



**SAKHISIZWE**  
**MUNISIPALITEIT • UMASIPALA •**  
**MUNICIPALITY**

P.O. BOX 26, CALA, 5455  
ERF 5556, UMTATHA ROAD: TEL – 047-877 5200, FAX – 047 – 877 0000  
P.O.BOX 21, ELLIOT, 5460  
15 MACLEAR ROAD, ELLIOT: TEL – 045 – 9311011 / FAX – 045 – 9311 361  
WWW.SAKHISIZWE.GOV.ZA

DATE:	CIDB GRADING	COMPULSORY BRIEFING	PERSON DEALING WITH MATTER:	REFERENCE:
08 FEBRUARY 2022	1CE	<b>11 FEBRUARY 2021</b> <b>MUNICIPAL HALL CALA</b> <b>@10:00 AM</b> <b>NB: THOSE PARTIES</b> <b>ARRIVING MORE THAN</b> <b>15 MINUTES AFTER THE</b> <b>ACTUAL</b> <b>COMMENCEMENT OF</b> <b>THE BRIEFING WILL</b> <b>NOT BE ALLOWED TO</b> <b>SIGN THE ATTENDANCE</b> <b>REGISTER</b>	<b>SCM OFFICE</b> <b>(045 9311011)</b>	<b>SLM/SCM/9/2021/22</b>

Dear Sir / Madam

**REQUEST FOR FORMAL WRITTEN QUOTATION: CALA OFFICES HEAVY VEHICLE GATE**  
**CONSTRUCTION**

**(Over R 30, 000.00 up to transaction value of R 200, 000.00 Vat Included)**

Kindly furnish me with a formal written quotation for the CALA OFFICES HEAVY VEHICLE GATE CONSTRUCTION. Documents are obtained at Sakhisizwe Local Municipal Website. ([www.sakhisizwe.gov.za](http://www.sakhisizwe.gov.za))

The quotation must be placed in the bid box situated at Sakhisizwe Municipality, Finance Department; 15 Maclear Road, Elliot not later than **Friday 18<sup>th</sup> February 2022 at 12h00.**

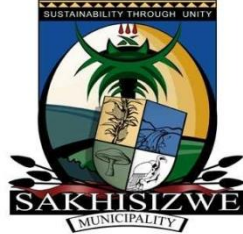
The following conditions will apply:

- a) The Sakhisizwe Municipality Supply Chain Management Policy will apply.
- b) Conditions stated on **Acquisition Management. Form Code AM 05 will apply.**
- c) All pages must be filled (**N/A SHOULD BE STATED WHERE POSSIBLE**)
- d) Proposals which are late, or submitted by facsimile or electronically will not be considered
- e) The municipality does not bind itself to accept the lowest bid or any other bid and reserves the right to accept the whole or part of the bid.
- f) Price(s) quoted must be valid for at least ninety (90) days from date of your offer.
- g) A Detailed Price(s) quoted must be firm and must be inclusive of VAT.
- h) A firm delivery period and delivery amount must be indicated.
- i) This quotation will be evaluated in terms of the 80/20 preference point system as prescribed in the Preferential Procurement Policy Framework Act 2017 and for this purpose the enclosed form MBD6.1 must be scrutinized, completed and submitted together with your quotation.
- j) No quotations will be considered from persons in the service of the state.
- k) The GCC will apply
- l) Suppliers must attach CSD Report.

Failure to comply with these conditions may invalidate your offer.

Yours faithfully

**MRS N.C. MAZWAYI**  
**MUNICIPAL MANAGER**



**REQUEST FOR FORMAL WRITTEN QUOTATION FORM – AM 05  
(FORM CODE: AM 05) 7 DAYS NOTICE**

<b>FROM</b>	<b>SUPPLY CHAIN UNIT</b>
<b>TO</b>	<b>INTERESTED SERVICE PROVIDER</b>
<b>ADVERTISING DATE</b>	<b>TUESDAY 08 FEBRUARY 2022</b>
<b>COMPULSORY BRIFIENG</b>	<b>11 FEBRUARY 2022</b>
<b>REFERENCE</b>	<b>SLM/SCM/9/2021/22</b>
<b>CLOSING DATE</b>	<b>FRIDAY 18 FEBRUARY 2022</b>

**Bid Description:** CALA OFFICES HEAVY VEHICLE GATE CONSTRUCTION

Kindly furnish the Sakhisizwe Municipality with a formal written price quotation for rendering of services as detailed in the below schedule.

