



REQUEST FOR PROPOSALS (RFP)

**APPOINTMENT OF A PANEL OF SERVICE PROVIDERS FOR THE EXPRESSION OF
INTEREST (EOI) FOR INVESTMENT ATTRACTION AND PARTNERSHIP**

TERMS OF REFERENCE

Tender no. SLM 32/2025

CLOSING DATE: 05 September 2025

TIME: 12:00

DELIVERY ADDRESS: **Siyathemba Local municipality
Victoria Street
Prieska**

BIDDER:

CONTENTS

REQUEST FOR PROPOSALS (RFP) 1

TERMS OF REFERENCE..... 1

Contents..... **Error! Bookmark not defined.**

1. BACKGROUND: 3

2. PURPOSE 4

 2.1. BRIEFING 5

 2.2. INDEMNITY..... 5

 2.3. PRESENTATIONS 6

4. COMPETENCIES REQUIRED..... 7

5, REQUEST FOR TENDER..... 8

6. LEGALITIES AND RULES 8

7. FUNCTIONALITY CRITERIA..... 8

9. SUBMISSION OF FICA DOCUMENTS..... **Error! Bookmark not defined.**

 FICA REQUIREMENTS AND ADDITIONAL INFORMATION REQUIRED**Error! Bookmark not defined.**

 NOTE:..... **Error! Bookmark not defined.**

10. ENQUIRIES..... **Error! Bookmark not defined.**

1. BACKGROUND:

The **SIYATHEMBA LOCAL MUNICIPALITY** is a Category B Municipality, established in terms of Section 12 of the Municipal Structures Act (117 of 1998). The municipality has adopted the Executive Mayoral system, which entails concentration of executive authority in the hands of the Executive Mayor. This system, wherein the Mayoral Committee and the Administration led by the Municipal Manager assist the Executive Mayor to execute the mandate of the council and the electorate.

The District Development Model has been approved by Government structures to integrate service delivery that will be more practical, achievable, implementable, measurable and clearly aligned to the key priorities of Government.

SIYATHEMBA LOCAL MUNICIPALITY is an organ of state fulfilling the constitutional developmental mandate of "structure and manage its administration, budgeting and planning processes to give priority to the basic needs for service delivery in the respective communities, and to promote the social cohesion and economic development of the town.

The long-term vision for the municipality as highlighted in the Local Economic Development (LED) strategy is "to make Siyathemba Local Municipality the socio-economic hub by striving for sustainable development and service delivery through public participation and optimal use of resources".

The goals of the Siyathemba Local Municipality LED strategy includes:

- The alleviation of poverty through the broadening of the economic base in renewable energy, mining, manufacturing, human resources, SMME and tourism sectors. Implied in this goal is lesser dependence on the services sector as a provider of jobs and income.
- The creation of opportunities to transfer technology and skills that would result in the community increasing their skills levels, becoming more competitive within the regional labour force and increasing employment opportunities.

- The provision of more effective infrastructure and business support that will help the community in attaining supplies and health care facilities. This will also help local businesses and SMMEs by boosting investors' confidence in the area.

2. PURPOSE

The Siyathemba Local Municipality seeks to establish a panel of service providers to mobilize funding resources and be included into the panel of service providers that will provide the "Formulation of Capital Projects, Strategic Business Plans and Sourcing of Funding (excluding loans and guarantees)" on risk basis. Mobilization and attraction of financial resources including foreign direct investment (FDI) and generation of solid investment leads for development in order to implement economic development initiatives.

The prospective service providers should be able to demonstrate the ability to development projects and programs that are geared at the attraction and promotion towards the municipality. The project partners will play a key role in the mobilization or attraction of funding investment for economic and social development of Siyathemba Local Municipality's economy.

This Expressions of Interest (EOI) is made available by the Siyathemba Local Municipality (SLM) to prospective respondents on condition that it is used solely for responding to the EOI.

The Municipality has issued a request, calling for Expressions of Interest for the purpose specified below:

- This EOI does not constitute an offer, proposal or undertaking by the Siyathemba Local Municipality to relinquish any of its role referred to in the EOI or to enter into any other form of transaction.
- Failure to submit a response to the EOI will not disqualify any person from participating in a subsequent proposals processes nor will submission of a response oblige any person to submit a bid in a subsequent proposals

processes. Inter alia the confidentiality undertaking as may be agreed to, no rights of any nature accrue to any person by virtue of their participation in this EOI Process or their receipt of this EOI.

- c. This EOI is provided solely for the purpose set out in the EOI and does not constitute investment advice or an investment recommendation by potential service providers or any of their advisors.
- d. Each prospective respondent to whom this EOI is made available, must make their own independent assessment of the opportunity after making such investigation and taking such professional advice as they deem necessary. Neither the receipt of this EOI or any related document by any person, nor any information contained in the documents or distributed with them or previously or subsequently communicated to any prospective respondent or its advisors, is to be taken as constituting the giving of any advice (investment, legal or otherwise) by the prospective respondent.
- e. The service providers to mobilize funding resources, must identify respective funding institutions that they are working with, the focus areas they are targeting or responding to in line with the EOI and the total funding available for each area. Furthermore, the proposal must ideally define the funding structure or model per key focal area.

