



CITY OF TSHWANE METROPOLITAN MUNICIPALITY

**RE-ADVERTISEMENT: QUOTATION FOR A DESIGN (CLARIFICATORY) AND
IMPLEMENTATION (PROCESS) EVALUATION OF THE FREE BASIC ELECTRICITY
FOR ALL PROGRAMME FOR A PERIOD OF SIX MONTHS**

QUOTATION NO: Q17-01-2024-25

NAME OF BIDDER:

CSD NUMBER:

**VENDOR NUMBER
(Compulsory)**

Prepared by:
City of Tshwane
Metropolitan Municipality
Tshwane House
320 Madiba Street
PRETORIA
0001
Tel: (012) 358 9999

CLOSING DATE

08 NOVEMBER 2024

Only bidders registered on the central supplier database and with CSD Number will be considered for this tender as it is a requirement from National Treasury.



CITY OF TSHWANE
METROPOLITAN MUNICIPALITY

DEPARTMENT: CITY STRATEGY AND ORGANIZATIONAL PERFORMANCE

BIDS ARE HEREBY INVITED FROM SUPPLIERS FOR THE FOLLOWING BID:

Bid No	Description	Dept.	Contact Officials	Compulsory Briefing Session	Closing date
Q17-01-2024/25	RE-ADVERTISEMENT: QUOTATION FOR A DESIGN (CLARIFICATORY) AND IMPLEMENTATION (PROCESS) EVALUATION OF THE FREE BASIC ELECTRICITY FOR ALL PROGRAMME FOR A PERIOD OF SIX MONTHS	CSOP	Josia Masenya (012) 358 0658 josiasma@tshwane.gov.za Mxolisi Buthelezi (012) 358 2020 mxolisib@tshwane.gov.za	Venue: Tshwane House, Ground Floor, EPMU Auditorium Date: 1 November 2024 Time: 10:00	08 November 2024 at 10:00

THE DOCUMENT IS DOWNLOADABLE ON E-TENDER

Each Quotation shall be enclosed in a sealed envelope, bearing the correct identification details and shall be placed in the tender box located at:

**TSHWANE HOUSE
320 MADIBA STREET
PRETORIA
0001**

Documents must be deposited in the bid box not later than **10:00 on the 08 November 2024** where bids will be opened in public.

Technical enquiries: Louis Lewis at (012) 358 8892 or Mxolisib@tshwane.gov.za

Supply Chain enquiries: Josia Masenya at (012) 358 0658 or josiasma@tshwane.gov.za

Bids will remain valid for a period of 90 days after the closing date

- Received after the closing date and time will not be considered. CoT does not bind itself to accept the lowest or any other bid in whole or in part
- Bid documents must be completed using a black pen (not re-typed or scanned)
- Mistakes made on the price schedule must be crossed out in ink and each price alteration must be initialled.
- Price corrections may not be made with correction fluid, such as Tippex or a similar product.
- If correction fluid was used on any specific item price, such an item will not be considered. No correction fluid may be used on a bill of quantities where prices are calculated to arrive at a total amount. If correction fluid was used, the quotation as a whole will be repudiated.
- The Municipality will reject the quotation if corrections are not made in accordance with the above.

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LIST OF RETURNABLE DOCUMENTS THAT SHOULD FORM PART OF BID DOCUMENT			
9	Company Registration Certificate		
10.	Tax Clearance Certificate or Unique Pin		
11.	BBBEE Certificate		
12.	Rates and Taxes		
13.	CSD summary report		



CITY STRATEGY AND ORGANISATIONAL PERFORMANCE

BID NAME

RE-ADVERTISEMENT: QUOTATION FOR A DESIGN (CLARIFICATORY) AND IMPLEMENTATION (PROCESS) EVALUATION OF THE FREE BASIC ELECTRICITY FOR ALL PROGRAMME FOR A PERIOD OF SIX MONTHS

BID NUMBER

(Q17-01-2024-25)

1. INTRODUCTION AND PURPOSE

1.1 INTRODUCTION

The City of Tshwane Municipality is requesting for quotations from suitable qualifying service providers to conduct a design and implementation evaluation of the Free Basic Electricity (FBE) for All Programme. The evaluation must be conducted over a period of 6 months or less, calculated from the day of the appointment of the service provider.

The evaluation will cover the scope presented in the sections below and must be conducted in line with and in compliance with the provisions and directives articulated in the City's Evaluation Policy as well as the National Evaluation Policy Framework (NEPF) 2019.

