

|   |  |
|---|--|
| RFQ NR  | COJ0112-22/23  |
| ADVERT DATE   | 08 MARCH 2023  |
| CLOSING DATE  | 15 MARCH 2023  |
| CLOSING TIME  | 10H30  |
| DESCRIPTION OF GOOD/SERVICES  | TERMS OF REFERENCE (TOR) FOR THE REVIEW OF THE CITY OF JOBURG STREET TRADING BYLAWS. |
| DEPARTMENT  | DED  |
| CONTACT PERSON  | Mr. Herold Mbowana   |
| CONTACT NUMBER  | <a href="mailto:HeroldMb@joburg.org.za">HeroldMb@joburg.org.za</a><br>061 459 3001   |
| TO BE DEPOSITED INTO THE QUOTATION BOX ON THE GROUND FLOOR, METRO CENTRE, 158 CIVIC BOULEVARD, BRAAMFONTEIN, JOHANNESBURG |  |

1. Conditions of Quotation, Form A.
2. Specification, Form B
3. RFQ Checklist
4. Form of Quotation and Form of Acceptance, Form C
5. Statement of Authorization, Form D
6. MBD 4: Declaration of Interest, Form E
7. MBD 8: Declaration of Tenderer's past Supply Chain Management Practices, Form F
8. MBD 9: Certificate of Independent Bid Determination, Annexure G
9. Declaration on State of Municipal Account., Form H
10. Article of Agreement in terms of the Occupational Health and Safety act, 1993, Form I

**N.B: TENDERERS ARE REMINDED THAT ALL FORMS ARE TO BE SIGNED OR THE RFQ WILL BE DISQUALIFIED.**

Quotations will be received on the closing dates and times shown and must be enclosed in separate sealed envelopes, bearing the applicable quotation description and reference number as well as the closing time and due date, and must be addressed to the GROUP HEAD: STRATEGIC SUPPLY CHAIN MANAGEMENT, 15<sup>TH</sup> FLOOR METRO CENTRE, 158 CIVIC BOULEVARD STREET, BRAAMFONTEIN, and placed in the quotation box indicated above. Quotations will be opened at the latter address at the time indicated.

SUPPLIER NAME: \_\_\_\_\_

SUPPLIER NUMBER: \_\_\_\_\_

CONTACT NUMBER: \_\_\_\_\_

CONTACT PERSON: \_\_\_\_\_

SARS PIN CODE: \_\_\_\_\_

CENTRAL SUPPLIER DATABASE NUMBER: \_\_\_\_\_

COJ DATABASE NUMBER \_\_\_\_\_

**COMPULSORY BRIEFING SESSION DETAILS:**

|   |  |       |  |
|---|--|-------|--|
| DATE:   |  | TIME: |  |
| VENUE:  |  |       |  |
| NB: IT IS OF UTMOST IMPORTANCE THAT THE TIME SET FOR THE OFFICIAL SITE INSPECTION IS STRICTLY ADHERED TO AS <u>NO LATE ARRIVALS WILL BE ALLOWED</u> |  |       |  |



**CHECKLIST**

RFQ NR: \_\_\_\_\_

COJ0112-22/23

**PLEASE USE THIS CHECKLIST TO VERIFY WHETHER ALL COMPULSORY DOCUMENTS HAVE BEEN ATTACHED TO YOUR QUOTATION.**

| No  | Details   | ✓ |
|-----|---|---|
| 1.  | Certified Copy of Company Registration Document   |   |
| 2.  | Rates & Taxes Invoice for Company OR Certified Copy of Lease Agreement OR Affidavit from the Lessor Certified by the Commissioner of Oath / SAPS                            |   |
| 3.  | Rates and Taxes Invoice for All the Directors of the Company OR Certified Copy of Lease Agreement OR Affidavit from the Lessor Certified by the Commissioner of Oath / SAPS |   |
| 4.  | Declaration on State of Municipal Account (Attached)  |   |
| 5.  | MBD 4: Declaration of Interest (Attached)   |   |
| 6.  | MBD 8: Declaration of Tenderer Past SCM Practices, Form F   |   |
| 7.  | MBD 9: Certificate of Independent Bid Determination. (Attached)   |   |
| 8.  | Conditions of Quotation, Form A   |   |
| 9.  | Form of Quotation and Form of Acceptance, Form C  |   |
| 10. | Statement of Authorisation, Form D  |   |
| 11. | Article of Agreement in terms of the Occupational Health and Safety Act, Form I   |   |
| 12. | Certified Copy of B-BBEE certificate or Sworn Affidavit.  |   |
| 13. | Original Tax Clearance Certificate or SARS One-Time Pin Code  |   |
| 14. | Training Suppliers to be accredited with SETA (Certified Copy to be attached)   |   |
| 15. | Catering Suppliers to submit a Health Certificate (Certified Copy to be attached)   |   |
| 16. | Construction/Building Maintenance to submit CIDB Registration (Certified Copy to be attached)   |   |
| 17. | Have all price alterations been signed for?   |   |
| 18. | Has the Quotation been signed?  |   |

