

**Johannesburg Tourism Company NPC**  
A City of Johannesburg Metropolitan Municipality Entity

Req. No. 2003/009873/08

Sandton Library Offices  
Nelson Mandela Square  
West Street, Sandton  
Johannesburg  
South Africa

P.O Box 7776  
Johannesburg  
South Africa  
2000

Tel +27 11 779 0200  
[www.joburgtourism.com](http://www.joburgtourism.com)

## REQUEST FOR QUOTATION (RFQ)

<b>JTC0011-2023-24</b>
<b>Description: REQUEST FOR QUOTATION FROM SUITABLY AND FITTINGLY QUALIFIED SERVICE PROVIDER TO RENDER PHOTOGRAPHY AND VIDEOGRAPHY SERVICE WHEREIN AN IMAGE LIBRARY FEATURING BUSINESS AND LEISURE IMAGES INCLUDING PRODUCING LEISURE AND BUSINESS PROMOTIONAL VIDEO FOR THE PROMOTION OF JOBURG AS A TOURIST DESTINATION</b>

<b>Date of advertisement:</b>	<b>03 November 2023</b>
<b>Closing date:</b>	<b>13 November 2023</b>
<b>Closing time:</b>	<b>10H00</b>
<b>Briefing</b>	<b>None</b>
<b>Delivery of the project (images and videos)</b>	<b>One (1) month after issue of purchase order</b>
<b>Quotations may be deposited in bid box at: 4<sup>th</sup> Floor Joburg Tourism Company Offices Sandton Library Offices Nelson Mandela Square West Street, Sandton</b>	Quotations will be received on the closing dates and times shown and must be enclosed in 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 ACCOUNTING OFFICER JOHANNESBURG TOURISM COMPANY  Quotations will be opened at the latter address at the time indicated and no late submissions will be received.
<b>Procurement Enquiries</b>	Phumziles@joburgtourism.com <b>Tel: (011) 779 0200</b>
<b>Technical Enquiries</b>	<a href="mailto:Phumziles@joburgtourism.com">Phumziles@joburgtourism.com</a> <b>Tel: (011) 779 0200</b>

## ENTITY DETAILS

Entity Type	Private	Partnership	Close Corporation		Sole Proprietor
	Other (Specify)				
Entity Name	Legal Name:				
	Trading as:				
Entity Registration Number					
City of Johannesburg/ JTC Vendor Registration Number (if already have)					
National Treasury Central Supplier Database number: (Compulsory)					
Entity Street Address					
	Postal Code:				
Contact Details of the Person Representing the Entity	Name	:			
	Telephone:	:			
	Cell phone:	:			
	E-mail address	:			
Income Tax Number					
VAT Reference Number (if applicable)					

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## **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 Joburg Tourism Company 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. 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 entity will reject the quotation if corrections are not made in accordance with the above**
- 5. NO PRICE INCREASES/ADJUSTMENTS WILL BE CONSIDERED.**
- 6. 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.**
- 7. JOHANNESBURG TOURISM COMPANY WILL NOT MAKE ANY UPFRONT PAYMENTS AND TENDERERS MUST ENSURE THAT THEY HAVE SUFFICIENT CASH FLOW TO COVER THE PROVISION OF THE GOODS/SERVICES**
- 8. To participate in the City's Quotation process for the procurement of goods and/or services, vendors are advised to get accredited and registered primarily on the Central Supplier Database.**
- 9. All prices must be quoted in South African currency (SA rand), all applicable taxes included**
- 10. All prices quoted must be inclusive of Value Added Tax (VAT). Suppliers who are not registered for VAT will be treated as Non - VAT Vendors.**
- 11. 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.**
- 12. All prices and details must be legible/readable to ensure the quotation will be considered for adjudication.**
- 13. Prices quoted must be all inclusive of delivery charges and goods must be delivered to the address indicated on the quotation page.**
- 14. The successful company must provide labour for off-loading/delivering.**

