# ELIAS MOTSOALEDI LOCAL MUNICIPALITY

**EMLM 14/2024**

**PROTECTION OF PERSONAL INFORMATION ACT (POPIA) COMPLIANCE IMPLEMENTATION SERVICES.**

| | | | |
|---|---|---|---|
| CLOSING DATE: | 08 DECEMBER 2023 | TIME | 11H00 |

| | |
|---|---|
| NAME OF TENDERER / BIDDER | |
| TOTAL BID PRICE | |
| TOTAL SPECIFIC GOAL POINTS | |
| CENTRAL SUPPLIER DATABASE NUMBER | MAAA- |
| CONTACT PERSON | |
| CELL NUMBER | |
| EMAIL ADDRESS | |

| | | | |
|---|---|---|---|
| ENQUIRIES REGARDING BID PROCEDURES | | TECHNICAL ENQUIRIES | |
| MANAGER: SUPPLY CHAIN MANAGEMENT | | CORPORATES SERVICES | |
| V MASILELA | | K.H MASEMOLA | |
| TEL. NUMBER | TEL.013 262 3056 | TEL. NUMBER | 013 262 3056 |
| TENDER ISSUED BY | | | |
| SUPPLY CHAIN MANAGEMENT UNIT | | | |
| ELIAS MOTSOALEDI LOCAL MUNICIPALITY | | | |
| P.O. BOX 48, GROBLERSDAL, 0470 | | TEL. NUMBER | 013 262 3056 |

**ELIAS MOTSOALEDI LOCAL MUNICIPALITY**

<table>
<tr><th colspan="7">TENDER DETAILS</th></tr>
<tr><td>TENDER NUMBER</td><td colspan="6">EMLM 14/2024</td></tr>
<tr><td>TENDER TITLE</td><td colspan="6">PROTECTION OF PERSONAL INFORMATION ACT (POPIA) COMPLIANCE IMPLEMENTATION SERVICES.</td></tr>
<tr><td>CLOSING DATE</td><td colspan="2">08 DECEMBER 2023</td><td colspan="2">CLOSING TIME</td><td colspan="2">11H00</td></tr>
<tr><td>SITE MEETING</td><td>DATE</td><td>N/A</td><td>TIME</td><td>N/A</td><td>COMPULSORY</td><td>NO</td></tr>
<tr><td>SITE MEETING ADDRESS</td><td colspan="6">N/A</td></tr>
<tr><td>CIDB GRADING REQUIRED</td><td colspan="2">NIA</td><td colspan="2">LEVEL AND CATEGORY</td><td colspan="2">N/A</td></tr>
<tr><td>TENDER DOCUMENT FEE</td><td colspan="2">R1 000.00 (if collecting from the Municipality)<br>Free when uploading from E-tender portal</td><td colspan="2">PREFERENCE POINT SYSTEM</td><td colspan="2">80/20</td></tr>
<tr><td>BID BOX SITUATED AT</td><td colspan="6">MAIN OFFICES, 2ND GROBLER AVENUE, Elias Motsoaledi Local Municipality.</td></tr>
<tr><td>OPERATING HOURS</td><td colspan="6">The bid box is open during office hours, Monday to Friday from 07h30 to 16h15.</td></tr>
<tr><td>OFFER TO BE VALID FOR</td><td>90</td><td colspan="5">DAYS FROM THE CLOSING DATE OF TENDER.</td></tr>
</table>

PLEASE NOTE:

1. Prospective suppliers must be registered on CSD prior to submitting bid (open tender)
2. Tenders that are deposited in the incorrect box will not be considered.
3. Mailed, telegraphic, telex, or faxed tenders will not be accepted.
4. No late bids after closing date and time will be accepted.
5. Bids not clearly marked and unamend will not be accepted.
6. Bids may only be submitted on the bid documentation provided by the municipality.
7. No awards will be made to a person:
   i. Who is in the service of the state,
   ii. 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
   iii. Who is an advisor or consultant contracted with the municipality or municipal entity

**BIDDER'S TENDER DOCUMENTATION DECLARATION CERTIFICATION**

| I, the undersigned certify that the information furnished on this declaration form is correct, completed and submitted. | |
|---|---|
| NAME OF REPRESENTATIVE | |
| POSITION / DESIGNATION | |
| SIGNATURE | |
| DATE | |

**T1.1 TENDER NOTICE & INVITATION**
**ELIAS MOTSOALEDI LOCAL MUNICIPALITY**
**TENDER NO.: EMLM 14/2024**
**CLOSING DATE: 08 DECEMBER 2023 AT 11H00**

