



ELIAS MOTSOLEDI LOCAL MUNICIPALITY

EMLM 01/2022

APPOINTMENT OF MAXIMUM OF TWO SERVICE PROVIDERS FOR SUPPLY AND DELIVERY OF PERSONAL PROTECTIVE EQUIPMENT FOR ELIAS MOTSOLEDI LOCAL MUNICIPALITY FOR A PERIOD OF THIRTY-SIX (36) MONTHS (AS AND WHEN REQUIRED)

CLOSING DATE:	10 SEPTEMBER 2021	TIME	11:00
----------------------	--------------------------	-------------	--------------

NAME OF TENDERER / BIDDER	
TOTAL BID PRICE	
CENTRAL SUPPLIER DATABASE NUMBER	MAAA
B-BBEE LEVEL (e.g Level 1)	LEVEL
CONTACT PERSON	
TELEPHONE NUMBER	
FAX NUMBER	

ENQUIRIES REGARDING BID PROCEDURES		TECHNICAL ENQUIRIES	
MANAGER: SUPPLY CHAIN MANAGEMENT		CORPORATE SERVICES	
M MTHIMUNYE		Z MAMPURU	
TEL. NUMBER	TEL.013 262 3056	TEL. NUMBER	013 262 3056
TENDER ISSUED BY			
SUPPLY CHAIN MANAGEMENT UNIT			
ELIAS MOTSOLEDI LOCAL MUNICIPALITY		P.O. BOX 48, GROBLERSDAL, 0470	

ELIAS MOTSOLEDI LOCAL MUNICIPALITY

TENDER DETAILS				
TENDER NUMBER	EMLM 01/2022			
TENDER TITLE	APPOINTMENT OF MAXIMUM OF TWO SERVICE PROVIDERS FOR SUPPLY AND DELIVERY OF PERSONAL PROTECTIVE EQUIPMENT FOR ELIAS MOTSOLEDI LOCAL MUNICIPALITY FOR A PERIOD OF THIRTY-SIX (36) MONTHS (AS AND WHEN REQUIRED)			
CLOSING DATE	10 SEPTEMBER 2021		CLOSING TIME	11H00
SITE MEETING	DATE	16 AUGUST 2021	TIME	11H00
SITE MEETING ADDRESS	COUNCIL CHAMBER 2 nd GROBLER AVENUE GROBLERSDAL			
CIDB GRADING REQUIRED	NO		LEVEL AND CATEGORY	N/A
TENDER DOCUMENT FEE	R1,000.00 (if collecting from the Municipality) Free when downloading from e-tender portal		PREFERENCE POINT SYSTEM	80/20
BID BOX SITUATED AT	MAIN OFFICES, 2 ND GROBLER AVENUE, Elias Motsoaledi Local Municipality,.			
OPERATING HOURS	The bid box is open during office hours, Monday to Friday from 07h30 to 16h15.			
OFFER TO BE VALID FOR	90	DAYS FROM THE CLOSING DATE OF TENDER.		
PLEASE NOTE:				
1. Prospective suppliers must be registered on CSD prior to submitting bid (open tender) 2. Tenders that are deposited in the incorrect box will not be considered. 3. Mailed, telegraphic, telex, or faxed tenders will not be accepted. 4. No late bids after closing date and time will be accepted. 5. Bids not clearly marked and unamend will not be accepted. 6. Bids may only be submitted on the bid documentation provided by the municipality. 7. No awards will be made to a person: i. Who is in the service of the state, ii. If that person is not a natural person , of which any director, manager, principal shareholder or stakeholder is a person in the service of the state iii. Who is an advisor or consultant contracted with the municipality or municipal entity				

BIDDER'S TENDER DOCUMENTATION DECLARATION CERTIFICATION

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

T1.1 TENDER NOTICE & INVITATION
ELIAS MOTSOLEDI LOCAL MUNICIPALITY
TENDER NO: EMLM 01/2022
CLOSING DATE: 10 SEPTEMBER 2021 AT 11H00



In terms of Section 110 of the Municipal Finance Management Act, 2003 (No. 56 of 2003), tenders are hereby invited for **APPOINTMENT OF MAXIMUM OF TWO SERVICE PROVIDERS FOR SUPPLY AND DELIVERY OF PERSONAL PROTECTIVE EQUIPMENT FOR ELIAS MOTSOLEDI LOCAL MUNICIPALITY FOR A PERIOD OF THIRTY-SIX (36) MONTHS (AS AND WHEN REQUIRED)**

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

The closing time for receipt of tenders is **10 SEPTEMBER 2021 at 11H00** Telegraphic, telephonic, telex, facsimile, e-mail, unmarked and **late tenders** will under no circumstances be considered and accepted. The tender box will be emptied just after closing time on the closing date. Hereafter all bids will be open in public.