SIGNATURE \_\_\_\_\_

NAME \_\_\_\_\_

**CONDITIONS OF QUOTATION:**

- 1 Quotation documents must be completed in black ink.
- 2 The lowest price or any quotation will not necessarily be accepted, and the City of Johannesburg reserves the right to accept the whole or any portion of a quotation.
- 3 Quotations are to remain open for acceptance for a period of thirty (30) days effective from the date on which they are lodged and shall be accepted at any time within the said period of thirty (30) days.
- 4 Tenderers are requested to furnish the full registered name of the tendering company/supplier on the Form of Quotation and Form of Acceptance, Form B.
- 5 Tenderers are also required to sign each page of the Form of Quotation and Form of Acceptance, Form B, in the space provided at the bottom of each page.
- 6 **In the event of a mistake having been made on the price schedule it shall be crossed out in ink and be accompanied by an initial at each and every price alteration. Corrections in terms of price may not be made by means of a correction fluid such as Tipp- Ex or a similar product. If correction fluid has been used on any specific item price, such item will not be considered. No correction fluid may be used in a Bill of Quantities where prices are calculated to arrive at a total amount. If correction fluid has been used, the quotation as a whole will not be considered. The Municipality will reject the quotation if corrections are not made in accordance with the above.**
7. **NO PRICE INCREASES WILL BE CONSIDERED.**
- 8 If items are not quoted for, a line must be drawn through the space in pen
- 9 All goods or services purchased will be subject to CoJ SCM Policy and Procedures. A copy of said conditions is available on the CoJ website.
- 10 All purchases will be made through an official purchase order form. Therefore no goods must be delivered or services rendered before an official purchase order has been forwarded to and accepted by the successful bidder.
- 11 To participate in the City's Quotation process for the procurement of goods and/or services, vendors are advised to get accredited and registered on the City's Supplier Database. Supplier registration forms are available from the Supply Chain Management Unit and on the CoJ website. The City will only deal with the registered and accredited suppliers on its Database.
- 12 All prices **must** be quoted in South African currency (SA rand)
- 13 All prices quoted must be exclusive of Value Added Tax (VAT). Suppliers who are not registered for VAT will be treated as Non - VAT Vendors.
- 14 All prices submitted must be firm. "Firm" prices are deemed to be fixed prices, which are only subject to the following statutory changes, namely VAT and any levy related to customs and excise.
- 15 All prices and details must be legible/readable to ensure the quotation will be considered for adjudication.

