



WINNIE MADIKIZELA-MANDELA LOCAL MUNICIPALITY

BID BUMBER: WMM LM 22/08/22/01 BTE

**TENDER DOCUMENT
FOR
DISPOSAL OF 4 MUNICIPAL SITES SITUATED IN BIZANA TOWN EXTENSION 1
26 August 2022**

ISSUED BY:

Issued and Prepared by:
Winnie Madikizela Mandela Local Municipality
Development Planning Department
51 Main Street
Bizana
4800
Municipal Manager: Mr. L. Mahlaka
Contact Person: Ms. Mafumbatha
Tel: 039 251 0230

NAME OF TENDERER: _____

AMOUNT: _____

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1. INTRODUCTION

The Winnie Madikizela Mandela Local Municipality (the Municipality) has identified various portions of municipal land which it intends making available on a long-term lease basis (not longer than 25 years, excluding any period of renewal) to suitable and qualified persons for the purposes of development which will lead to economic and social development within the Mbizana area and which will respond to the needs of the community.

This serves as an invitation to prospective bidders for the submission of proposals to lease and develop the various portions of land listed under sectionbelow. Bidders must submit separate bid documents for each portion of land it intends to bid for.

The subject properties are located on the South East and North East of the CBD and extension 1 and falls within the municipal urban area. Provided hereunder is contextual background information, pertinent site characteristics, planning underpinnings, broad development guidelines, the nature of development expected by the Municipality on the sites and some basic requirements from the prospective leases.

2. BACKGROUND

The Municipality conducted a land audit in 2014 with the purpose of obtaining up to date information on all properties within the Winnie Madikizela-Mandela Local Municipality. Part of the findings that were reflected on the Land Audit Report identified sites that are owned by the Municipality with the potential to generate revenue, but cannot due to land that is underutilised and therefore not contributing to the revenue base of the Municipality but instead may pose a threat of land invasion. The portions of land identified herein are not required to render a minimum level of basic municipal services in accordance with Section 14(1) of the Municipal Finance Management Act.

The disposal of these properties are in line with the set of principles and values, which underpin the Municipality's policy on land disposal.

3. MUNICIPAL DEVELOPMENT OBJECTIVES RELEVANT TO THE ENVISAGED DISPOSALS

Bidders must ensure that their bids address how their proposed development will achieve the following objectives:

- The objective is to integrate land uses and promote access to urban amenities and economic benefits that the towns offer, and to ensure development of functional and environmentally sustainable areas.
- Enhancing spatial planning, through sustainable development of properties that are aligned to the broader municipal spatial planning framework,
- Supporting urban renewal and inner town regeneration, this is an attempt to resuscitate declining urban areas, renewal and interventions focused on urban renewal centres through implementation of affordable inner-town services,
- Enhancing the look and feel of the towns through the development of much more appropriate designs.
- The objective of developing the property is to create a framework in which the municipality can develop its own strategy for meeting local needs and promoting the social and economic development of communities.

Letter of Consent

The Municipal Manager
Winnie Madikizela-Mandela Local Municipality
P.O. Box 12
Bizana
4800

Sir/Madam

Granting of authority to request information from any legal entity relevant to this Bid

I/we acknowledge that the information herein contained shall constitute the basis on which my/our Bid is to be considered. I/we grant approval that any source regarding this Bid may be fully investigated and that all such information shall be of material Winnie Madikizela-Mandela Local Municipality and directly relevant to the consideration of our Bid. I /we Winnie Madikizela-Mandela Local Municipality grant my/our consent to such source to provide confidential information.

I/we warrant that all the information herein contained is to the best of my/our knowledge and belief true and correct in all material respects and I/we am /are not aware of any information which, should it become known to the Winnie Madikizela-Mandela Local Municipality, would affect the consideration of my/our Bid in any way.

The Winnie Madikizela-Mandela Local Municipality wishes to inform you that all information regarding your personal matters is treated as strictly as confidential.

