



ALMT14/2021

Supply and Delivery of Tyres and  
Patching materials for Three Years

**TENDER DOCUMENT @**

**R 716.48**

|                             |  |
|-----------------------------|--|
| TENDERER                    |  |
| TENDER AMOUNT               |  |
| TENDER AMOUNT<br>(IN WORDS) |  |

2021/22

**Employer:**

Chief Albert Luthuli Municipality  
PO Box 24  
CAROLINA  
1185

Tel: (017) 843 4000  
Fax: (017) 843 4001

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- 
- Tenders are required to check the documents and the number of sections listed above which form part of the contract documents.
  - The tenderer shall satisfy him/herself that this document is completed in accordance with the above content lists and if any pages are found to be missing, or duplicated, or the writing figures illegible or contain any errors, he/she will immediately apply to the Municipality and have the discrepancy rectified as no liability whatsoever whatsoever will be admitted by the Municipality in respect of errors in the tender document due to the foregoing.
  - All certificates, attachments and pages of the document which form part of the tender document are to be signed by the Tenderer.
-

**CHIEF ALBERT LUTHULI MUNICIPALITY**

**SECTION 1**

**TENDER SUMMARY**

NAME OF TENDERER: .....

POSTAL ADDRESS:

.....

..... CODE: .....

PHYSICAL ADDRESS:

.....

.....

.....

TELEPHONE NO: .....

SIGNATURE OF TENDERER: .....

CONTACT PERSON: .....

CONTACT NUMBER: .....

DATE: .....

## SECTION 2

### TENDER ADVERT

#### Chief Albert Luthuli Municipality



**ALMT14/2021**

**Supply and Delivery of Tyres and  
Patching materials**

**Closing Date: 17 December 2021**

The Municipality hereby invites reputable service providers to bid for the above-mentioned project. The service providers must comply with the VAT Act. Tender documents will be available at Carolina Municipal Offices from 03 December 2021 at cash point during office hours upon payment of a non-refundable fee of **R 716.48**.

Sealed envelopes must be addressed to: The Municipal Manager, Chief Albert Luthuli Municipality  
PO Box 24, CAROLINA, 1185

marked with the correct bid number and description or deposit it in the '**TENDER BOX**' situated at Chief Albert Luthuli Municipality Offices, 28 Church Street, CAROLINA, **no later than 12h00 on 17 December 2021**.

The following **compulsory documents** must be accompanied with the tender, and failure to provide such documentations shall constitute automatic disqualification: Company Certificates, Copy Tax Certificate with TCS pin code, Current Municipal Account (Not in arrears more than three months & Not Older than three months), Certified ID Copies of Company Directors, Proof of CSD Registration, and Company Profile.

**Attached an original or certified copy of B-BBEE Certificate to claim preference points.**

A preferential point system should apply whereby this project will be allocated to a bidder in accordance with the PPPF Act (No. 5 of 2000) and as defined in the conditions and requirements of this project. In terms of the supply chain management policy of the municipality this bid shall be adjudicated on an 80/20 point system if less than R1 000 000, and on a 90/10 point system if above R1 000 000.

Chief Albert Luthuli Municipality reserves the right to accept and/or not to accept the lowest priced or any other proposal. No correspondence will be entered into with any tenderer regarding scores obtained, reasons for no appointment, etc. **No late, telephonic, facsimile or e-mail tenders will be accepted.**

According to the Municipality Supply Chain Regulations issued by the Minister of Finance in terms of Section 168 of the Municipal Finance Management Act, Act 56 of 2003, persons within the organs of the state, like Councilors, and other elected representatives, full time employees and other directors of the public and municipal entities are prohibited from being eligible to bid or be awarded a contract to provide any services to the municipality.

If you do not hear from the municipality within 90 working days, please consider your tender unsuccessful.

*Technical queries may be directed to Mr. M Magubane at 017 843 4120 and administrative matters may be addressed to the Manager Supply Chain: Mr. JA Nkosi: Tel No 017 843 4025*

**MR MS DLAMINI  
MUNICIPAL MANAGER**

### SECTION 3

**MBD 1**

### PART A INVITATION TO BID

|                                                                                                   |                                                     |               |                  |               |       |
|---------------------------------------------------------------------------------------------------|-----------------------------------------------------|---------------|------------------|---------------|-------|
| <b>YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE CHIEF ALBERT LUTHULI MUNICIPALITY</b>    |                                                     |               |                  |               |       |
| BID NUMBER:                                                                                       | ALMT14/2021                                         | CLOSING DATE: | 17 December 2021 | CLOSING TIME: | 12:00 |
| DESCRIPTION                                                                                       | Supply and Delivery of Tyres and Patching materials |               |                  |               |       |
| <b>THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (MBD7).</b> |                                                     |               |                  |               |       |

BID RESPONSE DOCUMENTS MAY BE DEPOSITED IN THE BID BOX  
SITUATED AT:

**28 Kerk Street  
CAROLINA  
1185**

#### 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:                                                    |  | <b>OR</b>                                 | CSD No: |                                                             |
| B-BBEE STATUS LEVEL<br>VERIFICATION CERTIFICATE<br>[TICK APPLICABLE BOX] | <input type="checkbox"/> Yes<br><input type="checkbox"/> No |  | B-BBEE STATUS<br>LEVEL SWORN<br>AFFIDAVIT |         | <input type="checkbox"/> Yes<br><input type="checkbox"/> No |