In terms of Section 110 of the Municipal Finance Management Act, 2003 (No. 56 of 2003), tenders are hereby invited for **PROTECTION OF PERSONAL INFORMATION ACT (POPIA) COMPLIANCE IMPLEMENTATION SERVICES.**

Tender documents and specifications are available and can be obtained from CASHIERS OFFICE IN THE MAIN OFFICES, 2ND Grobler Avenue Groblersdal, P.O. Box 48, Groblersdal, 0470 (Tel: [013] 262 3056, at a non-refundable deposit of **R1 000.00** when the bidder request/need a document from the municipality and it is free of charge when downloaded from the e-Tender Portal. Payments can be made through cash payable to the Elias Motsoaledi Local Municipality

The closing time for receipt of tenders is **08 DECEMBER 2023 at 11H00.** Telegraphic, telephonic, telex, facsimile, e-mail, unmarked and **late tenders** will under no circumstances be considered and accepted. The tender box will be emptied just after closing time on the closing date. Hereafter all bids will be open in public.

Any technical enquiries relating to the tender document may be directed to the **Corporate Services (K.H Masemola** on 013 262 3056 or at **hmasemola@emlm.gov.za** for technical assistance.
Fully completed tender documents, clearly marked "**PROTECTION OF PERSONAL INFORMATION ACT (POPIA) COMPLIANCE IMPLEMENTATION SERVICES.''** with "**NAME of TENDERER**" must be placed in a sealed envelope and placed in the **tender box 1** on the **2nd Grobler Avenue**, Elias Motsoaledi Local Municipality, Main Offices, Groblersdal, **by no later than 08 DECEMBER 2023 at 11H00.** The envelope must be endorsed with number, title and closing date as indicated above.

Bidders will be evaluated on functionality whereby **70 points (70%)** has to be attained before financial proposals can be looked at. A preferential point system shall apply whereby a contract will be allocated to a tenderer in accordance with the Preferential Procurement Policy Framework Act, Act No. 5 of 2000 and as defined in the Conditions of Tender in the tender document, read in conjunction with the Supply Chain Management Policy of Elias Motsoaledi Local Municipality where **80 points** will be allocated in respect of price and **20 points** in respect of specific goals.

No awards will be made to a person:

- Who is not registered on the Central Supplier Database;
- Who is in the service of the state;
- 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; and/or
- Who is an advisor or consultant contracted with the municipality or municipal entity

The municipality reserves the right to withdraw any invitation to tender and/or to re-advertise or to reject any tender or to accept a part of it. The municipality does not bind itself to accepting the lowest tender or award a contract to the bidder scoring the highest number of points.

**TERMS OF REFERENCE**
**FOR**
**PROTECTION OF PERSONAL INFORMATION ACT (POPIA) COMPLIANCE IMPLEMENTATION SERVICES.**

## 1. BACKGROUND

The Elias Motsoaledi Local Municipality (EMLM) is a category B municipality located in Sekhukhune District of Limpopo Province.

The EMLM seeks to appoint a suitable service provider to develop a POPI Act compliance framework and provide awareness training to all its employees, and further to ensure compliance with the provisions of POPI Act as well as all applicable legislation as amended or communicated by Information Regulator.

The Municipality seeks services from experienced service providers to develop a Protection of Personal Information Act (POPIA) Policy and Standard Operating Procedure (SOP).

## 2. OBJECTIVES

2.1. The aim of the project is to ensure that the municipality comply with Protection of Personal Information Act (POPIA) and related regulations.

The primary objectives of the service required are as follows but not limited to:

2.1 To ensure that the municipality understands the applicability of the Act by ensuring that management understands their accountability in terms of the Act.

2.2 Conduct POPIA compliance, identify gaps, and develop a POPIA Implementation Plan.

2.3 To ensure that all actions from the developed POPIA Implementation Plan are fully implemented.

2.4 To ensure that the Information Officer and delegated Deputy Information Officer are formally appointed and trained on the role and taken through the POPIA compliance process from start to finish.

