

# UMSOBOMVU LOCAL MUNICIPALITY

## TENDER NOTICE AND INVITATION TO TENDER: UMS/ELECT/O8/2021

Umsobomvu Municipality herewith invites services providers to submit written price quotations for the supply and delivery of the following electrical maintenance material.

The closing time for receipts of tenders is **12:00, 22<sup>th</sup> September 2021**. Bids must be completed in black ink, enclosed in sealed tenders, endorsed with the corresponding notice number and description, **SUPPLY AND DELIVERY EELECTRICAL MATERAIL NO. UMS/ELECT/O8/2021** must be placed in the tender box at the office of Umsobomvu Municipality, **21 A Church Street, COLESBERG, 9795, not later than 12:00 on 22<sup>th</sup> September 2021**, after which tenders will be opened in public. **Detailed bill of quantities and MBD forms are available on the Municipal website.**

Bids which are deposited late, Telegraphic, telephonic, will not be considered.

The Umsobomvu Procurement and Supply Chain Management Policies, the Preferential Procurement Policy Framework Act, Act No. 5 of 2000 and the regulations promulgated under this Act shall apply in the evaluation and awarding of the tender.

It must be expressly understood that the municipality accepts no responsibility for ensuring that bid on submissions sent by courier or post or delivered in any other way, are deposited in the tender box, it is therefore preferable for the bidder to ensure that its bids submission is placed in the Tender Box by its own staff or representatives.

**Prospective Bidders must take note that the following tender conditions, and including requirements listed on the tender data will apply. (Failure to submit any of the following and those listed on the tender data will result in disqualification).**

- All bids submitted should remain valid for a period of 90 days after the bid closing date.
- A Valid original SARS pin number and current tax Clearance Certificate.
- Certified copies of company founding statement (CK)
- Copies of ID document of directors
- Proof of latest municipal rates, taxes and municipal services statement indicating that rates, taxes and municipal services charges are not in arrears for more than 3 months, or if the property for your business is being leased to the bidder, then a lease agreement must be submitted. if you didn't submit one of the two you will be disqualified.
- Bidders are required to submit original and valid BBBEE,
- All bidders must be registered on the Central Suppliers Database and active on at least on the date of closing this bid.
- Bidders must also take note that, Umsobomvu Municipality will not appoint and or enter into contract with service providers who their tax matters are non-compliant, however 7 days will be allowed for any successful bidder to make good of their tax matters prior formal appointment.
- Bids submitted by persons in the service of government (national, provincial, local or SOCs') will not be considered.

All MBD forms must be completed accurately (MBD1, MBD2, MBD 4, MBD6.1, MBD 6.2, MBD 8, MBD 9  
**EVALUATION OF BIDS IN TERMS OF THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK REGULATION, 2017:**

**Bids will be evaluated in two stages namely: Stage 1- Eligibility Criteria, Stage 2 - Financial offer and Preference,**

Price = 80 points, BBBEE contribution level = 20 points.

The Municipality reserves the right not to accept the only or lowest priced tender or any tender at all or accept the whole or part of any tender and or if:

- a) The tender amounts received are too high; b) The tenders do not comply with specific tender goals.
- b) Objective criteria exist which justify or necessitate the non-acceptance of any tenders.

Mr AC Mpela  
Acting Municipal Manager)  
Umsobomvu Municipality  
Private Bag X6  
COLESBERG.  
9795

07/09/2021

**BID NO. UMS/ELECT/08/2021**  
**SUPPLY AND DELIVERY OF ELECTRICAL MATERIAL PRICING**  
**SCHEDULE**

- **BILL SHALL BE COMPLETED IN BLACK INK ONLY**

ELECTRICAL MATERIAL FOR THE NETWORK DISTRIBUTION				
DESCRIPTION	SIZE	QTY	RATE	AMOUNT
LINE TAPE	25MM	50		
LINE TAPE	50MM	50		
LINE TAPE	70MM	100		
1 PH CBI BREAKER 6KA	70A	50		
3 PH CBI BREAKER 6KA	70A	15		
3 PH CBI BREAKER 6KA	100A	10		
FERRULES	10MM	500		
FERRULES	16MM	500		
FERRULES	25MM	200		
FERRULES	35MM	200		
LUG FERRULES	10MMX12	200		
LUG FERRULES	16MMX12	200		
LUG FERRULES	25MMX12	200		
LUG FERRULES	35MMX12	200		

