which makes it difficult for Stakeholder Relations Specialists to decide on how to support projects at the same time, as meetings sometimes happen at the same time. The current staff complement gets overwhelmed with the work given the complex nature of some of the Regions and communities which may result in more frequent visits to one project within a short space of time thereby delaying other projects to commence in time. It is against this background a need has been identified to get additional support from an external Service Provider to fill the gaps where the team cannot be able to fulfill some of the responsibilities. It should however be noted that the responsibility to manage and monitor the work of the Service Provider will still rest with the Stakeholder Relations Specialist for that Region.

SCOPE OF WORK

To have a dedicated service provider(s) who will assist with conducting public participation needs of the Stakeholder Relations and Communications Department. This will assist to ensure that public participation has been conducted with all the affected stakeholders prior to the commencement and construction of CAPEX projects; Introduce all the projects to the key stakeholders and solicit community and political buy-in;

Effectively engage with all the stakeholders and address their concerns prior to project start and to minimize possible future project stoppages. The successful service provider will be expected to introduce identified projects across the City of Johannesburg and liaise with the key affected stakeholders within the project implementation areas.

DELIVERABLES

The purpose of appointing a social consultant is to ensure that the project is transparent and supported by the stakeholders. To achieve this, the Community Participation Consultant must facilitate participation and consultation with key stakeholders, promote a positive climate for the project, and facilitate the flow of information between stakeholders, the client, and the project team.

To this end, the following summarised services will be required:

1. Stakeholder identification and compilation of an interested and affected parties database;
2. Briefings with Ward Councillor/s and / or Ward Committee/s;
3. Arrange, facilitate, minute and / or report on public meetings and ward public meetings;
4. Attend project meetings before, during and after introduction phase of the project;
5. One-on-one interviews with Key Stakeholders;
6. Assist with the recruitment and employment of Community Liaison Officer`s, local labour and SMME`s;
7. Assist contractor/s by facilitating issues with local stakeholders and challenges concerning labour and SMME`s related matters during the introductory phase of the projects.

PROCESS PLAN

The effective public participation intervention should be inclusive of engagement with all the key stakeholders in the particular wards, which will involve the community members in participating in issues that affect them and will have the following benefits other than consultation:

- Employing local people
- Capacitating young persons to be appointed on the program
- Purchasing of various material from local communities

Johannesburg Water acknowledges that public participation and consultation should be continuous during the project life cycle therefore it is important to identify the key stakeholders prior to commencement of the project. Due to enormous work involved in so doing and the capacity within the department, an independent Service Provider needs to be solicited. A thorough consultative process should be done with the leadership, all stakeholders and community at large to ensure buy-in and gather ideas from the community as to the best times of getting the relevant people.

TERMS OF REFERENCE FOR THE SERVICE PROVIDER

The following is expected from the Service Provider:

- Working closely with the Regional Stakeholder Relations Specialist, the service provider will be expected to meet and greet all the affected key stakeholders mainly ward councillors and Regional Directors;
- Prepare for and facilitate meetings where necessary with key stakeholders and minute or write up outcome of meetings;
- Must be responsible for the introduction of the project to the ward councillor, the Regional Director and all the key stakeholders in the ward;
- Present the project in the ward public meeting;
- Introduce the project to the community;
- Attend project site meetings;
- In partnership with the Regional Stakeholder Relations Specialist must co-ordinate the appointment of the community Liaison Officers;
- Must provide a detailed project implementation plan of the public participation process;
- Must submit attendance registers for all the project meetings held;
- Must provide progress reports in the project on a regular basis;
- Prepare a final report;
- Present the final report on a PowerPoint format;
- Service Provider will be expected to capture key activities using a camera and a video and provide JW with soft copies;

- Acknowledge that the final report and the captured data remains JW's intellectual property;
- The service provider will be expected to resolve all conflicts that might impact the implementation of projects negatively.

REQUIREMENTS OF SUITABLE SERVICE PROVIDER

- The service provider should have an in-depth understanding of how local government works;
- Must understand and appreciates local politics within the City of Joburg;
- The service provider must be able to provide the necessary resources to be able to attend stakeholder and public meetings after hours and weekends;
- Ability to deploy the appropriate resources for different facets and levels of work requirements as they arise;
- Good presentation skills for proper impartation of information and project introduction;
- Must be conversant of at least 2 African Languages;
- Ability to manage large numbers of projects effectively and efficiently;
- Ability to communicate and engage with different groups of stakeholders;
- Must have good report writing skills;
- Conflict Management;
- Honesty and truthfulness;
- Provide duty station and tools of trade for employees.