Any technical enquiries relating to the tender document may be directed to the **Corporate Services (Mrs. Zanele Mampuru)** at **013 262 3056** or at **zmampuru@emlm.gov.za** for technical assistance.

Fully completed tender documents, clearly marked " **APPOINTMENT OF MAXIMUM OF TWO SERVICE PROVIDERS FOR SUPPLY AND DELIVERY OF PERSONAL PROTECTIVE EQUIPMENT FOR ELIAS MOTSOLEDI LOCAL MUNICIPALITY FOR A PERIOD OF THIRTY-SIX (36) MONTHS (AS AND WHEN REQUIRED)**" with "**NAME of TENDERER**" must be placed in a sealed envelope and placed in the **tender box no 1** on the **2nd Grobler Avenue**, Elias Motsoaledi Local Municipality, Main Offices, Groblersdal, **by no later than 10 SEPTEMBER 2021 at 11H00** The envelope must be endorsed with number, title and closing date as indicated above.

A preferential point system shall apply whereby a contract will be allocated to a tenderer in accordance with the Preferential Procurement Policy Framework Act, Act No. 5 of 2000 and as defined in the Conditions of Tender in the tender document, read in conjunction with the Supply Chain Management Policy of Elias Motsoaledi Local Municipality where 80 points will be allocated in respect of price and 20 points in respect of B-BBEE Status Level of Contribution.

No awards will be made to a person:

- Who is not registered on the Central Supplier Database;
- Who is in the service of the state;
- If that person is not a natural person, of which any director, manager, principal shareholder or stakeholder is a person in the service of the state; and/or
- Who is an advisor or consultant contracted with the municipality or municipal entity.

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

PRICING SCHEDULE

PRICING INSTRUCTIONS

- a) These pricing instructions provide the tenderer with guidelines and requirements with regard to the completion of the pricing schedule. These pricing instructions also describe the criteria and assumptions which will be assumed in the contract to have been taken into account by the tenderer when developing his prices.
- b) The pricing schedule shall be read with all the documents which form part of this contract.
- c) The rates to be inserted in the pricing schedule are to be full inclusive for the work described under the specification. Such rates shall cover all costs and expenses that may be required in and for the execution of the work described, and shall cover the cost of all general risks, liabilities, and obligations set forth or implied in the documents on which the tender is based, as well as overhead charges and profit.
- d) A rate is to be entered against each item in the Schedule of Fees and Disbursements. An item against which no rate is entered will be accepted as a rate of nil having been entered against such items and covered by the other prices or rates in the schedule.
- e) All rates and sums of money quoted in the pricing schedule shall be in Rands and whole cents.
- f) All travelling costs, accommodation, meals and other incidental costs are to be included in the time based costs.
- g) Provisional amounts shall only be expended on the specific instruction of the Employer.
- h) All prices and rates entered in the pricing schedule must be **inclusive of Value Added Tax (VAT)**.
- i) If VAT registered , then should be added below the schedule. If not VAT registered indicate zero or N/A
- j) Only firm prices will be accepted. Non-firm prices (including prices subject to rates of exchange variations) will not be considered.
- k) In cases of contract periods longer than 12 months and price adjustments is applicable, it will be based on CPI. If higher inflation is required indicate CPI + and number %.

1. BILL OF QUANTITIES (PRICING SCHEDULE)

THE BILL OF QUANTITIES MUST BE COMPLETED IN FULL.

ITEM DESCRIPTION	COLOUR	SIZES	QTY	YEAR 1 UNIT PRICE	YEAR 2 UNIT PRICE	YEAR 3 UNIT PRICE
1. HIKER BOOTS: Durable synthetic mesh uppers, lightweight, carbon rubber outside & EVA footbed	BLACK/ GREY/ BROWN	3	1			
		4	1			
		5	1			
		6	1			
		7	1			
		8	1			
		9	1			
		10	1			
		11	1			
		12	1			
		13	1			
2. SAFETY BOOTS: Steel toe cap designed to withstand an impact load of 200 joules / Buffalo leather for durability/ Oil and acid resistant sole with anti-slip and anti-static properties/ Shank reinforcement for support and stability / PU/PU sole for comfort, shock absorption and durability/ EVA innersole for comfort and shock absorption.	BLACK	3	1			
		4	1			
		5	1			
		6	1			
		7	1			
		8	1			
		9	1			
		10	1			
		11	1			
		12	1			
		13	1			
3. NEON SHOES Ladies safety shoes with superior comfort design, genuine split buffalo leather upper, lightweight and flexible PU sole. Steel toe cap with impact protection, shock absorbent heel, heat resistant, oil resistant, slip resistant and anti-static.	BLACK	3	1			
		4	1			
		5	1			
		6	1			
		7	1			
		8	1			
		9	1			
		10	1			
		11	1			
		12	1			
		13	1			

