



# SUPPLY CHAIN MANAGEMENT UNIT

Office of the Chief Financial Officer

Ref: Ms. Portia Skosana (SCM)

Tel:(016)492 0214

## **REQUEST FOR FORMAL WRITTEN PRICE QUOTATIONS**

**Procurement from R30 000.00 up to a transaction value of R 200 000.00 (including Vat)  
(For publication on Lesedi Local Municipality's Website and Notice Boards)**

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

**RFQ: STO:19/2021 QUOTATIONS ARE HEREBY INVITED FOR THE PROVISION OF EDITING AND PRINTING OF MARKETING BROCHURE AND EDITING MARKETING VIDEO.**

**Advertising date: 21 May 2021**

**Closing date and time: 31 May 2021 @ 12:00**

The quotation must be submitted on the official quotation document (including all the required annexures) and must be delivered by hand before the official closing date and time to:

The SCM Unit of LLM  
Civic Centre  
Corner Du Preez & HF Verwoerd Streets, Heidelberg  
Upper Level West Wing  
Tender Box

### **The following conditions will apply:**

- Supply Chain Management Unit, Civic Centre, Upper Level West Wing Heidelberg.  
The lowest or any quotations will not necessarily be accepted and LLM reserves the right to accept the quotation in total or only in part.
- To participate in LLM's quotation procurement of goods and services, suppliers are requested to register on National Treasury Supplier Database (CSD).
- According to the amended Codes of Good Practice, an Exempted Micro Enterprise (EME) and Qualifying Small Enterprise (QSE) are only required to obtain a sworn affidavit or a certificate issued by Companies Intellectual Property Commission (CIPC) confirming their annual turnover of R10 million or less for EME and not in excess of R50 million for the QSEs and level of Black ownership to claim BEE points
- **Quotations will be evaluated in accordance with the Preferential Procurement Policy Framework Act:2000 Preferential Procurement Regulations, 2017**  
4(1) If an organ of state decides to apply prequalification to advance certain designated groups, that organ must advertise the quotation with specific condition that only one or more of the following bidders may respond:  
(b) And EME or QSE  
(2) A quotation that fails to meet any prequalifying criteria will be unacceptable.

- All suppliers of goods & services are urged to register in the National Treasury web based Central Suppliers Database with Effect from 1 July 2016 @ [www.csd.gov.za](http://www.csd.gov.za)
  - Bidders must ensure compliance with their tax obligations.
  - Bidders are required to submit their unique personal identification number (PIN) issued by SRS to enable the organ of state to view the taxpayer's profile and status
  - Application for tax compliance status (TCS) OR PIN NO: may also be made via E-filing. In order to use this provision, Taxpayers will need to register with SARS as E-Fileers through the website..WWW.SARS.GOV.ZA.
  - Foreigner suppliers must complete the pre-award questionnaire in PART B:3
  - The entity & all directors/Shareholders to submit municipal accounts not more than 90 days in arrears or lease agreement reflecting responsibility of municipal charges.
  - Bidders may submit a printed TCS CERTIFICATE together with the bid. bids where consortia/ sub-contractors are involved, each party must submit a separate TCS certificate /Pin & CSD summary report/number.
  - CSD Summary report must be attached
  - No late quotations delivered after the official closing date and time will be accepted.
  - Price(s) quoted must be valid for at least sixty (60) days from date of your offer.
  - Price(s) quoted must be firm and must be inclusive of VAT.
  - A firm delivery period must be indicated.
  - All quotations received will be evaluated on the 80/20 point scoring basis. The 80 points will be for Price and 20 points are for Broad Based Black Economic Empowerment (BBBEE) for attaining the BBBEE status level of contribution in accordance with the documents below:
  - Bidders must print the following documents from LLM website under quotations.
    - **MBD 1. Invitation to bid**
    - **MBD 2. Tax Clearance Requirements**
    - **MBD 4. Declaration of interest**
    - **MBD 6.1 B-BBEE Status Level of Contribution.**
    - **MBD 6.2 Declaration for local production and content for designated sector**
    - **MBD 8: Declaration of bidders past supply chain management practices.**
    - **MBD 9: Certificate of independent bid determination.**
    - **Sworn Affidavit: B-BBEE-EME.**
    - **Authority of Signatory**
- If the MBD forms are not completed & submitted, your quotation will be rejected.**
- No quotation will be considered from persons in service of the state (MDB 4)

