

**LIMPOPO DEPARTMENT OF EDUCATION  
("LDOE")**

**OPEN TENDER FOR  
SUPPLY AND INSTALLATION OF STEEL PALISADE FENCING AT  
REHLAHLENG SPECIAL SCHOOL (REPLACES MAMAFA  
SECONDARY SCHOOL) IN LIMPOPO LDOE PROJECT:  
LE20TMT17008**

**TENDER NO: TMT-LDOE-2022/23-LPCL7AG**

|                             |                                  |
|-----------------------------|----------------------------------|
| Registered Name of Company  |                                  |
| Trading Name of Company     |                                  |
| Company Registration Number |                                  |
| Contact Person              |                                  |
| Tel No:                     | Email Address:                   |
| Cell No:                    | Fax No:                          |
| Physical Address Of Company |                                  |
|                             |                                  |
|                             |                                  |
| Batch number                | Batch 7                          |
| School name                 | Rehlahleng Special School        |
| District                    | Sekhukhune District Municipality |
| No. of Projects             | One (1)                          |
| Offer (Vat Inclusive (15%)) | R                                |

# Notice and Invitation to Tender

## SUPPLY AND INSTALLATION OF STEEL PALISADE FENCE AT REHLAHLENG SPECIAL SCHOOL IN LIMPOPO UNDER THE LDOE2022/23 PROGRAMME (BID No. TMT-LDOE-2022/23-LPCL7AG)

The Mvula Trust invites suitable and qualified contractors to submit tenders for the supply and installation of Steel Palisade Fence at Rehlahleng Special School in the Limpopo Province.

Contractors are hereby invited to tender for the **Supply and Installation of Perimeter Fencing for this school under the LDOE:**

Table 1:

| Bid Number               | Name of School            | Circuit | District Municipality | CIDB grading  |
|--------------------------|---------------------------|---------|-----------------------|---------------|
| TMT-LDOE-2022/23-LPCL7AG | Rehlahleng Special School | Ngwaabe | Sekhukhune            | 2SQ or Higher |

There will be **NO compulsory briefing**.

The tender will be available on the National Treasury e-tender portal for downloading and self-printing on **Friday, 10<sup>th</sup> June 2022**.

Closing date and time: **Monday, 01 July 2022 @ 11:00am**. Completed tender document must be submitted in sealed envelopes and clearly marked **as per Bid Number indicated above in the table for each specific school/project** and must be deposited in a tender box at **ROP 6 Rhodes drift Office Park, Rhodes drift Street, Bendor, Polokwane 0699**.

No Email, Telegraph, telephone, telex, facsimile or any other form of transmittal will be accepted. Late documents will not be accepted.

The tenders will be evaluated for price and preference. Evaluation for preference and price will be **80/20** Preference Point system where a maximum of **eighty (80)** points will be awarded for price and **twenty (20)** points will be awarded for B-BBEE.

After price and preference have been scored, **arithmetic check** and **risk assessment** will be conducted for those tenderers that are responsive.

The Mvula Trust reserves the right to withdraw any invitation to tender and/or to re-advertise or to reject any tender or to accept a part of it. Note that there are other projects that are advertised under this Batch (7). The successful bidder will **ONLY** be appointed for one (1) project under this Batch (7). The Mvula Trust does not bind itself to accept the lowest tender. Bidders to note that the date for **practical completion** shall be 8 weeks from the **commencement date**.

### Enquiries:

All SCM enquiries regarding this tender must be forwarded to: Email: [mduduziN@themvulatrust.org.za](mailto:mduduziN@themvulatrust.org.za) with the applicable Bid No. as the subject.

All technical enquiries regarding this tender must be forwarded to: **Mr Ngoveni N** Email: [ntsako@themvulatrust.org.za](mailto:ntsako@themvulatrust.org.za) and **Ms Kobue R** Email: [rentia@themvulatrust.org.za](mailto:rentia@themvulatrust.org.za) , as the subject.

## T1.2 Tender Data

|                         |  |                        |              |
|-------------------------|--|------------------------|--------------|
| <b>Project title:</b>   | <b>SUPPLY AND INSTALLATION OF STEEL PALISADE FENCING AT REHLAHLENG SPECIAL SCHOOL IN LIMPOPO UNDER THE LDOE2022/23 PROGRAMME</b> |                        |              |
| <b>Bid No:</b>          | <b>TMT-LDOE-2022/23-LPCL7AG</b>  |                        |              |
| <b>Invitation date:</b> | 10 June 2022   | <b>Closing date:</b>   | 04 July 2022 |
| <b>Closing time:</b>    | 11:00am  | <b>Validity period</b> | 12 weeks     |

The conditions of tender are the Standard Conditions of Tender as contained in Annex C of CIDB Standard for Uniformity in Construction Procurement (August 2019), downloadable from the CIDB Website. This standard is issued in terms of sections 4(f), 5(3)(c) and 5(4)(b) of the Construction Industry Development Board Act 38 of 2000 read with Regulation 24 of the Construction Industry Development Regulations, 2004 (as amended) issued in terms of section 33.

The Standard Conditions of Tender make several references to the tender data for details that apply specifically to this tender. The tender data shall have precedence in the interpretation of any ambiguity or inconsistency between the tender data and the Standard Conditions of Tender.

Each item of data given below is cross-referenced to the clause in the Standard Conditions of tender to which it mainly applies.

| <b>Clause number (refer to Annex C)</b> | <b>Section</b> | <b>Clause</b>  |
|---|----------------|--|
| C1.1.1                                  | Actions        | <p>The Mvula Trust as the employer and each tenderer submitting a tender offer shall comply with these conditions of tender. In their dealings with each other, they shall discharge their duties and obligations as set out in C.2 and C.3, timeously and with integrity, and behave equitably, honestly and transparently, comply with all legal obligations and not engage in anticompetitive practices.</p> <p>The sponsor is the Limpopo Department of Education (LDOE) and the employer according to the contract is The Mvula Trust. The work is to be done for the LDOE as sponsor and as funder. The LDOE will have the right to directly intervene if the service provider is in default. In the event of such an intervention, the LDOE shall assume full accountability and responsibility and will indemnify the IA for any litigation that might arise as a consequence of such intervention</p> <p>The contracts allow for the assignment of the remaining contractual liabilities of the Tenderers to the LDOE to be implemented by such custodian department.</p> |

|         |   |   |
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| C.1.1.2 | Actions                                       | <p>The Mvula Trust and the tenderer and all their agents and employees involved in the tender process shall avoid conflicts of interest and where a conflict of interest is perceived or known, declare any such conflict of interest, indicating the nature of such conflict. Tenderers shall declare any potential conflict of interest in their tender submissions. Employees, agents and advisors of the employer shall declare any conflict of interest to whoever is responsible for overseeing the procurement process at the start of any deliberations relating to the procurement process or as soon as they become aware of such conflict and abstain from any decisions where such conflict exists or recuse themselves from the procurement process, as appropriate.</p> <p><i>Note: 1) A conflict of interest may arise due to a conflict of roles which might provide an incentive for improper acts in some circumstances. A conflict of interest can create an appearance of impropriety that can undermine confidence in the ability of that person to act properly in his or her position even if no improper acts result.</i></p> <p><i>2) Conflicts of interest in respect of those engaged in the procurement process include direct, indirect or family interests in the tender or outcome of the procurement process and any personal bias, inclination, obligation, allegiance or loyalty which would in any way affect any decisions taken.</i></p> |
| C.1.1.3 | Actions                                       | <p>The employer shall not seek and a tenderer shall not submit a tender without having a firm intention and the capacity to proceed with and complete the contract within the stipulated completion time. Failure to complete will result in penalties being applied and tendered being blacklisted with CIDB and National Treasury</p>   |
| C.1.4   | Communication and employer's agent            | <p>Each communication between the employer and a tenderer shall be to or from the employer's agent only, and in a form that can be readily read, copied and recorded. Communications shall be in the English language. The employer shall not take any responsibility for non-receipt of communications from or by a tenderer. The name and contact details of the employer's agent are stated below:</p> <p>The employer's representative is (<b>Principal Agent</b>):</p> <p><b>The Mvula Trust</b></p> <p><b>Address: 25 Rhodesdrift Street, Rhodesdrift Office Park, ROP6</b></p> <p><b>Bendor</b></p> <p>Polokwane</p> <p>0699</p> <p><b>Tel:</b> 015 291 2405</p> <p><b>E-mail:</b> admin@themvulatrust.org.za</p>  |
| C1.6.3  | Proposal procedure using the two stage system | <p>Not applicable.</p>  |

