

INVITATION TO SUBMIT BID PROPOSALS

Date issued: 11 February 2022



1. Background

The Municipal Demarcation Board invites suitably qualified and experienced services providers to submit bid proposals to form part of a panel of experts to conduct studies on the cases of Municipal boundary redetermination to for the Municipal Demarcation Board (MDB) Bid Number **MDB006– 2021/2022**.

2. Terms of Reference

The scope (TOR) and approach and deliverables are contained in the Terms of Reference document. Bidders are requested to study and understand the TOR in order to submit responsive bids.

3. Briefing Session

No briefing session will be held.

4. Bid submission

Original bids and proposals must be submitted at the offices of MDB and deposited in the tender box. Door to door deliveries by courier services are accepted, provided the bidder instructs the courier firm to deposit the bids in the tender box. The closing date is **04 March 2022 at 11h00**. Incomplete (non-responsive), late, faxed or emailed bids will **NOT** be accepted.

5. Reservation

The MDB reserves the right to withdraw this bid at any time before the award. The MDB also reserves the right not to award the contract with the highest points in terms of price and BBBEE. Bidders must be registered on the National Treasury Central Supplier Database at the time of award.

Issued by

MR ALUWANI RAMAGADZA
ACTING CHIEF EXECUTIVE OFFICER
MUNICIPAL DEMARCATION BOARD

11/02/2022

Chairperson: Mr Thabo Manyoni • Deputy Chairperson: Ms Mbali Myeni
Members: Ms Jane Thupana • Mr Albert Kekesi • Adv. Monnapula Motlogelwa • Ms Greta
Apelgren-Narkedien • Mr Themba Dubazana • Ms Mmatsie Mooki • Dr David Mohale
• Ms Namso Baliso

Eco Origins Office Park Block C1
349 Witch-Hazel Avenue
Highveld, 0157

Tel: 012 342 2481
Email: info@demarcation.org.za
Web: www.demarcation.org.za

REQUEST FOR PROPOSALS

REQUEST FOR PROPOSALS TO CONDUCT STUDIES ON THE CASES OF MUNICIPAL BOUNDARY REDETERMINATIONS FOR THE MUNICIPAL DEMARCATION BOARD (MDB)

CLOSING DATE: 04 MARCH 2022

CLOSING TIME: 11h00

BID REFERENCE NUMBER: MDB006-2021/2022

All submission of proposals must be delivered at the MDB Offices on or before the closing date and time.

Office Details: Municipal Demarcation Board: Eco Origins Office Park, Block C1, 349 Witch-Hazel Street, Highveld Centurion.

Service Providers can send bid documents using door to door courier services but **NO** bid documents to be sent to the MDB postal address.

Submissions must be **STRICTLY** submitted inside the tender box which is situated at Reception Area on the Ground Floor; and accessible during official working hours between 08:00am to 16:30, Monday to Friday.

AN ONE-ENVELOPE SYSTEM will be used for the submission of proposals/quotations, therefore submissions made by Service Providers **MUST** clearly state the description as well as the **Bid Reference Number MDB.....** on the envelope/s submitted. (Refer below to Bid Information)

Envelope 1: This envelope must contain **ALL** Technical Information on the provision to conduct studies on the cases of municipal boundary redeterminations as indicated in the Request for Proposals Document.

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1. PURPOSE

- 1.1 The purpose of this document is to request for proposals (RFPs) from **Service Providers** to form part of the Municipal Demarcation Board (MDB) panel of experts, who will provide research services for the studies to be conducted on proposed municipal boundary redeterminations.

2. INVITATION

- 2.1 The MDB invites proposals to conduct studies on the demarcation cases using the objectives and criteria for municipal boundary redeterminations. This document provides guidelines on matters to be taken into consideration when submitting the proposals.
- 2.2 In preparation of the proposal, it is emphasized that the service providers demonstrate their expertise in conducting studies in the field of local government (i.e. municipalities) as outlined in the scope section of this RFP.

3. INTRODUCTION AND LEGISLATIVE CONTEXT

- 3.1 The MDB is the statutory body established in terms of the Municipal Demarcation Act 27 of 1998 (MDA) to determine the boundaries of municipalities in South Africa.
- 3.2 The legislative mandate of the MDB is obtained from the Municipal Demarcation Act 27 of 1998 and Municipal Structures Act 117 of 1998 (MSA), which stipulates the following main functions:
- a. To determine or re-determine municipal (outer) boundaries for each local space and decide if a municipal area determined should be governed by a Category A, B or C municipality;
 - b. To delimit wards (inner boundaries) within Category A and B municipalities;
 - c. To conduct municipal capacity assessment; and

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- d. To render advisory services regarding matters provided for in the MDA and other appropriate legislation when required.

3.3 In terms of determination of municipal boundaries, and categorisation of municipal areas into Category A (metropolitan) municipalities; the MDB receives its mandate from the MDA and MSA, respectively. The section below outlines the details.

4. OBJECTIVES AND CRITERIA FOR DEMARCATION

- 4.1 The objectives and criteria for determination of municipal boundaries are stipulated in Sections 24 and 25 of the MDA, respectively.

5. OBJECTIVES OF DEMARCATION

5.1 According to Section 24 of the MDA, the MDB should determine the municipal boundaries to establish the municipal area that would meet the following objectives:

- a. Enable the municipality for that area to fulfil its constitutional obligations, including-
 - i. The provision of democratic and accountable government for the local communities;
 - ii. The provision of services to the communities in an equitable and sustainable manner;
 - iii. The promotion of social and economic development; and
 - iv. The promotion of a safe and healthy environment.
- b. Enable effective local governance;
- c. Enable integrated development; and
- d. Have a tax base as inclusive as possible of users of municipal services in the municipality.