1.2 PURPOSE OF THE EVALUATION

The purpose of the evaluation is to assess and clarify the design of the Free Basic Electricity (FBE) programme so that a clear and robust theory of change and logic model are developed. This will assist in strengthening and improving the implementation of the programme (to guide the effective implementation, monitoring, and evaluation of the programme). The evaluation also serves the purpose of assessing whether the programme is implemented according to its design or whether implementation is consistent with the plan or design. Furthermore, the evaluation will assess whether the programme has started contributing or is likely to contribute to its intended goal and/or objectives.

Considering the purpose statement presented above, these terms of reference (ToRs) are developed to request for quotations from suitable qualifying service providers to conduct a design and implementation evaluation of the Free Basic Electricity (FBE) for All Programme.

- The design (clarificatory) evaluation will focus on determining whether the programme was designed properly for its intended purpose through the assessment of the theory of change and logic model. Depending on the findings of the design assessment, the evaluator will have to develop a clear and a well conceptualised theory of change (ToC) and logic model (inner logic) for the programme.
- The implementation (process) evaluation will focus on the implementation of the programme and will determine whether the programme is implemented as planned. It will also explore the factors that are contributing to the implementation as per design or factors that impede the implementation as per the design. This will help the implementers of the programme in identifying gaps in the implementation of the programme and highlight areas of improvement so that corrective measures can be taken to improve the implementation of the programme. Furthermore, as part of the implementation segment of the evaluation, the evaluation will assess whether the programme has started contributing or is likely to contribute to its intended goal and/or objectives.

2 BACKGROUND

The Free Basic Electricity (FBE) for All Programme function is located within the Energy and Electricity Department in the City of Tshwane. The department is responsible for the implementation of the Free Basic Electricity Programme which is aimed at providing free basic electricity to the indigent [households as provided for in the South African Constitution, 1996 \(Act 108 of 1996\)](#).

The provision of free basic social services by local government is part of the broader social agenda and anti-poverty strategy of the South African government. Government at all levels has a constitutional obligation to take measures towards the realization of the social and economic rights of all people as contained in the [Bill of Rights](#). These rights include, *inter alia* health care, water, education, housing, food, social security and the movement.

As a requirement by the Constitution, the provision of free basic social services is a mandate of the Community & Social Development Services Department (CSDS) in the City of Tshwane. The list of qualifying indigents is administered by this department. The Energy and Electricity Department receives the beneficiary listing from the CSDS system. The Electricity and Energy Department then prioritizes the enlisted beneficiaries for receiving FBE through the Electricity vending system. The beneficiaries are then given prepaid meter in a situation where previously were connected to a conventional meter.

For the FBE programme to succeed, it is dependent on customers who applied for indigent status claiming their electricity tokens. The customers receive their free token once a month when they reload their meter with electricity units. A total of 100KW/h is automatically given to the beneficiaries.

The evaluation covers a five-year period between 2019/20 financial year up to 2023/24 financial year. Over this period, the programme reached a total of 91 392 households across the City.

3 PROJECT SCOPE

3.1 The evaluation covers a five-year period between 2019/20 financial year up to 2023/24 financial year. Over this period, the programme reached a total of 91 392 households across the City.

The scope of the evaluation project covers the assessment of the design of the programme leading to the re-creation of the design in terms of developing a clear theory of change and logic model for the programme. This entails the following:

- The design (clarificatory) evaluation will focus on determining whether the programme was designed properly for its intended purpose and will help develop a clear and a well conceptualised theory of change (ToC) and logic model (inner logic) for the programme. The design evaluation will explore the following:
 - Establish whether the programme has a theory of change and logic model.
 - Establish whether attempts were ever made to conceptualize the programme (attempts to develop ToC or log model)
 - Identify and outline all the design defects or limitations of the programme.
- The main evaluation questions for the design evaluation could be (may be altered or changed):
 - Does the programme have a clear programme design (does it have a clear and well conceptualised theory of change and logic model; is the goal, objectives, and other assumptions about how the programme works made clear)?
 - Is the programme designed properly for its intended goal and objectives?
 - Does the programme have proper institutional arrangements and/or governance model followed?
 - What are the design defects or limitations of the programme (if there are any)?
 - How can the design limitations or defects be remedied?

3.2 The implementation (process) evaluation will focus on assessing the implementation of the programme and will determine whether the programme is implemented as planned or not. It will also explore the factors that are contributing to the implementation as per design or factors that impede the implementation as per the design. This will help the city to identify gaps in the implementation of the programme and highlight areas of improvements so that corrective measures can be taken to devise implementation modalities that will improve the implementation of the programme and general programme effectiveness.

