



# Municipality Siyancuma

## Munisipaliteit

13 Charl Cilliers Street

Civic Centre

P.O BOX 27

DOUGLAS – 8730

Tel. 053 298 1810

Fax. 053 298 3141

E-MAIL: [douglas@siyancuma.gov.za](mailto:douglas@siyancuma.gov.za)

2 Moffat Street

Municipal Offices

GRIEKWASTAD – 8365

Tel. 053 343 0019

Fax. 053 343 0333

Groenstraat

Municipal Offices

CAMPBELL - 8360

Tel. 053 297 9043

Fax. 053 297 9043

website: [www.siyancuma.gov.za](http://www.siyancuma.gov.za)

CPA Building

Schmidsdrift

SCHMIDSDRIFT - 8300

Cell. 078 120 7334

Reference :  
Verwysings : Supply Chain Management

Date : 23 JUNE 2026

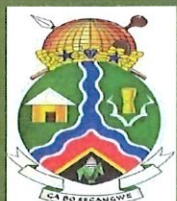
Enquiries : Mrs C.Stenekamp  
Navrae : Mr W.Van Staden

### INVITATION: FORMAL WRITTEN PRICE QUOTATION FOR SEVEN DAYS NOTICE

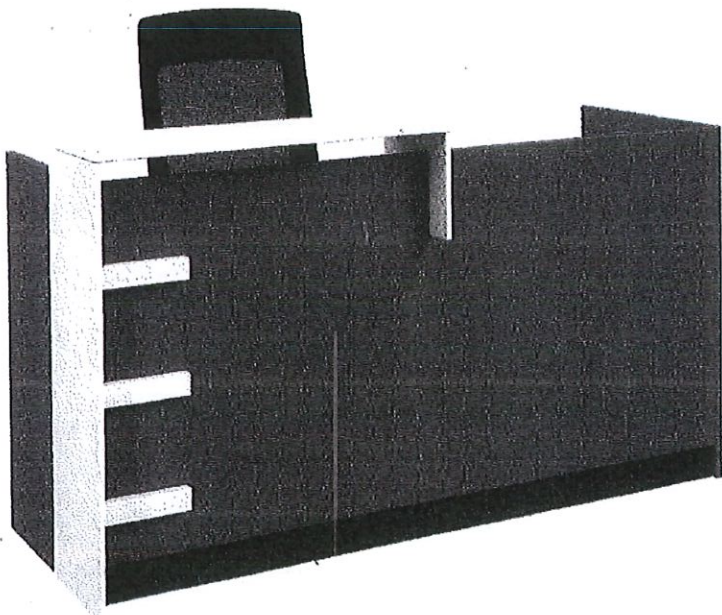
#### BID NO: RE - ARDVERTISE RFQ13/2025/26

**Siyancuma Municipality** hereby invites suitably prospective service providers to quote for **“the supply and delivery of Furniture”** Sealed price quotations clearly marked **“BID NO: RFQ13/2025/26 SUPPLY AND DELIVERY OF FURNITURE FOR THE SIYANCUMA LOCAL MUNICIPALITY FOR THE FINANCIAL YEAR 2025/26”** clearly endorsed on the envelope **must** be submitted to Siyancuma Local Municipality, 13 Charl Cilliers street, DOUGLAS, 8730. Bids **must** reach the municipality before **12H00 on Tuesday 30 June 2026**

1. Late, emailed, faxed, incomplete quotes will not be considered.
2. All quotes will be adjudicated and awarded in terms of the Siyancuma Local Municipality Procurement and Supply Chain Management Policy, the Preferential Procurement Policy Framework Act, Act No. 5 of 2000 and the regulations promulgated under this Act.
3. Bidders must be registered on the Central Supplier Data Base and must be compliant.
4. Quotes must be valid for a period of 30 days



5. Specifications:

| DESCRIPTION OF ITEMS                                                                                                                            | QUANTITY |
|-------------------------------------------------------------------------------------------------------------------------------------------------|----------|
| <p>SIDE VISITOR'S CHAIRS (BK LACK)</p>                         | 2        |
| <p>SINGLE SEATER'S 900W X 910D X 845H, COM 4,5M ( GREY )</p>  | 2        |
| <p>RECEPTION UNIT 1800W X 700D X 1100H (LIGHT GREY )</p>    | 1        |

NB: Failure to meet the above requirements or submission of documents, will lead to disqualification of the quotation

**The following terms and conditions will apply.**

**NB:**

- All quotes must clearly show the 15% Value added tax
- Bidders are required to state whether the Price is firm or Non-firm
- Quotation should be Stamped and signed.
- Bidders will be evaluated based on the evaluation criteria and the bid who does not meet the minimum requirements will not be evaluated further.