**[A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE/ SWORN AFFIDAVIT (FOR EMES & QSEs) MUST BE SUBMITTED IN ORDER TO QUALIFY FOR PREFERENCE POINTS FOR B-BBEE]**

|                                                                                                      |                                                                                    |                                                                                 |                                                                                       |
|------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------|---------------------------------------------------------------------------------|---------------------------------------------------------------------------------------|
| <b>ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES /WORKS OFFERED?</b> | <input type="checkbox"/> Yes <input type="checkbox"/> No<br>[IF YES ENCLOSE PROOF] | <b>ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES /WORKS OFFERED?</b> | <input type="checkbox"/> Yes <input type="checkbox"/> No<br>[IF YES, ANSWER PART B:3] |
| TOTAL NUMBER OF ITEMS OFFERED                                                                        |                                                                                    | TOTAL BID PRICE                                                                 | <b>R</b>                                                                              |
| SIGNATURE OF BIDDER                                                                                  | .....                                                                              | DATE                                                                            |                                                                                       |
| CAPACITY UNDER WHICH THIS BID IS SIGNED                                                              |                                                                                    |                                                                                 |                                                                                       |

#### BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO:

|                  |                                                                                |
|------------------|--------------------------------------------------------------------------------|
| DEPARTMENT       | Finance                                                                        |
| CONTACT PERSON   | JA Nkosi                                                                       |
| TELEPHONE NUMBER | 017 843 4025                                                                   |
| FACSIMILE NUMBER | 017 843 4001                                                                   |
| E-MAIL ADDRESS   | <a href="mailto:nkosija@albertluthuli.gov.za">nkosija@albertluthuli.gov.za</a> |

#### TECHNICAL INFORMATION MAY BE DIRECTED TO:

|                  |                                                                            |
|------------------|----------------------------------------------------------------------------|
| CONTACT PERSON   | Mr. M Magubane                                                             |
| TELEPHONE NUMBER | 017 843 4000                                                               |
| FACSIMILE NUMBER | 017 843 4001                                                               |
| E-MAIL ADDRESS   | <a href="mailto:mbuso@albertluthuli.gov.za">mbuso@albertluthuli.gov.za</a> |