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6. FACTORS OF MUNICIPAL BOUNDARY DETERMINATION

6.1 In order to attain the objectives set out in Section 24, the Board must, when determining a municipal boundary, take into account-

- a. the interdependence of people, communities and economies as indicated by-
 - i. Existing and expected patterns of human settlement and migration;
 - ii. Employment;
 - iii. Commuting and dominant transport movements;
 - iv. Spending;
 - v. The use of amenities, recreational facilities and infrastructure; and
 - vi. Commercial and industrial linkages;
- b. The need for cohesive, integrated and unfragmented areas, including metropolitan areas;
- c. The financial viability and administrative capacity of the municipality to perform municipal functions efficiently and effectively;
- d. The need to share and redistribute financial and administrative resources;
- e. Provincial and municipal boundaries;
- f. Areas of traditional rural communities;
- g. Existing and proposed functional boundaries, including magisterial districts, voting districts, health, transport, police and census enumerator boundaries;
- h. Existing and expected land use, social, economic and transport planning;
- i. The need for co-ordinated municipal, provincial and national programmes and services, including the needs for the administration of justice and health care;
- j. Topographical, environmental and physical characteristics of the area;
- k. The administrative consequences of its boundary determination on-
 - i. *Municipal creditworthiness;*
 - ii. *Existing municipalities, their council members and staff; and*
 - iii. *Any other relevant matter;*
- l. The need to rationalise the total number of municipalities within different categories and of different types to achieve the objectives of effective and sustainable service delivery, financial viability and macro-economic stability.

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7. CATEGORISATION OF MUNICIPALITIES INTO CATEGORY A

- 7.1 The MDB is mandated in terms of the MSA to establish criteria that determine if an area should have a single Category A (metropolitan) municipality or if an area should have both Category B (local) and Category C (district) municipalities.
- 7.2 In terms of Section 2 of the MSA, an area must have a single Category A municipality if the area can reasonably be regarded as:
- a. A conurbation featuring:
 - i. Areas of high population density;
 - ii. An intense movement of people, goods and services;
 - iii. Extensive development; and
 - iv. Multiple business districts and industrial areas.
 - b. A centre of economic activity with a complex and diverse economy;
 - c. A single area for which integrated development planning is desirable; and
 - d. Having strong interdependent social and economic linkages between its constituent units.

8. MUNICIPAL CAPACITY ASSESSMENTS

- 8.1 In terms of Section 85(4) of MDA, the MDB must consider the capacity of a district or local municipality to perform the functions and exercise the powers vested in the municipality in terms of section 84 (1) or (2) when determining or re-determining the boundaries of the district and the local municipalities.
- 8.2 In terms of Section 1 of the MSA, '**capacity**', in relation to a municipality, includes the administrative and financial management capacity and infrastructure that enables a municipality to collect revenue and to govern on its own initiative the local government affairs of its community.
- 8.3 The outcome of the studies should reflect the legal requirements as set out above.

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9. METHODOLOGY AND DELIVERABLES

SCOPE

- 9.1 In order to fulfil the purpose of, and successfully complete the project, the successful service providers should collect primary and secondary data, then conduct studies on allocated cases or proposals of determination and redetermination of municipal boundaries.
- 9.2 The scope of each study should be clearly defined and must cover all the applicable objectives and criteria for demarcation provided for in Sections 24 and 25 of the MDA; and when a categorisation of an area into a metropolitan area or existing metropolitan area is affected, the criteria provided for in Section 2 of the MSA should also be covered.
- 9.3 In terms of section 85(4)(a), the MDB must consider municipal capacity when determining or re-determining municipal boundaries, in this regard, the study is to include an assessment of municipal capacity for affected municipalities. In terms of the Municipal Structures Act “Capacity” is defined as having reasonable administrative, financial and human resources, and infrastructure to perform each of the constitutional functions assigned to a municipality.
- 9.4 Service providers may be expected to participate in MDB’s sections 29 and 30 (Municipal Demarcation Act) formal investigations to give inputs related to the cases they conducted studies on.
- 9.5 Service providers would be expected to possess expertise in conducting studies on a wide range of issues pertaining to municipalities, including but not limited to the following:
- a. Municipal governance and systems;
 - b. Spatial and development planning;
 - c. Economic and financial modelling in municipalities;
 - d. Demographic investigations;
 - e. Socio-cultural factors;
 - f. Municipal capacity assessments (i.e. Municipal powers and functions); and
 - g. Application of relevant local government legislation.

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- 9.6 The service providers would be expected to produce study reports indicating the modelling of the pre- and post-redetermination periods for municipalities, using the developed criteria and indicators for municipal boundary redetermination.

METHODOLOGY

- 9.7 As part of the proposal, service providers are expected to provide their methodology and approach in undertaking the study. The proposal should give an indication what and how the service provider intends to conduct the studies. The detailed methodology should be in line with the scope and objectives of the study. Key elements of the methodology must include:
- a. A methodology that is linked with legislation/legislative requirements for municipal boundary redeterminations i.e. sections 24 and 25 of MDA, section 2 of MSA and MDB capacity assessment requirements.
 - b. An overarching methodological framework (e.g. stakeholder engagement, case study, desktop research, interviews, etc.).
 - c. Collection and analysis methods for qualitative and quantitative data with descriptions of any instruments used to collect the required information.
 - d. Use of other available and relevant local, regional or national data, or data from similar studies.
 - e. Collection, analysis and interpretation of primary and secondary data.
 - f. Categorisation of primary and secondary research information from data collected.
 - g. Spatial, statistical and graphical analysis of information.
 - h. Spatial mapping of data collected (i.e. show proximities, densities, distances, location, thematic maps, etc.).
 - i. Collection of data from credible and reliable sources of information and an indication of these sources (e.g. Statistics South Africa, National Treasury, Auditor General South Africa, etc.). Include metadata and citation for all data sources used.
 - j. A normative framework for the study showing alignment to national development context and spatial development vision (e.g. National Spatial Development Framework, National Development Plan, Sustainable

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Development Goals, National Development Plan, Integrated Urban Development Framework, Integrated Development Plan.