### **Evaluation Criteria**

#### **Stage 1: Mandatory requirements**

- ❖ All MBDs must be read, fully completed, signed where applicable, and submitted.
  - MBD 1: Invitation to bid
  - MBD 4: Bidders Disclosure
  - MBD 6.1: Preference points claim form in terms of the PPR 2022
  - MBD6.2: Local Content (Annexure C, D & E)
  - MBD 7.1: Contract Form
  - MBD 8 Declaration of bidder's past SCM practices
  - MBD 9 Certificate of independent bid determination
  - Submission of CSD summary report not older than 30 days
  - Tax clearance certificate
  - Priced Quotation - it must be on the letterhead of the company
  - Copy of current municipal account not arrears for more than 90 days or copy of Lease agreement.

If a bidder does not meet the requirements stated above the bid will be disqualified and not considered for further evaluation

## Stage 2: Price and Specific Goals: 80/20 Preference points system

Only bidders who have complied with all the requirements will be considered for the price and specific goals evaluation. The bids will be evaluated according to the 80/20 preference point system which is applicable to bids with a Rand value equal to, or above R 2001 and up to a Rand value of R 50 million (all applicable taxes included), where a maximum of 80 points will be allocated for price and maximum of 20 for a specific goal in terms of the requirements of the Preferential Procurement Policy Framework Act (Act 5 of 2000), Preferential Procurement Regulations 5 of 2000 Preferential Procurement Policy, 2022.

Bidders must complete the MBD 6.1 Preference points claim form in terms of the PPR 2022.

The maximum points for this tender are allocated as follows

|                                           | Number of points allocated (80/20 system) |
|-------------------------------------------|-------------------------------------------|
| Price                                     | 80                                        |
| Specific goal                             | 20                                        |
| Total points for Price and SPECIFIC GOALS | 100                                       |

**Table for specific Goal** - For points to be allocated for locality, ownership, the bidders will be required to submit proof of documentation as evidence which may be in the form of the following:

| Specific Goals         | Points | Required Proof                                                                                                                                                                 |
|------------------------|--------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Ownership (HDI)        |        |                                                                                                                                                                                |
| % Black Ownership      | 3      | Certified declaration(valid B-BBEE certificate may also be used)/certified founding documents of the company which ownership is listed                                         |
| % Women Ownership      | 5      | Certified declaration (valid B-BBEE certificate may also be used)/certified founding documents of the company which ownership is listed/certified ID copy of the women         |
| % Disability Ownership | 2      | Certified declaration/certified founding documents of the company which ownership is listed/certified declaration from your medical doctor certifying the degree of disability |
| Locality               |        |                                                                                                                                                                                |

**INVITATION TO BID**

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE (NAME OF MUNICIPALITY/ENTITY)

BID NUMBER: RE-ADVERT RFQ13/2025/26      CLOSING DATE: 30 JUNE 2026      CLOSING TIME: 12:00pm

DESCRIPTION: SUPPLY AND DELIVERY OF OFFICE FURNITURE

**The successful bidder will be required to fill in and sign a written Contract Form (MBD 7).**

BID DOCUMENTS MAY BE POSTED TO:

.....

.....

OR

DEPOSITED IN THE BID BOX SITUATED AT (*STREET ADDRESS*)

.....

...

.....

...

**Bidders should ensure that bids are delivered timeously to the correct address. If the bid is late, it will not be accepted for consideration.**

ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS – (NOT TO BE RE-TYPED)

THIS BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT AND THE PREFERENTIAL PROCUREMENT REGULATIONS, 2011, THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER SPECIAL CONDITIONS OF CONTRACT

**NB: 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)**

THE FOLLOWING PARTICULARS MUST BE FURNISHED  
(FAILURE TO DO SO MAY RESULT IN YOUR BID BEING DISQUALIFIED)

NAME OF BIDDER

.....

POSTAL ADDRESS

.....

STREET ADDRESS

.....

TELEPHONE NUMBER

CODE.....NUMBER.....

CELLPHONE NUMBER

.....

FACSIMILE NUMBER

CODE

.NUMBER.....

.....

E-MAIL ADDRESS

.....

VAT REGISTRATION NUMBER

.....

HAS AN ORIGINAL AND VALID TAX CLEARANCE CERTIFICATE BEEN ATTACHED? (MBD 2)

YES/NO

HAS A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE BEEN SUBMITTED? (MBD 6.1)

YES/NO

IF YES, WHO WAS THE CERTIFICATE ISSUED BY?

AN ACCOUNTING OFFICER AS CONTEMPLATED IN THE CLOSE CORPORATION ACT (CCA)

☐

A VERIFICATION AGENCY ACCREDITED BY THE SOUTH AFRICAN NATIONAL ACCREDITATION SYSTEM (SANAS)

☐

A REGISTERED AUDITOR

☐

(Tick applicable box)

**(A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE 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)

SIGNATURE

OF

BIDDER

.....  
.