MANDATORY REQUIREMENTS AND DOCUMENTS

- **The Project Manager must have a minimum qualification of a Postgraduate in Humanities/ Social Sciences; Certified copies will be required failure which will lead to disqualification.**
- **The Service Provider must have extensive experience in the field (minimum of 3 years);**

- **Service Provider’s ability to execute the work must be suitably acknowledged and referenced by previous clients in their letter head indicating the duration of work performed and similar work conducted (minimum 3 referrals required, failure which will lead to disqualification)**
- **Service Providers are expected to provide clear and step by step proposals on how to deliver the desired outcomes for the intervention. The proposals should elaborate on the methodology to be used during stakeholder engagement process. They should explicitly state the number of human resources who will be dedicated for this project. The service provider should highlight the duration of the project with clear timelines and the project cost.**

PROPOSED COSTS BREAKDOWN

Items required	Quantity	Costs per unit
Introduction of project to key stakeholders i.e. ward councillors and Regional Directors	20	Rate per meeting
Conducting public meetings	20	Rate per meeting
Attending site meetings	20	Rate per meeting
Assist with Recruitment of CLO`s,	20	Recruitment rates per CLO
Assist with Recruitment of labourers	20	Recruitment rates per project
Assist with Recruitment of SMME`s	20	Recruitment rates per package
SMME briefing meeting	20	Rate per meeting
Conducting interviews for CLO`s	20	Rate per interview
Progress reports	14	Rate per report
Conflict resolution meetings	14	Rate per meeting
CLO induction	18	Rate per induction
Attending stakeholders meeting	7	Rate per meeting

Interested parties who meets the above requirements are requested to submit their quotations as well as completing the attached pricing schedule.

Send All quotations to: SUBMISSIONS MUST BE MADE ON THE E-TENDER PORTAL (<https://www.etenders.gov.za/>) NO EMAIL SUBMISSIONS.

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

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

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

eTenders Contact Centre

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

etenders@treasury.gov.za

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

POPIA PRIVACY STATEMENT

Johannesburg Water SOC Limited

In terms of the Protection of Personal Information Act, 213 (Act 4 of 2013), also called the POPI Act or POPIA, Johannesburg Water SOC Limited, undertakes all reasonable measures to protect personal information and to keep it private and confidential.

1. Privacy Notice applies to:

Suppliers, vendors, contractors, service providers, etc whether appointed or prospective.

2. Definitions of personal information

According to the Act “personal information” means information relating to an identifiable living, natural person, and where it is applicable, an identifiable, existing juristic person. All addresses including residential, postal and email addresses.

3. About the Public Entity

Johannesburg Water (SOC) Limited, registration number 2000/029271/30

3.1 The information we collect

We collect information directly from you where you provide us with your personal details. Where possible, we will inform you what information you are required to provide to us and what information is optional.

3.2 How Johannesburg Water use your information

We will use your personal information only for the purposes for which it was collected and agreed with you. For example: to gather contact information, to confirm and verify your identity, for the evaluation and adjudication of bids and quotations for tenders, request for quotations, and other personal information for the procurement of goods and services by the Entity.

3.3 Disclosure of information

We may disclose your personal information to our Shareholder, the City of Johannesburg, and other Government agencies such as National Treasury, and the Auditor-General of South Africa. We have agreements in place to ensure that they comply with the privacy requirements as required by the Protection of Personal Information Act.

We may also disclose your information:

- Where we have a duty or a right to disclose in terms of law;
- Where we believe it is necessary to protect our rights.

3.4 Information Security

We are legally obliged to provide adequate protection for the personal information we hold and to stop unauthorised access and use of personal information. We will, on an ongoing basis, continue to review our security

POPIA PRIVACY STATEMENT

Johannesburg Water SOC Limited

controls and related processes to ensure that your personal information remains secure.

When we contract with third parties, we impose appropriate security, privacy and confidentiality obligations on them to ensure that personal information that we remain responsible for, is kept secure. We will ensure that anyone whom we pass your personal information agrees to treat your information with the same level of protection as we are obliged to.

3.5 Your rights: Access to Information

You have the right to request a copy of the personal information we hold about you. To do this, simply contact us at informationofficer@jwater.co.za, and specify what information you require.

3.6 Correction of your personal information

You have the right to ask us to update, correct or delete your personal information. We will require a copy of your identification document to confirm your identity before making changes to personal information we may hold about you. We would appreciate it if you would keep your personal information accurate and up to date.