- 16 Prices quoted must be all inclusive of delivery charges and goods must be delivered **to the address indicated on the quotation page.**
- 17 The successful company must provide labor for off-loading/delivering.
- 18 Quantities are given in good faith and without commitment to the City of Johannesburg. The City reserves the right to increase or reduce the quantity to be in line with the set threshold for quotations prescribed in the SCM Policy.
- 19 **The CoJ will conduct business with an entity which complies with the Codes of Good Practice on BBBEE as published from time to time by the Minister of Trade and Industry**
- 20 **Quotations must be deposited into the quotation box at the location indicated on the cover page. *THE CITY OF JOHANNESBURG DOES NOT TAKE RESPONSABILITY FOR ANY QUOTATIONS DEPOSITED IN THE WRONG BOX.***
- 21 **FORWARD EXCHANGE RATE COVER**
- In the event of price/prices being based on the exchange rate, the successful tenderer/s will be required to obtain exchange rate cover in order to protect the Municipality against exchange rate variations.  
Proof must be provided that forward Exchange Rate cover has been taken out within 14 days after an order has been placed.  
If proof that cover was taken out within 14 days after the order has been placed, is not submitted to the City of Joburg, with the invoice, the contract price adjustment will not be accepted and the contract may be cancelled.
- 22 **EXECUTION OF ORDERS**
- Tenderers are reminded that orders placed against accepted quotations are to be executed in strict accordance with the accepted specification and within the quoted delivery period. In this regard, the attention of tenderers is drawn in particular to Clause 20 of the Municipality's General Conditions Applicable to the Consideration of Written Quotations (Supply chain Management Policy), which is available on request and/or also available on the Municipality's website, [www.joburg.org.za](http://www.joburg.org.za)
23. **OCCUPATIONAL HEALTH AND SAFETY**
- The successful tenderer will be required to comply with the requirements of the Occupational Health and Safety Act and regulations.
24. **COPYRIGHT/PATENT RIGHTS**
- Copyright in any document produced, and the patent rights or ownership in any plant, machinery, thing, system or process designed, by a consultant/trainer in the course of the consultancy service is vested in the Municipality.
25. **SUPPLIER REGISTRATION**
- Prospective tenderers are required to register as suppliers/service providers on the City of Johannesburg supplier database prior to quoting. The tenderer is required to record the vendor number in the space provided on the cover page of this quotation document.
- 26 The municipality reserves the right, to cancel and re-issue the quotation.
- 27 **A valid Tax Clearance Certificate or the SARS Pin of the Company should be submitted**

with this quotation document. In cases where the tenderer has not submitted a Tax Clearance Certificate/SARS Pin, the Municipality reserves the right to at any time after the closure of the tender, but before the award of the tender, request from the tenderer to provide the valid Tax Clearance Certificate or a SARS Pin within seven (07) days from date of notification. Bidders should note, that in accordance with legislation, no contract may be awarded to a/an person/entity who/which has failed to submit a Valid Tax Clearance Certificate issued by the South African Revenue Service (SARS), certifying that the taxes of that person/entity are in order, or that suitable arrangements have been made with SARS/SARS pin to enable the City of Johannesburg to verify that the Company is tax compliant.

Each party to a consortium/joint venture should submit a separate tax clearance certificate or SARS Pins.

28 Quotations must be enclosed in separate sealed envelopes, bearing the RFQ Number, closing time and due date.

29 **PLEASE NOTE THAT NO PRICE CHANGES WILL BE ALLOWED AFTER THE CLOSING DATE AND TIME OF THE QUOTATION.**

30 **FALSE DECLARATION ON MUNICIPAL BIDDING DOCUMENTS FORM (MBD) WILL LEAD TO AUTOMATIC DISQUALIFICATION.**

31 **NB! RECOMMENDED BIDDER WILL BE SUBJECTED TO VETTING PROCESS**

32 **ALL PAGES MUST BE INITIALED**

33 **EVALUATION CRITERIA:**

#### VALIDITY OF RFQ: 30 DAYS

| <b><u>OFFICE USE ONLY:</u></b><br><b><u>PRICE/S TO BE VAT EXCLUSIVE</u></b>   |   |
|---|---|
| RFQ'S above R30 000-00 to a maximum of R200 000 VAT Inclusive will be evaluated on the basis of the 80:20 point system as stipulated in the Preferential Procurement Policy Framework Act (Act No. 5 of 2000), Preferential Procurement Regulations, 2022 and SCM practice note: 1/2023 |   |
| Points will be allocated as follows:  |   |
| Points for price:   | 80  |
| Preferential Goals (Max of 20):   | 20  |
| Preferential Goals  | Allocated Points<br><b>(80/20 system)</b> |
|   |   |
|   |   |

|                                     |                                      |           |
|-------------------------------------|--------------------------------------|-----------|
| <b>MAXIMUM POINTS:</b>              |                                      | <b>10</b> |
| Business owned by 51% or more youth | CSD report and ID copy of director/s | <b>10</b> |

  

|  |   |           |
|--|---|-----------|
| <b>MAXIMUM POINTS:</b>   |   | <b>10</b> |
| Enterprise located in townships  | CSD report and proof of municipal account/ letter from the ward council confirming the business address                             | <b>4</b>  |
| Cooperatives which is at least 51% owned by black people   | CSD report, ID copy of director/s and CIPC registration document  | <b>5</b>  |
| Upliftment of communities through, but not limited to, housing, transport, schools, infrastructure, donations, skills development, and charity organizations | CSIR policy, list of organisations assisted in the current financial year and reference/acceptance letters from those organisations | <b>1</b>  |

***I HEREWITH CONFIRM THAT I HAVE READ AND UNDERSTOOD THE ABOVEMENTIONED CONDITIONS.***

**SIGNATURE**\_\_\_\_\_

**NAME**\_\_\_\_\_

## CENTRAL SUPPLIER DATABASE

The Central Supplier Database maintains a database of organisations, institutions and individuals who can provide goods and services to government. The CSD will serve as the single source of key supplier information for organs of state from 01 April 2016 providing consolidated, accurate, up-to-date, complete and verified supplier information to procuring organs of state.