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| C.2.1    | Eligibility                   | <p>Only those tenderers who are registered with the CIDB, or are capable of being so prior to the evaluation of submissions, in a contractor grading designation equal to <b>2SQ or higher than</b> a contractor grading designation determined in accordance with the sum tendered, or a value determined in accordance with Regulation 25 (1B) or 25(7A) of the Construction Industry Development Regulations, for a <b>2SQ</b> class of <b>construction work</b>, are eligible to have their tenders evaluated. Please note that your registration should be valid on the day of evaluation as well as on the day of award.</p> <p>Joint ventures are eligible to submit tenders provided that:</p> <ol style="list-style-type: none"> <li>1. every member of the joint venture is registered with the <b>CIDB</b>;</li> <li>2. the lead partner has a contractor grading designation in the <b>2SQ or higher</b> class of construction work; or not lower than one level below the required grading designation in the class of works construction works under considerations and possess the required recognition status.</li> <li>3. Contractor can only submit one tender per cluster as a joint venture partner or individual company, not both.</li> </ol> <p>The combined contractor grading designation calculated in accordance with the Construction Industry Development Regulations is equal to or higher than a contractor grading designation determined in accordance with the sum tendered for a <b>2SQ or higher</b> class of construction work or a value determined in accordance with Regulation 25 (1B) or 25(7A) of the Construction Industry Development Regulations.</p> |
| C.2.4    | Confidentiality and copyright | Bidder to treat confidential all matters arising in connection with the bid. Use and copy the documents issued by The Mvula Trust only for the purpose of preparing and submitting a bid offer in response to the invitation.   |
| C.2.7    | Clarification meeting         | <b>There will be NO tender briefing/clarification meeting due to COVID-19.</b>  |
| C.2.8    | Seek clarification            | Tenderers should request clarification of the tender documents, if necessary, by notifying the Employer's Representative indicated in the Tender Notice and Invitation to Tender in writing at least <b>five working days</b> before the closing time stated in the tender data.  |
| C.2.9    | Insurance                     | The Mvula Trust accepts that the submission of a Tender shall be construed as an acknowledgment by the Tenderer that she/he will provide her/his own insurance for this contract to safe guard the works against damages and the public injuries, diseases etc.   |
| C.2.10.3 | Pricing of the tender offer   | Provide rates and prices that are fixed for the duration of the contract and not subject to adjustment except as provided for in the conditions of contract identified in the contract data   |
| C.2.11   | Alterations to documents      | Do not make any alterations or additions to the tender documents, except to comply with instructions issued by the employer, or necessary to correct errors made by the tenderer. All signatories to the tender offer shall initial all such alterations. Erasures and the use of masking fluid are prohibited.   |

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| C.2.13 | Submitting a tender offer                            | <p>C.2.13.1 Submit one tender offer only, either as a single tendering entity or as a member in a joint venture to provide the whole of the works identified in the contract data and described in the scope of works, unless stated otherwise in the tender data.</p> <p>C.2.13.2 Return all returnable documents to the employer after completing them in their entirety, either electronically (if they were issued in electronic format) or by writing legibly in non-erasable ink.</p> <p>C.2.13.3 Submit the parts of the tender offer communicated on paper as an original plus the number of copies stated in the tender data, with an English translation of any documentation in a language other than English, and the parts communicated electronically in the same format as they were issued by the employer.</p> <p>C.2.13.4 Sign the original of the tender offer where required in terms of the tender data. The employer will hold all authorized signatories liable on behalf of the tenderer. Signatories for tenderers proposing to contract as joint ventures shall state which of the signatories is the lead partner whom the employer shall hold liable for the purpose of the tender offer.</p> <p>C.2.13.5 Seal the original tender offer marking the as "ORIGINAL" Tender shall state on the outside the employer's address and identification details stated in the tender data, as well as the tenderer's name and contact address.</p> <p>C.2.13.9 Accept that tender offers submitted by facsimile or e-mail will be rejected by the employer, unless stated otherwise in the tender data.</p> |
| C.2.14 | Information and data to be completed in all respects | Accept that tender offers, which do not provide all the data or information requested completely and in the form required, may be regarded by the employer as non-responsive   |
| C.2.15 | Closing time   | The closing time for submission of tender offers is:<br><b>04 July 2022 at 11:00am.</b>  |
| C.2.16 | Tender Offer validity                                | <p>The Tender Offer validity period is 12 weeks.</p> <p>"If the tender validity expires on a Saturday, Sunday or public holiday, the Tender Offer shall remain valid and open for acceptance until the closure of business on the following working day."</p> <p>The validity period may be extended in writing by the Employer.</p>   |
| C.2.17 | Clarification of tender offer after submission       | <p>Provide clarification of a tender offer in response to a request to do so from the employer during the evaluation of tender offers. This may include providing a breakdown of rates or prices and correction of arithmetical errors by the adjustment of certain rates or item prices (or both). No change in the competitive position of tenderers or substance of the tender offer is sought, offered, or permitted.</p> <p>Note: Sub-clause C.2.17 does not preclude the negotiation of the final terms of the contract with a preferred tenderer following a competitive selection process, should the Employer elect to do so.</p>   |

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| C.2.18 | Provide other material          | <p>C.2.18.1 Provide, on request by the employer, any other material or equipment that has a bearing on the tender offer, the tenderer's commercial position (including notarized joint venture agreements), preferencing arrangements, or samples of materials, considered necessary by the employer for the purpose of a full and fair risk assessment.</p> <p>Should the tenderer not provide the material, or a satisfactory reason as to why it cannot be provided, by the time for submission stated in the employer's request, the employer may regard the tender offer as non-responsive.</p> <p>C.2.18.2 Dispose of samples of materials provided for evaluation by the employer, where required.</p>  |
| C.2.19 | Inspections, tests and analysis | <p>The Tenderer must provide access during working hours to his premises for inspections on request.</p>   |
| C.3.2  | Issue Addenda                   | <p>If necessary, issue addenda that may amend or amplify the tender documents to each tenderer during the period from the date that tender documents are available until three (3) working days before the tender closing time stated in the Tender Data. If, as a result a tenderer applies for an extension to the closing time stated in the Tender Data, the Employer may grant such extension and, shall then notify all tenderers who collected tender documents</p>   |
| C3.3   | Return of late tenders          | <p>Late tenders will not be returned.</p>  |
| C.3.8  | Test for responsiveness         | <p>C.3.8.1 Determine, after opening and before detailed evaluation, whether each tender offer properly received:</p> <ul style="list-style-type: none"> <li>a) complies with the requirements of these Conditions of Tender,</li> <li>b) has been properly and fully completed and signed, and</li> <li>c) is responsive to the other requirements of the tender documents.</li> </ul> <p>C.3.8.2 A responsive tender is one that conforms to all the terms, conditions, and specifications of the tender documents without material deviation or qualification. A material deviation or qualification is one which, in the Employer's opinion, would:</p> <ul style="list-style-type: none"> <li>a) detrimentally affect the scope, quality, or performance of the works, services or supply identified in the Scope of Work,</li> <li>b) significantly change the Employer's or the tenderer's risks and responsibilities under the contract, or</li> <li>c) affect the competitive position of other tenderers presenting responsive tenders, if it were to be rectified.</li> </ul> <p>Reject a non-responsive tender offer, and not allow it to be subsequently made responsive by correction or withdrawal of the non-conforming deviation or reservation.</p> |

