



Johannesburg Tourism Company NPC

A City of Johannesburg Metropolitan Municipality Entity

Reg 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

REQUEST FOR QUOTATION

RFQ Number	JTC0012-2023/24
DESCRIPTION: REQUEST TO PROVIDE TRAINING ON SUPPLY CHAIN MANAGEMENT BID COMMITTEES WITHIN THE LOCAL GOVERNMENT ENVIRONMENT FOR THREE (03) DAYS IN FEBRUARY 2024 FOR 30 OFFICIALS (TWO SESSIONS COMPRISING 15 OFFICIALS PER 3-DAY SESSION)	
THIS REQUEST FOR PROPOSAL IS FOR THE JOHANNESBURG TOURISM COMPANY	

Date of advertisement:	26 January 2024
Closing date:	05 February 2024
Closing time:	10H00
Compulsory briefing meeting date (if applicable)	N/A
Quotations should be deposited in bid/tender box at: Sandton Library Offices Nelson Mandela Square West Street, Sandton	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.
Procurement Enquiries	Sphiwem@JoburgTourism.com 0117990214
Technical Enquiries	Zandid@joburg.org.za

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)					

SCHEDULE OF PRICES/ RATES:

DESCRIPTION: REQUEST TO PROVIDE TRAINING ON SUPPLY CHAIN MANAGEMENT BID COMMITTEES WITHIN THE LOCAL GOVERNMENT ENVIRONMENT FOR THREE (03) DAYS IN FEBRUARY 2023 FOR 30 OFFICIALS FOR TWO SESSIONS (COMPRISING 15 OFFICIALS PER 3-DAY SESSION)

Pricing	(R)
Sub Total Price	
Vat 15% (if applicable)	
Total Quoted Price (Inclusive of Vat)	

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.**
- 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 Municipal entity 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's) WILL LEAD TO AUTOMATIC DISQUALIFICATION.**

VALIDITY OF RFQ: 30 DAYS

I HEREWITHE CONFIRM THAT I HAVE READ AND UNDERSTOOD THE ABOVEMENTIONED CONDITIONS.

SIGNATURE_____

NAME_____

FORM "E"

SPECIFICATION/SCOPE OF WORK/TERMS OF REFERENCE

PURPOSE

The request for quotation aims to ensure that the SCM Practitioners and Bid Committee members have the required understanding, competency and knowledge to execute SCM regulatory and prescripts requirement as frequently issued by National Treasury

OBJECTIVE

The objective of this terms of reference is to appoint a qualified and experienced training provider to offer face-to-face Bid Committees training for SCM Practitioners and Bid Committee Members as per the scope of services outlined hereto below.

SCOPE OF SERVICES

The scope of the services is as follows:

- Duties, responsibilities and mandate of Bid Committee members
- Training to include current and relevant case studies to be able to demonstrate practical application to legislation, governance and compliance approach and methodology

in addressing the above, the service provider should provide insight into:

- Legislation applicable to local government procurement (MFMA, PPPFA, MFMA Circulars, Practice notes etc.)
- Changes and the application of such changes to legislation to local government operations
- Applicable Case Laws affecting public sector procurement at the local government level
- Johannesburg Tourism Company SCM policy (available on request)
- A full questions and answers session (National Treasury and Provincial Treasury may be invited to attend the "Q's & A's" session that should be scheduled for the end of each of the session)

EXPECTED OUTCOMES AND DELIVERABLES

The Expected outcomes and deliverables must be read in conjunction to the scope of services.

- Discuss elements of a supply chain management model that apply to bid committees
- Apply knowledge of the applicable regulatory framework for compliance
- Apply knowledge of the functions of the Bid Committees i.e. Specification, Evaluation and Adjudication
- Discuss the importance of ethical conduct at all stages of the bid committee process,
- Legal and non-legal compliance (administrative requirements within the process of bidding)
- Understanding to the Tourism environment and the applicable frameworks and legislation

DURATION OF SERVICES

The duration of services is for a period of three (3) days per session for two sessions (6 days in total)

QUALITY ASSURANCE/ REVIEW OF THE WORK

The quality of the services provided shall be monitored through progress reports to the duly appointed Johannesburg Tourism Company official(s) at agreed timeframes coupled with reviews from the targeted trainees. All work to be undertaken must be approved by the duly appointed official.

DISQUALIFICATION CRITERIA

- The service provider should be an accredited training provider. Failure to attach proof and accreditation number with the LGSETA will lead to disqualification.
- Failure to quote on item in the pricing schedule.