**SPECIFICATION**

Proposal of **CALA OFFICES HEAVY VEHICLE GATE CONSTRUCTION**

with the following specification as indicated below

: (01 month contract) **CALA OFFICES HEAVY VEHICLE GATE CONSTRUCTION**

**TERMS OF REFERENCE**

**FOR**

**CALA OFFICES HEAVY VEHICLE GATE CONSTRUCTION**

**NAME OF THE PROJECT** : Cala Offices Heavy Vehicle Gate Construction

## **1. PROJECT BACKGROUND**

1.1 The property on ERF 5556, UMTATA ROAD, CALA consists of municipal offices and it stores the municipality's road construction material which are kerbs and paving bricks, including the Municipal plant used to construct Cala internal streets.

1.2 In order to move the material the Municipal plant it is required to use the main access with all the other vehicles which causes traffic to Umtata Road and damage to the existing driveway as it was not designed to withstand heavy vehicles with loads.

1.3 There is an existing damaged access gate behind the offices which leads directly to where the road construction material and plant is stored which can be repaired for easy access.

## **2. SCOPE OF WORKS**

- 2.1 Demolish existing damaged boundary wall.
- 2.2 Construct new boundary wall with new lockable sliding vehicle gate.
- 2.3 Prepare earthworks to accommodate heavy vehicles entering the gate.
- 2.4 Lay paving and kerbing supplied by the Municipality.

## **3. DELIVERABLES**

- 3.1 Signing of a SLA contract between Service Provider and Sakhisizwe Local Municipality.
- 3.2 There shall be a **3 months liability period** for all works against faulty workmanship or defective materials.

## **4. EXPECTED OUTCOME.**

- 4.1 The service provider is expected to comply with Bill of Quantities as the Terms of reference.

## **5. PROJECT TIMEFRAME**

- 5.1 Shall be 2 months from the date of appointment.

## **6. CIDB GRADING**

- 1CE

## 7. BILL OF QUANTITIES AND ANNEXURES ATTACHED

BILL OF QUANTITIES: CALA OFFICE HEAVY VEHICLE GATE CONSTRUCTION					
Item	Description	Unit	Quantity	Rate	Amount
	<b>Note: All material to be used shall be of good standard and shall be SANS approved. All items to be inspected for good workmanship by Project Manager.</b>				
<b>1</b>	<b><u>DEMOLITIONS</u></b> Demolish and remove boundary wall size 7.6 x 1.8m consisting of clay bricks and carefully store undamaged bricks including removing damaged gate and kerbing	<b>Item</b>	<b>1</b>		
<b>2</b>	<b><u>BOUNDARY WALL CONSTRUCTION</u></b> Expose the existing foundation from the demolished boundary wall and construct new boundary wall in stretcher bond including two pillars to hold the gate and install 500mm Diameter fully galvanised steel flatwrap razor tape to wall fixed to 3.15mm galvanised straining wire.	<b>M<sup>2</sup></b>	<b>12</b>		
<b>3</b>	Apply 10mm 3:1 cement plaster on brickwork to newly built boundary wall complete with a smooth finish and stepping design.	<b>M<sup>2</sup></b>	<b>24</b>		
<b>4</b>	Prepare wall and apply two coats of under coat paint and two finishing coats of exterior paint with 8 years guarantee to newly plastered wall. (note: paint for the stepping design is different from the rest)	<b>M<sup>2</sup></b>	<b>24</b>		
<b>5</b>	Supply and install sign board size 1500 x 900mm to new wall with the Municipal name, logo and address	<b>No</b>	<b>1</b>		
<b>6</b>	Remove damaged fascia and gutter to building and replace with new 220mm fascia board to be painted white including preparation of timber ends	<b>M</b>	<b>19</b>		