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| C.3.9 | Arithmetic errors, omissions and discrepancies' | <p>C.3.9.1 Check responsive tenders for discrepancies between amounts in words and amounts in figures. Where there is a discrepancy between the amounts in figures and the amount in words, the amount in words shall govern.</p> <p>C.3.9.2 Check the tenderer with the highest number of tender evaluation points after the evaluation of tender offers in accordance with C.3.11 for:</p> <ul style="list-style-type: none"> <li>a) the gross misplacement of the decimal point in any unit rate;</li> <li>b) omissions made in completing the pricing schedule or bills of quantities; or</li> <li>c) arithmetic errors in: <ul style="list-style-type: none"> <li>(i) line item totals resulting from the product of a unit rate and a quantity in bills of quantities or schedules of prices; or</li> <li>(ii) the summation of the prices.</li> </ul> </li> </ul> <p>C.3.9.3 Notify the tenderer of all errors or omissions that are identified in the tender offer and either confirm the tender offer as tendered or accept the corrected total of prices.</p> <p>C.3.9.4 Where the tenderer elects to confirm the tender offer as tendered, correct the errors as follows:</p> <ul style="list-style-type: none"> <li>a) If bills of quantities or pricing schedules apply and there is an error in the line item total resulting from the product of the unit rate and the quantity, the line item total shall govern and the rate shall be corrected. Where there is an obviously gross misplacement of the decimal point in the unit rate, the line item total as quoted shall govern, and the unit rate shall be corrected.</li> <li>b) Where there is an error in the total of the prices either as a result of other corrections required by this checking process or in the tenderer's addition of prices, the total of the prices shall govern and the tenderer will be asked to revise selected item prices (and their rates if bills of quantities apply) to achieve the tendered total of the prices.</li> </ul> |
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| C.3.11 | Evaluation of Tender offers        | <p>The tenders will be evaluated for price and preference.</p> <p>Apply the <b>80/20</b> Preference Point system where a maximum of <b>eighty (80)</b> points will be awarded for price and <b>twenty (20)</b> points will be awarded for B-BBEE.</p> <p>After price and preference have been scored, <b>arithmetic check</b> will be conducted for those tenderers that are responsive.</p> <p>The Mvula Trust is obligated to undertake risk assessment before accepting offers. In doing the risk assessment the following must be considered.</p> <ol style="list-style-type: none"> <li>1. Employer is restricted in accordance with clause 4.(4) of the Construction Regulations, 2014, to only appoint a Contractor whom he is satisfied has the necessary competencies and resources to carry out the work safely.</li> <li>2. Employer is obligated by standards of uniformity to tender to evaluate if the Contractor can, as necessary and in relation to the proposed contract, demonstrate that he or she possesses the professional and technical qualifications, professional and technical competence, financial resources, equipment and other physical facilities, managerial capability, reliability, experience and reputation, expertise and the personnel, to perform the contract.</li> </ol> <p>In this contract the risk assessment will be conducted in relation to the key area below:</p> <ul style="list-style-type: none"> <li>• <b>Commercial Risk</b></li> </ul> <p>The Mvula Trust does not bind itself to accepting the lowest tender. Price offered should not pose commercial risk to completion of the project.</p> <p>The BEC may interview the bidder should it be deemed necessary.</p> |
| C.3.12 | Insurance provided by the Employer | <p>The Employer will not take out any insurance.</p>  |
| C.3.13 | Acceptance of Tender Offer         | <p>Accept the tender offer; if in the opinion of the employer, it does not present any risk and only if the tenderer:</p> <ul style="list-style-type: none"> <li>• is not under restrictions, or has principals who are under restrictions, preventing participating in the employer's procurement;</li> <li>• can, as necessary and in relation to the proposed contract, demonstrate that he or she possesses the professional and technical qualifications, professional and technical competence, financial resources, equipment and other physical facilities, managerial capability, reliability, experience and reputation, expertise and the personnel, to perform the contract;</li> <li>• has the legal capacity to enter into the contract;</li> <li>• is not; insolvent, in receivership, under Business Rescue as provided for in chapter 6 of the Companies Act No. 2008, bankrupt or being wound up, has his/her affairs administered by a court or a judicial officer, has suspended his/her business activities or is subject to legal proceedings in respect of any of the foregoing;</li> <li>• complies with the legal requirements, if any, stated in the tender data; and</li> <li>• is able, in the opinion of the employer, to perform the contract free of conflicts of interest.</li> </ul> <p>Add the following:</p> <ul style="list-style-type: none"> <li>• A Tender Offer will only be accepted on condition that such acceptance is not prohibited in terms of the Public Finance Management Act.</li> </ul>   |

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| C.3.17 | Provide<br>Copies of<br>the<br>Contract | One signed copy of contract shall be provided by the Employer (per cluster) to the successful Tenderers. For record purposes the contractors should buy a copy of the contract for use as reference during contract administration. |
|--------|---|---|

## PROJECT DETAILS

### 1. BACKGROUND

The Mvula Trust is a Non-Government Organisation and a leader as Development Organisation in South Africa. The Mvula Trust specialises and focuses on developing and implementing services and capacity in the building sector. Through the years TMT played a significant role in improving the health and wellbeing of rural and peri-urban communities

### 2. PURPOSE

The Mvula Trust requires bidders that will be able to supply and install a New Steel Palisade Fence at the **Rehlahleng Special School** in Sekhukhune District Municipality.

### 3. SCOPE OF WORKS

#### 3. NB: THE SCHOOL HAS PERIMETER OF 710 METRES

#### NB: STEEL PALISADE FENCE AND ACCESSORIES SPECIFICATIONS

##### 3.1.1. STEEL PALISADE PANEL

- Installation of Steel Palisade Fencing Panels: 1.8 x 3m above ground level.

##### 3.1.2. FENCE BEARERS:

- 40 x 40 x 2m angle iron. These are to be placed 300mm from top of paling and 300mm from bottom of paling. (350mm from ground level).
- These are to be welded flash with the back of the post.

##### 3.1.3. PALINGS “DEVIL FORK”

- 21 palings per panel.
- 30 x 30 x 2mm steel angle iron paling 1.8m high.
- Paling to be inserted and firmly welded to the bearers at 133mm centres to be centre.
- Top of the paling to provide a “Devil Fork” effect and bottom will have a dove tail.

##### 3.1.4. INSTALLATION OF 2.4M HIGH (76 X 76 X2 mm) POSTS:

- 76 x 76 x 2mm steel square tubing with closing pyramid caps on top.
- Post must be 2.4m high and 600mm underground will be planted into concrete footing to Engineer’s design.

##### 3.1.5. INSTALLATION OF PALISADE VEHICULAR SLIDING GATE AND PEDESTRIAN

###### 3.1.5.1. VEHICULAR SLIDING GATE:

- 5 m wide x 1.8 m high. 40 x 40 x 2 mm
- Post to be founded in a concrete footing 450 x 450 x 600 deep. Concrete strength to be 20Mpa (minimum) at 28 days.

###### 3.1.5.2. PEDESTRIAN GATE:

- 1.5 m wide x 1.8 m high. 40 x 40 x 2 mm

##### 3.1.6. PAINTING:

- Apply one coat Gloss enamel (Traffic Green as specified by the LDOE).
- No brush painting.

