



**BID NO. SIYA 02/2021**

**SUPPLY AND DELIVERY OF CONCRETE PAVING BRICKS AND PRECAST CONCRETE  
KERBS TO SIYACUMA LOCAL MUNICIPALITY IN DOUGLAS  
CLOSING DATE: 05 MAY 2021**

<b>BIDDER (PRINT NAME)</b>	
<b>ADDRESS OF BIDDER</b>	
<b>TELEPHONE</b>	<b>FACSIMILE</b>
<b>E-MAIL</b>	<b>DELIVERY PERIOD</b>
<b>BID AMOUNT (R) (INCL. VAT)</b>	
<b>BID AMOUNT (WORDS) (INCL. VAT)</b>	
<b>SIGNATURE OF BIDDER</b>	<b>DATE</b>

**EMPLOYER:**

**Mr M Fillis  
Siyancuma Local Municipality  
P.O Box 27  
DOUGLAS  
8730**

**EMPLOYER'S AGENT:**

**MVD Kalahari  
Consulting Engineers and Town Planners  
P.O Box 580  
KIMBELEY  
8300**

**Municipal Manager  
Consulting Engineer**

**: Mr. M Fillis  
: Mr. A Goliath**

**(053) 298 1810  
082 446 8025**

# SIYANCUMA LOCAL MUNICIPALITY



**DEPARTMENT: INFRASTRUCTURE & TECHNICAL SERVICES**

**BID NUMBER : SIYA 02/2021**

**SUPPLY AND DELIVERY OF CONCRETE PAVING BRICKS AND PRECAST CONCRETE  
KERBS TO SIYACUMA LOCAL MUNICIPALITY IN DOUGLAS**

**CLOSING TIME: 12:00**

**CLOSING DATE: 05 MAY 2021**

Prospective Service Providers are hereby invited to submit a bid for the supply and delivery of Concrete Paving Bricks (60mm and 80mm) which are SABS approved and Precast Concrete Kerbs (Fig 3, Fig 8c and Fig 14).

Bids must be submitted on the original documents and remain valid for ninety (90) days after the closing date of the bid request. Enquiries pertaining to the specifications can be addressed to Mr. Xolile Geco at telephone (053) 298 1810. Bid documents is available on the municipality's website and can be downloaded at no cost.

Complete Bid document, fully priced and signed must be sealed in an envelope marked:

**BID NUMBER : SIYA 02/2021**

**SUPPLY AND DELIVERY OF CONCRETE PAVING BRICKS AND PRECAST CONCRETE KERBS  
CLOSING DATE: 05 MAY 2021**

and should be deposited in the tender box at the SIYANCUMA LOCAL MUNICIPALITY RECEPTION not later than 12h00 on 05 May 2021. The Bid box is accessible only during working hours. Bidders should ensure that bids are delivered timeously to the correct address.

If the bid is late, it will not be accepted for consideration.

**THIS BID IS SUBJECT TO THE, PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT AND  
THE PREFERENTIAL PROCUREMENT REGULATION, 2011 and THE SIYANCUMA SUPPLY CHAIN  
MANAGEMENT POLICY**

The Municipality shall adjudicate and award bids in accordance with B-BBEE status level of contribution on 80/20-point system, 80 points for the price and 20 points for contribution. Prospective bidders must accept that the bid will be adjudicated, according to the said legislation. Bids will remain valid for 90 (ninety) days.

**N.B : NO BIDS WILL BE CONSIDERED FROM PERSONS IN THE SERVICE OF THE STATE (as defined  
in Regulation 1 of the Local Government: Municipal supply chain Management Regulations)**

Enquiries related to this bid should be addressed to Mr Xolile Geco at (053) 298 1810 during working hours (7h30 –16h30).

The Municipality reserves the right to withdraw any invitation to tender and/or to re-advertise or to reject any tender or to accept a part of it. The Municipality does not bind itself to accepting the lowest tender or award a contract to the bidder scoring the highest number of points.

It is expected of all Bidders who are not yet registered on the Municipality's Accredited Supplier Database and on the CSD to register without delays. The Municipality reserves the right not to award bids to Bidders who are not registered on the CSD.

**Mr. M. FILLIS**

**MUNICIPAL MANAGER**

Siyancuma Local Municipality

P.O.Box 27

Douglas

8730

## COMPULSORY DOCUMENTATION

### 1. PRICE BID FORM

NB: Use ink, preferably black, to fill in the information applicable to the specific required price quotation.

CLOSING TIME 12:00 ON: ..... PRICE BID NO. ....

VALIDITY: ..... DAYS CSD NUMBER: .....

