



## 1. REQUEST FOR PROPOSAL

### RFP/TSW/03/2022-2024: WATER AND WASTEWATER QUALITY ANALYSIS AND REPORTING - READVERT

Tswelopele Local Municipality hereby invites competent and reputable service providers to render Services of Sampling and analysis of Water and reporting:

Proposal Document should be developed by the Supplier who is willing to put in a Proposal, terms of reference will be on Tswelopele Local Municipality website [www.tswelopele.gov.za](http://www.tswelopele.gov.za) and etender portal [www.etender.gov.za](http://www.etender.gov.za)

Proposal marked for the attention of the Municipal Manager must be submitted in a sealed envelope marked Proposal Number **“RFP / TSW/ 03/ 2023-2024 - WATER AND WASTEWATER QUALITY ANALYSIS AND REPORTING FOR PERIOD ENDING 30 JUNE 2026 – RE-ADVERT”**. Must be deposited in the tender box located at Tswelopele Local Municipality no later than, 20 February 2024, 12:00 at the following physical address:

Tswelopele Local Municipality  
1 Bosman Street  
Civic Centre  
Bultfontein  
9670

The Proposals will be evaluated and adjudicated in line with the approved Supply Chain Management Policy of Tswelopele Local Municipality using 80/20 preference point system in accordance with the Preferential Procurement Policy Framework Act.

Proposals which are late or submitted by facsimile or electronically will not be accepted. The municipality does not bind itself to accept the lowest or any Proposal and reserves the right to accept any tender either wholly or a part thereof.

1. Returnables
2. Functionality
3. Price=80
4. Specific goals=20 (Black, Women, Disabled and Youth)

Enquiries can be directed to PJ Mashiane or Mr. K Keyser at 051 853 1111 during office hours.

Mr SS RABANYE  
ACTING MUNICIPAL MANAGER

Initial here: \_\_\_\_\_

## 2. TERMS OF REFERENCE

The Proposals of Samples should meet the following specifications:

### 1. Scope

This specification covers the requirements for sampling and analysis of water determinants.

List of Determinants (per sample)

PH @25

CONDUCTIVITY

TURBIDITY

FREE CHLORINE

TOTAL COLIFORMS & E.COLI

HETEROTSOPHIC

ALUMINIUM

Analysis cost to be as per SANS 241 requirements for the drinking water and cost to be according to the requirements of analyses done per approved compliance monitoring programme for determinants to be tested twice a month for a total of sampling points for water.

### 2. Locality

The sampling points for both water are based in Bultfontein and Hoopstad within the jurisdiction of the Tswelopele Local Municipality.

### 3. Technical Requirements

#### 3.1 Analyses in accordance with Blue Drop requirements.

- Samples will be delivered by the municipality to the appointed service provider.
- Microbiological samples to be analysed within 24hours of sampling and immediate notification if failures detected.
- Chemical samples to be analysed within a week of sampling.
- Provision must be made for ad hoc sampling such in cases of detected failures or emergencies.

#### 3.2 Reporting

Results to be submitted by the end of 3rd week as it is required to be uploaded monthly on the databases of the Department of Water Affairs.

### 4. Experience

Tenderers must provide the accreditation certificate (either SANAS approved or applicable Proficiency Scheme Test score (Zscore))

A reference list of the Municipalities or Institutions in contract with the laboratory.

The following terms and conditions shall apply:

### 3. RULES FOR BIDDING

- 3.1 The municipality is not bound to accept any of the proposals submitted and reserves the right to call for presentations from short-listed bidders before final selection.
- 3.2 Documents submitted by bidders will not be returned. The municipality reserves the right to return late bid submission unopened,
- 3.3 The municipality reserves the right to terminate this appointment or temporarily defer the work, or any part thereof, at any stage of completion should the municipality decide not to proceed with the bid,
- 3.4 Only the bidders who have passed the evaluation of returnables will be subjected to confirmation of validity of functionality returnables provided and referees.(e.g. Municipality may require Previous Proof of Payments)
- 3.5 The service provider must be a single legal entity with all other necessary expertise secured via sub-contract, or under a joint venture arrangement.
- 3.6 The bidding entity shall be the same entity that will execute the bid. Any bid found to be fronting for another entity or entities shall be disqualified immediately,
- 3.7 Bidders may ask for clarification on these bid documents or any part thereof up to close of business week before the deadline for the submission of the bids,
- 3.8 Bidders may not contact the municipality on any matter pertaining to their bid from the time when the bids are submitted to the time the contract is awarded. Any effort by a bidder to influence bid evaluation, bid comparisons or bid award decisions in any manner, may result in rejection of the bid concerned,
- 3.9 The total bid price will be paid for on a monthly basis for the duration of each contract (period ending 30 June 2027) upon submission of monthly reports and invoices,
- 3.10 **Bidders must comply with all requirements particularly conditions of work as per sectoral determination,**
- 3.11 **Bidders must have existing infrastructure and resources or capacity to rent 9 letter of intent) to be able to provide the service**
- 3.12 Should the contract between the municipality and the service provider be terminated by either party due to reasons not attributable to the service provider, the service provider will be remunerated for the appropriate portion of work completed up to a maximum amount of not more than the

total fee bid by the service provider for the appropriate phase of the project during which the appointment was terminated,