#### 4. MANDATORY REQUIREMENTS

The following required documents **must** be submitted together with the tender:

- 4.1. Compulsory Pricing Schedule or Bills of Quantities
- 4.2. Central Supplier Database printout with the following information:
  - 4.2.1. CSD registration number
  - 4.2.2. Unique security code
- 4.3. CIDB **2SQ** registration print out (CIDB registration will be verified on the CIDB website).
- 4.4. Valid Letter of Good Standing with Workman Compensation Commissioner (COIDA) or Letter to Tender from Department of Labour.
- 4.5. Programme for the works (the programme must indicate all activities and their duration and all works must be completed in 8 weeks).
- 4.6. Addenda to tender Documents. if applicable
- 4.7. Resolution for signatory
  - In case of Joint Ventures, signed Joint Venture Agreement must be attached together with individual registration company documents and a letter signed by both parties authorising a person or both persons to sign on behalf of the Joint Venture.
- 4.8. Original or Original Certified Copy of BBBEE Certificate (Only a SANAS accredited B-BBEE Certificate) or Sworn Affidavit signed by a Commissioner of Oath.
- 4.9. SBD 4 Declaration of Interest.
- 4.10. SBD 6.1 Preference Points Claim Form
- 4.11. SBD 6.2 Declaration Certificate for Local Production and Content for Designated Sectors
- 4.12. SBD 8 Declaration of Bidders Past Supply Chain Management Practices.
- 4.13. SBD 9 Certificate of Independent Bid Determination.

#### 5. ADDITIONAL MANDATORY REQUIREMENTS

- 5.1. Technical Qualifications – Original Certified Red Seal Certificate Welder Qualification – Trade Test / Semi Skilled Boiler Maker
- 5.2. Completed Projects – Attach Appointment letter or Purchase Order and Completion Certificates for 3 Projects
- 5.3. Current Projects – Attach Appointment letter or Purchase Order.

**NB: (5.2) & (5.3) above, the Appointment Letter must be from the awarding institution / companies and must be signed off by an authorised personnel, name and surnamed of authorised personnel clearly captured.**

**NB: The tender shall not be considered unless the Bidder provides the mandatory documents under item 4 & 5 above in full.**

#### 6. CONTACT PERSON

The contact details are:

**For Technical Queries**

Contact: Ntsako Ngoveni

E-mail address: [ntsako@themvulatrust.org.za](mailto:ntsako@themvulatrust.org.za)

And

Contact: Rentia Kobue

E-mail address: [rentia@themvulatrust.org.za](mailto:rentia@themvulatrust.org.za)

**For Supply Chain Queries**

Contact: Mduduzi Ntuli

E-mail address: [MduduziN@themvulatrust.org.za](mailto:MduduziN@themvulatrust.org.za)

## **7. CLOSING DATE**

- a)** The closing date for the tender is **01 July 2022; Time 11:00 a.m.**
- b)** Tender must be submitted in a sealed envelope and marked clearly with the correct bid number at The Mvula Trust Office, ROP 6 Rhodesdrift Office Park, 25 Rhodesdrift Street, Bendor, Polokwane,0699.

| ITEM NO | DESCRIPTION  | UNIT | QTY | RATE | AMOUNT |
|---------|--|------|-----|------|--------|
|         | <b><u>SECTION 1</u></b>  |      |     |      |        |
|         | -  |      |     |      |        |
|         | <b><u>BILL NO. 1</u></b>   |      |     |      |        |
|         | -  |      |     |      |        |
|         | <b><u>PRELIMINARIES</u></b>  |      |     |      |        |
|         | -  |      |     |      |        |
|         | <b><u>BUILDING AGREEMENT AND<br/>PRELIMINARIES</u></b>   |      |     |      |        |
|         |  |      |     |      |        |
|         | The contract will be carried out under the terms and conditions of the <b>JBCC Series 2000 Edition 4.1 Code 2101 March 2005, 2005 Edition</b> prepared by the Joint Building Contracts Committee, shall be the agreement, amended as hereinafter described   |      |     |      |        |
|         |  |      |     |      |        |
|         | The Preliminaries for use with the JBCC Series 2000 Principal Building Agreement ( <b>May 2005 edition</b> ) prepared by the <b>Joint Building Contracts Committee</b> , shall be deemed to be incorporated in these bills of quantities   |      |     |      |        |
|         |  |      |     |      |        |
|         | Contractors are referred to the above-mentioned documents for the full intent and meaning of each clause thereof   |      |     |      |        |
|         |  |      |     |      |        |
|         | Notwithstanding anything to the contrary contained in any of the contract documents including the Principal Building Agreement and the Preliminaries, the provision of the "Preliminaries" as hereinafter set forth shall prevail and shall take precedence  |      |     |      |        |
|         |  |      |     |      |        |
|         | <b>PREAMBLES FOR TRADES</b>  |      |     |      |        |
|         |  |      |     |      |        |
|         | The Model Preambles for Trades (2008 Edition) as published by the Association of South African Quantity Surveyors shall be deemed to be incorporated in these bills of quantities and no claim arising from brevity of description of items fully described in the said Model Preambles for Trades will be entertained |      |     |      |        |
|         |  |      |     |      |        |

|                    |   |      |   |  |  |
|--------------------|---|------|---|--|--|
|                    | Supplementary preambles to the Model Preambles covering clauses of a general nature, clauses pertaining to specific materials and amendments to clauses in the Model Preambles are incorporated in these bills of quantities to satisfy the requirements of this project  |      |   |  |  |
|                    |   |      |   |  |  |
|                    | <b>The contractor's prices</b> for all items throughout these bills of quantities must take account of and include for all of the obligations, requirements and specifications given in the Model Preambles and in any supplementary preambles  |      |   |  |  |
|                    |   |      |   |  |  |
| 1                  | <p>The tenderer shall allow for his own preliminary and/ or overhead costs as required for execution of the contract such as the following and any other additional items the tenderer deems necessary for the execution of works.</p> <ul style="list-style-type: none"> <li>• Compliance with Health and Safety Regulations.</li> <li>• Adherence to Building Regulations and By-Laws</li> <li>• Site Establishment</li> <li>• Storage</li> <li>• Site Supervision</li> <li>• Insurance</li> <li>• Temporary services including Electrical power supply</li> <li>• Protection of works</li> <li>• Security of works</li> <li>• Cleaning and Clearing</li> <li>• Verification of measurements, quantities and sizes</li> <li>• Minimising operational disruptions</li> <li>• Keeping the site clean</li> </ul> | item | 1 |  |  |
|                    |   |      |   |  |  |
|                    |   |      |   |  |  |
| Carried to Summary |   |      |   |  |  |

|  |   |    |     |  |  |
|--|---|----|-----|--|--|
|  | <b><u>SECTION NO. 2</u></b>   |    |     |  |  |
|  |   |    |     |  |  |
|  | <b><u>BILL NO. 1</u></b>  |    |     |  |  |
|  | -   |    |     |  |  |
|  | <b><u>PERIMETER FENCING</u></b>   |    |     |  |  |
|  | -   |    |     |  |  |
|  | <b><u>SUPPLEMENTARY PREAMBLES</u></b>   |    |     |  |  |
|  | -   |    |     |  |  |
|  | For preamble see "Model Preambles for Trades (2008 Edition)" and Supplementary preambles as specified in Trades.  |    |     |  |  |
|  |   |    |     |  |  |
|  |   |    |     |  |  |
|  | <b><u>ALTERATIONS</u></b>   |    |     |  |  |
|  |   |    |     |  |  |
|  | View <u>site</u>  |    |     |  |  |
|  |   |    |     |  |  |
|  | Before submitting his tender, the tenderer shall visit the site and satisfy himself as to the nature and extent of the work to be done and the value of the materials contained in the buildings or portions of the buildings to be demolished. No claim for any variations of the contract sum in respect of the nature and extent of the work or of inferior or damaged materials will be entertained                   |    |     |  |  |
|  |   |    |     |  |  |
|  | General   |    |     |  |  |
|  |   |    |     |  |  |
|  | Water supply pipes and other piping in ground that may be encountered and found necessary to disconnect or cut, shall be effectually stopped off or grubbed up and removed, and any new connections that may be necessary shall be made with proper fittings to the satisfaction of the principal agent. Unless otherwise described all materials are to become the property of the client and are to remain on the site. |    |     |  |  |
|  |   |    |     |  |  |
|  | <b><u>Taking down and removing</u></b>  |    |     |  |  |
|  |   |    |     |  |  |
|  | Existing perimeter fence  | m  | 710 |  |  |
|  |   |    |     |  |  |
|  | Existing <u>single leaf gate</u>  | No | 0   |  |  |
|  |   |    |     |  |  |

