

FORMAL QUOTATIONS

Total Value of Items / Services more than R 30 000.00

Quote Number:	Q248/2021	Placement Date: 24/02/2021
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To be completed by SCM

Closing Date and Time of Quotation (12h00):	Delivery Date of Items (If items are not delivered on date specified, the order will be cancelled if no arrangements were made by the supplier):
09/03/2021 @12H00	

Contact Person	Mobile No	Telephone No	Email Address
Lise Geldenhuys	0824436463	0227722461	lise.geldenhuys@sbm.gov.za

Validity period of Quotation:	90 Days
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Requisition Number	Segment Description
110348	235- Install new perimeter fencing-CRR

Invitation to Quote Form
Full Description of Job / Item and Purpose Required:
REPLACE AND REMOVE CURRENT DIAMOND MESH PERIMETER FENCING LEENTJIESKLIP CARAVAN PARK
<p>Evaluation criteria: on total amount _____</p> <p>Local Content – Designated Sector: All Steel Products 100%</p> <p>CIDB Grading: 1 SQ</p> <p>Other Compliance Documents: Letter of Good Standing (WCA)</p> <p>BIDDERS ARE REQUIRED TO ATTEND THE COMPULSORY SITE MEETING AT THE STIPULATED TIME ON TUESDAY 02 MARCH 2021 AT 11H00 AT LEENTJIESKLIP CARAVAN PARK (OFFICE). FAILURE TO DO SO WILL RESULT IN THE BIDDER BEING DISQUALIFIED FOR FURTHER EVALUATION.</p> <p>PLEASE NOTE THAT NO GRACE PERIOD WILL BE ALLOWED FOR ANY BIDDER WHO ARRIVE LATE.</p>

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Quotations must be placed in the relevant Q number at the Quotation Return Address below	
Quotation Return Address (Postal)	Site Address (Address where project must be completed after receipt of order):
Buller Centre (Investment Centre), Ground Floor 15 Main Road (Private Bag x12) Vredenburg (7380)	Leentjiesklip Caravan Park Jon Olafson Road Langebaan 7357

Instructions to Tenderers:

DATABASE REGISTRATION (Compulsory):

It is compulsory for all suppliers to be registered on the Central Supplier Database (CSD). NO AWARD WILL BE MADE TO A SUPPLIER WHO IS NOT REGISTERED ON THE CSD. Please ensure that your registration on the CSD remains active. The General Conditions of Contract (July 2010) is applicable to this Quotation. In addition to the GCC the following Special Conditions to quote will apply:

- The quotation, sealed in an envelope and **externally endorsed with the relevant quotation number**, must be submitted to the abovementioned “**Quotation Return**” address and can either be **hand-delivered or couriered**. It is the supplier's responsibility to make sure that the quote with all relevant documents reach this office before the closing date and time and is placed in the correct quotation box or handed in at the Supply Chain Management office (Second Floor, 15 Main Road, Buller Centre (Investment Centre) Vredenburg, 7380). Late Quotations will not be accepted.
- The quotation originally completed in ink MUST be done on the attached “Invitation to Quote” form and suppliers may additionally add a quotation on their business’ letterhead. Copies of Quotation documents will be disregarded.**
- The use of correction fluid (TIPPEX) on the price schedule is prohibited and quotations will be found non-responsive.
- The quotation must be on items that strictly conform to the specifications as requested (mentioned). **Quotations must be submitted in line with specifications stipulated – pricing must be done per item or per bill of quantities.** In the event of any items not conforming to the specifications, additional costs may be recovered from the tenderer.
- Delivery charges MUST be included in the price for “Supply and Delivery of Goods”.
- Calculation errors will be corrected; where the quote is based on items or quantities, tariffs (unit rates) will be regarded as correct. In the case of a construction work quote the total amount will be regarded as correct.
- Tenderers must submit a **Certificate of Independent Bid Determination (MBD 9), Preference Points Claim Form (MBD 6.1) and original or originally certified B-BBEE certificate or Affidavit** with the quotation. **NO BUSINESS MAY BE CONDUCTED WITH PERSONS IN SERVICE OF THE STATE.** All relevant documents can be downloaded at www.sbm.gov.za > Tenders / Quotations > Supply Chain Documents.
- The municipality may accept the whole or a part of the quote where the quote comprises of more than one item.
- The municipality does not bind itself to accept the lowest or any bid.
- The acceptance of the quote and the subsequent issuing of an official order constitute a legal binding document and may not be cancelled.
- Goods and services may only be provided after and according to the official order issued.
- All contractors to ensure that waste generated during a construction period of a building project is appropriately contained on site and correctly disposed of at a registered landfill site or drop-off facility. The management of waste is continuous, and waste is not allowed to accumulate to a point where it is unsightly, creates windblown litter or any form of nuisance. Upon completion of the project safe disposal certificates need to be submitted to the project manager as proof that all waste was disposed of in the correct manner. The submission of safe disposal certificates will be a pre-requisite for the processing of payment certificates. Construction and demolition waste (Bricks, mortar, concrete, sand, tiles, etc.) should be stored in a container (Skip or similar) or must be covered with netting if stock-piled on site. All other waste generated on site such as, plastics, paper, cement bags, etc. must be stored in a dedicated mesh cage/enclosure to avoid windblown litter. No waste may be placed on the side walk or surrounding properties. Law Enforcement will conduct regular inspections and non-compliant contractors will be fined.**

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13. "All documents and / packaging of courier must be clearly marked RFQ/Q or Tender with the number. It remains the responsibility of the service provider/contractor to ensure that his quotation or bid is clearly marked."