DATE

.....  
.

CAPACITY

UNDER

WHICH

THIS

BID

IS

SIGNED

.....  
...

TOTAL BID PRICE.....

TOTAL NUMBER OF ITEMS OFFERED .....

**ANY ENQUIRIES REGARDING THE BIDDING PROCEDURE MAY BE DIRECTED TO:**

**Municipality / Municipal Entity:** Siyancuma Local Municipality

**Department:** Supply Chain Management

**Contact Person:** Mrs C.Stenekamp/Mr W.Van Staden

**Tel:** 053 298 1810

**Fax:** .....

**ANY ENQUIRIES REGARDING TECHNICAL INFORMATION MAY BE DIRECTED TO:**

**Contact Person:** .....

**Tel:** .....

**Fax:** .....

## MBD 4

### DECLARATION OF INTEREST

1. No bid will be accepted from persons in the service of the state<sup>1</sup>.
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, hareholder<sup>2</sup>):.....

3.4 Company Registration Number: .....

3.5 Tax Reference Number:.....

3.6 VAT Registration Number: .....

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

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

3.8.1 If yes, furnish particulars. ....

.....

<sup>1</sup>MSCM Regulations: "in the service of the state" means to be –

(a) a member of –

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

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

(c) an official 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.

<sup>2</sup> Shareholder" means a person who owns shares in the company and is actively involved in the management of the company or business and 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**



## PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL PROCUREMENT REGULATIONS 2022

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

**NB: BEFORE COMPLETING THIS FORM, TENDERERS MUST STUDY THE GENERAL CONDITIONS, DEFINITIONS AND DIRECTIVES APPLICABLE IN RESPECT OF B-BBEE, AS PRESCRIBED IN THE PREFERENTIAL PROCUREMENT REGULATIONS, 2022.**

### 1. GENERAL CONDITIONS

The following preference point systems are 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); and
- the 90/10 system for requirements with a Rand value above R50 000 000 (all applicable taxes included).

The value of this bid is estimated to not to exceed R50 000 000 (all applicable taxes included) and therefore the 80/20 system shall be applicable.

Preference points for this bid shall be awarded for:

- (a) Price; and
- (b) Specific goals

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

|                                                                  | POINTS     |
|------------------------------------------------------------------|------------|
| <b>1.3.1.1 PRICE</b>                                             | 80         |
| <b>1.3.1.2 Specific goals</b>                                    | 20         |
| <b>Total points for Price and specific goals must not exceed</b> | <b>100</b> |

1.4. 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) **“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;
- (b) **“price”** means an amount of money tendered for goods or services, and includes all applicable taxes less all unconditional discounts;
- (c) **“rand value”** means the total estimated value of a contract in Rand, calculated at the time of bid invitation, and includes all applicable taxes;
- (d) **“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
- (e) **“the Act”** means the Preferential Procurement Policy Framework Act, 2000 (Act No. 5 of 2000).

## 3. POINTS AWARDED FOR PRICE

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

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

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

Where

Ps = Points scored for comparative price of bid under consideration

Pt = Comparative price of bid under consideration

Pmin = Comparative price of lowest acceptable bid

#### 4. BID DECLARATION

Bidders who claim points in respect specific goals must complete the following:

#### 5. Price and Specific goals CONTRIBUTION CLAIMED IN TERMS OF PARAGRAPHS 1.3.1.1.

Specific goals of Contribution: ..... = ..... (maximum of 10 or 20 points)

(Points claimed in respect of paragraph 5.1 must be substantiated by relevant proof by the bidder.)

5.1

| The specific goals allocated points in terms of this tender | Number of points allocated (80/20 system)<br>(To be completed by the organ of state) | Number of points claimed (80/20 system)<br>(To be completed by the bidder) |
|-------------------------------------------------------------|--------------------------------------------------------------------------------------|----------------------------------------------------------------------------|
| <b>Specific Goals</b>                                       | <b>Points</b>                                                                        |                                                                            |
| <b>Ownership (HDI)</b>                                      |                                                                                      |                                                                            |
| % Black Ownership                                           | 3                                                                                    |                                                                            |
| % Women Ownership                                           | 5                                                                                    |                                                                            |
| % Disability Ownership                                      | 2                                                                                    |                                                                            |
| <b>Locality</b>                                             |                                                                                      |                                                                            |
| Within the boundaries of Siyancuma Local Municipality       | 6                                                                                    |                                                                            |
| Within the boundaries of Northern Cape                      | 4                                                                                    |                                                                            |
| Total points claimed                                        | /20                                                                                  |                                                                            |

