



ABOVE R30 000 (Q)			
<b>ADVERTISEMENT DATE:</b>	08 MARCH 2023		
<b>Q NUMBER:</b>	Q284/2023		
<b>DESCRIPTION OF GOODS/SERVICES:</b>	SUPPLY AND DELIVERY OF BUILDING MATERIAL		
<b>CLOSING DATE:</b>	17 MARCH 2023		
<b>TIME:</b>	12H00		
<b>VALIDITY PERIOD</b>	90 days (will automatically extend as per requirement in clause 23(1)(g) of the SCM Policy)		
<b>SUBMISSIONS:</b>	Sealed quotations clearly marked, “ <b>Q</b> ” number, must be placed (hand delivered) in the quotation box at: Investment Centre (Ground floor), Saldanha Bay Municipality, 15 Main Road (Private Bag x12), VREDENBURG, 7380		
<b>DELIVERY DATE:</b>	Within 14 days after receiving the purchase order.		
<b>DELIVERY ADDRESS:</b>	Leentjiesklip Holiday Resort, Jon Olafsson Road, Langebaan ,7357		
<b>CONTACT PERSON (SBM):</b>	M.Fuzani	<b>TELEPHONE OR CELLPHONE NUMBER:</b>	022 714 8051 or 0834646992
<b>EMAIL ADDRESS:</b>	<a href="mailto:Fuzani.Madoda@sbm.gov.za">Fuzani.Madoda@sbm.gov.za</a>		
<b>EVALUATION CRITERIA:</b>	TOTAL AMOUNT:	YES	
	PER ITEM:	NO	
	EVALUATION CRITERIA:	See details in document	
	SITE MEETING DATE (Compulsory):	No	
<b>NAME OF BUSINESS:</b>			
<b>CSD NUMBER:</b>			
<b>STREET ADDRESS OF BUSINESS:</b>			
<b>AMOUNT:</b>	R (Only if award is made on total amount)		
<b>NOTE:</b> Only an official order OR appointment letter will be deemed a legal contract with Council. No business may be conducted with a person in service of the state.			

## INSTRUCTION TO TENDERER

**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:**

1. 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.
  2. **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.
  3. **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.**
  4. The use of correction fluid (TIPPEX) on the price schedule is prohibited and quotations will be found non-responsive.
  5. 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.
  6. Delivery charges MUST be included in the price for “Supply and Delivery of Goods”.
  7. 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.
  8. Tenderers must duly complete, sign and submit the following compulsory forms:
    - i) Declaration of interest (MBD 4). **NO BUSINESS MAY BE CONDUCTED WITH PERSONS IN SERVICE OF THE STATE.**
    - ii) Preference Points Claim form (MBD 6.1)
    - iii) Certificate for independent bid determination (MBD 9)Note: All relevant documents can be downloaded at [www.sbm.gov.za](http://www.sbm.gov.za) > Tenders / Quotations > Supply Chain Documents.
  9. **Tenderers must submit the following proof to claim preference points:**
    - i) **B-BBEE**  
**Original or originally certified B-BBEE certificate or Affidavit; and**
    - ii) **Locality**
      - where the tenderer is the **owner of the property / business:**
        - municipal account registered in the name of the tenderer not older than 3 months;
      - where the tenderer is **not the owner of the property / business:**
        - a valid lease agreement; or
        - **affidavit from the property owner** that the address used to claim points in the MBD 6.1 is being rented out to the tenderer at no cost not older than 3 months.
- A SCORE OF 0 (ZERO) WILL BE ALLOCATED IF COMPULSORY DOCUMENTS NOT DULY COMPLETED AND SIGNED AND / IF INSUFFICIENT PROOF SUBMITTED AT THE CLOSING TIME AND DATE.**
10. The municipality may accept the whole or a part of the quote where the quote comprises of more than one item.
  11. The municipality does not bind itself to accept the lowest or any bid.
  12. The acceptance of the quote and the subsequent issuing of an official order constitute a legal binding document and may not be cancelled.
  13. Goods and services may only be provided after and according to the official order issued.
  14. 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.
  15. **“All documents and / packaging of courier must be clearly marked Q with the number. It remains the responsibility of the service provider/contractor to ensure that his quotation bid is clearly marked and placed in the correct box.”**