QUOTATIONS WILL BE EVALUATED IN TERMS OF THE AMENDED PREFERENTIAL PROCUREMENT REGULATIONS, 2017 AND NEW BEE CODES WHEN BIDDERS CLAIM POINTS IN TERMS OF THEIR B-BBEE STATUS LEVEL.

NB!! FAILURE TO COMPLY WITH THE ABOVEMENTIONED CONDITIONS WILL INVALIDATE YOUR QUOTE!!!

Submission of Invoices:

The successful bidder(s) to ensure compliance with Section 20(4) of the Value Added Tax (VAT) Act, 89 of 1991.

In terms of Section 20(4) of the Act, the TAX INVOICE(S) received from registered Vat vendors **MUST** bear the following information:

- The words "TAX INVOCIE" in a prominent place;
- Name, address and VAT registration number of the supplier;
- The name and address: Saldanha Bay Municipality, Private Bag X12, Vredenburg, 7380;
- The Saldanha Bay Municipality VAT registration number: 4100113150;
- Unique VAT invoice number and date of issue;
- Accurate description of goods and/or services;
- Quantity or volume of goods or services supplied; and
- Price and VAT amount and percentage (%).

Failure to comply with abovementioned will result in payments not been made timeously.

Also take note that Saldanha Bay Municipality will not be liable for any late payments as a result of invalid Tax Invoice submitted by suppliers

COMPANY NAME:

I hereby declare that I am duly authorised to sign on behalf of the abovementioned company

PRINT NAME

SIGNATURE

DATE

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Compulsory checklist

Compulsory documents to be submitted by suppliers	Comply Please mark/tick where applicable	
Are you registered on the Central Supplier Database (CSD)? If "YES", please provide your CSD registration nr: MAAA_____	YES	NO
If "NO", please complete the online registration process on Central supplier database www.csd.gov.za		
MBD 4 – Declaration of Interest	YES	NO
MBD 6.1 - Preference Points Claim form in terms of Preferential procurement Regulation 2017	YES	NO
NOTE: BOTH the MBD 6.1 and B-BBEE certificate or affidavit must be attached to the document to claim preference points. If BOTH DOCUMENTS are not attached, 0 points will be given for preference.		
MBD 6.2 - Local Content Declaration AND Annex C form	YES	NO
MBD 8 - Declaration of Bidder's Past Supply Chain Management Practises	YES	NO
NOTE: Municipal account/ lease agreement of the bidding entity and its Directors must be attached.		
MBD 9 - Certificate of Independent Bid Determination	YES	NO
Original or originally certified B-BBEE certificate or affidavit	YES	NO
Company registration documents- CIPC	YES	NO
Letter of good standing (WCA) Proof of valid registration with the Workman's Compensation Association	YES	NO
CIDB Registered 1SQ	YES	NO

COMPANY NAME:

I hereby declare that I am duly authorised to sign on behalf of the abovementioned company

PRINT NAME

SIGNATURE

DATE

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Invitation to Quote Form

(Price quotation to be completed by the supplier on this form)

<u>NAME AND ADDRESS OF SUPPLIER</u>	<u>SUPPLIER CONTACT DETAIL</u>
	Tel: Fax: Email: Contact Person:

Detailed Specifications

REMOVE OLD DIAMOND MESH WIRE AND SUPPLY AND INSTALL NEW GALVANIZED DIAMOND MESH WIRE FENCE WITH RAZORWIRE ON TOP OF FENCE.

PART A: GENERAL & SPECIAL CONDITIONS OF CONTRACT

RPLACE PERIMETER FENCE ALONG JON OLAFSON ROAD, LEENTJIESKLIP CARAVAN PARK, LANGEBAAN

1. Scope of Work

This contract covers the supply, delivery and installation of stock fence. The work includes the following:

- Cleaning of working strip where proposed fence will be installed
- Supply and deliver all material, plant and equipment needed to repair the fence
- Install fence according to specifications.
- Ensure safe working environment throughout the project period.
- Ensure compliance with COVID19 legislation and protocols

All of the above to be done to the extent detailed in the specifications and bill of quantities

Herein after referred to as the “works”, and any other work arising out of or incidental to the above or required of the Contractor for the proper completion of the works in accordance with the true meaning and intent of the contract.