- 3.13 Bidders must attach proof of third party insurance including proof of parties involved in the joint venture,
- 3.14 Bidders should not scratch out without initialling next to the amended rates or information, affecting the evaluation of the bid,
- 3.15 The Bid document must be properly signed by a party having the authority to do so, according to the example of "Authority or Signatory",
- 3.16 Evidence that the municipal rates and taxes or municipal charges owed by the preferred bidder or any of its directors to the municipality or municipal entity, or to any other municipality or municipal entity, are not in arrears for more than three months. (circular 62), in terms of lease agreement, proof that Municipal charges owed on the premises are not in arrears for more than 90 days must be attached, lease agreement alone will not be accepted,
- 3.17 Bidders will be disqualified if any bidders who during the last five years has failed to perform satisfactorily on a previous contract with the municipality, municipal entity or any other organ of state after a reasonable written notice was given to that bidder that performance was unsatisfactory or appears on the register / database of defaulters,
- 3.18 The Accounting officer must ensure that irrespective of the procurement process followed, no award may be given to a person –
  - 3.18.1 Who is in the service of the state, or;
  - 3.18.2 If that person is not a natural person, of which any Director, Manager, Principal Shareholder or Stakeholder, is a person in the service of the state; or;
  - 3.18.3 Who is an advisor or consultant contracted with the municipality in respect of contract that would cause a conflict of interest?
- 3.19 Bid offers will be rejected if the bidder or any of his/ her directors is listed on the Register of Bid Defaulters in terms of the Prevention and Combating of Corrupt Activities Act of 2004 as a person prohibited from doing business with the public sector,
- 3.20 Failure by the bidder to disclose with the bid submission any form of conflict of interest including disclosure on a person(s) who is in the service of the state or any immediate blood relative in the service of the state will lead to disqualification,
- 3.21 **All functionality and all other returnables will be exposed to verification process, and any returnable proven to be a fake**

**document, the bidders document will be rejected or subjected to disqualification.**

3.22 The municipality is not liable for any documents delivered via courier companies and by post. No official is going to sign the receipt of the tender document.

3.23 Tender documents must be submitted in a sealed envelope clearly marked with the project name and number.

3.24 Fully completed and signed tender documents must be deposited into the tender box located at: 01 Bosman Street, Civic Centre, Bultfontein, 9670. The sealed envelope must specify the following:

3.24.1 Bid number

3.24.2 Closing Date and time

3.24.3 The name and address of the tenderer.

3.25 The Municipality has the right to enter into negotiation with a prospective contractor regarding any terms and conditions, including price(s), of a proposed contract.

#### 4. RETURNABLE DOCUMENTS

**The following particulars must be furnished /attached failure to do so WILL result in your bid being disqualified**

| No. | Details   | Tick(x) |
|-----|---|---------|
| 1.  | Name of bidder ( <b>MBD1</b> ) as it appears on the company registration document   |         |
| 2.  | Physical address ( <b>MBD1</b> ) of where the business is situated  |         |
| 3.  | Postal address ( <b>MBD1</b> ) of where the business receives its mails   |         |
| 4.  | Contact numbers (telephone, fax & cellular phone no. ( <b>MBD1</b> ))   |         |
| 5   | Proposal must be in the letterhead of the Prospective Service Provider  |         |
| 6.  | <b>Certificate of Payment of Municipal Accounts</b><br><br>Evidence that municipal rates and taxes are not in arrears for more than three months for both the company and its registered Directors (this should be for any registered office, not necessarily within Tswelopele Local Municipality, in case of lease agreement should be accompanied by the service account of the lessor (No exceptions)). |         |
| 7.  | <b>Valid tax clearance certificate or SARS PIN</b>  |         |
| 8.  | <b>Certificate of registration</b> as a Bank in terms of the Banks Act, No 94 of 1990   |         |
| 9   | ID Copies of the directors of the business.   |         |
| 10. | Completed and signed MBD forms ( <b>ALL MBD forms in the tender</b> )   |         |
| 11. | <b>Proof of banking</b> not older than 3 months   |         |
| 12. | <b>Certificate of authority of signatory</b> not older than 3 months  |         |
| 13. | <b>Valid BBBEE certificate</b> issued by <b>SANAS</b> accredited agencies or issued by registered auditors accredited by <b>IRBA</b> or certified <b>Sworn Affidavits</b> .   |         |
| 14. | <b>Joint Venture Agreement</b> (if applicable)  |         |
| 15. | <b>Completed and signed form of offer</b>   |         |

|     |  |  |
|-----|--|--|
| 16. | Signed and completed <b>addenda to the tender</b> (if applicable)                        |  |
| 17. | Proof that the supplier is registered on the <b>Centralised Suppliers Database (CSD)</b> |  |
|     |  |  |

### **OTHER BIDDING INFORMATION**

|  |
|--|
|  |
| 1. Proposal must be in the letterhead of the Prospective Service Provider.   |
| 4 Prices on Proposal must be valid until 30 June 2024 and first escalation on prices will be allowed from 1 July 2024 and second escalation on prices will be allowed 1 July 2025 till 30 June 2026  |
| 5 No Payment will be made (in Full or Partially) prior to rendering of each sampling and the municipality has up to 30 days to settle the account after receiving the relevant invoice / statement from the service provider /suppliers.               |
| 6 Non-adherence to any of the conditions may lead to your proposal not to be considered.   |
| 7 The Municipality will enter into Service Level Agreement with the successful service provider for up to maximum of 462 samples up to 30 June 2024 and 462 samples up to 30 June 2025 and 462 samples for 30 June 2026 for water quality analysis and |

| Clause number | Data   |
|---------------|--|
|               | Telephonic, telegraphic, telex, facsimile or e-mailed tender offers will not be accepted.  |
|               | The closing time for submission of tender offers is: <b>12H00 on the 12 May 2023</b>   |
|               | The tender offer validity period is <b>90 days</b> commencing from the closing date of tender.   |
|               | Access must be provided for the following inspections, tests and analysis: General site inspections and any other inspections deemed necessary by the Employer's agent and Employer. |