- k. Demonstration of the validity of data collected and indication of the process for verifying the findings (i.e. meetings, consultations or other interactions as may be requested or approved by the MDB).
- l. Stakeholder engagements and consultations with the following entities or persons: National Treasury (NT); Department of Cooperative Governance and Traditional Affairs (CoGTA); Finance and Fiscal Commission (FFC); National Planning Commission (NPC); Department of Planning, Monitoring and Evaluation (DPME); South African Cities Network (SACN); South African Local Government Association (SALGA); Gauteng City-Region Observatory (GCRO); municipal planners; public sector agencies; and private sector practitioners with sound knowledge of municipal governance and planning.
- m. Analysis of international best practices and lessons learned.
- n. Development of outcomes and output indicators to measure compliance with the relevant criteria and legislation.
- o. Regarding assessment of municipal capacity, a separate chapter providing an analysis and findings should be prepared for all municipal powers and functions for the affected municipalities.
- p. A methodology for the assessments should be according to MDB capacity assessment requirements i.e. focus on all municipal powers and functions as espoused in the Constitution's Schedule 4 part B and Schedule 5 part B. In this regard, the service provider will be given access to the MDB capacity assessment database which is currently being updated. Where necessary as may be determined by the service provider, using the current MDB capacity assessment tool or questionnaire (to be made available at commissioning stage, the tool is internet based), the appointed service provider will be expected to collect the data directly from affected municipalities.

10. DELIVERABLES

- 10.1 A report on the affected proposed re-determination providing, a qualitative and quantitative analysis and assessment of the applicable criteria is required. The assessment must provide information on the status quo of affected

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municipalities, and their status post the proposed redetermination of their boundaries.

10.2 As part of abovementioned report there should be a chapter on capacity of affected municipalities providing an analysis on Schedules 4(b) and 5(b) of the Constitution regarding powers and functions of municipalities.

10.3 Each report should be structured in accordance with the requirements of MDB to be provided to the service providers before the start of the studies.

10.4 Structure of the report:

- a. Executive summary – a concise form of the whole report indicating the summary of research method, data collection, results, discussions and conclusion.
- b. General Report Sections:
 - i. Title of the municipal boundary redetermination proposal.
 - ii. Introduction.
 - iii. Aim and Objectives.
 - iv. Methodology and Approaches.
 - v. Scope of the Study.
 - vi. Results.
 - vii. Discussions.
 - viii. Recommendations.
 - ix. Conclusion.
- c. Proposed Municipal Boundary Redetermination:
 - i. Details of the proposal, Motivation for the proposal, any previous MDB decision, affected municipalities, stakeholder engagements and consultations.
- d. Legal Framework and Policy:
 - i. Sections 24 and 25 of MDA: Demarcation objectives and factors to be taken into account when determining municipal boundaries.
 - ii. Section 2 of MSA: the criteria for Category A (metropolitan) municipalities.

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- iii. Section 85 of MSA: the capacity of municipalities to perform their powers and functions.

e. MDB Reference Documents:

- i. "Development of framework for application of demarcation criteria".
- ii. "Development of a Revised Methodology on Categorisation of Metropolitan Municipalities".
- iii. Municipal Capacity Assessments 2018.
- iv. Demarcation policy.

11. INTELLECTUAL PROPERTY RIGHTS

11.1 All copyright and intellectual property rights that may result as a consequence of the work performed will become the property of the MDB. Service providers shall deliver to the MDB, on completion of an assignment, all documents, devices, passwords or protective mechanisms of documents that were written and the MDB will have the right to amend these without obligation whatsoever to the service providers.

12. TIMEFRAMES

12.1 The studies should commence upon the appointment of the service provider of the bid, and reports on all studies must be submitted to the MDB within the timeframes agreed on between the MDB and service providers. This work is scheduled to be completed before 30 September 2022. However, final timeframes will be provided during commissioning.

13. PAYMENT TERMS

13.1 The MDB undertakes to make payments on a progress basis. Invoices shall only be paid, once the Project Steering Committee, has considered and is satisfied with the quality of the reports submitted by the service provider. It is further recorded that the payment process shall be calculated as a percentage of the total value of the contract as follows:

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PERCENTAGE PAYMENT	MILESTONES
10%	Project Inception and Implementation Plan • Inception report • Signed Service Level Agreement • Comprehensive methodology and approaches • Approved project implementation and work plan with timeframes.
25%	Data Collection and Analysis • Progress report
25%	First Draft Report • Draft report submitted for inputs
40%	Final Report • Complete report submitted • Close-out report submitted

14. BID EVALUATION CRITERIA

14.1 Bids will be evaluated in accordance with the Preferential Procurement Regulations, 2017, using the 80/20 split.

14.2 All proposals submitted will be evaluated only on Technical Functionality, which will be done in terms of the evaluation criteria and the minimum threshold value of 70 points.

14.3 A bid will be disqualified if it fails to meet the minimum threshold value of 70 points for technical functionality.

14.4 Thereafter, only the qualifying bids that met the minimum threshold for technical functionality will form part of the panel of experts to render research services to MDB.

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14.5 The Bid Evaluation Committee will make recommendations on the awarding of the tender to the Bid Adjudication Committee.