2. Location and Access

The site is situated on Jon Olafson Road, Langebaan, it is the perimeter fence of Leentjiesklip Caravan Park.

3. Bills of Quantities

Tenderers are required to check the number of pages and should any be found to be missing or in duplicate or the writing to be indistinct or should there be any doubt

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or obscurity as to the meaning of any particular description or should Tenderers consider that any item is incorrectly or inadequately described they must inform the Project Manager or his duly authorized representative, and have the matter rectified or explained as the case may be as no liability whatsoever will be admitted in respect of errors in a tender due to the foregoing.

No alterations, erasures or additions of any kind shall be made by Tenderers in, from or to any part of this document, unless expressly required to be made by written notice and should any unauthorized alterations, erasure or addition be made they will not be recognized

4. Schedule of Quantities

- 4.1 The quantities in the Schedule of Quantities are estimated and may be more or less than stated. The Contractor shall submit with his tender a complete and detailed priced schedule (prepared in ink) for the works. All work covered by the schedule including work resulting from modifications or alterations to drawings, shall be measured and paid for according to the completed schedule.
- 4.2 The absence of stated quantities in the schedule is no guarantee that none will be required. Reasonable and sufficient rates and/or prices shall therefore be inserted to every item, as such prices will be considered when awarding the contract.

5. Inspection of Site

It is a condition of tender that the Tenderer shall have carried out a full and detailed inspection of the tender documents and shall have engaged in the **compulsory site meeting**, prior to the submission of a tender for the project. By such an compulsory virtual meeting, the Tenderer shall be deemed to be fully informed as to the nature and degree of complexity of the project, the constructional problems related thereto, the conditions under which the work is to be carried out, the means of access to the site and building and generally of all matters which may influence his tender. No claim of any nature whatsoever will be considered after the submission if tenders due to the failure on the part of the Tenderer to fulfill this obligation.

6. Pricing

The Tenderer is required to acquaint himself with the contents of the tender and the price must be based on all the documents enclosed herewith.

The price offered shall be fixed for the duration of the contract.

By submitting this tender the Tenderer is deemed to have acquainted himself with all the terms and conditions of contract.

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7. Completion of Work

- 7.1 The Contractor may offer a shorter completion period in his tender, which offer may be taken into consideration when adjudicating the tenders.
- 7.2 Saldanha Bay Municipality requires that the Works be completed **within 1 month (four) working weeks**, which shall include any statutory holidays falling within this period. The completion date will be determined by adding the period specified above to the date as may be stated in the advice of acceptance.

8. Acceptance of Tender

Saldanha Bay Municipality does not bind itself to accept the lowest or any tenders.

9. Penalties for late Completion

Should the Contractor fail to complete the Works by the date stipulated in the contract, or such extended date/s as may be allowed by Saldanha Bay Municipality, he shall pay to Saldanha Bay Municipality as **penalties the amount of R500,00 (five hundred rand) for each day** or part thereof during which the Works remain incomplete.

10. Materials to be supplied by Saldanha Bay Municipality

- 10.1 The following material will be provided free of charge by Saldanha Bay Municipality:
- i) Nil

11. Increase and Decrease in Cost

No escalation will be applicable to this contract and Tenderers must therefore make the necessary allowance in their rates.

12. Validity

Tenders shall hold good for 90 (ninety) days from the closing date, during which period prices shall remain firm.

13. Bills of Quantities and Variation to Work

Saldanha Bay Municipality reserves the right to omit or vary portions of the work without prejudice to the contract. Any additions to the work for which a tendered price does not apply will be adjusted by means of a variation order after agreement has been reached between the Contractor and the Project Manager on the rate/price offered.

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14. Payments

Only one payment will be made on completion of the project and only for work satisfactory completed and in accordance with the Schedule of Rates and Prices.

15. Plant and equipment

- The contractor shall provide all necessary plant and equipment to successfully complete the project.

16. Electricity, Water, Refuse Removal, Telephone

- The contractor shall make his own arrangements for the supply to his work site of water, electricity and a telephone, if required, for his use during construction. Where such services are purchased from Saldanha Bay Municipality, the applicable tariffs will be what the Local Authority charges. The cost of meters, connections, and all other costs associated with the provision of services shall be to the Contractor's account.
- All electrical supply cables shall be laid underground. All electrical/water connection and consumption charges are subject to tariff increases as laid down by the Local Authority from time to time.

17. Site storage and Working Area

Saldanha Bay Municipality will make available to the Contractor an area as will be needed for the storage of materials to carry out the contract work. The area will be indicated during the site meeting. No liability will however be accepted by Saldanha Bay Municipality for the safekeeping of the Contractors materials and he will be totally responsible for this.

18. Works to be Left Tidy

During the construction of the works, the site shall at all times be kept in a neat and tidy condition. The Project Manager may order the Contractor to stop all work, until such time as, in his opinion, this condition has been observed.

19. Personnel Restrictions

All personnel are always to be kept under strict supervision. Supervisors will be held responsible for ensuring that no one enters any adjacent buildings or private property and that no interference with any other task being carried out on the property occurs.