The specific goals points will be allocated as follows:

| Specific Goals                                        |           |
|-------------------------------------------------------|-----------|
| <b>Ownership (HDI)</b>                                |           |
| % Black Ownership                                     | 3         |
| % Women Ownership                                     | 5         |
| % Disability Ownership                                | 2         |
| <b>Locality</b>                                       |           |
| Within the boundaries of Siyancuma Local Municipality | 6         |
| Within the boundaries of Northern Cape                | 4         |
| <b>Points Allocated</b>                               | <b>20</b> |

#### 6. DECLARATION WITH REGARD TO COMPANY/FIRM

6.1 Name of company/firm : .....

6.2 VAT registration number : .....

6.3 Company registration number .....

:

6.4 TYPE OF COMPANY/ FIRM

☐ Partnership/Joint Venture / Consortium  
☐ One person business/sole propriety  
☐ Close corporation  
☐ Company  
☐ (Pt  
y) Limited  
[TICK  
APPLICABL  
E BOX]

6.5. DESCRIBE PRINCIPAL BUSINESS ACTIVITIES

.....  
.....

6.6 COMPANY CLASSIFICATION

☐ Manufacturer  
☐ Supplier  
☐ Professional service provider

Other service providers, e.g. transporter, etc.  
[TICK APPLICABLE BOX]

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

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 BIDDER(S)

DATE:.....

ADDRESS:.....

.....

## PROCUREMENT POLICY SCHEDULE (80/20)

### Definitions

- **“Historically Disadvantaged Individual” (HDI)** is defined as a South African citizen –

- 1) who, due to the apartheid policy that was in place, had no voting rights in the national elections prior to the introduction of the Constitution of the Republic of South Africa, 1983 (Act No. 100 of 1983) or the Constitution of the Republic of South Africa, 1993 (Act No. 200 of 1993) (*“the interim Constitution”*), and/or
- 2) who is a woman, and/or
- 3) who has a disability

With the understanding that any person who received South African citizenship on or before the introduction of the interim Constitution, will not be deemed to be HDI.

- **“A woman”** refers to a female person who is a South African citizen.
- **“Disability”** refers to a person with a permanent physical disability, mental disability, awareness disability, which leads to confinement or disability, or the inability to perform bodily functions in the manner or within the capacity of a normal person.
- **“HDI equity ownership”** refers to the percentage of a partnership or business that is owned by individuals, or in the case of a company, the percentage of shares which is owned by individuals who are actively involved in the management decisions and day to day operational activities of the company or business and who exercises control in the business in relation to their ownership at the close of tender. Where individuals are not actively involved in the management and day to day operational activities of the business and who does not exercise control in relation to the percentage of their ownership, Equity ownership points cannot be awarded.

Tenderers will be awarded points on the following basis:

|                                  |                  |
|----------------------------------|------------------|
| 1. Tender Price                  | 80 points        |
| 2. Black                         | 3 points         |
| 3. Women – Equity ownership      | 5 points         |
| 4. Disability – Equity ownership | 2 points         |
| 5. Local nature of enterprise    | <u>10 points</u> |
| TOTAL                            | 100 points       |

Calculations will be done to two decimal points.

### 1 Tender Price

The calculation is based on the following formula:

$$P_s = 80 \times \left( 1 - \frac{P_t - P_{\min}}{P} \right)$$

$$L \quad \backslash \quad \min \quad / \quad ]$$

where

$P_s$  = Points awarded for price of tender under consideration

$P_t$  = Rand value of tender under consideration

$P_{\min}$  = Rand value of lowest accepted tender

## 2 Black Ownership

A maximum of 3 points will be awarded to a Tenderer who did not have voting rights according to the definition of an HDI and/or who is using a subcontractor who is such a person.

Black ownership for black will be determined by the % of the enterprise owned by such a person or by the % of shares owned by members who are actively involved in the day to day activities of the company or enterprise.

% of Enterprise owned by persons who did not having voting rights %

Thus, points awarded:  $3 \times \frac{\text{K K \%}}{100} =$   (carry over to 6.1)

Proof of ownership must be attached in the form of

- 1) certified declaration
- 2) a certified copy of the founding documentation of the company with which the ownership is listed

## 3 Women – Equity Ownership

A maximum of 1 point will be awarded to a Tenderer who is a woman and/or who is using a subcontractor that is a woman.

Equity ownership for women will be determined by the % of the enterprise owned by such a person or by the % of shares owned by members who are actively involved in the day to day management of the company or enterprise.

% of Enterprise owned by women .....%

Thus, points awarded:  $5 \times \frac{\text{K K \%}}{100} =$   (carry over to 6.2)

Proof of ownership must be attached in the form of

- 1) certified declaration
- 2) a certified copy of the founding documentation of the company with which the ownership is listed
- 3) a certified copy of the ID-document (s) of the woman(e)n

#### 4 Disability – Equity Ownership

A maximum of 1 point will be awarded to a Tenderer who is disabled and/or who is using a disabled subcontractor.