2.4 To ensure that the POPIA Compliance Risk Management Plan is developed.

2.5 To ensure POPIA complaint website and all municipal media platforms.

2.6 Develop POPIA Policy and Standard Operating Procedure (SOP); and

2.7 Conduct awareness Workshops for municipal employees.

## 3. SCOPE OF WORK

| NO. | ACTIVITY DESCRIPTION | DELIVERABLE |
|---|---|---|
| **PHASE 1: CONDUCT POPIA AND PAIA COMPLIANCE AS-IS ANALYSIS** | | |
| **1** | Compare 100% of the provisions or requirements of POPIA with the Municipality's operations to establish current compliance gaps and develop a POPIA Compliance Implementation Plan based on the gaps identified. | **POPIA Compliance Implementation Plan** |
| **PHASE 2: POPIA IMPLEMENTATION** | | |
| **2.1** | Prepare a Letter for the delegation of the Information Officer's duties and responsibilities for both PAIA and POPIA to the Deputy Information Officer. | **Delegation Letter of the PAIA and POPIA Deputy Information Officer** |
| **2.2** | Train the Information Officer and the delated Deputy Information Officer on the conditions and requirements of POPIA to enable them to understand how to execute their duties and responsibilities expected from both the POPIA and its Regulations. | **POPIA Certificates of Attendance** |
| **2.3** | Develop the POPIA Compliance Framework (Data Privacy Policy) for the Elias Motsoaledi Local Municipality as required by POPIA Regulations issued in December 2018. | **Developed POPIA Compliance Framework (Data Privacy Policy)** |
| **2.4** | Develop privacy governance (POPIA Compliance) reporting template to be used for reporting formally and at regular intervals to the Audit Committee to provide an update on the ongoing POPIA compliance monitoring within the Municipality. | **POPIA Compliance Reporting Template** |
| **2.5** | Develop POPIA Procedures Manual defining the following processes prescribed by POPIA:<br>• Develop a formal process to determine whether further processing of personal information is compatible with the original purpose of collection.<br>• Obtaining Consent Process<br>• Data Quality Process - Develop a process outlining how the Municipality proactively notifies all Data Subjects to update their personal information regularly.<br>• Correction of Personal Information Process<br>• Privacy Complaints and Incidents Response Process - the Procedure for handling privacy related queries or complaints | **POPIA Procedures Manual** |

| NO. | ACTIVITY DESCRIPTION | DELIVERABLE |
|---|---|---|
| | reported by Data Subjects and outlining how complaints on personal information or privacy matters can be communicated to the Elias Motsoaledi Local Municipality.<br>• Data Classification and Handling Criteria Process<br>• **Develop the process for handling objections to be utilized in instances where data subjects' objects to the processing of their personal information.**<br>• Notification to the Data Subjects and Information Regulator Process<br>• Access Requests to Personal Information – Data Subjects Requests Process - Develop a process to provide guidance to employees on how to handle the requests to changes of personal information when received from data subjects.<br>• Access Requests to Personal Information – Third Parties Requests Process | |
| **2.6** | Develop Privacy Notices for each Data Subject covering the following 3 aspects:<br>• Consent for the use and processing of their personal information;<br>• Purpose for collecting their personal information; and<br>• Third parties with who the Elias Motsoaledi Local Municipality shares their personal information. | **Developed Privacy Notices for each Data Subject** |
| **2.7** | Provide Management with the developed Privacy Notices for inserting into all electronic and hard copy forms used to collect personal information from all types of the Elias Motsoaledi Local Municipality's Data Subjects. | **Revised Data Collection Forms** |
| **2.8** | **Develop** Personal Information Data Inventory (Privacy Impact Assessment) which would map all authorised and active systems as well as details of what personal information resides on each system. The Personal Information Data Inventory should cover at a minimum the following aspects:<br>• **Department**<br>• **Process**<br>• **Data Subject Category**<br>• **Fields or Types of personal information collected and processed**<br>• **Purpose at collection**<br>• **Physical records location** | **Developed Personal Information Data Inventory (Privacy Impact Assessment)** |