4. LOAFER CLOG: Slip on unisex clog design, perfect for hospitality and medical field, shock absorbent insole, slip resistant on dry surface, water resistant, thicker inner sole for added comfort, removable inner sole. Fabrication: Upper and outer sole – PVC, insole - PU with polyester mesh.	BLACK	3	1			
		4	1			
		5	1			
		6	1			
		7	1			
		8	1			
		9	1			
		10	1			
5. T-SHIRTS: Short sleeve, round neck, 135g 100% polyester, with Elias Motsoaledi Local Municipality logo on the left hand side and it should be vinyl printed Elias Motsoaledi Local Municipality at the back.	NAVY BLUE	XS	1			
		S	1			
		M	1			
		L	1			
		XL	1			
		XXL	1			
6. T-SHIRTS: EPWP Short sleeve, round neck, 145g 100% cotton, with reflectors, Elias Motsoaledi Local Municipality logo on the right hand side and EPWP logo on the left hand side and it should be vinyl printed EPWP at the back.	ORANGE	XS	1			
		S	1			
		M	1			
		L	1			
		XL	1			
		XXL	1			
7. T-SHIRTS: Short sleeve, round neck, 145g 100% cotton, with Elias Motsoaledi Local Municipality emblem on the right hand side and it should be vinyl printed PARKS AND CEMETERY / SOLID WASTE at the back.	ORANGE	XS	1			
		S	1			
		M	1			
		L	1			
		XL	1			
		XXL	1			

8. MEN'S SHORT SLEEVE SHIRT: Fabric 60/40 cotton poly yarn-dyed. Double back pleats for ease of movement/ button down front/ Built in collar stays/ Chest pocket/ Top stitching on yoke, shoulder and armholes for added strength/ Posted side seams.	LIGHT BLUE STRIPES	S	1			
		M	1			
		L	1			
		XL	1			
9. MEN'S LONG SLEEVE SHIRT: Fabric 60/40 cotton poly yarn-Dyed. Double back pleats for ease of movement/ Button down front/ Built in collar stays/ Chest pocket/ Top stitching on yoke, shoulder and armholes for added strength/ Posted side seams/ Formal cuff and gauntlet with button closures.	LIGHT BLUE STRIPES	S	1			
		M	1			
		L	1			
		XL	1			
10. WOMEN'S SHORT SLEEVE SHIRT: Fabric 60/40 cotton poly yarn-dyed. Semi fitted with slits/ Button down front/ Chest pocket/ Top stitching on yoke, shoulder and armholes.	LIGHT BLUE STRIPES	S	1			
		M	1			
		L	1			
		XL	1			
11. WOMEN'S LONG SLEEVE SHIRT: Fabric 60/40 cotton poly yarn-dyed. Semi fitted with slits/ button down front/ chest pocket/ top stitching on yoke, shoulder and armholes.	LIGHT BLUE STRIPES	S	1			
		M	1			
		L	1			
		XL	1			
12. THE CLASSIC 100% COTTON GOLFER: Fabric 100% cotton pique knit. Rib collar/ side slits with bar tacks/ regular fit for comfort/ Top stitching on the arm holes and shoulder seams/ Specialized placket/ Bio blast technology. Embroidery of “ Municipal Logo & Elias Motsoaledi local municipality written under the logo on the upper left front and EMLM written at the back	BLUE / RED	S	1			
		M	1			
		L	1			
		XL	1			
		XXL	1			

13. GOLF T-SHIRT: Cool fit knit of 100% polyester, self fabric collar, 3 button placket with tone on tone embossed buttons Embroidery of “ Municipal Logo & Elias Motsoaledi local municipality written under the logo on the upper left front and EMLM written at the back	NAVY BLUE / DARK GREY /BLACK	S	1			
		M	1			
		L	1			
		XL	1			
		XXL	1			
14. WOMEN’S KICK PLEAT SKIRT: Fabric 100% polyester, min matte with mechanical stretch. Pleat detail on front and back/ YKK zip.	NAVY BLUE	32	1			
		34	1			
		36	1			
		38	1			
		40	1			
		42	1			
		44	1			
		46	1			
		48	1			
		50	1			
15. WOMEN’S STRAIGHT LEG TROUSER: Fabric 100% polyester, min matte with mechanical stretch. Shaped waistband/ belt loops/ tapered straight leg styling/ YKK zip.	NAVY BLUE	32	1			
		34	1			
		36	1			
		38	1			
		40	1			
		42	1			
		44	1			
		46	1			
		48	1			
		50	1			
16. WORK SUITES CONTI-JACKET: Conti-jacket, reinforced bartacked seams and pressure points, reflective tape 50mm on both elbows, SABS approved, concealed YKK front zip opening, chest pocket with V-flap and press stud, hanger loop, side slits 90mm and elasticated cuffs. Fabrication: 300g 100% Cotton with acid and flame retardant finish. Embroidered badge in front Elias Motsoaledi Local Municipality logo on the right hand side. Embroidery behind should be written PARKS AND CEMETERY/ SOLID WASTE/ ROADS/ ELECTRICAL / BUDGET AND TREASURY/	NAVY BLUE/ GREEN	30	1			

