

Ref: Kefilwe Jobeta (SCM)

Tel: (011) 951-2177/2541/2014

REQUEST FOR FORMAL WRITTEN PRICE QUOTATIONS

**Procurement from R30 000.00 up to a transaction value of R 200 000.00 (including Vat)
(For publication on Mogale City Website and Notice Boards)**

Kindly furnish Mogale City Local Municipality with a written quotation on the goods listed hereunder:

QUOTATION NUMBER	UMS (WWTP) 01/2023
ADVERT DATE	27 July 2022
CLOSING DATE AND TIME	03 August 2022
DESCRIPTION OF GOODS / SERVICES	QUOTATIONS ARE HEREBY INVITED FOR THE APPOINTMENT OF A SERVICE PROVIDER TO RE-EVALUATE THE CURRENT WASTEWATER RISK ABATEMENT PLAN (W₂RAP), THE INCIDENT MANAGEMENT PROTOCOL AS WELL AS THE PROCESS AUDITS FOR GREEN DROP COMPLIANCE AT WASTEWATER TREATMENT WORKS.
DEPARTMENT	Utility Management services – Waste Water Treatment Plant
CONTACT PERSON AND NUMBER	Elize Mare: 083 767 1902
EMAIL ADDRESS	email: elize.mare@mogalecity.gov.za
THE QUOTATION MUST BE SUBMITTED ON THE OFFICIAL QUOTATION DOCUMENT (INCLUDING ALL THE REQUIRED ANNEXURES) AND MUST BE DELIVERED BY HAND BEFORE THE OFFICIAL CLOSING DATE AND TIME TO: THE SCM UNIT OF MCLM CIVIC CENTRE CORNER MARKET & COMMISSIONER STREETS, KRUGERSDORP UPPER-LEVEL WEST WING TENDER BOX	

NAME OF TENDERING ENTITY: _____

NAME OF TENDERING ENTITY REPRESENTATIVE: _____

PHYSICAL ADDRESS OF TENDERING ENTITY: _____

POSTAL ADDRESS OF TENDERING ENTITY: _____

CONTACT DETAILS OF TENDERING ENTITY: Tel: _____ Cell: _____

e-mail address: _____

THE FOLLOWING CONDITIONS WILL APPLY:

1. No quotation(s) delivered after the official closing date and time will be accepted.
2. No quotations will be considered from persons in service of state (MBD 4)
3. No electronic signature will be accepted, the bidder's signature must always be signed in hand and in black ink.
4. The use of tipp-ex or correction fluid will lead to instant disqualification.
5. Telefax or e-mail quotations will not be accepted
6. All Price(s) quoted must be firm and VAT inclusive (for bidders registered for VAT only).
7. All prices submitted must be fixed prices for the period of the quotation.
8. The validity period for this quotation is sixty (60) days. All Price(s) quoted must be valid for at least sixty (60) days from date of offer.
9. In the event of a mistake having been made on the Pricing Schedule, it shall be crossed out in ink and be accompanied by a signature at each and every price alteration.
10. If the price schedule is not signed the quotation will be rejected
11. Quotations completed in pencil will be regarded as invalid.
12. A firm delivery period must be indicated (if applicable).
13. All prices must be quoted in South African currency (SA Rand)
14. The lowest or any quotations will not necessarily be accepted and MCLM reserves the right to accept the quotation in total or only in part.
15. Bidders must ensure compliance with their tax obligations. Bidders (Taxpayers) will need to register with SARS e-Filing through the SARS's website @www.sars.gov.za.
16. Tax Compliance Status documents with Pin.
17. Certified copies of ID's of members / directors / shareholders not older than three (3) months with original stamp from the Commissioner of Oaths **(Original stamp from the Commissioner of Oath not a copy)**.
18. Foreigner suppliers must complete the pre-award questionnaire in PART B:3
19. Where the recommended bidder(s) is / are not Tax compliant:
 - 19.1 the bidder should be notified of their non-compliant status and the bidder must be requested to submit to the Municipality / Municipal entity within seven (7) working days.
 - 19.2 written proof from SARS of their Tax compliance status or proof from SARS that they have made an arrangement to meet their outstanding Tax obligations.
 - 19.3 The proof that Tax compliance status submitted by the bidder to the Municipality or Municipal entity must be verified via CSD or e-filing.
 - 19.4 The Accounting Officer should reject the quotation submitted by the bidder if such a bidder fails to provide proof of Tax compliance within the time – frame stated above.
20. All suppliers of goods & services are urged to register in the National Treasury web based Central Suppliers Database with effect from 1 July 2016 @ www.csd.gov.za

- 20.1 Bidders must submit a Central Supplier Database (CSD) registration Summary Report that is Tax Compliant. (from page one to last page in consecutive order)
- 20.2 Where the bidder(s) is /are in the process of registration and has not been completed, proof of the registration process must be provided together with the quotation submission.
- 20.3 No quotation will be awarded without the CSD number and the CSD Registration Summary Report that is Tax Compliant.

