



UPHONGOLO MUNICIPALITY

**CALL FOR PROPOSALS FOR UPHONGOLO LOCAL ECONOMIC
DEVELOPMENT (LED) STRATEGY REVIEW**

TENDER NO: 721/09/23

**CALL FOR PROPOSALS FOR UPHONGOLO LOCAL ECONOMIC DEVELOPMENT (LED) STRATEGY
REVIEW.**

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UPHONGOLO MUNICIPALITY

Bids are hereby invited in terms of section 18(a) of the UPhongolo Municipality's Supply Chain Management Policy together with section 83 of the Municipal Systems Act, No.32 of 2000, as amended and read together with sections 110,111 and 112 of the Municipal Finance Management Act No.56 of 2003 for: **CALL FOR PROPOSALS FOR UPHONGOLO LOCAL ECONOMIC DEVELOPMENT (LED) STRATEGY REVIEW.**

DESCRIPTION OF TENDER	DURATION	TENDER NUMBER	TENDER DOCUMENT	EVALUATION CRITERIA	CLOSING DATE AND TIME
CALL FOR PROPOSALS FOR UPHONGOLO LOCAL ECONOMIC DEVELOPMENT (LED) STRATEGY REVIEW.	Once off	721/09/23	FROM MUNICIPAL WEBSITE	RETAINABLES AND SPECIFIC GOALS	16 October 2023 at 12H00

CALL FOR PROPOSALS FOR UPHONGOLO LOCAL ECONOMIC DEVELOPMENT (LED) STRATEGY REVIEW.

Bidders are hereby invited from suitably qualified and experienced service providers for the Call for proposals for uPhongolo Local Economic Development (LED) Strategy Review for uPhongolo Municipality.

TENDER ENQUIRIES

All Technical enquires should be directed to Mr. MVM Mbatha the Director Planning and Development via email address or telephone during office hours: mgabadelim@uphongolo.gov.za, 034 314 1223/105 and all Supply Chain Management enquiries should be directed to Mr. MS Mtshali the SCM Manager via email address or telephone during office hours: musawenkosim@uphongolo.gov.za on 034 413 1223/120.

SUBMISSION OF TENDER DOCUMENT

Tenders must be enclosed in a sealed envelope, addressed to the Municipal Manager, UPhongolo Municipality and clearly marked: **BID NUMBER, 721/09/23 (Call for Proposals for uPhongolo Local Development (LED) Strategy Review)** and the bidders name and details. Bids must be deposited in the tender box at the office of UPhongolo Municipality on the 61 Martin street, uPhongolo 3170 on or before 12h00 on the closing date and no late or faxed tenders will be considered. UPhongolo Municipality does not bind itself to accept the lowest of any tender and reserves the right to accept the whole or any part of the tender.

Mr MB Khali
Municipal Manager

**UPHONGLOMUNICIPALITY**

TENDER NO: 721/09/23

CALL FOR PROPOSALS FOR UPHONGOLO LOCAL ECONOMIC DEVELOPMENT (LED) STRATEGY REVIEW

PART A INVITATION TO BID

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE (NAME OF MUNICIPALITY/ MUNICIPAL ENTITY)					
BID NUMBER:	721/09/23	CLOSING DATE:16 October 2013		CLOSING TIME:	12pm
DESCRIPTION	CALL FOR PROPOSALS FOR UPHONGOLO LOCAL ECONOMIC DEVELOPMENT (LED) STRATEGY REVIEW				
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 61 Martin Street, uPhongolo 3170 Municipal Reception.

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]
TOTAL NUMBER OF ITEMS OFFERED		TOTAL BID PRICE	R
SIGNATURE OF BIDDER		DATE	
CAPACITY UNDER WHICH THIS BID IS SIGNED			
BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO:		TECHNICAL INFORMATION MAY BE DIRECTED TO:	
DEPARTMENT		CONTACT PERSON	
CONTACT PERSON		TELEPHONE NUMBER	
TELEPHONE NUMBER		FACSIMILE NUMBER	
FACSIMILE NUMBER		E-MAIL ADDRESS	
E-MAIL ADDRESS			

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:

NOTE TO BIDDERS ON BID CONDITIONS:

- The Supply Chain Management Policy of UPhongolo Municipality will apply. The Council reserves the right not to accept the lowest bid or any bid and reserves the right to accept the whole or part of the bid, or to reject all bids and cancel the notice to bid;
- Bids that are submitted late, incomplete, unsigned or by facsimile, electronically or not completed in black ink will be rejected and not accepted for further evaluation;
- Council reserves the right to inspect the business premises to ensure that they meet with all relevant requirements of the company;
- Members or Directors of Companies or Service Providers who are state employees are not allowed to bid or quote;
- Unsuccessful bidders will be informed of the tender outcome through the Municipal website. Aggrieved unsuccessful bidders will be allowed to lodge, within fourteen (14) days of the decision or action, a written objection or complaint to the Office of the Municipal Manager through email, mm@uPhongolo.gov.za. Complaints or objections received after fourteen (14) days of the date of the notice **will not** be entertained; and
- Bids submitted are to be valid for a period of **90 days**.

BASIS OF EVALUATION AND ADJUDICATION

The committees must agree to the promotion of competitiveness, fairness, transparency and cost-benefit analysis when determining the basis of evaluation for this project.

First stage: - Compliance, Specific goals;

Mandatory Returnable Document

Compliance: Checking of the following,

- Registration with National Treasury Central Database (summary report),
- SARS Pin Issue Certificate,
- CIPRO registered (Certified copy of business registration Certificate),
- Original or Certified Copy of BBBEE Certificate,
- Certified ID Copies of business entity owners
- Company profile with the contactable references
- Statement of rates and other municipal taxes for entity and its owners
- tender document is full completed

EVALUATION

PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT (PPPF ACT) POINTS TO BE CLAIMED AS FOLLOWS:

Specific goals

The specific goals allocated points in terms of this quote	80/20	Documents required for verification
Specific goal 1 – Ownership – maximum points = 10		
Company owned more than 100% black people	10	ID copy of director/Owner and detailed CSD
Company owned more than 51% black people	8	ID copy of director/Owner and detailed CSD
Company owned more than 25% black people	5	ID copy of director/Owner and detailed CSD
Specific goal 2 – BBBEE Certificate - maximum points = 4		
BBBEE Certificate Level 1	4	BBBEE Certificate or Certified Sworn Affidavit
BBBEE Certificate Level 2	2	BBBEE Certificate or Certified Sworn Affidavit
BBBEE Certificate Level 3	1	BBBEE Certificate or Certified Sworn Affidavit
Specific goal 3 – RDP Goals		
Companies falls under the SMME Category – maximum points = 6		
1. Enterprise Located within uPhongolo Local Municipality	6	CSD report or bill of property rates or valid lease agreement or proof of residence
1. Enterprise Located within Kwa-Zulu Natal	4	CSD report or bill of property rates or valid lease agreement or proof of residence
2. Enterprise Located within South Africa	2	CSD report or bill of property rates or valid lease agreement or proof of residence
Total points	20	

Second stage: - Preferential Point System (80:20); 80 for price and 20 for specific goals.

NB!!!

ALL COPIES OF QUALIFICATIONS AND PERMITS MUST BE CERTIFIED FAILURE TO DO SO WILL RESULT IN POINTS NOT BEING ALLOCATED.

FUNCTIONALITY/ PRE-QUALIFICATION POINTS FOR BID EVALUATION

Bidders will first be evaluated on the following point scoring criteria and be subjected to a further evaluation thereafter; bidders will be further evaluated on the targeted procurement / preferential points.

Bidders, who do not score more than 60% upon the pre-qualification, will not be considered for a further evaluation.

Bidders are to submit documentary proof and the page reference number in support of the description of items above as part of the bid document.

Points allocated column is for Municipal Official use only.