14.6 The evaluation of functionality will be based on the following criteria and using a scoring matrix of between 1 and 5 (1 - Poor; 2 - Below Average; 3 - Average; 4 - Good; 5 - Excellent):

EVALUATION CRITERIA	DESCRIPTION	WEIGHT
1. Relevant experience in similar local government assignments	An excellent track record in the identified field, demonstrated by at least three signed references/letters from clients where service has been rendered (Letters must contain: name of client, date of engagement of the services rendered, type of service/s rendered and the outcomes thereof). 0 = None; 1 = 1 letter; 2 = 2 letters; 3 = 3 letters; 4 = 4 letters; 5 – 5 letters	25
2. Knowledge and research capacity	The years of demonstrated experience and competence in specified areas of local government (i.e. municipalities) and general application of research methodologies and data analysis; demonstrated in CV's and qualifications of the individuals who will be providing the service. 0 = less than 1 year; 1 = 1 to 2 years; 2 = 3 to 4 years; 3 = 5 to 7 years; 4 = 8 to 9 years; 5 =10 or more years	25
3. Research methodology and approaches	Research methodologies and approaches in line with the requirements of analysing the municipalities according to objectives and criteria for demarcation. 0 = None, 1 = Poor; 2 = Below Average; 3 = Average; 4 = Good; 5 = Excellent	25

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EVALUATION CRITERIA	DESCRIPTION	WEIGHT
4. Project planning	Comprehensive project plan with activities, timelines and milestones indicating the understanding of the scope of work and project expectations outlined in the RFP. 0 = None; 1 = Poor; 2 = Below Average; 3 = Average; 4 = Good; 5 = Excellent	25

15. FORMAT AND SUBMISSION OF THE PROPOSAL

15.1 All the official forms (SBD) must be completed and signed in all respects by the bidder. Failure to comply will invalidate a bid.

15.2 To ensure that bid proposals are NOT tampered with during the Bid Evaluation Process, Bidders are kindly requested to submit (5) copies of the technical proposal, One (1) original copy and four (4) copies.

16. BID INFORMATION

16.1 **ONE (1) ENVELOPE SYSTEM:** The complete submission must be returned to: Municipal Demarcation Board Eco Origins Office Park, Block C1, 349 Witch-Hazel Street, Highveld, Centurion Attention: Supply Chain Management Unit

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17. RESERVATIONS AND CONDITIONS

17.1 The MDB reserves the right to withdraw this call for proposal.

17.2 Bidders wishing to submit proposals as a consortium or joint venture are encouraged to do so provided all legislative documents of the entity are attached.

17.3 Being part of the panel does not guarantee successful award of contract, project specific RFP will be sent out to the panel to submit proposal and conditions for bidders to subcontract to designated groups may be applicable.

19. CONTACT DETAILS

19.1 For all related queries, please contact the Supply Chain Management Unit, Mr Abel Maluleka via e-mail Abel@demarcation.org.za or alternatively on 012-342 2481 between 08:00 to 16:30, Mondays to Fridays.

19.2 However, bidder(s) must reduce all telephonic enquiries to writing and send to the above email address.

19.3 For additional information visit the MDB website www.demarcation.org.za

Approved by:

Mr A Ramagadza on 09/02/2022



PART A INVITATION TO BID

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE MUNICIPAL DEMARCATION BOARD					
BID NUMBER:	MDB006-2021-2022	CLOSING DATE: 04-MARCH-2022		CLOSING TIME:	11:00
DESCRIPTION	APPOINTMENT OF A SERVICE PROVIDER TO CONDUCT STUDIES ON THE CASES OF MUNICIPAL BOUNDARY REDETERMINATION FOR THE MUNICIPAL DEMARCATION BOARD(MDB)				
BID RESPONSE DOCUMENTS MAY BE DEPOSITED IN THE BID BOX SITUATED AT (STREET ADDRESS)					
Block C1 Eco Origin					
349 Witch-Hazel Avenue					
Highveld					
BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO			TECHNICAL ENQUIRIES MAY BE DIRECTED TO:		
CONTACT PERSON	Mr Abel Maluleka		CONTACT PERSON	Mr Daniel Sebake	
TELEPHONE NUMBER	012 342 2481		TELEPHONE NUMBER	012 342 2481	
FACSIMILE NUMBER	012 342 2480		FACSIMILE NUMBER	012 342 2480	
E-MAIL ADDRESS	Abel@demarcation.org.za		E-MAIL ADDRESS	Daniel@demarcation.org.za	
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					
SUPPLIER COMPLIANCE STATUS	TAX COMPLIANCE SYSTEM PIN:		OR	CENTRAL SUPPLIER DATABASE No:	MAAA
B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE	TICK APPLICABLE BOX] ☐ Yes ☐ No		B-BBEE STATUS LEVEL SWORN AFFIDAVIT		[TICK APPLICABLE BOX] ☐ Yes ☐ 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?	☐ Yes ☐ No [IF YES ENCLOSE PROOF]		ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES /WORKS OFFERED?		☐ Yes ☐ No [IF YES, ANSWER THE QUESTIONNAIRE BELOW]
QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS					
IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)?				☐ YES ☐ NO	
DOES THE ENTITY HAVE A BRANCH IN THE RSA?				☐ YES ☐ NO	
DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA?				☐ YES ☐ NO	
DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA?				☐ YES ☐ NO	
IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION?				☐ YES ☐ NO	
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 BELOW.					