LICENSING/ EXAMINER/ PMU/ FLEET/ STORES/ PLANNING /RECORDS						
<u>Conti-Trouser</u>						
Conti-trouser, reinforced bartacked seams and pressure points, reflective tape on both knees 50mm, SABS approved, ½ elasticated waistband, triple needle top-stitching on front and back rise and also on the inner and outer leg, two swing pockets, money pocket, side tool pocket and one back patch pocket. Fabrication: 300g 100% Cotton with acid and flame retardant finish.						
		32	1			
		34	1			
		36	1			
		38	1			
		40	1			
		42	1			
		44	1			
		46	1			
		48	1			
		50	1			
		52	1			
17. PERSONAL PROTECTIVE EQUIPMENT (PPE) JACKETS & TROUSERS (EPWP):		ORANGE	28	1		
100% cotton, with reflectors, Elias Motsoaledi Local Municipality logo on the right hand side and EPWP logo on the left hand side and it should be vinyl printed EPWP at the back.						
		30	1			
		32	1			
		34	1			
		36	1			
		38	1			
		40	1			
		44	1			
		46	1			
		48	1			
		50	1			
18. JACKETS:		NAVY BLUE/ BLACK	S	1		
Shell 95% polyester & 5% spandex laminated fabric The softshell has 2 way stretch for extreme comfort & freedom of movement, two hand-warmer pockets, elastic cuffs, DWR coating provides fabric with a durable water repellence						
Embroidery of “ Municipal Logo & Elias Motsoaledi local municipality written under the logo on the upper left front and should be vinyl printed EMLM at the back)						
		M	1			
		L	1			
		XL	1			
		XXL	1			

19. AHEAD LADIES QUANTUM GOLFER: Rib knit collar with inner self-fabric back neck binding, short sleeves with double needle stitched hem. Feminine 4 button constructed placket. Silver ahead heat-seal branding on sleeve, functional sportswear styling with front and back body mapped pattern, the mesh construction provides customized breathability. Fabrication: 180g 95% polyester 5% spandex with moisture wicking finish, with Elias Motsoaledi Local Municipality emblem on the right hand side.	SMOKE BLUE	S	1			
		M	1			
		L	1			
		XL	1			
		XXL	1			
		XXXL	1			
20. HIGH VIZ SOFTSHELL JACKET: Fabric 100% polyester. Outer shell with bonded fleece in contrast colour/ Zip guard/ Side pockets with zip closure/ Adjustable cuffs/ Draw cord in hem with adjustable toggles with safety catch/ Two large inside pockets. High Viz orange with grey lining. Embroidery of “ Municipal Logo & Elias Motsoaledi local municipality written under the logo on the upper left front and EMLM vinyl printed at the back)	NAVY BLUE / SMOKE BLUE / BLACK WITH GREY LINING	S	1			
		M	1			
		L	1			
		XL	1			
		XXL	1			
		XXXL	1			
21. SAFTEY VEST (Reflective Jacket Lime): Reflective strips with zipper & breathable lightweight fabric Embroidery of “ Municipal Logo & Elias Motsoaledi local municipality vinyl printed under the logo on the upper left front and EMLM vinyl printed at the back	NEON YELLOW	S	1			
		M	1			
		L	1			
		XL	1			
		XXL	1			
22. VERSATEX CHEF BIB APRONS: Fabric versatex 65/35 poly cotton twill/ denim. Adjustment neck strap/ Extra length self-fabric ties/ Bar tacks on all stress point/ Large front pockets.	CHARCOAL/ BLACK.	S	1			
		M	1			
		L	1			
		XL	1			
		XXL	1			