Prospective suppliers interested in pursuing opportunities within the South African government are encouraged to self-register on the Central Supplier Database. This self-registration application represents an expression of interest from the supplier to conduct business with the South African government. Once submitted, your details will be assessed for inclusion on the Central Supplier Database.

**NB: Suppliers are still required to register on the City of Johannesburg Supplier Database or keep up- to- date their registration profiles on the City of Johannesburg Supplier Database.**



DESCRIPTION: \_\_\_\_\_

## SPECIFICATION

### TERMS OF REFERENCE (TOR) FOR THE REVIEW OF THE CITY OF JOBURG STREET TRADING BYLAWS.

#### 1. Introduction

Public space is an invaluable resource for the provision of goods and services through informal trade. In particular, streets with intense pedestrian traffic are viable and attractive for informal trade and are often linked to public transport routes. For pedestrians, street trade provides the convenience of an on-street purchase, small volumes and low prices.

There is often a mutually beneficial relationship between formal shops and traders. Street trading is thus an essential locus of economic activity within a wider spectrum of informal economic endeavours. However public space has many roles to play and many users to serve, including pedestrians, adjacent businesses and motorists. Local government is challenged by the competing realities that the informal economy presents. On the one hand it offers economic opportunity, and it gives expression to the rights of people to create their own livelihood. On the other hand, it can stress local infrastructure and increase contestation, particularly in public space.

At times these diverse functions compete. Different needs must be skilfully and fairly managed to use the resource of public space to maximum effect. This policy aims to support street trade within the overall economy of Johannesburg, manage the sharing of public space by different stakeholders, regulate competition for space between traders, and facilitate the provision of services and infrastructure.

Based on the above, the City of Johannesburg Metropolitan Council approved the reviewed Informal Trading Policy on the 26 April 2022. The approved policy serves as the basis to review the COJ Street Trading Bylaws of 2012.

The review of the bylaws must align to Section 13 of the approved policy which guide on the Law enforcement and states the following.

- a) Law enforcement will be undertaken in the interest of promoting the rights and dignity of informal traders.
- b) The City will act decisively against municipal employees who are found to be perpetrators of corruption, violence, xenophobia and abuse of power in relation to informal sector operators.

- c) Law enforcement will cover the areas of unlawful and prohibited conduct as well as trading in prohibited and restricted areas as contemplated in section 8, 9 and 10 of the Street Trading By-Law.
- d) Law enforcement in respect of unlawful and/or prohibited conduct shall be undertaken by JMPD or any law enforcement unit specifically constituted for this purpose.
- e) Law enforcement in respect of the removal and impoundment of goods shall be carried out by the JMPD or any authorised official as reflected in the JMPD Operating Procedures for Goods Impoundment. Section 11 of the 2012 Street Trading By-Laws sets out the procedure for the removal and impoundment of property.
- f) Where a trader violates the trading permit conditions, he/she will be informed in writing of the violation and course of action. Trading permit fees will not be refundable if the trading permit is revoked or suspended.
- g) An authorised person who finds a trader who does not comply with the basic health codes related to the preparation and selling of food, the trader would be told to close immediately and will only be allowed to trade once the authorised person has checked and agreed that the trader now complies.
- h) in the opinion of the official, the informal trader has:
  - i. traded goods or provided services in contravention of this policy.
  - ii. violated any condition applicable to the trading permit of an informal trader; or
  - iii. violated any condition imposed in respect of the trading area.

## **2. SCOPE OF WORK / KEY OUTCOMES:**

The appointed service provider will be required to undertake a review of 2012 Street Trading Bylaws of the City of Johannesburg. This bylaw needs to be reviewed in consultation with all relevant stakeholders and role players who are currently involved in supporting informal trading from both public and private sector.

The specific tasks to be undertaken include among others.

