

# Sedibeng District Municipality



## BID DOCUMENT

<b>Tender No.</b>	8/2/2/14-2017
<b>Closing Date and Time</b>	Monday, 07 May 2018 @ 12H00
<b>Description</b>	PANEL OF SUPPLIERS FOR HARDWARE TOOLS, STOCK AND MATERIALS FOR MAINTANANCE
<b>Contractor / Bidder</b>	
<b>Bid amount</b>	R
<b>Physical address</b>	
<b>Contact person</b>	
<b>Telephone no.</b>	
<b>Fax no.</b>	
<b>Cell no.</b>	
<b>Email address</b>	

### CONDITIONS OF TENDER

1. The prospective bidder's attention is drawn to the following list of forms, attached to this document and other documents that **shall** be completed and submitted with his/her bid documents:
  - a) Tender Form

*Description: Panel of suppliers for hardware tools, stock and materials for maintenance*

- b) Form of Offer
- c) Declaration of interest
- d) Certificate of independent Bid Determination
- e) **An original Tax Clearance Certificate issued by the South African Revenue Services**
- f) **A current account or proof that utilities account (municipal rates and taxes, water and lights account) of the bidder is up to date. (Not in arrears for more than 3 months).**
- g) Proof of registration for VAT (if applicable).
- h) Valid B-BBEE Certificate
- i) Central Supplier Database (CSD) Registration Number.

In terms of Section 112 (1)I of the Local Government Municipal Finance Management Act, (Act 56 of 2003), persons who were convicted of fraud or corruption or who willfully neglected, reneged on or failed to comply with a government tender during the past 5 years, or whose tax matters are not cleared by the South African Revenue Services may not participate in the tendering process and the Tenderer shall submit a sworn statement to this effect.

2. **The official tender form shall be completed in BLACK ink and any corrections to the official tender form must also be made in BLACK ink and signed by the bidder. Any tender documents received with correction fluid (Tippex) corrections shall be disqualified.**
3. Bids shall be sealed and endorsed (with bid number and bid description), and must be deposited at Sedibeng District Municipality’s tender box (Ground Floor, outside the main building).
4. Sedibeng District Municipality’s Supply Chain Management Policy shall apply.
5. Late, Telexed, faxed or emailed tenders will not be accepted.
6. The Council does not bind itself to accept the lowest or any tender, and reserves the right to accept any tender in whole or in part.
7. Persons in the service of the state are not allowed to bid.
8. In the event that you are awarded a tender the strict compliance with terms have to observed and in so doing within a period (3 days) (\*after an order is issued) a confirmation letter must be forwarded by you in terms of which you need to indicate whether or not you will be in a position to source the items per the tender and deliver same by the due date.
9. In the event that you do not furnish us with the said letter as requested and fail to comply as per the tender the Sedibeng District Municipality reserves in terms of rights to cancel this tender automatically after 3 days on the basis of you non-compliance and furthermore should you fail to deliver said goods which may necessitate the allocation of a new supplier the Sedibeng District Municipality may impose any further penalty or charges against you.
10. **In the case where all MBD Documents are not completely filled and returned, your quotation will be disqualified.**
11. **The 80/20 Preferential Procurement System will be used to evaluate all the Formal Written Quotations.**

12. Bidders must ensure that, the company status is “in business” with the **Company and Intellectual Property Commission (CIPC)**.
13. Bidders who are not registered on the Central Supplier Database are requested to contact National Treasury at [csd@treasury.gov.za](mailto:csd@treasury.gov.za) or 012 406 9222 for any assistance.
14. Exempted Micro Enterprises can submit a letter from the accounting officer; and
15. A trust, consortium or joint venture must submit a consolidated B-BBEE Status Level Verification.

**Sedibeng District Municipality**  
**RFQ Number: 8/2/2/14– 2017**

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**MBD 1**

**INVITATION TO BID**

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*Description: Panel of suppliers for hardware tools, stock and materials for maintenance*

**YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF SEDIBENG DISTRICT MUNICIPALITY**

BID NUMBER:8/2/2/14-2017 CLOSING DATE: *Monday,07 May 2018*.CLOSING TIME: *12H00*.

DESCRIPTION: **PANEL OF SUPPLIERS FOR HARDWARE TOOLS, STOCK AND MATERIALS FOR MAINTENANCE**

**The successful bidder will be required to fill in and sign a written Contract Form (MBD 7).**

DEPOSITED IN THE BID BOX SITUATED AT:

**SEDIBENG DISTRICT MUNICIPALITY, CIVIC CENTRE, CNR LESLIE AND BEACONSFIELD AVENUES, VEREENIGING, GROUND FLOOR.**

Bidders should ensure that bids are delivered timeously to the correct address. If the bid is late, it will not be accepted for consideration.

The bid box is generally open 24 hours a day, 7 days a week.

ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS – (NOT TO BE RE-TYPED)

THIS BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT AND THE PREFERENTIAL PROCUREMENT REGULATIONS, 2011, THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER SPECIAL CONDITIONS OF CONTRACT

**NB: NO BIDS WILL BE CONSIDERED FROM PERSONS IN THE SERVICE OF THE STATE (as defined in Regulation 1 of the Local Government: Municipal Supply Chain Management Regulations)**

**THE FOLLOWING PARTICULARS MUST BE FURNISHED  
(FAILURE TO DO SO MAY RESULT IN YOUR BID BEING DISQUALIFIED)**

NAME OF BIDDER  
.....