- The main evaluation questions for the implementation evaluation focus could be:
 - Is the programme implemented according to its design or as planned?
 - Are the institutional arrangements and/or governance model followed suitable for or promotes the effective implementation of the programme?
 - Are the main activities of the programme undertaken as planned?
 - What is/are the design or plan aspects of the programme that are implemented according to the design or plan and what are those that are not implemented according to the design or plan?
 - What are the factors that are contributing to the implementation as per design/plan or impede the implementation of the programme according to the design or plan?
 - Does the programme reach the targeted beneficiaries?

- Are there particular problems being encountered or specific barriers experienced in implementation of the programme?
- How can the programme be improved?
- Has the programme started contributing or is likely to contribute to its intended goal and/or objectives?

Over and above the detailed scope presented above, the suitable qualified service provider should take note of the following expectations of the evaluation project:

- There will be an inception meeting and then regular meetings between the service provider, the City of Tshwane (commissioning and host departments) and/or other programme stakeholders.
- The evaluator/service provider is expected to create opportunities for staff in the participating departments of the city to be involved in the activities of the evaluation as a way of transferring skills. However, the skills transfer requirement must not compromise the credibility of the evaluation.
- Ensure that there is a clear quality assurance plan (to ensure that the process and products are of good quality) which will be used by the Evaluation Steering Committee to monitor and implement oversight on the evaluation and its processes.
- Submit inception report that details the evaluation plan in terms of how the evaluation will be conducted and project managed (highlighting key evaluation issues like the methodology that will be employed, quality assurance of the various products of the evaluation process or some of the required tools etc)
- The evaluator/service provider must always promote ethical conduct through all the stages of the evaluation project

4 DELIVERABLES

The following core deliverables are expected:

4.1 Inception Report

- Inception Report that clearly demonstrates or indicates how the service provider understood, interpreted, and will respond to the terms of reference or specification.
- Clear, detailed, and comprehensive evaluation plan detailing how the evaluation will be conducted and the instruments that will be used (overall evaluation design and detailed methodology, costed project plan with clear timelines and content structure for the final report).
- The inception report must be presented to the city before it is approved for the implementation of the evaluation plan indicated.
- Literature review that supports or demonstrates the relevance of the chosen evaluation design or approach to the programme. The literature review must also demonstrate the evaluator's understanding of or the interpretation of the programme within the context of the evaluation project.

- Clear outline of the steps to be undertaken in developing the Theory of Change (graphical and comprehensive narrative or description) and Logic Model for the programme
- Data collection instruments and other tools tailored to collect data from programme staff, programme beneficiaries and other stakeholders deemed relevant as respondents.
- Data analysis plan
- Other technical or process reports, e.g., field work reports from engagements with stakeholders involved in implementing the programme.

4.2 Draft Evaluation Report

- A full draft report and a 1/3/25 format report, with findings and recommendations as well as a comprehensive PowerPoint presentation on findings and recommendations
- Properly formulated Theory of Change for the programme
- Well-developed Logic Model for the programme
- Possibly, a workshop with stakeholders to discuss the draft report, theory of change and logic model.

4.3 Final Evaluation Report

- A final evaluation report, both full and in 1/3/25 format, in hard copy and electronic copy as well as a comprehensive PowerPoint presentation on findings, recommendations, the developed Theory of Change and Logic Model
- A workshop with stakeholders to discuss the final report.
- All the reports should be submitted to the contact person of the City of Tshwane in line with the project plan agreed to

NB: The 1/3/25 report format means: one-page summary of implications based on findings, a three-page executive summary of the whole report and not less (MORE) than 25-page main report (Arial 12 point, 1.5 space, exclusive of appendices). The 1/3/25 is what will be distributed widely, but the long report will also be posted onto the website.

5 CONDITION

All the reports should be submitted to the contact person of the City of Tshwane.

6 VALIDITY PERIOD

The validity period for the quotation after closure is 90 days.

7 STAGES OF EVALUATION

The Quotation will be evaluated in the following 3 stages:

- Stage 1: Administrative requirements
- Stage 2: Mandatory requirements
- Stage 3: Preference Point System

Stage 1: Administrative Compliance

All bids will be evaluated against administrative responsiveness requirements as set out in the list of returnable documents