| NO. | ACTIVITY DESCRIPTION | DELIVERABLE |
|---|---|---|
| | • **Electronic records location, i.e., the name of the system where personal information is stored**<br>• **Retention Period**<br>• **Third parties with whom the personal information is shared** | |
| **2.9** | Revise the contractual terms and condition used in contracting with employees to:<br>• Make provision for the protection of personal information in terms of the requirements of the POPIA and for compliance with the Elias Motsoaledi Local Municipality's internal policies, disciplinary action and make reference to the Elias Motsoaledi Local Municipality's relevant HR Policy.<br>• To ensure that a consent for monitoring of their actions on the Elias Motsoaledi Local Municipality's IT systems is included. | **Revised Employment Contract** |
| **2.10** | Develop a Records Management and Retention Policy to incorporate the POPIA related requirements which also to define the records retention schedule for all Data Subjects' personal information processed by the Elias Motsoaledi Local Municipality on and the requirements and methods for ensuring that personal information is deleted/ destroyed and/or anonymized when it is no longer needed. | **Records Management and Retention Policy** |
| **2.11** | Develop the Elias Motsoaledi Local Municipality PAIA Manual which is aligned with the requirements of the POPIA giving consideration to the following:<br>• The purpose for the processing of personal information by the Elias Motsoaledi Local Municipality;<br>• A description of the categories of data subjects and personal information processed by the Elias Motsoaledi Local Municipality;<br>• The recipients or categories of recipients with whom personal information is shared;<br>• Planned transborder flows of personal information; and<br>• A general description of IT security measures implemented within the Elias Motsoaledi Local Municipality. | **PAIA Manual** |
| **2.12** | Facilitate the process of publishing the developed and approved PAIA Manual and the PAIA Forms on the Municipality's website. | **Published PAIA Manual** |
| **2.13** | Develop and facilitate the process of publishing the Privacy Statement on the Elias Motsoaledi Local Municipality's website which is aligned with POPIA requirements. | **Privacy Statement on the Elias Motsoaledi Local Municipality's Website** |
| **2.14** | Facilitate the process of publishing the developed and approved Privacy Statement on the Municipality's website. | **Published Privacy Statement** |

| NO. | ACTIVITY DESCRIPTION | DELIVERABLE |
|---|---|---|
| **2.15** | Develop the Information Security Policy to provide meaningful guidance on information security and achieving operational compliance requirements prescribed by the POPIA which also incorporate the following:<br>• Guidance on the ICT Asset Disposal process which align with the conditions and requirements of POPIA.<br>• Procedures containing controls in place for laptops, removable media and personal devices to provide adequate security of personal information contained on such devices.<br>• Distinct classification of personal information and special personal information. | **Information Security Policy** |
| **2.16** | Develop the Information Classification Policy to include, amongst others, the following:<br>• Classification of both hard copy and electronic information and include distinct classifications for personal information as well as special personal information in both of these formats.<br>• Classification labelling of information.<br>• Storage media applicable for storing of information with different levels of sensitivity classification.<br>• Risks including but not limited to access, use, disclosure, removal, and unauthorized destruction of personal information held by the Elias Motsoaledi Local Municipality.<br>• How third-party interactions should be done regarding the various categories of the classified information.<br>• How the information should be handled across the organisation considering its sensitivity.<br>• Disposal methods which should be used to destroy or dispose the information based on its classification.<br>• Disciplinary steps to be taken for non- compliance. | **Information Classification Policy** |
| **2.17** | Develop POPIA related clauses for inclusion in future contracts entered into with all suppliers and other third parties to make provision for the protection of personal information in terms of the requirements of the POPIA to supplement the usual confidentiality clauses with appropriate protection of personal information provisions. | **POPIA Related Clauses for inclusion in future contracts** |
| **2.18** | Inserting the developed POPIA related clauses in the Municipality's Standard Contract Template to ensure that future contracts entered into between the Municipality and third parties are fully aligned with the requirements of POPIA. | **Revised Standard Contract Template** |
| **2.19** | Develop a Compliance Risk Mitigation Plan (CRMP) indicating key | **Developed POPIA** |

| NO. | ACTIVITY DESCRIPTION | DELIVERABLE |
|---|---|---|
| | requirements and mitigating actions in order to efficiently and effectively manage compliance. | **CRMP** |
| **2.20** | Develop the Crisis Communication Policy to define and outline the plan of how will the communication to notify the Data Subject(s) and Information Regulator of breaches be done and to also include the following:<br>• Adding data privacy and security breaches as one of the crisis situations.<br>• Listing the Elias Motsoaledi Local Municipality's Information Officer and POPIA Deputy Information Officer as one of the members of the Crisis Communications Team as the POPIA requires that these Officers should be the delegated liaison person between the Elias Motsoaledi Local Municipality and the Information Regulator's Office.<br>• Stating the Information Regulator as one of the key stakeholders to be engaged during the incidents of data privacy and security breaches.<br>• The manner in which the public communication should be done during the data privacy and security breaches to ensure consistency of the communication in the event of a breach. | **Developed Crisis Communications Policy** |
| **2.21** | Document the Procedures in place to ensure that confidential information is not left unattended by employees from various Business Units within the Municipality. | **Clean Desk Policy** |
| **2.22** | Confirm that adequate end-user back-ups are added in the Disaster Recovery Plan of the Municipality | **Revised Disaster Recovery Plan** |
| **2.23** | Revise the data collection forms where personal information of children is collected to add explicit consent that the parent or guardian permits that the Elias Motsoaledi Local Municipality can process the personal information of his or her personal information. | **Revised Data Collection Forms** |
| **2.24** | Amend the outgoing communication template for the marketing or advertising purposes to ensure that they include opt-out facilities. | **Revised Marketing Communication** |
| **2.25** | Prepare the Project Close-out Report and present it to the Municipality's Management. | **Project Close-out Report** |
| | | |