**QUOTATIONS WILL BE EVALUATED IN TERMS OF PREFERENTIAL PROCUREMENT REGULATIONS, 2022, PREFERENTIAL PROCUREMENT POLICY OF COUNCIL.**

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

I hereby declare that I understand the above and is duly authorised to sign on behalf of the abovementioned company

\_\_\_\_\_  
PRINT NAME

\_\_\_\_\_  
SIGNATURE

\_\_\_\_\_  
DATE

**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

I hereby declare compliance with Section 20(4) of the Value Added Tax (VAT) Act, 89 of 1991 and that I am duly authorised to sign on behalf of the company

\_\_\_\_\_  
PRINT NAME

\_\_\_\_\_  
SIGNATURE

\_\_\_\_\_  
DATE

## 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: "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 of the national Council of provinces
- b) a member of the board of directors of any municipal entity;
- c) an official of any municipality or municipal entity;
- d) an employee of any national or provincial department, national or provincial public entity or constitutional institution within the meaning of the Public Finance Management Act, 1999 (Act No. 1 of 1999);
- e) a member of the accounting authority of any national or provincial public entity, or
- f) an employee of parliament or a provincial legislature

**"Shareholder" means a person who owns shares in the company and is actively involved in the management of the company or business and exercises control over the company**

### 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
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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:

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
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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
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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:		
<b>4. DETAILS OF DIRECTORS/TRUSTEES/MEMBERS/SHAREHOLDERS</b>		
<b>FULL NAME</b>	<b>ID NUMBER</b>	<b>STATE EMPLOYEE NUMBER</b>
<hr/> <b>Signature</b>	<hr/> <b>Date</b>	
<hr/> <b>Position:</b>	<hr/> <b>Name of Bidder:</b>	

**MBD 6.1 (PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL PROCUREMENT REGULATIONS 2022 AND PREFERENTIAL PROCUREMENT POLICY OF COUNCIL: 80/20 PREFERENCE POINT SYSTEM)**

This preference form must form part of all tenders invited. It contains general information and serves as a claim form for preference points for specific goals.

**NB: BEFORE COMPLETING THIS FORM, TENDERERS MUST STUDY THE GENERAL CONDITIONS, DEFINITIONS AND DIRECTIVES APPLICABLE IN RESPECT OF THE TENDER, PREFERENTIAL PROCUREMENT REGULATIONS, 2022 AND PREFERENTIAL PROCUREMENT POLICY OF COUNCIL.**

**1. GENERAL CONDITIONS**

**1.1 The following preference point system is applicable to invitations to tender:**

- the 80/20 system for requirements with a Rand value of up to R50 000 000 (all applicable taxes included)

**1.2 Points for this tender (even in the case of a tender for income-generating contracts) shall be awarded for:**

- a) Price; and
- b) Specific Goals (B-BBEE status level contribution and Locality).

**1.3 The maximum points for this tender are allocated as follows:**

	<b>POINTS</b>
<b>PRICE</b>	80
<b>SPECIFIC GOALS</b>	20 (10 BBEE and 10 Locality)
<b>TOTAL POINTS FOR PRICE AND SPECIFIC GOALS</b>	<b>100</b>

1.4 Failure on the part of a tenderer to submit proof or documentation required in terms of this tender to claim points for specific goals with the tender, will be interpreted to mean that preference points for specific goals are not claimed.

**1.4.1 B-BBEE**

Failure on the part of a tenderer to submit a B-BBEE Verification Certificate from a Verification Agency accredited by the South African National Accreditation System (SANAS), 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.