MINIMUM REQUIREMENTS FOR A SERVICE PROVIDER TO BE CONSIDERED

- Experience of the company: the company must have successfully provided training for Public Sector Supply Chain Management, within the last 5 years for at least four (04) organs of state. Attach contactable reference letters on client's letterheads or appointment letters.
- Key personnel: The facilitator/s must have at least 5 years' experience in public sector SCM, with expertise in both MFMA and PFMA environment
- Qualification of key personnel: The facilitator/s must possess at least a Bachelor's degree in Law or Supply Chain Management/Logistics/Purchasing or Public Management or Business Administration or Finance or Commerce.

EVALUATION CRITERIA

The quotations will be evaluated using the using functionality as set out in Table 1 below in terms of MFMA Circular 53. Offers that fail to meet **60 out of the 100** points on functionality will not be considered for further evaluation. Further evaluation will be undertaken using the 80:20 evaluation principle where 80 points will be for price and the 20 points will be for the attainment of the empowerment goals as per Table 2 below.

TABLE 1

CRITERIA	GUIDELINE FOR CRITERIA EVALUATION	WEIGHTING
Qualification of key personnel	Bachelor's degree in Law/Supply Chain Management/Logistics/Purchasing/Public Management /Business Administration/Finance/Commerce. - Less than a Bachelor's degree: 0 points - Relevant Bachelor's degree: 20 points - Above Bachelor's degree – 30 points	30 points
Experience of key personnel	The facilitator/s must have at least 3 years' experience in public sector SCM - Less than 3 years' experience: 0 points - 3-5 years' experience: 20 points - Above 5 years' experience: 30 points Expertise in both MFMA and PFMA environment	30 20

	<ul style="list-style-type: none"> - No expertise: 0 points - PFMA expertise: 10 points - MFMA expertise: 10 points 	
Company Track record	<p>The company must have facilitated at least 3 MFMA/PFMA SCM training programs.</p> <ul style="list-style-type: none"> - No experience: 0 points - 3 – 5 years' experience: 10 points - Above 5 years' experience: 20 points 	20
	Total	100

TABLE 2: PRICE AND EMPOWERMENT POINTS

PRICE	80 POINTS
EMPOWERMENT IN TERMS OF PREFERENTIAL PROCUREMENT REGULATIONS, 2022	<p>20 POINTS</p> <p>SMME (EME/QSE) – 10 points</p> <p>Enterprises/business owned by at least 51% Black People – 5 points.</p> <p>Enterprises/business owned by at least 51% Women – 5 points</p>

PRICING REQUIREMENTS

Area	TOTAL PRICE. Inc. VAT)
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Total	
VAT	
Total (Incl. VAT)	

Bidders are required to quote for ALL items in the pricing schedule and failure to do so will render the offer non-responsive based on the proposal being considered an incomplete offer

RETURNABLE DOCUMENTS

- Completed and signed form of pricing schedule
- Completed and signed MBD forms (MBD 3.3, 4, 6.1, 8 and 9)
- Declaration on State of Municipal Accounts
- Current/recent CSD report of the bidder (not older than 3 months)
- Municipal accounts of both the bidder and ALL directors not in arrears of more than 90 days and not older than 3 months, or valid lease agreement/s or sworn affidavit/s
- Project plan
- Curriculum vitae of key project lead and project team
- Proof of qualifications of project lead and team
- Company profile
- Reference letters on previous clients' letterhead with contact details for previous work undertaken

CONDITIONS OF AWARD

- Compliant tax status in terms of the CSD.
- Municipal accounts not older than 90 days for the Company and all its directors 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
- Directors and Principal members not in the Service of the State
- Name of the bidder or that of its directors should not appear on the National Treasury's database of Restricted Suppliers.

PRICING SCHEDULE
(Professional Services)

NAME OF BIDDER: BID
NO.:

CLOSING TIME 10:00 CLOSING DATE.....

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

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

1. The accompanying information must be used for the formulation of proposals.
2. Bidders are required to indicate a ceiling price based on the total estimated time for completion of all phases and including all expenses inclusive of all applicable taxes for the project.
R.....
3. PERSONS WHO WILL BE INVOLVED IN THE PROJECT AND RATES APPLICABLE (CERTIFIED INVOICES MUST BE RENDERED IN TERMS HEREOF)

4. PERSON AND POSITION	HOURLY RATE	DAILY RATE
.....	R.....

5. PHASES ACCORDING TO WHICH THE PROJECT WILL BE COMPLETED, COST PER PHASE AND MAN-DAYS TO BE SPENT

.....	R..... days

5.1. Travel expenses (specify, for example rate/km and total km, class of airtravel, etc). Only actual costs are recoverable. Proof of the expenses incurred must accompany certified invoices.