|   |   |    |      |  |  |
|---|---|----|------|--|--|
|   | Existing vehicular gate   | No | 0    |  |  |
|   | -   |    |      |  |  |
|   | <b><u>EXCAVATIONS</u></b>   |    |      |  |  |
|   | -   |    |      |  |  |
|   | <b><u>SITE CLEARANCE ETC</u></b>  |    |      |  |  |
|   | -   |    |      |  |  |
|   | <b><u>Clearing Fence Line</u></b>   |    |      |  |  |
|   | -   |    |      |  |  |
| 1 | <u>Digging up and removing rubbish, debris, vegetation, hedges, shrubs and tree not exceeding 200mm girth, bush, etc.</u> | m2 | 2130 |  |  |
|   |   |    |      |  |  |
|   | <b><u>REMOVAL OF TREES ETC</u></b>  |    |      |  |  |
|   |   |    |      |  |  |
|   | <b><u>Taking out and removing, grubbing up roots, filling in holes and compacting to 93% Mod AASHTO density</u></b>       |    |      |  |  |
|   |   |    |      |  |  |
| 2 | Tree stump not exceeding 1m high, exceeding 200mm and not exceeding 500mm girth   | No | 1    |  |  |
|   |   |    |      |  |  |
| 3 | Tree stump not exceeding 1m high, exceeding 500mm and not exceeding 1mm girth   | No | 1    |  |  |
|   |   |    |      |  |  |
|   | <b><u>EXCAVATION, FILLING, ETC</u></b>  |    |      |  |  |
|   | -   |    |      |  |  |
|   | <b><u>Excavation in earth not exceeding 2m deep in</u></b>  |    |      |  |  |
|   |   |    |      |  |  |
| 4 | Holes   | m3 | 82   |  |  |
|   |   |    |      |  |  |
|   | <b><u>Extra over trench and hole excavations in earth for excavation in</u></b>   |    |      |  |  |
|   | -   |    |      |  |  |
| 5 | Soft rock   | m3 | 8    |  |  |
|   |   |    |      |  |  |
| 6 | Hard rock   | m3 | 4    |  |  |
|   | -   |    |      |  |  |
|   | <b><u>Extra over trench all excavations for carting away</u></b>  |    |      |  |  |
|   |   |    |      |  |  |

|    |  |      |     |  |  |
|----|--|------|-----|--|--|
| 7  | Surplus material from excavations on site to dumping site to located by contractor   | m3   | 69  |  |  |
| -  | -  |      |     |  |  |
|    | <b><u>Risk of collapse of excavations</u></b>  |      |     |  |  |
|    |  |      |     |  |  |
| 8  | Sides of trench and hole excavations not exceeding 1.5m deep   | m2   | 547 |  |  |
|    |  |      |     |  |  |
|    | <b><u>Keeping excavations free of water</u></b>  |      |     |  |  |
|    | -  |      |     |  |  |
| 9  | Keeping excavations free of all water other than subterranean water  | item | 1   |  |  |
|    |  |      |     |  |  |
|    | <b><u>UNREINFORCED CONCRETE CAST AGAINTS EXCAVATED SURFACE</u></b>   |      |     |  |  |
|    |  |      |     |  |  |
|    | <b><u>20MPa/19mm concrete</u></b>  |      |     |  |  |
|    |  |      |     |  |  |
| 10 | <u>Base</u>  | m3   | 547 |  |  |
|    |  |      |     |  |  |
|    |  |      |     |  |  |
|    | <b><u>FENCING</u></b>  |      |     |  |  |
|    | -  |      |     |  |  |
|    | <b><u>Steel palisade fence</u></b>   |      |     |  |  |
|    |  |      |     |  |  |
| 11 | 1800mm High Steel Palisade Fence Panels formed of 30 x 30 x 2mm mild steel angle iron palings spaced at 133mm centers with devil fork at the top and dove tail at the bottom, vertically welded on two 40 x 40 x 2mm horizontal rails, including steel stiffeners, welding, cutting, all necessary fixing lugs, bolt, etc. | m    | 710 |  |  |
|    |  |      |     |  |  |
| 12 | 2400mm High Steel square posts 76 x 76 x 2mm, with closing pyramid caps on top, cast into 600mm deep concrete base.  | No   | 240 |  |  |
|    |  |      |     |  |  |
|    |  |      |     |  |  |
|    | <b><u>ACCESS GATES</u></b>   |      |     |  |  |
|    | -  |      |     |  |  |
| 11 | <u>Pedestrian Gate</u> size 1500 x 1800mm high including rectangular tubes, flat bars, steel angles, etc., supplied and delivered to site.   | No   | 1   |  |  |
|    |  |      |     |  |  |
| 12 | <u>Vehicular Sliding Gate</u> size 1500 x 1800mm high including rectangular tubes, flat bars,  | No   | 2   |  |  |

|    |  |    |      |  |  |
|----|--|----|------|--|--|
|    | steel angles, etc., supplied and delivered to site.  |    |      |  |  |
|    |  |    |      |  |  |
|    | <b><u>PAINTING</u></b>   |    |      |  |  |
|    | -  |    |      |  |  |
|    | <b><u>Paintwork etc., to new work</u></b>  |    |      |  |  |
|    |  |    |      |  |  |
|    | <b><u>Clean surface and allow to dry completely. Prime and apply one coat Gloss Enamel (Traffic Green as specified by the LPDE) NB NO BRUSH PAINTING</u></b> |    |      |  |  |
| 13 | On palisade fencing (Measured over the full flat area of both sides)   | m2 | 2515 |  |  |
|    |  |    |      |  |  |
| 14 | On gates (Measured over the full flat area of both sides)  | m2 | 41   |  |  |
|    |  |    |      |  |  |
|    |  |    |      |  |  |
|    | <b><u>Carried to Summary</u></b>   |    |      |  |  |

|   |   |      |  |  |  |
|---|---|------|--|--|--|
|   | <b><u>FINAL SUMMARY</u></b>   |      |  |  |  |
|   |   |      |  |  |  |
| 1 | Preliminaries   |      |  |  |  |
|   |   |      |  |  |  |
| 2 | Fencing (provisional)   |      |  |  |  |
|   |   |      |  |  |  |
|   | <b><u>Sub-total</u></b>   |      |  |  |  |
|   |   |      |  |  |  |
|   | <b><u>Contingency</u></b>   |      |  |  |  |
|   |   |      |  |  |  |
|   | <b><u>Sub-total for net building works</u></b>  |      |  |  |  |
|   |   |      |  |  |  |
|   | Allow five per cent (5%) of the above sub-total for Contingencies to be used as directed, and deducted in whole or in part if not required. | item |  |  |  |
|   |   |      |  |  |  |
|   | <b><u>Sub-total</u></b>   |      |  |  |  |
|   |   |      |  |  |  |
|   | Allow fifteen per cent (15%) of the above sub-total for Value Added Tax   | item |  |  |  |
|   |   |      |  |  |  |
|   |   |      |  |  |  |
|   | <b><u>CARRIED TO FORM OF OFFER</u></b>  |      |  |  |  |

## **8. PRICING**

- Price must include VAT.
- Only VAT Registered Vendors may charge VAT.
- All cost related to this service must be valid for 12 Weeks.