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20. Inspection of Work

- During the progress of the contract all materials being supplied, and all work being undertaken by the contractor shall be subject to periodic inspection by Saldanha Bay Municipality's Project Manager or his duly authorized representative. All such material and workmanship shall be supplied and performed, respectively to the entire satisfaction of the Project Manager or his duly authorized representative.
- Should at any stage in the progress of the said works, or on completion, an inspection visit reveal any defects in the construction, which are due to the part of the Contractor, such defective material or workmanship shall immediately be replaced or remedied by the Contractor at his own expense and to the satisfaction of the Project Manager or his duly authorized representative.

21. Cleaning of Site

The Contractor shall provide for cleaning up and carting away all demolished/removed material not wanted by Saldanha Bay Municipality, rubbish and debris of whatever kind on completion and is to clear away and remove all rubbish, unused materials, temporary erections, plant and debris and leave the site and the whole of the works clean and tidy to the satisfaction of the Project Manager.

22. Safety precautions and Insurance.

A24.1 Act 85

The contractor shall comply with the Occupational Health & Safety Act, 1993 (Act 85 of 1993).

A24.2 Environment

The Contractor shall, at all times, comply with the statutes that prohibit pollution of any kind. These statutes are enacted in the following legislation.

- ❑ The National Environmental Management Act, 107/1998;
- ❑ The Environmental Conservation Act, 73/1989; and
- ❑ The National Water Act, 36/1998.

All COVID19 legislation and protocols must be adhered to.

The Contractor shall appoint a responsible person to ensure that no incident shall occur on site that could cause pollution. Where the Contractor was negligent and caused any form of pollution the damage shall be rectified at the Contractors cost.

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PART B: PROJECT SPECIFICATION

Replace perimeter fence along Jon Olafson road for Leentjiesklip caravan Park

1. SCOPE OF WORK

This contract covers the removal of old fence, supply, delivery and installation of new fence. The work includes the following

- Cleaning of working strip where proposed fence will be installed
- Removing old fence wire
- Supply and deliver all material, plant and equipment needed to replace the fence
- Install fence according to specifications.
- Ensure safe working environment throughout the project period.

All the above to be done to the extent detailed in the specifications and bill of quantities

Herein after referred to as the “works”, and any other work arising out of or incidental to the above or required of the Contractor for the proper completion of the works in accordance with the true meaning and intent of the contract.

2. REPLACE EXISTING FENCE

- 1.8 Diamond mesh green plastic coated, and barbed wire on top

Corner posts:

Existing posts can be used

Line posts:

Existing posts can be used

Barbed wire

- 7 strands for length of repair
- Mild steel and medium carbon
- Double strand with 4-point barbs

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NOTE: A COMPULSORY SITE MEETING WILL BE CONDUCTED TO DISCUSS THE SPECIFICATIONS AND SITE CONDITIONS.

3. CONTINGENCIES

Allowance for unforeseen extra work, if any and when the Project Manager has issued a written site instruction.

VALIDITY PERIOD

Regulation 23 (1)(g)(i)(ii) and (iii) of the Supply Chain Management Policy will apply:

1) The procedures for the handling, opening and recording of bids, are as follows: -

g) Validity Periods

- i) A minimum bid validity period will apply to all bids and will be calculated from the bid closure date. Bids shall remain in force and binding for the minimum bid validity period as indicated in the invitation to bid and the bid documents, subject to any other applicable legislation and instructions from the National Treasury for specific types of procurement.
- ii) Unless otherwise indicated in writing by the bidder, the validity of bids submitted will automatically extend beyond the minimum bid validity period as set out in sub-paragraph (g)(i) above and will remain valid for acceptance until the bid award process, including the consideration of any appeals, objections or complaints, has been concluded.
- iii) Any bidder may at any time withdraw their bid in writing in which case the bid will not be further considered.

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All COVID 19 legislation protocols must be adhered to.

BILL OF QUANTITIES

Item	Description	Unit	Quantity	Rate	Amount
1.2	Health and Safety Plan	sum	1		
2	Removal of old wire fencing	meter	570		
3	Supply and deliver of new Green Diamond Mesh Fencing	meter	570		
4	Labour for the installation of Fencing	sum	570		
5	Installation of razor wire on top of installed fencing	meter	570		
	TOTAL (EXCLUDING VAT)				
	SUB TOTAL				
	15% VAT (if applicable) VAT reg. nr				
	TOTAL (INCLUSIVE OF VAT)				

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(To be completed by Supplier)