2.1. BRIEFING

There will be no briefing session prior to closure of this request for proposal submission.

2.2. INDEMNITY

All submitted proposals remain the property of the Siyathemba Local Municipality (SLM) and therefore the municipality reserves the right to use such information in the manner it deems fit. Proposals are thus submitted without prejudice to the SLM.

2.3. PRESENTATIONS

The Siyathemba Local Municipality reserves the right to request all shortlisted bidders to make presentations as part of the bid evaluation process.

3. SCOPE OF WORK

Siyathemba Local Municipality intends to procure suitably qualified service providers to render a Strategic Transactional Advisory capability with the required resources and expertise. The Strategic Transactional Advisory will manage and implement a portfolio of projects as well as define and ensure that projects are completed in accordance with the defined scope, time, budget and quality requirements.

The prospective service providers are invited to submit an innovative proposal that will include programs and campaigns that will grow a sustainable economy for

SLM. In addition to present investment promotion concepts, all proposals should have a stated envisaged socio-economic impact, demonstrated through community involvement. They must further provide the opportunity for significant participation by SMMEs.

These should address the following:

- 3.1. Develop a high-level summary of consolidated view of all fundraising activities from conceptualization, funding, disbursements to implementation and reporting.
- 3.2. Identify complete economic activities or clusters in the municipality and generate solid investment leads.
- 3.3. Explore opportunities for partnerships to mobilize and leverage resources.
- 3.4. Raise funds for agreed upon socio-economic development projects.
- 3.5. Identify business opportunities responding to localization supplies and create a platform for local suppliers to network and showcase their offerings to the investment community.
- 3.6. Identify potential funding opportunities and act on consistency of these opportunities.

- 3.7. Carry out development partners mapping and analysis of their policies to gain a thorough understanding of their funding approaches and priorities.
 - 3.8. Ensure that proposals submitted have tangible measures of success and are realistic expectations of application being reviewed favorably and funded.
 - 3.9. Identify, conceptualize, package and implement approved key priority innovative initiatives that will attract investments.
 - 3.10. Raise adequate investment for infrastructure development.
 - 3.11. Provide a Turnkey project management solutions at risk for the implementation of successfully sourced projects across the entire project cycle, i.e. from project inception to project close-out
 - 3.12. Management and implementation of strategic projects.
 - 3.13. Development of a monitoring tool to track investments within the municipal area.
 - 3.14. Provision of post-services and business support activities.
- 3.2 The Expression of interest should be focused, but not limited to, the following project areas:
- 3.2.1 Renewable energy
 - 3.2.2 Procurement of Fleet
 - 3.2.3 Upgrading of Treatment works
 - 3.2.4 Master Plans (Water & Sanitation)
 - 3.2.5 Energy Efficiency Projects
 - 3.2.6 Bulk Services
 - 3.2.7 Roads and Stormwater, etc

4. COMPETENCIES REQUIRED

The following competencies are required:

- Experience in resource mobilization and fundraising.
- Experience in financial analysis and project finance.
- Experience in procurement and structuring.
- Experience in legal aspects pertaining to drafting and negotiating agreements.
- Experience in technical due diligence and advice on structuring and contracts.
- Experience in project management, contract management and stakeholder management.
- Experience in conceptual planning, design and construction administration and monitoring of capital projects.
- Relevant years' experience in raising funds for infrastructure development, social and economic development.
- Proven successful track record in fundraising for agencies or non-governmental organizations.
- Good understanding of infrastructure, social and economic development.
- Excellent professional business writing skills.

- Good understanding of both South Africa and non-South Africa funders, bilateral and multi-lateral donors, funds and foundations in relation to social and economic development.
- Excellent inter-personal working skills.

5. REQUEST FOR TENDER

- 5.1. The service providers encompassing the combination of recent involvement in the field of resource mobilization and fundraising, and user-friendly analysis methods will be considered.
- 5.2. Service providers would be selected primarily on the basis of skills and/or service they can provide, overall cost competitiveness of their proposal, merit in terms of previous track record. Responsive bidders may be contacted for power point presentation at the municipality office at own cost.
- 5.3. The appointed service providers shall be invited for an inception report meeting with Siyathemba Local Municipality.
- 5.4. The RFP attempts to complete the process in order to enable the award and appointment of service providers to partner with the Siyathemba Local Municipality. Therefore, the Siyathemba Local Municipality expects that the responses to the RFP will mainly respond to the functionality proposal from the respondents. We however, do not limit the inclusion or amendment of the submissions with additional information the respondents may deem necessary to complete their response to include the financial proposal.