	and install new industrial white aluminum gutter and connect to existing down pipes.				
<b>6</b>	<p><b><u>EARTHWORKS</u></b></p> <p>Excavate for a road-bed surface and compact to a minimum of 93%, Mod. AASHTO dry density to a depth of 300mm as per the Project Managers direction.</p>	<b>M<sup>3</sup></b>	<b>36</b>		
<b>7</b>	<p><b><u>Pavement layers constructed from gravel obtained from nearby borrow pit.</u></b></p> <p>Backfill to open excavation with Selected filling (G7), carted on, spread and levelled and compacted in layers not exceeding 150mm thick to 93% Mod. AAHSTO density.</p>	<b>M<sup>2</sup></b>	<b>36</b>		
<b>8</b>	<p><b><u>PRECAST CONCRETE BLOCK PAVING FOR ROADS</u></b></p> <p>Stock 230 x 115 x 80mm pavers complying with SABS 1058 to be supplied by the Municipality, be laid in strict accordance with the manufacturer's instructions to the pattern stated, vibrating with a plate compactor to provide properly bedded even top surfaces and for sealing all joints with fine sand thoroughly brushed in, protecting from damage and cleaning down on completion. Contractor to supply Cement, Crush stone, sand and lay paving.</p>	<b>M<sup>2</sup></b>	<b>270</b>		

9	<p><b><u>KERBING</u></b>  <b><u>Precast concrete finished smooth on exposed surfaces including bedding, cutting and pointing:</u></b></p> <p>Lay 150mm X 300mm barrier kerbs as SABS 927 fig. 3 supplied by the Municipality, in approximately 1000m lengths, bedded jointed and including unreinforced 3:1 sand cement bedding size 350 X 100 mm thick under 100 X 100 X 180 mm high unreinforced concrete class B haunching behind , including necessary excavation with 1000mm wide concrete V-Drain to one side</p>	M	90		
10	<p><b><u>GATE</u></b>  <b><u>The following in galvanised mild steel sliding gate on flush fitted floor track in 450 x 450mm concrete ground beam with two pairs of rollers fitted to the underside of the gate and two guide posts with guide rollers and gate keep:</u></b></p> <p>Welded galvanised mild steel gate size overall 6000 x 2100mm high, consisting of 75 x 75 x 3,5mm thick rectangular hollow section frame with mid bar, 30 x 20 x 2,5mm thick rectangular hollow section vertical uprights at 120mm centers , with lockable padlatch to match Municipal Front gate or similar.</p>	No	1		
		<p align="center"><b>Sub- Total</b></p> <p align="center"><b>Contingencies @ 10%</b></p> <p align="center"><b>Sub – Total</b></p> <p align="center"><b>VAT @ 15%</b></p> <p align="center"><b>Total</b></p>			

\_\_\_\_\_  
**Name & Signature**  
**Company Director**



Bidder must supply and ensure their own labour for the offloading of the products at the designated Municipal Store.

Preconditions for consideration of written quotations, the following information must appear on your quotation:

1. MBD 4,6.1, 8, 9 and declaration must be signed
2. Bidder must be registered in the Centralised Supplier Database for Government.
3. Delivery Period must be stated **(MUST NOT BE MORE THAN 4 WEEKS)**
4. The quotation must be printed on the letterhead of the business;
5. Date of quotation;
6. Physical address;
7. Banking details;
8. Contact numbers;
9. The quotation must be hand delivered
10. Quotation must submitted within 7 working days;
11. VAT number and please do not include VAT if you are not VAT vendor/registered;
12. Company registration number;
13. Company stamp;
14. A Detailed Quotation must be according to our Specification with Company Stamp;
15. Quotation must be valid for a period of 30 days from the date of closing day;
16. Unit price as well total price must be included in quotation for each item;
17. Quotation total amount must be firm and VAT inclusive;
18. BEE Certificate/Sworn Affidavit;
19. Confirmation Pin From SARS
20. Quotation must be signed by authorized signatory; and
21. Reflect your Centralise Supplier Database Number.
22. Certified ID copies, Company Certificate, Certified B-BBEE certificate/Sworn Affidavit; Most recent municipal account must be submitted

**NOTE:**

**Failure to comply with the abovementioned conditions will invalidate your quotation.**

Hope you find this in good order. (045 9311 011) Tel; (045 9311 361) Fax

**DECLARATION OF INTEREST**

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

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

3.2 Identity Number: .....

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

3.4 Company Registration Number: .....

3.5 Tax Reference Number:.....

3.6 VAT Registration Number: .....

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

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

3.8.1 If yes, furnish particulars. ....



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

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

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

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

3.9.1 If yes, furnish particulars.....  
.....  
.....

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

3.10.1 If yes, furnish particulars.  
.....  
.....

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

3.11.1 If yes, furnish particulars  
.....  
.....

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

3.12.1 If yes, furnish particulars.  
.....  
.....

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

3.13.1 If yes, furnish particulars.

.....  
.....