Key aspect of criterion	Basis for points allocation	Score	Max. Points	Verification Method
Company Experience	At least more than 5 years' relevant experience, attach appointment letters/ orders.	50	50	Appointment Letters/ Orders. FAILURE TO SUBMIT REQUIREMENTS WILL RESULT IN NO SCORE BEING GIVEN
	At least 4-5 years' relevant experience, attach appointment letters/ orders.	30		
	At least 1-3 years' relevant experience, attach appointment letters/ orders.	20		
Experience of Key Personnel	1. Project Manager		50	Attach CV's and relevant qualifications. CERTIFICATION ON DOCUMENTS MUST NOT BE OLDER THAN 3 MONTHS. FAILURE TO ADHERE TO THE ABOVE REQUIREMENTS WILL RESULT IN NO SCORE BEING GIVEN
	At least more than 5 years' relevant experience, attach proof of appointments.	20		
	At least 4-5 years' relevant experience, attach proof of appointments.	15		
	At least 1-3 years' relevant experience, attach proof of appointment.	10		
	2. Key Personnel :			
	At least more than 5 years' relevant experience, attach proof of appointments.	10		
	At least 4-5 years' relevant experience, attach proof of appointments.	7		
	At least 1-3 years' relevant experience, attach proof of appointments.	3		

Total points **100**

SCOPE OF WORK/ BID SPECIFICATION

1. INTRODUCTION AND BACKGROUND

uPhongolo Local Municipality is located in KwaZulu-Natal on the northern area of Zululand district. It is made up of fifteen (15) wards and has a geographic area of 3239 square kilometres. It largely comprises traditional areas with its tribal land patterns and high-density rural settlements. uPhongolo-Ncotshane is the primary node that accommodates the highest order nodal activities. The secondary nodes provide strategic service to tribal areas that are located away from uPhongolo town. The town is surrounded by sugar cane farms beyond which are high density traditional authority settlements with sparsely distributed game farms.

Agriculture is the main economic sector in uPhongolo Local Municipality which is main based on mono crop i.e. sugarcane. There is limited growth in manufacturing. The local economy is characterised by absence of products beneficiation economic activities. Commodity goods are hauled to other industrial area for further processing as a result the employment creation potential of the area is eroded. It is in appropriately located to reap the benefits of intensive tourism initiatives due to its natural beauty, existence of tourism related development as well as inherent tourism potential.

The LED strategy is purely designed to provide clear strategic guidelines to all relevant role players and agencies to ensure co-ordinated economic development initiatives that contribute towards the economic goals of uPhongolo Local Municipality. The strategy should provide a rapid but rigorous evaluation of the local economy per sector, identification of potential economic opportunities, including identification of economic potential and the formulation of an overall economic development framework and strategy involving local stakeholders. The strategy is also critical towards consolidating existing and identified opportunities in the local municipality and aid in implementation, monitoring and evaluation.

1.1 Backdrop to the project

The current LED strategy was developed in 2017. Since then, the Municipality has experienced significant growth and a number of new development opportunities have arisen. Accordingly, the Municipality has identified the need to review the existing strategy, solely with the intention of producing a plan that is credible, implementable and which identifies projects of a catalytic nature. That is, projects that will have a meaningful impact on the local economy of uPhongolo Local Municipality and subsequently address the nation-wide triple challenges of unemployment, inequalities and poverty.

It is noted with concern that, the municipality has not yet managed to package and implement high impact programmes with a capacity to create to attract strategic investments thereby create local employment and empower local entrepreneurs. To this end, it our intention to draft a strategy that will reflect our challenges and present associated interventions to regenerate our economy. In the main, we seek to draft a strategy which provides a clear path for urban development, rural industrialization, tourism promotion, agricultural development, services sector improvement as well as trade and industry growth.

As the municipality we take cognizance of our immediate economic challenges ranging from the lack of ownership of suitable land for town and urban expansion, congested informal trading space, lack of packaged industrial oriented projects, minimal agro-processing of local produced vegetables as well as our failure to take advantage of local natural resources. Hence, we are not attracting any incentives and/or support schemes earmarked for small business development and community empowerment due to the dire lack readiness on our side. Undoubtedly, as we embark of this assignment we will be willing to partner with knowledgeable service provider who will undertake a detailed research on our situational stand points and direct us to the correct path of economic emancipation.

Finally, the municipality is cognizant and appreciative of other developments and initiatives from various departments that are concerned about socio-economic ills of uPhongolo Local Municipality. Hence, the compilation of this strategy is meant to serve as a tool of strategic integration and alignment of programmes and resources between the stakeholders thereby improve both public and private investments impact in uPhongolo Local Municipality. The appointed Service Provider will be expected to facilitate this integration and ensure our document harmonies and strengthens the synergies between the municipality and its strategic development partners.

