



ELIAS MOTSOALEDI LOCAL MUNICIPALITY

EMLM 15/2022

CONSTRUCTION OF DISASTER MANAGEMENT STORE ROOM FOR PUBLIC SAFETY DIVISION

CLOSING DATE:	25 FEBRUARY 2022	TIME	11H00
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NAME OF TENDERER / BIDDER	
TOTAL BID PRICE	
CENTRAL SUPPLIER DATABASE NUMBER	MAAA
B-BBEE LEVEL (e.g Level 1)	LEVEL
CIDB CRS NUMBER	
CONTACT PERSON	
TELEPHONE NUMBER	
FAX NUMBER	

ENQUIRIES REGARDING BID PROCEDURES		TECHNICAL ENQUIRIES	
MANAGER: SUPPLY CHAIN MANAGEMENT		MANAGER: PUBLIC SAFETY	
M MTHIMUNYE		C. COETZEE	
TEL. NUMBER	TEL.013 262 3056	TEL. NUMBER	013 262 3056
TENDER ISSUED BY			
SUPPLY CHAIN MANAGEMENT UNIT			
ELIAS MOTSOALEDI LOCAL MUNICIPALITY			
P.O. BOX 48, GROBLERSDAL, 0470		TEL. NUMBER	013 262 3056

ELIAS MOTSOLEDI LOCAL MUNICIPALITY

TENDER DETAILS						
TENDER NUMBER	EMLM 15/2022					
TENDER TITLE	CONSTRUCTION OF DISASTER MANAGEMENT STORE ROOM FOR PUBLIC SAFETY DIVISION					
CLOSING DATE	25 FEBRUARY 2022		CLOSING TIME		11H00	
SITE MEETING	DATE	18 FEBRUARY 2022	TIME	11H00	COMPULSORY	YES
SITE MEETING ADDRESS	14 ROBERTSON & CORNER BARLOW STREET (INFRASTRUCTURE BOARDROOM)					
CIDB GRADING REQUIRED	1GB OR HIGHER		LEVEL AND CATEGORY		N/A	
TENDER DOCUMENT FEE	R1000.00 (if collecting from the Municipality) Free when uploading from e-tender portal		PREFERENCE POINT SYSTEM		80/20	
BID BOX SITUATED AT	MAIN OFFICES, 2ND GROBLER AVENUE, Elias Motsoaledi Local Municipality.					
OPERATING HOURS	The bid box is open during office hours, Monday to Friday from 07h30 to 16h15.					
OFFER TO BE VALID FOR	90	DAYS FROM THE CLOSING DATE OF TENDER.				
<p>PLEASE NOTE:</p> <ol style="list-style-type: none"> 1. Prospective suppliers must be registered on CSD prior to submitting bid (open tender) 2. Tenders that are deposited in the incorrect box will not be considered. 3. Mailed, telegraphic, telex, or faxed tenders will not be accepted. 4. No late bids after closing date and time will be accepted. 5. Bids not clearly marked and unamend will not be accepted. 6. Bids may only be submitted on the bid documentation provided by the municipality. 7. No awards will be made to a person: <ol style="list-style-type: none"> i. Who is in the service of the state, ii. If that person is not a natural person, of which any director, manager, principal shareholder or stakeholder is a person in the service of the state 						

iii. Who is an advisor or consultant contracted with the municipality or municipal entity

BIDDER'S TENDER DOCUMENTATION DECLARATION CERTIFICATION

I, the undersigned certify that the information furnished on this declaration form is correct, completed and submitted.

NAME OF REPRESENTATIVE

POSITION / DESIGNATION

SIGNATURE

DATE

T1.1 TENDER NOTICE & INVITATION
ELIAS MOTSOLEDI LOCAL MUNICIPALITY
TENDER NO.: EMLM 15/2022
CLOSING DATE: 25 FEBRUARY 2022 AT 11H00



In terms of Section 110 of the Municipal Finance Management Act, 2003 (No. 56 of 2003), tenders are hereby invited for **CONSTRUCTION OF DISASTER MANAGEMENT STORE ROOM FOR PUBLIC SAFETY DIVISION.**

Tender documents and specifications are available and can be obtained from CASHIERS OFFICE IN THE MAIN OFFICES, 2ND Grobler Avenue Groblersdal, P.O. Box 48, Groblersdal, 0470 (Tel: [013] 262 3056, at a non-refundable deposit of **R1000.00** when the bidder request/need a document from the municipality and it is free of charge when downloaded from the e-Tender Portal. Payments can be made through cash payable to the Elias Motsoaledi Local Municipality.