6. LEGALITIES AND RULES

General Conditions:

- 6.1. The Siyathemba Local Municipality reserves the right to cancel the request for tender.
- 6.2. The Siyathemba Local Municipality reserves the right to appoint or not to appoint.

7. FUNCTIONALITY CRITERIA

- The service providers or bidders must provide succession certificates, client's reference and appointment letters on the client's contactable references.
- Demonstration of experience with respect to transactional advisory, fund raising in the public and private infrastructure development, ICT, technical design, project and construction management.

The assessment of functionality will be done in terms of the evaluation criteria and the minimum threshold value of 70 points. A proposal will be disqualified if it fails to meet the minimum threshold value for functionality as per the advert and terms of reference for the project. A recommendation for the awarding of the contract will

be done at the Bid Adjudication Committee meeting.

For functionality, the following criteria will be applicable and the maximum value of each criterion is indicated below:

- a) The municipality is requiring the service of highly qualified, experienced and skilled service providers ("Strategic Technical Advisory") to provide the requisite professional service.
- b) The service providers will be required to demonstrate the skills and experience in the following areas and will be evaluated as individuals who should poses the following:
- c) Criteria to be used for functionality (see attached functionality evaluation criteria checklist).

Criteria	Maximum points available
A Experience	30
•Traceable record of experience in mobilizing funding for a minimum of 3 initiatives	30
•Traceable record of experience in mobilizing funding for a minimum of 2 initiatives	20
•Traceable record of experience in mobilizing funding for a minimum of 1 initiative	10
B. Capacity and Expertise	50
Responder's team must comprises a member/member(s) who hold qualifications in the following competency areas:	
•A Degree in Finance NQF Level 07 (or its equivalent) from recognized/accredited university	
•A Degree in Law NQF Level 07 (or its equivalent) from recognized/accredited university	
•A Degree in Public Administration NQF Level 07 from an accredited or recognized university	
• team consist of member(s) that hold qualifications in all 3 competency areas	50
• team consist of member(s) that hold qualifications in 2 of the competency areas	30
• team consist of member(s) that hold qualifications in 1 of the competency areas	20
• No member of team has a qualification in the required competency area	0
C. Knowledge	10
Demonstrate in depth technical knowledge and legal experience about Strategic Project Finance within the Public and Private enterprise's environments.	
Minimum of two Reference letters on successfully implemented projects should be provided	10
D. Approach and Methodology	10
Demonstrate the understanding of the Strategic Technical Advisory roles and responsibilities by submitting a detailed proposal on Strategic Project Finance.	10

Full compliance of the Terms of Reference.	
Total	100

NB: Bidders that score less than 70 points for functionality will be deemed non-compliant with the bid specification.

8. SUBMISSION FORMAT

8.1. All respondents must submit One (1) Original separate proposal (as per below format) and (1) hard copies (clearly marked) to fulfil the project deliverables described above.

The sealed envelope must be placed in the tender box marked as SLM 32/2025 — Request for Proposal: **Appointment of service providers for the Expression of Interest (EOI) for investment attraction and partnership** at the Main Reception Area, being: SIYATHEMBA LOCAL MUNICIPALITY Building, Victoria street, Prieska By no later than 12:00 on 05 September2025 .

8.2. Each respondent should provide the full legal corporate name of each Company/Individual identified in this RFP;

- The name
- Title
- Address
- Telephone number
- E-mail address of the individual to be contacted with respect to the submission.
- Include the URLs (website address), if applicable.

8.3 If a courier service company is being used for delivery of the RFP document, the tender description must be endorsed on the delivery note/courier packaging and the courier must ensure that documents are placed / deposited to the tender box. The Municipality will not be held responsible for any delays where tender documents are handed to the Municipality’s Receptionist.

Late submissions will not be allowed.

9. SUBMISSION OF FICA DOCUMENTS

The following compulsory documentation must be submitted with the bid documents.

FICA REQUIREMENTS AND ADDITIONAL INFORMATION REQUIRED

- 1 Company profile
- 2 B-BBEE certificate
- 3 Company registration (CIPC) and Company Documents

- 4 Confirmation of Residential Address or Business Address
- 5 SARS Registration and Valid Tax Clearance Certificate
- 6 VAT Registration Certificate
- 7 CV, ID Copies and Profile of Directors, Team Members and Supporting Staff Members.
- 8 Submit Certified Copies of Professional Body Membership.
- 9 Central Supplier Database (CSD) Report
- 10 Municipal rates and taxes account of company and directors and or shareholders

PLEASE NOTE:

- Please Tick () if available and (X) if not available.
- Tax Clearance Certificate must be valid at time of submitting this proposal
- Bid document.
- In case of a Consortium, Joint Venture or Subcontractor, the documents listed above must be submitted for each Consortium/JV member or subcontractor, certified copy of a relevant agreement and a consolidate B-BBEE certificate as a legal entity.
- Only SANAS or SWORN AFFIDAVIT B-BBEE certificates shall be accepted