MBD 4		
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 favoritism, should the resulting bid, or part thereof, be awarded to persons connected with or related to persons in service of the state, it is required that the bidder or their authorized representative declare their position in relation to the evaluating/adjudicating authority.		
MSCM Regulations: "<u>in the service of the state</u>" means to be – (a) a member of- <div style="margin-left: 40px;"> (i) any municipal council; (ii) any provincial legislature, or (iii) the national Assembly of the national Council of provinces </div> (b) a member of the board of directors of any municipal entity; (c) an official of any municipality or municipal entity; (d) an employee of any national or provincial department, national or provincial public entity or constitutional institution within the meaning of the Public Finance Management Act, 1999 (Act No. 1 of 1999); (e) a member of the accounting authority of any national or provincial public entity, or (f) an employee of parliament or a provincial legislature		
"Shareholder" means a person who owns shares in the company and is actively involved in the management of the company or business and exercises control over the company		
3. PERSONAL DETAILS		
3.1. Name of bidder/representative:		
3.2. ID Number:		
3.3. Position in Company:		
3.4. Company Registration Number:	3.5. Tax Reference Number:	3.6. VAT Registration Number:
3.7. The names of all directors/ trustees/ shareholders members, their individual identity numbers and state employee numbers must be indicated in paragraph 4 below.		
QUESTIONNAIRE		
3.8. Are you presently in service of the state?	YES	NO
3.8.1. If YES, please furnish particulars:		
3.9. Have you been in service of the state for the past 12 months?		
YES	NO	
3.9.1. If YES, please furnish particulars:		

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3.10. Do you have any relationship (family, friend, other) with persons in service of the state, who may be involved with the evaluation/adjudication of this bid?			YES	NO
3.10.1. If YES, please 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 /adjudication of this bid?			YES	NO
3.11.1. If YES, please furnish particulars:				
3.12. Any of the company's directors, trustees, managers, principle shareholders or stakeholders in service of the state?			YES	NO
3.12.1. If YES, please furnish particulars:				
3.13. Are any spouse, child or parent of the company's directors, trustees, managers, principle shareholders or stakeholders in service of the state?			YES	NO
3.13.1. If YES, please 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 his contract?			YES	NO
3.14.1. If YES, please furnish particulars:				
4. DETAILS OF DIRECTORS/TRUSTEES/MEMBERS/SHAREHOLDERS				
FULL NAME		ID NUMBER	STATE EMPLOYEE NUMBER	
Signature		Date		
Position:		Name of Bidder:		

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MBD 6.1

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

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

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

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 not exceed R50 000 000 (all applicable taxes included) and therefore the 80/20 preference point 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.
- 1.4 The maximum points for this bid are allocated as follows:

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

- 1.5 Failure on the part of a bidder to 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 a sworn affidavit confirming annual turnover and level of black ownership in case of an EME and QSE together with the bid, will be interpreted to mean that preference points for B-BBEE status level of contribution are not claimed.

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- 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) **“all applicable taxes”** includes value-added tax, pay as you earn, income tax, unemployment insurance fund contributions and skills development levies;
- (b) **“B-BBEE”** means broad-based black economic empowerment as defined in section 1 of the Broad-Based Black Economic Empowerment Act;
- (c) **“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;
- (d) **“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 competitive bidding processes or proposals;
- (e) **“Broad-Based Black Economic Empowerment Act”** means the Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003) as amended by Act No 46 of 2013;
- (f) **“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;
- (g) **“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;
- (h) **“contract”** means the agreement that results from the acceptance of a bid by an organ of state;
- (i) **“EME”** means an Exempted Micro Enterprise as defines by Codes of Good Practice issued in terms of section 9 (1) of the Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003);
- (j) **“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;
- (k) **“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;
- (l) **“non-firm prices”** means all prices other than “firm” prices;
- (m) **“person”** includes a juristic person;
- (n) **“QSE”** means a Qualifying Small Enterprise as defines by Codes of Good Practice issued in terms of section 9 (1) of the Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003);

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- (o) **“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;
- (p) **“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;
- (q) **“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;
- (r) **“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
- (s) **“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.

ADJUDICATION USING A POINT SYSTEM

- 2.1 The bidder obtaining the highest number of total points will be awarded the contract.
- 2.2 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;.
- 2.3 Points scored must be rounded off to the nearest 2 decimal places.
- 2.4 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.
- 2.5 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.
- 2.6 Should two or more bids be equal in all respects, the award shall be decided by the drawing of lots.

3. POINTS AWARDED FOR PRICE

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

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

80/20

or

90/10

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

Where

- P_s = Points scored for comparative price of bid under consideration
- P_t = Comparative price of bid under consideration
- P_{min} = Comparative price of lowest acceptable bid

FORMAL QUOTATIONS

Total Value of Items / Services more than R 30 000.00

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

- 4.1 In terms of Regulation 6 (2) and 7 (2) of the Preferential Procurement Regulations 2017, preference points must be awarded to a bidder for attaining the B-BBEE status level of contribution in accordance with the table below:

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

- 4.2 A bidder who qualifies as an EME in terms of the B-BBEE Act must submit a sworn affidavit confirming Annual Total Revenue and Level of Black Ownership.
- 4.3 A Bidder other than EME or QSE 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.
- 4.4 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.
- 4.5 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.
- 4.6 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.
- 4.7 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.
- 4.8 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.