Please tick the appropriate box.

	I/We hereby consent to the above
	I/We hereby withhold consent and fully understand the implications and ramifications of my/our decision and will not hold the Winnie Madikizela-Mandela Local Municipality responsible for not considering my/our Bid.

Signature:

Date:

Witness:

Signature:



**WINNIE MADIKIZELA MANDELA LOCAL MUNICIPALITY
CONTRACT NO: WMM LM 22/08/22/01 BTE**

INVITATION TO BID FOR DISPOSAL OF 4 MUNICIPAL SITES SITUATED IN BIZANA TOWN EXTENSION 1

Bid proposals are hereby invited from suitably service providers who are interested in the above-mentioned project for Winnie Madikizela-Mandela Municipality.

Bid documents can be downloaded from e-tender portal website. (www.etenders.gov.za)
Proposals will be evaluated on functionality and preferential points system

The bids will be evaluated on the 80/20 preferential points system

Failure to submit the following fully completed document(s) will render the bid null and void:

- Certified ID Copy(ies) of Director(s) (not older than 6 months),
- Bid documents MBD1, MBD4, MBD-8 and MBD-9
- Billing Clearance Certificate or Statement of Municipal Accounts confirming that no undisputed municipal accounts are overdue by more than 30 days and letter signed by the bidder declaring that all accounts have been disclosed and no account is more than 30 Days in arrears

Closing date: All tenders must be emailed to tenders.scm@mbizana.gov.za by no later than 12h00 on the 26th of September 2022 after which they will be opened. All tenders must be clearly marked the Name of the project and Reference number indicated above.

No late, incomplete or facsimile bids will be accepted for consideration. The only or lowest bid received shall not necessarily be accepted. Winnie Madikizela-Mandela Local Municipality reserves the right to accept part or full bid.

For technical enquiries, please contact Ms. N. Mafumbatha, Senior Manager: Development Planning at (082) 370 7201, email: mafumbathan@mbizana.gov.za during working hours.

For Supply Chain Management related enquiries, please contact Mr. Z. Khala at (039) 2510230, Ext. 2113, email: khalaz@mbizana.gov.za during working hours

.....
Mr. L. Mahlaka
MUNICIPAL MANAGER

PART A

INVITATION TO BID

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE (WINNIE MADIKIZELA-MANDELA LOCAL MUNICIPALITY)					
BID NUMBER:	WMM LM 22/08/22/01 BTE	CLOSING DATE:	26 September 2022	CLOSING TIME:	12h00
DESCRIPTION	Disposal of Municipal Land				
THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (MBD7).					

BID RESPONSE DOCUMENTS MAY BE EMAILED TO THE FOLLOWING EMAIL ADDRESS: tenders.scm@mbizana.gov.za

SUPPLIER INFORMATION					
NAME OF BIDDER					
POSTAL ADDRESS					
STREET ADDRESS					
TELEPHONE NUMBER	CODE		NUMBER		
CELLPHONE NUMBER					
FACSIMILE NUMBER	CODE		NUMBER		
E-MAIL ADDRESS					
VAT REGISTRATION NUMBER					
TAX COMPLIANCE STATUS	TCS PIN:		OR	CSD No:	
B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE [TICK APPLICABLE BOX]	<input type="checkbox"/> Yes <input type="checkbox"/> No		B-BBEE STATUS LEVEL SWORN AFFIDAVIT <input type="checkbox"/> Yes <input type="checkbox"/> No		
[A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE/ SWORN AFFIDAVIT (FOR EMES & QSEs) MUST BE SUBMITTED IN ORDER TO QUALIFY FOR PREFERENCE POINTS FOR B-BBEE]					
ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES /WORKS OFFERED?	<input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES ENCLOSE PROOF]		ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES /WORKS OFFERED?		<input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES, ANSWER PART B:3]
TOTAL NUMBER OF ITEMS OFFERED			TOTAL BID PRICE (RATE)		R
SIGNATURE OF BIDDER		DATE		
CAPACITY UNDER WHICH THIS BID IS SIGNED					
BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO:			TECHNICAL INFORMATION MAY BE DIRECTED TO:		
DEPARTMENT	BTO		CONTACT PERSON	Siphosethu Mbusi	
CONTACT PERSON	Zuko Khala		TELEPHONE NUMBER	039 251 0230	
TELEPHONE NUMBER	039 251 0230		FACSIMILE NUMBER	N/A	
FACSIMILE NUMBER	N/A		E-MAIL ADDRESS	mbusis@mbizana.gov.za	
E-MAIL ADDRESS	khalaz@mbizana.gov.za				