|  |  |
|--|--|
|  | <p>The tenderer is required to submit with his tender</p> <p>(1) an original valid Tax Clearance Certificate issued by the South African Revenue Services; and Pin Confirmation letter from SARS</p> <p>(2) copy of CSD report.</p> <p>and</p> <p>(3) documents as stipulated at returnable documents.</p>   |
|  | <p>The time and location for opening of the tender offers are</p> <p>Time: 12H00 (20 February 2024)</p> <p>Location: Tswelopele Local Municipality, 01 Bosman Street, Civic Centre, Bultfontein, 9670</p>  |
|  | <p>The preference procedure for evaluation of responsive tender offers shall be the 80/20-point preference system, in full compliance with Tswelopele Local Municipality Preferential Procurement Policy.</p> <p><i>Add the following:</i></p> <p><b>BID EVALUATION CRITERIA</b></p> <p>The bids will be evaluated in three (3) stages, namely:</p> <ul style="list-style-type: none"> <li>• Stage 1: Responsiveness</li> <li>• Stage 2: Functionality</li> <li>• Stage 3: Financial Offer and Preference Evaluation</li> </ul> <p style="text-align: center;"><b><u>STAGE 1 – RESPONSIVENESS</u></b></p> <p>Failure of the bidder to submit the following will result in immediate disqualification:</p> <ul style="list-style-type: none"> <li>- A bidders must be registered on the Central Supplier Database (CSD) of the National Treasury. Failure to submit CSD Registration Documentation will lead to disqualification.</li> <li>- Tax compliance on CSD status.</li> <li>- In case of the Joint Venture (JV), all JV companies must have tax compliance status on CSD.</li> <li>- Company Registration certificate reflecting names and identity numbers of active shareholding members.</li> <li>- Evidence that municipal rates and taxes are not in arrears for more than three months for both the company and its registered Directors (this should be for any registered office, not necessarily within Tswelopele Local Municipality, in case of lease agreement should be accompanied by the service account of the lessor (No exceptions).</li> </ul> |

|  |   |
|--|---|
|  | <ul style="list-style-type: none"> <li>- In case of JV, each JV companies must attach its Company Registration Certificate reflecting names and identity number of active shareholders.</li> <li>- Copy of JV agreement (in case of JV).</li> <li>- In case of a JV Municipal Rates and Taxes Account not older than 90 days or a lease agreement a – for all parties must be attached. The municipal rates and taxes must not be in arrears more than 90 days, in case of lease agreement Municipal rates of lessor to be attached.</li> <li>- No bid will be considered from the persons in the Service/Employment of the State/Government/State Owned Entities.</li> <li>- Bids must be valid for a minimum period of 90 days</li> </ul> |
|--|---|

## **STAGE 2 – FUNCTIONALITY**

**The following documents will be required to test for functionality.**

A minimum of 70% must be attained to be responsive on functionality. The table below indicates the criteria for functionality.

**The following functionality criteria will be applied:**

|             | <b>The minimum qualifying score for functionality is 70 points to be further evaluated</b>   |               |
|-------------|--|---------------|
| <b>ITEM</b> | <b>CRITERIA</b>  | <b>WEIGHT</b> |
| <b>A</b>    | <b>Bidder must provide a list of no less than (3)appointment letters from accredited institutions</b><br><br>The Municipality will subject these returnables into verification process. e.g. request for Proof of Payments | <b>40</b>     |
|             | <b>1. 6&gt; x Appointment letters</b>  | 40            |
|             | <b>2. 4-6x Appointment Letters</b>   | 30            |
|             | <b>3. 0-3 x Appointment Letters</b>  | 10            |
| <b>B.</b>   | <b>References to customer satisfaction rating on the service provided on similar environment (only from clients indicated above)</b>   | <b>10</b>     |
|             | <b>1. 3 and above Clients satisfaction letter</b>  | 10            |
|             | <b>2. 1-3 Clients satisfaction letter</b>  | 5             |
|             | <b>3. 0-1 Clients satisfaction letter</b>  | 0             |
| <b>C</b>    | <b>Financial Capacity ( Bank rating)</b>   | <b>10</b>     |
|             | <b>1. Code C</b>   | 10            |
|             | <b>2. Code D</b>   | 6             |
|             | <b>3. Code E</b>   | 2             |
| <b>D</b>    | <b>Registered Laboratory</b>   | <b>20</b>     |
|             | <b>1. Proof of Laboratory Facilities</b>   | 20            |
|             | <b>2. No proof attached</b>  | 0             |
| <b>E</b>    | <b>Experience of the staff to be assigned for to Tswelopele Local Municipality</b>   | <b>20</b>     |

|  |  |            |
|--|--|------------|
|  | <p>1. Submit a brief profile of the engineer (), Profile (cv) must include the following.</p> <ul style="list-style-type: none"> <li>- Curriculum Vitae of the Professional Engineer with Degree in Biotechnology or relevant qualification.</li> <li>- Profile must also include experience of the professional Engineer</li> <li>- Years of Experience<br/>0-2 Years = <b>0</b> points; 2-5=<b>10</b>; 5-10=<b>20</b></li> </ul> |            |
|  | <b>TOTAL POINTS</b>  | <b>100</b> |

#### **SCHEDULE OF EQUIPMENTS REQUIRED FOR THE CONTRACT**

The Bidder shall state below what Equipment will be available for the work should they be awarded the Contract.

| DESCRIPTION   | SIZE/DESCRIPTION | QUANTITY |
|---|------------------|----------|
| 1. Call out Vehicles [ownership papers for all vehicles must be attached] |                  |          |
| 2. Lab: Letter of intent/ownership  |                  |          |
|   |                  |          |
|   |                  |          |