The closing time for receipt of tenders is **25 FEBRUARY 2022 at 11H00**. Telegraphic, telephonic, telex, facsimile, e-mail, unmarked and **late tenders** will under no circumstances be considered and accepted. The tender box will be emptied just after closing time on the closing date. Hereafter all bids will be open in public.

Any technical enquiries relating to the tender document may be directed to the **Community Services (Public Safety)**, (Mr. **F. M. Debeila / C. Coetzee**) on 013 262 3056 or at fdebeila@emlm.gov.za/ ccoetzee@emlm.gov.za for technical assistance.

Fully completed tender documents, clearly marked **“CONSTRUCTION OF DISASTER MANAGEMENT STORE ROOM FOR PUBLIC SAFETY DIVISION”** with **“NAME of TENDERER”** must be placed in a sealed envelope and placed in the **tender box** on the **2nd Grobler Avenue**, Elias Motsoaledi Local Municipality, Main Offices, Groblersdal, **by no later than 25 February 2022 at 11H00**. The envelope must be endorsed with number, title and closing date as indicated above.

Bidders will be evaluated on functionality whereby **35 points (70%)** has to be attained before financial proposals can be looked at. A preferential point system shall apply whereby a contract will be allocated to a tenderer in accordance with the Preferential Procurement Policy Framework Act, Act No. 5 of 2000 and as defined in the Conditions of Tender in the tender document, read in conjunction with the Supply Chain Management Policy of Elias Motsoaledi Local Municipality where 80 points will be allocated in respect of price and 20 points in respect of B-BBEE Status Level of Contribution.

No awards will be made to a person:

- Who is not registered on the Central Supplier Database;
- Who is in the service of the state;
- If that person is not a natural person, of which any director, manager, principal shareholder or stakeholder is a person in the service of the state; and/or
- That is an advisor or consultant contracted with the municipality or municipal entity.

The municipality reserves the right to withdraw any invitation to tender and/or to re-advertise or to reject any tender or to accept a part of it. The municipality does not bind itself to accepting the lowest tender or award a contract to the bidder scoring the highest number of points

1. INTRODUCTION

Elias Motsoaledi Local Municipality (EMLM) requests Service Providers to tender for the construction of a Disaster Management Store Room for the Public Safety Division.

2. SCOPE OF THE WORKS

Elias Motsoaledi Local Municipality requires a service provider to tender for the construction of a Disaster Management Store Room for the Public Safety Division. The following scope of works are compulsory:

- The service provider is required to provide a Lay-out / Building Plan as per the Building Regulations/SANS 0400 and requirements of the Public Safety Division,
- The work will also include the cleaning and removal of the unwanted substances before and after completion of the work.
- Prepare identified site for construction.
- The service provider is required to connect the electricity within the minimum requirements of the Building Regulations/SANS 0400 to the main electricity supply. (Electrical certificate (COC) for the connection must be provided).
- The general specifications of the Control Room is as follows:

A. General Specifications

1. Foundation & Floor

- Forty Two m² (6 m x 7 m = 42 m²) of 25 MPA reinforced cement floor,
- Tile floor (Grade A heavy duty floor tiles – Colour as specified by Manager: Public Safety).

2. Roof and Ceiling

- Gable Roof build as per South African National Building Regulations (The rafters of the Gable roof must be diagonally braced on the undersides to provide extra strength),
- Interlocking Double Roman Plus cement roof tiles (Colour – Terracotta),
- Seamless Barge Board with Purlin clip to insure extra strength. A runner bracket (Zinc alum / Chroma deck) is fixed to the timber. This provides extra protection to roof timber and also provides a fixing point for seamless bargeboards. The seamless bargeboards are fixed to the runner brackets with colour-matched pop rivets. (No nails, No screws are used.) A cover strip to go over the roof tiles provides extra protection to timber. This cover strip also serves to provide a smooth finish to the completed seamless bargeboard.
- Seamless galvanized gutters (80 mm x 80 mm) with gutter down pipe (80 mm x 50 mm) all round (Colour – White) – Storm water drainage system to accommodate gutter rainwater.
- Full Sisalation covering the whole roof, 405 / FR405 / FR430 to be drawn tautly over purlins and secured to the top and bottom purlins and fixed concurrent with roof covering; overlapped longitudinally by 150mm; on and including galvanized straining wire spaced at 275mm or 367mm; all in accordance with the manufacturers specifications.
- The Gable roof is constructed with pre-treated, timber trusses.
- The ceiling is a 12.5 mm thick Rhino board painted white. The floor to ceiling height is 2440 mm.
- Compulsory leakage test to be conducted before handover and a minimum of 12 months guarantee.
- Cornice (85 mm) for all interior walls.