3.14 Do you or any of the directors, trustees, managers, principle shareholders, or stakeholders of this company have any interest in any other related companies or business whether or not they are bidding for this contract.

**YES / NO**

3.14.1 If yes, furnish particulars:

.....  
.....

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

<b>Full Name</b>	<b>Identity Number</b>	<b>State Employee Number</b>

.....  
**Signature**

.....  
**Date**

.....  
**Capacity**

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

## MBD 6.1

### 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.**

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#### 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:

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

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

- (j) “**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

- Ps = Points scored for price of bid under consideration  
 Pt = Price of bid under consideration  
 Pmin = 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	<input type="checkbox"/>	NO	<input type="checkbox"/>
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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	<input type="checkbox"/>	NO	<input type="checkbox"/>
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v) Specify, by ticking the appropriate box, if subcontracting with an enterprise in terms of Preferential Procurement Regulations,2017:

<b>Designated Group: An EME or QSE which is at last 51% owned by:</b>	<b>EME</b>	<b>QSE</b>
	√	√
Black people		
Black people who are youth		
Black people who are women		
Black people with disabilities		
Black people living in rural or underdeveloped areas or townships		
Cooperative owned by black people		
Black people who are military veterans		
<b>OR</b>		
Any EME		
Any QSE		

**8. DECLARATION WITH REGARD TO COMPANY/FIRM**

8.1 Name of company/firm:.....

8.2 VAT registration number:.....

8.3 Company registration number:.....

8.4 TYPE OF COMPANY/ FIRM

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

[TICK APPLICABLE BOX]

8.5 DESCRIBE PRINCIPAL BUSINESS ACTIVITIES

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

8.6 COMPANY CLASSIFICATION

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

[TICK APPLICABLE BOX]

8.7 MUNICIPAL INFORMATION

**Municipality where business is situated:** .....

**Registered Account Number:** .....

**Stand Number:**.....

8.8 Total number of years the company/firm has been in business:.....

8.9 I/we, the undersigned, who is / are duly authorised to do so on behalf of the company/firm, certify that the points claimed, based on the B-BBE status level of contributor indicated in paragraphs 1.4 and 6.1 of the foregoing certificate, qualifies the company/ firm for the preference(s) shown and I / we acknowledge that:

- i) The information furnished is true and correct;
- ii) The preference points claimed are in accordance with the General Conditions as indicated in paragraph 1 of this form;
- iii) In the event of a contract being awarded as a result of points claimed as shown in paragraphs 1.4 and 6.1, the contractor may be required to furnish documentary proof to the satisfaction of the purchaser that the claims are correct;
- iv) If the B-BBEE status level of contributor has been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the purchaser may, in addition to any other remedy it may have –
  - (a) disqualify the person from the bidding process;
  - (b) recover costs, losses or damages it has incurred or suffered as a result of that person's conduct;

- (c) cancel the contract and claim any damages which it has suffered as a result of having to make less favourable arrangements due to such cancellation;
- (d) recommend that the bidder or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, be restricted by the National Treasury 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.