23. LADIES POLY COTTON HOUSE COAT: Burst darts, perfect outwear to protect ladies 'clothes while cleaning, grown on button stand with buttons, two patch pockets and short sleeves with a cuff. Fabrication: 210g 80/20 poly cotton with Embroidered badge in front Elias Motsoaledi Local Municipality logo on the left hand side chest. Embroidery at the back of the coat should be written EMLM .	NAVY BLUE/ KHAKI	M	1			
		L	1			
		XL	1			
		XXL	1			
		XXXL	1			
24. HIKER HATS: 100% cotton & fitted with ventilation holes as well as pouch on the inside for storage and a useful wide-brim "wind-proof" sun hat Embroidery of " Municipal Logo & Elias Motsoaledi local municipality written under the logo on the front	GREY/ BLACK /BLUE	ADULT STANDARD SIZE	1			
			1			
25. SUN HATS: EPWP 100% cotton & fitted with ventilation holes as well as pouch on the inside for storage and a useful wide-brim "wind-proof" sun hat Embroidery of " Municipal Logo & EPWP logo written on the front	ORANGE	ADULT STANDARD SIZE	1			
26. SUN HATS: UPF 50+ Internal moisture wicking sweatband, Elastic draw cord with toggle at the back of crown for adjustable fit Adjustable chin cord, Polyester material Approx. head with Elias Motsoaledi Local Municipality Logo in front	KHAKI / BLACK /BLUE	ADULT STANDARD SIZE	1			
27. RAIN COAT: Polyester PVC, weight 185gm, colour navy, clear side panels in hood, posted seams for extra strength, heat sealed seams for improved water resistance, concealed elastic storm cuffs, stowaway hood with draw cord, draw cord in jacket hem, ankle poppers for adjustable trouser hem and elasticized waistband and YKK zip.	NAVY BLUE/ BLACK	S	1			
		M	1			
		L	1			
		XL	1			
		XXL	1			
		XXXL	1			
28. Embroidery of Municipality Logo			1			
29. Embroidery of EPWP Logo			1			
30. Embroidery per letter			1			
SUB TOTAL						
VAT at 15% (If Applicable)						
TOTAL AMOUNT (VAT Included)						

TOTAL BID PRICE FOR 3 YEARS = _____

NB: MUNICIPALITY WILL NOT ACCEPT SUBSTANDARD GOODS

NOTE: SERVICE PROVIDER SHOULD BRING ONE SAMPLE OF EACH ITEM TO END-USER DEPARTMENT TO CONFIRM WHETHER THE PRODUCTS ARE AS PER SPECIFICATION BEFORE DELIVERY.

PLEASE NOTE THAT ALL THE ABOVE PRODUCTS MUST BE PRODUCED AND MANUFACTURED IN SOUTH AFRICA.

RETURNABLE TENDER DOCUMENTS MUST BE COMPILED WITH CLEAR FILES DIVIDERS IN NUMERICAL ORDER AS PER THE BELOW MINIMUM REQUIREMENTS

Minimum Qualifying Requirements /Compulsory Returnable Documents:

1. Fully Completed and Signed MBD Forms with a black ink (1; 4; 6.1; **6.2 including Annexure – C; 8 & 9**).
2. Attach CSD registration report (summary or detailed).
3. Valid copy Entity / Company registration certificate.
4. Sign any alteration on the tender document. **(NB: Not Initialed)**.
5. Sign every page on the tender document. **(NB: Not Initialed)**.
6. Forms must be completed and signed in Black ink.
7. **Compulsory Briefing Session Attended**
8. CIPC Abridged Certificate Annual returns **(NB applicable to entities that are/were in business for more than 12 months)**
9. Company Profile **(Detailing; Name of Client; Service Provided; Award Amount; Contact Person and Contact Number)**.
10. Proof of Municipal rates and taxes or services charges:
 - Of the company and all of its directors not in arrears for more than 90 days or
 - Confirmation from the municipality if municipal rates and taxes are not levied (for the company and all its director(s)) as per CK/Company form of address on the registration certificate or
 - if leasing, a signed lease agreement by the lessor and the lessee and a declaration/letter indicating that the bidder and/or the director does not have municipal account and that the municipal services; rates and taxes are paid by the property owner, should be signed by the lessor and such declaration/letter must be attached / Municipal rates in the name of the lessor for both company and director(s).
11. Original certified copy of B-BBEE Certificate issued by a SANAS verification agency; original Sworn Affidavit from commissioner of oaths or Original / Certified copy of CIPC Sworn Affidavit.
12. Original Certified copies of ID's of the Director(s) **(Certification not older than 6 months before the closing date)**.
13. **In case of a Joint Venture**, Association or Consortium a formal contract agreement must be signed by both parties and be attached and the following must be adhered to:

- All of the above requirements must be for the both entities.
- Consolidated Valid B-BBEE Certificate issued by a SANAS

Verification agency; **NB: No sworn affidavits will be considered.**

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

NB: Bidding Condition: Only locally produced or locally manufactured textile, clothing, leather & footwear with a 100% minimum threshold for local production and content will be considered.

NOTE: PREFERENCE WILL BE GIVEN TO SERVICE PROVIDERS RESIDING WITHIN ELIAS MOTSOALEDI LOCAL MUNICIPALITY.