3. Exterior and Interior Walls

- All walls must be built with face brick matching current structures on the premises.

4. Electrical Requirements

- The builder must work hand in hand with electricians to make provision for embedded wiring.
 - Separate embedded channels must be provided for data and telephone network cables.
 - Wired for 220 volt supply in accordance with SANS 10142-1:2003.
 - All wiring is cavity fitted with flushed fitted switches and 6-way multi plugs.
 - The Disaster Management Store Room must have at least 4 power points, each with multi plugs (two point and 3 point plugs)
-

- The DB board must have class 1 & 2 surge protectors for the circuit breakers.
- Energy efficient lights installed in whole building, with motion detector lights.

5. Windows

- Double glazing glass installed on all windows.
- Ventilator Aluminium window frames, fitted with tinted safety glass as per SANS 0400.
- 2 x windows (3 m x 2 m)

6. Doors

3 x Access door: 1 500 mm x 2 100 mm aluminium Safety glass door with electronic access control that incorporates with EMLM current system.

7. Construction site

The Disaster Management Store Room is to be constructed on the identified area, adjacent to the Control Room of the Traffic Division on Erf 87 (Infrastructure/Community Services Offices) of Elias Motsoaledi Local Municipality (Corner of Barlow & Robertson Avenue).

DETAILED SPECIFICATIONS

- The Elias Motsoaledi Local Municipality requires constructed Disaster Management Store Room at the identified area of the Infra Structure/ Community Services Office (Erf 87) of Elias Motsoaledi Local Municipality (Corner of Barlow & Robertson Avenue) that can meet its operational requirements. Those requirements are stipulated in the "Detailed Specification Table" shown below.
- The specifications of the Control Room are as follows:

Area / Requirements	Criteria and Requirements
Size	Dimension of the Disaster Management Store Room is: 6 meters x 7 meters (42 m ²)
Offices	As per Sketch plan
Trunking / Power Skirting	Double compartment steel trunking with all brackets and covers that run on inner perimeter of the unit (every side wall) to house telephone, fax and data lines with the exception of the ablution area.
Safety and Security	The proposed office block is fitted with sufficient fire protection systems (fire retardant panels) that complies with the National Building Regulations, SANS 0400 and other applicable legislation.
Burglar Proofing	<ul style="list-style-type: none"> • There should be burglar bars on ALL windows – • To be constructed of 10 mm square tubing or 10 mm round bar and have 6 point fastening position for small windows and 8 point fastening position for large windows. • The burglar bars must be fastened through the building's wall with adequate bolt and nuts that cannot be loosen at external side of the building. • There should be burglar proofing at the entrance and/or exit doors • Security gate to be installed at main entrance
Gutters	<ul style="list-style-type: none"> • Seamless galvanized gutters (80 mm x 80 mm) with gutter down pipe (80 mm x 50 mm) all round (Colour – Tuscany clay) – Storm water drainage system to accommodate gutter rainwater. • Install gutters and four (4) downpipes for structure.
Accessories	<ul style="list-style-type: none"> • Disaster Management Store Room fitted with 50 mm venetian blinds. • Two (2) x fully installed 24 000 Btu split unit Air conditioner,
Windows	<ul style="list-style-type: none"> • Double glazing glass installed on all windows. • Ventilator Aluminium window frames, fitted with tinted safety glass as per SANS 0400. • 2 x windows (3 m x 2 m)

	<ul style="list-style-type: none">• Anodized Aluminum, horizontal sliding Double Glazing glass installed on all windows. Windows fitted with 4 mm thick glass that is at least 50% tinted to minimize direct sunlight and enhance natural cooling of the office. Obscure glass in ablution areas.
Electrical	<ul style="list-style-type: none">• Two (2) x 16AMP socket outlet per office• 1 x Power point for wall mounted network cabinet• 6 x Multi-purpose power points per office and kitchen.• Energy efficient lighting that provides between 600 to 800 lumen in each office, having lighting control sensors that activate on room occupancy and levels of ambient light.• 1 x Distribution board to be mounted inside of the building with class 1 & 2 surge protectors for the circuit breakers.