| NO. | ACTIVITY DESCRIPTION | DELIVERABLE |
|---|---|---|
| **PHASE 3: TRAINING, WORKSHOP** | | |
| **3.1** | Conduct training of all Municipality's employees on the conditions and requirements of POPIA to ensure that they are aware of how these are affecting their day-to-day functions. | **POPIA Certificate of Attendance** |
| **3.2** | Conduct a workshop to key people identified to be responsible for POPIA for the purpose of taking them through all documents developed and to highlight what ongoing POPIA compliance monitoring activities should be executed going forward. | **All Deliverables listed in this Plan** |

## 4. REPORTING REQUIREMENTS

4.1. The appointed service provider will be reporting to the Manager: Compliance and Verification who will be the Project Manager.

4.2. The appointed service provider together with the Project Manager (PM) will arrange progress and evaluation meetings.

## 5. PROJECT TIMEFRAME AND IMPLEMENTATION

5.1. The project time frame shall not be more than 5 months.

## 6. PROJECT BUDGET

6.1. Service Provider must present a high-level work plan and detailed budget consistent with the amount of work as specified in the ''scope of work''.

## 7. EXPERTISE AND CAPACITY

The proposal should reflect levels of expertise and capacity in delivery of services as per the requirements.

## 8. <u>EVALUATION CRITERIA</u>

The evaluation of this Bid will be conducted in the following three (3) stages: which is as follows

1. Administrative compliance / Minimum requirements.
2. Functionality.
3. Price and Specific Goals.

**STAGE 1:**

**EVALUATION ON MINIMUM REQUIREMENTS / ADMINISTRATIVE COMPLIANCE**

**Minimum Qualifying Requirements /Compulsory Returnable Documents:**

1) Fully Completed and Signed MBD Forms with a black ink (1;4; 6.1; 8 & 9)
2) Valid copy CK / Company registration certificate
3) CSD registration report ***(Detailed).*** ***(NB: Not Summary).***
4) Any alteration on the tender document must be signed ***(NB: Not Initialed).***
5) Every page on the tender documents must be signed ***(NB: Not Initialed).***
6) CIPC Abridged Certificate Annual returns ***(NB: applicable to entities that are were in business for more than 12 months only)***
7) Company Profile ***(Detailing; Name of Client; Service Provided; Award Amount; Contact Person and Contact Number).***
8) Proof of Municipal rates and taxes or services charges:
   - Of the company and all of its directors not in arrears for more than 90 days or
   - Confirmation from the municipality if municipal rates and taxes are not levied (for the company and all its director(s)) as per CK/Company form of address on the registration certificate or
   - If leasing, a signed lease agreement by the lessor and the lessee and Municipal rates in the name of the lessor for both company and directors.
9) **In case of a Joint Venture**, Association or Consortium a formal contract agreement must be signed by both parties and be attached and the following must be adhered to:
   a. All of the above requirements must be for the both entities.

**NB: FAILURE TO MEET ANY OF THE ABOVE REQUIREMENTS WILL LEAD TO IMMEDIATE DISQUALIFICATION,**

Mandatory Compliance

1. Submission of a Bid Price indicating a detailed breakdown
2. The 1st phase will be the evaluation of bids on functionality and during this stage bids that do not meet the minimum threshold for functionality will be disqualified and will not be considered for the second phase of evaluation, i.e.
3. Commercial evaluation based on price and preference points. The 2nd phase evaluation will be on price points
   (80 points) and preference points (20)
   - Price = 80 points
   - Specific Goal = 20 points