- 2.1. Suitable bidders must review and identify gaps in the existing Street Trading Bylaws.
- 2.2 To consider SALGA Guidelines regarding the Informal Trading Bylaw
- 2.3. Facilitate five (5) stakeholder engagements meetings that will be held within CoJ.
- 2.4. Consolidated inputs from stakeholders.
- 2.5. Capture inputs made and in cooperate them in the draft document.
- 2.6. Produce a report outlining the proposed stakeholder engagements from Property Owners, traders and CoJ Departments and Entities.
- 2.7. Produce a final reviewed Street Trading Bylaws.

### 3. DELIVERABLES:

- 3.1 The appointed service provider will be required to produce reviewed Street Trading Bylaws in three months.
- 3.2 Provide project inception report.
- 3.3 Develop a report that states the stakeholders (Traders, Property Owners and City Departments and Entities) views and inputs regarding the review of the bylaws.
- 3.4 Provide feedback report on the engagements with the stakeholders.

### 4. MINIMUM REQUIREMENT

- 4.1 Project team personnel with Business Management qualification with minimum 3 years Experience in stakeholder management
- 4.2 Project team Personnel with stakeholder engagement/community liaison with 3 years experience
- 4.3 Proof from at least 2 companies/clients for which similar work was undertaken.

### 5. EVALUATION CRITERIA

**The bidder must obtain a minimum of 65 points out of 100 points. Failure to obtain 65 points will disqualify the Bidder to proceed for further evaluation.**

|                         | Aspect   | Scoring criteria per aspect item | Points out of 100 |
|-------------------------|--|----------------------------------|-------------------|
| 1. Methodology          | 1.1 Understanding of the brief.  | 5                                | 10                |
|                         | 1.2 Implementation Plan (Milestones and Timelines).  | 5                                |                   |
| 2. Company Track Record | 2.1. No track record   | 3                                | 10                |
|                         | 2.2 Minimum 2 successful projects  | 7                                |                   |
|                         | 2.3 More than 2 successful project   |                                  |                   |
| 3. Qualification        | 3.1 Business Management Degree = 10<br>No Degree = 0   | 10                               | 35                |
|                         | 3.2 Social Science: Development Studies - Degree = 10<br>Diploma = 5<br>No Qualification = 0 | 15                               |                   |
|                         | 3.3 B. Comm Economics<br>No Degree = 0   | 10                               |                   |

|                        |   |    |     |
|------------------------|---|----|-----|
|                        | Degree = 10   |    |     |
| 4. Relevant Experience | 4.6. Project Leader<br>Less than 2 years = 0<br>3 years or more = 15  | 15 | 45  |
|                        | 4.7 Project Team<br>Personnel with Business<br>Management<br>Less than 2 years= 0<br>3 years or more = 10                             | 10 |     |
|                        | 4.8 Project team<br>Personnel with<br>Stakeholder<br>engagement/Community<br>Liaison<br>Less than 2 years = 0<br>3 years or more = 10 | 10 |     |
|                        | 4.9. Project team<br>Personnel with B. Comm<br>Economics<br>Less than 2 years = 0<br>3 years or more = 10                             | 10 |     |
| TOTAL                  |   |    | 100 |
| THRESHOLD              |   |    | 65  |

Proposals will initially be evaluated in terms of functionality criteria. The proposals that meet the functionality criteria will then be evaluated on price competitiveness and further evaluation will be based on the bidder's level of B-BBEE contributions.

Proposals will be further evaluated in terms of the Preferential Procurement Policy Framework Act using the 80:20-point systems.

The following criteria will be used for evaluating all proposals, where proposals must score a minimum of seventy (65) points for functionality to qualify for further evaluation.

#### **DISQUALIFICATION CRITERIA**

- a) Failure to complete the form of bid.
- b) Failure to complete the City of Johannesburg Pricing Schedule.