<p>WITNESSES</p> <p>1. ....</p> <p>2. ....</p>
--

<p>.....</p> <p>SIGNATURE(S) OF BIDDERS(S)</p>
<p>DATE: .....</p> <p>ADDRESS .....</p> <p>.....</p> <p>.....</p>

MBD 8

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

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

Item	Question	Yes	No
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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).  <b>The Database of Restricted Suppliers now resides on the National Treasury's website(<a href="http://www.treasury.gov.za">www.treasury.gov.za</a>) and can be accessed by clicking on its link at the bottom of the home page.</b>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.1.1	If so, furnish particulars:		
4.2	Is the bidder or any of its directors listed on the Register for Tender Defaulters in terms of section 29 of the Prevention and Combating of Corrupt Activities Act (No 12 of 2004)? <b>The Register for Tender Defaulters can be accessed on the National Treasury's website (<a href="http://www.treasury.gov.za">www.treasury.gov.za</a>) by clicking on its link at the bottom of the home page.</b>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.2.1	If so, furnish particulars:		
4.3	Was the bidder or any of its directors convicted by a court of law (including a court of law outside the Republic of South Africa) for fraud or corruption during the past five years?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.3.1	If so, furnish particulars:		
Item	Question	Yes	No
4.4	Does the bidder or any of its directors owe any municipal rates and taxes or municipal charges to the municipality / municipal entity, or to any other municipality / municipal entity, that is in arrears for more than three months?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.4.1	If so, furnish particulars:		
4.5	Was any contract between the bidder and the municipality / municipal entity or any other organ of state terminated during the past five years on account of failure to perform on or comply with the contract?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.7.1	If so, furnish particulars:		

**CERTIFICATION**

**I, THE UNDERSIGNED (FULL NAME) .....  
CERTIFY THAT THE INFORMATION FURNISHED ON THIS  
DECLARATION FORM TRUE AND CORRECT.**

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

.....	.....
<b>Signature</b>	<b>Date</b>
.....	.....
<b>Position</b>	<b>Name of Bidder</b>

**MBD 9**

**CERTIFICATE OF INDEPENDENT BID DETERMINATION**

- 1 This Municipal Bidding Document (MBD) must form part of all bids<sup>1</sup> invited.
  
- 2 Section 4 (1) (b) (iii) of the Competition Act No. 89 of 1998, as amended, prohibits an agreement between, or concerted practice by, firms, or a decision by an association of firms, if it is between parties in a horizontal relationship and if it involves collusive bidding (or bid rigging).<sup>2</sup> Collusive bidding is a *pe se* prohibition meaning that it cannot be justified under any grounds.
  
- 3 Municipal Supply Regulation 38 (1) prescribes that a supply chain management policy must provide measures for the combating of abuse of the supply chain management system, and must enable the accounting officer, among others, to:
  - a. take all reasonable steps to prevent such abuse;
  - b. reject the bid of any bidder if that bidder or any of its directors has abused the supply chain management system of the municipality or municipal entity or has committed any improper conduct in relation to such system; and

- c. cancel a contract awarded to a person if the person committed any corrupt or fraudulent act during the bidding process or the execution of the contract.
- 4 This MBD serves as a certificate of declaration that would be used by institutions to ensure that, when bids are considered, reasonable steps are taken to prevent any form of bid-rigging.
- 5 In order to give effect to the above, the attached Certificate of Bid Determination (MBD 9) must be completed and submitted with the bid:

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

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

**MBD 9**

**CERTIFICATE OF INDEPENDENT BID DETERMINATION**

I, the undersigned, in submitting the accompanying bid:

\_\_\_\_\_

(Bid Number and Description)

in response to the invitation for the bid made by:

\_\_\_\_\_

(Name of Municipality / Municipal Entity)

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

I certify, on behalf of: \_\_\_\_\_ that:

(Name of Bidder)

- 1. I have read and I understand the contents of this Certificate;
- 2. I understand that the accompanying bid will be disqualified if this Certificate is found not to be true and complete in every respect;

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

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

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

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

**DECLARATION BY TENDERER**

I / We acknowledge that I / we am / are fully acquainted with the contents of the conditions of tender of this quotation form and that I / we accept the conditions in all respects.

I / We agree that the laws of the Republic of South Africa shall be applicable to the contract resulting from the acceptance of \*my / our quotation and that I / we elect domicillium citandi et executandi in the Republic at:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

I / We furthermore confirm I / we satisfied myself / ourselves as to the corrections and validity of my / our quotation: that the price quoted cover all the work items specification in the quotation documents and that the price cover all my / our obligations under a resulting contract and that I / we accept that any mistake(s) regarding price and calculations will be at my / our risk.

SIGNATURE	NAME (PRINT)	
CAPACITY	DATE	
NAME OF FIRM		
WITNESS 1	WITNESS 2	