BILL OF QUANTITY

NB! This BOQ is for tender purposes, layout plans will inform the actual quantities.

NO	DESCRIPTION	Qty	Unit	Rate	Total
1	Preliminaries & Generals				
	Appointment of a professional to Development of working drawings for council approval	1	item		R
	Site establishment	1	item		R
2	ROOF				
	Install new GABLE roof as per specifications	1	item		R
	Interlocking Double Roman Plus cement roof tiles as per specifications				
	Provide waterproofing and flashing where indicated	10	m		R
3	MASONRY				
	Build new 115mm brick wall	80	m ²		R
	New 230mm brick wall	95	m ²		R
4	CONCRETE WORKS				
	Concrete footings	9	m ³		R
	Ref 193 Concrete floor reinforcement	42	m ²		R
5	CARPENTRY & JOINERY				
	Install new ceiling, complete with cornices as per specifications	42	m ²		R
	Install new gutters and down pipes as per specifications	24	m		R
	Install new badge boards as per specifications	12	m		R
	Install new built-in wall cupboards as per specifications	1	item		R
6	METAL WORKS				
	Install new aluminium windows as per specifications	4	item		R
	Install new aluminium safety glass doors complete with electronic access door locks as per specifications	3	No.		R
	Install new burglar steel gates with security lock as per specification	2	Item		R
	Install new burglar bars on windows as per specifications	4	Item		R
7	TILING				
	Heavy duty floor tiles as per specifications	42	m ²		R
9	GLAZING				
	Install new glazing to all window panes as per specifications	3	No.		R
10	PAINT WORK				
	Paint all windows & door frames	1	No.		R
	Paint ceiling and gutters and rain water goods	50	m ²		R
11	ELECTRICAL WORK				
	Install new electrical network including wiring (provisional sum)	1	item		R
	Install new lights with switches	4	item		R
	Install new power sockets complete with multi plugs as per specifications	4	item		R

	Install new power skirting complete with all accessories as per specifications	14	m		R
	Install electronic finger print access control locks	3	item		R
	Install new air conditioners of 12000BTU	2	item		R
12	ACCESSORIES				
	Ventilation blinds	3	item		R
	Install and connect 5000 litre water tank with pump	1	item		R
13	MULTIWALL AWNING				
	Install 2m x 1.5m Multiwall Awning	1	item		R
14	Fire Plans	1	Item		R
	SUB TOTAL				R
	CONTINGENCIES (10%)				R
	VALUE ADDED TAX @15%				R
	TOTAL				R

3. PROJECT TIMEFRAME

Once off

4. PROJECT DELIVERABLES

The service provider must:

PROVIDE A DETAILED REPORT WITH PERFORMANCE INDICATORS CLEARLY SHOWING:

- a. Project milestones on a Gantt chart
- b. Cash flow projections
- c. Quality control plan

5. EVALUATION METHODOLOGY AND CRITERIA

RETURNABLE TENDER DOCUMENTS MUST BE COMPILED WITH CLEAR FILES DIVIDERS IN A NUMERICAL ORDER AS PER THE BELOW MINIMUM REQUIREMENTS

Minimum Qualifying Requirements /Compulsory Returnable Documents:

1. Fully Completed and Signed MBD Forms with a black ink (1; 4; 6.1; 6.2(Including Annexure C); 8 & 9).
2. Attach CSD registration report (summary or detailed).
3. Valid copy Entity / Company registration certificate.
4. Company must be registered with **NHBRC**
5. Proof of CIDB registration (**Minimum of 1GB or Higher**).
6. **Attendance of Compulsory Briefing Session**
7. Sign any alteration on the tender document (**NB: Not Initialed**).
8. Sign every page on the tender document (**NB: Not Initialed**).
9. Forms must be sign in a Black ink.
10. CIPC Abridged Certificate Annual returns (**NB applicable to entities that are in business for more than 12 months**).
11. Letter of good standing (Compensation for Occupational Injuries and Disease Act (**COIDA**)) from Department of Labour OR any company accredited by the Department of Labour **or Tender Letter**.
12. Company Profile (**Detailing; Name of Client; Service Provided; Award Amount; Contact Person and Contact Number**).
13. Proof of Municipal rates and taxes or services charges:
 - Of the company and all of its directors not in arrears for more than 90 days or
 - Confirmation from the municipality if municipal rates and taxes are not levied (for the company and all its director(s)) as per CK/Company form of address on the registration certificate or
 - if leasing, a signed lease agreement by the lessor and the lessee and a declaration/letter indicating that the bidder and/or the director does not have municipal account and that the municipal services; rates and taxes are paid by the property owner, should be signed by the lessor and such declaration/letter must be attached / Municipal rates in the name of the lessor for both company and director(s).
14. Original certified copy of B-BBEE Certificate issued by a SANAS verification agency; original Sworn Affidavit from commissioner of oaths or Original / Certified copy of CIPC Sworn Affidavit.
15. Original Certified copies of ID's of the Director(s) (**Certification not older than 3 months before the closing date**).
16. **In case of a Joint Venture**, Association or Consortium a formal contract agreement must be signed by both parties and be attached and the following must be adhered to:
 - All of the above requirements must be for the both entities.
 - Consolidated Valid B-BBEE Certificate issued by a SANAS Verification agency; **NB: No sworn affidavits will be considered.**

The stipulated minimum threshold(s) for local production and content (refer to Annex A of SATS 1286:2011) for this bid is/are as follows:

No	Description of service, works or goods	Stipulated minimum threshold as a %
1	Electrical and telecom cables	90%
2	Steel products	100%

NB: PLEASE NOTE THAT IT WILL BE COMPULSORY FOR THE APPOINTED SERVICE PROVIDER TO SUBMIT COIDA BEFORE APPOINTMENT LETTER CAN BE ISSUED IF THE TENDER LETTER WAS SUBMITTED.

FAILURE TO MEET ANY OF THE ABOVE REQUIREMENTS WILL LEAD TO IMMEDIATE DISQUALIFICATION,

Mandatory Compliance

1. Submission of a Bid Price indicating a detailed breakdown and a total for staff, levels and hourly rates;
2. Submission of a Project Proposal responding to the Technical Evaluation Criteria

3. The 1st phase will be the evaluation of bids on functionality and during this stage bids that do not meet the minimum threshold for functionality will be disqualified and will not be considered for the second phase of evaluation, i.e.
4. commercial evaluation based on price and preference points. The 2nd phase evaluation will be on price points (80 points) and preference points (20)
 - Price = 80 points
 - Preference = 20 points

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

Phase 2: Evaluation criteria

1. One service providers will be appointed for this assignment;
2. Service providers must meet the minimum threshold. Failure to meet the threshold in any of the deliverables will result in disqualification and the service provider not be considered for phase 2 evaluation.

Technical evaluation will be allocated 50 points. Minimum qualifying is **35 points (70%)**.

Bidder evaluation criteria for Functionality	CRITERIA	Weight	Points allocations
Project Management Team (Organogram) with names relevant to the project and qualifications	Attach Project Management Team (Organogram) with the following relevant names to the project: <ul style="list-style-type: none"> • Project Manager (National Diploma Architecture) = 4 Points • Construction Manager (National Diploma Civil/ Building engineer) = 4 Points • Safety Officer (certificate in safety management) = 2 Points NB: Failure to attach all relevant names and qualifications points will not be allocated	10	10
Company Experience List of completed similar projects (building)	Attach certified copy of Appointment letters / Purchase Orders and Completion certificates from previous clients: <ul style="list-style-type: none"> • Below R500 000 = 10 Points per project • R500 000 and above = 15 Points per Project 	30	30
Occupational Health and Safety	Attach SHE policy (Safety, Health and Environment)	10	10
TOTAL POINTS			50
MINIMUM QUALIFYING SCORE (70%)			35 POINTS

NOTE: PREFERENCE WILL BE GIVEN TO SERVICE PROVIDERS RESIDING WITHIN ELIAS MOTSOLEDI LOCAL MUNICIPALITY

CONCLUSION

Any false information given by the Prospective Service Provider and not meeting the minimum qualifying requirement, will lead to automatic disqualification of the PSP.