#### **SPECIAL REQUIREMENTS:**

For further queries, please contact:  
Mr. Herold Mbowana  
Deputy Director: Informal Trading (Economic Development)  
E-mail: HeroldMb@joburg.org.za

## FORM C

RFQ NR: \_\_\_\_\_

FORM B: FORM OF QUOTATION AND FORM OF ACCEPTANCE

Will the quoted price remain firm for a period of 30 days? (YES/NO)

If not: State the validity period \_\_\_\_\_

Is/Are the price/s quoted subject to the 2,5% settlement discount (YES/NO) \_\_\_\_\_

Is/Are the tender price firm until completion of order/work? (YES/NO)

\_\_\_\_\_

If not:

- (a) Submit the cost factors which will be taken into account in the event of price increase/decrease, as well as the compilation of the tender price/s, i.e. cost price, transport cost, margin of profit, etc (clause of the Specification and Additional Conditions of Tender, Form A, refers)

|           | %   | INDEX FIGURE AND BASE DATE (EG. SEIFSA TABLE E1 JUNE 1992) |
|-----------|-----|--|
| Material  |     |  |
| Labour    |     |  |
| Transport |     |  |
| Profit    |     |  |
| OTHER     |     |  |
| 1         |     |  |
| 2         |     |  |
| 3         |     |  |
| TOTAL     | 100 |  |

NB. If prices are variable due to fluctuation in the exchange rate, the acceptance of any order will be subject to forward cover taken out by yourselves.

SIGNATURE OF TENDERER:.....

FORM OF QUOTATION AND FORM OF ACCEPTANCE (contd)

Group Head: SSCM City  
of Johannesburg

Sir/Mam,

I/We the undersigned, having examined the specification, hereby offer to services for the above in accordance therewith, at the following price:

| Item               | Quantity        | Description   | Total price |  |
|--------------------|-----------------|---|-------------|--|
| 1.                 | <b>SEE SPEC</b> | TERMS OF REFERENCE (TOR) FOR THE REVIEW OF THE CITY OF JOBURG STREET TRADING BYLAWS.<br><b>Please refer to the specification/ (TOR's)</b> |             |  |
| <b>Total Price</b> |                 |   | <b>R</b>    |  |

**The CoJ reserves the right to increase or decrease the quantity.**

Is the Company VAT Registered? (YES/NO): \_\_\_\_\_

VAT Number: \_\_\_\_\_

VENDOR NUMBER \_\_\_\_\_

VENDOR SIGNATURE: \_\_\_\_\_

DATE: \_\_\_\_\_

FORM OF QUOTATION AND FORM OF ACCEPTANCE (contd)  
SIGNATURE OF PERSON/S AUTHORISED TO SIGN QUOTATIONS:

| NAME | ID NUMBER | CAPACITY | SIGNATURE |
|------|-----------|----------|-----------|
|      |           |          |           |
|      |           |          |           |
|      |           |          |           |

DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2023.

REGISTERED NAME OF TENDERING COMPANY/SUPPLIER: - (IN BLOCK LETTERS)

\_\_\_\_\_

COMPANY REGISTRATION NUMBER: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

TELEPHONE NUMBER: \_\_\_\_\_

FAX NUMBER:

\_\_\_\_\_

AS WITNESSES:

1 \_\_\_\_\_

\_\_\_\_\_  
(NAME & SURNAME IN BLOCK  
LETTERS)

2 \_\_\_\_\_

\_\_\_\_\_  
(NAME & SURNAME IN BLOCK  
LETTERS)

**STATEMENT OF AUTHORISATION**

IF THE TENDERER IS A COMPANY OR FIRM, STATE ON WHAT AUTHORITY THE UNDERSIGNED HAS THE AUTHORIZATION TO SIGN THE TENDER DOCUMENTS, FOR EXAMPLE: COMPANY'S RESOLUTION OR PROCURATION OR STATUTES OF PARTNERSHIP, ETC.

I/We the undersigned is/are authorized to enter into this contract on behalf of

.....  
.....  
.....  
...

..... by authority of .....

dated ..... a certified copy of which may be attached to this tender.

**SIGNATURE:**

1. \_\_\_\_\_ ID NR \_\_\_\_\_ DATE: \_\_\_\_\_

2 \_\_\_\_\_ ID NR \_\_\_\_\_ DATE: \_\_\_\_\_

**WITNESSES:**

1. \_\_\_\_\_ ID NR \_\_\_\_\_ DATE: \_\_\_\_\_

2 \_\_\_\_\_ ID NR \_\_\_\_\_ DATE: \_\_\_\_\_

**NB:**

**PROOF IS REQUIRED THAT THE COMPANY HAS BEEN REGISTERED AND DOES IN FACT EXIST, AND THAT THE PERSONS WHO HAVE SIGNED THE TENDER DOCUMENT HAVE INDEED BEEN SO AUTHORIZED**



**MBD 4: DECLARATION OF INTEREST**

1. No bid will be accepted from persons in the service of the state<sup>1</sup>.
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, shareholder<sup>2</sup>):.....