## PART B

### TERMS AND CONDITIONS FOR BIDDING

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                      |                                                          |                                                |                                                          |                                                                 |                                                          |                                                            |                                                          |                                                                |                                                          |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------|----------------------------------------------------------|------------------------------------------------|----------------------------------------------------------|-----------------------------------------------------------------|----------------------------------------------------------|------------------------------------------------------------|----------------------------------------------------------|----------------------------------------------------------------|----------------------------------------------------------|
| <b>1. BID SUBMISSION:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                      |                                                          |                                                |                                                          |                                                                 |                                                          |                                                            |                                                          |                                                                |                                                          |
| <p>1.1. BIDS MUST BE DELIVERED BY THE STIPULATED TIME TO THE CORRECT ADDRESS. LATE BIDS WILL NOT BE ACCEPTED FOR CONSIDERATION.</p> <p>1.2. <b>ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS PROVIDED-(NOT TO BE RE-TYPED) OR ONLINE</b></p> <p>1.3. THIS BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT AND THE PREFERENTIAL PROCUREMENT REGULATIONS, 2017, THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER SPECIAL CONDITIONS OF CONTRACT.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                      |                                                          |                                                |                                                          |                                                                 |                                                          |                                                            |                                                          |                                                                |                                                          |
| <b>2. TAX COMPLIANCE REQUIREMENTS</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                      |                                                          |                                                |                                                          |                                                                 |                                                          |                                                            |                                                          |                                                                |                                                          |
| <p>2.1 BIDDERS MUST ENSURE COMPLIANCE WITH THEIR TAX OBLIGATIONS.</p> <p>2.2 BIDDERS ARE REQUIRED TO SUBMIT THEIR UNIQUE PERSONAL IDENTIFICATION NUMBER (PIN) ISSUED BY SARS TO ENABLE THE ORGAN OF STATE TO VIEW THE TAXPAYER'S PROFILE AND TAX STATUS.</p> <p>2.3 APPLICATION FOR THE TAX COMPLIANCE STATUS (TCS) CERTIFICATE OR PIN MAY ALSO BE MADE VIA E-FILING. IN ORDER TO USE THIS PROVISION, TAXPAYERS WILL NEED TO REGISTER WITH SARS AS E-FILERS THROUGH THE WEBSITE WWW.SARS.GOV.ZA.</p> <p>2.4 FOREIGN SUPPLIERS MUST COMPLETE THE PRE-AWARD QUESTIONNAIRE IN PART B:3.</p> <p>2.5 BIDDERS MAY ALSO SUBMIT A PRINTED TCS CERTIFICATE TOGETHER WITH THE BID.</p> <p>2.6 IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED, EACH PARTY MUST SUBMIT A SEPARATE TCS CERTIFICATE / PIN / CSD NUMBER.</p> <p>2.7 WHERE NO TCS IS AVAILABLE BUT THE BIDDER IS REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD), A CSD NUMBER MUST BE PROVIDED.</p>                                                                                                                                                                                                                                          |                                                                      |                                                          |                                                |                                                          |                                                                 |                                                          |                                                            |                                                          |                                                                |                                                          |
| <b>3. QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                      |                                                          |                                                |                                                          |                                                                 |                                                          |                                                            |                                                          |                                                                |                                                          |
| <table style="width: 100%; border: none;"> <tr> <td style="width: 80%;">3.1. IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)?</td> <td style="width: 20%; text-align: right;"><input type="checkbox"/> YES <input type="checkbox"/> NO</td> </tr> <tr> <td>3.2. DOES THE ENTITY HAVE A BRANCH IN THE RSA?</td> <td style="text-align: right;"><input type="checkbox"/> YES <input type="checkbox"/> NO</td> </tr> <tr> <td>3.3. DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA?</td> <td style="text-align: right;"><input type="checkbox"/> YES <input type="checkbox"/> NO</td> </tr> <tr> <td>3.4. DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA?</td> <td style="text-align: right;"><input type="checkbox"/> YES <input type="checkbox"/> NO</td> </tr> <tr> <td>3.5. IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION?</td> <td style="text-align: right;"><input type="checkbox"/> YES <input type="checkbox"/> NO</td> </tr> </table> <p><b>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.</b></p> | 3.1. IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)? | <input type="checkbox"/> YES <input type="checkbox"/> NO | 3.2. DOES THE ENTITY HAVE A BRANCH IN THE RSA? | <input type="checkbox"/> YES <input type="checkbox"/> NO | 3.3. DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA? | <input type="checkbox"/> YES <input type="checkbox"/> NO | 3.4. DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA? | <input type="checkbox"/> YES <input type="checkbox"/> NO | 3.5. IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION? | <input type="checkbox"/> YES <input type="checkbox"/> NO |
| 3.1. IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)?                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | <input type="checkbox"/> YES <input type="checkbox"/> NO             |                                                          |                                                |                                                          |                                                                 |                                                          |                                                            |                                                          |                                                                |                                                          |
| 3.2. DOES THE ENTITY HAVE A BRANCH IN THE RSA?                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | <input type="checkbox"/> YES <input type="checkbox"/> NO             |                                                          |                                                |                                                          |                                                                 |                                                          |                                                            |                                                          |                                                                |                                                          |
| 3.3. DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA?                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | <input type="checkbox"/> YES <input type="checkbox"/> NO             |                                                          |                                                |                                                          |                                                                 |                                                          |                                                            |                                                          |                                                                |                                                          |
| 3.4. DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA?                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | <input type="checkbox"/> YES <input type="checkbox"/> NO             |                                                          |                                                |                                                          |                                                                 |                                                          |                                                            |                                                          |                                                                |                                                          |
| 3.5. IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION?                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | <input type="checkbox"/> YES <input type="checkbox"/> NO             |                                                          |                                                |                                                          |                                                                 |                                                          |                                                            |                                                          |                                                                |                                                          |

**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: .....

## SECTION 4

### CONDITIONS OF TENDER

#### **1. SUBMISSION OF TENDER**

The tender is to be made out on the tender form attached hereto, which must not be detached from this document, and the completed document, fully priced, extended and totalled, completed in all respects, signed and is to be sealed in an envelope which is to be endorsed and delivered in accordance with the instructions contained in the advertisement of the tender.

Emailed and faxed documents shall not be accepted.

Tenders will be opened in public immediately after closing date and time.

#### **2. TENDER DEPOSIT**

Tender documents are obtained upon payment of a non-refundable printing levy of R 716.48 which is payable to Chief Albert Luthuli Municipality at no liability to the Municipality whatsoever.

#### **3. ADJUDICATION OF TENDERS**

The tender will be adjudicated by Chief Albert Luthuli Municipality in accordance with the Municipality's Supply Chain Management Policy.

The following documents must be attached

- B-BBEE Status Level Verification Certificates
- Copy of Tax Clearance Certificate or TCS Pin Code
- Copy of company registration documents
- municipal rates and taxes account (Not Older Than Three Months and In arrears more than three months)
- Company Profile
- Certified ID Copies of Company Directors
- Proof of the purchase of tender document provided by Chief Albert Luthuli Municipality's cashiers if the document was purchased.

#### *Please Note:*

CALM shall evaluate and adjudicate Bids in accordance with the Supply Chain Management Policy and the Preferential Procurement Regulations 2017, on a 80/20 Point system for Bids above R50 000 000.00.

According to the Municipal Supply Chain Regulations issued by the Minister of Finance in terms of section 168 of the Municipal Finance Management Act (56 of 2003) on 31 May 2005, persons within the organs of the state, like Councillors, and other elected representatives (members of provincial legislatures and national parliament), full time employees (national and provincial public servants, municipal officials) and other directors of public and municipal entities are prohibited from being eligible to bid or be awarded a contract to provide goods and services within the municipality.

Points that will be granted for the specific targeted goals are included in the tender documents for bidders' attention. Bidders shall have the necessary skills, experience and capacity to perform.