The council reserves the right to accept either the whole or part of any Bid, or not to appoint at all. Faxes or e-mail is not acceptable. Bidders will be required to show compliance with the New Preferential Procurement Regulation of 2017

COMPULSORY MUNICIPAL BID DOCUMENTATION

- | | | | |
|----|---------|---|--|
| a) | MBD 1 | : | Invitation to tender |
| b) | MBD 4 | : | Declaration of interest |
| c) | MBD 6.1 | : | Preference points in terms of Preferential Policy Regulations |
| d) | MBD 6.2 | : | Local Content and Production |
| e) | MBD 8 | : | Declaration of bidder's past supply chain management practices |
| f) | MBD 9 | : | Certificate of Independent Bid Determination |

INVITATION TO BID

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE (ELIAS MOTSOALEDI LOCAL MUNICIPALITY)

BID NUMBER:		CLOSING DATE:		CLOSING TIME:	
DESCRIPTION					

THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (MBD7).

BID RESPONSE DOCUMENTS MAY BE DEPOSITED IN THE BID BOX SITUATED AT (STREET ADDRESS

02 GROBLER AVENUE

GROBLERSDAL

0470

SUPPLIER INFORMATION

NAME OF BIDDER					
POSTAL ADDRESS					
STREET ADDRESS					
TELEPHONE NUMBER	CODE		NUMBER		
CELLPHONE NUMBER					
FACSIMILE NUMBER	CODE		NUMBER		
E-MAIL ADDRESS					
VAT REGISTRATION NUMBER					
TAX COMPLIANCE STATUS	TCS PIN:		OR	CSD No:	
B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE [TICK APPLICABLE BOX]	<input type="checkbox"/> Yes <input type="checkbox"/> No		B-BBEE STATUS LEVEL SWORN AFFIDAVIT	<input type="checkbox"/> Yes <input type="checkbox"/> No	

[A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE/ SWORN AFFIDAVIT (FOR EMES & QSEs) MUST BE SUBMITTED IN ORDER TO QUALIFY FOR PREFERENCE POINTS FOR B-BBEE]

ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES /WORKS OFFERED?	<input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES ENCLOSE PROOF]	ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES /WORKS OFFERED?	<input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES, ANSWER PART B:3]
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TOTAL NUMBER OF ITEMS OFFERED		TOTAL BID PRICE	R
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SIGNATURE OF BIDDER	DATE	
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CAPACITY UNDER WHICH THIS BID IS SIGNED

BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO: TECHNICAL INFORMATION MAY BE DIRECTED TO:

DEPARTMENT	BUDGET AND TREASURY	DEPARTMENT	PUBLIC SAFETY
CONTACT PERSON	M. MTHIMUNYE	CONTACT PERSON	C. Coetzee
TELEPHONE NUMBER	013 262 3056	TELEPHONE NUMBER	013 262 3056
FACSIMILE NUMBER	013 262 2547	FACSIMILE NUMBER	013 262 2547
E-MAIL ADDRESS	mmthimunye@emlm.gov.za	E-MAIL ADDRESS	ccoetzee@emlm.gov.za

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 ONLINE**
- 1.3. THIS BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT AND THE PREFERENTIAL PROCUREMENT REGULATIONS, 2017, THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER SPECIAL CONDITIONS OF CONTRACT.

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 VIEW THE TAXPAYER'S PROFILE AND TAX STATUS.
- 2.3 APPLICATION FOR THE TAX COMPLIANCE STATUS (TCS) CERTIFICATE OR PIN MAY ALSO BE MADE VIA E-FILING. IN ORDER TO USE THIS PROVISION, TAXPAYERS WILL NEED TO REGISTER WITH SARS AS E-FILERS THROUGH THE WEBSITE WWW.SARS.GOV.ZA.
- 2.4 FOREIGN SUPPLIERS MUST COMPLETE THE PRE-AWARD QUESTIONNAIRE IN PART B:3.
- 2.5 BIDDERS MAY ALSO SUBMIT A PRINTED TCS CERTIFICATE TOGETHER WITH THE BID.
- 2.6 IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED, EACH PARTY MUST SUBMIT A SEPARATE TCS CERTIFICATE / PIN / CSD NUMBER.
- 2.7 WHERE NO TCS IS AVAILABLE BUT THE BIDDER IS REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD), A CSD NUMBER MUST BE PROVIDED.

3. QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS

- 3.1. IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)? YES NO
- 3.2. DOES THE ENTITY HAVE A BRANCH IN THE RSA? YES NO
- 3.3. DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA? YES NO
- 3.4. DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA? YES NO
- 3.5. 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 ABOVE.