Equity ownership for disability will be determined by the % of the enterprise owned by such a person or by the % of shares owned by members who are actively involved in the day to day activities of the company or enterprise.

% of Enterprise owned by disabled person(s) ..... %

Thus points awarded:  $2 \times \frac{\text{K K \%}}{100} =$   (carry over to 6.3)

Proof of ownership must be attached in the form of

- 1) certified declaration
- 2) a certified copy of the founding documentation of the enterprise with which the ownership is listed
- 3) a certified declaration from your medical doctor certifying the degree of disability

#### 5 Local Nature of Enterprise

A maximum of 10 points will be awarded to a Tenderer who has an active office in the following areas:

a) Within the boundaries of Northern Cape?

YES - 4 points  
NO - 0 points

1) Within the boundaries of the Siyancuma Local Municipality registered as a levy duty payer?

YES - 6 points  
NO - 0 points

TOTAL POINTS AWARDED FOR LOCAL NATURE OF ENTERPRISE



## **DECLARATION CERTIFICATE FOR LOCAL PRODUCTION AND CONTENT FOR DESIGNATED SECTORS**

This Municipal Bidding Document (MBD) must form part of all bids invited. It contains general information and serves as a declaration form for local content (local production and local content are used interchangeably).

Before completing this declaration, bidders must study the General Conditions, Definitions, Directives applicable in respect of Local Content as prescribed in the Preferential Procurement Regulations, 2011 and the South African Bureau of Standards (SABS) approved technical specification number SATS 1286:2011 (Edition 1) and the Guidance on the Calculation of Local Content together with the Local Content Declaration Templates [Annex C (Local Content Declaration: Summary Schedule), D (Imported Content Declaration: Supporting Schedule to Annex C) and E (Local Content Declaration: Supporting Schedule to Annex C)].

### **1. General Conditions**

- 1.1. Preferential Procurement Regulations, 2011 (Regulation 9) makes provision for the promotion of local production and content.
- 1.2. Regulation 9.(1) prescribes that in the case of designated sectors, where in the award of bids local production and content is of critical importance, such bids must be advertised with the specific bidding condition that only locally produced goods, services or works or locally manufactured goods, with a stipulated minimum threshold for local production and content will be considered.
- 1.3. Where necessary, for bids referred to in paragraph 1.2 above, a two stage bidding process may be followed, where the first stage involves a minimum threshold for local production and content and the second stage price and B-BBEE.
- 1.4. A person awarded a contract in relation to a designated sector, may not sub-contract in such a manner that the local production and content of the overall value of the contract is reduced to below the stipulated minimum threshold.
- 1.5. The local content (LC) expressed as a percentage of the bid price must be calculated in accordance with the SABS approved technical specification number SATS 1286: 2011 as follows:

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

Where

x is the imported content in Rand

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

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

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

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

## 2. Definitions

- 2.1. **“bid”** includes written price quotations, advertised competitive bids or proposals;
- 2.2. **“bid price”** price offered by the bidder, excluding value added tax (VAT);
- 2.3. **“contract”** means the agreement that results from the acceptance of a bid by an organ of state;
- 2.4. **“designated sector”** means a sector, sub-sector or industry that has been designated by the Department of Trade and Industry in line with national development and industrial policies for local production, where only locally produced services, works or goods or locally manufactured goods meet the stipulated minimum threshold for local production and content;
- 2.5. **“duly sign”** means a Declaration Certificate for Local Content that has been signed by the Chief Financial Officer or other legally responsible person nominated in writing by the Chief Executive, or senior member / person with management responsibility (close corporation, partnership or individual).
- 2.6. **“imported content”** means that portion of the bid price represented by the cost of components, parts or materials which have been or are still to be imported (whether by the supplier or its subcontractors) and which costs are inclusive of the costs abroad (this includes labour and intellectual property costs), plus freight and other direct importation costs, such as landing costs, dock duties, import duty, sales duty or other similar tax or duty at the South African port of entry;
- 2.7. **“local content”** means that portion of the bid price which is not included in the imported content, provided that local manufacture does take place;
- 2.8. **“stipulated minimum threshold”** means that portion of local production and content as determined by the Department of Trade and Industry; and
- 2.9. **“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.

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

| <u>Description of services, works or goods</u> | <u>Stipulated minimum threshold</u> |
|------------------------------------------------|-------------------------------------|
| Office Furniture                               | 85 %                                |
|                                                | %                                   |
|                                                | %                                   |

4. Does any portion of the services, works or goods offered have any imported content?

(Tick applicable box)

|     |  |    |  |
|-----|--|----|--|
| YES |  | NO |  |
|-----|--|----|--|

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

The relevant rates of exchange information is accessible on [www.reservebank.co.za](http://www.reservebank.co.za)

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

| Currency       | Rates of exchange |
|----------------|-------------------|
| US Dollar      |                   |
| Pound Sterling |                   |
| Euro           |                   |
| Yen            |                   |
| Other          |                   |

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

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

**LOCAL CONTENT DECLARATION**  
**(REFER TO ANNEX B OF SATS 1286:2011)**

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

**IN RESPECT OF BID NO. ....**

**ISSUED BY:** (Procurement Authority / Name of Municipality / Municipal Entity):

.....