## **9. COMPULSORY PRICING SCHEDULE OR BILLS OF QUANTITIES**

### **PRICING SCHEDULE**

**NB: The priced items below to comply with the SANS 1200 series**

**PART A  
INVITATION TO BID**

| <b>YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE MVULA TRUST</b>  |   |               |  |                               |  |
|---|---|---------------|--|-------------------------------|--|
| BID NUMBER:   | TMT-LDOE-2022/23-<br>LPCL7AG  | CLOSING DATE: | 01 July 2022                                   | CLOSING TIME:                 | 11:00am  |
| DESCRIPTION   | APPOINTMENT OF SUPPLY AND INSTALLATION OF A NEW STEEL PALISADE FENCE AT REHLAHLENG SPECIAL SCHOOL |               |  |                               |  |
| <b>BID RESPONSE DOCUMENTS MUST BE DELIVERED TO:</b>   |   |               |  |                               |  |
| The Mvula Trust   |   |               |  |                               |  |
| 25 Rhodesdrift Street, ROP 6  |   |               |  |                               |  |
| Bendor Ext 30, Polokwane  |   |               |  |                               |  |
| 0699  |   |               |  |                               |  |
| <b>BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO</b>   |   |               | <b>TECHNICAL ENQUIRIES MAY BE DIRECTED TO:</b> |                               |  |
| CONTACT PERSON  |   |               | CONTACT PERSON                                 |                               |  |
| TELEPHONE NUMBER  |   |               | TELEPHONE NUMBER                               |                               |  |
| FACSIMILE NUMBER  |   |               | FACSIMILE NUMBER                               |                               |  |
| E-MAIL ADDRESS  |   |               | E-MAIL ADDRESS                                 |                               |  |
| <b>SUPPLIER INFORMATION</b>   |   |               |  |                               |  |
| NAME OF BIDDER  |   |               |  |                               |  |
| POSTAL ADDRESS  |   |               |  |                               |  |
| STREET ADDRESS  |   |               |  |                               |  |
| TELEPHONE NUMBER  | CODE  |               | NUMBER   |                               |  |
| CELLPHONE NUMBER  |   |               |  |                               |  |
| FACSIMILE NUMBER  | CODE  |               | NUMBER   |                               |  |
| E-MAIL ADDRESS  |   |               |  |                               |  |
| VAT REGISTRATION NUMBER   |   |               |  |                               |  |
| SUPPLIER COMPLIANCE STATUS  | TAX COMPLIANCE SYSTEM PIN:  |               | <b>AND</b>                                     | CENTRAL SUPPLIER DATABASE No: | MAAA   |
| B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE  | TICK APPLICABLE BOX]<br><br><input type="checkbox"/> Yes <input type="checkbox"/> No              |               | B-BBEE STATUS LEVEL SWORN AFFIDAVIT            |                               | [TICK APPLICABLE BOX]<br><br><input type="checkbox"/> Yes<br><input type="checkbox"/> No |
| <b>[A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE/ SWORN AFFIDAVIT (FOR EMES &amp; QSEs) MUST BE SUBMITTED IN ORDER TO QUALIFY FOR PREFERENCE POINTS FOR B-BBEE]</b> |   |               |  |                               |  |

|   |  |   |   |
|---|--|---|---|
| ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES /WORKS OFFERED? | <input type="checkbox"/> Yes <input type="checkbox"/> No<br>[IF YES ENCLOSE PROOF] | ARE YOU A FOREIGN BASED SUPPLIER FOR THE <b>GOODS /SERVICES /WORKS OFFERED?</b> | <input type="checkbox"/> Yes <input type="checkbox"/> No<br>[IF YES, ANSWER PART B:3] |
|---|--|---|---|

**QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS**

IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)?

YES  NO

DOES THE ENTITY HAVE A BRANCH IN THE RSA?

YES  NO

DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA?  
 YES  NO

DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA?  
 YES  NO

IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION?

YES  NO

**IF THE ANSWER IS "NO" TO ALL OF THE ABOVE, THEN IT IS NOT A REQUIREMENT TO REGISTER FOR A TAX COMPLIANCE STATUS SYSTEM PIN CODE FROM THE SOUTH AFRICAN REVENUE SERVICE (SARS) AND IF NOT REGISTER AS PER 2.3 BELOW.**

**PART B**  
**TERMS AND CONDITIONS FOR BIDDING**

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

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

SIGNATURE OF BIDDER: .....

CAPACITY UNDER WHICH THIS BID IS SIGNED: .....  
(Proof of authority must be submitted e.g. company resolution)

DATE: .....

**PRICING SCHEDULE – FIRM PRICES  
(PURCHASES)**

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

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

|                     |   |
|---------------------|---|
| Name of bidder..... | Bid number: <b>TMT-LDOE-2022/23-LPCL7AG</b> |
| Closing Time 11H00  | Closing date: 01 July 2022                  |

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

| ITEM NO. | QUANTITY | DESCRIPTION | BID PRICE IN RSA CURRENCY<br>** (ALL APPLICABLE TAXES INCLUDED) |
|----------|----------|-------------|---|
|----------|----------|-------------|---|

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

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

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

\*Delete if not applicable

**DECLARATION OF INTEREST**

1. Any legal person, including persons employed by the state<sup>1</sup>, or persons having a kinship with persons employed by the state, including a blood relationship, may make an offer or offers in terms of this invitation to bid (includes a price quotation, advertised competitive bid, limited bid or proposal). In view of possible allegations of favouritism, should the resulting bid, or part thereof, be awarded to persons employed by the state, or to persons connected with or related to them, it is required that the bidder or his/her authorised representative declare his/her position in relation to the evaluating/adjudicating authority where-

- the bidder is employed by the state; and/or
- the legal person on whose behalf the bidding document is signed, has a relationship with persons/a person who are/is involved in the evaluation and or adjudication of the bid(s), or where it is known that such a relationship exists between the person or persons for or on whose behalf the declarant acts and persons who are involved with the evaluation and or adjudication of the bid.

2. **In order to give effect to the above, the following questionnaire must be completed and submitted with the bid.**

- 2.1 Full Name of bidder or his or her representative.....
- 2.2 Identity Number.....
- 2.3 Position occupied in the Company (director, trustee, shareholder<sup>2</sup>):.....
- 2.4 Company Registration Number:.....
- 2.5 Tax Reference Number:.....
- 2.6 VAT Registration Number: .....

2.6.1 The names of all directors / trustees / shareholders / members, their individual identity numbers, tax reference numbers and, if applicable, employee / persal numbers must be indicated in paragraph 3 below.

<sup>1</sup>“State” means –

- (a) any national or provincial department, national or provincial public entity or constitutional institution within the meaning of the Public Finance Management Act, 1999 (Act No. 1 of 1999);
- (b) any municipality or municipal entity;
- (c) provincial legislature;
- (d) national Assembly or the national Council of provinces; or
- (e) Parliament.

<sup>2</sup>“Shareholder” means a person who owns shares in the company and is actively involved in the management of the enterprise or business and exercises control over the enterprise.

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

If so, furnish the following particulars:

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

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

Position occupied in the state institution: .....

Any other particulars  
.....  
.....

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

2.7.2.1 If yes, did you attached proof of such authority to the bid document? **YES / NO**  
 (Note: Failure to submit proof of such authority, where applicable, may result in the disqualification of the bid.

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

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

2.8.1 If so furnish particulars:  
 .....

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

2.9.1 If so furnish particulars:  
 .....

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

2.10.1 If so furnish particulars:  
 .....

2.11 Do you or any of the directors / trustees / shareholders / members of the company have any interest in any other related companies whether or not they are bidding for this contract? **YES / NO**

2.11.1 If so furnish particulars:  
 .....

**3. Full details of directors / trustees / members / shareholders.**

| Full Name | Identity Number | Personal Tax Reference Number | State Employee Number / Persal Number |
|-----------|-----------------|-------------------------------|---------------------------------------|
|           |                 |                               |                                       |
|           |                 |                               |                                       |
|           |                 |                               |                                       |

**4. DECLARATION**

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

CERTIFY THAT THE INFORMATION FURNISHED IN PARAGRAPHS 2 and 3 ABOVE IS CORRECT.