<b>ELECTRICAL MATERIAL FOR THE NETWORK DISTRIBUTION</b>				
<b>DESCRIPTION</b>	<b>SIZE</b>	<b>QTY</b>	<b>RATE</b>	<b>AMOUNT</b>
LUG FERRULES	95MMX12	25		
LUG FERRULES	120MMX12	25		
EYE BOLT	M16	20		
EYE NUTS	M16	20		
RED HOUSE WIRE	10MM	200M		
BLACK HOUSE WIRE	10MM	200M		
230V CONTACTOR 18-25A	230V COIL	20		
400V CONTACTOR 25-45A	400V COIL	15		
MATELEC DAY NIGHT SWITCH 220-240VAC 15AMP MAX	22-240V COIL	30		
GYSYER TIMERS	230V COIL	20		
FUSE LINKS	5A	200		
FUSE LINKS	10A	200		
FUSE LINKS	15A	200		
FUSE LINKS	20A	200		
FUSE LINKS	25A	200		
FUSE LINKS	30A	200		
FUSE LINKS	40A	200		

DESCRIPTION	SIZE	QTY	RATE	AMOUNT
SURGE ARRESTERS	11-12KV	15		
Q20 SPRAY	300G	10		
FUSE TUBES	100A	15		
DROPOUT FUSES SILICON MAKE	11KV	12		
RED INSULATION TAPE		20		
WHITE INSULLATION TAPE		20		
BLUE INSULLATION TAPE		20		
BLACK INSULLATION TAPE		20		
HEAT SHRINK TUBING INSULATION SET	530 PIECES 1.5-10MM COLOR MIX	1		

DESCRIPTION	SIZE	QTY	RATE	AMOUNT
CABLE CLIPS PVC	20MM	100		
CABLE CLIPS PVC	25MM	100		
SADDLES GALV	20MM	100		
SADDLES GALV	25MM	100		
HACKSAW BLADES	300MM	100		
WELDING RODS	2.5MM	200		
WELDING HELMET	STANDARD	2		
HOLESAW BI METAL 15PC KIT	15PC	1		
BOSH-PROBOX METAL DRILL BIT SET	25 PIECE	2		
5 INCH CENTER PIN PUNCH	5INCH	4		
DRYWALL SCREWS	4.2X 25MM	500		
DRYWALL SCREWS	4.2X 40MM	500		
HILT SCREWS	6MM	500		
HILT SCREWS	8MM	500		
FLEXABLE PVC PIPE	20MM	30M		
FLEXABLE PVC PIPE	25MM	30M		

DESCRIPTION	SIZE	QTY	RATE	AMOUNT
OUTDOOR TERMINATION KIT FOR 11KV PEX CABLE	3CORE X 25-35MM	6		
INDOOR TERMINATION KIT FOR 11KV PEX CABLE	3CORE X 25-35MM	6		
LOW VOLTAGE HEATSHRINK JOINT KIT 0-1000V	4CORE PVC SWA 6-16MM	10		
LOW VOLTAGE HEATSHRINK JOINT KIT 0-1000V	4CORE PVC SWA 16-25MM	10		
LOW VOLTAGE HEATSHRINK JOINT KIT 0-1000V	4CORE PVC SWA 25-35MM	10		
LOW VOLTAGE HEATSHRINK JOINT KIT 0-1000V	4CORE PVC SWA 25-50MM	10		
LOW VOLTAGE HEATSHRINK JOINT KIT 0-1000V	4CORE PVC SWA 50-95MM	10		
MEDIUM VOLTAGE HEATSHRINK JOIN KIT 11KV	3CORE PVC SWA 25-35MM	12		
MEDIUM VOLTAGE HEATSHRINK JOIN KIT 11KV	3CORE PVC SWA 35-50MM	12		
VIRO PEDLOCKS WITH 1 MASTER KEY	50MM	30		
VIRO PEDLOCKS WITH 1 MASTER KEY	40MM	30		
ELECTRICAL CLEANER	20L	2		
XH-SCT-T24/50 SPLIT CORE CURRENT TRANSFORMER 5070MM	50:5	9		
XH-SCT-T24/100 SPLIT CORE CURRENT TRANSFORMER 16-25MM	100:5	9		
XH-SCT-T24/150 SPLIT CORE CURRENT TRANSFORMER 25-50MM	150:5	9		
XH-SCT-T24/200 SPLIT CORE CURRENT TRANSFORMER 50-70MM	200:5	9		

<b>Subtotal for all items</b>	
Vat @ 15%	
<b>Total tender amount</b>	

# **TAX CLEARANCE CERTIFICATE REQUIREMENTS**

1. It is a condition of bid that the taxes of the successful bidder must be in order, or that satisfactory arrangements have been made with South African Revenue Service (SARS) to meet the bidder’s tax obligations. Bids will not be considered if these requirements are not met.
  