21. Municipal services / Municipal Rates and Taxes:

- 21.1 The bidding entity as well as all its directors/shareholders must submit Municipal account not more than three (03) months / ninety (90) days plus in arrears at the time of the closing date.
- 21.2 A valid lease agreement which is in the name of the business and or directors /shareholders, which must stipulate who is responsible for payment of Municipal services; or
- 21.3 If the Bidding Entity operates from informal settlement and is not responsible for Municipal account, the bidder must submit a Sworn Affidavit with and original stamp from the Commissioner of Oaths;
- 21.4 If the Bidding Entity operates from parents' place and is not responsible for Municipal account, the bidder must submit the owner's Municipal account and a Sworn Affidavit with and original stamp from the Commissioner of Oaths;
- 20.5 No quotation will be awarded to a company and its directors that owe Rates and Taxes for more than three (3) months to any Municipality or Metro.

22. If Municipal Bidding Documents (MBD) forms are not completed, signed and submitted, a quotation will be rejected:

- 22.1 MBD 1 - Invitation to Bid
- 22.2 MBD 4 - Declaration of Interest
- 22.3 MBD 6.1 -Preference claim forms in terms of the Preferential Procurement Regulations 2017
- 22.4 MBD 8 - Declaration of bidder's past Supply Chain management practices
- 22.5 MBD 9 – Certificate of Independent Bid Determination

23. All quotations received will be evaluated on the 80/20 point scoring basis. The 80 points will be for Price and 20 points are for Broad Based Black Economic Empowerment (BBBEE) for attaining the BBBEE status level of contribution.

23.1 BBBEE Non-compliant bidders will not be rejected, but will forfeit twenty (20) points designated for Broad Based Black Economic Empowerment.

24. Authority of Signatory;-

- 24.1 Authority of Signatory must be completed and signed in case of a business not sole proprietor or one-person business; or

A copy of board of director's resolution authorizing the signatory to sign the tender and the subsequent contracts, has been attached and signed.

PLEASE TICK THIS CHECKLIST TO VERIFY WHETHER ALL COMPULSORY DOCUMENTS HAVE BEEN ATTACHED TO YOUR QUOTATION.

No.	Description	YES	NO
1.	Central Supplier Summary Report (attached) (from page one to last page in consecutive order)		
2.	Tax Compliance Status documents with Pin. (attached)		
3.	Certified copies of ID's of members / directors / shareholders not older than three (3) months with original stamp from the Commissioner of Oaths (Original stamp from the Commissioner of Oath not a copy) .		
4.	The bidding entity as well as all its directors/shareholders must submit Municipal account not more than three (03) months / ninety (90) days plus in arrears at the time of the closing date.		
5.	A valid lease agreement which is in the name of the business and or directors /shareholders, which must stipulate who is responsible for payment of Municipal services; or		
6.	If the Bidding Entity operates from informal settlement and is not responsible for Municipal account, the bidder must submit a Sworn Affidavit with and original stamp from the Commissioner of Oaths.		
7.	If the Bidding Entity operates from parents' place and is not responsible for Municipal account, the bidder must submit the owner's Municipal account and a Sworn Affidavit with and original stamp from the Commissioner of Oaths;		
8.	MBD 1- Invitation to bid (completed and signed)		
9.	MBD4- Declaration of interest. (Completed and signed)		
10.	MBD 6.1. - Preference claim forms in terms of the Preferential Procurement Regulations 2017 (completed and signed)		
11.	MBD 8 - Declaration of bidder's past Supply Chain management practices (Completed and signed)		
12.	MBD 9 - Certificate of Independent Bid Determination. (Completed and signed)		
13.	Authority of Signatory completed and signed in case of a business not sole proprietor or one-person business; or A copy of the resolution of your Board of Directors, authorizing the signatory to sign the quotation and the subsequent contracts, has been attached and signed. (Completed, signed and attached)		
14.	Pricing Schedule completed and signed		

Signature of person authorized to sign a quotation

Date

REQUEST FOR FORMAL WRITTEN PRICE QUOTATION

Mogale City Local Municipality requests a quotation on the goods listed hereunder on the Request for Quotation Forms. Please furnish all the information as requested and return the quotation on the date stipulated. Late and incomplete submissions will invalidate the quotation submitted.