PART B

TERMS AND CONDITIONS FOR BIDDING

1. BID SUBMISSION:										
<p>1.1. BIDS MUST BE DELIVERED BY THE STIPULATED TIME TO THE CORRECT ADDRESS. LATE BIDS WILL NOT BE ACCEPTED FOR CONSIDERATION.</p> <p>1.2. ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS PROVIDED--(NOT TO BE RE-TYPED) OR ONLINE</p> <p>1.3. THIS BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT AND THE PREFERENTIAL PROCUREMENT REGULATIONS, 2017, THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER SPECIAL CONDITIONS OF CONTRACT.</p>										
2. TAX COMPLIANCE REQUIREMENTS										
<p>2.1 BIDDERS MUST ENSURE COMPLIANCE WITH THEIR TAX OBLIGATIONS.</p> <p>2.2 BIDDERS ARE REQUIRED TO SUBMIT THEIR UNIQUE PERSONAL IDENTIFICATION NUMBER (PIN) ISSUED BY SARS TO ENABLE THE ORGAN OF STATE TO VIEW THE TAXPAYER'S PROFILE AND TAX STATUS.</p> <p>2.3 APPLICATION FOR THE TAX COMPLIANCE STATUS (TCS) CERTIFICATE OR PIN MAY ALSO BE MADE VIA E-FILING. IN ORDER TO USE THIS PROVISION, TAXPAYERS WILL NEED TO REGISTER WITH SARS AS E-FILERS THROUGH THE WEBSITE WWW.SARS.GOV.ZA.</p> <p>2.4 FOREIGN SUPPLIERS MUST COMPLETE THE PRE-AWARD QUESTIONNAIRE IN PART B:3.</p> <p>2.5 BIDDERS MAY ALSO SUBMIT A PRINTED TCS CERTIFICATE TOGETHER WITH THE BID.</p> <p>2.6 IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED, EACH PARTY MUST SUBMIT A SEPARATE TCS CERTIFICATE / PIN / CSD NUMBER.</p> <p>2.7 WHERE NO TCS IS AVAILABLE BUT THE BIDDER IS REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD), A CSD NUMBER MUST BE PROVIDED.</p>										
3. QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS										
<table style="width: 100%; border: none;"> <tr> <td style="width: 70%;">3.1. IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)?</td> <td style="width: 30%; text-align: right;"><input type="checkbox"/> YES <input type="checkbox"/> NO</td> </tr> <tr> <td>3.2. DOES THE ENTITY HAVE A BRANCH IN THE RSA?</td> <td style="text-align: right;"><input type="checkbox"/> YES <input type="checkbox"/> NO</td> </tr> <tr> <td>3.3. DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA?</td> <td style="text-align: right;"><input type="checkbox"/> YES <input type="checkbox"/> NO</td> </tr> <tr> <td>3.4. DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA?</td> <td style="text-align: right;"><input type="checkbox"/> YES <input type="checkbox"/> NO</td> </tr> <tr> <td>3.5. IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION?</td> <td style="text-align: right;"><input type="checkbox"/> YES <input type="checkbox"/> NO</td> </tr> </table> <p>IF THE ANSWER IS "NO" TO ALL OF THE ABOVE, THEN IT IS NOT A REQUIREMENT TO REGISTER FOR A TAX COMPLIANCE STATUS SYSTEM PIN CODE FROM THE SOUTH AFRICAN REVENUE SERVICE (SARS) AND IF NOT REGISTER AS PER 2.3 ABOVE.</p>	3.1. IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)?	<input type="checkbox"/> YES <input type="checkbox"/> NO	3.2. DOES THE ENTITY HAVE A BRANCH IN THE RSA?	<input type="checkbox"/> YES <input type="checkbox"/> NO	3.3. DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA?	<input type="checkbox"/> YES <input type="checkbox"/> NO	3.4. DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA?	<input type="checkbox"/> YES <input type="checkbox"/> NO	3.5. IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION?	<input type="checkbox"/> YES <input type="checkbox"/> NO
3.1. IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)?	<input type="checkbox"/> YES <input type="checkbox"/> NO									
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3.4. DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA?	<input type="checkbox"/> YES <input type="checkbox"/> NO									
3.5. IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION?	<input type="checkbox"/> YES <input type="checkbox"/> NO									