#### **FORM 2.1.2 SIZE OF ENTERPRISE AND CURRENT WORKLOAD**

**[please attach Annual report for the Previous financial year]**

a) Total Turnover in the previous financial year? R \_\_\_\_\_  
 b) Estimated turnover for current financial year? R \_\_\_\_\_

#### **Physical facilities: Provide information on Company offices/Premises**

| Description | Address | Area (m <sup>2</sup> ) |
|-------------|---------|------------------------|
|             |         |                        |
|             |         |                        |
|             |         |                        |

|  |  |  |
|--|--|--|
|  |  |  |
|  |  |  |

**List current contracts and obligations [maximum]:**

| Description | Location | Value (R) | Start date | Expected completion date |
|-------------|----------|-----------|------------|--------------------------|
|             |          |           |            |                          |
|             |          |           |            |                          |
|             |          |           |            |                          |
|             |          |           |            |                          |
|             |          |           |            |                          |

**FORM 2.1.3 PROPOSED KEY PERSONNEL**

The Bidder shall list below the key personnel (including first nominee and the second choice alternate), whom he proposes to employ on the project should his Bid be accepted, both at his headquarters and on the Site, to direct and for the execution of the work, together with their qualifications, experience, positions held and their nationalities.

| DESIGNATION                             | INITIALS & SURNAME | HIGHEST QUALIFICATION | EXPERIENCE [NO OF YEARS] |
|---|--------------------|-----------------------|--------------------------|
| <b>HEADQUARTERS</b><br>Partner/director |                    |                       |                          |
|   |                    |                       |                          |
|   |                    |                       |                          |
|   |                    |                       |                          |
| <b>Project Manager (s)</b>              |                    |                       |                          |
|   |                    |                       |                          |
|   |                    |                       |                          |
|   |                    |                       |                          |
|   |                    |                       |                          |

**FORM 2.1.4****SCHEDULE OF PREVIOUS WORK CARRIED OUT BY BIDDER**

Provide the following information on **relevant previous experience [Water and waste water analysis and reporting]**. Indicate comparable projects of similar or larger size. This information is material to the award of the Contract.

**Give names and telephone numbers and e-mail address per reference. Please provide latest contact details.**

| CLIENT NAME AND PLACE WHERE PROJECT WASIMPLEMENTED | TEL NO, FAX NO, EMAIL | DESCRIPTION OF WORK | CONTRACT VALUE (R) | CONTRACT PERIOD |
|--|-----------------------|---------------------|--------------------|-----------------|
|  | _____                 |                     |                    |                 |
|  | _____                 |                     |                    |                 |
|  | _____                 |                     |                    |                 |



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**MBD 1**

**INVITATION TO BID**

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE  
TSWELOPELE LOCAL MUNICIPALITY

BID/TENDER NUMBER: \_\_\_\_\_

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

CLOSING TIME: \_\_\_\_\_

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

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**The successful bidder will be required to fill in and sign a written Contract Form (MBD 7).**

DEPOSITED IN THE BID BOX SITUATED AT:

Reception Area on the Ground Floor

Tswelopele Local Municipality Offices

01 Bosman Street, Civic Centre;

Bultfontein

9670

**Bidders/Tenderers should ensure that bids are delivered timeously to the correct address. If the bid is late, it will not be accepted for consideration. The bid box is generally open from 07H30 till 16H00 from Monday till Friday excluding public Holidays.**

**ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS / TENDER DOCUMENTS ISSUED BY THE MUNICIPALITY**

**(NOT TO BE RE-TYPED)**

THIS BID IS SUBJECT TO THE GENERAL CONDITIONS OF CONTRACT (GCCP) AND, IF APPLICABLE, ANY OTHER SPECIAL CONDITIONS OF CONTRACT

THIS BID WILL BE EVALUATED AND ADJUDICATED ACCORDING TO THE FOLLOWING CRITERIA:

1. Relevant specifications
2. Value for money
3. Capability to execute the contract
4. PPPFA & associated regulations

**NB: NO BIDS WILL BE CONSIDERED FROM PERSONS IN THE SERVICE OF THE STATE (see definition on MBD 4 attached)**

**THE FOLLOWING PARTICULARS MUST BE FURNISHED (FAILURE TO DO SO MAY RESULT IN YOUR BID BEING DISQUALIFIED)**

NAME OF BIDDER: \_\_\_\_\_

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

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

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

CELLPHONE NUMBER: \_\_\_\_\_

FACSIMILE NUMBER: \_\_\_\_\_

VAT REGISTRATION NUMBER: \_\_\_\_\_

HAS AN ORIGINAL TAX CLEARANCE CERTIFICATE BEEN ATTACHED (MBD 2)?

**YES**      **/ NO**

ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS/SERVICES OFFERED BY YOU?

**YES /      NO    (IF YES ENCLOSURE PROOF)**

|  |                                       |
|--|---------------------------------------|
| <b>SIGNATURE<br/>OF<br/>BIDDER</b>   |                                       |
| <b>CAPACITY / POSITION</b>   |                                       |
| <b>DATE</b>  |                                       |
| <b>TOTAL BID PRICE</b>   |                                       |
| <b>(THIS PRICE MUST BE THE SAME AS THE ONE INDICATED IN THE FORM OF OFFER. IF AMOUNTS ARE DIFFERENT, THE AMOUNT SHOWN IN THE FORM OF OFFER WILL BE CONSIDERED)</b> |                                       |
| <b>TOTAL NUMBER OF<br/>ITEMS<br/>OFFERED</b>   | <b>As per the required quantities</b> |

ANY ENQUIRIES REGARDING THE BIDDING PROCEDURE AND TECHNICAL INFORMATION MAY BE DIRECTED TO:

**Municipality:**      **Tswelopele Local Municipality**

**Contact Person:**      **Puseletso Mashiane**

**Tel:**      **(051) 853 1111**

**MBD 2**

**TAX CLEARANCE CERTIFICATE REQUIREMENTS**

1. It is a condition of bid that the taxes of the successful bidder must be in order, or that satisfactory arrangements have been made with South African Revenue Service (SARS) to meet the bidder's tax obligations.
2. In order to meet this requirement bidders are required to complete in full the form TCC 001 "Application for a Tax Clearance Certificate" and submit it to any SARS branch office nationally. The Tax Clearance Certificate Requirements are also applicable to foreign bidders / individuals who wish to submit bids.
3. SARS will then furnish the bidder with a Tax Clearance Certificate that will be valid for a period of 1 (one) year from the date of approval.
4. The valid Tax Clearance/pin must be submitted together with the bid. Failure to submit the original and valid Tax Clearance Certificate will result in the invalidation of the bid. Certified copies of the Tax Clearance Certificate will be acceptable.
5. In bids where Consortia / Joint Ventures / Sub-contractors are involved, each party must submit a separate Tax Clearance Certificate.
6. Copies of the TCC 001 "Application for a Tax Clearance Certificate" form are available from any SARS branch office nationally or on the website [www.sars.gov.za](http://www.sars.gov.za).
7. Applications for the Tax Clearance Certificates may also be made via e-Filing. In order to use this provision, taxpayers will need to register with SARS as e-filers through their website [www.sars.gov.za](http://www.sars.gov.za).



### **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 an advertised competitive bid, a limited bid, a tender or written price quotation). 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-
  - a. the bidder is employed by the state; and/or
  - b. 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:

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2.3. Position occupied in the Company (director, trustee, shareholder<sup>2</sup>, member):

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2.4. Registration number of company, enterprise, close corporation, partnership agreement or trust:

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2.5. Tax Reference Number:

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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**

2.7.1 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:

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Position occupied in the state institution:

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Any other particulars:

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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 attach 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).**

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

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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:

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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.

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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.

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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:

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**2. FULL DETAILS OF DIRECTORS / TRUSTEES / MEMBERS / SHAREHOLDERS.**

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

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## PROCUREMENT REGULATIONS 2022

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

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

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### 1. GENERAL CONDITIONS

- 1.1 The following preference point systems are applicable to invitations to tender:
  - the 80/20 system for requirements with a Rand value of up to R50 000 000 (all applicable taxes included); and
  - the 90/10 system for requirements with a Rand value above R50 000 000 (all applicable taxes included).
- 1.2 **To be completed by the organ of state**  
*(delete whichever is not applicable for this tender).*
  - a) The applicable preference point system for this tender is the 90/10 preference point system.
  - b) The applicable preference point system for this tender is the 80/20 preference point system.
  - c) Either the 90/10 or 80/20 preference point system will be applicable in this tender. The lowest/ highest acceptable tender will be used to determine the accurate system once tenders are received.
- 1.3 Points for this tender (even in the case of a tender for income-generating contracts) shall be awarded for:
  - (a) Price; and
  - (b) Specific Goals.

**1.4 To be completed by the organ of state:**

The maximum points for this tender are allocated as follows:

|  | <b>POINTS</b> |
|--|---------------|
| <b>PRICE</b>                                     |               |
| <b>SPECIFIC GOALS</b>                            |               |
| <b>Total points for Price and SPECIFIC GOALS</b> | <b>100</b>    |

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

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

**2. DEFINITIONS**

- (a) “**tender**” means a written offer in the form determined by an organ of state in response to an invitation to provide goods or services through price quotations, competitive tendering process or any other method envisaged in legislation;
- (b) “**price**” means an amount of money tendered for goods or services, and includes all applicable taxes less all unconditional discounts;
- (c) “**rand value**” means the total estimated value of a contract in Rand, calculated at the time of bid invitation, and includes all applicable taxes;
- (d) “**tender for income-generating contracts**” means a written offer in the form determined by an organ of state in response to an invitation for the origination of income-generating contracts through any method envisaged in legislation that will result in a legal agreement between the organ of state and a third party that produces revenue for the organ of state, and includes, but is not limited to, leasing and disposal of assets and concession contracts, excluding direct sales and disposal of assets through public auctions; and
- (e) “**the Act**” means the Preferential Procurement Policy Framework Act, 2000 (Act No. 5 of 2000).

**3. FORMULAE FOR PROCUREMENT OF GOODS AND SERVICES**

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### 3.1. POINTS AWARDED FOR PRICE

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

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

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

Where

Ps = Points scored for price of tender under consideration

Pt = Price of tender under consideration

Pmin = Price of lowest acceptable tender

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

### 3.2.1. POINTS AWARDED FOR PRICE

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

$$Ps = 80 \left( 1 + \frac{Pt - P_{max}}{P_{max}} \right) \quad \text{or} \quad Ps = 90 \left( 1 + \frac{Pt - P_{max}}{P_{max}} \right)$$

Where

Ps = Points scored for price of tender under consideration

Pt = Price of tender under consideration

Pmax = Price of highest acceptable tender

#### 4. POINTS AWARDED FOR SPECIFIC GOALS

4.1. In terms of Regulation 4(2); 5(2); 6(2) and 7(2) of the Preferential Procurement Regulations, preference points must be awarded for specific goals stated in the tender. For the purposes of this tender the tenderer will be allocated points based on the goals stated in table 1 below as may be supported by proof/documentation stated in the conditions of this tender:

4.2. In cases where organs of state intend to use Regulation 3(2) of the Regulations, which states that, if it is unclear whether the 80/20 or 90/10 preference point system applies, an organ of state must, in the tender documents, stipulate in the case of—

- (a) an invitation for tender for income-generating contracts, that either the 80/20 or 90/10 preference point system will apply and that the highest acceptable tender will be used to determine the applicable preference point system; or
- (b) any other invitation for tender, that either the 80/20 or 90/10 preference point system will apply and that the lowest acceptable tender will be used to determine the applicable preference point system,  
then the organ of state must indicate the points allocated for specific goals for both the 90/10 and 80/20 preference point system.