**Functionality assessment will look at the following:**

| **STAGE 2:**<br><br>**EVALUATION ON FUNCTIONALITY** | | |
|---|---|---|
| **Evaluation Criteria** | **Evidence** | **Maximum Scores** |
| **1. Company experience**:<br><br>**NB: Only POPIA or PAIA experience will be considered.** | **(Appointment letters / Purchase Orders and Stamped Reference letters to be attached.)**<br><br>- **Three (3) or more** Appointment letters/Purchased Orders and stamped reference / completion letters for Assessment and development of POPIA / PAIA compliance and strategy in local government = **50 Points**<br><br>- **Two (2)** Appointment letters / Purchased Orders and stamped reference / completion letters for Assessment and development of POPIA / PAIA compliance and strategy in local government = **30 Points**<br><br>- **One (1)** Appointment letters /Purchased Orders and stamped reference / completion letter for Assessment and development of POPIA / PAIA compliance and strategy in local government = **10 Points**<br>- | **50** |
| **2. Qualification and experience of Project Team**: | | |
| **2.1.** Director of the Company: | Attach certified copies of National Diploma / B Degree or Higher in **Internal Audit / Financial Accounting / Law** and Detailed CV = **15 Points.** | **30** |
| **2.2** Project Manager: | Attach certified copies National Diploma / B Degree or Higher in **Internal Audit / Financial Accounting / Law** and Detailed CV = **5 Points** | |
| **2.3.** Project Supervisor: | Attach certified copies National Diploma / B. Degree or Higher in **Internal Audit / Financial Accounting / Law** and Detailed CV = **5 Points** | |
| **2.4.** Project Administrator: | Attach certified copies National Diploma / B. Degree or Higher in **Internal Audit / Financial Accounting / Law** and Detailed CV = **5 Points.** | |
| **3.** Project Methodology | Must covering the following components:<br>- Develop Project Team = **02 Points**<br>- Data Mapping = **02 Points**<br>- Gap Analysis = **02 Points**<br>- Information Officer = **02 Points**<br>- Third Party Engagement = **02 Points**<br>- Updating Policies and Privacy Documentation = **02 Points**<br>- Implementing Procedures = **04 Points**<br>- Training = **02 Points**<br>- Project Costs = **02 Points** | **20** |
| | **Total Functionality Points** | **100** |
| | **Minimum qualifying points** | **70** |

## BILL OF QUANTITY (BOQ):

**NAME OF BIDDER:** ______________________________________________________________

| NO | DESCRIPTION | QTY | RATE | TOTAL |
|---|---|---|---|---|
| 1 | PHASE 01 – Conduct POPIA and PAIA compliance AS-IS Analysis. | 1 | R____________________ | R_______________________ |
| 2 | PHASE 02 – POPIA Implementation. | 1 | R____________________ | R_______________________ |
| 3 | PHASE 3.1 – Training<br>Per employee (All employees) | 336 | R____________________ | R_______________________ |
| | PHASE 3.2 – workshop;<br>Per employee (key employees) | 121 | R____________________ | R_______________________ |
| 4 | SUB-TOTAL | | | R |
| 5 | VAT @ 15% | | | R |
| 6 | GRAND-TOTAL | | | R |

## 9. PRICE AND SPECIFIC GOAL POINTS

Preferential Procurement Policy Framework Act (PPPFA) of **2022 (80/20)** point system shall apply; **80 points** allocated for Price and **20** points allocated to a bidder in respect of specific goals.

| | | |
|---|---|---|
| **Price** | **=** | **80 Points** |
| **SPECIFIC GOALS** | **=** | **20 Points** |
| **Total** | **=** | **100 Points** |

| The specific goals allocated points in terms of this tender | Number of points allocated (80/20 system) (To be completed by the organ of state) | Number of points claimed (80/20 system) (To be completed by the tenderer) |
|---|---|---|
| ▪ 51% Black owned Company | 10 | |
| ▪ Company which 51% is owned by women | 10 | |
| **TOTAL POINTS** | **20** | |

## CONCLUSION

Any false information given by the Prospective Service Provider and not meeting the minimum qualifying requirement, will lead to automatic disqualification of the PSP.

The council reserves the right to accept either the whole or part of any Bid, or not to appoint at all. Faxes or e-mail is not acceptable. Bidders will be required to show compliance with the New Preferential Procurement Regulation of 2022

# PART A
# INVITATION TO BID

| | | | | | |
|---|---|---|---|---|---|
| **YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE (ELIAS MOTSOALEDI LOCAL MUNICIPALITY)** | | | | | |
| BID NUMBER: | **EMLM 14/2024** | CLOSING DATE: | **08 DECEMBER 2023** | CLOSING TIME: | **11H00** |
| DESCRIPTION | **PROTECTION OF PERSONAL INFORMATION ACT (POPIA) COMPLIANCE IMPLEMENTATION SERVICES.** | | | | |
| **THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (MBD7).** | | | | | |