Compulsory Returnable Documentation (Submission of these are compulsory)	Submitted (YES or NO)	Checklist (Guide for Bidder and the Bid Evaluation Committee)
a) To enable The City to verify the bidder's tax compliance status, the bidder must provide; ☐ A copy of their Tax Clearance Certificate (TCS); or ☐ Indicate their tax compliance status PIN.		TCS must be in the same business name as the bidding company. TCS must be valid. Tax status must be compliant before the award.
b) a copy of their Central Supplier Database (CSD) registration; or indicate their Master Registration Number / CSD Number;		CSD must be valid. Tax status must be compliant before the award.
c) Confirmation that the bidding company's rates and taxes are up to date: • Original or copy of Municipal Account Statement of the Bidder (bidding company) not older than 3 months and account must not be in arrears for more than ninety (90) days; or signed lease agreement. In the case of bidders residing in the informal settlements, rural areas or areas where they are not required to pay Rates and Taxes, a letter from a local Councilor confirming that they are residing in that area must be provided.		Was a Municipal Account Statement or landlord letter provided for the bidding company? The name and / or addresses of the bidder's statement correspond with CIPC document, address on the CSD or company profile? Are all payment(s) up to date (i.e. not in arrears for more than 90 days)?
d) Duly Signed and completed MBD forms (MBD 1, 4,8 and 9) The person signing the bid documentation must be authorized to sign on behalf of the bidder. Where the signatory is not a Director / Member / Owner / Shareholder of the company, an official letter of authorization or delegation of authority should be submitted with the bid document. NB: Bidders must ensure that the directors, trustees, managers, principal shareholders, or stakeholders of this company declare any interest in any other related companies or business whether or not they are bidding for this contract. <u>See Question 3.14 of MBD 4.</u> <u>Failure to declare interest will result in a disqualification</u>		All documents fully completed (i.e. no blank spaces)? All documents fully signed? Signature authorized (any director / member / trustee as indicated on the CIPC document, alternatively a delegation of authority would be required? Documents completed in black ink (i.e. no "Tippex" corrections, no pencil, no other colour ink, or none submission of the above , will be considered)?

Compulsory Returnable Documentation (Submission of these are compulsory)	Submitted (YES or NO)	Checklist (Guide for Bidder and the Bid Evaluation Committee)
e) Joint Ventures (JV) – (Only applicable when the bidder tender as a joint venture) - Where the bidder bid as a Joint Venture (JV), the required or relevant documents as per (a) to l above must be provided for all JV parties. - In addition to the above the bidder must submit a Joint Venture (JV) agreement signed by the relevant parties. - Note: It is a condition of this bid that the successful bidder will continue with same Joint Venture (JV) for the duration of the contract, unless prior approval is obtained from the City.		If applicable. JV agreement provided? JV agreement complete and relevant? Agreement signed by all parties? All required documents as per (i.e. a to e) must be provided for all partners of the JV.
Bidder attended a compulsory briefing session where applicable		A compulsory briefing register must be signed by the bidder. Bidders will be disqualified should they fail to attend compulsory briefing session
Pricing schedule (All items must be quoted for in pricing schedule and if not all items are quoted the bidder will be disqualified). Unless the tender is awarded per item or per section where the bidder only quoted the items or sections they are interested in.		Incomplete pricing schedule results in totals being incomparable. Bidder must be disqualified. Bidder will be disqualified should they make corrections on the price schedule without attaching a signature thereto. Bidder will be disqualified should they use tippex/ correction ink, on the price schedule.
Compulsory Returnable Documentation (Submission of these are compulsory)	Submitted (YES or NO)	Checklist (Guide for Bidder and the Bid Evaluation Committee)
(JV), the required or relevant documents as per (a) to l above must be provided for all JV parties. - In addition to the above the bidder must submit a Joint Venture (JV) agreement signed by the relevant parties. - Note: It is a condition of this bid that the successful bidder will continue with same Joint Venture (JV) for the duration of the contract, unless prior approval is obtained from The City.		Agreement signed by all parties? All required documents as per (i.e. a to e) must be provided for all partners of the JV.

Bidder attended a compulsory briefing session where applicable		A compulsory briefing register must be signed by the bidder. Bidders will be disqualified should they fail to attend compulsory briefing session
Pricing schedule (All items must be quoted for in pricing schedule and if not all items are quoted the bidder will be disqualified). Unless the tender is awarded per item or per section where the bidder only quoted the items or sections, they are interested in.		Incomplete pricing schedule results in totals being incomparable. Bidder must be disqualified. Bidder will be disqualified should they make corrections on the price schedule without attaching a signature thereto. Bidder will be disqualified should they use tippex/ correction ink, on the price schedule.