1. Previously a taxpayer (bidder) was required to submit a valid, original paper Tax Clearance Certificate (TCC), the tax payer/ bidder MUST now submit TAX COMPLIANCE STATUS PIN NO. Bids WILL NOT be considered if the correct PIN NO and Tax Reference Number are not included in this document
  
2. Applications for the Tax Clearance Certificates **MUST** be made via eFiling. In order to use this provision, taxpayers will need to register with SARS as eFilers through the website [www.sars.gov.za](http://www.sars.gov.za) or contact the SARS Contact Centre on 0800007277
  
3. The bidder (Name) ..... Hereby grants Umsobomvu local Municipality Permission to use the following TAX COMPLIANCE STATUS PIN NO .....With reference to the following Tax reference Number.....
  
4. The bidder (Name) ..... Hereby further grants SARS permission to disclose the bidders TAX COMPLIANCE STATUS to Umsobomvu Local Municipality on an on-going basis during the Contract Term.
  
5. A bidder who appoints a Sub-Contractor / Joint Venture / Consortia to execute a portion of a contract (Sub- Contractor in excess of National Treasury threshold) must ensure that each appointment is TAX COMPLIANT and remains TAX COMPLIANT for the duration of the contract. Successful bidders must provide to Umsobomvu Local Municipality authority from their appointments confirming that SARS may, on an on-going basis during the contract term, disclose the appointed Sub-Contractor / Joint Venture / Consortia TAX COMPLIANCE STATUS.
  
6. A bidder who acts on behalf of an undisclosed principal must disclose such a fact upon submission of a bid as well as identity of that principal. The TAX COMPLIANCE STATUS of that principle must be verified in the same manner as that of the bidder. The same principle applies mutatis mutandis to any Sub-Contractor / Joint Venture / Consortia appointed by a successful bidder to execute a portion of a contract.
  
7. The TAX COMPLIANCE STATUS of all parties must be disclosed and verified if the bidder consists of a partnership and
  
8. **A bidder who is not resident in the Republic of South Africa, must apply for TAX CLEARANCE at SARS.**

**SIGNATURE OF BIDDER .....DATE: ..... CAPACITY UNDER**

**WHICH THIS BID IS SIGNED: ..... WITNESS 1**

**..... DATE: ..... WITNESS 2**

**.....DATE: .....**

**DECLARATION OF INTEREST**

1.	No bid will be accepted from persons in the service of the state*.	
2.	Any person, having a kinship with persons in the service of the state, including a blood relationship, may make an offer 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 the 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.	<b>In order to give effect to the above, the following questionnaire must be completed and submitted with the bid.</b>	
3.1	Full Name of bidder or his / her representative: .....	
3.2	Identity number: .....	
3.3	Position occupied in the Company (director, trustee, shareholder <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 (where applicable) must be indicated in paragraph 4 below.	
3.8	Are you presently in the service of the state?*	<b>YES / NO</b>
3.8.1	If yes, furnish the following particulars:	
	Name of person / director / trustee / shareholder member: .....	
	Name of state institution at which you or the person connected to the bidder is employed: .....	
	Position occupied in the state institution: .....	
	Any other particulars: .....	
	.....	

<p>3.9</p> <p>3.9.1</p>	<p>Have you been in the service of the state for the past twelve months?</p> <p>If so, furnish particulars.</p> <p>.....</p> <p>.....</p>	<p><b>YES / NO</b></p>
<p>3.10</p> <p>3.10.1</p>	<p>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?</p> <p>If yes, furnish the following particulars:</p> <p>Name of person: .....</p> <p>Name of state institution at which you or the person connected to the bidder is employed:</p> <p>.....</p> <p>Position occupied in the state institution:</p> <p>.....</p> <p>Any other particulars: .....</p> <p>.....</p>	<p><b>YES / NO</b></p>
<p>3.11</p> <p>3.11.1</p>	<p>Are you aware of any relationship (family, friend, other) between the bidder and any person in the service of the state who may be involved with the evaluation and or adjudication of this bid?</p> <p>If yes, furnish the following particulars:</p> <p>Name of person: .....</p> <p>Name of state institution at which you or the person connected to the bidder is employed:</p> <p>.....</p> <p>Position occupied in the state institution: .....</p> <p>Any other particulars: .....</p> <p>.....</p>	<p><b>YES / NO</b></p>

<p>3.12</p> <p>3.12.1</p>	<p>Are any of the company's directors, managers, principal shareholders or stakeholders in the service of the state?</p> <p>If yes, furnish the following particulars:</p> <p>Name of person / director / trustee / shareholder / member:</p> <p>.....</p>	<p><b>YES / NO</b></p>
	<p>Name of state institution at which you or the person connected to the bidder is employed:</p> <p>.....</p> <p>Position occupied in the state institution: .....</p> <p>Any other particulars: .....</p>	
<p>3.13</p> <p>3.13.1</p>	<p>Is any spouse, child or parent of the company's directors, trustees, managers, principle shareholders or stakeholders in the service of the state?</p> <p>If yes, furnish the following particulars:</p> <p>Name of person / director / trustee / shareholder / member:</p> <p>.....</p> <p>Name of state institution at which you or the person connected to the bidder is employed:</p> <p>.....</p> <p>Position occupied in the state institution: .....</p> <p>Any other particulars: .....</p>	<p><b>YES / NO</b></p>
<p>3.14</p> <p>3.14.1</p>	<p>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?</p> <p>If yes, furnish particulars:</p> <p>.....</p> <p>.....</p>	<p><b>YES / NO</b></p>