PART B TERMS AND CONDITIONS FOR BIDDING

1. BID SUBMISSION:
1.1. BIDS MUST BE DELIVERED BY THE STIPULATED TIME TO THE CORRECT ADDRESS. LATE BIDS WILL NOT BE ACCEPTED FOR CONSIDERATION.
1.2. ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS PROVIDED–(NOT TO BE RE-TYPED) OR IN THE MANNER PRESCRIBED IN THE BID DOCUMENT.
1.3. THIS BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT, 2000 AND THE PREFERENTIAL PROCUREMENT REGULATIONS, 2017, THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER SPECIAL CONDITIONS OF CONTRACT.
1.4. THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (SBD7).
2. TAX COMPLIANCE REQUIREMENTS
2.1 BIDDERS MUST ENSURE COMPLIANCE WITH THEIR TAX OBLIGATIONS.
2.2 BIDDERS ARE REQUIRED TO SUBMIT THEIR UNIQUE PERSONAL IDENTIFICATION NUMBER (PIN) ISSUED BY SARS TO ENABLE THE ORGAN OF STATE TO VERIFY THE TAXPAYER'S PROFILE AND TAX STATUS.
2.3 APPLICATION FOR TAX COMPLIANCE STATUS (TCS) PIN MAY BE MADE VIA E-FILING THROUGH THE SARS WEBSITE WWW.SARS.GOV.ZA .
2.4 BIDDERS MAY ALSO SUBMIT A PRINTED TCS CERTIFICATE TOGETHER WITH THE BID.
2.5 IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED, EACH PARTY MUST SUBMIT A SEPARATE TCS CERTIFICATE / PIN / CSD NUMBER.
2.6 WHERE NO TCS PIN IS AVAILABLE BUT THE BIDDER IS REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD), A CSD NUMBER MUST BE PROVIDED.
2.7 NO BIDS WILL BE CONSIDERED FROM PERSONS IN THE SERVICE OF THE STATE, COMPANIES WITH DIRECTORS WHO ARE PERSONS IN THE SERVICE OF THE STATE, OR CLOSE CORPORATIONS WITH MEMBERS PERSONS IN THE SERVICE OF THE STATE."

NB: FAILURE TO PROVIDE / OR COMPLY WITH ANY OF THE ABOVE PARTICULARS MAY RENDER THE BID INVALID.

SIGNATURE OF BIDDER:

CAPACITY UNDER WHICH THIS BID IS SIGNED:

(Proof of authority must be submitted e.g. company resolution)

DATE:

TAX CLEARANCE CERTIFICATE REQUIREMENTS

It is a condition of bid that the taxes of the successful bidder must be in order, or that satisfactory arrangements have been made with South African Revenue Service (SARS) to meet the bidder's tax obligations.

- 1 In order to meet this requirement bidders are required to complete in full the attached form TCC 001 "Application for a Tax Clearance Certificate" and submit it to any SARS branch office nationally. The Tax Clearance Certificate Requirements are also applicable to foreign bidders / individuals who wish to submit bids.
- 2 SARS will then furnish the bidder with a Tax Clearance Certificate that will be valid for a period of 1 (one) year from the date of approval.
- 3 The original Tax Clearance Certificate must be submitted together with the bid. Failure to submit the original and valid Tax Clearance Certificate will result in the invalidation of the bid. Certified copies of the Tax Clearance Certificate will not be acceptable.
- 4 In bids where Consortia / Joint Ventures / Sub-contractors are involved, each party must submit a separate Tax Clearance Certificate.
- 5 Copies of the TCC 001 "Application for a Tax Clearance Certificate" form are available from any SARS branch office nationally or on the website www.sars.gov.za.
- 6 Applications for the Tax Clearance Certificates may also be made via eFiling. In order to use this provision, taxpayers will need to register with SARS as eFilers through the website www.sars.gov.za.

PRICING SCHEDULE – FIRM PRICES (PURCHASES)

NOTE: ONLY FIRM PRICES WILL BE ACCEPTED. NON-FIRM PRICES (INCLUDING PRICES SUBJECT TO RATES OF EXCHANGE VARIATIONS) WILL NOT BE CONSIDERED

IN CASES WHERE DIFFERENT DELIVERY POINTS INFLUENCE THE PRICING, A SEPARATE PRICING SCHEDULE MUST BE SUBMITTED FOR EACH DELIVERY POINT

Name of bidder.....	Bid number.....
Closing Time 11:00	Closing date.....

OFFER TO BE VALID FOR.....DAYS FROM THE CLOSING DATE OF BID.

ITEM NO.	QUANTITY	DESCRIPTION	BID PRICE IN RSA CURRENCY ** (ALL APPLICABLE TAXES INCLUDED)
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- Required by:
 - At:
 - Brand and model
 - Country of origin
 - Does the offer comply with the specification(s)? *YES/NO
 - If not to specification, indicate deviation(s)
 - Period required for delivery
*Delivery: Firm/not firm
 - Delivery basis

Note: All delivery costs must be included in the bid price, for delivery at the prescribed destination.

** "all applicable taxes" includes value- added tax, pay as you earn, income tax, unemployment insurance fund contributions and skills development levies.

*Delete if not applicable

PRICING SCHEDULE – NON-FIRM PRICES (PURCHASES)

NOTE: PRICE ADJUSTMENTS WILL BE ALLOWED AT THE PERIODS AND TIMES SPECIFIED IN THE BIDDING DOCUMENTS.

IN CASES WHERE DIFFERENT DELIVERY POINTS INFLUENCE THE PRICING, A SEPARATE PRICING SCHEDULE MUST BE SUBMITTED FOR EACH DELIVERY POINT

Name of Bidder.....Bid number.....

Closing Time 11:00 Closing date.....

OFFER TO BE VALID FOR.....DAYS FROM THE CLOSING DATE OF BID.

ITEM NO.	QUANTITY	DESCRIPTION	BID PRICE IN RSA CURRENCY **(ALL APPLICABLE TAXES INCLUDED)

-	Required by:		
-	At:		
-	Brand and model		
-	Country of origin		
-	Does the offer comply with the specification(s)?		*YES/NO
-	If not to specification, indicate deviation(s)		
-	Period required for delivery		
-	Delivery:		*Firm/not firm

** "all applicable taxes" includes value- added tax, pay as you earn, income tax, unemployment insurance fund contributions and skills development levies.