BID RESPONSE DOCUMENTS MAY BE DEPOSITED IN THE BID BOX SITUATED AT *(STREET ADDRESS*

| |
|---|
| **02 GROBLER AVENUE** |
| **GROBLERSDAL** |
| **0470** |

| | | | | | | |
|---|---|---|---|---|---|---|
| **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: | | |
| ***[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?* | ☐Yes ☐No<br>[IF YES ENCLOSE PROOF] | *ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES /WORKS OFFERED?* | ☐ Yes ☐ No<br>[IF YES, ANSWER PART B:3 ] |
| *TOTAL NUMBER OF ITEMS OFFERED* | | *TOTAL BID PRICE* | **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:** | |
| CONTACT PERSON | V MASILELA | CONTACT PERSON | H. MASEMOLA |
| TELEPHONE NUMBER | 013 262 3056 | TELEPHONE NUMBER | 013 262 3056 |
| E-MAIL ADDRESS | vmasilela@emlm.gov.za | E-MAIL ADDRESS | hmasemola@emlm.gov.za |

**PART B**

TERMS AND CONDITIONS FOR BIDDING

| **1. BID SUBMISSION:** |
|---|
| 1.1. BIDS MUST BE DELIVERED BY THE STIPULATED TIME TO THE CORRECT ADDRESS. LATE BIDS WILL NOT BE ACCEPTED FOR CONSIDERATION.<br>1.2. **ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS PROVIDED–(NOT TO BE RE-TYPED) OR ONLINE**<br>1.3. THIS BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT AND THE PREFERENTIAL PROCUREMENT REGULATIONS, 2022, THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER SPECIAL CONDITIONS OF CONTRACT. |
| **2. TAX COMPLIANCE REQUIREMENTS** |
| 2.1 BIDDERS MUST ENSURE COMPLIANCE WITH THEIR TAX OBLIGATIONS.<br>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.<br>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.<br>2.4 FOREIGN SUPPLIERS MUST COMPLETE THE PRE-AWARD QUESTIONNAIRE IN PART B:3.<br>2.5 BIDDERS MAY ALSO SUBMIT A PRINTED TCS CERTIFICATE TOGETHER WITH THE BID.<br>2.6 IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED, EACH PARTY MUST SUBMIT A SEPARATE TCS CERTIFICATE / PIN / CSD NUMBER.<br>2.7 WHERE NO TCS IS AVAILABLE BUT THE BIDDER IS REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD), A CSD NUMBER MUST BE PROVIDED. |
| **3. QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS** |
| 3.1. IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)? YES ☐ ☐ NO<br>3.2. DOES THE ENTITY HAVE A BRANCH IN THE RSA? YES ☐ ☐ NO<br>3.3. DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA? YES ☐ ☐ NO<br>3.4. DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA? YES ☐ ☐ NO<br>3.5. IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION? YES ☐ ☐ NO<br><br>**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.** |
| |

**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: ……………………………………………

**MBD 4**

## DECLARATION OF INTEREST

1. No bid will be accepted from persons in the service of the state[1].

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.

| No. | Information | Please provide detail |
|---|---|---|
| 3.1 | Full name of bidder or his or her representative | |
| 3.2 | Identity number | |
| 3.3 | Position occupied in the company (director, trustee, hareholder[2] | |
| 3.4 | Company registration number | |
| 3.5 | Tax reference number | |
| 3.6 | VAT registration number | |
| Note | *(The names of all directors / trustees / shareholders members, their individual identity numbers and state employee numbers must be indicated in paragraph 4 below.)* | |
| 3.7 | Are you presently in the service of the state? Yes / No<br>If yes, please furnish particulars : | |
| 3.7.1 | Name of director | |
| 3.7.2 | Service of state organization | |

| | | | | |
|---|---|---|---|---|
| 3.8 | Have you been in the service of the state for the past twelve months?<br><br>If yes, please furnish particulars : | | Yes | No |
| 3.8.1 | Name of director | | | |
| 3.8.2 | Service of state organization | | | |
| 3.9 | 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?<br><br>If yes, please furnish particulars : | | Yes | No |
| 3.9.1 | Name of person in the service of state | | | |
| 3.9.2 | Relationship | | | |
| 3.10 | 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?<br><br>If yes, please furnish particulars : | | Yes | No |
| 3.10.1 | Name of person in the service of state | | | |
| 3.10.2 | Relationship | | | |
| 3.11 | *Are any of the company's directors, trustees, managers,* principle shareholders or stakeholders in service of the state?<br><br>If yes, please furnish particulars : | | Yes | No |
| 3.11.1 | Name of director | | | |
| 3.11.2 | Service of state organization | | | |
| 3.12 | Is any spouse, child or parent of the company's director trustees, managers, principle shareholders or stakeholders in service of the state?<br><br>If yes, please furnish particulars: | | Yes | No |
| 3.12.1 | Name of director | | | |
| 3.12.2 | Name of relative | | | |
| 3.12.3 | Relationship | | | |