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

SIGNATURE OF BIDDER:

CAPACITY UNDER WHICH THIS BID IS SIGNED:

DATE:

DECLARATION OF INTEREST

1. No bid will be accepted from persons in the service of the 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, hareholder²):.....

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,
principle shareholders or stakeholders in service of the state? **YES / NO**

3.12.1 If yes, furnish particulars.

.....

.....

3.13 Are any spouse, child or parent of the company's directors
trustees, managers, principle shareholders or stakeholders
in service of the state? **YES / NO**

3.13.1 If yes, furnish particulars.

.....

.....

3.14 Do you or any of the directors, trustees, managers,
principle shareholders, or stakeholders of this company
have any interest in any other related companies or
business whether or not they are bidding for this contract. **YES / NO**

3.14.1 If yes, furnish particulars:

.....

.....

4. Full details of directors / trustees / members / shareholders.

Full Name	Identity Number	State Employee Number

CERTIFICATION

I, THE UNDERSIGNED (NAME)

.....
CERTIFY THAT THE INFORMATION FURNISHED ON THIS DECLARATION FORM IS CORRECT. I ACCEPT THAT
THE MUNICIPALITY MAY ACT AGAINST ME SHOULD THIS DECLARATION PROVE TO BE FALSE.

.....
Signature

.....
Date

.....
Capacity

.....
Name of Bidder

4.0. THE PROPERTIES IN QUESTION

The following properties are the subject of this bid:

No.	ERF	TOWN	SIZE (sqm)	USE
1	2267	Bizana, Ext 1		Business
2	2268	Bizana, Ext 1		Business
3	2309	Bizana, Ext 1	1672	Business
4	2915	Bizana, Ext 1	8844	Government

4.1 Locality

The subject properties are located on the South East and North East of the CBD in Extension 1 (refer to plans and annexures attached)

4.2 Property description

The property descriptions are as indicated in the table above

4.3 Land Ownership

The properties are owned by the Winnie Madikizela-Mandela Local Municipality.

4.4 Availability of Services

The sites are currently vacant with no services; however, services such as electricity, telecommunications and water are available in the neighbourhood. There is also a tar road in a good standard serves as the access to some of the properties. Should the bidder require specific information with respect to each property they are advised to contact the Municipality.

A service level agreement will be signed between the municipality and the prospective developers with regards to the provision of bulk infrastructure services internal and external.

4.5. Roads and Storm Water

The subject sites have existing road network however road construction will require construction for vehicular access into the property.

4.6. Electricity

Electrical reticulation will need to be provided within the subject property, electrification will be according to the municipal specification.