Non-submission of the above documents will render this tender invalid

PART A INVITATION TO BID

MBD1

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE (NAME OF MUNICIPALITY/ MUNICIPAL ENTITY)					
BID NUMBER:	SLM 32/2025	CLOSING DATE:	05/07/2025	CLOSING TIME:	12:00
DESCRIPTION	APPOINTMENT OF A PANEL OF SERVICE PROVIDERS FOR THE EXPRESSION OF INTEREST (EOI) FOR INVESTMENT ATTRACTION AND PARTNERSHIP				
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)

Siyathemba Local Municipality					
Victoria Street					
Po Box 16					
Prieska, 8940					
SUPPLIER INFORMATION					
NAME OF BIDDER					
POSTAL ADDRESS					
STREET ADDRESS					
TELEPHONE NUMBER	CODE		NUMBER		
CELLPHONE NUMBER					
FACSIMILE NUMBER	CODE		NUMBER		
E-MAIL ADDRESS					
VAT REGISTRATION NUMBER					
TAX COMPLIANCE STATUS	TCS PIN:		OR	CSD No:	
B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE [TICK APPLICABLE BOX]	<input type="checkbox"/> Yes <input type="checkbox"/> No		B-BBEE STATUS LEVEL SWORN AFFIDAVIT		<input type="checkbox"/> Yes <input type="checkbox"/> No

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

<p>ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES /WORKS OFFERED?</p>	<p>Yes <input type="checkbox"/> No <input type="checkbox"/> [IF YES ENCLOSE PROOF]</p>	<p>ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES /WORKS OFFERED?</p>	<p>Yes <input type="checkbox"/> No <input type="checkbox"/> [IF YES, ANSWER PART B:3]</p>
<p>TOTAL NUMBER OF ITEMS OFFERED</p>		<p>TOTAL BID PRICE</p>	<p>R</p>
<p>SIGNATURE OF BIDDER</p>	<p>..... ...</p>	<p>DATE</p>	
<p>CAPACITY UNDER WHICH THIS BID IS SIGNED</p>			
<p>BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO:</p>		<p>TECHNICAL INFORMATION MAY BE DIRECTED TO:</p>	
<p>DEPARTMENT</p>	<p>FINANCE/SCM</p>	<p>CONTACT PERSON</p>	
<p>CONTACT PERSON</p>	<p>Mr. David van der Westhuizen</p>	<p>TELEPHONE NUMBER</p>	
<p>TELEPHONE NUMBER</p>	<p>0534923413</p>	<p>FACSIMILE NUMBER</p>	
<p>FACSIMILE NUMBER</p>	<p>N/A</p>	<p>E-MAIL ADDRESS</p>	
<p>E-MAIL ADDRESS</p>	<p>david@siyathemba.gov.za</p>		

**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.	
1.2. ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS PROVIDED-(NOT TO BE RE-TYPED) OR ONLINE	
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.	
2. TAX COMPLIANCE REQUIREMENTS	
2.1 BIDDERS MUST ENSURE COMPLIANCE WITH THEIR TAX OBLIGATIONS.	
2.2 BIDDERS ARE REQUIRED TO SUBMIT THEIR UNIQUE PERSONAL IDENTIFICATION NUMBER (PIN) ISSUED BY SARS TO ENABLE THE ORGAN OF STATE TO VIEW THE TAXPAYER'S PROFILE AND TAX STATUS.	
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.	
2.4 FOREIGN SUPPLIERS MUST COMPLETE THE PRE-AWARD QUESTIONNAIRE IN PART B:3.	
2.5 BIDDERS MAY ALSO SUBMIT A PRINTED TCS CERTIFICATE TOGETHER WITH THE BID.	
2.6 IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED; EACH PARTY MUST SUBMIT A SEPARATE TCS CERTIFICATE / PIN / CSD NUMBER.	
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)?	<input type="checkbox"/> YES <input type="checkbox"/> NO
3.2. DOES THE ENTITY HAVE A BRANCH IN THE RSA?	YES NO
3.3. DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA?	YES 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
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.	
	<input type="checkbox"/> <input type="checkbox"/>

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: Page 16

PRICING SCHEDULE – FIRM PRICES (PURCHASES)

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

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

**Appointment of a panel of service providers for the Expression of Interest (EOI)
for investment attraction and partnership**

Bid Number: SLM 32/2025

Closing Time: 12:00

Closing date: 05/09/2025

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

ITEM NO.	QUANTITY	DESCRIPTION	BID PRICE IN RSA CURRENCY **(ALL APPLICABLE TAXES INCLUDED)
-	Required by:	
-	At:	
-	Brand and Model	
-	Country of Origin	
-	Does the offer comply with the specification(s)?		*YES/NO
-	If not to specification, indicate deviation(s)	
-	Period required for delivery	*Delivery: Firm/Not firm
-	Delivery basis	

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

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

*Delete if not applicable.