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. ....

.....

<sup>1</sup>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.

<sup>2</sup> 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**

**MBD 8: DECLARATION OF TENDERER PAST SUPPLY  
CHAIN MANAGEMENT PRACTICES**

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

| Item  | Question   | Yes                             | No                             |
|-------|--|---------------------------------|--------------------------------|
| 4.1   | Is the tenderer any of its directors listed on the National Treasury's database as a company or persons prohibited from doing business with the public sector?<br><b>(Companies for persons who are listed on this database were informed in writing of this restriction by the National Treasury after the <i>audi alteram partem</i> (listen to the other side) rule was applied).</b>   | Yes<br><input type="checkbox"/> | No<br><input type="checkbox"/> |
| 4.1.1 | If so, furnish particulars:  |                                 |                                |
| 4.2   | Is the tenderer or any of its directors listed on the Register for Tender Defaulters in terms of section 29 of the Prevention and Combating of Corrupt Activities Act (No 12 of 2004)?<br><b>(To access this Register enter the National Treasury's website, <a href="http://www.treasury.gov.za">www.treasury.gov.za</a>, click on the icon "Register for Tender Defaulters" or submit your written request for a hard copy of the Register to facsimile number (012)3265445)</b> | Yes<br><input type="checkbox"/> | No<br><input type="checkbox"/> |
| 4.2.1 | If so, furnish particulars:  |                                 |                                |
| 4.3   | Was the tenderer or any of its directors convicted by a court of law (including a court of law outside the Republic of South Africa) for fraud or corruption during the past five years?   | Yes<br><input type="checkbox"/> | No<br><input type="checkbox"/> |
| 4.3.1 | If so, furnish particulars:  |                                 |                                |

2/...

|       |  |                                 |                                |
|-------|--|---------------------------------|--------------------------------|
|       |  |                                 |                                |
| 4.4   | Does the tenderer or any of its directors owe any Municipal rates and taxes or Municipal charges to the Municipality / Municipal entity, or to any other Municipality / Municipal entity, that is in arrears for more than three months? | Yes<br><input type="checkbox"/> | No<br><input type="checkbox"/> |
| 4.4.1 | If so, furnish particulars:  |                                 |                                |
| 4.5   | Was any contract between the tenderer and the Municipality / Municipal entity or any other organ of state terminated during the past five years on account of failure to perform on or to comply with the contract?                      | Yes<br><input type="checkbox"/> | No<br><input type="checkbox"/> |
| 4.5.1 | If so, furnish particulars:  |                                 |                                |

**CERTIFICATION**

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

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

.....  
**SIGNATURE**

.....  
**DATE**

.....  
**POSITION**

.....  
**NAME OF TENDERER**

**MBD9: CERTIFICATE OF INDEPENDENT BID DETERMINATION**

- 1 This Municipal Bidding Document (MBD) must form part of all bids<sup>1</sup> 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).<sup>2</sup> 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:

**<sup>1</sup> Includes price quotations, advertised competitive bids, limited bids and proposals.**

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

## CERTIFICATE OF INDEPENDENT BID DETERMINATION

I, the undersigned, in submitting the accompanying bid:

\_\_\_\_\_  
(Bid Number and Description)

in response to the invitation for the bid made by:

\_\_\_\_\_  
(Name of Municipality / Municipal Entity)

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

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

1. I have read and I understand the contents of this Certificate;
2. I understand that the accompanying bid will be disqualified if this Certificate is found not to be true and complete in every respect;
3. I am authorized by the bidder to sign this Certificate, and to submit the accompanying bid, on behalf of the bidder;
4. Each person whose signature appears on the accompanying bid has been authorized by the bidder to determine the terms of, and to sign, the bid, on behalf of the bidder;
5. For the purposes of this Certificate and the accompanying bid, I understand that the word "competitor" shall include any individual or organization, other than the bidder, whether or not affiliated with the bidder, who:
  - (a) has been requested to submit a bid in response to this bid invitation;
  - (b) could potentially submit a bid in response to this bid invitation, based on their qualifications, abilities or experience; and
  - (c) provides the same goods and services as the bidder and/or is in the same line of business as the bidder
6. The bidder has arrived at the accompanying bid independently from, and without consultation, communication, agreement or arrangement with any competitor. However communication between partners in a joint venture or consortium<sup>3</sup> 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.