POSTAL ADDRESS  
.....

STREET ADDRESS  
.....

TELEPHONE NUMBER  
CODE.....NUMBER.....

CELL PHONE NUMBER  
.....

FACSIMILE NUMBER  
CODE .....NUMBER.....

E-MAIL ADDRESS  
.....

VAT REGISTRATION NUMBER  
.....

*Description: Panel of suppliers for hardware tools, stock and materials for maintenance*

HAS AN ORIGINAL AND VALID TAX CLEARANCE CERTIFICATE BEEN ATTACHED? (MBD 2)  
YES/NO

HAS A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE BEEN SUBMITTED? (MBD 6.1)  
YES/NO

IF YES, WHO WAS THE CERTIFICATE ISSUED BY?

AN ACCOUNTING OFFICER AS CONTEMPLATED IN THE CLOSE CORPORATION ACT (CCA)

A VERIFICATION AGENCY ACCREDITED BY THE SOUTH AFRICAN NATIONAL ACCREDITATION SYSTEM (SANAS)

A REGISTERED AUDITOR

(Tick applicable box)

**(A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE 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)

SIGNATURE OF BIDDER

.....

DATE .....

CAPACITY UNDER WHICH THIS BID IS SIGNED

.....

TOTAL BID PRICE.....

TOTAL NUMBER OF ITEMS OFFERED

.....

**ANY ENQUIRIES REGARDING THE BIDDING PROCEDURE MAY BE DIRECTED TO:**

**Municipality:** Sedibeng District Municipality  
**Department:** Supply Chain Management  
**Contact Person:** Ms Sophy Ntjepela  
**Tel:** 016 450 3131/3000

**ANY ENQUIRIES REGARDING TECHNICAL INFORMATION MAY BE DIRECTED TO:**

**Municipality:** Sedibeng District Municipality  
**Department:** Corporate Services  
**Contact Person:** Mr. B Mautsoa  
**Tel:** 016 450 4417/3000

# MBD2: DISCONTINUED MIFMA CIRCULAR NO.90



## DEPARTMENT: SUPPLY CHAIN MANAGEMENT

Sedibeng District Municipality  
P.O. Box 471  
Vereeniging, 1930  
Republic of South Africa  
Tel: +27 16 450 3241  
Fax: +27 86 682 9820

### CLEARANCE CERTIFICATE FOR WATER & LIGHTS

Section 38 (d) (i) of Municipal Supply Chain Regulations requires that the municipality must reject a bidder whose municipal rates and taxes are in arrears for more than three months.

The purpose of this form is to obtain prove that municipal services, rates and taxes of the service provider are not more than three months in arrears with the relevant municipality / landlord in the municipal area where the service provider conduct his / her business. **This form is to be completed only if the service provider's rates and taxes are not in arrears for more than three months.**

**EACH BIDDER MUST COMPLETE THE BELOW CHECKLIST (Please tick with X where appropriate):**

QUESTIONS	YES	NO
1. Is your municipal rates and taxes account up to date/current (not in arrears for more than three months)?		
2. If yes, please submit proof in the form of the <b>original or certified copy</b> of the bidder's municipal rates and taxes account.		
3. Does the bidder lease/rent the property where the business is situated?		
4. If yes provide the contact name and contact number of the lessor/landlord:		
<b>Contact Name:</b>	<b>Contact Number:</b>	
5. Please attach the copy of the lease agreement signed by the Landlord/ lessor and the tenant/lessee as proof.		

I (FULL NAMES), \_\_\_\_\_ OF (PHYSICAL ADDRESS) \_\_\_\_\_ being a Director / principal shareholder, owner of company<sup>1</sup> (COMPANY NAME):

\_\_\_\_\_ Hereby confirms that, the information submitted in this form is accurate, to the best of my knowledge.

Signature

**NB: IF YOU FAIL TO COMPLETE THIS FORM, PLEASE REGARD YOUR BID AS NON RESPONSIVE!**

*Description: Panel of suppliers for hardware tools, stock and materials for maintenance*





**SPECIFICATION: Panel of Suppliers for Hardware Tools, Stock and Materials for Maintenance.**

**Bid No.:8/2/2/14-2017**

**BACKGROUND**

The Municipality is mandated to take responsibility of maintaining all Council owned, leased buildings and sites through its Facilities Management section. In executing the daily tasks, the department is responsible for ensuring that there is available; tools, equipment stock and material for the required maintenance or repairs. Amongst the items expected to be supplied for the day to day maintenance of the municipality buildings and sites it is the hardware stock and materials supplies and electrical stock.

Due to the administrative process involved in procuring such supplies and the number of buildings and sites in Sedibeng District Municipality, the municipality is planning to procure such hardware stock and material supplies on a contractual basis. The Sedibeng Municipality seeks to appoint capable service providers to supply and deliver the hardware, stock and materials supplies and electrical stock.

**PURPOSE**

This document seeks to provide a summary/ sample of Hardware stock and materials for maintenance regularly used by the municipality.