Terms and conditions (RETURNABLES):

NO	RETURNABLE	NOTES
1	A copy of a CSD summary report OR CSD number.	<ul style="list-style-type: none"> • CSD full report or summary report OR CSD number. • Municipality may not make any award to a person whose tax matters are not complaint with SARS, please note that tax compliance will be verified before any award.
2	Proof of company registration documents with the Director's details must be attached.	<ul style="list-style-type: none"> • The company registration documents must indicate the company and director's details.
3	Fully completed MBD forms	<ul style="list-style-type: none"> • Fully Completed and signed in handwriting and in black ink pen.
4	Fully Completed and signed MBD 5 form for Bidders quoted over R10 Million (Submitted Annual Financial Statements must clearly stating that they are Audited, Reviewed AFS won't be expected)	<ul style="list-style-type: none"> • Submit Audited Financial Statements if required by law submit audited financial statements for the past 3 years or since the date of establishment if established within the past 3 years. Audited Financial Statements signed by the CA/RA/PR Accountant & Director of the company (MBD 5 form)
<ul style="list-style-type: none"> • NB! The following documents will not be accepted on ITEM 5; 6 AND 7: Affidavits; Address confirmation letter; invoices from the body corporates or agents, rates and taxes of the lessor (without a lease agreement) and municipal tender / rates clearance letter. 		
5	Latest Municipal rates and taxes account for the COMPANY AND DIRECTORS/TRUSTEES/ MEMBERS/SHAREHOLDERS. <ul style="list-style-type: none"> • NB! Strictly submit municipal rates & taxes statement, NOT OLDER THAN 3 MONTHS 	<ul style="list-style-type: none"> • Strictly submit municipal rates & taxes statement NOT OLDER THAN 3 MONTHS • The submitted account must not be in arrears for more than 3 months. • In a case of Rates & Taxes Account being in a family member's name, ONLY MUNICIPAL Account where the address of the Account matches the address on the company registration documents will be accepted) if not in arrears for more than 3 months.
6	In the event of a tenant renting a lease agreement MUST be attached for the COMPANY AND DIRECTORS/TRUSTEES/ MEMBERS/SHAREHOLDERS.	The lease agreement must include the following: <ul style="list-style-type: none"> • A valid copy of the lease agreement must be signed by (both Lessor and lessee). • The lease agreement must indicate dates of commencement and expiry or duration. • In a case where the lease agreement has expired and there is a clause indicating an automatic renewal, the original lease agreement and a

		<p>confirmation letter signed by Lessor must be attached.</p> <ul style="list-style-type: none"> In the occasion where the lease agreement has expired the original lease agreement AND extension must be attached with commencement and expiry dates or duration.
	<p>Note: If the company registration document's physical address on lease agreement or the municipal rates and taxes statement is the same as the Director's physical address, we will accept for both Company & Director.</p>	
7	<p>Municipal rates and taxes for bidders who are from the rural areas for the COMPANY AND DIRECTORS/TRUSTEES/MEMBERS/S HAREHOLDERS.</p>	<ul style="list-style-type: none"> In the event that the bidder is from the rural area a letter from the municipality that the area is not liable to pay municipal rates and taxes OR a signed letter from the chief indicating that the bidder is from that particular rural/tribal area.
8	<p>BBBEE Certificate or Sworn Affidavit</p>	<ul style="list-style-type: none"> Original or certified valid copy of SANAS only accredited BBBEE certificate OR valid Original or copy of BBBEE Sworn Affidavit must be attached. (Failure to submit Valid Certificate or certified copy will result in your bid not being allocated Points for BBBEE).
9	<p>Fully completed Pricing Schedule</p>	<ul style="list-style-type: none"> Fully completed in handwriting and in black ink pen.
10	<p>Proof of Indemnity insurance</p>	<ul style="list-style-type: none"> The minimum limit of indemnity must be R 100 000 000.00, Proof of indemnity insurance Must be submitted with the tender document.
11	<p>Proof of commercial Crime Insurance</p>	<ul style="list-style-type: none"> The minimum limit of indemnity must be R 50 000 000.00, Proof of indemnity insurance Must be submitted with the tender document.
12	<p>Valid proof of registration: ISO 9001 Accreditation</p>	<ul style="list-style-type: none"> Valid proof of registration: ISO 9001 Accreditation must be submitted with the tender document.
13	<p>Valid IRMSA Certificate</p>	<ul style="list-style-type: none"> Valid IRMSA Certificate must be submitted with the tender document.
14	<p>South African Based Insurer and Intermediary</p>	<ul style="list-style-type: none"> Submit a valid company proof of South African Based Insurer and Intermediary certificate.
15	<p>Financial Intermediate Association (FIA)</p>	<ul style="list-style-type: none"> Submit a valid company proof of Financial Intermediate Association (FIA) registration.
16	<p>Financial Services Board (FSB)</p>	<ul style="list-style-type: none"> Submit a valid company proof of Financial Services Board (FSB) registration.

Failure to comply with the above-mentioned terms and conditions will deem your bid to be disqualified.