**1.4.2 LOCALITY**

Failure on the part of tenderer to submit the following:

- where the tenderer is the owner of the property / business:
  - municipal account registered in the name of the tenderer not older than 3 months;
- where the tenderer is not the owner of the property / business:
  - a valid lease agreement; or
  - affidavit from the property owner that the address used to claim points in the MBD 6.1 is being rented out to the tenderer at no cost not older than 3 months.
- where the tenderer submitted incorrect or outdated information (account, lease agreement or affidavit) or none of the above, it will be interpreted to mean that preference points for Locality are not claimed.

1.5 The municipality reserves the right to require of a tenderer, either before a tender is adjudicated or at any time subsequently, to substantiate any claim in regard to preferences, in any manner required by the municipality.

**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) **“tender”** means a written offer in the form determined by an organ of state in response to an invitation to provide goods or services through price quotations, competitive tendering process or any other method envisaged in legislation;
- (e) **“price”** means an amount of money tendered for goods or services, and includes all applicable taxes less all unconditional discounts;
- (f) **“rand value”** means the total estimated value of a contract in Rand, calculated at the time of bid invitation, and includes all applicable taxes;
- (g) **“tender for income-generating contracts”** means a written offer in the form determined by an organ of state in response to an invitation for the origination of income-generating contracts through any method envisaged in legislation that will result in a legal agreement between the organ of state and a third party that produces revenue for the organ of state, and includes, but is not limited to, leasing and disposal of assets and concession contracts, excluding direct sales and disposal of assets through public auctions; and
- (h) **“the Act”** means the Preferential Procurement Policy Framework Act, 2000 (Act No. 5 of 2000).

### 3. FORMULAE FOR PROCUREMENT OF GOODS AND SERVICES

#### 3.1 POINTS AWARDED FOR PRICE THE 80/20 PREFERENCE POINT SYSTEMS

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

**80/20**

$$Ps = 80 \left( 1 - \frac{Pt - P_{min}}{P_{min}} \right)$$

Where

- Ps = Points scored for price of tender under consideration
- Pt = Price of tender under consideration
- Pmin = Price of lowest acceptable tender

### 4. FORMULAE FOR DISPOSAL OR LEASING OF STATE ASSETS AND INCOME GENERATING PROCUREMENT

#### 4.1 POINTS AWARDED FOR PRICE THE 80/20 PREFERENCE POINT SYSTEMS

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

**80/20**

$$Ps = 80 \left( 1 + \frac{Pt - P_{max}}{P_{max}} \right)$$

Where

- Ps = Points scored for price of tender under consideration
- Pt = Price of tender under consideration
- Pmax = Price of highest acceptable tender

### 5. POINTS AWARDED FOR SPECIFIC GOALS

In terms of the Preferential Procurement policy of Council section 5(2) and 7(2), preference points must be awarded for specific goals stated in the tender. For the purposes of this tender the tenderer will be allocated points based on the goals stated in table 1 and 2 below as may be supported by proof/ documentation stated in the conditions of this tender:

5.1

**B-BBEE**

B-BBEE Status Level of Contributor	Number of Points for Preference (80/20)
1	10
2	9
3	7
4	6
5	4
6	3
7	2
8	1
Non-compliant contributor	0

5.2

**LOCALITY**

Locality of supplier	Number of Points for Preference (80/20)
Within the boundaries of Saldanha Bay Municipality	10
Within the boundaries of the West Coast District	5
Within the boundaries of the Western Cape	2
Outside the boundaries of the Western Cape or failure to provide proof	0

**6. DECLARATION**

Bidders who claim points in respect of B-BBEE and Locality must complete the following:

**6.1 B-BEE-BBEE STATUS LEVEL OF CONTRIBUTION CLAIMED IN TERMS OF PARAGRAPHS 1.4 AND 5.1**

B-BBEE Status Level of Contribution: \_\_\_\_\_ (maximum of 10 points)

**6.2 LOCALITY CLAIMED IN TERMS OF PARAGRAPH 1.4 AND 5.2**

LOCALITY: \_\_\_\_\_ (maximum of 10 points)

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

7.1 Name of company / firm: \_\_\_\_\_

7.2 Company registration number: \_\_\_\_\_

7.3 VAT registration number: \_\_\_\_\_

7.4 Type of company / firm:

- Partnership / Joint Venture / Consortium
- One-person business / sole propriety
- Close Corporation
- Public Company
- Personal Liability Company
- (Pty) Limited
- Non-Profit Company
- State Owned Company