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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 CONTRIBUTION CLAIMED IN TERMS OF PARAGRAPHS 1.4 AND 5.1

6.1 B-BBEE Status Level of Contribution: = (maximum of 10 or 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 a sworn affidavit.

7. SUB-CONTRACTING

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

(***Tick applicable box***)

YES		NO	
-----	--	----	--

7.1.1 If yes, indicate:

- i) What percentage of the contract will be subcontracted.....%
- ii) The name of the sub-contractor.....
- iii) The B-BBEE status level of the sub-contractor.....
- iv) Whether the sub-contractor is an EME.

(***Tick applicable box***)

YES		NO	
-----	--	----	--

8. DECLARATION WITH REGARD TO COMPANY/FIRM

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

8.2 VAT registration number:.....

8.3 Company registration number:.....

8.4 TYPE OF COMPANY/ FIRM

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

[TICK APPLICABLE BOX]

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8.5 DESCRIBE PRINCIPAL BUSINESS ACTIVITIES

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

8.6 COMPANY CLASSIFICATION

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

[TICK APPLICABLE BOX]

8.7 MUNICIPAL INFORMATION

Municipality where business is situated:

Registered Account Number:

Stand Number:.....

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

8.9 I/we, the undersigned, who is / are duly authorised to do so on behalf of the company/firm, certify that the points claimed, based on the B-BBE status level of 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;

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- (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 BIDDERS(S)

DATE:

ADDRESS

.....

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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, 2017, the South African Bureau of Standards (SABS) approved technical specification number SATS 1286:2011 (Edition 1) and the Guidance on the Calculation of Local Content together with the Local Content Declaration Templates [Annex C (Local Content Declaration: Summary Schedule), D (Imported Content Declaration: Supporting Schedule to Annex C) and E (Local Content Declaration: Supporting Schedule to Annex C)].

1. General Conditions

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

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

Where

x is the imported content in Rand

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y is the bid price in Rand excluding value added tax (VAT)

Prices referred to in the determination of x must be converted to Rand (ZAR) by using the exchange rate published by South African Reserve Bank (SARB) at 12:00 on the date of advertisement of the bid as indicated in paragraph 4.1 below.

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

1.6. A bid may be disqualified if this Declaration Certificate and the Annex C (Local Content Declaration: Summary Schedule) are not submitted as part of the bid documentation;

2. The stipulated minimum threshold(s) for local production and content (refer to Annex A of SATS 1286:2011) for this bid is/are as follows:

Description of services, works or goods

Stipulated minimum threshold

Diamond mesh perimeter fencing

100%

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

(Tick applicable box)

YES		NO	
-----	--	----	--

3.1 If yes, the rate(s) of exchange to be used in this bid to calculate the local content as prescribed in paragraph 1.5 of the general conditions must be the rate(s) published by SARB for the specific currency at 12:00 on the date of advertisement of the bid.

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

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

Currency	Rates of exchange
US Dollar	
Pound Sterling	
Euro	
Yen	
Other	

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

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

LOCAL CONTENT DECLARATION

(REFER TO ANNEX B OF SATS 1286:2011)

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

IN RESPECT OF BID NO.

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

.....

NB

- 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.
- Guidance on the Calculation of Local Content together with Local Content Declaration Templates (Annex C, D and E) is accessible on <http://www.thdti.gov.za/industrial-development/ip.jsp>. Bidders should first complete Declaration D. After completing Declaration D, bidders should complete Declaration E and then consolidate the

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information on Declaration C. **Declaration C should be submitted with the bid documentation at the closing date and time of the bid in order to substantiate the declaration made in paragraph (c) below.** Declarations D and E should be kept by the bidders for verification purposes for a period of at least 5 years. The successful bidder is required to continuously update Declarations C, D and E with the actual values for the duration of the contract.

I, the undersigned, (full names),
do hereby declare, in my capacity as
of(name of bidder
entity), the following:

- (a) The facts contained herein are within my own personal knowledge.
- (b) I have satisfied myself that:
 - (i) the goods/services/works to be delivered in terms of the above-specified bid comply with the minimum local content requirements as specified in the bid, and as measured in terms of SATS 1286:2011; and
- (c) The local content percentage (%) indicated below has been calculated using the formula given in clause 3 of SATS 1286:2011, the rates of exchange indicated in paragraph 4.1 above and the information contained in Declaration D and E which has been consolidated in Declaration C:

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

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

The local content percentages for each product has been calculated using the formula given in clause 3 of SATS 1286:2011, the rates of exchange indicated in paragraph 4.1 above and the information contained in Declaration D and E.

- (d) I accept that the Procurement Authority / Institution has the right to request that the local content be verified in terms of the requirements of SATS 1286:2011.
- (e) I understand that the awarding of the bid is dependent on the accuracy of the information furnished in this application. I also understand that the submission of incorrect data, or data that are not verifiable as described in SATS 1286:2011, may

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result in the Procurement Authority / Institution imposing any or all of the remedies as provided for in Regulation 14 of the Preferential Procurement Regulations, 2017 promulgated under the Preferential Policy Framework Act (PPPFA), 2000 (Act No. 5 of 2000).