ITEM	Unit / QTY	DESCRIPTION	PRICE IN RAND CURRENCY INCLUSIVE OF VAT
1	<b>(In Pallets - No)</b> 7,87m <sup>2</sup> /Pallet  1449 Pallets	The supply and deliver of SABS approved 80 mm Type S-A Paving Blocks, Class 35 (Refer to SANS 1058) Surface area to be covered = 11 400m <sup>2</sup> .....	R
2	<b>(In Pallets - No)</b> 10,5m <sup>2</sup> /Pallet  326 Pallets	The supply and deliver of SABS approved 60 mm Type S-A Paving Blocks, Class 25 (Refer to SANS 1058) Surface area to be covered = 3 420m <sup>2</sup> .....	R
3	<b>No</b>	The supply and deliver of SABS approved Precast Concrete Kerbing (Refer to SANS 927)  Surface area to be covered = 3 420m <sup>2</sup>	
3.1	2500	1000 x 150 x 300mm Concrete Barrier Kerb (SABS 927 Fig. 3)	R
3.2	1206	1000 x 200 x 300mm Concrete Mountable Kerb (SABS 927 Fig. 8c)	R
3.3	1570	1000 x 90 x 300mm Concrete Channel Kerb (SABS 927 Fig. 14)	R
3.4	485	330 x 150 x 300mm Concrete Barrier Kerb (SABS 927 Fig. 3)	R
3.5	100	330 x 200 x 300mm Concrete Mountable Kerb (SABS 927 Fig. 8c)	R
Total Cost for Supply and Deliver to Douglas (Vat inclusive)			R

## TAX CLEARANCE CERTIFICATE REQUIREMENTS

It is a condition of Bid that the taxes of the successful Bidder must be in order, or that satisfactory arrangements have been made with South African Revenue Service (SARS) to meet the Bidders's tax obligations.

1. Previously a taxpayer (Supplier) was required to submit a valid, original paper Tax Clearance Certificate (TCC), the tax payer **MUST** now submit a TAX COMPLIANCE STATUS PIN NO even if a paper TCC was submitted. Bidders will not be considered if the correct PIN NO and Tax Reference Number is included in this document.
2. Applications for the Tax Clearance Certificates MUST be made via eFiling. In order to use this provision, taxpayers will need to register with SARS as eFilers through the website [www.sars.gov.za](http://www.sars.gov.za) or contact the SARS Contact Centre on 0800007277
3. The Bidder (Name) \_\_\_\_\_ hereby grants **Error! Reference source not found.** permission to use the following  
**TAX COMPLIANCE STATUS PIN NO** \_\_\_\_\_  
with reference to the following Tax Reference Number \_\_\_\_\_
4. The Bidder (Name) \_\_\_\_\_ hereby further grants SARS permission to disclose the Tenderers **TAX COMPLIANCE STATUS** to **Error! Reference source not found.** on an on-going basis during the Contract Term.
5. A Bidder who appoints a Sub-Contractor/Joint Venture/Consortia to execute a portion of a contract (Sub-Contractor in excess of National Treasury threshold) must ensure that each appointment is **TAX COMPLIANT** and remains **TAX COMPLIANT** for the duration of the contract. Successful Bidder must provide **Error! Reference source not found.** authority from their appointments confirming that SARS may, on an on-going basis during the contract term, disclose the appointed Sub-Contractor/Joint Venture/Consortia **TAX COMPLIANCE STATUS**.
6. A Bidder who acts on behalf of an undisclosed principal must disclose such a fact upon submission of a Bid as well as identity of that principal. The **TAX COMPLIANCE STATUS** of that principle must be verified in the same manner as that of the Bidder. The same principle applies mutatis mutandis to any Sub-Contractor / Joint Venture / Consortia appointed by a successful Bidder to execute a portion of a contract.
7. The **TAX COMPLIANCE STATUS** of all parties must be disclosed and verified if the Bidder consist of a partnership and
8. A Bidder who is not resident in the Republic of South Africa, must apply for **TAX CLEARANCE** at **SARS**.

SIGNATURE OF BIDDER \_\_\_\_\_

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

CAPACITY UNDER WHICH THIS BIDDER IS SIGNED:

\_\_\_\_\_

WITNESS 1 \_\_\_\_\_

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

WITNESS 2 \_\_\_\_\_

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

**Application for a Tax Clearance Certificate**

**Purpose**

Select the applicable option .....Tenders  Good standing

If "Good standing", please state the purpose of this application


**Particulars of applicant**

Name (Initials & Surname or registered name)			
Trading name (if applicable)			
ID/Passport no		Company/Close Corp. registered no	
Income Tax ref no		PAYE ref no	7
VAT registration no	4	SDL ref no	L
Customs code		UIF ref no	U
Telephone no	CODE NUMBER	Fax no	CODE NUMBER
E-mail address			
Physical address			
Postal address			
Number of copies of certificates required			

**Particulars of representative**

Surname			
First names			
ID/Passport no		Income Tax ref no	
Telephone no	CODE NUMBER	Fax no	CODE NUMBER
E-mail address			
Physical address			

**Particulars of tender** (If applicable)

Tender number

Tender amount R ,

Expected duration of the tender  year(s)

**Particulars of the 3 largest tenders previously dealt with**

Date started	Date finalised	Company	Contact person	Telephone number	Amount

**Audit**

Are you currently aware of any Audit investigation against you/the company?.....