**SPECIFICATION**

The specification lists attached provides a list of items required and the respective unit of measures. Bidders are requested to quote on listed items. Please note that the items that are not listed will be requested from successful bidders on the quotations basis that will be scrutinized and be compared to other requested quotations before the purchase order is issued for such supplies.

**CONTRACT TERM**

The period of the contract will be for one (1) year with an option to renew annually for two years based on the service provider's performance and budget availability.

**MUNICIPALITY OBJECTIVES:**

The aim of this bid is to increase the level of service delivery of Sedibeng District Municipality to both its internal and external clients. This will be done by way of the following

- Reduction in the number of quotation requests
- Improved turn-around times for obtaining purchase orders

**CONTRACT PRICE ADJUSTMENTS:**

The successful bidder(s) pricing will be compared with that of other suppliers who will be part of the panel. The municipality will accept any price adjustments in line with the market price taking into consideration price fluctuations.

Price adjustments will be done in accordance with the government's escalation formula as stated elsewhere in this document.

Price adjustments will be based on the following indices:

- CPIX Index
- PPI Index

**BRAND NAMES:**

Prospective bidders are allowed to submit alternative offers for equivalent products where the brand name is mentioned in this document.

Such details need to be completed in the relevant space in the bid document or a separate pricing proposal.

**ALTERNATIVE OFFER SCHEDULE:**

When a prospective bidder wishes to submit an alternative offer, the following details need to be clearly stated:

- The bill of quantity item number to which the alternative offer relates.
- The brand name of the product should be offered.
- The price of the alternative product in the same unit of measure as the item in the bill of quantities.

The same requirements will apply to an alternative product as to the product on which the alternative offer is made in the bill of quantities

**STATED QUANTITIES:**

Please note that all quantities stated in the Bill of Quantities of this bid document are estimated quantities.

Due to the nature of this commodity, the bid document will only reflect a quantity of 1 (One) next to each line item. This quantity of 1 (One) is not an indication that the municipality only intends to buy one of each product or make use of a service once.

However the quantity of 1 (One) is not an indication that the municipality is under any obligation to procure all of the indicated products or services stated in the Bill of Quantities during the duration of the contract, or will not procure items that are not listed.

The Identified quantities are predetermined. Any work done by the appointed Contractor exceeding these identified quantities, without written approval from Sedibeng District Municipality, will be for the cost of the appointed Contractor.

## **THE SUPPLY OF HARWARE STOCK & MATERIAL:**

### **COSTING OF PRODUCTS:**

#### Collections:

Goods may only be collected or handed over to Sedibeng District Municipality official upon producing an official municipal purchase order.

Sedibeng District Municipality will not accept any responsibility for the payment of any invoices submitted by a successful bidder(s) if the relevant invoice does not reflect an official municipal order number.

### **CONDITION OF TENDER**

Bidders are requested and advised of the following:

- ✓ The pricing must be per unit of measure;
- ✓ Bidders are requested to indicate if their prices are fixed or not fixed for the duration of the contract;
- ✓ Prices must be valid for 60 days;
- ✓ Brands quoted must be specified;
- ✓ Bidders must indicate on Quotations delivery cost per kilometer, if applicable;
- ✓ Items must be SABS approved or other relevant certified body by the manufacturer;
- ✓ Delivery must take place within ***12 hours*** after the official purchase order has been issued; and;
- ✓ Delivery will be at all building of the SDM or be collected by municipal official with the official purchase order.

The following are the building of SEDIBENG DISTRICT MUNICIPALITY with their respective addresses:

- Licensing Department  
Vereeniging, Vandebijlpark, Meyerton and Lesedi
- Ventura Mansion  
Market Avenue, Vereeniging
- Vaal Teknorama Museum  
Vereeniging
- City Centre Building  
Merriman Street, Vereeniging
- Vereeniging Fresh Produce Market. Leeuwkil Drive, Vereeniging
- ✓ Failure to comply with the conditions of tender will lead to the bidder being disqualified

### **MINIMUM REQUIREMENTS**

- Up to date utilities account
- Valid Tax Clearance Certificate
- Local Content MBD 6.2

### **PRODUCTION REQUIREMENTS**

Minimum local content requirements:

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*Description: Panel of suppliers for hardware tools, stock and materials for maintenance*