Central Supplier database MAAA:	
Tax Compliance Status (TSC) Pin:	
DESCRIPTION OF SERVICE	1. SCOPE OF WORK Objectives The objectives are achieved through: • development of an understanding of the specific system and its capability to treat wastewater and release treated effluent that meets health-based and environmental targets; • identification of potential sources of contamination and how they can be controlled; • validation of control measures employed to control hazards; • implementation of a system for monitoring the control measures within the wastewater treatment system; • timely corrective actions to ensure that returned effluent is to standard and sludge have been disposed of safely; and • Undertaking verification of effluent quality to ensure that the W₂RAP is being implemented correctly and is achieving the performance required to meet relevant national, regional and local waste quality standards or objectives. Scope • Task 1 will mostly involve planning and comprehensive risk assessment and management that encompasses all steps in the wastewater chain from catchment or drainage district to final effluent discharge or reuse. • The risk assessment must indicate whether the treatment facility has the ability to adequately treat the wastewater, from raw sewage to final effluent quality complying with General Authorization/license/permit. • The Waste water risk abatement plan must be comprised of the following components: ○ Waste water system assessment- to determine whether the waste water treatment as a whole can deliver effluent of a quality that meets health based and environmental targets, this includes the assessment of design. ○ Risk assessment- Identifying hazard and control measures in a waste water treatment system that will collectively control identified risks and ensure that the health based and environmental targets are met. For each control measures identified, an appropriate means of operational monitoring should be defined. ○ Risk Management- management plans describing actions to be taken during normal operation or incident conditions and documenting the system assessment, monitoring and communication plans. • Implementation, Facilitation and Ownership-Plan must include specified roles & responsibilities; deadlines for required management actions prioritized as High Risk.

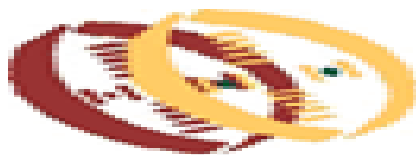
	• Implementation of Risk Assessment findings- the plan must outline how Operational Monitoring should verify the efficacy of control measures & how compliance monitoring should occur in terms of environmental based limits. • A plan must have WasteWater Incident Management Protocol to specify alert levels, response times, required actions, roles & responsibilities and communication vehicles, pump station failures and also WasteWater quality failure incident and sewer spillage incident register. • Review of existing documentation (incident management protocol, process audits and WRAP). REPORTING MECHANISM Reporting process will be in a written format on the following phases of the project: - Wastewater System assessment - Risk Assessment - Risk Management																				
POINT SCORING	All quotations received will be evaluated on the 80/20 point scoring basis. The 80 points will be for Price and 20 points are for Broad Based Black Economic Empowerment (BBBEE) for attaining the BBBEE status level of contribution in accordance with the table below: The RFQ will be evaluated on the basis of the 80/20-point system as stipulated in the Preferential Procurement Policy Framework Act. • 80 points for Price • 20 points for BBBEE level of contribution <table border="1"> <thead> <tr> <th>BBBEE Status level of contributor</th><th>Number of points(80/20 system)</th></tr> </thead> <tbody> <tr> <td>1</td><td>20</td></tr> <tr> <td>2</td><td>18</td></tr> <tr> <td>3</td><td>14</td></tr> <tr> <td>4</td><td>12</td></tr> <tr> <td>5</td><td>8</td></tr> <tr> <td>6</td><td>6</td></tr> <tr> <td>7</td><td>4</td></tr> <tr> <td>8</td><td>2</td></tr> <tr> <td>Non-compliant contributor</td><td>0</td></tr> </tbody> </table>	BBBEE Status level of contributor	Number of points(80/20 system)	1	20	2	18	3	14	4	12	5	8	6	6	7	4	8	2	Non-compliant contributor	0
BBBEE Status level of contributor	Number of points(80/20 system)																				
1	20																				
2	18																				
3	14																				
4	12																				
5	8																				
6	6																				
7	4																				
8	2																				
Non-compliant contributor	0																				