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

**(Note to organs of state: Where either the 90/10 or 80/20 preference point system is applicable, corresponding points must also be indicated as such.)**

**Note to tenderers: The tenderer must indicate how they claim points for each preference point system.)**

| The specific goals allocated points in terms of this tender  | Number of points allocated (90/10 system)<br>(To be completed by the organ of state) | Number of points allocated (80/20 system)<br>(To be completed by the organ of state) | Number of points claimed (90/10 system)<br>(To be completed by the tenderer) | Number of points claimed (80/20 system)<br>(To be completed by the tenderer) |
|--|--|--|--|--|
| Historically Disadvantaged (women owned enterprises, youth, Black persons, Disabled owned enterprises) Copy of ID Document of the directors must be attached to be able to claim points, in-case of disabled persons medical |  | 20   |  |  |

|  |  |    |  |  |
|--|--|----|--|--|
| certificate of the director<br>must be attached.   |  |    |  |  |
| Business owned by either<br>of the mentioned above |  | 0  |  |  |
| Total Points                                       |  | 20 |  |  |

## DECLARATION WITH REGARD TO COMPANY/FIRM

4.3. Name of  
company/firm.....

4.4. Company registration number:  
.....

4.5. TYPE OF COMPANY/ FIRM

- Partnership/Joint Venture / Consortium
- One-person business/sole proprietor
- Close corporation
- Public Company
- Personal Liability Company
- (Pty) Limited
- Non-Profit Company
- State Owned Company

[TICK APPLICABLE BOX]

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

- 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 4.2, the contractor may be required to furnish documentary proof to the satisfaction of the organ of state that the claims are correct;
- iv) If the specific goals have been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the organ of state may, in addition to any other remedy it may have –

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- (a) disqualify the person from the tendering process;
- (b) recover costs, losses or damages it has incurred or suffered as a result of that person's conduct;
- (c) cancel the contract and claim any damages which it has suffered as a result of having to make less favourable arrangements due to such cancellation;
- (d) recommend that the tenderer or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, be restricted from obtaining business from any organ of state for a period not exceeding 10 years, after the *audi alteram partem* (hear the other side) rule has been applied; and
- (e) forward the matter for criminal prosecution, if deemed necessary.

|  |   |
|--|---|
| <p>WITNESSES</p> <p>1. ....</p> <p>2. ....</p> | <p>.....</p> <p>SIGNATURE(S) OF BIDDERS(S)</p> <p>DATE:.....</p> <p>ADDRESS .....</p> <p>.....</p> <p>.....</p> |
|--|---|

**Bids will be evaluated in accordance with the prescripts of the Preferential Procurement Policy Framework Act (PPPFA) and the associated Preferential Procurement Regulations of 2022, which stipulate a 80/20 preference point system for acquisition of goods or services for Rand value equal to or above R30 000 and up to R50 million.**

**Points for the specific goals for contracting with persons, or categories of persons, historically disadvantaged by unfair discrimination on the basis of race:**

| Black-owned and B-BBEE Status Level of Contributor                | Number of points on 80/20 points system | Number of points on 90/10 points system | Required Proof   |
|---|---|---|--|
| 100% Black-owned enterprise with a valid B-BBEE level 1           | 6                                       | 3                                       | Sworn affidavit/BBBEE verification certificate (SANA) approved or from a registered accountant |
| 51% Black-owned enterprise with a valid B-BBEE level 2            | 4                                       | 2                                       | BBBEE Certificate from a SANAS approved agency   |
| 51% Black-owned enterprise with a valid B-BBEE level 3            | 2                                       | 1                                       | BBBEE Certificate from a SANAS approved agency   |
| Less than 51% Black-owned enterprise irrespective of B-BBEE level | 0                                       | 0                                       | BBBEE Certificate from a SANAS approved agency   |

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**Points for the specific goals for contracting with persons, or categories of persons, historically disadvantaged by unfair discrimination**

| Women-owned and B-BBEE Status<br>Level of Contributor             | Number of<br>points on<br>80/20<br>points<br>system | Number of<br>points on<br>90/10 points<br>system | Required Proof   |
|---|---|--|--|
| 100% Women-owned enterprise with no B-BBEE certificate            | 4   | 2  | Sworn affidavit/BBBEE verification certificate (SANA) approved or from a registered accountant |
| 51% Women-owned enterprise with a valid B-BBEE level 1            | 3   | 1  | BBBEE Certificate from a SANAS approved agency   |
| 51% Women-owned enterprise with a valid B-BBEE level 2            | 2   | 1  | BBBEE Certificate from a SANAS approved agency   |
| 51% Women-owned enterprise with a valid B-BBEE level 3            | 1   | 1  | BBBEE Certificate from a SANAS approved agency   |
| Less than 51% Women-owned enterprise irrespective of B-BBEE level | 0   | 0  | BBBEE Certificate from a SANAS approved agency   |

**on the basis of gender:**

**Points for the specific goals for contracting with persons, or categories of persons, historically disadvantaged by unfair discrimination  
on the basis of disability:**