7.5 MUNICIPAL INFORMATION

Municipality where business is situated: \_\_\_\_\_

Street address of business:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Registered municipal account number: \_\_\_\_\_

7.6 I, the undersigned, who is duly authorised to do so on behalf of the company/firm, certify that the points claimed, based on the specific goals as advised in the tender, qualifies the company/ firm for the preference(s) shown and I acknowledge that:

- i) The information furnished is true and correct;
- ii) The preference points claimed are in accordance with the General Conditions as indicated in paragraph 1 of this form;
- iii) In the event of a contract being awarded as a result of points claimed as shown in paragraphs 1.4 and 5, the contractor may be required to furnish documentary proof to the satisfaction of the organ of state that the claims are correct;
- iv) If the specific goals have been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the organ of state may, in addition to any other remedy it may have –
  - (a) disqualify the person from the tendering process;
  - (b) recover costs, losses or damages it has incurred or suffered as a result of that person's conduct;
  - (c) cancel the contract and claim any damages which it has suffered as a result of having to make less favourable arrangements due to such cancellation;
  - (d) recommend that the tenderer or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, be restricted 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, if deemed necessary.

.....  
**SIGNATURE(S) OF TENDERER(S)**

**SURNAME AND NAME:** .....

**DATE:** .....

**ADDRESS:** .....  
.....  
.....  
.....

**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:
- abused the municipality's / municipal entity's supply chain management system or committed any improper conduct in relation to such system;
  - been convicted for fraud or corruption during the past five years;
  - willfully neglected, reneged on or failed to comply with any government, municipal or other public sector contract during the past five years; or
  - 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? <b>(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).</b>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.1.1	If so, furnish particulars:		
4.2	Is the bidder or any of its directors listed on the Register for Tender Defaulters in terms of section 29 of the Prevention and Combating of Corrupt Activities Act (No 12 of 2004)? <b>(To access this Register enter the National Treasury's website, <a href="http://www.treasury.gov.za">www.treasury.gov.za</a>, 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).</b>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.2.1	If so, furnish particulars:		
4.3	Was the bidder or any of its directors convicted by a court of law (including a court of law outside the Republic of South Africa) for fraud or corruption during the past five years?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.3.1	If so, furnish particulars:		
Item	Question	Yes	No
4.4	Does the bidder or any of its directors owe any municipal rates and taxes or municipal charges to the municipality / municipal entity, or to any other municipality / municipal entity, that is in arrears for more than three months?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.4.1	If so, furnish particulars:		
4.5	Was any contract between the bidder and the municipality / municipal entity or any other organ of state terminated during the past five years on account of failure to perform on or comply with the contract?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.5.1	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

**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

No

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:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Attach page if space insufficient.**

**MBD 9 (CERTIFICATE OF INDEPENDENT BID DETERMINATION)**

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

I, the undersigned, in submitting the accompanying bid:

\_\_\_\_\_  
(Bid Number and Description)  
in response to the invitation for the bid made by:

\_\_\_\_\_  
(Name of Municipality / Municipal Entity)  
do hereby make the following statements that I certify to be true and complete in every respect:

I certify, on behalf of: \_\_\_\_\_ that:  
(Name of Bidder)

1. I have read and I understand the contents of this Certificate;
2. I understand that the accompanying bid will be disqualified if this Certificate is found not to be true and complete in every respect;
3. I am authorized by the bidder to sign this Certificate, and to submit the accompanying bid, on behalf of the bidder;
4. Each person whose signature appears on the accompanying bid has been authorized by the bidder to determine the terms of, and to sign, the bid, on behalf of the bidder;
5. For the purposes of this Certificate and the accompanying bid, I understand that the word "competitor" shall include any individual or organization, other than the bidder, whether or not affiliated with the bidder, who:
  - a) has been requested to submit a bid in response to this bid invitation;
  - b) could potentially submit a bid in response to this bid invitation, based on their qualifications, abilities or experience; and
  - c) provides the same goods and services as the bidder and/or is in the same line of business as the bidder
6. The bidder has arrived at the accompanying bid independently from, and without consultation, communication, agreement or arrangement with any competitor. However communication between partners in a joint venture or consortium<sup>3</sup> will not be construed as collusive bidding.
7. In particular, without limiting the generality of paragraphs 6 above, there has been no consultation, communication, agreement or arrangement with any competitor regarding:

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

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

- 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.
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

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

<b>EVALUATION CRITERIA</b>
<b>80/20 PREFERENCE POINT SYSTEM</b>
Estimated quantities is only for evaluation purpose.
Evaluation will be done on total price.
The award will be made on the unit price.

<b>COMPULSORY DOCUMENTS TO BE SUBMITTED BY SUPPLIERS</b>	<b>Comply Please mark/tick where applicable</b>	
<b>MBD 4 - Declaration of Interest</b>	<b>YES</b>	<b>NO</b>
<b>MBD 6.1 - Preference Points Claim form</b> <ul style="list-style-type: none"> <li>• Original or originally certified B-BBEE certificate or affidavit</li> <li>• Municipal account for business or lease agreement</li> </ul> <b>(See instruction to Tenderer and details in MBD 6.1 for proof required) 0 points will be allocated if incomplete or invalid</b>	<b>YES</b>	<b>NO</b>
<b>MBD 8 - Declaration of Bidder's Past Supply Chain Management Practices</b>	<b>YES</b>	<b>NO</b>
<b>Declaration – Director's municipal accounts</b>	<b>YES</b>	<b>NO</b>
<b>MBD 9 - Certificate of Independent Bid Determination</b>	<b>YES</b>	<b>NO</b>
<b>Municipal accounts or lease agreements for directors</b>	<b>YES</b>	<b>NO</b>
<b>Company registration documents- CIPC</b>	<b>YES</b>	<b>NO</b>
I hereby declare that I am duly authorised to sign on behalf of the abovementioned company		
_____	_____	_____
<b>PRINT NAME</b>	<b>SIGNATURE</b>	<b>DATE</b>

**SPECIAL CONDITIONS OF CONTRACT**

N/A

**SPECIFICATIONS**

N/A

**PRICING SCHEDULE**

Items	Particulars	Estimated Quantity	Unit price (vat excluded)	Total Price
1	Iron spot rustic brick 220x100x75	800		
2	Building sand	2 ton		
3	19mm stone (concrete)	2 ton		
4	Maxi cement brick	400		
5	Brick force 057mm 2.8mm Galv.	3		
6	Aluminium window bronze 600mm x 600mm	1		
7	Lintel 1.2 m	1		
8	Lintel 900mm	1		
9	Vent cement plain (each)	1		
10	Vent plastic VP (each)	1		
11	Hard wood weather bar for door	1		
12	Truss hangers 152 x 50mm	10		
13	Nail wire 075mm /kg prepack	1		
14	SABS Pine purlin batten 75 x 50mm (4200mm length)	4		
15	SABS pine wall plate batten 114x 38mm (3000mm length)	3		
16	SABS pine rafter batten 152 x50mm (3600mm length)	4		
17	Fascia nutec 230mm ( 2400mm length)	2		
18	Gutter D-shape (4000mm length)	1		
19	Gutter brackets	10		
20	Head wall flashing (2400mm length)	2		
21	Roof cover IBR (1500mm)	7		

22	Down pipe 80 diamond, plus shoe out.	1		
23	Outlet	1		
24	Stop end	1		
25	DPC -Plastic roll	2		
<b>TOTAL (VAT Exclusive)</b>				
<b>VAT 15% (if applicable)</b>		<b>VAT registration nr: 4.....</b>		
<b>TOTAL (VAT INCLUSIVE)</b>				<b>R.....</b>
<b>NB!!! QUOTATIONS MUST BE VALID FOR AT LEAST 90 DAYS FROM CLOSING DATE</b>				