NB

- The obligation to complete, duly sign and submit this declaration cannot be transferred to an external authorized representative, auditor or any other third party acting on behalf of the bidder.
- Guidance on the Calculation of Local Content together with Local Content Declaration Templates (Annex C, D and E) is accessible on [http://www.thedti.gov.za/industrial\\_development/ip.jsp](http://www.thedti.gov.za/industrial_development/ip.jsp). Bidders should first complete Declaration D. After completing Declaration D, bidders should complete Declaration E and then consolidate the information on Declaration C. **Declaration C should be submitted with the bid documentation at the closing date and time of the bid in order to substantiate the declaration made in paragraph (c) below.** Declarations

D and E should be kept by the bidders for verification purposes for a period of at least 5 years. The successful bidder is required to continuously update Declarations C, D and E with the actual values for the duration of the contract.

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

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

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

**If the bid is for more than one product, the local content percentages for each product contained in Declaration C shall be used instead of the table above. The local content percentages for each product has been calculated using the formula given in clause 3 of SATS 1286:2011, the rates of exchange indicated in paragraph 4.1 above and the information contained in Declaration D and E.**

- (d) I accept that the Procurement Authority / Municipality /Municipal Entity has the right to request that the local content be verified in terms of the requirements of SATS 1286:2011.
- (e) I understand that the awarding of the bid is dependent on the accuracy of the information furnished in this application. I also understand that the submission of incorrect data, or data that are not verifiable as described in SATS 1286:2011, may result in the Procurement Authority / Municipal / Municipal Entity imposing any or all of the remedies as provided for in Regulation 13 of the Preferential Procurement Regulations, 2011 promulgated under the Preferential Policy Framework Act (PPFA), 2000 (Act No. 5 of 2000).

**SIGNATURE:** \_\_\_\_\_

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

**WITNESS No. 1** \_\_\_\_\_

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

**WITNESS No. 2** \_\_\_\_\_

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

## Annex C

## Local Content Declaration - Summary Schedule

|                                |      |  |    |
|--------------------------------|------|--|----|
| (C1) Tender No.                |      |  |    |
| (C2) Tender description:       |      |  |    |
| (C3) Designated product(s)     |      |  |    |
| (C4) Tender Authority:         |      |  |    |
| (C5) Tendering Entity name:    |      |  |    |
| (C6) Tender Exchange Rate:     | Pula |  | EU |
| (C7) Specified local content % |      |  |    |

**Note:** VAT to be excluded from all calculations

GBP

| Calculation of local content |               |                                |                         |                                               |                |             |                            |
|------------------------------|---------------|--------------------------------|-------------------------|-----------------------------------------------|----------------|-------------|----------------------------|
| Tender item no's             | List of items | Tender price - each (excl VAT) | Exempted imported value | Tender value net of exempted imported content | Imported value | Local value | Local content % (per item) |
| (C8)                         | (C9)          | (C10)                          | (C11)                   | (C12)                                         | (C13)          | (C14)       | (C15)                      |
|                              |               |                                |                         |                                               |                |             |                            |
|                              |               |                                |                         |                                               |                |             |                            |
|                              |               |                                |                         |                                               |                |             |                            |
|                              |               |                                |                         |                                               |                |             |                            |
|                              |               |                                |                         |                                               |                |             |                            |
|                              |               |                                |                         |                                               |                |             |                            |
|                              |               |                                |                         |                                               |                |             |                            |
|                              |               |                                |                         |                                               |                |             |                            |
|                              |               |                                |                         |                                               |                |             |                            |

| Tender summary |                    |                                 |                        |
|----------------|--------------------|---------------------------------|------------------------|
| Tender Qty     | Total tender value | Total exempted imported content | Total Imported content |
| (C16)          | (C17)              | (C18)                           | (C19)                  |
|                |                    |                                 |                        |
|                |                    |                                 |                        |
|                |                    |                                 |                        |
|                |                    |                                 |                        |
|                |                    |                                 |                        |
|                |                    |                                 |                        |
|                |                    |                                 |                        |
|                |                    |                                 |                        |
|                |                    |                                 |                        |

Signature of tenderer from Annex B

Date:

(C20) Total tender value

(C21) Total Exempt imported content

(C22) Total Tender value net of exempt imported content

(C23) Total Imported content

(C24) Total local content

(C25) Average local content % of tender

## Annex D

### Imported Content Declaration - Supporting Schedule to Annex C

[illegible]