5.0. SPECIFICATIONS OF BIDS

The envisaged bid proposals are expected to conform to the following:

- 5.1. description of the legal entity submitting the bid, including a 2-page CV of each member, director, owner or shareholder or partner.
- 5.2. In the case of a partnership or joint venture, a valid partnership agreement or joint venture agreement must be included. In the case of a joint venture the bidder must nominate the principle member.
- 5.3. applicable town planning scheme, municipal standards for infrastructure development adhered to.
- 5.4. proposals must have clear infrastructure designs and architectural impressions of the proposed development.
- 5.5. proposals must clearly indicate how and to what extent the proposed development will achieve the objectives set out in section 3 above.
- 5.6. proposals must include a preliminary costing.
- 5.7. proposals must include a business plan with respect to the financial ability of the bidder to undertake the proposed development successfully.
- 5.8. proposals must include a project management gantt chart which clearly stipulates all the envisaged phases of the project.
- 5.9. proposals must present a development project which will be completed within a maximum of two years, unless the proposed development is of such a nature that a longer period of time is necessary, in which case proper motivation must be included in the proposal.
- 5.10. proposals must clearly set out the project team with relevant experience of all key team members, and must at a minimum include the following disciplines: civil and structural engineering, environmental specialists, architects and finance specialists.

6.0 CONFORMITY OF DEVELOPMENT PROPOSALS

The envisaged development proposals have to conform to the conditions as set out by the Development Planning Department, Supply Chain Policy and Land Disposal Council Policy and applicable prescripts the municipal systems act of 2001 and municipal finance management act of 2003.

7.0 COMPULSORY DOCUMENTS TO BE SUBMITTED BY BIDDERS

The following compulsory documents must be included in the bid.

- 7.1. Tax clearance certificate with pin of legal entity
- 7.2. Proof of registration on the central supplier database
- 7.3. Certified copies of company registration documents of legal entity
- 7.4. Certified copies of identity documents of each member/director or owner of legal entity

7.5. B-BBEE certificate of legal entity. Failure to provide this certificate will not disqualify the legal entity, but will not entitle the legal entity to claim any empowerment points.

Failure to provide documents 9.1 to 9.4 above will lead to automatic disqualification.

Preference will be given to those legal entities which are able to demonstrate the following:

Inclusion of black women in the ownership or management of the legal entity

8.0 FORMAT FOR SUBMITTING DEVELOPMENT PROPOSALS

8.1. Comprehensive report with detailed concept plan design clearly demonstrating all phases of development in a hard copy and may include digital format together with tender documents.

8.2. All proposals should be clearly indexed and easy to read.

8.3.A prospective developer might be requested to make a presentation to the Municipal Adjudication Committees and other relevant stakeholders on the proposed development.

9.0 GENERAL TERMS AND CONDITIONS OF THE BID

9.1. Awarding of the bid will be subject to the developer's express acceptance of the Municipal Supply Chain Management general contract of conditions.

9.2. The Municipality and the developer will sign enter into a development agreement as well as a lease agreement, the terms and conditions of which will be negotiated and agreed upon by the parties, but which shall not deviate from these Terms of Reference.

9.3. No material or information derived from the provision of the services under the contract may be used for any other purpose except for those of the Municipality, except where duly authorised to do so in writing by the Municipality.

10.0 ASSESSMENT OF BIDS

10.1. Bids will be assessed as follows:

STAGE 1 FUNCTIONALITY

No.	CRITERIA	REQUIREMENT	Max Possible Points	Total Points
1.				
1	All 10 points under section 7 specifications met	All 8	50	50
		5-7		20
		Less than 5		0
	MAXIMUM TOTAL		50	50
2.				
	B-BBEE points		10	10
	MAXIMUM TOTAL		10	10
3.				

	Preference Points	50% - 100% woman owned or managed	40	20
		30% to 49% woman owned and managed		15
		1% - 29% woman owned and managed		5
	MAXIMUM TOTAL		40	40
	GRAND TOTAL		100	100

NB: Successful Bids will be invited to conduct a detailed presentation before the final Award.