DECLARATION OF INTEREST

1. No bid will be accepted from persons in the service of the state¹.
2. Any person, having a kinship with persons in the service of the state, including a blood relationship, may make an offer or offers in terms of this invitation to bid. In view of possible allegations of favoritism, 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 authorized 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, shareholder²).....

3.4 Company Registration Number:

3.5 Tax Reference Number.....

3.6 VAT Registration Number:

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

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

3.8.1 If yes, furnish particulars.

.....

¹MSCM Regulations: “in the service of the state” means to be –

- (a) a member of –
 - (i) any municipal council;
 - (ii) any provincial legislature; or
 - (iii) the national Assembly or the national Council of provinces;
- (b) a member of the board of directors of any municipal entity;
- (c) an official of any municipality or municipal entity;
- (d) an employee of any national or provincial department, national or provincial public entity or constitutional institution within the meaning of the Public Finance Management Act, 1999 (Act No.1 of 1999);
- (e) a member of the accounting authority of any national or provincial public entity; or
- (f) an employee of Parliament or a provincial legislature.

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

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

3.9.1 If yes, furnish particulars.....

.....

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

3.10.1 If yes, furnish particulars.

.....

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

3.11.1 If yes, furnish particulars

.....

.....

3.12 Are any of the company's directors, trustees, managers, principal 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, principal 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:

.....
.....

Full details of directors / trustees / members / shareholders.

Full Name	Identity Number	State Employee Number

.....
Signature

.....
Date

.....
Capacity

.....
Name of Bidder

DECLARATION FOR PROCUREMENT ABOVE R10 MILLION (ALL APPLICABLE TAXES INCLUDED)

For all procurement expected to exceed R10 million (all applicable taxes included), bidders must complete the following questionnaire:

1 Are you by law required to prepare annual financial statements for auditing? ***YES / NO**

1.1 If yes, submit audited annual financial statements for the past three years or since the date of establishment if established during the past three years.

.....
.....

2 Do you have any outstanding undisputed commitments for municipal services towards any municipality for more than three months or any other service provider in respect of which payment is overdue for more than 30 days?

***YES / NO**

2.1 If no, this serves to certify that the bidder has no undisputed commitments for municipal services towards any municipality for more than three months or other service provider in respect of which payment is overdue for more than 30 days.

2.2 If yes, provide particulars.

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

* Delete if not applicable



3 Has any contract been awarded to you by an organ of state during the past five years, including particulars of any material non-compliance or dispute concerning the execution of such contract?

***YES / NO**

3.1 If yes, furnish particulars

.....

.....

4. Will any portion of goods or services be sourced from outside the Republic, and, if so, what portion and whether any portion of payment from the municipality / municipal entity is expected to be transferred out of the Republic? ***YES /**

NO

4.1 If yes, furnish particulars

.....

.....

MBD 6.2

DECLARATION CERTIFICATE FOR LOCAL PRODUCTION AND CONTENT FOR DESIGNATED SECTORS

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

Before completing this declaration, bidders must study the General Conditions, Definitions, Directives applicable in respect of Local Content as prescribed in the Preferential Procurement Regulations, 2017, the South African Bureau of Standards (SABS) approved technical specification number SATS 1286:2011 (Edition 1) and the Guidance on the Calculation of Local Content together with the Local Content Declaration Templates [Annex C (Local Content Declaration: Summary Schedule), D (Imported Content Declaration: Supporting Schedule to Annex C) and E (Local Content Declaration: Supporting Schedule to Annex C)].

1. General Conditions

- 1.1. Preferential Procurement Regulations, 2017 (Regulation 8) make provision for the promotion of local production and content.
- 1.2. Regulation 8. (2) prescribes that in the case of designated sectors, organs of state must advertise such tenders with the specific bidding condition that only locally produced or manufactured goods, with a stipulated minimum threshold for local production and content will be considered.
- 1.3. Where necessary, for tenders referred to in paragraph 1.2 above, a two-stage bidding process may be followed, where the first stage involves a minimum threshold for local production and content and the second stage price and B-BBEE.
- 1.4. A person awarded a contract in relation to a designated sector, may not sub-contract in such a manner that the local production and content of the overall value of the contract is reduced to below the stipulated minimum threshold.
- 1.5. The local content (LC) expressed as a percentage of the bid price must be calculated in accordance with the SABS approved technical specification number SATS 1286: 2011 as follows:

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

Were

x the imported content in Rand

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

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

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

1.6. A bid may be disqualified if this Declaration Certificate and the Annex C (Local Content Declaration: Summary Schedule) are not submitted as part of the bid documentation;

2. The stipulated minimum threshold(s) for local production and content (refer to Annex A of SATS 1286:2011) for this bid is/are as follows:

<u>Description of services, works or goods</u>	<u>Stipulated minimum threshold</u>
--	-------------------------------------

3. Does any portion of the goods or services offered have any imported content?

(Tick applicable box)

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

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

The relevant rates of exchange information is accessible on www.reservebank.co.za

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

Currency	Rates of exchange
US Dollar	
Pound Sterling	
Euro	
Yen	
Other	

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

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

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

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

IN RESPECT OF BID NO.