Description	Unit of Measure	Cost Price	% Mark up	Total Price
BIG BOLT CUTTER 42 inches	1			
CONCRETE DRILL BITS 6MM	1			
CONCRETE DRILL BITS 8MM	1			
CONTACT GLUE 5LTR	1			
CRIMPING	1			
CUTTING DISC BIG STEEL 230MM	1			
CUTTING DISC SMALL STEEL 110MM	1			
DRAIN CLEANER 1 litre	1			
DUCTAPE RED, BLUE, BLACK & GREY 3M	1			
4 LEVER DOOR LOCK HANDLES	1			
EURO PROFILE LOCKSET	1			
FISCHER PLUGS 5X55 MM	1			
FISCHER PLUGS 6X 55 MM	1			
FLEXI PIPE FEMALE 350X 15MM	1			
FLEXI PIPE MALE 350X 15MM	1			
HACK SAW BLADES 30MM	1			
MUTTON CLOTH ROLL 1KG	1			
NAILS 5KG 3MM	1			
NAILS 5KG 2MM	1			
PADLOCKS 30 MM	1			
PADLOCKS 60 MM	1			
PIPE WRENCH (BOBBEJAAN) 450 MM	1			
PIPE WRENCH (BOBBEJAAN)250 MM	1			
PLIERS COMBINATION 120MM	1			
PLIERS COMBINATION 180MM	1			
PLIERS CRIMPING	1			
PLIERS DIAGONAL CUT (SIDE CUTTER) 120MM	1			
PLIERS DIAGONAL CUT (SIDE CUTTER) 180MM	1			
PLIERS FENCING 250 MM	1			
PLIERS LONG NOSE	1			
PRATLEY PUTTY WHITE 125 ML	1			
PRATLEY PUTTY GRAY 125 ML	1			
SILICONE TUBE 70G	1			
TAP SEAL WASHER 20MM	1			
TAP RUBBERS SMALL 15MM	1			
THINNERS 2LTR	1			
SEAL TOILET BOWL RUBBER RING	1			
TOILET SEAT COVER HEAVY DUTY 18.5 INCHES	1			
METAL DRILL BITS VARIOUS 4MM	1			
METAL DRILL BITS VARIOUS 5MM	1			
METAL DRILL BITS VARIOUS 6MM	1			
METAL DRILL BITS VARIOUS 8MM	1			
METAL DRILL BITS VARIOUS 10MM	1			
METAL DRILL BITS VARIOUS 12MM	1			

Description: Panel of suppliers for hardware tools, stock and materials for maintenance

Subtotal				
VAT 14%				
<b>TOTAL</b>				

The stipulated minimum threshold percentages of local production and content for the required tools and Material is 100%, thus only locally produced or locally manufactured tools from local raw material or input will be considered.

### EVALUATION CRITERIA

Tenders will be evaluated as follows:

Price	80
BBBEE	20

VALUES: 1 = POOR; 2 = AVERAGE; 3 = GOOD; 4 = VERY GOOD; 5 = EXCELLENT

Compliance with the specification, (Catalogue of the tools should be attached).	100
<b>Total</b>	<b>100</b>

*Failure to accumulate **100 POINTS** in the Technical Evaluation Criteria will render the bid none responsive during the Technical Evaluation Process*

### ANNEXURE "A" STOCK & MATERIAL

#### NOTES TO BIDDERS

1. Kindly submit Catalogues of the tools.
2. Preference will be given to Exempted Micro Enterprises or Qualifying Small Enterprise with at least 51% owned by people with disability.

#### **CONTACT DETAILS**

For enquiries pertain to the Hardware Stock and material, please contact:

Mr. B Mautsoa

Tel: 016 450 3000 ext 4417

Email: BestM@sedibeng.gov.za

**MBD 3.1**

#### ***PRICING SCHEDULE – FIRM PRICES (PURCHASES)***

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

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

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*Description: Panel of suppliers for hardware tools, stock and materials for maintenance*

Name of Bidder..... Bid Number: **8/2/2/14-2017**

Closing Time: **12H00** Closing Date: **Monday 07 May 2018.**

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

ITEM QUANTITY DESCRIPTION BID PRICE IN RSA CURRENCY  
NO.  
\*\*(ALL APPLICABLE TAXES INCLUDED)

- Required by: .....
  - At: .....
  - Brand and Model .....
  - Country of Origin .....
  - Does the offer comply with the specification(s)? \*YES/NO
  - If not to specification, indicate deviation(s) .....
  - Period required for delivery .....
  - Delivery basis .....
- \*Delivery: Firm/Not firm

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

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

\*Delete if not applicable

**MBD 4**

**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 positioning 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 / shareholder 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. ....

<sup>1</sup>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) a 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 director's trustees, managers, principle shareholders or stakeholders in service of the state? **YES / NO**

3.13.1 If yes, furnish particulars.

.....  
.....

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

3.14.1 If yes, furnish particulars:

.....  
.....

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

Full Name	Identity Number	State Employee Number




.....  
**Signature**

.....  
**Date**

.....  
**Capacity**

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

**PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL PROCUREMENT REGULATIONS 2011**

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, 2011.**

**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

1.2 The value of this bid is estimated not to exceed R50 000 000 (all applicable taxes included) and therefore the 80/20 system shall be applicable.

1.3 Preference points for this bid shall be awarded for:

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

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

	<b>POINTS</b>
<b>1.3.1.1 PRICE</b>	<b>80</b>
<b>1.3.1.2 B-BBEE STATUS LEVEL OF CONTRIBUTION</b>	<b>20</b>
<b>Total points for Price and B-BBEE must not exceed</b>	<b>100</b>

1.4 Failure on the part of a bidder to fill in and/or to sign this form and submit a B-BBEE Verification Certificate from a Verification Agency accredited by the South African Accreditation System (SANAS) or a Registered Auditor approved by the Independent Regulatory Board of Auditors (IRBA) or an Accounting Officer as contemplated in the Close Corporation Act (CCA) together with the bid, will be interpreted to mean that preference points for B-BBEE status level of contribution are not claimed.