The following are the specific goals with which the tenders shall be evaluated and adjudicated:

Preference Points according to B-BBEE:

In terms of PPPFA Regulation, 2017 preference points are awarded based on the company's B-BBEE status level contributor as follows

| Tenders below a R 50 million<br>(80/20)     |                           |
|---------------------------------------------|---------------------------|
| B-BBEE<br>Status Level<br>of<br>Contributor | Number of<br>Pref. Points |
| 1                                           | 20                        |
| 2                                           | 18                        |
| 3                                           | 14                        |
| 4                                           | 12                        |
| 5                                           | 8                         |
| 6                                           | 6                         |
| 7                                           | 4                         |
| 8                                           | 2                         |
| Non-<br>Compliant                           | 0                         |

#### **4. COMPLETION OF TENDER DOCUMENT**

Tenders will only be considered on receipt of this tender document correctly completed with all insertions in **ink (black)** and **must be fully signed**. The contract will only be awarded to responsive tenders in terms of the Supply Chain Management Policy.

#### **5. TAXES AND DUTIES PAYABLE**

Tenderers shall allow in their tender for the payment and recovery of all taxes and other duties. No claims for additional payment in this respect will be considered.

**Prices and rates quoted shall be inclusive of Value Added Tax (VAT)**

If no proof of rates and taxes payment attached to the tender document, the Tenderer's application shall be disqualified.

#### **6. WITHDRAWAL OF TENDER**

In the event of the successful tender failing to execute the service in terms of his/her tender, the Municipality shall be entitled to cancel the contract summarily after two (2) weeks' notice as referred to in clause 10 of the conditions of tender, in which event the Tenderer shall be liable for any additional expense incurred by reason of the Municipality having to call for new/fresh tenders or having to accept any less favourable tender.

In the event that the Tenderer withdraw from the process after the adjudication process, the Tenderer that scores the second highest point shall be awarded the tender.

#### **7. PERIOD OF VALIDITY OF TENDERS**

The period of validity of tenders shall be as stated in the tender form from the closing date of submission of tenders (90 days upon the closing date of the tender).

#### **8. NOTICE TO TENDERER'S**

The Municipality intends to appoint three contractors who have scored the highest number of points. The Municipality reserve the right to review prices every three months with the appointed service services providers. The total tendered amount is only used for the evaluation purpose and it does not represent the total tendered amount of the project. The items quoted in the pricing schedule are frequently used by the Municipality and any other related item which is not part of the pricing schedule can be quoted upon formal request by the Municipality.

#### **9. PAYMENT OF TENDERER**

Payment will be facilitated only when the items have being delivered and an invoice has been submitted to Chief Albert Luthuli Municipality in this regard.

## **10. CONTRACT DURATION**

The duration of the contract is thirty six months starting from the formal date of appointment.

## **11. NOTIFICATION OF SUCCESSFUL AND UNSUCCESSFUL BIDDERS**

### **12.1. SUCCESSFUL BIDDERS**

Successful bidders shall be notified telephonically and in writing subject to a signing of a contract between the Municipality and the bidder.

### **12.2. UNSUCCESSFUL BIDDERS**

The Municipality shall not be obliged to notify unsuccessful bidders, however reason why the bidder was unsuccessful shall be provided on request approved by the Municipal Manager.

If bidders do not hear from the Municipality within twenty one (21) working days upon the closing date of the tender, they should consider their tender unsuccessful.

**COPY OF THE COMPANY REGISTRATION**

**ATTACH HERE!**

**ORIGINAL TAX CLEARANCE CERTIFICATE (PROVIDED BY SARS)**

**ATTACH HERE!**

**MUNICIPAL RATES AND TAXES ACCOUNT  
(not older than 3 months)  
ATTACH HERE!**

**NB: Bidders must attach proof of payment of municipal rates and taxes by the municipality and the municipal entity where the bidder is located.**

**B-BBEE CERTIFICATE**

**ATTACHED HERE**

## TENDER FORM

**Chief Albert Luthuli Municipality**  
**P.O Box 24**  
**CAROLINA**  
**1185**

- 1 After having carefully considered the tender and being fully satisfied as to the character, quality and appropriate quantity of work to be performed

.....

(Bidder or fully authorized representative)

Of.....

Agree to provide all labour, transport and everything which is, or may be necessary in completion of the works and services in connections with the TENDER NO:

ALMT14/2021 as directed by Chief Albert Luthuli Municipality

2. All the data required to be furnished at the tender stage in terms of the contract documents are enclosed with my/our tender

3. The Tenderer further agree:

5.1 that the laws of the Republic of South Africa shall govern the contract created by the acceptance of the tender

5.2 that this tender shall be subject to the jurisdiction of the Court of Law of the Republic of South Africa

4. Domicillium citandi et executandi is chosen as:

.....

.....in the Republic of South Africa

5. It is declared that, notwithstanding anything contained in a covering letter to this tender, this tender is submitted entirely without further reservations.

Dated at.....on this.....day of.....2021

.....