3.7 How to contact us

If you have any queries about this document; you need further information about our privacy practices; wish to withdraw consent; exercise preferences or access or correct your personal information, please contact us at the numbers listed on our website or send an email to informationofficer@jwater.co.za.



a world class African city



City of Johannesburg

Johannesburg Water SOC Ltd

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65 Ntengi Piliso Street
Newtown
Johannesburg

Johannesburg Water
PO Box 61542
Marshalltown
2107

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

www.johannesburgwater.co.za

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

Returnable Documents	Description	Yes/No	
1	Original Valid Tax Clearance Certificate /valid SARS PIN		COMPULSORY
2	A, certified /original/valid, BBEE certificate /sworn affidavit (Please note that the Sworn Affidavit must be compliant as per B-BBEE Practice Guide 01 of 2018 , NON COMPLIANT AFFIDAVIT WILL BE SCORED ZERO)		COMPULSORY
3	Municipal rates and taxes (Must not be older than 90 days in arrears in line with regulation 38.		COMPULSORY
4	Signed Declaration of Interest form (MBD 4)		COMPULSORY
5	Declaration of Bidders past supply chain management practices (MBD 8)		COMPULSORY
6	Certificate of Independent Proposal Determination (MBD 9)		COMPULSORY
7	Proof of CSD registration /MAAA Supplier Number		COMPULSORY
8	Preference points claim form in terms of the preferential procurement regulations 2022 (MBD 6.1)		COMPULSORY
9	Company registration documents with ID copies of directors / shareholders.		COMPULSORY

Directors:

Ms Gugulethu Phakathi (Chairperson), Mr Ntshavheni Mukwevho (Managing Director and Executive Director),
Mr Johan Koekemoer (Financial Director and Executive Director), Mr Phetole Modika, Mr Siphamandla Mnyani, Mr Siyabonga Mthembu,
Mrs Zandile Meeleso, Mr Pholoso Matjele, Mr Kgaile Mogoye, Mr Sandiso Mgengwana, Mr Molate Mashifane, Ms Pamela Mabece,
Mr Lunga Bernard

Ms Kethabile Mabe (Company Secretary),
Johannesburg Water SOC Ltd
Registration Number: 2000/029271/30

MBD 4

DECLARATION OF INTEREST

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

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

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

3.2 Identity Number:

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

3.4 Company Registration Number:

3.5 Tax Reference Number:.....

3.6 VAT Registration Number:

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

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

3.8.1 If yes, furnish particulars.

.....

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

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

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

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

3.9.1 If yes, furnish particulars.....

.....

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

3.10.1 If yes, furnish particulars.

.....
.....

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

3.11.1 If yes, furnish particulars

.....
.....

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

3.12.1 If yes, furnish particulars.

.....
.....

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

3.13.1 If yes, furnish particulars.

.....
.....

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

3.14.1 If yes, furnish particulars:

.....
.....

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

Full Name	Identity Number	State Employee Number

.....
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.

1. GENERAL CONDITIONS

- 1.1 The following preference point systems are applicable to invitations to tender:
- the 80/20 system for requirements with a Rand value of up to R50 000 000 (all applicable taxes included); and

1.2 To be completed by the organ of state

- a) The applicable preference point system for this tender is the 80/20 preference point system.

- 1.3 Points for this tender (even in the case of a tender for income-generating contracts) shall be awarded for:

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

1.4 To be completed by the organ of state:

The maximum points for this tender are allocated as follows:

	POINTS
PRICE	80
SPECIFIC GOALS	20
Total points for Price and SPECIFIC GOALS	100

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

- 1.6 The organ of state reserves the right to require of a tenderer, either before a tender is adjudicated or at any time subsequently, to substantiate any claim in regard to preferences, in any manner required by the organ of state.

2. DEFINITIONS

- (a) **“tender”** means a written offer in the form determined by an organ of state in response to an invitation to provide goods or services through price quotations, competitive tendering process or any other method envisaged in legislation;

- (b) **“price”** means an amount of money tendered for goods or services, and includes all applicable taxes less all unconditional discounts;
- (c) **“rand value”** means the total estimated value of a contract in Rand, calculated at the time of bid invitation, and includes all applicable taxes;
- (d) **“tender for income-generating contracts”** means a written offer in the form determined by an organ of state in response to an invitation for the origination of income-generating contracts through any method envisaged in legislation that will result in a legal agreement between the organ of state and a third party that produces revenue for the organ of state, and includes, but is not limited to, leasing and disposal of assets and concession contracts, excluding direct sales and disposal of assets through public auctions; and
- (e) **“the Act”** means the Preferential Procurement Policy Framework Act, 2000 (Act No. 5 of 2000).