#### A. Exempted imported content

| A. Exempted imported content      |                                 |                |                   | Calculation of imported content                  |                      |                        |                                |                                             |                            | Summary    |                         |
|-----------------------------------|---------------------------------|----------------|-------------------|--------------------------------------------------|----------------------|------------------------|--------------------------------|---------------------------------------------|----------------------------|------------|-------------------------|
| Tender item no's                  | Description of imported content | Local supplier | Overseas Supplier | Foreign currency value as per Commercial Invoice | Tender Exchange Rate | Local value of imports | Freight costs to port of entry | All locally incurred landing costs & duties | Total landed cost excl VAT | Tender Qty | Exempted imported value |
| (D7)                              | (D8)                            | (D9)           | (D10)             | (D11)                                            | (D12)                | (D13)                  | (D14)                          | (D15)                                       | (D16)                      | (D17)      | (D18)                   |
|                                   |                                 |                |                   |                                                  |                      |                        |                                |                                             |                            |            |                         |
|                                   |                                 |                |                   |                                                  |                      |                        |                                |                                             |                            |            |                         |
|                                   |                                 |                |                   |                                                  |                      |                        |                                |                                             |                            |            |                         |
| (D19) Total exempt imported value |                                 |                |                   |                                                  |                      |                        |                                |                                             |                            |            |                         |

(D19) Total exempt imported value

**This total must correspond with  
Annex C- C21**

### B. Imported directly by the Tenderer

[illegible]

(D32) Total imported value by tenderer

**C. Imported by a 3rd party and supplied to the Tenderer**

[illegible]

(D45) Total imported value by 3rd party

**D. Other foreign currency payments**

| D. Other foreign currency payments |                                   |                      | Calculation of foreign currency payments |                         | Summary of payments     |
|------------------------------------|-----------------------------------|----------------------|------------------------------------------|-------------------------|-------------------------|
| Type of payment                    | Local supplier making the payment | Overseas beneficiary | Foreign currency value paid              | Tender Rate of Exchange | Local value of payments |
| (D46)                              | (D47)                             | (D48)                | (D49)                                    | (D50)                   | (D51)                   |
|                                    |                                   |                      |                                          |                         |                         |
|                                    |                                   |                      |                                          |                         |                         |
|                                    |                                   |                      |                                          |                         |                         |
|                                    |                                   |                      |                                          |                         |                         |
|                                    |                                   |                      |                                          |                         |                         |

(D52) Total of foreign currency payments declared by tenderer and/or 3rd party

(D53) Total of imported content & foreign currency payments - (D32), (D45) & (D52) above

**This total must correspond with  
Annex C - C 23**

**Signature of tenderer from Annex B**

Date:

## Annex E

## Local Content Declaration - Supporting Schedule to Annex C

|      |                        |  |
|------|------------------------|--|
| (E1) | Tender No.             |  |
| (E2) | Tender description:    |  |
| (E3) | Designated products:   |  |
| (E4) | Tender Authority:      |  |
| (E5) | Tendering Entity name: |  |

Note: VAT to be excluded from all calculations

| Local Products<br>(Goods, Services and Works)         | Description of items purchased | Local suppliers | Value |
|-------------------------------------------------------|--------------------------------|-----------------|-------|
|                                                       | (E6)                           | (E7)            | (E8)  |
|                                                       |                                |                 |       |
|                                                       |                                |                 |       |
|                                                       |                                |                 |       |
|                                                       |                                |                 |       |
|                                                       |                                |                 |       |
|                                                       |                                |                 |       |
|                                                       |                                |                 |       |
|                                                       |                                |                 |       |
|                                                       |                                |                 |       |
|                                                       |                                |                 |       |
|                                                       |                                |                 |       |
| (E9) Total local products (Goods, Services and Works) |                                |                 |       |

(E10) **Manpower costs** (Tenderer's manpower cost)

(E11) **Factory overheads** (Rental, depreciation & amortisation, utility costs, consumables etc.)

(E12) **Administration overheads and mark-up** (Marketing, insurance, financing, interest etc.)