2 PURPOSE OF TERMS OF REFERENCE

The purpose of this project is to review the Local Economic Development Strategy for the uPhongolo Local Municipality. The plan is envisaged to serve as a mechanism of intervention in addressing the economic development challenges within the Municipality. It will serve to guide and direct the implementation of development initiatives, which are currently occurring in an ad-hoc manner. The strategy should also integrate with other key sector reports and existing Municipal strategies and programmes already developed. The strategy must also integrate with the District, Provincial and National Government's rural development strategies and plans.

3 PROJECT OBJECTIVES

The LED Strategy play a major role in allowing uPhongolo Local Municipality to meet its constitutional obligations, to promote and drive economic development in the local community as well as open new economic and employment opportunities.

The intention of the municipality to review LED Strategy with the implementation plan will result in stimulation of economic growth and development and sustainability of substantial economic sectors. The objective of the project is to provide a broader context for local economy and undertake an analysis of the current demographic, social and economic characteristics for the uPhongolo Local Municipality. This analysis must include an in-depth look into the implications that these characteristics may have for the future development of the area.

The specific study objectives and project deliverables are as contained in the following table:

Specific Objectives

- To undertake a detailed economic analysis so as to enable identification of appropriate interventions that will lead to economic development of the area.
- To formulate an implementable LED Strategic framework to guide the promotion and support of sustainable economic development within uPhongolo Local Municipality.
- Improve coordination of economic development planning and implementation across government and between government and non-governmental actors.
- Identify needs and gaps in enterprise support and business infrastructure in uPhongolo Local Municipality.
- Explore incentives that the Municipality can provide or source to support existing businesses to grow their operations and create more jobs within the Municipality.
- Identify ways to attract and promote inward investment.
- Identify approaches to support SMME development and regulation of informal trading.
- To create a database of projects within the municipality including those being implemented, economic opportunities and future potential projects.

4 SCOPE OF WORK

The project involves the following scope of work:

- Identify LED stakeholders and provide their roles and responsibilities.
- Review and update the current LED Strategy information.
- Provide the current overview of the uPhongolo LM economy including sectoral performances.
- Research into the trends of the municipal's economy for the past 5 years. This should comprise statistical analysis.
- Demand and Supply analysis of existing economic activities in the uPhongolo LM and the identification of key economic role players and drivers, identification of any further opportunities and developing an understanding of current and past economic development initiatives and projects, their successes and failures and contributing reasons.
- Formulation of SWOT analysis, including an evaluation of identified strengths and opportunities and an analysis of weaknesses and threats of the municipality.
- Identify areas of intervention for the municipality and develop strategies which target the weaknesses and build on the opportunities identified within the municipality.
- Develop appropriate strategies which are directed at creating an enabling economic environment.
- Develop a project identification matrix which will guide development and prioritize projects for the future

5 EXPECTED OUTCOMES/DELIVERABLES

The deliverables for the projects are:

- Project Inception report and signed contract.
- A detailed situation analysis/ status quo report
- A strategic framework, a report which provides the relevant tools and strategies, guiding the future development of the Municipality.
- An implementation framework and a monitoring and evaluation
- A closeout report

The following activities are expected to meet the objectives of this exercise:

5.1 Inception Report

- Project set-up and preparation of the inception report detailing all deliverables including a work plan of the activities to be achieved during the contract period.
- Service provider is required to commence by drafting the inception report detailing the overall approach, methodology and expected time frame in which each phase of the project activities will be completed including associated costs of each phase.
- The inception report will serve as a discussion document and will be the basis upon which the detailed approach of the project will be agreed.
- The inception report is an interim deliverable that is expected to be completed in two (2) weeks from the date of appointment of the service provider.
- This report will further serve as the basis of the Service Level Agreement between the Municipality and the Appointed Service Provider

5.2 Situational Analysis

- Analysis of the municipality's economy using desktop data as base line information.
- Consolidation of existing information using reports and strategies such as the municipal IDP, SDF, Agricultural Development Strategy, Local Tourism Management Plan, etc. Any documents available from the Municipality will be provided to the service provider. This exercise should:
 - Ascertain present local economic development climate of the Municipality.
 - A standard SWOT analysis of the area. Based on the SWOT analysis highlight the key success factors for LED in this environment.
 - Analyses business model that would be most appropriate to promote LED in the municipality.
 - Ascertain key economic sectors and growth sectors within the municipality including the areas of growth potential, comparative and competitive advantages, needs, challenges and opportunities.
- Research on current investment incentives, initiatives and policies as well as investigate future plans and strategies for the municipality.
- Stakeholder consultation. Identify and hold consultations with relevant stakeholders and industry players to gather information related to their strategies and plans.