FUNCTIONALITY
EVALUATION
CRITERIA

- The below mentioned criteria regarding Functionality is required for responsiveness and therefore eligibility for the next stage of evaluation. This is done to determine the ability of each bidder to successfully execute the contract according to specifications.
- Non-compliant bidders will be rejected after this phase and not continue to price scoring. These criteria shall only determine whether a tender will further be evaluated and will not influence the points scored on Price.
- If any total minimum score for any criteria is zero rated, the tenderer will be rejected, even if the required 19 out of 23 points are achieved

NO	DESCRIPTION	WEIGHT	MINIMUM SCORE
1	Qualifications: environmental health or natural science and civil and chemical engineering • BSc in environmental health or natural science = 5 points • Pr Eng (Chemical) = 5 points • Pr Eng (Civil) = 5 points Proof to be submitted – CV and copy of qualification	15	15
2	Previous Experience on the same nature of the work: • Two projects (2) with completion certificate = 4 points • Three projects (3) with completion certificates = 6 points • Four projects (4) with completion certificates = 8 points	08	4
	TOTAL	23	19

- For the purpose of comparison and in order to ensure meaningful evaluation, bidders are requested to furnish detailed information on substantiation of compliance to the evaluation criteria.
- The service provider should at least score a minimum of 19 points out of the 23 in order to be considered in the next evaluation phase.
- All information and particulars necessary to properly evaluate the RFQ must be furnished on submission. Incomplete particulars and documents required substantiating or insufficient documentary proof thereof will be construed to mean that the service provider is forfeiting the evaluation points in that regard.



Mogale City
Local Municipality

RFQ: UMS (WWTP) 01/2023

CLOSING DATE AND TIME: WEDNESDAY 03 AUGUST 2022 @ 11:00AM

TO RE-EVALUATE THE CURRENT WASTEWATER RISK ABATEMENT PLAN (W₂RAP), THE INCIDENT MANAGEMENT PROTOCOL AS WELL AS THE PROCESS AUDITS FOR GREEN DROP COMPLIANCE AT WASTEWATER TREATMENT WORKS.

Item	Description	Total Price (excl. VAT)	Total Price (incl VAT)
1.	Flip Human - Wastewater Risk Abatement Plan (W₂RAP) - Incident management protocol - Process audit for green drop compliance at Wastewater Treatment Works.		
2.	Magaliesburg - Wastewater Risk Abatement Plan (W₂RAP) - Incident management protocol - Process audit for green drop compliance at Wastewater Treatment Works.		
3.	Percy Stewart - Wastewater Risk Abatement Plan (W₂RAP) - Incident management protocol - Process audit for green drop compliance at Wastewater Treatment Works.		
	TOTAL PRICE		

NB:

If the bidder/supplier is a VAT Vendor, they must complete the pricing schedule indicating price including VAT

Or

if the bidder/supplier is not registered as a VAT Vendor they must complete the pricing schedule indicating price excluding VAT.

Name of Bidder: Date:

Signature: Position:



**PART A
INVITATION TO BID
MBD 1**

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF MOGALE CITY LOCAL MUNICIPALITY

RFQ NUMBER:	UMS (W&S) 01/2023	CLOSING DATE:	03 AUGUST 2022	CLOSING TIME:	11:00
DESCRIPTION	QUOTATIONS ARE HEREBY INVITED FOR THE APPOINTMENT OF A SERVICE PROVIDER TO RE-EVALUATE THE CURRENT WASTEWATER RISK ABATEMENT PLAN (W ₂ RAP), THE INCIDENT MANAGEMENT PROTOCOL AS WELL AS THE PROCESS AUDITS FOR GREEN DROP COMPLIANCE AT WASTEWATER TREATMENT WORKS.				
THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (MBD7).					

BID RESPONSE DOCUMENTS MAY BE DEPOSITED IN THE
BID BOX SITUATED AT *(STREET ADDRESS*

CNR. COMMISSIONER & MARKET STREET

CIVIC CENTRE

MOGALE CITY

KRUGERSDORP

1740

SUPPLIER INFORMATION

NAME OF BIDDER				
POSTAL ADDRESS				
STREET ADDRESS				
TELEPHONE NUMBER	CODE		NUMBER	
CELLPHONE NUMBER				
FACSIMILE NUMBER	CODE		NUMBER	
E-MAIL ADDRESS				
VAT REGISTRATION NUMBER				