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

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

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

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

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

.....

.....

.....

.....

MBD 4: DECLARATION OF INTEREST

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

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

.....

3.2. Identity Number:

.....

3.3. Position occupied in the Company (director, trustee, 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.

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

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

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

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

3.9.1. If yes, furnish particulars.

.....

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

3.10.1. If yes, furnish particulars.

.....

.....

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

3.11.1. If yes, furnish particulars

.....

3.12. Are any of the company's directors, trustees, managers, principal 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 6.1: PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL PROCUREMENT REGULATIONS 2022

This preference form must form part of all tenders invited. It contains general information and serves as a claim form for preference points for specific goals.

NB: BEFORE COMPLETING THIS FORM, TENDERERS MUST STUDY THE GENERAL CONDITIONS, DEFINITIONS AND DIRECTIVES APPLICABLE IN RESPECT OF THE TENDER AND PREFERENTIAL PROCUREMENT REGULATIONS, 2022

1. GENERAL CONDITIONS

- 1.1 The following preference point systems are applicable to invitations to tender:
 - the 80/20 system for requirements with a Rand value of up to R50 000 000 (all applicable taxes included); and
- 1.2 The applicable preference point system for this tender is the 80/20 preference point system.
- 1.3 Points for this tender (even in the case of a tender for income-generating contracts) shall be awarded for:
 - (a) Price; and
 - (b) Specific Goals.

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

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

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

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

2. DEFINITIONS

- (a) “**tender**” means a written offer in the form determined by an organ of state in response to an invitation to provide goods or services through price quotations, competitive tendering process or any other method envisaged in legislation;
- (b) “**price**” means an amount of money tendered for goods or services, and includes all applicable taxes less all unconditional discounts;
- (c) “**rand value**” means the total estimated value of a contract in Rand, calculated at the time of bid invitation, and includes all applicable taxes;
- (d) “**tender for income-generating contracts**” means a written offer in the form determined by an organ of state in response to an invitation for the origination of income-generating contracts through any method envisaged in legislation that will result in a legal agreement between the organ of state and a third party that produces revenue for the organ of state, and includes, but is not limited to, leasing and disposal of assets and concession contracts, excluding direct sales and disposal of assets through public auctions; and

(e) “**the Act**” means the Preferential Procurement Policy Framework Act, 2000 (Act No. 5 of 2000).

3. FORMULAE FOR PROCUREMENT OF GOODS AND SERVICES

6.1. POINTS AWARDED FOR PRICE

6.1.1. THE 80/20 PREFERENCE POINT SYSTEMS

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

80/20

$$Ps = 80 \left(1 - \frac{Pt - P_{min}}{P_{min}} \right)$$

Where

Ps = Points scored for price of tender under consideration

Pt = Price of tender under consideration

Pmin = Price of lowest acceptable tender

6.2. FORMULAE FOR DISPOSAL OR LEASING OF STATE ASSETS AND INCOME GENERATING PROCUREMENT

6.2.1. POINTS AWARDED FOR PRICE

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

80/20

$$Ps = 80 \left(1 + \frac{Pt - P_{max}}{P_{max}} \right)$$

Where

Ps = Points scored for price of tender under consideration

Pt = Price of tender under consideration

Pmax = Price of highest acceptable tender

7. POINTS AWARDED FOR SPECIFIC GOALS

- 7.1. In terms of Regulation 4(2); 5(2); 6(2) and 7(2) of the Preferential Procurement Regulations, preference points must be awarded for specific goals stated in the tender. For the purposes of this tender the tenderer will be allocated points based on the goals stated in table 1 below as may be supported by proof/ documentation stated in the conditions of this tender:
- 7.2. In cases where organs of state intend to use Regulation 3(2) of the Regulations, which states that, if it is unclear whether the 80/20 or 90/10 preference point system applies, an organ of state must, in the tender documents, stipulate in the case of—
 - (a) an invitation for tender for income-generating contracts, that either the 80/20 or 90/10 preference point system will apply and that the highest acceptable tender will be used to determine the applicable preference point system; or
 - (b) any other invitation for tender, that either the 80/20 or 90/10 preference point system will apply and that the lowest acceptable tender will be used to determine the applicable preference point system,

then the organ of state must indicate the points allocated for specific goals for both the 90/10 and 80/20 preference point system.