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

SIGNATURE OF BIDDER:

CAPACITY UNDER WHICH THIS BID IS SIGNED:

DATE:

DECLARATION OF INTEREST

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

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

3.2. Identity Number: _____

3.3. Position occupied in the Company (director, trustee, shareholder²): _____

3.4. Company Registration Number: _____

3.5. Tax Reference Number: _____

3.6. VAT Registration Number: _____

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

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

3.8.1. If yes, furnish particulars.

MSCM 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.

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 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

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

Where

P_s	=	Points scored for price of bid under consideration
P_t	=	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	<input type="checkbox"/>	NO	<input type="checkbox"/>
-----	--------------------------	----	--------------------------

7.1.1 If yes, indicate:

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

(Tick applicable box)

YES	<input type="checkbox"/>	NO	<input type="checkbox"/>
-----	--------------------------	----	--------------------------

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

<p>WITNESSES</p> <p>1.</p> <p>2.</p>	<p>..... SIGNATURE(S) OF BIDDERS(S)</p> <p>DATE:</p> <p>ADDRESS</p> <p>.....</p> <p>.....</p>
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DECLARATION CERTIFICATE FOR LOCAL PRODUCTION AND CONTENT FOR DESIGNATED SECTORS

This Municipal Bidding Document (MBD) must form part of all bids invited. It contains general information and serves as a declaration form for local content (local production and local content are used interchangeably).

Before completing this declaration, bidders must study the General Conditions, Definitions, Directives applicable in respect of Local Content as prescribed in the Preferential Procurement Regulations, 2017, the South African Bureau of Standards (SABS) approved technical specification number SATS 1286:2011 (Edition 1) and the Guidance on the Calculation of Local Content together with the Local Content Declaration Templates [Annex C (Local Content Declaration: Summary Schedule), D (Imported Content Declaration: Supporting Schedule to Annex C) and E (Local Content Declaration: Supporting Schedule to Annex C)].

1. General Conditions

- 1.1. Preferential Procurement Regulations, 2017 (Regulation 8) make provision for the promotion of local production and content.
- 1.2. Regulation 8.(2) prescribes that in the case of designated sectors, organs of state must advertise such tenders with the specific bidding condition that only locally produced or manufactured goods, with a stipulated minimum threshold for local production and content will be considered.
- 1.3. Where necessary, for tenders referred to in paragraph 1.2 above, a two stage bidding process may be followed, where the first stage involves a minimum threshold for local production and content and the second stage price and B-BBEE.
- 1.4. A person awarded a contract in relation to a designated sector, may not sub-contract in such a manner that the local production and content of the overall value of the contract is reduced to below the stipulated minimum threshold.
- 1.5. The local content (LC) expressed as a percentage of the bid price must be calculated in accordance with the SABS approved technical specification number SATS 1286: 2011 as follows:

$$LC = [1 - x / y] * 100$$

Where

x is the imported content in Rand

y is the bid price in Rand excluding value added tax (VAT)

Prices referred to in the determination of x must be converted to Rand (ZAR) by using the exchange rate published by South African Reserve Bank (SARB) on the date of advertisement of the bid as indicated in paragraph 3.1 below.

The SABS approved technical specification number SATS 1286:2011 is accessible on [http://www.thedti.gov.za/industrial development/ip.jsp](http://www.thedti.gov.za/industrial%20development/ip.jsp) at no cost.

1.6. A bid may be disqualified if this Declaration Certificate and the Annex C (Local Content Declaration: Summary Schedule) are not submitted as part of the bid documentation;

2. The stipulated minimum threshold(s) for local production and content (refer to Annex A of SATS 1286:2011) for this bid is/are as follows:

<u>Description of services, works or goods</u>	<u>Stipulated minimum threshold</u>
_____	_____ %
_____	_____ %
_____	_____ %

3. Does any portion of the goods or services offered have any imported content?

(Tick applicable box)

YES		NO	
-----	--	----	--

3.1 If yes, the rate(s) of exchange to be used in this bid to calculate the local content as prescribed in paragraph 1.5 of the general conditions must be the rate(s) published by SARB for the specific currency on the date of advertisement of the bid.

The relevant rates of exchange information is accessible on www.resbank.co.za

Indicate the rate(s) of exchange against the appropriate currency in the table below (refer to Annex A of SATS 1286:2011)

Currency	Rates of exchange
US Dollar	
Pound Sterling	
Euro	
Yen	
Other	

NB: Bidders must submit proof of the SARB rate (s) of exchange used.