2. COMPULSORY MUNICIPAL BID DOCUMENTATION

- a) MBD 1 : Invitation to tender
- b) MBD 4 : Declaration of interest
- c) MBD 6.1 : Preference certificate
- d) MBD 6.2 : Local content
- e) MBD 8 : Declaration of bidder's past supply chain management practices
- f) MBD 9 : Certificate of Independent Bid Determine

CONCLUSION:

Any false information given by the Prospective Service Provider and not meeting the minimum qualifying requirement, will lead to automatic disqualification of the PSP. The council reserves the right to accept either the whole or part of any Bid, or not to appoint at all. Faxes or e-mail is not acceptable. Bidders will be required to show compliance with the New Preferential Procurement Regulation of 2017

**PART A
INVITATION TO BID**

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE (ELIAS MOTSOLEDI LOCAL MUNICIPALITY)					
BID NUMBER:		CLOSING DATE:		CLOSING TIME:	
DESCRIPTION					
THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (MBD7).					
BID RESPONSE DOCUMENTS MAY BE DEPOSITED IN THE BID BOX SITUATED AT (STREET ADDRESS)					
02 GROBLER AVENUE					
GROBLERSDAL					
0470					
SUPPLIER INFORMATION					
NAME OF BIDDER					
POSTAL ADDRESS					
STREET ADDRESS					
TELEPHONE NUMBER	CODE		NUMBER		
CELLPHONE NUMBER					
FACSIMILE NUMBER	CODE		NUMBER		
E-MAIL ADDRESS					
VAT REGISTRATION NUMBER					
TAX COMPLIANCE STATUS	TCS PIN:		OR	CSD No:	
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	BUDGET AND TREASURY		DEPARTMENT	CORPORATE SERVICES	
CONTACT PERSON	M. MTHIMUNYE		CONTACT PERSON	Z MAMPURU	
TELEPHONE NUMBER	013 262 3056		TELEPHONE NUMBER	013 262 3056	
FACSIMILE NUMBER	013 262 2547		FACSIMILE NUMBER	013 262 2547	
E-MAIL ADDRESS	mmthimunye@emlm.gov.za		E-MAIL ADDRESS	zmampuru@emlm.gov.za	

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.	
3.6.	

**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:

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.

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

3.8	Have you been in the service of the state for the past twelve months?	Yes	No
	If yes, please furnish particulars :		

3.8.1	Name of director		
3.8.2	Service of state organization		
3.9	Do you have any relationship (family, friend, other) with persons in the service of the state and who may be involved with the evaluation and or adjudication of this bid? If yes, please furnish particulars :	Yes	No
3.9.1	Name of person in the service of state		
3.9.2	Relationship		
3.10	Are you, aware of any relationship (family, friend, other) between any other bidder and any persons in the service of the state who may be involved with the evaluation and or adjudication of this bid? If yes, please furnish particulars :	Yes	No
3.10.1	Name of person in the service of state		
3.10.2	Relationship		
3.11	<i>Are any of the company's directors, trustees, managers, principle shareholders or stakeholders in service of the state?</i> If yes, please furnish particulars :	Yes	No
3.11.1	Name of director		
3.11.2	Service of state organization		
3.12	Is any spouse, child or parent of the company's director trustees, managers, principle shareholders or stakeholders in service of the state? If yes, please furnish particulars:	Yes	No
3.12.1	Name of director		

3.12.2	Name of relative		
3.12.3	Relationship		
3.13	Do you or any of the directors, trustees, managers, principle shareholders, or stakeholders of this company have any interest in any other related companies or business whether or not they are bidding for this contract?	Yes	No

	If yes, please furnish particulars:	
3.13.1	Name of director	
3.13.2	Related company	
Note:	SCM 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. "Shareholder" means a person who owns shares in the company and is actively involved in the management of the company or business and exercises control over the company.	

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

Full Name	Identity Number	State Employee Number

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

I accept that the state may act against me should this declaration prove to be false.

NAME OF REPRESENTATIVE 	AUTHORIZED SIGNATURE (UNDERSIGNED) 
DATE 	CAPACITY 

PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL PROCUREMENT REGULATIONS 2017

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

NB: BEFORE COMPLETING THIS FORM, BIDDERS MUST STUDY THE GENERAL CONDITIONS, DEFINITIONS AND DIRECTIVES APPLICABLE IN RESPECT OF B-BBEE, AS PRESCRIBED IN THE PREFERENTIAL PROCUREMENT REGULATIONS, 2017.

1. GENERAL CONDITIONS

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

- the 80/20 system for requirements with a Rand value of up to 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

- a) The value of this bid is estimated to not exceed R50 000 000 (all applicable taxes included) and therefore the 80/20 preference point system shall be applicable; or
- b) Either the 80/20 or 90/10 preference point system will be applicable to this tender (*delete whichever is not applicable for this tender*).