Stage 2: Mandatory Requirements

Failure to submit the following documents and adhere to the requirements will result in the disqualification of the bidder:

- A certified copy of a proof that confirms active registration with the Engineering Council of South Africa (ECSA) must be submitted for the team member who is an Electrical Specialist
NB: registration will further be confirmed by the City through the ECSA online portal during the evaluation of the tender
- Demonstrate experience in providing relevant or similar services
 - Provide reference letters that confirms that the bidder had completed evaluation work or has experience of having undertaken or conducted evaluation projects (*at-least three signed reference letters in the company letterhead with contact numbers*).
- The evaluation team must demonstrate experience in conducting evaluation studies or evaluations using evaluation methodologies
 - NB: Team Leader must have worked on at least 3 evaluations (evaluation projects) of any value and played a lead evaluator role in at least two (2) evaluations of above R500 000 per evaluation project
 - Provide Curriculum Vitae (CVs) for each team member with a clear indication of each team member's relevant and applicable experience, and certified copies of qualifications (certification must be within the 3 months period)

Resource Level	Qualifications	Experience
Team Leader	Honors/Masters degree in any of the following disciplines: monitoring and evaluation, public policy, development	Minimum of 7 years experience in Monitoring and Evaluation (M&E of development interventions

	studies, business or public management or administration, economics, demography, social or economic policy and research OR any other relevant qualifications	or programmes)
Electrical Specialist	A degree or national diploma in Electrical Engineering and an active registration with the Engineering Council of South Africa (ECSA) either as a Professional Engineering Technologist (Pr Tech Eng) or Professional Engineer (Pr Eng)	Minimum of 5 years work experience within the electricity supply industry
Evaluator or Evaluation Specialist	A degree or post graduate diploma in public administration/management or monitoring and evaluation	Minimum of 5 years work experience in conducting evaluations
Statistician/Data Scientist	Degree in Statistics or Degree with Statistics as one of the majors OR Degree in Data Science or Degree with Data Science as one of the majors	Minimum of 5 years' experience in collecting, analyzing, interpreting, visualizing and reporting data or information (quantitative or qualitative). OR data analytics/analysis and modelling
Social Scientist	A degree or post graduate diploma in public administration/management or monitoring and evaluation	Minimum of 5 years' work experience in social/community development related fields or areas of work

Stage 3: Preference Point System

The preferential points to be used will be the 80/20 points system in terms of the Preferential Procurement Policy Framework Act, 2000 (Act 5 of 2000) Regulations 2022.

- 80 points for price
- 20 points for specific goals

Specific goals	80/20 preference point system	Proof of specific goals to be submitted
BB-BEE score of companies • Level 1 • Level 2 • Level 3 • Level 4 • Level 5 • Level 6 • Level 7 • Level 8 • Non-compliant	• 8 Points • 7 Points • 6 Points • 5 Points • 4 Points • 3 Points • 2 Points • 1 Point • 0 Points	Valid Certified copy of BBEE certificate. Sworn Affidavit for B-BBEE qualifying small enterprise or Exempt Micro Enterprises or CIPC BBEE certificate.
EME and/ or QSE	2 Points	Valid Sworn affidavit for B-BBEE qualifying small enterprise or Exempt Micro Enterprises or CIPC BBEE certificate
At least 51% of Women-owned companies	2 Points	Certified copy of Identity Document/s and proof of ownership (Sworn affidavit for B-BBEE qualifying small enterprise or Exempt Micro Enterprises, CIPC registration or any other proof of ownership)
At least 51% owned companies by People with disability	2 Points	Medical Certificate with doctor's details (Practice Number, Physical Address, and contact numbers) and proof of ownership (Sworn affidavit for B-BBEE qualifying small enterprise or Exempt Micro Enterprises, CIPC registration or any other proof of ownership)
At least 51% owned companies by Youth	2 Point	Certified copy of Identity Document/s and proof of ownership (Sworn affidavit for B-BBEE qualifying small enterprise or Exempt Micro Enterprises, CIPC registration or any other proof of ownership)
Local Economic Participation • City of Tshwane • Gauteng • National	4 Points 2 Points 1 Point	Municipal Account statement/Lease agreement.

8 PRICING SCHEDULE

ITEM	DESCRIPTION	AMOUNT (EXCL VAT)	
		R	c
1. Final Inception report	• Inception Report that clearly demonstrates or indicates how the service provider understood, interpreted, and will respond to the terms of reference or specification. • Clear and comprehensive evaluation plan detailing how the evaluation will be conducted and the instruments that will be used (overall evaluation design and detailed methodology, costed project plan with clear timelines and content structure for the final report. • The inception report must be presented to the city by the service provider before it is approved for the implementation of the evaluation plan indicated. • Literature review that supports or demonstrates the relevance of the chosen evaluation design or approach to the programme. The literature review must also demonstrate the evaluator's understanding of or the interpretation of the programme within the context of the evaluation project. • Clear outline of the steps to be undertaken in developing the Theory of Change and Logic Model for the programme • Data collection instruments and other tools tailored to collect data from programme staff, programme beneficiaries and other stakeholders deemed relevant as respondents. • Data analysis plan • Other technical or process reports, e.g., field work reports from engagements with stakeholders involved in implementing the programme.		