*Delete if not applicable

A NON-FIRM PRICES SUBJECT TO ESCALATION

- $$Pa = (1 - V)Pt \left(D1 \frac{R1t}{R1o} + D2 \frac{R2t}{R2o} + D3 \frac{R3t}{R3o} + D4 \frac{R4t}{R4o} \right) + VPt$$

Pa	=	The new escalated price to be calculated.
(1-V)Pt	=	85% of the original bid price. Note that Pt must always be the original bid price and not an escalated price.
D1, D2..	=	Each factor of the bid price eg. labour, transport, clothing, footwear, etc. The total of the various factors D1, D2...etc. must add up to 100%.
R1t, R2t.....	=	Index figure obtained from new index (depends on the number of factors used).
R1o, R2o	=	Index figure at time of bidding.
VPt	=	15% of the original bid price. This portion of the bid price remains firm i.e. it is not subject to any price escalations.

- Index..... Dated..... Index..... Dated..... Index..... Dated.....
Index..... Dated..... Index..... Dated..... Index..... Dated.....

- [illegible]

B PRICES SUBJECT TO RATE OF EXCHANGE VARIATIONS

1. Please furnish full particulars of your financial institution, state the currencies used in the conversion of the prices of the items to South African currency, which portion of the price is subject to rate of exchange variations and the amounts remitted abroad.

PARTICULARS OF FINANCIAL INSTITUTION	ITEM NO	PRICE	CURRENCY	RATE	PORTION OF PRICE SUBJECT TO ROE	AMOUNT IN FOREIGN CURRENCY REMITTED ABROAD
				ZAR=		
				ZAR=		
				ZAR=		
				ZAR=		
				ZAR=		
				ZAR=		

2. Adjustments for rate of exchange variations during the contract period will be calculated by using the average monthly exchange rates as issued by your commercial bank for the periods indicated hereunder: (Proof from bank required)

AVERAGE MONTHLY EXCHANGE RATES FOR THE PERIOD:	DATE DOCUMENTATION MUST BE SUBMITTED TO THIS OFFICE	DATE FROM WHICH NEW CALCULATED PRICES WILL BECOME EFFECTIVE	DATE UNTIL WHICH NEW CALCULATED PRICE WILL BE EFFECTIVE

PRICING SCHEDULE
(Professional Services)

NAME OF BIDDER:	BID NO.: MDB006– 2021/2022
CLOSING TIME 11:00	CLOSING DATE: 04 March 2022

OFFER TO BE VALID FOR **120** DAYS FROM THE CLOSING DATE OF BID.

ITEM NO	DESCRIPTION	BID PRICE IN RSA CURRENCY **(ALL APPLICABLE TAXES INCLUDED)	
1.	The accompanying information must be used for the formulation of proposals.		
2.	Bidders are required to indicate a ceiling price based on the total estimated time for completion of all phases and including all expenses inclusive of all applicable taxes for the project.	R.....	
3.	PERSONS WHO WILL BE INVOLVED IN THE PROJECT AND RATES APPLICABLE (CERTIFIED INVOICES MUST BE RENDERED IN TERMS HEREOF)		
4.	PERSON AND POSITION	HOURLY RATE	DAILY RATE
	-----	R-----	-----
	-----	R-----	-----
	-----	R-----	-----
	-----	R-----	-----
	-----	R-----	-----
5.	PHASES ACCORDING TO WHICH THE PROJECT WILL BE COMPLETED, COST PER PHASE AND MAN-DAYS TO BE SPENT		
	-----	R-----	----- days
	-----	R-----	----- days
	-----	R-----	----- days
	-----	R-----	----- days
5.1	Travel expenses (specify, for example rate/km and total km, class of airtravel, etc). Only actual costs are recoverable. Proof of the expenses incurred must accompany certified invoices.		
	DESCRIPTION OF EXPENSE TO BE INCURRED	RATE	QUANTITY AMOUNT
	-----	-----	----- R-----
	-----	-----	----- R-----
	-----	-----	----- R-----
	-----	-----	----- R-----
		TOTAL: R.....	

** "all applicable taxes" includes value- added tax, pay as you earn, income tax, unemployment insurance contributions and skills development levies.

Name of Bidder:

- 5.2 Other expenses, for example accommodation (specify, eg. Three star hotel, bed and breakfast, telephone cost, reproduction cost, etc.). On basis of these particulars, certified invoices will be checked for correctness. Proof of the expenses must accompany invoices.

DESCRIPTION OF EXPENSE TO BE INCURRED	RATE	QUANTITY	AMOUNT
.....			R.....
.....			R.....
.....			R.....
.....			R.....
TOTAL: R.....			

6. Period required for commencement with project after acceptance of bid
 7. Estimated man-days for completion of project
 8. Are the rates quoted firm for the full period of contract? *YES/NO
 9. If not firm for the full period, provide details of the basis on which adjustments will be applied for, for example consumer price index.

*[DELETE IF NOT APPLICABLE]

Any enquiries regarding bidding procedures may be directed to the –

Department: MUNICIPAL DEMARCATION BOARD**Contact Person: Mr Abel Maluleka**Tel: 087 150 4418 (direct)
012 342 2481 (switchboard)

Fax: 012 342 2480

E-mail address: Abel@demarcation.org.za

Or for technical information –

Contact Person: Mr Daniel SebakeTel: 087 150 4429 (direct)
012 342 2481 (switchboard)

Fax: 012 342 2480

E-mail address: Daniel@demarcation.org.za

DECLARATION OF INTEREST

1. Any legal person, including persons employed by the state¹, or persons having a kinship with persons employed by the state, including a blood relationship, may make an offer or offers in terms of this invitation to bid (includes a price quotation, advertised competitive bid, limited bid or proposal). In view of possible allegations of favouritism, should the resulting bid, or part thereof, be awarded to persons employed by the state, or to persons connected with or related to them, it is required that the bidder or his/her authorised representative declare his/her position in relation to the evaluating/adjudicating authority where-
 - the bidder is employed by the state; and/or
 - the legal person on whose behalf the bidding document is signed, has a relationship with persons/a person who are/is involved in the evaluation and or adjudication of the bid(s), or where it is known that such a relationship exists between the person or persons for or on whose behalf the declarant acts and persons who are involved with the evaluation and or adjudication of the bid.
2. **In order to give effect to the above, the following questionnaire must be completed and submitted with the bid.**
 - 2.1 Full Name of bidder or his or her representative:
 - 2.2 Identity Number:
 - 2.3 Position occupied in the Company (director, trustee, shareholder²):
 - 2.4 Company Registration Number:
 - 2.5 Tax Reference Number:
 - 2.6 VAT Registration Number:
 - 2.6.1 The names of all directors / trustees / shareholders / members, their individual identity numbers, tax reference numbers and, if applicable, employee / persal numbers must be indicated in paragraph 3 below.