<p>4. Full details of directors / trustees / members / shareholders:</p>			
<p><b>THE FOLLOWING INFORMATION IS COMPULSORY TO COMPLETE:</b></p>			
Full Name	Identity Number	Individual Tax Number for each Director	State Employee Number (where applicable)

<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 or 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 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 exercise control over the company.

.....  
Signature

.....  
Date

.....  
Capacity

.....  
Name of Bidder

## FORM C3 PREFERENCING SCHEDULES:

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

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

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

#### 1. GENERAL CONDITIONS

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

- the 80/20 system for requirements with a Rand value of up to R50 000 000 (all applicable taxes included); and
- the 90/10 system for requirements with a Rand value above R50 000 000 (all applicable taxes included).

1.2 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;

1.3 Points for this bid shall be awarded for:

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

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

	POINTS
<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:

$$\begin{array}{ccc}
 \mathbf{80/20} & \mathbf{or} & \mathbf{90/10} \\
 \\
 \square \quad P_t - P_{min} \square & & \square \quad P_t - P_{min} \square \\
 P_s = 80 \square 1 - \frac{\quad}{\quad} \square & \text{or} & P_s = 90 \square 1 - \frac{\quad}{\quad} \square \\
 \square \quad P_{min} \square & & \square \quad P_{min} \square
 \end{array}$$

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>B-BBEE Status Level of Contributor</b>	<b>Number of points (90/10 system)</b>	<b>Number of points (80/20 system)</b>
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 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).

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

7.1 Name of firm :  
.....

7.2 VAT registration number : .....

7.3 Company registration number : .....

7.4 TYPE OF COMPANY/ FIRM

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

[TICK APPLICABLE BOX]

7.5 DESCRIBE PRINCIPAL BUSINESS ACTIVITIES

7.6 ..... COMPANY CLASSIFICATION

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

[TICK APPLICABLE BOX]

7.7 MUNICIPAL INFORMATION

Municipality where business is situated .....  
Registered Account Number ..... Stand Number  
.....

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

7.9 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 audi alteram partem (hear the other side) rule has been applied; and
  - (e) forward the matter for criminal prosecution.

**WITNESSES:**

- 1. ....
- 2. ....

.....

**SIGNATURE(S) OF BIDDER(S)**

DATE: .....

ADDRESS: .....

.....

.....

.....

**FORM C5: DECLARATION OF BIDDER'S PAST SUPPLY CHAIN MANAGEMENT PRACTICES**

**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 2015).
- 4 **In order to give effect to the above, the following questionnaire must be completed and submitted with the bid.**

<b>Item</b>	<b>Question</b>	<b>Yes</b>	<b>No</b>
4.1	<p><b>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></p> <p>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.</p>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.1.1	If so, furnish particulars:		
4.2	<p><b>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 2015)? 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:		

Item	Question	Yes	No
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:		
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**

## CERTIFICATE OF INDEPENDENT BID DETERMINATION

- 1 This Municipal Bidding Document (MBD) must form part of all bids invited.
  
- 2 Section 4 (1) (b) (iii) of the Competition Act No. 89 of 1998, as amended, prohibits an agreement between, or concerted practice by, firms, or a decision by an association of firms, if it is between parties in a horizontal relationship and if it involves collusive bidding (or bid rigging). Collusive bidding is a *pe se* prohibition meaning that it cannot be justified under any grounds.
  
- 3 Treasury Regulation 16A9 prescribes that accounting officers and accounting authorities must take all reasonable steps to prevent abuse of the supply chain management system and authorizes accounting officers and accounting authorities to:
  - a. disregard the bid of any bidder if that bidder, or any of its directors have abused the institution's supply chain management system and or committed fraud or any other improper conduct in relation to such system.
  - b. cancel a contract awarded to a supplier of goods and services if the supplier committed any corrupt or fraudulent act during the bidding process or the execution of that 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:

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

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

# CERTIFICATE OF INDEPENDENT BID DETERMINATION

I, the undersigned, in submitting the accompanying bid:

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(Bid Ref Number and Description)

in response to the invitation for the bid made by:

(Name of Institution)

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 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.

**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.**