TAX COMPLIANCE STATUS	TCS PIN:		OR	CSD No:	
B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE [TICK APPLICABLE BOX]	☐ Yes ☐ No		B-BBEE STATUS LEVEL SWORN AFFIDAVIT ☐ Yes ☐ No		
[A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE/ SWORN AFFIDAVIT (FOR EMES & QSEs) MUST BE SUBMITTED IN ORDER TO QUALIFY FOR PREFERENCE POINTS FOR B-BBEE]					
ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES /WORKS OFFERED?	☐ Yes ☐ No [IF YES ENCLOSE PROOF]		ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES /WORKS OFFERED?	☐ Yes ☐ No [IF YES, ANSWER PART B:3]	
TOTAL NUMBER OF ITEMS OFFERED			TOTAL BID PRICE	R	
SIGNATURE OF BIDDER			DATE		
CAPACITY UNDER WHICH THIS BID IS SIGNED					
BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO:			TECHNICAL INFORMATION MAY BE DIRECTED TO:		
DEPARTMENT/ DIVISION	Supply Chain Management Unit		CONTACT PERSON	Elize Mare	
CONTACT PERSON	Kefilwe Jobeta		TELEPHONE NUMBER	083 767 1902	
TELEPHONE NUMBER	(011) 951 2177 / 2014 / 2541		FACSIMILE NUMBER		
FACSIMILE NUMBER			E-MAIL ADDRESS	elize.mare@mogalecity.gov.za	
E-MAIL ADDRESS	Kefilwe.jobeta@mogalecity.gov.za				

PART B

TERMS AND CONDITIONS FOR BIDDING

1. BID SUBMISSION:	
1.1. BIDS MUST BE DELIVERED BY THE STIPULATED TIME TO THE CORRECT ADDRESS. LATE BIDS WILL NOT BE ACCEPTED FOR CONSIDERATION. 1.2. ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS PROVIDED– (NOT TO BE RE-TYPED) OR ONLINE 1.3. THIS BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT AND THE PREFERENTIAL PROCUREMENT REGULATIONS, 2017, THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER SPECIAL CONDITIONS OF CONTRACT.	
2. TAX COMPLIANCE REQUIREMENTS	
2.1 BIDDERS MUST ENSURE COMPLIANCE WITH THEIR TAX OBLIGATIONS. 2.2 BIDDERS ARE REQUIRED TO SUBMIT THEIR UNIQUE PERSONAL IDENTIFICATION NUMBER (PIN) ISSUED BY SARS TO ENABLE THE ORGAN OF STATE TO VIEW THE TAXPAYER'S PROFILE AND TAX STATUS. 2.3 APPLICATION FOR THE TAX COMPLIANCE STATUS (TCS) CERTIFICATE OR PIN MAY ALSO BE MADE VIA E-FILING. IN ORDER TO USE THIS PROVISION, TAXPAYERS WILL NEED TO REGISTER WITH SARS AS E-FILERS THROUGH THE WEBSITE WWW.SARS.GOV.ZA. 2.4 FOREIGN SUPPLIERS MUST COMPLETE THE PRE-AWARD QUESTIONNAIRE IN PART B:3. 2.5 BIDDERS MAY ALSO SUBMIT A PRINTED TCS CERTIFICATE TOGETHER WITH THE BID. 2.6 IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED, EACH PARTY MUST SUBMIT A SEPARATE TCS CERTIFICATE / PIN / CSD NUMBER. 2.7 WHERE NO TCS IS AVAILABLE BUT THE BIDDER IS REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD), A CSD NUMBER MUST BE PROVIDED.	
3. QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS	
3.1. IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)? 3.2. DOES THE ENTITY HAVE A BRANCH IN THE RSA? 3.3. DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA? 3.4. DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA? 3.5. IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION?	☐ YES ☐ NO ☐ YES ☐ NO ☐ YES ☐ NO ☐ YES ☐ NO ☐ YES ☐ NO
IF THE ANSWER IS "NO" TO ALL OF THE ABOVE, THEN IT IS NOT A REQUIREMENT TO REGISTER FOR A TAX COMPLIANCE STATUS SYSTEM PIN CODE FROM THE SOUTH AFRICAN REVENUE SERVICE (SARS) AND IF NOT REGISTER AS PER 2.3 ABOVE.	