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| Black-owned and B-BBEE Status<br>Level of Contributor   | Number<br>of<br>points<br>on<br>80/20<br>points<br>system | Number of<br>points on<br>90/10<br>points<br>system | Required Proof                                 |
|---|---|---|--|
| 100% Disabled-owned enterprise<br>with no B-BBEE certificate but<br>with proof of disability. | 4   | 2   | Sworn affidavit and medical certificate        |
| 51% Disabled-owned enterprise<br>with a valid B-BBEE level 1                                  | 3   | 1   | BBBEE Certificate from a SANAS approved agency |
| 51% Disabled-owned enterprise<br>with a valid B-BBEE level 2                                  | 2   | 1   | BBBEE Certificate from a SANAS approved agency |
| 51% Disabled-owned enterprise<br>with a valid B-BBEE level 3                                  | 1   | 1   | BBBEE Certificate from a SANAS approved agency |
| Less than 51% Disabled-owned<br>enterprise irrespective of B-<br>BBEE level                   | 0   | 0   | BBBEE Certificate from a SANAS approved agency |

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**Points for the specific goals for contracting with persons, or categories of persons, historically disadvantaged by unfair discrimination on the basis of Youth:**

| Black-owned and B-BBEE Status<br>Level of Contributor                                      | Number<br>of points<br>on 80/20<br>points<br>system | Number of<br>points on<br>90/10<br>points<br>system | Required Proof                                 |
|--|---|---|--|
| 100% Youth-owned enterprise<br>with no B-BBEE certificate but<br>with proof of disability. | 4   | 2   | Sworn affidavit and medical certificate        |
| 51% Youth-owned enterprise<br>with a valid B-BBEE level 1                                  | 3   | 1   | BBBEE Certificate from a SANAS approved agency |
| 51% Youth-owned enterprise<br>with a valid B-BBEE level 2                                  | 2   | 1   | BBBEE Certificate from a SANAS approved agency |
| 51% Youth-owned enterprise<br>with a valid B-BBEE level 3                                  | 1   | 1   | BBBEE Certificate from a SANAS approved agency |
| Less than 51% Youth-owned<br>enterprise irrespective of B-<br>BBEE level                   | 0   | 0   | BBBEE Certificate from a SANAS approved agency |

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## MUNICIPAL BIDDING DOCUMENT (MBD) 7.1

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**MBD 7.1**

### **CONTRACT FORM - PURCHASE OF GOODS/WORKS**

**THIS FORM MUST BE FILLED IN DUPLICATE BY BOTH THE SUCCESSFUL BIDDER (PART 1) AND THE PURCHASER (PART 2). BOTH FORMS MUST BE SIGNED IN THE ORIGINAL SO THAT THE SUCCESSFUL BIDDER AND THE PURCHASER WOULD BE IN POSSESSION OF ORIGINALLY SIGNED CONTRACTS FOR THEIR RESPECTIVE RECORDS.**

#### **PART 1 (TO BE FILLED IN BY THE BIDDER)**

1. I hereby undertake to supply all or any of the goods and/or works described in the attached bidding documents to **Tswelopele Local Municipality** in accordance with the requirements and specifications stipulated in bid : **PROPOSAL NUMBER – “RFP / TSW/ 03/ 2023-2024 - WATER AND WASTEWATER QUALITY ANALYSIS AND REPORTING FOR PERIOD ENDING 30 JUNE 2026 – RE-ADVERT”** at the price/s quoted. My offer/s remain binding upon me and open for acceptance by the purchaser during the validity period indicated and calculated from the closing time of bid.

2. The following documents shall be deemed to form and be read and construed as part of this agreement:
  - (i) Bidding documents, *viz*
    - Invitation to bid;
    - Tax clearance certificate;
    - Pricing schedule(s);
    - Technical Specification(s);
    - Preference claims for Broad Based Black Economic Empowerment Status Level of Contribution in terms of the Preferential Procurement Regulations 2017;
    - Declaration of interest;
    - Declaration of bidder's past SCM practices;
    - Certificate of Independent Bid Determination;
    - Special Conditions of Contract;
  - (ii) General Conditions of Contract; and
  - (iii) Any other conditions entailed in this tender document
3. I confirm that I have satisfied myself as to the correctness and validity of my bid; that the price(s) and rate(s) quoted cover all the goods and/or works specified in the bidding documents; that the price(s) and rate(s) cover all my obligations and I accept that any mistakes regarding price(s) and rate(s) and calculations will be at my own risk.
4. I accept full responsibility for the proper execution and fulfilment of all obligations and conditions devolving on me under this agreement as the principal liable for the due fulfilment of this contract.
5. I declare that I have no participation in any collusive practices with any bidder or any other person regarding this or any other bid.

6. I confirm that I am duly authorized to sign this contract.

|              |  |
|--------------|--|
| NAME (PRINT) |  |
| CAPACITY     |  |
| NAME OF FIRM |  |
| SIGNATURE    |  |
| DATE         |  |
| WITNESSES 1  |  |

## CONTRACT FORM - PURCHASE OF GOODS/WORKS

### PART 2 (TO BE FILLED IN BY THE PURCHASER)

1. I, \_\_\_\_\_ in my capacity as the Municipal Manager of Tswelopele Local Municipality accept your bid under reference number "**PROPOSAL NUMBER – “RFP / TSW/ 03/ 2023-2024 - WATER AND WASTEWATER QUALITY ANALYSIS AND REPORTING FOR PERIOD ENDING 30 JUNE 2026 – RE-ADVERT”**" for the supply of goods/works indicated hereunder and/or further specified in the annexure(s).