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15. Quantities are given in good faith and without commitment to the Johannesburg Tourism Company. 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.
  16. 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 Johannesburg Tourism Company, with the invoice, the contract price adjustment will not be accepted and the contract may be cancelled.
  17. 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.
  18. Where applicable, the tenderer is required to record the vendor number in the space provided on the cover page of this quotation document.
  19. The Johannesburg Tourism Company reserves the right, to cancel and re-issue the quotation
  20. 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
  21. 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 Johannesburg Tourism Company
  22. FALSE DECLARATION ON MUNICIPAL BIDDING DOCUMENTS FORM (MBD) WILL LEAD TO AUTOMATIC DISQUALIFICATION.

**VALIDITY OF RFQ: 30 DAYS**

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

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

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

## **BRIEF OVERVIEW OF SERVICES**

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**QUOTATION DESCRIPTION:**  
**REQUEST FOR QUOTATION FROM SUITABLY AND FITTINGLY QUALIFIED SERVICE PROVIDER TO RENDER PHOTOGRAPHY AND VIDEOGRAPHY SERVICE WHEREIN AN IMAGE LIBRARY FEATURING BUSINESS AND LEISURE IMAGES INCLUDING PRODUCING LEISURE AND BUSINESS PROMOTIONAL VIDEO FOR THE PROMOTION OF JOBURG AS A TOURIST DESTINATION**

<b>Pricing</b>	<b>(R)</b>
<b>Sub Total Price</b>	
<b>Vat 15% (if applicable)</b>	
<b>Total Quoted Price (Inclusive of Vat)</b>	

## **BRIEF OVERVIEW**

### **A. Introduction**

The Johannesburg Tourism Company (JTC) is mainly tasked with promoting tourism, by marketing the city as a tourism destination both internationally and domestically.

### **B. Purpose**

As Johannesburg strives to be a leading tourist destination, the City of Johannesburg has to respond to very specific and demanding tourist services initiatives, all of which have a very significant reputational impact in show-casing and promoting the city. Continued efforts in improving visitor services and experience, ensuring provision of information and standardisation of services according to international standards and industry requirements are the underlying factors that need to be addressed in responding to tourist demands.

## **USE OF MATERIAL (IMAGES/VIDEOS)**

The final produced material namely images will be used for destination promotions in the following areas:

- a) Printing of marketing material (brochures, booklets, newspapers, magazines)
- b) Online advertising (website, MobiApp, Facebook, Instagram, twitter, TikTok, YouTube)
- c) Outdoor billboard advertising platforms
- d) Indoor advertising screens
- e) Branding material (pull up banners, media banners etc.)

## **SCOPE OF WORK**

Johannesburg Tourism Company (JTC) requests quotations from suitable and fitting service to render photography and videography service wherein an image library featuring business and leisure images including producing leisure and business promotional video for the promotion of Joburg as a tourist destination. It is

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envisaged that the appointed service provider should deliver the final edited images and videos by no later than 30 November 2023 in open files, high resolution and ready to use format.

## **1. DELIVERABLES**

### **A) BUSINESS TOURISM PROMOTION VIDEO PRODUCTION AND EDITING**

The video productions in the following manner:

- One (1) x business tourism promotion video
- Two (2) minutes long
- To showcase business tourism offerings with promotional voice over as per business tourism script to be provided to the appointed service provider by JTC.

### **B) LEISURE TOURISM PROMOTION VIDEO PRODUCTION AND EDITING**

The video productions in the following manner:

- One (1) x leisure tourism promotion video
- Two (2) minutes long
- To showcase leisure tourism offerings with promotional voice over as per leisure tourism script to be provided to the appointed service provider by JTC.

### **C) BUSINESS TOURISM IMAGE LIBRARY**

- Number of total images to be captured and edited is one hundred (100)
- High resolution and ready to use images.
- Each image should be morning, midday, afternoon and night shots.
- Business images must cover the following:
  - a) Meeting venues inside and outside i.e. conference, hotels, convention and exhibition centres, meeting rooms
  - b) Business tourism events.
  - c) Business meeting interactions
  - d) Investment/ Financial - Johannesburg Stock Exchange, Sandton CBD, Joburg Inner City etc.