**NB: FAILURE TO PROVIDE ANY OF THE ABOVE PARTICULARS MAY RENDER THE BID INVALID.
NO BIDS WILL BE CONSIDERED FROM PERSONS IN THE SERVICE OF THE STATE.**

SIGNATURE OF BIDDER:

CAPACITY UNDER WHICH THIS BID IS SIGNED:

DATE:

SWORN AFFIDAVIT – B-BBEE EXEMPTED MICRO ENTERPRISE

I, the undersigned,

Full name and surname	
Identity number	

Hereby declare under oath as follows:

1. The contents of this statement are to the best of my knowledge a true reflection of the facts.
2. I am a member / director / owner of the following enterprise and I am duly authorised to act on its behalf:

Enterprise Name	
Trading Name	
Registration number	
Enterprise Address	

3. I hereby declare under oath that:

- The enterprise is _____ % black owned;
- The enterprise is _____ % black women owned;
- Based on the management accounts and other information available for the _____ Financial year, the income did not exceed R 10 000 000.00 (ten million rands);
- Please confirm in the table below the B-BBEE level of contributor, **by ticking the applicable box:**

100% Black owned	Level One (135% B-BBEE procurement recognition)	
More than 51% black owned	Level Two (125% B-BBEE procurement recognition)	
Less than 51% black owned	Level Four (100% B-BBEE procurement recognition)	

4. The entity is an empowering supplier in terms of the dti Codes of Good Practice.
5. I know and understand the contents of the affidavit and I have no objection to take the prescribed oath and consider the oath binding on my conscience and on the owners of the enterprise which I represent in this matter.
6. The sworn affidavit will be valid for a period of 12 months from the date signed by the commissioner.

Deponent Signature _____

Date: _____

Commissioner of Oaths
Signature and Stamp

DECLARATION OF BIDDER/S MUNICIPAL ACCOUNT(S)

NAME OF BIDDING ENTITY.....

Declaration in terms of paragraph 38(1)(d)(i) of the Supply Chain Management Policy of the MCLM irrespective of the contract value of the bid:

NB: Please not that this declaration must be completed by all bidders

- (i) I, the undersigned hereby declare that the signatory to this tender document; is duly authorised and further declare:
- (ii) That the bidding entity as well as all its directors /shareholders must submit Municipal account which is not more than three (3) months in arrears or valid lease agreement which is in the name of the business and or the directors, which must stipulate who is responsible for payment of municipal services.
- (iii) That the copy of the lease agreement/municipal account in the name of the bidding entity and Lessee will only be accepted if water and lights are part of lease payment.
- (iv) I acknowledge that should it be found that any Municipal Rates and Taxes or Municipal charges as set out in (ii) above are in arrears for more than three (3) months, the bid will be rejected and MCLM may take such remedial action as is required, including the rejection of the bid and/or termination of the contract. (Unless if the bidder has attached proof of the payment arrangement of the arrears to the bid document as at the closing date of the submission of bids)
- (v) The following account/s of the bidding entity has reference:

Municipality

Account number

.....

.....

.....

.....

(NB: if insufficient space above, please submit on a separate page)

- (vi) If the Bidding Entity operates from home/ family place and is not responsible for Municipal account, the bidder must submit Sworn Affidavit.

	Yes	No
Bidding entity who operate from informal settlement		
Bidding entity who operate from a property owned by a director / member / partner		
Bidding entity who operates from somebody else's property		
Bidding entity who rent premises from a landlord		
Other (Please specify)		

- (vii) If the Bidding Entity operates from home/ family place and is not responsible for municipal account, the bidder must submit Sworn Affidavit. **(Applicable to Joint Venture / Consortium only)**

	Yes	No
Bidding entity who operate from informal settlement		
1.		
2.		
Bidding entity who operate from a property owned by a director / member / partner		
1.		
2.		
Bidding entity who operates from somebody else's property		
1.		
2.		
Bidding entity who rent premises from a landlord		
1.		
2.		
Other (Please specify)		

Signed at this day 20.....

Name of Duly Authorised Signatory (Please print)

Authorised Signature:

As witness: 1

2

Sworn Affidavit Stamp

--

DECLARATION OF INTEREST

1. No bid will be accepted from persons in the service of the state¹.
2. Any person, having a kinship with persons in the service of the state, including a blood relationship, may make an offer or offers in terms of this invitation to bid. In view of possible allegations of favouritism, should the resulting bid, or part thereof, be awarded to persons connected with or related to persons in service of the state, it is required that the bidder or their authorised representative declare their position in relation to the evaluating/adjudicating authority.

3 In order to give effect to the above, the following questionnaire must be completed and submitted with the bid.

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

3.2 Identity Number:

3.3 Position occupied in the Company (director, trustee, hareholder²):.....

3.4 Company Registration Number:

3.5 Tax Reference Number:.....

3.6 VAT Registration Number:

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

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

3.8.1If yes, furnish particulars.

.....
.....