2. An official order (Service Level Agreement) indicating delivery instruction is forthcoming.
3. I undertake to make payment for the goods/works delivered in accordance with the terms and conditions of the contract, within 30 (thirty) days after receipt of an invoice accompanied by the delivery note.

| ITEM NO. | PRICE (ALL APPLICABLE TAXES INCLUDED) | BRAND | DELIVERY PERIOD | B-BBEE STATUS LEVEL OF CONTRIBUTION | MINIMUM THRESHOLD FOR LOCAL PRODUCTION AND CONTENT (if applicable) |
|----------|---------------------------------------|-------|-----------------|-------------------------------------|--|
|          |                                       |       |                 |                                     |  |

4. I confirm that I am duly authorized to sign this contract.

SIGNED AT \_\_\_\_\_ ON \_\_\_\_\_ 2024

|              |  |
|--------------|--|
| NAME (PRINT) |  |
| SIGNATURE    |  |
| WITNESSES 1  |  |

Initial here: \_\_\_\_\_



**MUNICIPAL BIDDING DOCUMENT (MBD) 8**

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

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

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

| ITEM  | QUESTION  | YES                             | NO                             |
|-------|---|---------------------------------|--------------------------------|
| 4.1   | <p>Is the bidder or any of its directors listed on the National Treasury's database as a company or person prohibited from doing business with the public sector?</p> <p><b>(Companies or persons who are listed on this database were informed in writing of this restriction by the National Treasury after the <i>audi alteram partem</i> rule was applied).</b></p> | Yes<br><input type="checkbox"/> | No<br><input type="checkbox"/> |
| 4.1.1 | If so, furnish particulars:   |                                 |                                |
| 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)?  | Yes<br><input type="checkbox"/> | No<br><input type="checkbox"/> |

|       |  |                                 |                                |
|-------|--|---------------------------------|--------------------------------|
| 4.2.1 | If so, furnish particulars:  |                                 |                                |
| 4.3   | 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?   | Yes<br><input type="checkbox"/> | No<br><input type="checkbox"/> |
| 4.3.1 | If so, furnish particulars:  |                                 |                                |
| 4.4   | 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? | Yes<br><input type="checkbox"/> | No<br><input type="checkbox"/> |

|       |  |                                 |                                |
|-------|--|---------------------------------|--------------------------------|
| 4.4.1 | If so, furnish particulars:  |                                 |                                |
| 4.5   | Was any contract between the bidder and the municipality / municipal entity or any other organ of state terminated during the past five years on account of failure to perform on or comply with the contract? | Yes<br><input type="checkbox"/> | No<br><input type="checkbox"/> |
| 4.7.1 | If so, furnish particulars:  |                                 |                                |

## **CERTIFICATION**

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

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

**Initial here:** \_\_\_\_\_

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

|                       |  |
|-----------------------|--|
| <b>NAME OF BIDDER</b> |  |
| <b>POSITION</b>       |  |
| <b>SIGNATURE</b>      |  |
| <b>DATE</b>           |  |

Initial here: \_\_\_\_\_



**MUNICIPAL BIDDING DOCUMENT (MBD) 9**

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**CERTIFICATE OF INDEPENDENT BID DETERMINATION**

1. This Municipal Bidding Document (MBD) must form part of all bids<sup>1</sup> (*Includes price quotations, advertised competitive bids, limited bids and proposals*) invited.
2. Section 4 (1) (b) (iii) of the Competition Act No. 89 of 1998, as amended, prohibits an agreement between, or concerted practice by, firms, or a decision by an association of firms, if it is between parties in a horizontal relationship and if it involves collusive bidding (or bid rigging).<sup>2</sup> Collusive bidding is a *pe se* prohibition meaning that it cannot be justified under any grounds (*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*).
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:

#### **CERTIFICATE OF INDEPENDENT BID DETERMINATION**

I, the undersigned, in submitting the accompanying Proposal: "**RFP / TSW/ 03/ 2023-2024 - WATER AND WASTEWATER QUALITY ANALYSIS AND REPORTING FOR PERIOD ENDING 30 JUNE 2026 – RE-ADVERT**" in response to the invitation for the bid made by Tswelopele Local Municipality 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)

- i. I have read and I understand the contents of this Certificate;

Initial here: \_\_\_\_\_

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ii. I understand that the accompanying bid will be disqualified if this

Certificate is found not to be true and complete in every respect;

iii. I am authorized by the bidder to sign this Certificate, and to submit the accompanying bid, on behalf of the bidder;

iv. 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;

v. 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> (<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) 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.

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.

|                       |  |
|-----------------------|--|
| <b>NAME OF BIDDER</b> |  |
| <b>SIGNATURE</b>      |  |
| <b>POSITION</b>       |  |
| <b>DATE</b>           |  |

## 16. DECLARATION BY TENDERER

I / We acknowledge that I / we am / are fully acquainted with the contents of the conditions of tender of this tender document and that I / we accept the conditions in all respects.

I / We agree that the laws of the Republic of South Africa shall be applicable to the contract resulting from the acceptance of \*my / our tender and that I / we elect *domicilium citandi et executandi* (physical address at which legal proceedings may be instituted) in the Republic at:

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I / We accept full responsibility for the proper execution and fulfilment of all obligations and conditions devolving in me / us under this agreement as the principal liable for the due fulfilment of this contract.

I / We furthermore confirm I / we satisfied myself / ourselves as to the correctness and validity of my / our tender; that the price quoted cover all the work / items specified in the tender documents and that the price(s) cover all my / our

Initial here: \_\_\_\_\_

obligations under a resulting contract and that I / we accept that any mistake(s) regarding price and calculations will be at my / our risk.

I / We furthermore confirm that my / our offer remains binding upon me / us and open for acceptance by the Purchaser / Employer during the validity period indicated and calculated from the closing date of the bid.

|                     |  |
|---------------------|--|
| <b>SIGNATURE</b>    |  |
| <b>CAPACITY</b>     |  |
| <b>NAME (PRINT)</b> |  |
| <b>NAME OF FIRM</b> |  |
| <b>DATE</b>         |  |