¹"State" means –

- (a) 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);
- (b) any municipality or municipal entity;
- (c) provincial legislature;
- (d) national Assembly or the national Council of provinces; or
- (e) Parliament.

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

2.7 Are you or any person connected with the bidder presently employed by the state? **YES / NO**

2.7.1 If so, furnish the following particulars:

Name of person / director / trustee / shareholder/ member:

Name of state institution at which you or the person connected to the bidder is employed :

Position occupied in the state institution:

Any other particulars:

.....

.....

.....

2.7.2 If you are presently employed by the state, did you obtain the appropriate authority to undertake remunerative work outside employment in the public sector? **YES / NO**

2.7.2.1 If yes, did you attached proof of such authority to the bid document? **YES / NO**

(Note: Failure to submit proof of such authority, where applicable, may result in the disqualification of the bid.

2.7.2.2 If no, furnish reasons for non-submission of such proof:

.....

.....

.....

2.8 Did you or your spouse, or any of the company's directors / trustees / shareholders / members or their spouses conduct business with the state in the previous twelve months? **YES / NO**

2.8.1 If so, furnish particulars:

.....

.....

.....

2.9 Do you, or any person connected with the bidder, have any relationship (family, friend, other) with a person employed by the state and who may be involved with the evaluation and or adjudication of this bid? **YES / NO**

.....

.....

.....

YES/NO

.....

.....

.....

YES/NO

.....

.....

.....

[illegible]

4 DECLARATION

I, THE UNDERSIGNED (NAME).....

CERTIFY THAT THE INFORMATION FURNISHED IN PARAGRAPHS 2 and 3 ABOVE IS CORRECT.
I ACCEPT THAT THE STATE MAY REJECT THE BID OR ACT AGAINST ME IN TERMS OF
PARAGRAPH 23 OF THE GENERAL CONDITIONS OF CONTRACT SHOULD THIS DECLARATION
PROVE TO BE FALSE.

.....
Signature

.....
Date

.....
Position

.....
Name of bidder

May 2011

PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL PROCUREMENT REGULATIONS 2017

This preference form must form part of all bids invited. It contains general information and serves as a claim form for preference points for Broad-Based Black Economic Empowerment (B-BBEE) Status Level of Contribution

NB: BEFORE COMPLETING THIS FORM, BIDDERS MUST STUDY THE GENERAL CONDITIONS, DEFINITIONS AND DIRECTIVES APPLICABLE IN RESPECT OF B-BBEE, AS PRESCRIBED IN THE PREFERENTIAL PROCUREMENT REGULATIONS, 2017.

1. GENERAL CONDITIONS

1.1 The following preference point systems are applicable to all bids:

- 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

- a) The value of this bid is estimated to **not exceed** R50 000 000 (all applicable taxes included) and therefore the **80/20** preference point system shall be applicable; or
- b) Either the 80/20 or 90/10 preference point system will be applicable to this tender (*delete whichever is not applicable for this tender*).

1.3 Points for this bid shall be awarded for:

- (a) Price; and
- (b) B-BBEE Status Level of Contributor.

1.4 The maximum points for this bid are allocated as follows:

	POINTS
PRICE	80
B-BBEE STATUS LEVEL OF CONTRIBUTOR	20
Total points for Price and B-BBEE must not exceed	100

1.5 Failure on the part of a bidder to submit proof of B-BBEE Status level of contributor together with the bid, will be interpreted to mean that preference points for B-BBEE status level of contribution are not claimed.

1.6 The purchaser reserves the right to require of a bidder, either before a bid is adjudicated or at any time subsequently, to substantiate any claim in regard to preferences, in any manner required by the purchaser.

2. DEFINITIONS

- (a) **“B-BBEE”** means broad-based black economic empowerment as defined in section 1 of the Broad-Based Black Economic Empowerment Act;
- (b) **“B-BBEE status level of contributor”** means the B-BBEE status of an entity in terms of a code of good practice on black economic empowerment, issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act;
- (c) **“bid”** means a written offer in a prescribed or stipulated form in response to an invitation by an organ of state for the provision of goods or services, through price quotations, advertised competitive bidding processes or proposals;
- (d) **“Broad-Based Black Economic Empowerment Act”** means the Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003);
- (e) **“EME”** means an Exempted Micro Enterprise in terms of a code of good practice on black economic empowerment issued in terms of section 9 (1) of the Broad-Based Black Economic Empowerment Act;
- (f) **“functionality”** means the ability of a tenderer to provide goods or services in accordance with specifications as set out in the tender documents.
- (g) **“prices”** includes all applicable taxes less all unconditional discounts;
- (h) **“proof of B-BBEE status level of contributor”** means:
 - 1) B-BBEE Status level certificate issued by an authorized body or person;
 - 2) A sworn affidavit as prescribed by the B-BBEE Codes of Good Practice;
 - 3) Any other requirement prescribed in terms of the B-BBEE Act;
- (i) **“QSE”** means a qualifying small business enterprise in terms of a code of good practice on black economic empowerment issued in terms of section 9 (1) of the Broad-Based Black Economic Empowerment Act;
- (j) **“rand value”** means the total estimated value of a contract in Rand, calculated at the time of bid invitation, and includes all applicable taxes;