### **D) LEISURE TOURISM IMAGE LIBRARY**

- Number of total images to be captured and edited is one hundred (100)
- High resolution and ready to use images.
- Each image should be morning, midday, afternoon and night shots.
- Leisure images should include or cover the following:
  - a) Leisure areas i.e. outdoor markets, restaurants, shopping, gastronomy

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- b) Leisure tourism events (concerts, festivals).
  - c) Leisure - should showcase Joburg attraction i.e. Gold Reef City, Casino, Theme parks, Airports, Gautrain, City Sightseeing red bus, Metrobus, and Rea Vaya buses, Vilakazi Street activities, Rooftops
  - d) Skylines - must showcase the beauty of Joburg i.e. Mandela Bridge, theatres in Joburg and rooftops/ aerial picturesque of the City including surroundings namely; Soweto, Alexandra, Midrand, Fourways, Rosebank etc.
  - e) Events should showcase events which are happening in Joburg i.e. Rand Easter show, Joburg Summer Cup, Markets, Consumer shows, 702 Walk the Talk, Soccer matches, Soweto marathon, cycling events, Arts and exhibition events, and Theatre events.

## **E. GENERIC IMAGE LIBRARY**

- Number of total images to be captured and edited is one hundred (50)
- High resolution and ready to use images.
- Each image should be morning, midday, afternoon and night shots.

Generic images should include or cover the following:

- a) Education showcasing some of the best facilities in the City i.e. Universities, Colleges and Schools
- b) Wildlife and Safari in Joburg i.e. Melville Koppies nature reserve, Klipriviersberg Nature Reserve, hiking and mountain biking trails, Botanical Gardens, Zoo lake, Zoo and other wildlife sanctuaries (Lion & Safari Park).
- c) Lifestyle and culture\_of Joburg that show a diversity of people enjoying the best outdoors in the City i.e. Playground (formerly Neighbourgoods Market), entertainment spots, art galleries, clubs, people jogging/exercising, skateboarders, weddings, churchgoers, outdoor weekend markets, picnics, Botanical gardens, Maboneng, Vilakazi street, Melrose Arc.
- d) Formal and informal economy i.e. street traders (inner city and townships), small shops (Sandton Gautrain precinct), taxi ranks, mining,
- e) Family images should showcase family who are sitting, reading, walking, kids playing and or driving.
- f) Development images that show the ever changing and busy nature of the city i.e. refurbished inner city precincts such as Jewel City, Braamfontein, refurbished buildings, JITI, construction images such as cranes; infrastructure such as highways, roads, stadiums, hospitals, clinics, multipurpose centres (Patterson Park, Brixton), airports

## **2. NOTE WELL:**

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- The video needs to be 3 minutes long.
  - The final promotional videos must be saved on a cloud, video must be burned on a USB and the link needs to be shared to Joburg Tourism team.
  - Only high-resolution pictures, day or night, indoor or outdoor set ups will be required.
  - Photos must be saved on a cloud according to the categories mentioned above and the link needs to be shared to Joburg Tourism team upon completion of the project.
  - Videos must be saved on a cloud according to the categories mentioned above and the link needs to be shared to Joburg Tourism team upon completion of the project.
  - Photos images must be ALSO saved on a USB according to the categories mentioned above and be delivered at the Joburg Tourism team upon completion of the project.
  - The service provider will need to comply with local traditions or restrictions (Copyright and POPIA, 2013 (Act No.4 of 2013) in taking or reproducing images of people, objects or places understanding national laws related to photography, filming and privacy rights gaining appropriate verbal or written informed consent before taking photographs or videos respecting a person's right to refuse to be photographed or video.
  - Service providers should include their management fee or costs in the quotation
  - JTC will not be held liable for any non-compliance with the provisions of POPIA or unlawful processing or sharing of information by a bidder/service provider in collation of the information.
  - JTC will comply with the Protection of Personal Information Act, 2013 (Act No.4 of 2013, (POPIA) by lawfully processing personal information submitted by bidders in accordance with the conditions of lawful processing as set out in POPIA.