- Assess the Municipality's existing capacity (financial, infrastructure, and human capital), economic thrusts and determine needs based on identified opportunities and sustainability criteria.

5.3 Draft the Economic Development Strategy

Considering the findings of the situational analysis the service provider should draft the LED strategy making sure it is aligned to the national and provincial strategies and plans such as the National Development Plan, Provincial Growth and Development Strategy, Provincial Investment Strategy, Industrial Development Zones, Small business Development Act, etc. The UPhongolo Local Municipality LED Strategy should be developed to pay particular attention to the needs as well as the competitive and comparative advantages of the Local Municipality. In the main, the strategy should be radical and inclusive in nature thereby ensure that all the economic players are catered for and have an influence over the future direction of their economy. It should clearly detail and explore the following among others:

- Identification and packaging of sound strategic thrusts that reads from the challenges on the situational analysis and further consider the future economic direction of the country. Again, the thrusts should be linked to all the national ideas and programmes for rural economic development
- Identification and prioritization of projects.
- Analysis of business trends in the local municipality.
- Identification of approaches necessary to grow and attract and retain investments within the local municipality.
- Organizing and conducting stakeholder engagements on the LED Strategy review.
- Specify the municipality's target sectors and the relevant municipality's comparative and competitive advantages.
- Develop enterprise development and investment model.
- Identify investment opportunities within the main and growth sectors within the uPhongolo Local Municipality.
- The strategy should provide advice on possible institutional arrangements that will be deemed appropriate for integration and implementation of key programmes and projects. This should further assess the possible linkages with district development agency and areas of cooperation.

5.4 Implementation Plan and Monitoring & Evaluation Framework

- Devise the LED Strategy Implementation Framework and Monitoring & Evaluation Framework for the municipality.
- Implementation plan should be clear, practical and outline steps to be followed to grow the local economy.
- Implementation plan should further breakdown the interventions/ projects into a comprehensive plan of action, outlining steps to be taken for each intervention/ project with the envisaged dates and detail the roles of government, private sector and other relevant stakeholders as well as the anticipated financial requirements.
- The monitoring and Evaluation Framework should outline the specific timelines/timeframes for the

interventions and indicators to measure performance against objectives.

- The implementation framework should detail the level of involvement of LED role-players in the area.

6 Anticipated Timeframe

The envisaged timeframe for the project is four (4) months, however, the final arrangements will be entered into with a preferred Service Provider.

7 Reporting Procedure

There will be a Steering Committee established to manage project's lifespan. The Municipality will be responsible for over-all performance monitoring of a successful service provider, including final approval of reports, proposal and ensuring payment of approved invoices. The service provider is expected to work closely with the Steering Committee that will be comprised of the Municipality and key stakeholders.

8 Competency and expertise required

The successful service provider will have to meet the following requirements:

- The Service Provider (SP) must be a company with personnel who have recognized qualifications in Economics, Development Studies, Development Planning, Strategic Planning or Business Administration with 10 years or more relevant experience in Local Economic Development.
- Should be suitably qualified to respond to the terms of reference
- Should possess knowledge in formulating strategies of similar nature
- Report writing and presentation skills
- A sound approach and methodology towards delivering on this assignment
- Accessibility and dedication for the duration of this project
- Project Management skills
- Ability to engage with varied nature of private and government stakeholders.
- Expertise and thorough understanding of LED;
- Good understanding of the policies and strategies related to LED.

9 Fixed Price Contract

The bid price shall be fixed price inclusive of all expenses and value added Tax (VAT) and shall be priced per stage.