1.5. 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**

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

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

2.3 “**B-BBEE status level of contributor**” means the B-BBEE status received by a measured entity based on its overall performance using the relevant scorecard contained in the Codes of Good Practice on Black Economic Empowerment, issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act;

2.4 “**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 services, works or goods, through price quotations, advertised

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competitive bidding processes or proposals;

- 2.5 **“Broad-Based Black Economic Empowerment Act”** means the Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003);
- 2.6 **“comparative price”** means the price after the factors of a non-firm price and all unconditional discounts that can be utilized have been taken into consideration;
- 2.7 **“consortium or joint venture”** 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;
- 2.8 **“contract”** means the agreement that results from the acceptance of a bid by an organ of state;
- 2.9 **“EME”** means any enterprise with an annual total revenue of R5 million or less .
- 2.10 **“Firm price”** means the price that is only subject to adjustments in accordance with the actual increase or decrease resulting from the change, imposition, or abolition of customs or excise duty and any other duty, levy, or tax, which, in terms of the law or regulation, is binding on the contractor and demonstrably has an influence on the price of any supplies, or the rendering costs of any service, for the execution of the contract;
- 2.11 **“functionality”** means the measurement according to predetermined norms, as set out in the bid documents, of a service or commodity that is designed to be practical and useful, working or operating, taking into account, among other factors, the quality, reliability, viability and durability of a service and the technical capacity and ability of a bidder;
- 2.12 **“non-firm prices”** means all prices other than “firm” prices;
- 2.13 **“person”** includes a juristic person;
- 2.14 **“rand value”** means the total estimated value of a contract in South African currency, calculated at the time of bid invitations, and includes all applicable taxes and excise duties;
- 2.15 **“sub-contract”** means the primary contractor’s assigning, leasing, making out work to, or employing, another person to support such primary contractor in the execution of part of a project in terms of the contract;
- 2.16 **“total revenue”** bears the same meaning assigned to this expression in the Codes of Good Practice on Black Economic Empowerment, issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act and promulgated in the *Government Gazette* on 9 February 2007;
- 2.17 **“trust”** means the arrangement through which the property of one person is made over or bequeathed to a trustee to administer such property for the benefit of another person; and
- 2.18 **“trustee”** means any person, including the founder of a trust, to whom property is bequeathed in order for such property to be administered for the benefit of another person.

### 3. ADJUDICATION USING A POINT SYSTEM

- 3.1 The bidder obtaining the highest number of total points will be awarded the contract.
- 3.2 Preference points shall be calculated after prices have been brought to a comparative basis taking into account all factors of non-firm prices and all unconditional discounts.
- 3.3 Points scored must be rounded off to the nearest 2 decimal places.

3.4 In the event that two or more bids have scored equal total points, the successful bid must be the one scoring the highest number of preference points for B-BBEE.

3.5 However, when functionality is part of the evaluation process and two or more bids have scored equal points including equal preference points for B-BBEE, the successful bid must be the one scoring the highest score for functionality.

3.6 Should two or more bids be equal in all respect, the award shall be decided by the drawing of lots.

#### 4. POINTS AWARDED FOR PRICE

##### 4.1 THE 80/20 PREFERENCE POINT SYSTEMS

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

##### 80/20

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

Where

$P_s$  = Points scored for comparative price of bid under consideration

$P_t$  = Comparative price of bid under consideration

$P_{\min}$  = Comparative price of lowest acceptable bid

#### 5. Points awarded for B-BBEE Status Level of Contribution

5.1 In terms of Regulation 5 (2) and 6 (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 (80/20 system)
1	20
2	18
3	16
4	12
5	8
6	6
7	4
8	2
Non-compliant contributor	0

5.2 Bidders who qualify as EMEs in terms of the B-BBEE Act must submit a certificate issued by an Accounting Officer as contemplated in the CCA or a Verification Agency accredited by SANAS or a Registered Auditor. Registered auditors do not need to meet the prerequisite for IRBA's approval for the purpose of conducting verification and issuing EMEs with B-BBEE Status Level Certificates.

- 5.3 Bidders other than EMEs must submit their original and valid B-BBEE status level verification certificate or a certified copy thereof, substantiating their B-BBEE rating issued by a Registered Auditor approved by IRBA or a Verification Agency accredited by SANAS.
- 5.4 A trust, consortium or joint venture, will qualify for points for their B-BBEE status level as a legal entity, provided that the entity submits their B-BBEE status level certificate.
- 5.5 A trust, consortium or joint venture will qualify for points for their B-BBEE status level as an unincorporated entity, provided that the entity submits their consolidated B-BBEE scorecard as if they were a group structure and that such a consolidated B-BBEE scorecard is prepared for every separate bid.
- 5.6 Tertiary institutions and public entities will be required to submit their B-BBEE status level certificates in terms of the specialized scorecard contained in the B-BBEE Codes of Good Practice.
- 5.7 A person will not be awarded points for B-BBEE status level if it is indicated in the bid documents that such a bidder intends sub-contracting more than 25% of the value of the contract to any other enterprise that does not qualify for at least the points that such a bidder qualifies for, unless the intended sub-contractor is an EME that has the capability and ability to execute the sub-contract.
- 5.8 A person awarded a contract may not sub-contract more than 25% of the value of the contract to any other enterprise that does not have an equal or higher B-BBEE status level than the person concerned, unless the contract is sub-contracted to an EME that has the capability and ability to execute the sub-contract.