### **3. DISCLAIMER:**

The successful bidder shall be expected to have sufficient cash flow to project manage the work from beginning to end, since the JTC shall not offer upfront payment for any work to be done. Payment will be made upon submission of invoice/s for completed project/s.

### **4. CONTRACT PERIOD:**

The appointment shall be for a period not exceeding ONE (1) month from the date of issue of purchase order for the project. The successful bidder will be required to submit to JTC the final videos and images within agreed period of ONE (1) month.

### **5. PRICE SCHEDULE**



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NO	DESCRIPTION	QUANTITY	UNIT PRICE (EXCL. VAT)	TOTAL PRICE (EXCL. VAT)
(i)	• Business tourism promotion video	1 video		
(ii)	• Leisure tourism promotion video	1 video		
(iii)	• Business images	100 images		
(iv)	• Leisure images	100 images		
(v)	• Generic images	50 images		
	<b>Total (excl. VAT)</b>			
	<b>VAT</b>			
	<b>TOTAL including VAT</b>			

### RETURNABLE DOCUMENTS

**Checklist documents and requirements should be attached and submitted with the bid on submission.**

1. Quotation on company letter head.
2. Only companies with minimum three (3) years' experience in photography and videography services may respond
3. All parts must be quoted. (If there is an omission of any part or parts will result in disqualification.)
4. Valid certified BBBEE certificate or affidavit.
5. Valid Tax Clearance certificate
6. CSD registration number to be filled in on the front page of RFQ in clear handwritten
7. Completed RFQ
8. Respondents should also include in their submission two (2) reference letters of similar or same job done before, failure to meet this requirement will result in disqualification of the submission

9. Respondents should include in their submission a **portfolio of evidence** that shows similar work performed from at least two (2) local tourism authorities, failure to meet this requirement will result in disqualification
10. Municipal Account not in arrears for more than 90 days for all directors or lease agreement if leasing a property or affidavit if the company and directors are neither leasing nor own a property.
11. Municipal Account not in arrears for more than 90 days for the company with the address appearing on CSD report or lease agreement if leasing a property or affidavit if the company are neither leasing nor own a property.

### **DISQUALIFICATION CRITERIA**

1. Failure to quote for all items in the pricing schedule

### **EVALUATION CRITERIA**

#### **PRICE AND PREFERENTIAL GOALS POINTS**

Proposals will be evaluated in terms of the Preferential Procurement Policy Framework Act using the 80:20 points system. The evaluation in terms of price and preferential goal points will be conducted on responsive bidders. A maximum of 80 points will be awarded for price and a maximum of 20 points will be awarded in line with the City's Preferential Goals in terms of the Preferential Procurement Regulations 2022 as follows:

TABLE 1

<b>Preferential Goals</b>	<b>Number of Points</b>	<b>Means of verification</b>
Business owned by 51% or more – Black People	3	CSD, valid BBBEE Certificate/Affidavit sworn under oath, ID Copy of owner/s of the business and shareholders certificate
Business owned by 51% or more – Women	3	CSD, ID Copy of owner/s of the business and shareholders certificate
Business owned by 51% or more – Black Youth	2	CSD, valid BBBEE Certificate/Affidavit sworn under oath, ID Copy of owner/s of the business and shareholders certificate
Business owned by 51% or more – black people with disabilities	2	CSD, ID Copy of owner/s of the business and shareholders certificate
Enterprises located within the jurisdiction of the City of Johannesburg Metropolitan Municipality	5	CSD and proof of Municipal accounts / Letter from Ward Council confirming business address
SMMEs (An EME or QSE)	5	CSD and BBBEE Certificate/Affidavit sworn under oath.