**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



**CITY OF JOHANNESBURG**  
**FINANCE DEPARTMENT: SUPPLY CHAIN MANAGEMENT UNIT**

**DECLARATION ON STATE OF MUNICIPAL ACCOUNTS**

- A Any bid will be rejected if:  
Any municipal rates and taxes or municipal service charges owed by the bidder or any of the directors to the municipality or a municipal entity, or to any other municipality or municipal entity, are in arrears for more than three months.

B Bid Information

1. Name of bidder ..... ii.  
Registration Number .....
- iii. Municipality where business is situated  
.....
- iv. Municipal account number for rates .....
- v. Municipal account number for water and electricity .....
- vi. Names of all directors, their ID numbers and municipal account number.
1. ....
2. ....
3. ....
4. ....
5. ....
6. ....
7. ....

C Documents to be attached.

1. A copy of municipal account mentioned in B (iv) & (v) (Not older than 3 months)  
2. A copy of municipal accounts of all directors mentioned in B(vi) (Not older than 3 months)
3. Proof of directors

***I/We declare that the abovementioned information is true and correct and that the following documents are attached to this form:***

.....  
.....

\_\_\_\_\_  
**Signature**

\_\_\_\_\_  
**Date**

ARTICLE OF AGREEMENT IN TERMS OF THE OCCUPATIONAL SAFETY ACT, 1993  
BETWEEN

**The CITY OF JOHANNESBURG**  
(Hereinafter referred to as the  
"EMPLOYER")

AND

.....  
.....  
.....  
.....

Herein represented by ..... in his/her capacity as .....

duly authorised as per Form D , Attached hereto,(herein after referred to as the (CONTRACTOR")  
WHEREAS the CONTRACTOR is the mandatory of the EMPLOYER as contemplated in an

agreement in respect of .....

.....  
.....(RFQ Description)

RFQ number.....

AND WHEREAS the Occupational Health and Safety act, 1993 (Act 85 of 1993, hereinafter referred to as the "ACT"), imposes certain powers and duties upon the EMPLOYER.

AND WHEREAS the parties have agreed to enter into an agreement in terms of the ACT. NOW THEREFORE the parties agree as follows:

- (a) The CONTRACTOR undertakes to acquaint the appropriate officials and employees of the CONTRACTOR with all relevant provisions of the ACT and the regulations promulgated in terms thereof.
- (b) The CONTRACTOR undertakes that all relevant duties, obligations and prohibitions imposed in terms of the ACT and Regulations will be fully complied with. Provided that should the EMPLOYER prescribe certain arrangements and procedures, that same shall be observed and adhered to by the CONTRACTOR, his officials and employees. The CONTRACTOR shall bear the onus of acquainting himself/herself/itself with such arrangements and procedures.
- (c) The CONTRACTOR hereby accepts sole liability for such due compliance with the relevant duties, obligations, prohibitions, arrangements and procedure, if any, imposed by the ACT and Regulations and the EMPLOYER expressly absolves the EMPLOYER from itself being obliged to comply with any of the aforesaid duties, obligations, prohibitions, arrangements and procedure as the case may be.
- (d) The CONTRACTOR agrees that any duly authorised officials of the EMPLOYER shall be entitled, although not obliged, to take such steps as may be necessary to ensure that the CONTRACTOR has complied with the undertakings as more fully set out in paragraphs (a) and (b) above, which steps may include, but shall not be limited to, the right to inspect any appropriate site or premises occupied by the CONTRACTOR, or to inspect any appropriate records held by the CONTRACTOR or to take such steps it may deem necessary to remedy the default of the CONTRACTOR at the cost of the CONTRACTOR.

- (e) The CONTRACTOR shall be obliged to report forthwith to the EMPLOYER any investigations, complaint or criminal charge which may arise as a consequence of the provisions of the ACT and Regulations, pursuant to work performed in terms of this agreement, and shall, on written demand, provide full details in writing of such an investigation, complaint or criminal charge as the case may be.

Thus signed at JOHANNESBURG for and on behalf of the EMPLOYER on this the

..... day of .....20.....

AS WITNESSES:

1. ....

2. ....

SIGNATURE .....

NAME AND SURNAME.....

CAPACITY.....

Thus signed at ..... for and on the behalf of the CONTRACTOR on this  
the..... day of.....2023

AS WITNESSES:

1. ....

2. ....

SIGNATURE.....

NAME AND SURNAME.....

CAPACITY.....