I ACCEPT THAT THE STATE MAY REJECT THE BID OR ACT AGAINST ME IN TERMS OF SHOULD THIS DECLARATION PROVE TO BE FALSE.

.....  
Signature

.....  
Date

.....  
Position

.....  
Name of bidder

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

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

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

## 1. GENERAL CONDITIONS

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

- the 80/20 system for requirements with a Rand value of up to R50 000 000 (all applicable taxes included); and
- the 90/10 system for requirements with a Rand value above R50 000 000 (all applicable taxes included).

1.2

- a) The value of this bid is estimated to not exceed R50 000 000 (all applicable taxes included) and therefore the 80/20 preference point system shall be applicable.

1.3 Points for this bid shall be awarded for:

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

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

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

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

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

## 2. DEFINITIONS

- (a) **“B-BBEE”** means broad-based black economic empowerment as defined in section 1 of the Broad-Based Black Economic Empowerment Act;
- (b) **“B-BBEE status level of contributor”** means the B-BBEE status of an entity in terms of a code of good practice on black economic empowerment, issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act;

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

### 3. POINTS AWARDED FOR PRICE

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

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

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

Where

- Ps = Points scored for price of bid under consideration
- Pt = Price of bid under consideration
- Pmin = Price of lowest acceptable bid

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

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

| B-BBEE Status Level of Contributor | Number of points (90/10 system) | Number of points (80/20 system) |
|------------------------------------|---------------------------------|---------------------------------|
| 1                                  | 10                              | 20                              |
| 2                                  | 9                               | 18                              |
| 3                                  | 6                               | 14                              |
| 4                                  | 5                               | 12                              |

|                           |   |   |
|---------------------------|---|---|
| 5                         | 4 | 8 |
| 6                         | 3 | 6 |
| 7                         | 2 | 4 |
| 8                         | 1 | 2 |
| Non-compliant contributor | 0 | 0 |

**5. BID DECLARATION**

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

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

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

**7. SUB-CONTRACTING**

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

(Tick applicable box)

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

7.1.1 If yes, indicate:

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

(Tick applicable box)

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

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

| Designated Group: An EME or QSE which is at last 51% owned by:    | EME<br>√ | QSE<br>√ |
|---|----------|----------|
| Black people  |          |          |
| Black people who are youth  |          |          |
| Black people who are women  |          |          |
| Black people with disabilities                                    |          |          |
| Black people living in rural or underdeveloped areas or townships |          |          |
| Cooperative owned by black people                                 |          |          |
| Black people who are military veterans                            |          |          |
| <b>OR</b>   |          |          |
| Any EME   |          |          |
| Any QSE   |          |          |

**8. DECLARATION WITH REGARD TO COMPANY/FIRM**

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

8.2 VAT registration number:.....

8.3 Company registration number:.....

8.4 TYPE OF COMPANY/ FIRM

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

[TICK APPLICABLE BOX]

8.5 DESCRIBE PRINCIPAL BUSINESS ACTIVITIES

.....

.....

.....

.....

8.6 COMPANY CLASSIFICATION

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

[TICK APPLICABLE BOX]

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

8.8 I/we, the undersigned, who is / are duly authorised to do so on behalf of the company/firm, certify that the points claimed, based on the B-BBE status level of contributor indicated in paragraphs 1.4 and 6.1 of the foregoing certificate, qualifies the company/ firm for the preference(s) shown and I / we acknowledge that:

- i) The information furnished is true and correct;
- ii) The preference points claimed are in accordance with the General Conditions as indicated in paragraph 1 of this form;
- iii) In the event of a contract being awarded as a result of points claimed as shown in paragraphs 1.4 and 6.1, the contractor may be required to furnish documentary proof to the satisfaction of the purchaser that the claims are correct;
- iv) If the B-BBEE status level of contributor has been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the purchaser may, in addition to any other remedy it may have –
  - (a) disqualify the person from the bidding process;
  - (b) recover costs, losses or damages it has incurred or suffered as a result of that person's conduct;
  - (c) cancel the contract and claim any damages which it has suffered as a result of having to make less favourable arrangements due to such cancellation;
  - (d) recommend that the bidder or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, be restricted by the National Treasury from obtaining business from any organ of state for a period not exceeding 10 years, after the *audi alteram partem* (hear the other side) rule has been applied; and
  - (e) forward the matter for criminal prosecution.

|  |  |
|--|--|
| <p>WITNESSES</p> <p>1. ....</p> <p>2. ....</p> | <p style="text-align: center;">.....</p> <p style="text-align: center;">SIGNATURE(S) OF BIDDERS(S)</p> <p>DATE: .....</p> <p>ADDRESS .....</p> |
|--|--|

**SBD 6.2**

**Declaration Certificate for Local Production and Content for Designated Sectors**

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

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

**1. General Conditions**

- 1.1. Preferential Procurement Regulations, 2011 (Regulation 9) makes provision for the promotion of local production and content.
- 1.2. Regulation 9.(1) prescribes that in the case of designated sectors, where in the award of bids local production and content is of critical importance, such bids must be advertised with the specific bidding condition that only locally produced goods, services or works or locally manufactured goods, with a stipulated minimum threshold for local production and content will be considered.
- 1.3. Where necessary, for bids referred to in paragraph 1.2 above, a two stage bidding process may be followed, where the first stage involves a minimum threshold for local production and content and the second stage price and B-BBEE.
- 1.4. A person awarded a contract in relation to a designated sector, may not sub-contract in such a manner that the local production and content of the overall value of the contract is reduced to below the stipulated minimum threshold.
- 1.5. The local content (LC) expressed as a percentage of the bid price must be calculated in accordance with the SABS approved technical specification number SATS 1286: 2011 as follows:

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

Where

x is the imported content in Rand

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

Prices referred to in the determination of x must be converted to Rand (ZAR) by using the exchange rate published by South African Reserve Bank (SARB) at 12:00 on the date of advertisement of the bid as indicated in paragraph 4.1 below.

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

- 1.6 A bid may be disqualified if –
- (a) this Declaration Certificate and the Annex C (Local Content Declaration: Summary Schedule) are not submitted as part of the bid documentation; and
  - (b) the bidder fails to declare that the Local Content Declaration Templates (Annex C, D and E) have been audited and certified as correct.

**2. Definitions**

- 2.1. **“bid”** includes written price quotations, advertised competitive bids or proposals;
  - 2.2. **“bid price”** price offered by the bidder, excluding value added tax (VAT);
  - 2.3. **“contract”** means the agreement that results from the acceptance of a bid by an organ of state;
  - 2.4. **“designated sector”** means a sector, sub-sector or industry that has been designated by the Department of Trade and Industry in line with national development and industrial policies for local production, where only locally produced services, works or goods or locally manufactured goods meet the stipulated minimum threshold for local production and content;
  - 2.5. **“duly sign”** means a Declaration Certificate for Local Content that has been signed by the Chief Financial Officer or other legally responsible person nominated in writing by the Chief Executive, or senior member / person with management responsibility (close corporation, partnership or individual).
  - 2.6. **“imported content”** means that portion of the bid price represented by the cost of components, parts or materials which have been or are still to be imported (whether by the supplier or its subcontractors) and which costs are inclusive of the costs abroad (this includes labour or intellectual property costs), plus freight and other direct importation costs, such as landing costs, dock duties, import duty, sales duty or other similar tax or duty at the South African port of entry;
  - 2.7. **“local content”** means that portion of the bid price which is not included in the imported content, provided that local manufacture does take place;
  - 2.8. **“stipulated minimum threshold”** means that portion of local production and content as determined by the Department of Trade and Industry; and
  - 2.9. **“sub-contract”** means the primary contractor’s assigning, leasing, making out work to, or employing another person to support such primary contractor in the execution of part of a project in terms of the contract.
3. **The stipulated minimum threshold(s) for local production and content (refer to Annex A of SATS 1286:2011) for this bid is/are as follows:**

| <u>Description of services, works or goods</u> | <u>Stipulated minimum threshold</u> |
|--|-------------------------------------|
| <b>Steel products and components</b>           | <b>100%</b>                         |

4. Does any portion of the services, works or goods offered have any imported content?

**(Tick applicable box)**

|     |  |    |  |
|-----|--|----|--|
| YES |  | NO |  |
|-----|--|----|--|

- 4.1 If yes, the rate(s) of exchange to be used in this bid to calculate the local content as prescribed in paragraph 1.5 of the general conditions must be the rate(s) published by SARB for the specific currency at 12:00 on the date of advertisement of the bid.