10 Adjudication of Proposals

i) Applicants that express interest in the project must submit their bids before the closing date and time as advertised.

ii) The bid's key evaluation criteria will include verification of capability of successful applicant.

iii) Applicants must:

- Propose and provide complete information on various companies or skills comprising the proposed consulting team that will implement the programme. This will include qualifications, ability to manage a multi-disciplinary team, relevant experience on similar projects, as well as availability to the programme.

10.1 Responsiveness Criteria

To be considered responsive, bids must satisfy the following responsiveness criteria, failing which will result in the proposals being disqualified:

The bid offer must be properly received on or before the closing date, meeting the required time limit, properly and fully completed in black ink and signed.
Submission of valid original tax clearance certificate.
Submission of CSD documents.
The MBD Forms must be completed accordingly.
BBBEE Certificate or Sworn Affidavit
Submission of a proposed project team structure indicating roles and responsibility

10.2 Confidentiality of Bids

By submission of a proposal, the Bidder warrants that:

- The price in the proposal has been arrived at independently, without consultation, communication, agreement or collusion for the purpose of restricting competition.
- Unless otherwise required by law, the prices, which have been quoted in the proposal, have not knowingly been disclosed by the bidder, directly or indirectly to any other bidders or competitors nor will they be so disclosed.
- No attempt has been made or will be made by the bidder to induce any other person or entity to submit or not to submit a bid for the purpose of restricting competition.
- The bidder has adhered to the highest standard of business ethics.
- This RFP issued by Council, and the bid submitted by the bidder shall be treated as strictly confidential and no aspects thereof shall be disclosed to any third parties, except as necessary for the purpose thereof.

10.3 Validity of a Bid

A bidder, when submitting a proposal for the appointment as the applicant, will undertake to keep the said proposal open for a period of ninety (90) days from the date of closure of the bid. Should a bidder withdraw their offer before expiry of the validity date, Council reserves the right to claim damages equivalent to the extent Council may suffer in respect of a less favourable offer, against such Bidder.

11 Checklist of Documents to be completed and returned

Bidders must ensure that the following documents are completed in full and returned with their proposals. Failure to complete the documents in full and return them may result in the bid being disqualified.

Annexure A: MBD Forms

Annexure B: General Conditions of Contract

Annexure C: Pre-Bid Briefing Certificate

In addition to the above, the bidder must submit certified copies of the CVs of all the key personnel participating in the project; submit a certified copy of the company profile indicating the relevant experiences to local economic development; and all other documents indicated above.

12 Termination of Contract

If the service provider does not start to work on the project and after 14 days' written notice addressed to his domicilium address to start still fails to start on the project, this contract may be cancelled forthwith.

This contract may be cancelled for reasons other than poor performance, breach of contract, etc. by giving the service provider 14 days' written notice to rectify the cause where-after the Municipality shall have the right to summarily cancel the contract upon written notice to the service provider.

Depending on the assessments done by the Director: Economic Development and Planning, the service provider may in writing be required to rectify his/her poor performance, failing which the contract with the service provider will be terminated.

Pricing schedule

Please attach your quote with prices

Failure to comply with the above-stated requirements may result in a disqualification of your proposal.

Comments if any:

Bidder may attach the detailed pricing schedule

1. COMMUNICATION AND REPORTING

The successful bidder(s) will report to the UPhongolo Accounting Officer in relation to assignments in accordance with agreed terms as would be documented on the subsequent service level agreements or contracts. 6.2 Particular projects will be initiated by means of written instructions to the successful bidders on competitive basis, backed by verbal briefings where necessary.

2. DETAILS OF SERVICE PROVIDER'S BIDS

Prospective service provider must provide information in the under-mentioned sequence and in not more than 10 (ten) pages:

Company/Individual profile.