¹MSCM Regulations: "in the service of the state" means to be –
(a) a member of –

- (i) any municipal council;
- (ii) any provincial legislature; or
- (iii) the national Assembly or the national Council of provinces;

(b) a member of the board of directors of any municipal entity;

(c) an official of any municipality or municipal entity;

(d) an employee of any national or provincial department, national or provincial public entity or constitutional institution within the meaning of the Public Finance Management Act, 1999 (Act No.1 of 1999);

- (e) a member of the accounting authority of any national or provincial public entity; or
- (f) an employee of Parliament or a provincial legislature.

² Shareholder” means a person who owns shares in the company and is actively involved in the management of the company or business and exercises control over the company.

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

3.9.1 If yes, furnish particulars.....

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

3.10.1 If yes, furnish particulars.

.....
.....

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

3.11.1 If yes, furnish particulars

.....
.....

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

3.12.1 If yes, furnish particulars.

.....
.....

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

3.13.1 If yes, furnish particulars.

.....
.....

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

3.14.1 If yes, furnish particulars:

.....
.....

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

Full Name	Identity Number	State Employee Number

.....
Signature

.....
Date

.....
Capacity

.....
Name of Bidder

MOGALE CITY LOCAL MUNICIPALITY

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:

- 80/20 PREFERENCE POINT SYSTEM FOR ACQUISITION OF GOODS, SERVICES AND WORKS SERVICES FOR RAND VALUE EQUAL TO AND ABOVE R30 000 AND UPTO TO 50 MILLION (all applicable taxes included); and
- 90/10 PREFERENCE POINT SYSTEM FOR ACQUISITION OF GOODS, SERVICES AND WORKS WITH RAND VALUE ABOVE R50 MILLION (all applicable taxes included).

1.2 The value of this bid is estimated to **exceed** R30 000 up to R50Million (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.

- 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);
- (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.

3. **ADJUDICATION USING A POINT SYSTEM**

- 3.1 The bidder obtaining the highest number of total points will be awarded the contract.
- 3.2 Preference points shall be calculated after prices have been brought to a comparative basis taking into account all factors of non-firm prices and all unconditional discounts.
- 3.3 Points scored must be rounded off to the nearest 2 decimal places.
- 3.4 In the event that two or more bids have scored equal total points, the successful bid must be the one scoring the highest number of preference points for B-BBEE.
- 3.5 However, when functionality is part of the evaluation process and two or more bids have scored equal points including equal preference points for B-BBEE, the successful bid must be the one scoring the highest score for functionality.
- 3.6 Should two or more bids be equal in all respects, the award shall be decided by the drawing of lots.

4. POINTS AWARDED FOR PRICE

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

80/20 PREFERENCE POINT SYSTEM FOR ACQUISITION OF GOODS, SERVICES AND WORKS SERVICES FOR RAND VALUE EQUAL TO AND ABOVE R30 000 AND UPTO TO 50MILLION

- 1) (a)(i) The following formula must be used to calculate the points for price in respect of tenders (including price quotation) with a rand value equal to, or above R 30 000 and up to Rand value of R50 MILLION (inclusive of all applicable taxes included):

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

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

- 5.1 In terms of Regulation 5 (2) and 6 (2) of the Preferential Procurement Regulations, preference points must be awarded to a bidder for attaining the B-BBEE status level of contribution in accordance with the table below:

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

- 5.2 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.
- 5.3 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.

- 5.4 A trust, consortium or joint venture, will qualify for points for their B-BBEE status level as a legal entity, provided that the entity submits their B-BBEE status level certificate.
- 5.5 A trust, consortium or joint venture will qualify for points for their B-BBEE status level as an unincorporated entity, provided that the entity submits their consolidated B-BBEE scorecard as if they were a group structure and that such a consolidated B-BBEE scorecard is prepared for every separate bid.
- 5.6 Tertiary Institutions and Public Entities will be required to submit their B-BBEE status level certificates in terms of the specialized scorecard contained in the B-BBEE Codes of Good Practice.
- 5.7 A person will not be awarded points for B-BBEE status level if it is indicated in the bid documents that such a bidder intends sub-contracting more than 25% of the value of the contract to any other enterprise that does not qualify for at least the points that such a bidder qualifies for, unless the intended sub-contractor is an EME that has the capability and ability to execute the sub-contract.
- 5.8 A person awarded a contract may not sub-contract more than 25% of the value of the contract to any other enterprise that does not have an equal or higher B-BBEE status level than the person concerned, unless the contract is sub-contracted to an EME that has the capability and ability to execute the sub-contract.