## 6. BID DECLARATION

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

## 7. B-BBEE STATUS LEVEL OF CONTRIBUTION CLAIMED IN TERMS OF PARAGRAPHS 1.3.1.2 AND

- 7.1 B-BBEE Status Level of Contribution: ..... = .....(maximum of 20 points)

**(Points claimed in respect of paragraph 7.1 must be in accordance with the table reflected in paragraph 5.1 and must be substantiated by means of a B-BBEE certificate issued by a Verification Agency accredited by SANAS or a Registered Auditor approved by IRBA or an Accounting Officer as contemplated in the CCA).**

## 8 SUB-CONTRACTING

- 8.1 Will any portion of the contract be sub-contracted? YES / NO (delete which is not applicable)

- 8.1.1 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? YES / NO (delete which is not applicable)

**9 DECLARATION WITH REGARD TO COMPANY/FIRM**

9.1 Name of firm :.....

9.2 VAT registration number :.....

9.3 Company registration number :.....

:

9.4 TYPE OF COMPANY/ FIRM

Partnership/Joint Venture / Consortium

One person business/sole propriety

Close corporation

Company

(Pty) Limited

[TICK APPLICABLE BOX]

9.5 DESCRIBE PRINCIPAL BUSINESS ACTIVITIES

.....

.....

.....

9.6 COMPANY CLASSIFICATION

Manufacturer

Supplier

Professional service provider

Other service providers, e.g. transporter, etc.

[TICK APPLICABLE BOX]

9.7 MUNICIPAL INFORMATION

Municipality where business is situated

.....

Registered Account Number .....

Stand Number .....

9.8 TOTAL NUMBER OF YEARS THE COMPANY/FIRM HAS BEEN IN BUSINESS?

.....

9.9 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-BBEE status level of contribution indicated in paragraph 7 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 paragraph 7,

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 contribution 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) restrict the bidder or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, from obtaining business from any organ of state for a period not exceeding 10 years, after the audialterampartem (hear the other side) rule has been applied; and
  - (e) forward the matter for criminal prosecution

**WITNESSES:**

1. ....

.....  
SIGNATURE(S) OF BIDDER(S)

2. ....

DATE:.....

ADDRESS:.....

.....

.....

**MBD 6.2****DECLARATION CERTIFICATE FOR LOCAL PRODUCTION AND CONTENT**

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, 2011 and the South African Bureau of Standards (SABS) approved technical specification number SATS 1286:201x.

1. General Conditions

- 1.1. Preferential Procurement Regulations, 2011 (Regulation 9.(1) and 9.(3) make provision for the promotion of local production and content.
- 1.2. Regulation 9.(1) prescribes that in the case of designated sectors, where in the award of bids local production and content is of critical importance, such bids must be advertised with the specific bidding condition that only locally produced goods, services or works or locally manufactured goods, with a stipulated minimum threshold for local production and content will be considered.
- 1.3. Regulation 9.(3) prescribes that where there is no designated sector, a specific bidding condition may be included, that only locally produced services, works or goods or locally manufactured goods with a stipulated minimum threshold for local production and content, will be considered.
- 1.4. Where necessary, for bids referred to in paragraphs 1.2 and 1.3 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.
- 1.5. 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.
- 1.6. The local content (LC) as a percentage of the bid price must be calculated in accordance with the SABS approved technical specification number SATS 1286: 201x as follows:

$$LC = 1 - \left( \frac{x}{y} \right) \times 100$$

Where

- x        imported content  
y        bid price 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 the South African Reserve Bank (SARB) at 12:00 on the date, one week (7 calendar days) prior to the closing date of the bid as required in paragraph 4.1 below.

1.7. A bid will be disqualified if:

- the bidder fails to achieve the stipulated minimum threshold for local production and content indicated in paragraph 3 below; and
- this declaration certificate is not submitted as part of the bid documentation.

2. Definitions



- 2.1. **“bid”** includes advertised competitive bids, written price quotations or proposals;
- 2.2. **“bid price”** price offered by the bidder, excluding value added tax (VAT);
- 2.3. **“contract”** means the agreement that results from the acceptance of a bid by an organ of state;
- 2.4. **“designated sector”** means a sector, sub-sector or industry that has been designated by the Department of Trade and Industry in line with national development and industrial policies for local production, where only locally produced services, works or goods or locally manufactured goods meet the stipulated minimum threshold for local production and content;
- 2.5. **“duly sign”** means a Declaration Certificate for Local Content that has been signed by the 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).
- 2.6. **“imported content”** means that portion of the bid price represented by the cost of components, parts or materials which have been or are still to be imported (whether by the supplier or its subcontractors) and which costs are inclusive of the costs abroad, plus freight and other direct importation costs, such as landing costs, dock duties, import duty, sales duty or other similar tax or duty at the South African port of entry;
- 2.7. **“local content”** means that portion of the bid price which is not included in the imported content, provided that local manufacture does take place;
- 2.8. **“stipulated minimum threshold”** means that portion of local production and content as determined by the Department of Trade and Industry; and
- 2.9. **“sub-contract”** means the primary contractor’s assigning, leasing, making out work to, or employing another person to support such primary contractor in the execution of part of a project in terms of the contract.