3. CONDITIONS

Bid may be submitted for any or all of the categories indicated in the scope above. Responses should, however, clearly indicate which category the bidder is responding to and include the following:

- a. A response to each of the elements in the evaluation matrix of not more than ten (10) pages per element including annexure(s), if any.
- b. Where an entity forms a joint venture or a consortium with (an) other entities(y), the parties to this agreement must express in the bid proposal what aspect of the scope of work each party would be adding value to and what percentage each party will receive in terms of the proceeds flowing from any assignment.
- c. The bidders are required to ensure that the individual directors and technical staff/financial management specialist experience is clearly documented in the bid.
- d. It is further imperative that the bidder ensures that the curriculum vitae of individual resources is not included in other bidder proposals. Should a duplication of curriculum vitae be identified across proposals, such curriculum vitae will be disregarded for both bidders during evaluation. "Request for permission from the resource to use their CV's"
- e. Request permission from resource for cv
- f. Proposals should also clearly indicate how bidders intend to transfer skills to the UPhongolo financial management and Municipal officials. This should particularly indicate how this was done in previous assignments.
- g. As and when assignments are agreed upon, the UPhongolo Municipality will stipulate the rates to be paid per consultant in terms of experience, preferable separate between trainee, junior, intermediate, and senior consultants. The Bidder is required to specifically indicate its acceptance of this condition.
- g. The bidder's staff complement must address the demographics of the country in line with government policies, and must provide evidence that it is complying with transformation in terms of Broad Based Black Economic Empowerment Act (B-BBEE)
- h. Payment will only be made upon approved deliverables. The Consultant should note that no payment will be made should the Municipality not be satisfied with the standard of deliverables.
- i. The successful bidder(s) will enter into a contractual agreement(s) with the UPhongolo Municipality confirming the appointment on the list of service providers.

ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS

(NOT TO BE RE-TYPED)

NB!!!! Please attach copies of the following documents. Failure to provide the following duly completed and up to date documents and certified where applicable will lead to automatic disqualification.

- **Company registration documents.**
- **ID documents of directors/owners/members/shareholders.**
- **TAX/VAT pin from SARS**
- **BBBEE Certificate / Letter of accreditation/Affidavit from (SAPS)**
- **Past experience**
- **Joint Venture agreement if any**
- **CSD summary report**

STANDARD FORMS

THIS BID IS SUBJECT TO THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER SPECIAL CONDITIONS OF CONTRACT THIS BID WILL BE EVALUATED AND ADJUDICATED ACCORDING TO THE FOLLOWING CRITERIA:

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

NB: NO BIDS WILL BE CONSIDERED FROM PERSONS IN THE SERVICE OF THE STATE

**UPHONGOLO MUNICIPALITY
STANDARD FORM FOR TENDERS**

TENDER NO: 721/09/23

Closing Date: 16 October 2023

Closing Time: 12:00

BIDDERS DETAILS

THE FOLLOWING PARTICULARS MUST BE FURNISHED AND SIGNED

(FAILURE TO DO SO WILL RESULT IN YOUR BID BEING DISQUALIFIED)

Name of Bidder

Postal Address

_____ Postal Code

Street Address

_____ Postal Code

Telephone Number

Code ____ Number _____

Cellphone number

Facsimile Number

Code ____ Number _____

Signature of bidder /
authorised representative

DECLARATION OF INTEREST

1. No bid will be accepted from persons in the service of the state*.
2. Any person, having a kinship with persons in the service of the state, including a blood relationship, may make an offer of 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 authorized representative declare their position in relation to the evaluating/ adjudicating authority and/or take an oath declaring his/her interest.
3. **In order to give effect to the above, the following questionnaire must be completed and submitted with the bid.**

3.1 Full Name: _____

3.2 Identity Number: _____

3.3 Company Registration Number: _____

3.4 Tax Reference Number: _____

3.5 VAT Registration Number: _____

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

3.6.1 If so, furnish particulars.

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

3.7.1 If so, furnish particulars.

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

a) a member of –

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

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

- c) an official of any municipality or municipal entity;
- d) an employee of any national or provincial department, national or
- e) provincial public entity or constitutional institution within the meaning
- f) of the Public Finance Management Act, 1999 (Act No. 1 of 1999);
- g) a member of the accounting authority of any national or provincial
- h) public entity; or
- i) an employee of Parliament or a provincial legislature

3.8 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

3.8.1 If so, furnish particulars.

3.9 Are you, aware of any relationship (family, friend, other) between a 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

3.9.1 If so, furnish particulars.

3.10 Are any of the company's directors, managers, principal shareholders or stakeholders in service of the state?

YES/NO

3.10.1 If so, furnish particulars.

3.11 Are any spouse, child or parent of the company's directors, managers, principal shareholders or stakeholders in service of the state?