**SIGNED ON BEHALF OF TENDERER**

## **TAX CLEARANCE REQUIREMENTS**

### **IT IS A CONDITION OF BIDDING THAT:**

1. The taxes of the successful bidder must in order, or that satisfactory arrangement have been made with the Receiver of Revenue to meet his/ her tax obligations
2. The form “Application for Tax Clearance Certificate (in respect of bidders)” obtainable from SARS; must be completed in all respects and submitted to the Receiver of Revenue where the bidder is registered for tax purposes.

The Receiver of Revenue will then furnish the bidder with a Tax Clearance Certificate that will be valid for the period of twelve (12) months from the date of issue.

The original Tax Clearance Certificate must be submitted with the bid. Failure to submit the original and valid Tax Clearance Certificate shall invalidate the bid.

3. In bids where Consortia/ Joint Ventures/ Sub-contractors are involved each party must submit a separate Tax Clearance Certificate obtainable from any Receiver’s Office.

### **SPECIFICATIONS**

To Supply and Deliver Tyres and Patching Materials for three years as and when required.

| ITEM (tyre Size) | QTY |
|------------------|-----|
| 12 R22.5         | 1   |
| 155/80/12        | 1   |
| 155/80/13        | 1   |
| 165/80/13        | 1   |
| 175/65/14        | 1   |
| 185/14           | 1   |
| 185/60/14        | 1   |
| 185/65/14        | 1   |
| 185/65/15        | 1   |
| 195/14           | 1   |
| 195/65/15        | 1   |
| 205/55/16        | 1   |
| 205/65/15        | 1   |
| 215/15           | 1   |
| 245/75/15        | 1   |
| 245/70R16        | 11  |
| 700/16           | 1   |
| 750/16           | 1   |
| 825/16           | 1   |
| 12R22.5          | 1   |
| 12.5/80/18       | 1   |
| 14/28            | 1   |

|             |   |
|-------------|---|
| 14.5/20     | 1 |
| 315/80/22.5 | 1 |
| 215/70/15   | 1 |

The appointed service providers are expected supply and deliver any other Tires that is required by the Municipality.

**PRICING SCHEDULE: FIRM PRICES**

Name of Bidder: ..... Bid Number: **ALMT14/2021**  
Closing Date: **17 December 2021** Closing Time: **12h00**

**OFFER TO BE VALID FOR 90 DAYS FROM THE CLOSING DATE OF BID**

| Quantity | TYRE SIZE  | Amount ( Excl VAT) |
|----------|------------|--------------------|
| 1        | 12 R22.5   |                    |
| 1        | 155/80/12  |                    |
| 1        | 155/80/13  |                    |
| 1        | 165/80/13  |                    |
| 1        | 175/65/14  |                    |
| 1        | 185/14     |                    |
| 1        | 185/60/14  |                    |
| 1        | 185/65/14  |                    |
| 1        | 185/65/15  |                    |
| 1        | 195/14     |                    |
| 1        | 195/65/15  |                    |
| 1        | 205/55/16  |                    |
| 1        | 205/65/15  |                    |
| 1        | 215/15     |                    |
| 1        | 245/75/15  |                    |
| 1        | 245/70R16  |                    |
| 1        | 700/16     |                    |
| 1        | 750/16     |                    |
| 1        | 825/16     |                    |
| 1        | 12R22.5    |                    |
| 1        | 12.5/80/18 |                    |
| 1        | 14/28      |                    |

|   |             |                     |
|---|-------------|---------------------|
| 1 | 14.5/20     |                     |
| 1 | 315/80/22.5 |                     |
| 1 | 215/70/15   |                     |
|   |             | <b>Sub Total</b>    |
|   |             | <b>VAT @15%</b>     |
|   |             | <b>Total Amount</b> |

Period required for delivery

.....

Delivery: Firm/ Not Firm

Delivery basis (all delivery costs must be included in the bid price)

Yes/No

Note:

- All delivery costs must be included in the bid price, for delivery at the prescribed destination, unless the bid will be not accepted
- Tenderers must include a CLEAR quotation of all items required

### DECLARATION OF INTEREST

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

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

3.2 Identity Number: .....

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

3.4 Company Registration Number: .....

3.5 Tax Reference Number:.....

3.6 VAT Registration Number: .....

3.7 The names of all directors / trustees / shareholders members, their individual identity numbers and state employee numbers must be indicated in paragraph 4 below.

3.8 Are you presently in the service of the state? **YES / NO**

3.8.1 If yes, furnish particulars. ....

.....

<sup>1</sup>MSCM Regulations: "in the service of the state" means to be –

(a) a member of –

- (i) any municipal council;
- (ii) any provincial legislature; or
- (iii) the national Assembly or the national Council of provinces;

(b) a member of the board of directors of any municipal entity;

(c) an official of any municipality or municipal entity;

(d) an employee of any national or provincial department, national or provincial public entity or constitutional institution within the meaning of the Public Finance Management Act, 1999 (Act No.1 of 1999);

(e) a member of the accounting authority of any national or provincial public entity; or

(f) an employee of Parliament or a provincial legislature.

<sup>2</sup> Shareholder" means a person who owns shares in the company and is actively involved in the

management of the company or business and exercises control over the company.

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

3.9.1 If yes, furnish particulars

.....  
.....