3. POINTS AWARDED FOR PRICE

3.1 THE 80/20 OR 90/10 PREFERENCE POINT SYSTEMS

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

80/20

or

90/10

$$P_s = 80 \left(1 - \frac{Pt - P_{\min}}{P_{\min}} \right) \quad \text{or} \quad P_s = 90 \left(1 - \frac{Pt - P_{\min}}{P_{\min}} \right)$$

Where

Ps = Points scored for price of bid under consideration

Pt = Price of bid under consideration

P_{min} = Price of lowest acceptable bid

4. POINTS AWARDED FOR B-BBEE STATUS LEVEL OF CONTRIBUTOR

- 4.1 In terms of Regulation 6 (2) and 7 (2) of the Preferential Procurement Regulations, preference points must be awarded to a bidder for attaining the B-BBEE status level of contribution in accordance with the table below:

B-BBEE Status Level of Contributor	Number of points (90/10 system)	Number of points (80/20 system)
1	10	20
2	9	18
3	6	14
4	5	12
5	4	8
6	3	6
7	2	4
8	1	2
Non-compliant contributor	0	0

5. BID DECLARATION

5.1 Bidders who claim points in respect of B-BBEE Status Level of Contribution must complete the following:

6. B-BBEE STATUS LEVEL OF CONTRIBUTOR CLAIMED IN TERMS OF PARAGRAPHS 1.4 AND 4.1

6.1 B-BBEE Status Level of Contributor: . =(maximum of 10 or 20 points)
(Points claimed in respect of paragraph 7.1 must be in accordance with the table reflected in paragraph 4.1 and must be substantiated by relevant proof of B-BBEE status level of contributor.

7. SUB-CONTRACTING

7.1 Will any portion of the contract be sub-contracted?

(Tick applicable box)

YES	☐	NO	☐
-----	--------------------------	----	--------------------------

7.1.1 If yes, indicate:

- What percentage of the contract will be subcontracted.....%
- The name of the sub-contractor.....
- The B-BBEE status level of the sub-contractor.....
- Whether the sub-contractor is an EME or QSE

(Tick applicable box)

YES	☐	NO	☐
-----	--------------------------	----	--------------------------

- Specify, by ticking the appropriate box, if subcontracting with an enterprise in terms of Preferential Procurement Regulations, 2017:

Designated Group: An EME or QSE which is at least 51% owned by:	EME √	QSE √
Black people		
Black people who are youth		
Black people who are women		
Black people with disabilities		
Black people living in rural or underdeveloped areas or townships		
Cooperative owned by black people		

Black people who are military veterans		
OR		
Any EME		
Any QSE		

8. DECLARATION WITH REGARD TO COMPANY/FIRM

8.1 Name of company/firm:.....

8.2 VAT registration number:.....

8.3 Company registration number:.....

8.4 TYPE OF COMPANY/ FIRM

- ☐ Partnership/Joint Venture / Consortium
- ☐ One person business/sole propriety
- ☐ Close corporation
- ☐ Company
- ☐ (Pty) Limited

[TICK APPLICABLE BOX]

8.5 DESCRIBE PRINCIPAL BUSINESS ACTIVITIES

.....

8.6 COMPANY CLASSIFICATION

- ☐ Manufacturer
- ☐ Supplier
- ☐ Professional service provider
- ☐ Other service providers, e.g. transporter, etc.

[TICK APPLICABLE BOX]

8.7 Total number of years the company/firm has been in business:.....

8.8 I/we, the undersigned, who is / are duly authorised to do so on behalf of the company/firm, certify that the points claimed, based on the B-BBE status level of contributor indicated in paragraphs 1.4 and 6.1 of the foregoing certificate, qualifies the company/ firm for the preference(s) shown and I / we 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 6.1, the contractor may be required to furnish documentary proof to the satisfaction of the purchaser that the claims are correct;
- iv) If the B-BBEE status level of contributor has been claimed or obtained on a

fraudulent basis or any of the conditions of contract have not been fulfilled, the purchaser may, in addition to any other remedy it may have –

- (a) disqualify the person from the bidding 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 bidder or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, be restricted by the National Treasury 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.

WITNESSES

1.

2.

.....
SIGNATURE(S) OF BIDDERS(S)

DATE:

ADDRESS

.....

.....

DECLARATION OF BIDDER'S PAST SUPPLY CHAIN MANAGEMENT PRACTICES

- 1 This Standard Bidding Document must form part of all bids invited.
- 2 It serves as a declaration to be used by institutions 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 disregarded if that bidder, or any of its directors have-
 - a. abused the institution's supply chain management system;
 - b. committed fraud or any other improper conduct in relation to such system; or
 - c. failed to perform on any previous contract.
- 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	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? (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). 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.	Yes ☐	No ☐
4.1.1	If so, furnish particulars:		
4.2	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)? 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.	Yes ☐	No ☐
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 outside of the Republic of South Africa) for fraud or corruption during the past five years?	Yes ☐	No ☐
4.3.1	If so, furnish particulars:		

4.4	Was any contract between the bidder and any organ of state terminated during the past five years on account of failure to perform on or comply with the contract?	Yes ☐	No ☐
4.4.1	If so, furnish particulars:		

SBD 8

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 Bidder

Js365bW

CERTIFICATE OF INDEPENDENT BID DETERMINATION

- 1 This Standard Bidding Document (SBD) 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 Treasury Regulation 16A9 prescribes that accounting officers and accounting authorities must take all reasonable steps to prevent abuse of the supply chain management system and authorizes accounting officers and accounting authorities to:
 - a. disregard the bid of any bidder if that bidder, or any of its directors have abused the institution's supply chain management system and or committed fraud or any other improper conduct in relation to such system.
 - b. cancel a contract awarded to a supplier of goods and services if the supplier committed any corrupt or fraudulent act during the bidding process or the execution of that contract.
- 4 This SBD 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 (SBD 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 Institution)

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

Js914w 2