The relevant rates of exchange information is accessible on [www.reservebank.co.za](http://www.reservebank.co.za).

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

| Currency       | Rates of exchange |
|----------------|-------------------|
| US Dollar      |                   |
| Pound Sterling |                   |

|       |  |
|-------|--|
| Euro  |  |
| Yen   |  |
| Other |  |

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

5. Were the Local Content Declaration Templates (Annex C, D and E) audited and certified as correct?

**(Tick applicable box)**

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

5.1. If yes, provide the following particulars:

- (a) Full name of auditor: .....
- (b) Practice number: .....
- (c) Telephone and cell number: .....
- (d) Email address: .....

(Documentary proof regarding the declaration will, when required, be submitted to the satisfaction of the Accounting Officer / Accounting Authority)

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

**LOCAL CONTENT DECLARATION**  
**(REFER TO ANNEX B OF SATS 1286:2011)**

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

**IN RESPECT OF BID NO.** .....

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

NB

1 The obligation to complete, duly sign and submit this declaration cannot be transferred to an external authorized representative, auditor or any other third party acting on behalf of the bidder.

2 Guidance on the Calculation of Local Content together with Local Content Declaration Templates (Annex C, D and E) is accessible on [http://www.thdti.gov.za/industrial\\_development/ip.jsp](http://www.thdti.gov.za/industrial_development/ip.jsp). Bidders should first complete Declaration D. After completing Declaration D, bidders should complete Declaration E and then consolidate the information on Declaration C. **Declaration C should be submitted with the bid documentation at the closing date and time of the bid in order to substantiate the declaration made in paragraph (c) below.** Declarations D and E should be kept by the bidders for verification purposes for a period of at least 5 years. The successful bidder is required to continuously update Declarations C, D and E with the actual values for the duration of the contract.

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

- (a) The facts contained herein are within my own personal knowledge.
- (b) I have satisfied myself that:
  - (i) the goods/services/works to be delivered in terms of the above-specified bid comply with the minimum local content requirements as specified in the bid, and as measured in terms of SATS 1286:2011; and
  - (ii) the declaration templates have been audited and certified to be correct.
- (c) The local content percentage (%) indicated below has been calculated using the formula given in clause 3 of SATS 1286:2011, the rates of exchange indicated in paragraph 4.1 above and the information contained in Declaration D and E which has been consolidated in Declaration C:

|  |   |
|--|---|
| Bid price, excluding VAT (y)                                       | R |
| Imported content (x), as calculated in terms of SATS 1286:2011     | R |
| Stipulated minimum threshold for local content (paragraph 3 above) |   |
| Local content %, as calculated in terms of SATS 1286:2011          |   |

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

**The local content percentages for each product has been calculated using the formula given in clause 3 of SATS 1286:2011, the rates of exchange indicated in paragraph 4.1 above and the information contained in Declaration D and E.**

- (d) I accept that the Procurement Authority / Institution has the right to request that the local content be verified in terms of the requirements of SATS 1286:2011.

(e) I understand that the awarding of the bid is dependent on the accuracy of the information furnished in this application. I also understand that the submission of incorrect data, or data that are not verifiable as described in SATS 1286:2011, may result in the Procurement Authority / Institution imposing any or all of the remedies as provided for in Regulation 13 of the Preferential Procurement Regulations, 2011 promulgated under the Preferential Policy Framework Act (PPPFA), 2000 (Act No. 5 of 2000).

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

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

**WITNESS No. 1** \_\_\_\_\_

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

**WITNESS No. 2** \_\_\_\_\_

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

**DECLARATION OF BIDDER'S PAST SUPPLY CHAIN MANAGEMENT PRACTICES**

- 1 This Standard Bidding Document must form part of all bids invited.
- 2 It serves as a declaration to be used by institutions in ensuring that when goods and services are being procured, all reasonable steps are taken to combat the abuse of the supply chain management system.
- 3 The bid of any bidder may be disregarded if that bidder, or any of its directors have-
- abused the institution's supply chain management system;
  - committed fraud or any other improper conduct in relation to such system; or
  - failed to perform on any previous contract.
- 4 **In order to give effect to the above, the following questionnaire must be completed and submitted with the bid.**

| Item  | Question   | Yes                             | No                             |
|-------|--|---------------------------------|--------------------------------|
| 4.1   | Is the bidder or any of its directors listed on the National Treasury's database as companies or persons prohibited from doing business with the public sector?<br><br>(Companies or persons who are listed on this database were informed in writing of this restriction by the National Treasury after the audi alteram partem rule was applied).  | Yes<br><input type="checkbox"/> | No<br><input type="checkbox"/> |
| 4.1.1 | If so, furnish particulars:.....<br><br>.....  |                                 |                                |
| 4.2   | Is the bidder or any of its directors listed on the Register for Tender Defaulters in terms of section 29 of the Prevention and Combating of Corrupt Activities Act (No 12 of 2004)?<br><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:.....<br><br>.....  |                                 |                                |
| 4.3   | Was the bidder or any of its directors convicted by a court of law (including a court outside of the Republic of South Africa) for fraud or corruption during the past five years?   | Yes<br><input type="checkbox"/> | No<br><input type="checkbox"/> |
| 4.3.1 | If so, furnish particulars:.....<br><br>.....  |                                 |                                |
| 4.4   | Was any contract between the bidder and any organ of state terminated during the past five years on account of failure to perform on or comply with the contract?  | Yes<br><input type="checkbox"/> | No<br><input type="checkbox"/> |

|       |   |
|-------|---|
| 4.4.1 | If so, furnish particulars:.....<br>..... |
|-------|---|

**CERTIFICATION**

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

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

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

.....

**Signature**

.....

**Date**

.....

**Position**

.....

**Name of Bidder**

**CERTIFICATE OF INDEPENDENT BID DETERMINATION**

- 1 This Standard Bidding Document (SBD) 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 per se prohibition meaning that it cannot be justified under any grounds.
- 3 Treasury Regulation 16A9 prescribes that accounting officers and accounting authorities must take all reasonable steps to prevent abuse of the supply chain management system and authorizes accounting officers and accounting authorities to:
  - a. disregards the bid of any bidder if that bidder, or any of its directors have abused the institution's supply chain management system and or committed fraud or any other improper conduct in relation to such system.
  - b. cancel a contract awarded to a supplier of goods and services if the supplier committed any corrupt or fraudulent act during the bidding process or the execution of that contract.
- 4 This SBD serves as a certificate of declaration that would be used by institutions to ensure that, when bids are considered, reasonable steps are taken to prevent any form of bid-rigging.  
  
In order to give effect to the above, the attached Certificate of Bid Determination (SBD 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 Institution)

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

I certify, on behalf of.....that:

(Name of Bidder)

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

<sup>3</sup> **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