3. FORMULAE FOR PROCUREMENT OF GOODS AND SERVICES

3.1. POINTS AWARDED FOR PRICE

3.1.1 THE 80/20 PREFERENCE POINT SYSTEMS

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

80/20

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

Where

- P_s = Points scored for price of tender under consideration
- P_t = Price of tender under consideration
- P_{min} = Price of lowest acceptable tender

3.1.1. POINTS AWARDED FOR PRICE

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

80/20

$$P_s = 80 \left(1 + \frac{P_t - P_{max}}{P_{max}} \right) \circ$$

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:

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

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

The specific goals allocated points in terms of this tender	Number of points allocated (80/20 system)	Number of points claimed (80/20 system)	Proof of documents per specific goals
Businesses located in a Region within COJ, COJ Municipality or Gauteng Province	20		Proof of municipal account / valid lease agreement, letter from the Ward Council confirming the business address.

DECLARATION WITH REGARD TO COMPANY/FIRM

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

4.3. Company registration number:

4.4. TYPE OF COMPANY/ FIRM

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

[TICK APPLICABLE BOX]

4.5. I, the undersigned, who is duly authorised to do so on behalf of the company/firm, certify that the points claimed, based on the specific goals as advised in the tender, qualifies the company/ firm for the preference(s) shown and I acknowledge that:

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

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

DECLARATION OF BIDDER'S PAST SUPPLY CHAIN MANAGEMENT PRACTICES

- 1 This Municipal Bidding Document must form part of all bids invited.
- 2 It serves as a declaration to be used by municipalities and municipal entities in ensuring that when goods and services are being procured, all reasonable steps are taken to combat the abuse of the supply chain management system.
- 3 The bid of any bidder may be rejected if that bidder, or any of its directors have:
 - a. abused the municipality's / municipal entity's supply chain management system or committed any improper conduct in relation to such system;
 - b. been convicted for fraud or corruption during the past five years;
 - c. willfully neglected, reneged on or failed to comply with any government, municipal or other public sector contract during the past five years; or
 - d. been listed in the Register for Tender Defaulters in terms of section 29 of the Prevention and Combating of Corrupt Activities Act (No 12 of 2004).
- 4 **In order to give effect to the above, the following questionnaire must be completed and submitted with the bid.**

Item	Question	Yes	No
4.1	<p>Is the bidder or any of its directors listed on the National Treasury's Database of Restricted Suppliers as companies or persons prohibited from doing business with the public sector?</p> <p>(Companies or persons who are listed on this Database were informed in writing of this restriction by the Accounting Officer/Authority of the institution that imposed the restriction after the <i>audi alteram partem</i> rule was applied).</p> <p>The Database of Restricted Suppliers now resides on the National Treasury's website(www.treasury.gov.za) and can be accessed by clicking on its link at the bottom of the home page.</p>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.1.1	If so, furnish particulars:		
4.2	<p>Is the bidder or any of its directors listed on the Register for Tender Defaulters in terms of section 29 of the Prevention and Combating of Corrupt Activities Act (No 12 of 2004)?</p> <p>The Register for Tender Defaulters can be accessed on the National Treasury's website (www.treasury.gov.za) by clicking on its link at the bottom of the home page.</p>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.2.1	If so, furnish particulars:		
4.3	<p>Was the bidder or any of its directors convicted by a court of law (including a court of law outside the Republic of South Africa) for fraud or corruption during the past five years?</p>	Yes <input type="checkbox"/>	No <input type="checkbox"/>

4.3.1	If so, furnish particulars:		
Item	Question	Yes	No
4.4	Does the bidder or any of its directors owe any municipal rates and taxes or municipal charges to the municipality / municipal entity, or to any other municipality / municipal entity, that is in arrears for more than three months?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.4.1	If so, furnish particulars:		
4.5	Was any contract between the bidder and the municipality / municipal entity or any other organ of state terminated during the past five years on account of failure to perform on or comply with the contract?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.7.1	If so, furnish particulars:		

CERTIFICATION

**I, THE UNDERSIGNED (FULL NAME)
CERTIFY THAT THE INFORMATION FURNISHED ON THIS
DECLARATION FORM TRUE AND CORRECT.**

**I ACCEPT THAT, IN ADDITION TO CANCELLATION OF A CONTRACT,
ACTION MAY BE TAKEN AGAINST ME SHOULD THIS DECLARATION
PROVE TO BE FALSE.**

.....
Signature

.....
Date

.....
Position

.....
Name of Bidder

CERTIFICATE OF INDEPENDENT BID DETERMINATION

- 1 This Municipal Bidding Document (MBD) must form part of all bids¹ invited.

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

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

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

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

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

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

CERTIFICATE OF INDEPENDENT BID DETERMINATION

I, the undersigned, in submitting the accompanying bid:

(Bid Number and Description)

in response to the invitation for the bid made by:

(Name of Municipality / Municipal Entity)

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

I certify, on behalf of: _____ that:
(Name of Bidder)

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

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

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

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

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Signature

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Date

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Position

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Name of Bidder

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