If "YES" provide details

  

**Declaration**

I declare that the information furnished in this application as well as the supporting documents is true and correct in every respect.

**Appointment of representative/agent**

I the undersigned confirm that I require a Tax Clearance Certificate in respect of  or .

I hereby authorise and instruct  to apply to and receive from SARS the applicable Tax Clearance Certificate on my/our behalf.

Signature of representative/agent

Date

Name of representative/agent

Signature of applicant

Date

Name of applicant

**Notes:**

1. It is a serious offence to make a false declaration.
2. Section 75 of the Income Tax Act, 1962, states: Any person who
  - (a) fails or neglects to furnish, file or submit any return or document as and when required by or under this Act; or
  - (b) without just cause shown by him, refuses or neglects to-
    - (i) furnish, produce or make available any information, documents or things;
    - (ii) reply to or answer truly and fully, any questions put to him ...As and when required in terms of this Act ... shall be guilty of an offence ..."
3. **SARS will, under no circumstances, issue a Tax Clearance Certificate unless this form is completed in full.**



**DECLARATION OF INTEREST**

1. No Tender 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/s in terms of this invitation to Tender. In view of possible allegations of favouritism, should the resulting Tender, or part thereof, be awarded to persons connected with or related to persons in service of the State, it is required that the Tenderer or their authorised representative declare their position in relation to the evaluating/adjudicating authority and/or take an oath declaring his/her interest.
3. In order to give effect to the above, the following questionnaire must be completed and submitted with the Tender.

Full Name: \_\_\_\_\_

Identity No: \_\_\_\_\_

Company Registration No: \_\_\_\_\_

Tax Reference No: \_\_\_\_\_

VAT Registration No: \_\_\_\_\_

Are you at present in the service of the State? **Yes/No**

If so, furnish particulars

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- **Municipal Supply Chain Management Regulation:** “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 National Council of Provinces
  - (b) A member of 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 Parliament or provincial legislature.
  - (f) A member of the accounting authority of any national or provincial public entity; or
  - (g) An employee of Parliament or a provincial legislature

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

If so, furnish particulars.

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

If so, furnish particulars.

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

If so, furnish particulars?

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Are any of the company's directors, managers, principle shareholders or stakeholders in service of the State? **YES/NO**

If so, furnish particulars.

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Are any spouses, child or parent of the company's directors, managers, principle shareholders or stakeholders in service of the State? **YES/NO**

If so, furnish particulars?

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

i)

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
- a) The value of this bid is estimated to not exceed R50 000 000 (all applicable taxes included) and therefore the 80/20 preference point system shall be applicable; or
  - b) Either the 80/20 or 90/10 preference point system will be applicable to this tender (*delete whichever is not applicable for this tender*).

- 1.3 Points for this bid shall be awarded for:
- (a) Price; and
  - (b) B-BBEE Status Level of Contributor.

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

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

- 1.5 Failure on the part of a bidder to submit proof of B-BBEE Status level of contributor together with the bid, will be interpreted to mean that preference points for B-BBEE status level of contribution are not claimed.
- 1.6 The purchaser reserves the right to require of a bidder, either before a bid is

adjudicated or at any time subsequently, to substantiate any claim in regard to preferences, in any manner required by the purchaser.

## 2. DEFINITIONS

- (a) **“B-BBEE”** means broad-based black economic empowerment as defined in section 1 of the Broad-Based Black Economic Empowerment Act;
- (b) **“B-BBEE status level of contributor”** means the B-BBEE status of an entity in terms of a code of good practice on black economic empowerment, issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act;
- (c) **“bid”** means a written offer in a prescribed or stipulated form in response to an invitation by an organ of state for the provision of goods or services, through price quotations, advertised competitive bidding processes or proposals;
- (d) **“Broad-Based Black Economic Empowerment Act”** means the Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003);
- (e) **“EME”** means an Exempted Micro Enterprise in terms of a code of good practice on black economic empowerment issued in terms of section 9 (1) of the Broad-Based Black Economic Empowerment Act;
- (f) **“Functionality”** means the ability of a tenderer to provide goods or services in accordance with specifications as set out in the tender documents.
- (g) **“prices”** includes all applicable taxes less all unconditional discounts;
- (h) **“proof of B-BBEE status level of contributor”** means:
  - 1) B-BBEE Status level certificate issued by an authorized body or person;
  - 2) A sworn affidavit as prescribed by the B-BBEE Codes of Good Practice;
  - 3) Any other requirement prescribed in terms of the B-BBEE Act;
- (i) **“QSE”** means a qualifying small business enterprise in terms of a code of good practice on black economic empowerment issued in terms of section 9 (1) of the Broad-Based Black Economic Empowerment Act;
- (j) **“rand value”** means the total estimated value of a contract in Rand, calculated at the time of bid invitation, and includes all applicable taxes;