4. Where, after the award of a bid, challenges are experienced in meeting the stipulated minimum threshold for local content the dti must be informed accordingly in order for the dti to verify and in consultation with the AO/AA provide directives in this regard.

LOCAL CONTENT DECLARATION

(REFER TO ANNEX B OF SATS 1286:2011)

LOCAL CONTENT DECLARATION BY CHIEF FINANCIAL OFFICER OR OTHER LEGALLY RESPONSIBLE PERSON NOMINATED IN WRITING BY THE CHIEF EXECUTIVE OR SENIOR MEMBER/PERSON WITH MANAGEMENT RESPONSIBILITY (CLOSE CORPORATION, PARTNERSHIP OR INDIVIDUAL)

IN RESPECT OF BID NO.

ISSUED BY: (Procurement Authority / Name of Institution):
.....

NB

- 1 The obligation to complete, duly sign and submit this declaration cannot be transferred to an external authorized representative, auditor or any other third party acting on behalf of the bidder.
- 2 Guidance on the Calculation of Local Content together with Local Content Declaration Templates (Annex C, D and E) is accessible on http://www.thedti.gov.za/industrial_development/ip.jsp. Bidders should first complete Declaration D. After completing Declaration D, bidders should complete Declaration E and then consolidate the information on Declaration C. **Declaration C should be submitted with the bid documentation at the closing date and time of the bid in order to substantiate the declaration made in paragraph (c) below.** Declarations D and E should be kept by the bidders for verification purposes for a period of at least 5 years. The successful bidder is required to continuously update Declarations C, D and E with the actual values for the duration of the contract.

I, the undersigned, (Full names),
do hereby declare, in my capacity as of
..... (name of bidder entity), the following:

- (a) The facts contained herein are within my own personal knowledge.
- (b) I have satisfied myself that:
 - (i) the goods/services/works to be delivered in terms of the above-specified bid comply with the minimum local content requirements as specified in the bid, and as measured in terms of SATS 1286:2011; and
- (c) The local content percentage (%) indicated below has been calculated using the formula given in clause 3 of SATS 1286:2011, the rates of exchange indicated in paragraph 3.1 above and the information contained in Declaration D and E which has been consolidated in Declaration C:

Bid price, excluding VAT (y)	R
Imported content (x), as calculated in terms of SATS 1286:2011	R

Stipulated minimum threshold for local content (paragraph 3 above)	
Local content %, as calculated in terms of SATS 1286:2011	

If the bid is for more than one product, the local content percentages for each product contained in Declaration C shall be used instead of the table above.

The local content percentages for each product has been calculated using the formula given in clause 3 of SATS 1286:2011, the rates of exchange indicated in paragraph 3.1 above and the information contained in Declaration D and E.

- (d) I accept that the Procurement Authority / Institution has the right to request that the local content be verified in terms of the requirements of SATS 1286:2011.
- (e) I understand that the awarding of the bid is dependent on the accuracy of the information furnished in this application. I also understand that the submission of incorrect data, or data that are not verifiable as described in SATS 1286:2011, may result in the Procurement Authority / Institution imposing any or all of the remedies as provided for in Regulation 14 of the Preferential Procurement Regulations, 2017 promulgated under the Preferential Policy Framework Act (PPPFA), 2000 (Act No. 5 of 2000).

SIGNATURE: _____

WITNESS No. 1 _____

DATE: _____

WITNESS No. 2 _____

DATE: _____

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	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 <input type="checkbox"/>	No <input type="checkbox"/>
4.2.1	If so, furnish particulars:		
4.3	Was the bidder or any of its directors convicted by a court of law (including a court of law outside the Republic of South Africa) for fraud or corruption during the past five years?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.3.1	If so, furnish particulars:		
Item	Question	Yes	No
4.4	Does the bidder or any of its directors owe any municipal rates and taxes or municipal charges to the municipality / municipal entity, or to any other municipality / municipal entity, that is in arrears for more than three months?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.4.1	If so, furnish particulars:		

4.5	Was any contract between the bidder and the municipality / municipal entity or any other organ of state terminated during the past five years on account of failure to perform on or comply with the contract?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.7.1	If so, furnish particulars:		

CERTIFICATION

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

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

Signature

Date

Position

Name of Bidder / Company

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 / Company)

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 / Company

GENERAL CONDITIONS OF CONTRACT

The General Conditions of Contract are not included in this document and may be downloaded from the following website – [www.treasury.gov.za / legislation](http://www.treasury.gov.za/legislation):