YES/NO

3.11.1 If so, furnish particulars.

CERTIFICATION

I, THE UNDERSIGNED (NAME)

**CERTIFY THAT THE INFORMATION FURNISHED ON THIS DECLARATION FORM
IS CORRECT. I ACCEPT THAT THE STATE MAY ACT AGAINST ME SHOULD
THIS DECLARATION PROVE TO BE FALSE.**

Signature

Date

Position

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

(delete whichever is not applicable for this tender).

- a) The applicable preference point system for this tender is the 90/10 preference point system.
- b) The applicable preference point system for this tender is the 80/20 preference point system.
- c) Either the 90/10 or 80/20 preference point system will be applicable in this tender. The lowest/ highest acceptable tender will be used to determine the accurate system once tenders are received.

1.3 Points for this tender (even in the case of a tender for income-generating contracts) shall be awarded for:

- (a) Price; and
- (b) Specific Goals.

1.4 To be completed by the organ of state:

The maximum points for this tender are allocated as follows:

	POINTS
PRICE	
SPECIFIC GOALS	
Total points for Price and SPECIFIC GOALS	100

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

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

2. DEFINITIONS

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

3. FORMULAE FOR PROCUREMENT OF GOODS AND SERVICES

3.1. POINTS AWARDED FOR PRICE

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

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

80/20

or

90/10

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

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

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

Where

Ps = Points scored for price of tender under consideration

Pt = Price of tender under consideration Pmax =

Price of highest acceptable tender

4. POINTS AWARDED FOR SPECIFIC GOALS

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

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

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

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

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

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

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

The specific goals allocated points in terms of this tender	Number of points allocated (90/10 system) (To be completed by the organ of state)	Number of points allocated (80/20 system) (To be completed by the organ of state)	Number of points claimed (90/10 system) (To be completed by the tenderer)	Number of points claimed (80/20 system) (To be completed by the tenderer)
Specific Goals are on the advert.				

DECLARATION WITH REGARD TO COMPANY/FIRM

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

4.4. Company registration number:

4.5. TYPE OF COMPANY/ FIRM

- ☐ Partnership/Joint Venture / Consortium
 - ☐ One-person business/sole propriety
 - ☐ Close corporation
 - ☐ Public Company
 - ☐ Personal Liability Company
 - ☐ (Pty) Limited
 - ☐ Non-Profit Company
 - ☐ State Owned Company
- [TICK APPLICABLE BOX]

4.6. I, the undersigned, who is duly authorised to do so on behalf of the company/firm, certify that the points claimed, based on the specific goals as advised in the

tender, qualifies the company/ firm for the preference(s) shown and I acknowledge that:

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

.....	
SIGNATURE(S) OF TENDERER(S)	
SURNAME AND NAME:	
DATE:	
ADDRESS:	
	
	
	

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

1. This Municipal Bidding Document must form part of all bids invited.
2. This 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 of fraud or corruption during the past five years;
 - c. wilfully neglected, reneged on or failed to comply with any government, municipal or other public sector contract during the past five years; or
 - d. been listed in the Register for Tender Defaulters in terms of section 29 of the Prevention and combating of Corrupt Activities Act (No 12 of 2004).
4. In order to give effect to the above, the following questionnaire must be completed and submitted with the bid.

Item	Question	Yes	No
4.1	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 of Tender Defaulters in terms of section 29 of the Prevention and Combating of Corrupt Activities Act (No 12 of 2004)? The Register of 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 ☐
4.5.1	If so, furnish particulars:		

CERTIFICATION

I, THE UNDERSIGNED (FULL NAME)

_____ **CERTIFY THAT THE
INFORMATION FURNISHED ON THIS DECLARATION FORM IS 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). Collusive bidding is a *pe se* prohibition meaning that it cannot be justified under any grounds.
reasonable
3. Municipal Supply Regulation 38 (1) prescribes that a supply chain management policy must provide measures of the combating of abuse of the supply chain management system, and must enable the accounting officer, among others, to:
 - a. take all 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 of municipal entity of has committed any improper conduct in relation to such system; and
 - c. cancel a contract awarded to a person I 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 teen 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:

¹Includes 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 good 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 purpose 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 of consortium³ will not be construed as collusive bidding.
7. In particular, without limiting the generality of paragraph 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