SIGNATURE: _____

DATE: _____

WITNESS No. 1 _____

DATE: _____

WITNESS No. 2 _____

DATE: _____

(PLEASE ATTACH ANNEXURE C ALONG WITH THE RETURNABLE DOCUMENTS TO THE BACK OF THIS TENDER DOCUMENT. SCHEDULES SHOULD BE COMPLETED FOR EACH ITEM OFFERED AS PER DTI GUIDLINES)

Documents can be downloaded from the Municipal website:

<http://www.sbm.gov.za>



ANNEXURE C

SATS 1286.2011

Local Content Declaration – Summary Schedule

(C1) Tender No.						
(C2) Tender Description						
(C3) Designated product(s)						
(C4) Tender Authority	Saldanha Bay Municipality					
(C5) Name of Tendering Entity						
(C6) Tender Exchange Rate	Pula		EU		GBP	
(C7) Specified local content %						

NOTE: VAT to be excluded from all calculations

		Calculation of local content					
Tender Item No's	List of Items	Tender Price – each	Exempted imported value	Tender value net of exempted imported content	Imported value	Local value	Local content % (per item)
(C8)	(C9)	(C10)	(C11)	(C12)	(C13)	(C14)	(C15)
1	Replace and remove current diamond mesh perimeter fencing						

Tender summary			
Tender Quantity	Total tender value	Total exempted imported content	Total imported content
(C16)	(C17)	(C18)	(C19)
570 meters			
(C20) Total tender value			
(C21) Total Exempt imported content			
(C22) Total Tender value net of exempt imported content			
(C23) Total Imported content			
(C24) Total local content			
(C25) Average local content % of tender			

SIGNATURE OF TENDERER AS PER LOCAL CONTENT DECLARATION

DATE

MINIMUM THRESHOLD FOR LOCAL CONTENT

The following industries, sectors and sub-sectors have so far been designated for local production with minimum local content thresholds.

Nr. of Sectors designated	Industry/sector/sub-sector	Minimum threshold for local content
1	Buses (Bus Body)	80%
2	Textile, Clothing, Leather and Footwear	100%
3	Steel Power Pylons, Monopole Pylons, Steel Substation Structures, Powerline Hardware, Street Light Steel Poles, Steel Lattice Towers	100%
4	Canned / Processed Vegetables	80%
5	Pharmaceutical Products:	
	<ul style="list-style-type: none"> • OSD Tender • Family Planning Tender 	<ul style="list-style-type: none"> • 70% (volumes) • 50% value
6	Rail Rolling Stock	65%
7	Set Top Boxes (STB)	30%
8	Furniture Products:	
	<ul style="list-style-type: none"> • Office Furniture • School Furniture • Base and Mattress 	<ul style="list-style-type: none"> • 85% • 100% • 90%
9	Solar Water Heater Components	70%
10	Electrical and telecom cables	90%
11	Valves products and actuators	70%
12	Residential Electricity Meter:	
	<ul style="list-style-type: none"> • Prepaid Electricity Meters • Post Paid Electricity Meters • SMART Meters 	<ul style="list-style-type: none"> • 70% • 70% • 50%
13	Working Vessels/Boats (All types):	60%
	<ul style="list-style-type: none"> • Components 	<ul style="list-style-type: none"> • 10% - 100%
14	Conveyance Pipes	80% - 100%
	Transformers and Shunt Reactors:	
	<ul style="list-style-type: none"> • Class 0 • Class 1 • Class 2 • Class 3 • Class 4 	<ul style="list-style-type: none"> • 90% • 70% • 70% • 45% • 10%
	<ul style="list-style-type: none"> • Components and conversion activities 	<ul style="list-style-type: none"> • 50% - 100%
15	Solar PV Components:	
	<ul style="list-style-type: none"> • Laminated PV Modules • Module Frame • DC Combiner Boxes 	<ul style="list-style-type: none"> • 15% • 65% • 65%

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	<ul style="list-style-type: none"> • Mounting Structure • Inverter 	<ul style="list-style-type: none"> • 90% • 40%
16	Two Way Radio Terminals and Associated Equipment:	
	<ul style="list-style-type: none"> • Portable Radio • Mobile Radio • Repeater 	<ul style="list-style-type: none"> • 60% • 60% • 60%
	<ul style="list-style-type: none"> • Components 	<ul style="list-style-type: none"> • 20% - 100%
17	Rail Signalling:	<ul style="list-style-type: none"> • 65%
	<ul style="list-style-type: none"> • Components 	<ul style="list-style-type: none"> • 40% - 100%
18	Wheely Bins:	100%
19	Fire Fighting Vehicle	30%
	<ul style="list-style-type: none"> • Crew Cabin • Super Structure • Assembly 	<ul style="list-style-type: none"> • 100% • 100% • 100%
20	Steel Products and Component for Construction	
21	Steel Value-added Products <ul style="list-style-type: none"> • Fabricated Structural Steel • Joining/Connecting Components • Frames • Roof and Cladding • Fasteners • Wire Products • Ducting and Structural pipework • Gutters, downpipes & lauders Steel Value-added Products <ul style="list-style-type: none"> • Plates • Sheets • Galvanised and Colour Coated Coils • Wire Rod and Drawn Wire • Sections • Reinforcing bars 	<ul style="list-style-type: none"> • 100% • 100% • 100% • 100% • 100% • 100% • 100% • 100%