6. BID DECLARATION

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

7. B-BBEE STATUS LEVEL OF CONTRIBUTION CLAIMED IN TERMS OF PARAGRAPHS 1.4 AND 5.1

- 7.1 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.

8. SUB-CONTRACTING

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

(Tick applicable box)

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

- 8.1.1 If yes, indicate:

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

(Tick applicable box)

YES		NO	
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9. **DECLARATION WITH REGARD TO COMPANY/FIRM**

9.1 Name of company/firm:

9.2 VAT registration number:

9.3 Company registration number:

9.4 **TYPE OF COMPANY/ FIRM**

- ☐ Partnership/Joint Venture / Consortium
 - ☐ One-person business/sole propriety
 - ☐ Close corporation
 - ☐ Company
 - ☐ (Pty) Limited
- [TICK APPLICABLE BOX]

9.5 **DESCRIBE PRINCIPAL BUSINESS ACTIVITIES**

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

9.6 **COMPANY CLASSIFICATION**

- ☐ Manufacturer
 - ☐ Supplier
 - ☐ Professional service provider
 - ☐ Other service providers, e.g. transporter, etc.
- [TICK APPLICABLE BOX]

9.7 **MUNICIPAL INFORMATION**

Municipality where business is situated:

Registered Account Number:

Stand Number:

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

9.9 I/we, the undersigned, who is / are duly authorised to do so on behalf of the company/firm, certify that the points claimed, based on the B-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;
- (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.

10. Previous experience

Provide the following information on relevant previous experience (indicate specifically projects of similar or larger size and/or which is similar with regard to type of work).

Description	Value (R, VAT excluded)	Year(s) executed	Reference		
			Name	Organization	Tel no

10.1 Staffing Profile

Provide information on key staff you intend utilizing on this contract, should it be awarded to you.

Name	Position in your organization	Qualifications	Experience

10.2 Infrastructure and resources available to execute this contract

10.2.1 Physical facilities

Description	Address	Area (m ²)

10.3 Plant and equipment

Description : Plant and equipment owned (or to be rented)	Number of units

10.4 List of shareholders by Name, Position, Identity number, Citizenship, HDI status and ownership as relevant.

Name	Date/Position Occupied in Enterprise	ID Number (please attach certified copies of ID's	Date RSA Citizenship obtained	HDI	Women	Disabled	Youth (person not older than 35 years of age)	% of business/ enterprise owned
							Total	100%

8.14 List of shareholders by Name, percentage (%) of business/enterprise owned, residential address.

Full Name	Identity (ID) Number (please attached certified copies of ID's)	% of business/ enterprise owned	Residential address

9. AUTHORITY FOR SIGNATORY

Please note that the sole proprietors or “one-person business” are not required to submit an official and duly signed authority of signatory.

Signatories for close corporations and companies shall confirm their authority by signing on behalf of the company/firm **by attaching to this page** a duly signed and dated copy of the relevant resolution of their members or their board of directors, as the case may be.

An example for a company is shown below:

Printed on company letterhead:

“By resolution of the board of directors passed on _____ 20 _____

Mr _____

has been duly authorized to sign all documents in connection with the bid for

Tender _____ No _____

and any Contract, which may arise there from on behalf of

SIGNED ON BEHALF OF THE COMPANY _____

IN HIS CAPACITY AS _____ CAPACITY AS _____

DATE: _____

SIGNATURE OF SIGNATORY: _____

AS WITNESSES: 1 _____

2 _____

10. 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;
- (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
.....
.....

MOGALE CITY LOCAL MUNICIPALITY

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 of Restricted Suppliers as companies or persons prohibited from doing business with the public sector? (Companies or persons who are listed on this Database were informed in writing of this restriction by the Accounting Officer/Authority of the institution that imposed the restriction after the <i>audi alteram partem</i> rule was applied). The Database of Restricted Suppliers now resides on the National Treasury's website(www.treasury.gov.za) and can be accessed by clicking on its link at the bottom of the home page.	Yes ☐	No ☐
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)? The Register for Tender Defaulters can be accessed on the National Treasury's website (www.treasury.gov.za) by clicking on its link at the bottom of the home page.	Yes ☐	No ☐
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 ☐	No ☐
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 ☐	No ☐
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 ☐	No ☐
4.7.1	If so, furnish particulars:		

CERTIFICATION

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

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

.....
Signature

.....
Date

.....
Position

.....
Name of Bidder

CERTIFICATE OF INDEPENDENT BID DETERMINATION

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 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.

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