**3. The stipulated minimum threshold(s) for local production and content for this bid is/are as follows:**

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

- 4. Does any portion of the services, works or goods offered have any imported content? YES / NO
- 4.1 If yes, the rate(s) of exchange to be used in this bid to calculate the local content as prescribed in paragraph 1.6 of the general conditions must be the rate(s) published by the SARB for the specific currency at 12:00 on the date, one week (7 calendar days) prior to the closing date of the bid.

The relevant rates of exchange information is accessible on [www.reservebank.co.za](http://www.reservebank.co.za).

Indicate the rate(s) of exchange against the appropriate currency in the table below:

Currency	Rates of exchange
US Dollar	
Pound Sterling	
Euro	
Yen	
Other	

NB:  
Bidders  
must submit

proof of the SARB rate (s) of exchange used.

**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 Municipality / Municipal Entity):

.....

NB 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.

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 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.
- (c) The local content has been calculated using the formula given in clause 3 of SATS 1286, the rates of exchange indicated in paragraph 4.1 above and the following figures:

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

If the bid is for more than one product, a schedule of the local content by product shall be attached.

- (d) I accept that the Procurement Authority / Municipality /Municipal Entity has the right to request that the local content be verified in terms of the requirements of SATS 1286.
- (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, may result in the Procurement Authority / Municipal / Municipal Entity imposing any or all of the remedies as provided for in Regulation 13 of the Preferential Procurement Regulations, 2011 promulgated under the Policy Framework Act (PPFA), 2000 (Act No. 5 of 2000).

**SIGNATURE:** \_\_\_\_\_

**DATE:** \_\_\_\_\_

**WITNESS No. 1** \_\_\_\_\_

**DATE:** \_\_\_\_\_

**WITNESS No. 2** \_\_\_\_\_

**DATE:** \_\_\_\_\_

**CONTRACT FORM - PURCHASE OF GOODS/WORKS**

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

**PART 1 (TO BE FILLED IN BY THE BIDDER)**

- 1. I hereby undertake to supply all or any of the goods and/or works described in the attached bidding documents to (name of institution)..... in accordance with the requirements and specifications stipulated in bid number..... at the price/s quoted. My offer/s remain binding upon me and open for acceptance by the purchaser during the validity period indicated and calculated from the closing time of bid.
- 2. The following documents shall be deemed to form and be read and construed as part of this agreement:
  - (i) Bidding documents, viz
    - Invitation to bid;
    - Tax clearance certificate;
    - Pricing schedule(s);
    - Technical Specification(s);
    - Preference claims for Broad Based Black Economic Empowerment Status Level of Contribution in terms of the Preferential Procurement Regulations 2011;
    - Declaration of interest;
    - Declaration of bidder’s past SCM practices;
    - Certificate of Independent Bid Determination;
    - Special Conditions of Contract;
  - (ii) General Conditions of Contract; and
  - (iii) Other (specify)
- 3. I confirm that I have satisfied myself as to the correctness and validity of my bid; that the price(s) and rate(s) quoted cover all the goods and/or works specified in the bidding documents; that the price(s) and rate(s) cover all my obligations and I accept that any mistakes regarding price(s) and rate(s) and calculations will be at my own risk.
- 4. I accept full responsibility for the proper execution and fulfilment of all obligations and conditions devolving on me under this agreement as the principal liable for the due fulfilment of this contract.
- 5. I declare that I have no participation in any collusive practices with any bidder or any other person regarding this or any other bid.
- 6. I confirm that I am duly authorised to sign this contract.

NAME (PRINT) .....

CAPACITY .....

SIGNATURE .....

NAME OF FIRM .....

DATE .....

<b>WITNESSES</b>	
1	.....
2.	.....

**CONTRACT FORM - PURCHASE OF GOODS/WORKS**

**PART 2 (TO BE FILLED IN BY THE PURCHASER)**

- 1. I..... in my capacity as..... accept your bid under reference number .....dated.....for the supply of goods/works indicated hereunder and/or further specified in the annexure(s).
- 2. An official order indicating delivery instructions is forthcoming.
- 3. I undertake to make payment for the goods/works delivered in accordance with the terms and conditions of the contract, within 30 (thirty) days after receipt of an invoice accompanied by the delivery note.

ITEM NO.	PRICE (ALL APPLICABLE TAXES INCLUDED)	BRAND	DELIVERY PERIOD	B-BBEE STATUS LEVEL OF CONTRIBUTION	MINIMUM THRESHOLD FOR LOCAL PRODUCTION AND CONTENT (if applicable)

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

SIGNED AT .....ON.....

NAME (PRINT) .....

SIGNATURE .....

OFFICIAL STAMP

**WITNESSES**

1. ....

2. ....

DATE .....