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

.....

NB

- 1 The obligation to complete, duly sign and submit this declaration cannot be transferred to an external authorized representative, auditor or any other third party acting on behalf of the bidder.
- 2 Guidance on the Calculation of Local Content together with Local Content Declaration Templates (Annex C, D and E) is accessible on http://www.thdti.gov.za/industrial_development/ip.jsp. Bidders should first complete Declaration D. After completing Declaration D, bidders should complete Declaration E and then consolidate the information on Declaration C. **Declaration C should be submitted with the bid documentation at the closing date and time of the bid in order to substantiate the declaration made in paragraph (c) below.** Declarations D and E should be kept by the bidders for verification purposes for a period of at least 5 years. The successful bidder is required to continuously update Declarations C, D and E with the actual values for the duration of the contract.

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

(a) ~~The facts contained herein are within my own personal knowledge.~~

(b) I have satisfied myself that:

- (i) the goods/services/works to be delivered in terms of the above-specified bid comply with the minimum local content requirements as specified in the bid, and as measured in terms of SATS 1286:2011; and
- (c) The local content percentage (%) indicated below has been calculated using the formula given in clause 3 of SATS 1286:2011, the rates of exchange indicated in paragraph 4.1 above and the information contained in Declaration D and E which has been consolidated in Declaration C:

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

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

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

- (d) I accept that the Procurement Authority / Institution has the right to request that the local content be verified in terms of the requirements of SATS 1286:2011.
- (e) I understand that the awarding of the bid is dependent on the accuracy of the information furnished in this application. I also understand that the submission of incorrect data, or data that are not verifiable as described in SATS 1286:2011, may result in the Procurement Authority / Institution imposing any or all of the remedies as provided for in Regulation 14 of the Preferential Procurement Regulations, 2017 promulgated under the Preferential Policy Framework Act (PPPFA), 2000 (Act No. 5 of 2000).

SIGNATURE: _____

DATE: _____

WITNESS No. 1 _____

DATE: _____

WITNESS No. 2 _____

DATE: _____

**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

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

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

1.1) The **80/20 preference point system** will be applicable in this tender. The lowest (goods and services) / highest (sales and leases) acceptable tender will be used to determine the accurate system once tenders are received.

1.2) 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.
 - i) Historically Disadvantaged ; and
 - ii) Locality of Supplier

1.3) The maximum points for this tender are allocated as follows:

	POINTS
PRICE	80
SPECIFIC GOALS	20
TOTAL POINTS FOR PRICE AND SPECIFIC GOALS	100

- 1.4) 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.
- 1.5) 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) **“B-BBEE”** means broad-based black economic empowerment as defined in section 1 of the Broad-Based Black Economic Empowerment Act;
- (b) **“B-BBEE status level of contributor”** means the B-BBEE status of an entity in terms of a code of good practice on black economic empowerment, issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act;
- (c) **“bid”** means a written offer in a prescribed or stipulated form in response to an invitation by an organ of state for the provision of goods or services, through price quotations, advertised competitive bidding processes or proposals;
- (d) **“Broad-Based Black Economic Empowerment Act”** means the Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003);
- (e) **“EME”** means an Exempted Micro Enterprise in terms of a code of good practice on black economic empowerment issued in terms of section 9 (1) of the Broad-Based Black Economic Empowerment Act;
- (f) **“functionality”** means the ability of a tenderer to provide goods or services in accordance with specifications as set out in the tender documents.
- (g) **“Locality”** means the local suppliers and/or service providers that business offices are within the Municipal area of Siyathemba.
- (h) **“price”** includes all applicable taxes less all unconditional discounts;
- (i) **“proof of B-BBEE status level of contributor”** means:

B-BBEE Status level certificate issued by an authorized body or person;

A sworn affidavit as prescribed by the B-BBEE Codes of Good Practice;

Any other requirement prescribed in terms of the B-BBEE Act;

- j) **“QSE”** means a qualifying small business enterprise in terms of a code of good practice on black economic empowerment issued in terms of section 9 (1) of the Broad-Based Black Economic Empowerment Act;
- k) **“Specific goals”** means specific goals as contemplated in section 2(1)(d) of the Act which may include contracting with persons, or categories of persons, historically disadvantaged by unfair discrimination on the basis of race, gender and disability including the implementation of programmes of the Reconstruction and Development Programme as published in Government Gazette No. 16085 dated 23 November 1994;
- l) **“Rand value”** means the total estimated value of a contract in Rand, calculated at the time of bid invitation, and includes all applicable taxes;

3. 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

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

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

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

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 the Preferential Procurement Policy of Siyathemba Municipality, 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.