Maximum Points	20	
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### CONDITIONS OF AWARD

1. Compliant tax status in terms of the CSD.
2. Municipal accounts not older than 90 days for the Company and all its director's not more than 90 days in arrears, or a valid lease agreement or sworn affidavit. If in arrears proof of acknowledgement of debt must be provided
3. Directors and Principal members not in the Service of the State
4. Name of the bidder or that of its directors should not appear on the National Treasury's database of Restricted Suppliers.

## 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 Owner of the Bidding Entity: .....

3.2 Identity Number if applicable: .....

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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?

(Tick applicable box)

YES	NO

3.8.1 If yes, furnish particulars. ....

3.9 Have you been in the service of the state for the past twelve months?

(Tick applicable box)

YES	NO

3.9.1 If yes, furnish particulars .....

3.10 Do you have any relationship (close family member, partner or associate) with persons in the service of the state and who may be involved with the evaluation and or adjudication of this bid?

(Tick applicable box)

YES	NO

3.10.1 If yes, furnish particulars .....

3.11 Are you aware of any relationship (close family member, partner or associate) 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?

(Tick applicable box)

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 the service of the state?

(Tick applicable box)

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?

(Tick applicable box)

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?

(Tick applicable box)

YES	NO

3.14.1 If yes, furnish particulars:

.....

4. Full details of directors / trustees / members / shareholders. (Attach for additional members)

Full Name	Identity Number	State Employee Number (If applicable)

<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

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- 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.

## MBD8: 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. wilfully 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. (tick applicable box).

Item	Question	Yes	No
4.1	<p><b>Is the bidder or any of its directors listed on the National Treasury's database as a company or person prohibited from doing business with the public sector?</b></p> <p><b>(Companies or 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> rule was applied).</b></p>	<p>Yes</p> <p><input type="checkbox"/></p>	<p>No</p> <p><input type="checkbox"/></p>

Item	Question	Yes	No
4.1.1	If so, furnish particulars:		
4.2	<p>Is the bidder or any of its directors listed on the Register for Tender Defaulters in terms of section 29 of the Prevention and Combating of Corrupt Activities Act (No 12 of 2004)?</p> <p><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></p>	<p>Yes</p> <input type="checkbox"/>	<p>No</p> <input type="checkbox"/>
4.2.1	If so, furnish particulars:		
4.3	<p><b>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?</b></p>	<p>Yes</p> <input type="checkbox"/>	<p>No</p> <input type="checkbox"/>
4.3.1	If so, furnish particulars:		
Item	Question	Yes	No
4.4	<p>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?</p>	<p>Yes</p> <input type="checkbox"/>	<p>No</p> <input type="checkbox"/>
4.4.1	If so, furnish particulars:		



Item	Question	Yes	No
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 (NAME) .....

CERTIFY THAT THE INFORMATION FURNISHED ON THIS DECLARATION FORM IS CORRECT.

I ACCEPT THAT THE STATE AND/OR THE EMM MAY ACT AGAINST ME SHOULD THIS DECLARATION PROVE TO BE FALSE.

.....  
Signature

.....  
Date

.....  
Capacity

.....  
Name of Bidding Entity

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## MBD 9: CERTIFICATE OF INDEPENDENT BID DETERMINATION

1. This Form “I” 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 Form “I” 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 must be completed and submitted with the bid:

CERTIFICATE OF INDEPENDENT BID DETERMINATION (MBD 9)

I, the undersigned, in submitting the accompanying bid:

(Bid Number and Description)

in response to the invitation for the bid made by: **Johannesburg Tourism Company** 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:

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- 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.
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

.....  
Full Names of Person Representing Company

.....  
Position in Company

DECLARATION ON STATE OF MUNICIPAL ACCOUNTS

- A. Any bid will be rejected if:
- B. 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.

C. Bid Information

- i. 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. ....

D. 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