1.3 Points for this bid shall be awarded for:

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

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

	POINTS
PRICE	80
B-BBEE STATUS LEVEL OF CONTRIBUTOR	20
Total points for Price and B-BBEE must not exceed	100

1.5 Failure on the part of a bidder to submit proof of B-BBEE Status level of contributor together with the bid, will be interpreted to mean that preference points for B-BBEE status level of contribution are not claimed.

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

2. DEFINITIONS

- (a) **“B-BBEE”** means broad-based black economic empowerment as defined in section 1 of the Broad-Based Black Economic Empowerment Act;

“B-BBEE status level of contributor” means the B-BBEE status of an entity in terms of a code of good practice on

Black economic empowerment, issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act;

- (b) **“bid”** means a written offer in a prescribed or stipulated form in response to an invitation by an organ of state for the provision of goods or services, through price quotations, advertised competitive bidding processes or proposals;

- (c) **“Broad-Based Black Economic Empowerment Act”** means the Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003);
 - (d) **“EME”** means an Exempted Micro Enterprise in terms of a code of good practice on black economic empowerment issued in terms of section 9 (1) of the Broad-Based Black Economic Empowerment Act;
 - (e) **“functionality”** means the ability of a tenderer to provide goods or services in accordance with specifications as set out in the tender documents.
 - (f) **“prices”** includes all applicable taxes less all unconditional discounts;
 - (g) **“proof of B-BBEE status level of contributor”** means:
 - 1) B-BBEE Status level certificate issued by an authorized body or person;
 - 2) A sworn affidavit as prescribed by the B-BBEE Codes of Good Practice;
 - 3) Any other requirement prescribed in terms of the B-BBEE Act;
 - (h) **“QSE”** means a qualifying small business enterprise in terms of a code of good practice on black economic empowerment issued in terms of section 9 (1) of the Broad-Based Black Economic Empowerment Act;
- 1.
- (i) **“rand value”** means the total estimated value of a contract in Rand, calculated at the time of bid invitation, and includes all applicable taxes;

3. POINTS AWARDED FOR PRICE

3.1 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

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

Where

P_s = Points scored for price of bid under consideration
 P_t = Price of bid under consideration
 $P_{\min}$ = Price of lowest acceptable bid

4. POINTS AWARDED FOR B-BBEE STATUS LEVEL OF CONTRIBUTOR

- 4.1 In terms of Regulation 6 (2) and 7 (2) of the Preferential Procurement Regulations, preference points must be awarded to a bidder for attaining the B-BBEE status level of contribution in accordance with the table below:

B-BBEE Status Level of Contributor	Number of points (90/10 system)	Number of points (80/20 system)
1	10	20
2	9	18
3	6	14
4	5	12
5	4	8
6	3	6
7	2	4
8	1	2
Non-compliant contributor	0	0

5. **BID DECLARATION**

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

6. **B-BBEE STATUS LEVEL OF CONTRIBUTOR CLAIMED IN TERMS OF PARAGRAPHS 1.4 AND 4.1**

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

(Points claimed in respect of paragraph 7.1 must be in accordance with the table reflected in paragraph 4.1 and must be substantiated by relevant proof of B-BBEE status level of contributor.

7. **SUB-CONTRACTING**

7.1 Will any portion of the contract be sub-contracted?

(*Tick applicable box*)

YES	☐	NO	☐
-----	--------------------------	----	--------------------------

7.1.1 If yes, indicate:

i) What percentage of the contract will be subcontracted.....%

ii) The name of the sub-contractor.....

iii) The B-BBEE status level of the sub-contractor.....

iv) Whether the sub-contractor is an EME or QSE

(*Tick applicable box*)

YES	☐	NO	☐
-----	--------------------------	----	--------------------------

v) Specify, by ticking the appropriate box, if subcontracting with an enterprise in terms of Preferential Procurement Regulations,2017:

WITNESSES

1.

2.

.....
SIGNATURE(S) OF BIDDERS(S)

DATE:

ADDRESS

.....

.....

DECLARATION CERTIFICATE FOR LOCAL PRODUCTION AND CONTENT FOR DESIGNATED SECTORS

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

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

1. General Conditions

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

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

Where

- x is the imported content in Rand
- y is the bid price in Rand excluding value added tax (VAT)

Prices referred to in the determination of x must be converted to Rand (ZAR) by using the exchange rate published by South African Reserve Bank (SARB) on the date of advertisement of the bid as indicated in paragraph 3.1 below.

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

- 1.6. A bid may be disqualified if this Declaration Certificate and the Annex C (Local Content Declaration: Summary Schedule) are not submitted as part of the bid documentation;
2. **The stipulated minimum threshold(s) for local production and content (refer to Annex A of SATS 1286:2011) for this bid is/are as follows:**

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

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

(Tick applicable box)

YES	☐	NO	☐
-----	--------------------------	----	--------------------------

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

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

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

Currency	Rates of exchange
US Dollar	
Pound Sterling	
Euro	
Yen	
Other	

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

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

LOCAL CONTENT DECLARATION

(REFER TO ANNEX B OF SATS 1286:2011)

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

IN RESPECT OF BID NO.