11.0 CONTACT PERSONS WITH REGARD TO THIS DISPOSAL BRIEF

1. Mr Z. Zukulu Chief Financial Officer
Tel: (039) 251 0230

2. Mr T Mkalali Estate Officer
Tel: (039) 251 023

NB: For Bidders to be considered for the next phase of evaluation, a minimum of 60% under functionality must be achieved thereafter the Municipality will refer the bids for further evaluation as per its supply chain management process. It should be noted that the Municipality is not obliged to appoint the Bidder obtaining the highest points in terms hereto

MBD-8

DECLARATION OF BIDDER'S PAST SUPPLY CHAIN MANAGEMENT PRACTICES

- 1 This Municipal Bidding Document must form part of all bids invited.

- 2 It serves as a declaration to be used by municipalities and municipal entities in ensuring that when goods and services are being procured, all reasonable steps are taken to combat the abuse of the supply chain management system.

- 3 The bid of any bidder may be rejected if that bidder, or any of its directors have:
 - a. abused the municipality's / municipal entity's supply chain management system or committed any improper conduct in relation to such system;
 - b. been convicted for fraud or corruption during the past five years;
 - c. willfully neglected, reneged on or failed to comply with any government, municipal or other public sector contract during the past five years; or
 - d. been listed in the Register for Tender Defaulters in terms of section 29 of the Prevention and Combating of Corrupt Activities Act (No 12 of 2004).

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

Item	Question	Yes	No
------	----------	-----	----

4.1	<p>Is the bidder or any of its directors listed on the National Treasury's Database of Restricted Suppliers as companies or persons prohibited from doing business with the public sector?</p> <p>(Companies or persons who are listed on this Database were informed in writing of this restriction by the Accounting Officer/Authority of the institution that imposed the restriction after the <i>audi alteram partem</i> rule was applied).</p> <p>The Database of Restricted Suppliers now resides on the National Treasury's website(www.treasury.gov.za) and can be accessed by clicking on its link at the bottom of the home page.</p>	<p>Yes <input type="checkbox"/></p>	<p>No <input type="checkbox"/></p>
4.1.1	If so, furnish particulars:		
4.2	<p>Is the bidder or any of its directors listed on the Register for Tender Defaulters in terms of section 29 of the Prevention and Combating of Corrupt Activities Act (No 12 of 2004)?</p> <p>The Register for Tender Defaulters can be accessed on the National Treasury's website (www.treasury.gov.za) by clicking on its link at the bottom of the home page.</p>	<p>Yes <input type="checkbox"/></p>	<p>No <input type="checkbox"/></p>
4.2.1	If so, furnish particulars:		
4.3	<p>Was the bidder or any of its directors convicted by a court of law (including a court of law outside the Republic of South Africa) for fraud or corruption during the past five years?</p>	<p>Yes <input type="checkbox"/></p>	<p>No <input type="checkbox"/></p>
4.3.1	If so, furnish particulars:		
Item	Question	Yes	No
4.4	<p>Does the bidder or any of its directors owe any municipal rates and taxes or municipal charges to the municipality / municipal entity, or to any other municipality / municipal entity, that is in arrears for more than three months?</p>	<p>Yes <input type="checkbox"/></p>	<p>No <input type="checkbox"/></p>
4.4.1	If so, furnish particulars:		
4.5	<p>Was any contract between the bidder and the municipality / municipal entity or any other organ of state terminated during the past five years on account of failure to perform on or comply with the contract?</p>	<p>Yes <input type="checkbox"/></p>	<p>No <input type="checkbox"/></p>
4.7.1	If so, furnish particulars:		

CERTIFICATION

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

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

.....
Signature

.....
Date

.....
Position

.....
Name of Bidder

MBD 9

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.

³ Joint venture or Consortium means an association of persons for the purpose of combining their expertise, property, capital, efforts, skill and knowledge in an activity for the execution of a contract.

MBD 9

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

NB: NB: All responsive Bidders /Companies will be requested to do presentations before final recommendation.