1.1 Data Collection	• Data collection plan that clarifies the: ○ Sample size covering all targeted respondents (primary data) ○ Approach to document review and coverage (secondary data) Duration for data collection		
2. Theory of Change and Logic Model	Theory of Change • Comprehensive Theory of Change for the programme developed through a facilitated co-creation session involving all critical stakeholders, focusing and clear on: ○ the process and steps to be undertaken in developing the Theory of Change for the programme ○ the explanatory account of how the programme works, with whom, and under what circumstances. ○ specifying and explaining the causal links • comprehensively depicted graphical presentation of the theory of change Logic Model • Clear outline of the steps to be undertaken in developing the Logic Model for the programme • Identify and describe the way in which the programme fits together, in a simple sequence of inputs, activities, outputs, and outcomes (short-term/immediate, intermediate, and long term) and impact. • Must depict, in a graphic form, the connections between programme inputs, activities outputs, short-term/immediate outcomes, intermediate outcomes, long-term outcomes and impact • Identify performance indicators for outputs, outcomes, and impact • Spell-out clearly, the sources of evidence for all the indicators identified at various levels of the results chain (output, outcome and impact).		

3. Draft evaluation report	• A full draft report and a 1/3/25 format report, with findings and recommendations as well as a comprehensive PowerPoint presentation on findings and recommendations • Properly formulated Theory of Change for the programme • Well-developed Logic Model for the programme • Possibly, a workshop with stakeholders to discuss the draft report, theory of change and logic model.		
4. Final Evaluation Report	• A final edited evaluation report, both full and in 1/3/25 format, in hard copy and electronic copy as well as a comprehensive PowerPoint presentation on findings, recommendations, the developed Theory of Change and Logic Model • A workshop with stakeholders to discuss the final report.		
	TOTAL EXCL VAT		
	VAT		
	TOTAL INCL VAT		

9 MARKET ANALYSIS

The city of Tshwane reserves the right to conduct market analysis. Should the city exercise this option, where a tenderer offers a price that is deemed not to be viable to supply goods or services as required, written confirmation will be made with the tenderer if they will be able to deliver on the price, if a tenderer confirm that they cannot, the tenderer will be disqualified on the basis of being non-responsive. If they confirm that they can deliver, a tight contract to mitigate the risk of non-performance will be entered into with the service provider. Further action on failures by the supplier to deliver will be handled in terms of the contract including performance warnings and listing on the database of restricted suppliers.

The City further reserves the right to negotiate a market related price with a tenderer scoring the highest points. If the tenderer does not agree to a market-related price, the city reserves the right to negotiate a market-related price with the tenderer scoring the second highest points, if the tenderer scoring the second highest points does not agree to a market-related price, negotiate a market-related price with the tenderer scoring the third highest points. If a market-related price is not agreed, the city reserves the right to cancel the tender.

**MBD1
COMPULSORY
PART A
INVITATION TO BID**

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE (NAME OF MUNICIPALITY/ MUNICIPAL ENTITY)					
QUOTATION NUMBER:	Q17-01-2024/25	CLOSING DATE:	08 November 2024	CLOSING TIME:	10:00
DESCRIPTION	RE-ADVERTISEMENT: QUOTATION FOR A DESIGN (CLARIFICATORY) AND IMPLEMENTATION (PROCESS) EVALUATION OF THE FREE BASIC ELECTRICITY FOR ALL PROGRAMME FOR A PERIOD OF SIX MONTHS				
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)					
Tshwane House					
Supply Chain Management					
320 Madiba Street					
Pretoria					
GPS coordinates: 25.74431°S, 28.19464°E					
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]	☐ Yes ☐ No		B-BBEE STATUS LEVEL SWORN AFFIDAVIT ☐ Yes ☐ No		
[A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE/ SWORN AFFIDAVIT (FOR EMES & QSEs) MUST BE SUBMITTED IN ORDER TO QUALIFY FOR PREFERENCE POINTS FOR B-BBEE]					
ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES /WORKS OFFERED?	☐ Yes ☐ No [IF YES ENCLOSE PROOF]		ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES /WORKS OFFERED? ☐ Yes ☐ No [IF YES, ANSWER PART B:3]		
SIGNATURE OF BIDDER	 		DATE		
CAPACITY UNDER WHICH THIS BID IS SIGNED					
BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO:			TECHNICAL INFORMATION MAY BE DIRECTED TO:		
DEPARTMENT	Supply Chain Management		CONTACT PERSON	Mxolisi Buthelezi	
CONTACT PERSON	Josia Masenya				
TELEPHONE NUMBER	(012) 358 0658		TELEPHONE NUMBER	(012) 358 8892	
			E-MAIL ADDRESS	Mxolisib@tshwane.gov.za	
E-MAIL ADDRESS	josiasma@tshwane.gov.za				

**MBD1
COMPULSORY
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)?	☐ YES ☐ 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?	☐ YES ☐ NO
3.5. IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION?	☐ YES ☐ 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.	