(E13) **Total local content**

This total must correspond with Annex C - C24

Signature of tenderer from Annex B

Date: \_\_\_\_\_

## CONTRACT FORM - PURCHASE OF GOODS/WORKS

**THIS FORM MUST BE FILLED IN DUPLICATE BY BOTH THE SUCCESSFUL BIDDER (PART 1) AND THE PURCHASER (PART 2). BOTH FORMS MUST BE SIGNED IN THE ORIGINAL SO THAT THE SUCCESSFUL BIDDER AND THE PURCHASER WOULD BE IN POSSESSION OF ORIGINALLY SIGNED CONTRACTS FOR THEIR RESPECTIVE RECORDS.**

### PART 1 (TO BE FILLED IN BY THE BIDDER)

1. I hereby undertake to supply all or any of the goods and/or works described in the attached bidding documents to (name of institution)..... in accordance with the requirements and specifications stipulated in bid number..... at the price/s quoted. My offer/s remain binding upon me and open for acceptance by the purchaser during the validity period indicated and calculated from the closing time of bid.
2. The following documents shall be deemed to form and be read and construed as part of this agreement:
  - (i) Bidding documents, viz
    - Invitation to bid;
    - Tax clearance certificate;
    - Pricing schedule(s);
    - Technical Specification(s);
    - Preference claims for Broad Based Black Economic Empowerment Status Level of Contribution in terms of the Preferential Procurement Regulations 2011;
    - Declaration of interest;
    - Declaration of bidder's past SCM practices;
    - Certificate of Independent Bid Determination;
    - Special Conditions of Contract;
  - (ii) General Conditions of Contract; and
  - (iii) Other (specify)
3. I confirm that I have satisfied myself as to the correctness and validity of my bid; that the price(s) and rate(s) quoted cover all the goods and/or works specified in the bidding documents; that the price(s) and rate(s) cover all my obligations and I accept that any mistakes regarding price(s) and rate(s) and calculations will be at my own risk.
4. I accept full responsibility for the proper execution and fulfilment of all obligations and conditions devolving on me under this agreement as the principal liable for the due fulfillment of this contract.
5. I declare that I have no participation in any collusive practices with any bidder or any other person regarding this or any other bid.
6. I confirm that I am duly authorised to sign this contract.

NAME (PRINT) .....

CAPACITY .....

SIGNATURE .....

NAME OF FIRM .....

DATE .....

#### WITNESSES

1 .....

2. ....

DATE: .....

**CONTRACT FORM - PURCHASE OF GOODS/WORKS****PART 2 (TO BE FILLED IN BY THE PURCHASER)**

1. I..... in my capacity as.....  
accept your bid under reference number .....dated.....for the supply of  
goods/works indicated hereunder and/or further specified in the annexure(s).
2. An official order indicating delivery instructions is forthcoming.
3. I undertake to make payment for the goods/works delivered in accordance with the terms and conditions  
of the contract, within 30 (thirty) days after receipt of an invoice accompanied by the delivery note.

| ITEM<br>NO. | PRICE (ALL<br>APPLICABLE<br>TAXES<br>INCLUDED) | BRAND | DELIVERY<br>PERIOD | SPECIFIC GOALS | MINIMUM<br>THRESHOLD<br>FOR LOCAL<br>PRODUCTION<br>AND<br>CONTENT (if<br>applicable) |
|-------------|------------------------------------------------|-------|--------------------|----------------|--------------------------------------------------------------------------------------|
|             |                                                |       |                    |                |                                                                                      |

4. I confirm that I am duly authorized to sign this contract.

SIGNED AT .....ON.....

NAME (PRINT) .....

SIGNATURE .....

OFFICIAL STAMP

WITNESSES

1. ....

2. ....

DATE .....

## 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   | <p>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?</p> <p>(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).</p> <p><b>The Database of Restricted Suppliers now resides on the National Treasury's website(<a href="http://www.treasury.gov.za">www.treasury.gov.za</a>) and can be accessed by clicking on its link at the bottom of the home page.</b></p> | Yes<br><input type="checkbox"/> | No<br><input type="checkbox"/> |
| 4.1.1 | If so, furnish particulars:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                 |                                |
| 4.2   | <p>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)?</p> <p><b>The Register for Tender Defaulters can be accessed on the National Treasury's website (<a href="http://www.treasury.gov.za">www.treasury.gov.za</a>) by clicking on its link at the bottom of the home page.</b></p>                                                                                                                                                                                                                                                                           | Yes<br><input type="checkbox"/> | No<br><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<br><input type="checkbox"/> | No<br><input type="checkbox"/> |

|             |                                                                                                                                                                                                                                        |                                 |                                |
|-------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------|--------------------------------|
| 4.3.1       | If so, furnish particulars:                                                                                                                                                                                                            |                                 |                                |
| <b>Item</b> | <b>Question</b>                                                                                                                                                                                                                        | <b>Yes</b>                      | <b>No</b>                      |
| 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<br><input type="checkbox"/> | No<br><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<br><input type="checkbox"/> | No<br><input type="checkbox"/> |
| 4.7.1       | If so, furnish particulars:                                                                                                                                                                                                            |                                 |                                |

### CERTIFICATION

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

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

.....  
**Signature**

.....  
**Date**

.....  
**Position**

.....  
**Name of Bidder**

## **CERTIFICATE OF INDEPENDENT BID DETERMINATION**

- 1 This Municipal Bidding Document (MBD) must form part of all bids<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:

<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.

**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

Js9141w 4