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

3.10.1 If yes, furnish particulars.

.....  
.....

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

3.11.1 If yes, furnish particulars

.....  
.....

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

3.12.1 If yes, furnish particulars.

.....  
.....

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

3.13.1 If yes, furnish particulars.

.....  
.....

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

3.14.1 If yes, furnish particulars:

.....  
.....

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

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

.....  
**Signature**

.....  
**Date**

.....  
**Capacity**

.....  
**Name of Bidder**

## PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL PROCUREMENT REGULATIONS 2011

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

**NB: BEFORE COMPLETING THIS FORM, BIDDERS MUST STUDY THE GENERAL CONDITIONS, DEFINITIONS AND DIRECTIVES APPLICABLE IN RESPECT OF B-BBEE, AS PRESCRIBED IN THE PREFERENTIAL PROCUREMENT REGULATIONS, 2011.**

### 1. GENERAL CONDITIONS

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

- the 80/20 system for requirements with a Rand value of up to R 50 000 000 (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 The value of this bid is estimated to not exceed 50 000 000, (all applicable taxes included) and therefore the 80/20 system shall be applicable.

1.3 Preference points for this bid shall be awarded for:

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

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

|                                                          | <b>POINTS</b> |
|----------------------------------------------------------|---------------|
| <b>1.3.1.1 PRICE</b>                                     | .....         |
| <b>1.3.1.2 B-BBEE STATUS LEVEL OF CONTRIBUTION</b>       | .....         |
| <b>Total points for Price and B-BBEE must not exceed</b> | <b>100</b>    |

1.4 Failure on the part of a bidder to fill in and/or to sign this form and submit a B-BBEE Verification Certificate from a Verification Agency accredited by the South African Accreditation System (SANAS) or a Registered Auditor approved by the Independent Regulatory Board of Auditors (IRBA) or an Accounting Officer as contemplated in the Close Corporation Act (CCA) together with the bid, will be interpreted to mean that preference points for B-BBEE status level of contribution are not claimed.

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

### 2. DEFINITIONS

2.1 **“all applicable taxes”** includes value-added tax, pay as you earn, income tax, unemployment insurance fund contributions and skills development levies;

- 2.2 **“B-BBEE”** means broad-based black economic empowerment as defined in section 1 of the Broad-Based Black Economic Empowerment Act;
- 2.3 **“B-BBEE status level of contributor”** means the B-BBEE status received by a measured entity based on its overall performance using the relevant scorecard contained in the Codes of Good Practice on Black Economic Empowerment, issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act;
- 2.4 **“bid”** means a written offer in a prescribed or stipulated form in response to an invitation by an organ of state for the provision of services, works or goods, through price quotations, advertised competitive bidding processes or proposals;
- 2.5 **“Broad-Based Black Economic Empowerment Act”** means the Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003);
- 2.6 **“comparative price”** means the price after the factors of a non-firm price and all unconditional discounts that can be utilized have been taken into consideration;
- 2.7 **“consortium or joint venture”** 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;
- 2.8 **“contract”** means the agreement that results from the acceptance of a bid by an organ of state;
- 2.9 **“EME”** means any enterprise with an annual total revenue of R5 million or less .
- 2.10 **“Firm price”** means the price that is only subject to adjustments in accordance with the actual increase or decrease resulting from the change, imposition, or abolition of customs or excise duty and any other duty, levy, or tax, which, in terms of the law or regulation, is binding on the contractor and demonstrably has an influence on the price of any supplies, or the rendering costs of any service, for the execution of the contract;
- 2.11 **“functionality”** means the measurement according to predetermined norms, as set out in the bid documents, of a service or commodity that is designed to be practical and useful, working or operating, taking into account, among other factors, the quality, reliability, viability and durability of a service and the technical capacity and ability of a bidder;
- 2.12 **“non-firm prices”** means all prices other than “firm” prices;
- 2.13 **“person”** includes a juristic person;
- 2.14 **“rand value”** means the total estimated value of a contract in South African currency, calculated at the time of bid invitations, and includes all applicable taxes and excise duties;
- 2.15 **“sub-contract”** means the primary contractor’s assigning, leasing, making out work to, or employing, another person to support such primary contractor in the execution of part of a project in terms of the contract;
- 2.16 **“total revenue”** bears the same meaning assigned to this expression in the Codes of Good Practice on Black Economic Empowerment, issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act and promulgated in the *Government Gazette* on 9 February 2007;
- 2.17 **“trust”** means the arrangement through which the property of one person is made over or bequeathed to a trustee to administer such property for the benefit of another person; and
- 2.18 **“trustee”** means any person, including the founder of a trust, to whom property is bequeathed in order for such property to be administered for the benefit of another person.

### **3. ADJUDICATION USING A POINT SYSTEM**

- 3.1 The bidder obtaining the highest number of total points will be awarded the contract.
- 3.2 Preference points shall be calculated after prices have been brought to a comparative basis taking into account all factors of non-firm prices and all unconditional discounts;.
- 3.3 Points scored must be rounded off to the nearest 2 decimal places.
- 3.4 In the event that two or more bids have scored equal total points, the successful bid must be the one scoring the highest number of preference points for B-BBEE.
- 3.5 However, when functionality is part of the evaluation process and two or more bids have scored equal points including equal preference points for B-BBEE, the successful bid must be the one scoring the highest score for functionality.
- 3.6 Should two or more bids be equal in all respects, the award shall be decided by the drawing of lots.