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

SIGNATURE OF BIDDER:

CAPACITY UNDER WHICH THIS BID IS SIGNED:

DATE:

**MBD 4
COMPULSORY**

DECLARATION OF INTEREST

1. No bid will be accepted from persons in the service of the state¹.
2. Any person, having a kinship with persons in the service of the state, including a blood relationship, may make an offer or offers in terms of this invitation to bid. In view of possible allegations of favouritism, should the resulting bid, or part thereof, be awarded to persons connected with or related to persons in service of the state, it is required that the bidder or their authorised representative declare their position in relation to the evaluating/adjudicating authority.
- 3 In order to give effect to the above, the following questionnaire must be completed and submitted with the bid.**

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

3.2 Identity Number:

3.3 Position occupied in the Company (director, trustee, hareholder²):.....

3.4 Company Registration Number:

3.5 Tax Reference Number:.....

3.6 VAT Registration Number:

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

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

3.8.1 If yes, furnish particulars.

.....

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

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

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

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

3.9.1 If yes, furnish particulars.....

.....

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

3.10.1 If yes, furnish particulars.

.....

.....

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

3.11.1 If yes, furnish particulars

.....

.....

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

3.12.1 If yes, furnish particulars.

.....

.....

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

3.13.1 If yes, furnish particulars.

.....

.....

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

3.14.1 If yes, furnish particulars:

.....

.....

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

Full Name	Identity Number	State Employee Number

.....
Signature

.....
Date

.....
Capacity

.....
Name of Bidder

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

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

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

1. GENERAL CONDITIONS

- 1.1 The following preference point systems are applicable to invitations to tender:
- the 80/20 system for requirements with a Rand value of up to R50 000 000 (all applicable taxes included); and
 - the 90/10 system for requirements with a Rand value above R50 000 000 (all applicable taxes included).

1.2 To be completed by the organ of state

- a) The applicable preference point system for this tender is the 80/20 preference point system.

- 1.3 Points for this tender (even in the case of a tender for income-generating contracts) shall be awarded for:
- (a) Price; and
 - (b) Specific Goals.

1.4 To be completed by the organ of state:

The maximum points for this tender are allocated as follows:

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

- 1.5 Failure on the part of a tenderer to submit proof or documentation required in terms of this tender to claim points for specific goals with the tender, will be interpreted to mean that preference points for specific goals are not claimed.
- 1.6 The organ of state reserves the right to require of a tenderer, either before a tender is adjudicated or at any time subsequently, to substantiate any claim in regard to preferences, in any manner required by the organ of state.

2. DEFINITIONS

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

3. FORMULAE FOR PROCUREMENT OF GOODS AND SERVICES

3.1. POINTS AWARDED FOR PRICE

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

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

$$\begin{array}{ccc} \mathbf{80/20} & \mathbf{or} & \mathbf{90/10} \\ \mathbf{Ps = 80 \left(1 - \frac{Pt - P_{min}}{P_{min}} \right)} & \mathbf{or} & \mathbf{Ps = 90 \left(1 - \frac{Pt - P_{min}}{P_{min}} \right)} \end{array}$$

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:

$$\begin{array}{ccc} \mathbf{80/20} & \mathbf{or} & \mathbf{90/10} \\ \mathbf{Ps = 80 \left(1 + \frac{Pt - P_{max}}{P_{max}} \right)} & \mathbf{or} & \mathbf{Ps = 90 \left(1 + \frac{Pt - P_{max}}{P_{max}} \right)} \end{array}$$

Where

P_s = Points scored for price of tender under
consideration P_t = Price of tender under
consideration
 P_{max} = Price of highest acceptable tender

4. POINTS AWARDED FOR SPECIFIC GOALS

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

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

- (a) an invitation for tender for income-generating contracts, that either the 80/20 or 90/10 preference point system will apply and that the highest acceptable tender will be used to determine the applicable preference point system; or
- (b) any other invitation for tender, that either the 80/20 or 90/10 preference point system will apply and that the lowest acceptable tender will be used to determine the applicable preference point system,

then the organ of state must indicate the points allocated for specific goals for both the 90/10 and 80/20 preference point system.