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

THE SPECIFIC GOALS ALLOCATED POINTS IN TERMS OF THIS TENDER	MEANS OF VERIFICATION DOCUMENTS REQUIRED	NUMBER OF POINTS ALLOCATE D (80/20 SYSTEM)	NUMBER OF POINTS CLAIMED (80/20 SYSTEM) (TO BE COMPLETED BY THE TENDERER)
GOAL 1: DESIGNATED GROUP			
Business/ enterprise owned by 51% or more Black people	CSD Valid BBBEE Certificate/ Affidavit Sworn under oath, ID copy of owner/s of the business and Shareholder's certificate	5	
Business/ enterprise owned by 51% or more Women	CSD Valid BBBEE Certificate/ Affidavit Sworn under oath, ID copy of owner/s of the business and Shareholder's certificate	5	
GOAL 2: SPECIFIC GOAL			
SMMEs (EME or QSE)	CSD Report and BBBEE certificate /Affidavit Sworn under oath	10	

DECLARATION WITH REGARD TO COMPANY/FIRM

7.3. Name of company / firm

7.4. Company registration number:

7.5. **TYPE OF COMPANY/ FIRM**

- Partnership/Joint Venture / Consortium
- One-person business/sole proprietor
- Close corporation
- Public Company

- Personal Liability Company
- (Pty) Limited
- Non-Profit Company
- State Owned Company

[TICK APPLICABLE BOX]

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

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

alteram partem (hear the other side) rule has been applied; and

- (e) forward the matter for criminal prosecution, if deemed necessary.

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:
 - 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?
(Companies for persons who are listed on this database were informed in writing of this restriction by the National Treasury after the audi alteram partem (listen to the other side) rule was applied).
 Yes
 No
 - 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)?

(To access this Register enter the National Treasury's website, www.treasury.gov.za , 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)

- Yes
- No

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
- No

4.3.1 If so, furnish particulars:

1.4 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
- No

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
- No

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 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 *per se* prohibition meaning that it cannot be justified under any grounds.

3 Municipal Supply Regulation 38 (1) prescribes that a supply chain management policy must provide measures for the combating of abuse of the supply chain management system, and must enable the accounting officer, among others, to:

a. take all reasonable steps to prevent such abuse;

b. reject the bid of any bidder if that bidder or any of its directors has abused the supply chain management system of the municipality or municipal entity or has committed any improper conduct in relation to such system; and

c. cancel a contract awarded to a person if the person committed any corrupt or fraudulent act during the bidding process or the execution of the contract.

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

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

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

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

CERTIFICATE OF INDEPENDENT BID DETERMINATION

I, the undersigned, in submitting the accompanying bid:

(Bid Number and Description)

in response to the invitation for the bid made by:

(Name of Municipality / Municipal Entity)

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

I certify, on behalf

of:

that:

(Name of Bidder)

1. I have read and I understand the contents of this Certificate;
2. I understand that the accompanying bid will be disqualified if this Certificate is found not to be true and complete in every respect;
3. I am authorized by the bidder to sign this Certificate, and to submit the accompanying bid, on behalf of the bidder;
4. Each person whose signature appears on the accompanying bid has been authorized by the bidder to determine the terms of, and to sign, the bid, on behalf of the bidder;
5. For the purposes of this Certificate and the accompanying bid, I understand that the word "competitor" shall include any individual or organization, other than the bidder, whether or not affiliated with the bidder, who:

- (a) has been requested to submit a bid in response to this bid invitation;
- (b) could potentially submit a bid in response to this bid invitation, based on their qualifications, abilities or experience; and
- (c) provides the same goods and services as the bidder and/or is in the same line of business as the bidder

6. The bidder has arrived at the accompanying bid independently from, and without consultation, communication, agreement or arrangement with any competitor. However communication between partners in a joint venture or consortium³ will not be construed as collusive bidding.

7. In particular, without limiting the generality of paragraphs 6 above, there has been no consultation, communication, agreement or arrangement with any competitor regarding:

- (a) prices;
- (b) geographical area where product or service will be rendered (market allocation)
- (c) methods, factors or formulas used to calculate prices;
- (d) the intention or decision to submit or not to submit, a bid;
- (e) the submission of a bid which does not meet the specifications and conditions of the bid; or
- (f) bidding with the intention not to win the bid.

8. In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications and conditions or delivery particulars of the products or services to which this bid invitation relates.

9. The terms of the accompanying bid have not been, and will not be, disclosed by the bidder, directly or indirectly, to any competitor, prior to the date and time of the official bid opening or of the awarding of the contract.

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

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