### **4. POINTS AWARDED FOR PRICE**

#### **4.1 THE 80/20 OR 90/10 PREFERENCE POINT SYSTEMS**

A maximum of 80/20 points is allocated for price on the following basis:

#### **80/20**

| Tenders below a R 50 million<br>(80/20)     |                           |
|---------------------------------------------|---------------------------|
| B-BBEE<br>Status Level<br>of<br>Contributor | Number of<br>Pref. Points |
| 1                                           | 20                        |
| 2                                           | 18                        |
| 3                                           | 14                        |
| 4                                           | 12                        |
| 5                                           | 8                         |
| 6                                           | 6                         |
| 7                                           | 4                         |
| 8                                           | 2                         |
| Non-<br>Compliant                           | 0                         |

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

Where

$P_s$  = Points scored for comparative price of bid under consideration

$P_t$  = Comparative price of bid under consideration

$P_{\min}$  = Comparative price of lowest acceptable bid

## 5. POINTS AWARDED FOR B-BBEE STATUS LEVEL OF CONTRIBUTION

- 5.1 In terms of Regulation 5 (2) and 6 (2) of the Preferential Procurement Regulations, preference points must be awarded to a bidder for attaining the B-BBEE status level of contribution in accordance with the table below:
- 5.2 Bidders who qualify as EMEs in terms of the B-BBEE Act must submit a certificate issued by an Accounting Officer as contemplated in the CCA or a Verification Agency accredited by SANAS or a Registered Auditor. Registered auditors do not need to meet the prerequisite for IRBA's approval for the purpose of conducting verification and issuing EMEs with B-BBEE Status Level Certificates.
- 5.3 Bidders other than EMEs must submit their original and valid B-BBEE status level verification certificate or a certified copy thereof, substantiating their B-BBEE rating issued by a Registered Auditor approved by IRBA or a Verification Agency accredited by SANAS.
- 5.4 A trust, consortium or joint venture, will qualify for points for their B-BBEE status level as a legal entity, provided that the entity submits their B-BBEE status level certificate.
- 5.5 A trust, consortium or joint venture will qualify for points for their B-BBEE status level as an unincorporated entity, provided that the entity submits their consolidated B-BBEE scorecard as if they were a group structure and that such a consolidated B-BBEE scorecard is prepared for every separate bid.
- 5.6 Tertiary institutions and public entities will be required to submit their B-BBEE status level certificates in terms of the specialized scorecard contained in the B-BBEE Codes of Good Practice.
- 5.7 A person will not be awarded points for B-BBEE status level if it is indicated in the bid documents that such a bidder intends sub-contracting more than 25% of the value of the contract to any other enterprise that does not qualify for at least the points that such a bidder qualifies for, unless the intended sub-contractor is an EME that has the capability and ability to execute the sub-contract.
- 5.8 A person awarded a contract may not sub-contract more than 25% of the value of the contract to any other enterprise that does not have an equal or higher B-BBEE status level than the person concerned, unless the contract is sub-contracted to an EME that has the capability and ability to execute the sub-contract.

## 6. BID DECLARATION

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

## 7. B-BBEE STATUS LEVEL OF CONTRIBUTION CLAIMED IN TERMS OF PARAGRAPHS 1.3.1.2 AND 5.1

- 7.1 B-BBEE Status Level of Contribution: ..... = ..... (maximum of 10 or 20 points)

(Points claimed in respect of paragraph 7.1 must be in accordance with the table reflected in

**paragraph 5.1 and must be substantiated by means of a B-BBEE certificate issued by a**

**Verification Agency accredited by SANAS or a Registered Auditor approved by IRBA or an Accounting Officer as contemplated in the CCA).**

## **8. SUB-CONTRACTING**

8.1 Will any portion of the contract be sub-contracted? YES / NO (delete which is not applicable)

8.1.1 If yes, indicate:

- (i) what percentage of the contract will be subcontracted? ..... %
- (ii) the name of the sub-contractor? .....
- (iii) the B-BBEE status level of the sub-contractor? .....
- (iv) whether the sub-contractor is an EME? YES / NO (delete which is not applicable)

## **9 DECLARATION WITH REGARD TO COMPANY/FIRM**

9.1 Name of firm : .....

9.2 VAT registration number :

9.3 Company registration number : .....

9.4 TYPE OF COMPANY/ FIRM

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

[TICK APPLICABLE BOX]

9.5 DESCRIBE PRINCIPAL BUSINESS ACTIVITIES

.....  
.....  
.....

9.6 COMPANY CLASSIFICATION

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

[TICK APPLICABLE BOX]

9.7 MUNICIPAL INFORMATION

Municipality where business is situated .....

Registered Account Number .....

Stand Number .....