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

NB

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

I, the undersigned, (full names),

do hereby declare, in my capacity as

of(name of bidder entity), the following:

- (a) The facts contained herein are within my own personal knowledge.
- (b) I have satisfied myself that:
 - (i) the goods/services/works to be delivered in terms of the above-specified bid comply with the minimum local content requirements as specified in the bid, and as measured in terms of SATS 1286:2011; and

- (c) The local content percentage (%) indicated below has been calculated using the formula given in clause 3 of SATS 1286:2011, the rates of exchange indicated in paragraph 3.1 above and the information contained in Declaration D and E which has been consolidated in Declaration C:

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

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

The local content percentages for each product has been calculated using the formula given in clause 3 of SATS 1286:2011, the rates of exchange indicated in paragraph 3.1 above and the information contained in Declaration D and E.

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

SIGNATURE: _____

WITNESS No. 1 _____

DATE: _____

WITNESS No. 2 _____

DATE: _____

Annex E

Local Content Declaration - Supporting Schedule to Annex C

(E1)	Tender No.				Note: VAT to be excluded from all calculations
(E2)	Tender description:				
(E3)	Designated products:				
(E4)	Tender Authority:				
(E5)	Tendering Entity name:				

Local Products (Goods, Services and Works)	Description of items purchased	Local suppliers	Value
	(E6)	(E7)	(E8)
	(E9) Total local products (Goods, Services and Works)		R 0

(E10)	Manpower costs	(Tenderer's manpower cost)	R 0
(E11)	Factory overheads	(Rental, depreciation & amortisation, utility costs, consumables etc.)	R 0
(E12)	Administration overheads and mark-up	(Marketing, insurance, financing, interest etc.)	R 0

(E13) Total local content	R 0
This total must correspond with Annex C - C24	

Signature of tenderer from Annex B

Date:		

DECLARATION OF BIDDERS PAST SUPPLY CHAIN MANAGEMENT PRACTICES

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

Item	Question	Yes	No
4.1	Is the bidder or any of its directors listed on the National Treasury's Database of Restricted Suppliers as companies or persons prohibited from doing business with the public sector? (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
4.5.1	If so, furnish particulars:		

CERTIFICATION

I, the undersigned certify that the information furnished on this declaration form true and correct.

I accept that, in addition to cancellation of a contract, action may be taken against me should this declaration prove to be false.

NAME OF REPRESENTATIVE 	AUTHORIZED SIGNATURE (UNDERSIGNED) 
DATE 	CAPACITY 

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). ²Collusive bidding is a *pe se* prohibition meaning that it cannot be justified under any grounds.
- 3 Municipal Supply Regulation 38(1) prescribes that a supply chain management policy must provide measures for the combating of abuse of the supply chain management system, and must enable the accounting officer, among others, to:
 - 3.1. take all reasonable steps to prevent such abuse;
 - 3.2. reject the bid of any bidder if that bidder or any of its directors has abused the supply chain management system of the municipality or municipal entity or has committed any improper conduct in relation to such system; and
 - 3.3. cancel a contract awarded to a person if the person committed any corrupt or fraudulent act during the bidding process or the execution of the contract.
- 4 This MBD serves as a certificate of declaration that would be used by institutions to ensure that, when bids are considered, reasonable steps are taken to prevent any form of bid rigging.
- 5 In order to give effect to the above, the attached Certificate of Bid Determination (MBD 9) must be completed and submitted with the bid:

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

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

CERTIFICATE OF INDEPENDENT BID DETERMINATION

I, the undersigned, in submitting the accompanying bid: **(Tender number and description)**

in response to the invitation for the bid made by:

NAME OF MUNICIPALITY / MUNICIPAL ENTITY 

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

I certify, on behalf of (name of bidder): 
NAME OF REPRESENTATIVE: 

that:

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:

- 7.1 Prices;
 - 7.2 Geographical area where product or service will be rendered (market allocation);
 - 7.3 Methods, factors or formulas used to calculate prices;
 - 7.4 The intention or decision to submit or not to submit a bid;
 - 7.5 The submission of a bid which does not meet the specifications and conditions of the bid; or
 - 7.6 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.

NAME OF REPRESENTATIVE 	AUTHORIZED SIGNATURE (UNDERSIGNED) 
DATE 	CAPACITY 

GENERAL CONDITIONS OF CONTRACT

The General Conditions of Contract are not included in this document and may be downloaded from the following website – www.treasury.gov.za/legislation