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

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

Item	Question	Yes	No
4.1	<p>Is the bidder or any of its directors listed on the National Treasury's Database of Restricted Suppliers as companies or persons prohibited from doing business with the public sector?</p> <p>(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>audialterampartem</i> rule was applied).</p> <p><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></p>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.1.1	If so, furnish particulars:		
4.2	<p>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)?</p> <p><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></p>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.2.1	If so, furnish particulars:		
4.3	<p>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?</p>	Yes <input type="checkbox"/>	No <input type="checkbox"/>

*Description: Panel of suppliers for hardware tools, stock and materials for maintenance*

4.3.1	If so, furnish particulars:		
<b>Item</b>	<b>Question</b>	<b>Yes</b>	<b>No</b>
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.**

.....  
**Signature**

.....  
**Date**

.....  
**Position**

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

Js367bW





**PLEASE NOTE THAT THIS IS COMPULSORY\*\*\***

<b>DESCRIPTION</b>	<b>YES (√)</b>	<b>NO (X)</b>
1. All pages are completely filled and signed by the authorized person:		
2. Original valid Tax Clearance Certificate obtainable from any South African Revenue Services branch has been attached:		
3. Original BBBEE Certificate		
4. Original current account of water and lights/Rates and Taxes obtainable from any Local or Metropolitan Municipality has been attached		
5. In a case of Joint Ventures (JV)/Consortium, the JV agreement has been attached		
6. The bidder has provided at least three contactable references		
7. Company registration documents e.g. CK document has been attached, in a case of a Private/Public company, shareholding information e.g. share certificate, has been attached		
8. Central Supplier Database summary report.		

## 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.
- 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

**MBD 9**

1. 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.
2. 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.
3. 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.
4. 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.

**MBD 9**

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

Js9141w 4

**FORM OF OFFER AND ACCEPTANCE**

**OFFER**

The Employer, identified in the acceptance signature block, has solicited offer to enter into a Contract in respect of the following service:

TENDER No: 8/2/2/14-2017

The tenderer, identified in the offer signature block has examined the documents listed in the tender data and addenda thereto as listed in the tender schedules, and by submitting this offer has accepted the Conditions of Tender.

By the representative of the tenderer, deemed to be duly authorized, signing this part of this form of offer and acceptance, the tenderer offer to perform all of the obligations and liabilities of the Service Provider under the contract including compliance with all its terms and conditions according to their true intent and meaning for an amount of R..... be determined in accordance with the conditions of contract identified in the Conditions of Contract.

**THE OFFERED PRICE IS R..... (INCLUSIVE OF VAT)**

This offer may be accepted by the Employer by signing the Acceptance part of this form of offer and acceptance and returning one copy of this document to the Tenderer before the end of the period of validity stated in the Conditions of Tender, whereupon the Tenderer becomes the party named as the Service Provider in the Condition of Contract.

Signature(s):.....  
.....

Name(s):.....  
.....

Capacity for the Tenderer:  
.....

Name and address of organization).....

Name and Signature of Witness:..... Date:.....

**ACCEPTANCE**

By signing this part of this form of offer and acceptance, the Employer identified below accepts the Tenderer's offer. In consideration thereof, the Employer shall pay the Service Provider the amount due in accordance with the Conditions of Contract identified in the contract that is the subject of this agreement.

Deviations from and amendments to the documents listed in the tender data and any addenda thereto as listed in the tender scheduled as well as any changes to the terms of the offer agreed by the tenderer and the Employer during this process of offer and acceptance, are contained in the schedule of deviations attached to, and forming part of this agreement. No amendments to or deviations from said documents are valid unless contained in this schedule, which must be signed by the authorized representative(s) of both parties.

The tenderer shall within two weeks after receiving a completed copy of this agreement, including the schedule of deviations (if any), contact the Employer's agent (whose details are given in the contract data) to arrange the delivery of any bonds, guarantees, proof of insurance and any other documentation to be provided in terms of the conditions of contract identified in the Contract Data at, or just after, the date this agreement comes into effect. Failure to fulfill any of these obligations in accordance with those terms shall constitute a repudiation of this agreement.

Notwithstanding anything contained herein, this agreement comes into effect on the date when the tenderer receives one fully completed original copy of this document, including the schedule of deviations (if any). Unless the tenderer (now Service Provider) within five days of the date of such receipt notifies the Employer in writing of any reason why he cannot accept the contents of this agreement shall constitute a binding between the parties.

Signature(s):

.....

Name(s):

.....

Capacity for the Employer:

.....

(Name and address of organization).....

.....

.....

Name and Signature of

Witness: .....

Date:.....

**CREDIT ORDER INSTRUCTION**

It is the policy of the Sedibeng District Municipality to pay all creditors by means of direct bank transfers. Please complete this information and acquire your banker's confirmation.

Name of Firm Account Holder:

.....

Address:

.....

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

Name of Bank:

.....

Name of Branch:

.....

Branch Code:

.....

Account Number:

.....

Type of Account:

.....

I/we hereby requested and authorize the Sedibeng District Municipality to pay any amounts that may accrue to me/us to the credit of my/our bank account.

I/we understand that a payment advice will be supplied by the Sedibeng District Municipality in the normal way that will indicate the date on which funds will be available in my/our bank account and details of payment.

I/we further undertake to inform the Sedibeng District Municipality in advance of any change in my/our bank details and accept that this authority may only be cancelled by me/us by giving thirty days notice by prepaid registered post.

.....  
Initials and Surname

.....  
Authorized Signature

Date:.....



**FOR BANK USE ONLY**

I/We hereby certify that the details of our clients bank account as indicated on the credit order instruction is correct:

.....

**AUTHORISED SIGNATURE(S)**

**OFFICIAL DATE STAMP**