9.8 TOTAL NUMBER OF YEARS THE COMPANY/FIRM HAS BEEN IN BUSINESS? .....

9.9 I/we, the undersigned, who is / are duly authorised to do so on behalf of the company/firm, certify that the points claimed, based on the B-BBE status level of contribution indicated in paragraph 7 of the foregoing certificate, qualifies the company/ firm for the preference(s) shown and I / we acknowledge that:

- (i) The information furnished is true and correct;
- (ii) The preference points claimed are in accordance with the General Conditions as indicated in paragraph 1 of this form.
- (iii) In the event of a contract being awarded as a result of points claimed as shown in paragraph 7, the contractor may be required to furnish documentary proof to the satisfaction of the purchaser that the claims are correct;
- (iv) If the B-BBE status level of contribution has been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the purchaser may, in addition to any other remedy it may have –
  - (a) disqualify the person from the bidding process;
  - (b) recover costs, losses or damages it has incurred or suffered as a result of that person's conduct;
  - (c) cancel the contract and claim any damages which it has suffered as a result of having to make less favourable arrangements due to such cancellation;
  - (d) restrict the bidder or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, 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

**WITNESSES:**

1. ....

.....  
SIGNATURE(S) OF BIDDER(S)

2. ....

DATE: .....

## 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 (name of institution)..... in accordance with the requirements and specifications stipulated in bid number ALMT14/2021 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 2011;
    - 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) Other (specify)
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 fulfillment 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 authorised to sign this contract.

NAME (PRINT) .....

CAPACITY .....

SIGNATURE .....

NAME OF FIRM .....

DATE .....

#### WITNESSES

1 .....

2. ....

## CONTRACT FORM - PURCHASE OF GOODS/WORKS

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

1. I..... in my capacity as ..... accept your bid under reference number ALMT14/2021 dated.....for the supply of goods/works indicated hereunder and/or further specified in the annexure(s).
2. An official order indicating delivery instructions 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.....

NAME (PRINT) .....

SIGNATURE .....

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

|           |
|-----------|
| WITNESSES |
| 1. ....   |
| 2. ....   |

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

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

| Item | Question                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Yes                                        | No                                        |
|------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------|-------------------------------------------|
| 4.1  | <p>Is the bidder or any of its directors listed on the National Treasury's Database of Restricted Suppliers as companies or persons prohibited from doing business with the public sector?</p> <p>(Companies or persons who are listed on this Database were informed in writing of this restriction by the Accounting Officer/Authority of the institution that imposed the restriction after the <i>audi alteram partem</i> rule was applied).</p> <p><b>The Database of Restricted Suppliers now resides on the National Treasury's website(<a href="http://www.treasury.gov.za">www.treasury.gov.za</a>) and can be accessed by clicking on its link at the bottom of the home page.</b></p> | <p>Yes</p> <p><input type="checkbox"/></p> | <p>No</p> <p><input type="checkbox"/></p> |

| 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><br><b>The Register for Tender Defaulters can be accessed on the National Treasury's website (<a href="http://www.treasury.gov.za">www.treasury.gov.za</a>) by clicking on its link at the bottom of the home page.</b> | 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:                                                                                                                                                                                                                                                                                                                                                                                     |                                 |                                |
| Item  | Question                                                                                                                                                                                                                                                                                                                                                                                                        | Yes                             | No                             |
| 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) .....

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

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

.....

**Signature**

.....

**Date**

.....

**Position**

.....

**Name of Bidder**

## CERTIFICATE OF INDEPENDENT BID DETERMINATION

1. This Municipal Bidding Document (MBD) must form part of all bids<sup>1</sup> invited.
2. Section 4 (1) (b) (iii) of the Competition Act No. 89 of 1998, as amended, prohibits an agreement between, or concerted practice by, firms, or a decision by an association of firms, if it is between parties in a horizontal relationship and if it involves collusive bidding (or bid rigging).<sup>2</sup> Collusive bidding is a *per se* prohibition meaning that it cannot be justified under any grounds.
3. 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 (MBD9) must be completed and submitted with the bid:

---

<sup>1</sup> Includes price quotations, advertised competitive bids, limited bids and proposals.

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

### CERTIFICATE OF INDEPENDENT BID DETERMINATION

I, the undersigned, in submitting the accompanying bid:

---

(Bid Number and Description)

in response to the invitation for the bid made by:

---

(Name of 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<sup>3</sup> will not be construed as collusive bidding.
7. In particular, without limiting the generality of paragraphs 6 above, there has been no consultation, communication, agreement or arrangement with any competitor regarding:
  - a) prices;
  - b) geographical area where product or service will be rendered (market allocation)
  - c) methods, factors or formulas used to calculate prices;
  - d) the intention or decision to submit or not to submit, a bid;
  - e) the submission of a bid which does not meet the specifications and conditions of the bid;
  - or
  - f) bidding with the intention not to win the bid.
8. In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications and conditions or delivery particulars of the products or services to which this bid invitation relates.
9. The terms of the accompanying bid have not been, and will not be, disclosed by the bidder, directly or indirectly, to any competitor, prior to the date and time of the official bid opening or of the awarding of the contract.
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

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<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.

the Prevention and Combating of Corrupt Activities Act No. 12 of 2004 or any other applicable legislation.

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Signature

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Date

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Position

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Name of Bidder

## **SECTION 7**

### **COMPANY PROFILE**