## 3. POINTS AWARDED FOR PRICE

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

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

$$P_s \square 80 \square 1 \square \frac{P_t \square P \text{ min} \square}{P \text{ min} \square} \quad \text{or} \quad P_s \square 90 \square 1 \square \frac{P_t \square P \text{ min} \square}{P \text{ min} \square}$$

Where

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

**4. POINTS AWARDED FOR B-BBEE STATUS LEVEL OF CONTRIBUTOR**

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

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

**5. BID DECLARATION**

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

**6. B-BBEE STATUS LEVEL OF CONTRIBUTOR CLAIMED IN TERMS OF PARAGRAPHS 1.4 AND 4.1**

6.1 B-BBEE Status Level of Contributor: . = .....(maximum of 10 or 20 points)

(Points claimed in respect of paragraph 7.1 must be in accordance with the table reflected in paragraph 4.1 and must be substantiated by relevant proof of B-BBEE status level of contributor.

**7. SUB-CONTRACTING**

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

*(Tick applicable box)*

YES	<input type="checkbox"/>	NO	<input type="checkbox"/>
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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 or QSE

**(Tick applicable box)**

YES	<input type="checkbox"/>	NO	<input type="checkbox"/>
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- v) Specify, by ticking the appropriate box, if subcontracting with an enterprise in terms of Preferential Procurement Regulations,2017:

Designated Group: An EME or QSE which is at last 51% owned by:	EME √	QSE √
Black people		
Black people who are youth		
Black people who are women		
Black people with disabilities		
Black people living in rural or underdeveloped areas or townships		
Cooperative owned by black people		
Black people who are military veterans		
<b>OR</b>		
Any EME		
Any QSE		

**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]

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 authorized to do so on behalf of the company/firm, certify that the points claimed, based on the B-BBE status level of contributor indicated in paragraphs 1.4 and 6.1 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 paragraphs 1.4 and 6.1, 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 contributor 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) recommend that the bidder or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, be

restricted by the National Treasury 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.

<p>WITNESSES</p> <p>1. ....</p> <p>2. ....</p>	<p>..... SIGNATURE(S) OF BIDDERS(S)</p> <p>DATE: .....</p> <p>ADDRESS .....</p> <p>.....</p> <p>.....</p>
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(a) A valid original B-BBEE verification Certificate / a certified copy must accompany the bid documents.

Failure 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 an Accounting Officer as contemplated in the Close Corporation Act (CCA) together with the bid, will be interpreted to mean that preference points for B-BBEE status level of contribution are not claimed.



**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 to combat the abuse of the supply chain management system.
3. **The Bid of any Bidder may be rejected if the Bidder, or any of its directors have:**
  - a) Abused the Municipality’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) Wilfully neglected, reneged or failed to comply with any government, municipal or 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 Corruption 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 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 audi alteram partem rule was applied).</b>		
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 Corruption 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 (012 326 5445).</b>		
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?		
4.3.1	If so, furnish particulars:		
4.4	Does the Bidder or any of its directors owe any municipal rates and taxes or municipal charges to the municipality/municipal entity, or any other municipality/municipal entity, that is in arrears for more than three months?		
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?		
4.5.1	If so, furnish particulars:		

**CERTIFICATION**

**I, THE UNDERSIGNED (FULL NAME) .....**

**CERTIFY THAT THE INFORMATION FURNISHED ON THIS DECLARATION  
FORM TO BE TRUE AND CORRECT.**

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

\_\_\_\_\_  
**Signature**

\_\_\_\_\_  
**Date**

\_\_\_\_\_  
**Position**

\_\_\_\_\_  
**Name of Bidder**

**CERTIFICATE OF INDEPENDENT BID DETERMINATION**

- 1 This Municipal Bidding Document (MBD) must form part of all Bids<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 Tendering (or Tender rigging).<sup>2</sup> Collusive Tendering 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:

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

<sup>2</sup> Tender rigging (or collusive Tendering) 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 Tendering process. Tender rigging is, therefore, an agreement between competitors not to compete.

## 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 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:
  - (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.

<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.

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