| | | | |
|---|---|---|---|
| 3.13 | 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?<br><br>If yes, please furnish particulars: | Yes | No |
| 3.13.1 | Name of director | | |
| 3.13.2 | Related company | | |
| Note: | SCM Regulations:<br>"[1]In the service of the state" means to be –<br>(a) a member of –<br>(i) any municipal council;<br>(ii) any provincial legislature; or<br>(iii) the national Assembly or the national Council of provinces;<br>(b) a member of the board of directors of any municipal entity;<br>(c) an official of any municipality or municipal entity;<br>(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);<br>(e) a member of the accounting authority of any national or provincial public entity; or<br>(f) an employee of Parliament or a provincial legislature.<br><br>"[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. | | |

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

| Full Name | Identity Number | State Employee Number |
|---|---|---|
| | | |
| | | |

5. I, the undersigned certify that the information furnished on this declaration form is correct.

| | |
|---|---|
| I accept that the state may act against me should this declaration prove to be false. | |
| **NAME OF REP:**____________________________ | **SIGNATURE:**____________________________ |
| **DATE:**________________________________ | **CAPACITY:**__________________________ |

# PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL PROCUREMENT REGULATIONS 2022

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

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

---

## 1. GENERAL CONDITIONS

1.1 The following preference point systems are applicable to invitations to tender:

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

**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 80/20 preference point system.

b) The 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:

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

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

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

## 2. DEFINITIONS

(a) **"tender"** means a written offer in the form determined by an organ of state in response to an invitation to provide goods or services through price quotations, competitive tendering process or any other method envisaged in legislation;

(b) **“price”** means an amount of money tendered for goods or services, and includes all applicable taxes less all unconditional discounts;

*(c)* **“rand value”** means the total estimated value of a contract in Rand, calculated at the time of bid invitation, and includes all applicable taxes;

(d) **“tender for income-generating contracts”** means a written offer in the form determined by an organ of state in response to an invitation for the origination of income-generating contracts through any method envisaged in legislation that will result in a legal agreement between the organ of state and a third party that produces revenue for the organ of state, and includes, but is not limited to, leasing and disposal of assets and concession contracts, excluding direct sales and disposal of assets through public auctions; and

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

## 3. FORMULAE FOR PROCUREMENT OF GOODS AND SERVICES

### 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:

**80/20** **or** **90/10**

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

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:

**80/20** **or** **90/10**

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

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 (80/20 system) (To be completed by the organ of state) | Number of points claimed (80/20 system) (To be completed by the tenderer) |
|---|---|---|
| **Company which at least 51% is owned by Black** | **10** | |
| **Company which is at least 51% is owned by women** | **10** | |
| **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 propriety
- ☐ 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 –

(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

…………………………………………
**SIGNATURE(S) OF TENDERER(S)**

**SURNAME AND NAME** : ………………………………………………………

**DATE** **:** ………………………………………………………

**ADDRESS** : ………………………………………………………
: ………………………………………………………
: ………………………………………………………
: ………………………………………………………

# DECLARATION OF BIDDERS 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:

   3.1 abused the municipality's / municipal entity's supply chain management system or committed any improper conduct in relation to such system;
   3.2 been convicted for fraud or corruption during the past five years;
   3.3 willfully neglected, reneged on or failed to comply with any government, municipal or other public sector contract during the past five years; or
   3.4 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 | 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?<br>(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 *audi alteram partem* rule was applied).<br>**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** | Yes | No |
| 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)?<br>**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.** | Yes | No |
| 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 | No |

| Item | Question | Yes | No |
|---|---|---|---|
| 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 | No |
| 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 | No |
| 4.5.1 | If so, furnish particulars: | | |

## CERTIFICATION

**I, the undersigned 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.**

| | |
|---|---|
| **NAME OF REP:**______________________________ | **SIGNATURE:**______________________________ |
| **DATE:**______________________________________ | **CAPACITY:**________________________________ |

# CERTIFICATE OF INDEPENDENT BID DETERMINATION

1 This municipal bidding document (MBD) must form part of all bids[1] 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 *pe se* prohibition meaning that it cannot be justified under any grounds.

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

3.1. take all reasonable steps to prevent such abuse;

3.2. 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

3.3. 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.**

**MBD 9**

## CERTIFICATE OF INDEPENDENT BID DETERMINATION

I, the undersigned, in submitting the accompanying bid:

______________________________________________________________________

**(Tender 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 consortium[3] 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.**

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** |

# THE END