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MBD 8

DECLARATION OF BIDDER'S PAST SUPPLY CHAIN MANAGEMENT PRACTICES

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

Item	Question	Yes	No
4.1	Is the bidder or any of its directors listed on the National Treasury's database as a company or person 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 National Treasury after the <i>audi alteram partem</i> rule was applied).	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.1.1	If so, furnish particulars:		
4.2	Is the bidder or any of its directors listed on the Register for Tender Defaulters in terms of section 29 of the Prevention and Combating of Corrupt Activities Act (No 12 of 2004)? (To access this Register enter the National Treasury's website, www.treasury.gov.za, click on the icon "Register for Tender Defaulters" or submit your written request for a hard copy of the Register to facsimile number (012) 3265445).	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.2.1	If so, furnish particulars:		

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4.3	Was the bidder or any of its directors convicted by a court of law (including a court of law outside the Republic of South Africa) for fraud or corruption during the past five years?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.3.1	If so, furnish particulars:		
Item	Question	Yes	No
4.4	Does the bidder or any of its directors owe any municipal rates and taxes or municipal charges to the municipality / municipal entity, or to any other municipality / municipal entity, that is in arrears for more than three months?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.4.1	If so, furnish particulars:		
4.5	Was any contract between the bidder and the municipality / municipal entity or any other organ of state terminated during the past five years on account of failure to perform on or comply with the contract?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.5.1	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 Tenderer

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DECLARATION OF MUNICIPAL ACCOUNTS OF COMPANY AND DIRECTORS

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"/>
--	---------------------------------	--------------------------------

The Tenderer must affix proof of Municipal Accounts or valid lease agreements of the company as well as Directors and also complete the addresses of Directors below. If the Bidder has more than 12 Directors, a schedule with addresses must also be attached to the tender document.

Director 1 Address:

Director 2 Address:

Director 3 Address:

Director 4 Address:

Director 5 Address:

Director 6 Address:

Director 7 Address:

Director 8 Address:

Director 9 Address:

Director 10 Address:

Director 11 Address:

Director 12 Address:

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MBD 9

CERTIFICATE OF INDEPENDENT BID DETERMINATION

- 1 This Municipal Bidding Document (MBD) must form part of all bids¹ invited.
- 2 Section 4 (1) (b) (iii) of the Competition Act No. 89 of 1998, as amended, prohibits an agreement between, or concerted practice by, firms, or a decision by an association of firms, if it is between parties in a horizontal relationship and if it involves collusive bidding (or bid rigging).² Collusive bidding is a *pe se* prohibition meaning that it cannot be justified under any grounds.
- 3 Municipal Supply Regulation 38 (1) prescribes that a supply chain management policy must provide measures for the combating of abuse of the supply chain management system, and must enable the accounting officer, among others, to:
 - a. take all reasonable steps to prevent such abuse;
 - b. reject the bid of any bidder if that bidder or any of its directors has abused the supply chain management system of the municipality or municipal entity or has committed any improper conduct in relation to such system; and
 - c. cancel a contract awarded to a person if the person committed any corrupt or fraudulent act during the bidding process or the execution of the contract.
- 4 This MBD serves as a certificate of declaration that would be used by institutions to ensure that, when bids are considered, reasonable steps are taken to prevent any form of bid-rigging.
- 5 In order to give effect to the above, the attached Certificate of Bid Determination (MBD 9) must be completed and submitted with the bid:

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

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

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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

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MBD 9

6. The bidder has arrived at the accompanying bid independently from, and without consultation, communication, agreement or arrangement with any competitor. However communication between partners in a joint venture or consortium³ will not be construed as collusive bidding.
7. In particular, without limiting the generality of paragraphs 6 above, there has been no consultation, communication, agreement or arrangement with any competitor regarding:
 - (a) prices;
 - (b) geographical area where product or service will be rendered (market allocation)
 - (c) methods, factors or formulas used to calculate prices;
 - (d) the intention or decision to submit or not to submit, a bid;
 - (e) the submission of a bid which does not meet the specifications and conditions of the bid; or
 - (f) bidding with the intention not to win the bid.
8. In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications and conditions or delivery particulars of the products or services to which this bid invitation relates.
9. The terms of the accompanying bid have not been, and will not be, disclosed by the bidder, directly or indirectly, to any competitor, prior to the date and time of the official bid opening or of the awarding of the contract.

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

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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