SPECIFIC GOALS

SPECIFIC GOALS FOR THE TENDER AND POINTS CLAIMED ARE INDICATED PER THE TABLE BELOW:

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)
PREVIOUSLY DISADVANTAGED	10	
LOCALITY	6	
YOUTH REPRESENTATION	4	

1. PREVIOUSLY DISADVANTAGED

HDI	Number of points 80/20 Preference point system
Maximum points available	10
1	10
2	9
3	8
4	5
5	4
6	3
7	2
8	1
Non- compliant contributor	0

2. LOCALITY

Locality	80/20 preferential points system
Maximum points available	6
Within the Siyathemba local municipal boundary	6
Within boundary of the Northern Cape province	3

3. YOUTH REPRESENTATION

	80/20 preferential points system
Maximum points available	4
Has a shareholder(s) who meets definition of youth	4

1 DECLARATION WITH REGARD TO COMPANY/FIRM

3.1. Name of company/firm.....

3.2. Company registration number:

3.3. 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]

3.4. 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 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? (Companies or persons who are listed on this Database were informed in writing of this restriction by the Accounting Officer/Authority of the institution that imposed the restriction after the <i>audi alteram partem</i> rule was applied).</p> <p>The Database of Restricted Suppliers now resides on the National Treasury's website (www.treasury.gov.za) and can be accessed by clicking on its link at the bottom of the home page.</p>	<input type="checkbox"/>	<input type="checkbox"/>
4.1.1	If so, furnish particulars:		

4.2	Is the bidder or any of its directors listed on the Register for Tender Defaulters in terms of section 29 of the Prevention and Combating of Corrupt Activities Act (No 12 of 2004)? 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 <input type="checkbox"/>	No <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	No
4.3.1	If so, furnish particulars:	<input type="checkbox"/>	<input type="checkbox"/>
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	No
4.4.1	If so, furnish particulars:	<input type="checkbox"/>	<input type="checkbox"/>
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
4.7.1	If so, furnish particulars:	<input type="checkbox"/>	<input type="checkbox"/>

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 bids¹ invited.
- 2 Section 4 (1) (b) (iii) of the Competition Act No. 89 of 1998, as amended, prohibits an agreement between, or concerted practice by, firms, or a decision by an association of firms, if it is between parties in a horizontal relationship and if it involves collusive bidding (or bid rigging).² Collusive bidding is a *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:
 - a. take all reasonable steps to prevent such abuse;
 - b. reject the bid of any bidder if that bidder or any of its directors has abused the supply chain management system of the municipality or municipal entity or has committed any improper conduct in relation to such system; and
 - c. cancel a contract awarded to a person if the person committed any corrupt or fraudulent act during the bidding process or the execution of the contract.
- 4 This MBD serves as a certificate of declaration that would be used by institutions to ensure that, when bids are considered, reasonable steps are taken to prevent any form of bid-rigging.
- 5 In order to give effect to the above, the attached Certificate of Bid Determination (MBD 9) must be completed and submitted with the bid:

¹ Includes price quotations, advertised competitive bids, limited bids and proposals.

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

CERTIFICATE OF INDEPENDENT BID DETERMINATION

I, the undersigned, in submitting the accompanying bid:

(Bid Number and Description)

in response to the invitation for the bid made by:

(Name of Municipality / Municipal Entity)

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

I certify, on behalf

Of : _____ that:

(Name of Bidder)

1. I have read and I understand the contents of this Certificate;
2. I understand that the accompanying bid will be disqualified if this Certificate is found not to be true and complete in every respect;
3. I am authorized by the bidder to sign this Certificate, and to submit the accompanying bid, on behalf of the bidder;
4. Each person whose signature appears on the accompanying bid has been authorized by the bidder to determine the terms of, and to sign, the bid, on behalf of the bidder;
5. For the purposes of this Certificate and the accompanying bid, I understand that the word "competitor" shall include any individual or organization, other than the bidder, whether or not affiliated with the bidder, who:
 - (a) has been requested to submit a bid in response to this bid invitation;
 - (b) could potentially submit a bid in response to this bid invitation, based on their qualifications, abilities or experience; and
 - (c) provides the same goods and services as the bidder and/or is in the same line of business as the bidder
6. The bidder has arrived at the accompanying bid independently from, and without consultation, communication, agreement or arrangement with any competitor. However communication between partners in a joint venture or consortium³ will not be construed as collusive bidding.

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

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

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

GENERAL CONDITIONS OF CONTRACT

NOTES

The purpose of this document is to:

- (i) Draw special attention to certain general conditions applicable to government bids, contracts and orders; and
- (ii) To ensure that clients be familiar with regard to the rights and obligations of all parties involved in doing business with government. In this document words in the singular also mean in the plural and vice versa and words in the masculine also mean in the feminine and neuter.
- (iii) The General Conditions of Contract will form part of all bid documents and may not be amended.
- (iv) Special Conditions of Contract (SCC) relevant to a specific bid, should be compiled separately for every bid if (applicable) and will supplement the General Conditions of Contract. Whenever there is a conflict, the provisions in the SCC shall prevail.