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

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

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

Specific goals	80/20 preference point system	Number of points claimed (80/20 system) (To be completed by the tenderer)
BB-BEE score of companies - Level 1 - Level 2 - Level 3 - Level 4 - Level 5 - Level 6 - Level 7 - Level 8 - Non-compliant	8 Points 7 Points 6 Points 5 Points 4 Points 3 Points 2 Points 1 Point 0 Points	
EME and/ or QSE	2 Points	
At least 51% of Women-owned companies	2 Points	
At least 51% owned companies by People with disability	2 Points	
At least 51% owned companies by Youth	2 Point	
Local Economic Participation - City of Tshwane - Gauteng - National	4 Points 2 Points 1 Point	

N.B For points to be allocated as per above the tenderers will be required to submit proof of documentation as evidence for claims made. Any tenderer that does not submit evidence as stated in the bid document to claim applicable points will be allocated zero points.

DECLARATION WITH REGARD TO COMPANY/FIRM

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

4.4. Company registration number:

4.5. TYPE OF COMPANY/ FIRM

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

☐ State Owned
Company [TICK
APPLICABLE BOX]

- 4.6. I, the undersigned, who is duly authorised to do so on behalf of the company/firm, certify that the points claimed, based on the specific goals as advised in the tender, qualifies the company/ firm for the preference(s) shown and I acknowledge that:
- i) The information furnished is true and correct;
 - ii) The preference points claimed are in accordance with the General Conditions as indicated in paragraph 1 of this form;
 - iii) In the event of a contract being awarded as a result of points claimed as shown in paragraphs 1.4 and 4.2, the contractor may be required to furnish documentary proof to the satisfaction of the organ of state that the claims are correct;
 - iv) If the specific goals have been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the organ of state may, in addition to any other remedy it may have –
 - (a) disqualify the person from the tendering process;
 - (b) recover costs, losses or damages it has incurred or suffered as a result of that person's conduct;
 - (c) cancel the contract and claim any damages which it has suffered as a result of having to make less favourable arrangements due to such cancellation;
 - (d) recommend that the tenderer or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, be restricted from obtaining business from any organ of state for a period not exceeding 10 years, after the *audi alteram partem* (hear the other side) rule has been applied; and
 - (e) forward the matter for criminal prosecution, if deemed necessary.

.....
SIGNATURE(S) OF TENDERER(S)

SURNAME AND NAME:

DATE:

ADDRESS:

.....

.....

CONTRACT FORM - RENDERING OF SERVICES

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

PART 1 (TO BE FILLED IN BY THE SERVICE PROVIDER)

1. I hereby undertake to render services described in the attached bidding documents to (name of the institution)..... in accordance with the requirements and task directives / proposals specifications stipulated in Bid Number..... 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 date of the 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);
 - Filled in task directive/proposal;
 - Preference claims for Broad Based Black Economic Empowerment Status Level of Contribution in terms of the Preferential Procurement Regulations 2022;
 - 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 services 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

DATE:

CONTRACT FORM - RENDERING OF SERVICES**PART 2 (TO BE FILLED IN BY THE PURCHASER)**

1. I..... in my capacity as..... accept your bid under reference numberdated.....for the rendering of services indicated hereunder and/or further specified in the annexure(s).
2. An official order indicating service delivery instructions is forthcoming.
3. I undertake to make payment for the services rendered in accordance with the terms and conditions of the contract, within 30 (thirty) days after receipt of an invoice.

DESCRIPTION OF SERVICE	PRICE (ALL APPLICABLE TAXES INCLUDED)	COMPLETION DATE	B-BBEE STATUS LEVEL OF CONTRIBUTION	MINIMUM THRESHOLD FOR LOCAL PRODUCTION AND CONTENT (if applicable)

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

SIGNED AT ON

NAME (PRINT)

SIGNATURE

OFFICIAL STAMP

WITNESSES

1

2

DATE:

**COMPULSORY
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	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). The Database of Restricted Suppliers now resides on the National Treasury's website(www.treasury.gov.za) and can be accessed by clicking on its link at the bottom of the home page.	Yes ☐	No ☐
4.1.1	If so, furnish particulars: 		
4.2	Is the bidder or any of its directors listed on the Register for Tender Defaulters in terms of section 29 of the Prevention and Combating of Corrupt Activities Act (No 12 of 2004)? The Register for Tender Defaulters can be accessed on the National Treasury's website (www.treasury.gov.za) by clicking on its link at the bottom of the home page.	Yes ☐	No ☐
4.2.1	If so, furnish particulars: 		

4.3	Was the bidder or any of its directors convicted by a court of law (including a court of law outside the Republic of South Africa) for fraud or corruption during the past five years?	Yes ☐	No ☐
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 ☐	No ☐
4.4.1	If so, furnish particulars:		
4.5	Was any contract between the bidder and the municipality / municipal entity or any other organ of state terminated during the past five years on account of failure to perform on or comply with the contract?	Yes ☐	No ☐
4.7.1	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 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

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