**LESEDI LOCAL MUNICIPALITY  
REQUEST FOR FORMAL WRITTEN PRICE QUOTATION**

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

|   |   |
|---|---|
| RFQ NUMBER:                               | RFQ: CSD: 19/2021: PROVISION FOR DÉCOR AND CATERING SERVICES FOR THE LED AND TOURISM SUMMIT.  |
| ADVERTISING DATE:                         | 31 May 2021   |
| DEPARTMENT:                               | LED   |
| DESCRIPTION OF SERVICES                   | <p><b>SPECIFICATIONS: PROVISION FOR EDITING AND PRITING OF MARKETING BROCHURE AND EDITING MARKETING VIDEO</b></p> <p><b>Specification</b></p> <ul style="list-style-type: none"> <li>• Editing of 1 Brochure 150mm x 150mm</li> <li>• Editing of 1 Marketing Video on the closing remarks by the Executive Mayor</li> <li>• Printing of 1000 copies of Marketing Brochures</li> <li>• Producing and delivery of 2 Video copies</li> </ul>   |
| POINT SCORING                             | <p>All quotations received will be evaluated on the 80/20 point scoring basis. The 80 points will be for Price and 20 points are for Broad Based Black Economic Empowerment (BBBEE) for attaining the BBBEE status level of contribution in accordance with the table below: The RFQ will be evaluated on the basis of the 80/20-point system as stipulated in the Preferential Procurement Policy Framework Act.</p> <ul style="list-style-type: none"> <li>• 80 points for Price</li> <li>• 20 points for BBBEE level of contribution</li> </ul>  |
| COMPULSORY RETURNABLE DOCUMENTS REQUIRED: | <ul style="list-style-type: none"> <li>• Company registration documents</li> <li>• Certified Copies of ID's of members/directors</li> <li>• Completed MBD 1, MBD 4, MBD 6.1, MBD 8, MBD 9</li> <li>• <b>MBD 1. Invitation to bid</b></li> <li>• <b>MBD 4. Declaration of interest.</b></li> <li>• <b>MBD 6.1 B-BBEE Status Level of Contribution.</b></li> <li>○ <b>MBD 8 Declaration of bidders past supply chain management practices.</b></li> <li>○ <b>MBD 9: Certificate of independent bid determination.</b></li> <li>• <b>Schedule (fixed prices including Vat)</b></li> <li>• <b>Authority of Signatory must be completed and signed in case of a business not sole proprietor or one-person business or board of director's resolution authorizing signature to sign off the bid documents.</b></li> <li>• <b>Copy of latest municipal account and/or signed lease agreement by both</b></li> </ul> |

|                        |   |
|------------------------|---|
|                        | <p>parties.</p> <ul style="list-style-type: none"> <li>• The bidding entity as well as all its directors must submit Municipal account which is not more than three (3) months in arrears or valid lease agreement which is in the name of the business and/or the directors, which must stipulate the responsibility of payment of municipal services. <ul style="list-style-type: none"> <li>➤ If the responsibility of payment of municipal services is that of the tenant/lessee, please provide proof of payment of those services.</li> </ul> </li> <li>• If the business operates from the different address as per CIPC document, affidavit must be provided</li> <li>• Bidder must attach the Central Supplier Database (CSD) registration summary report.</li> <li>• Bidders must attach TCS Pin no (Tax Compliance Status).</li> </ul> |
| CLOSING DATE AND TIME: | 31 May 2021   |
| DELIVERY PERIOD        | Delivery period after the date of official order seven (7) days   |
| DELIVERY ADDRESS       | To the various Libraries within Lesedi Local Municipality   |
| SUBMISSION OF QUOTES   | Tender box<br>SCM Unit<br>Civic Centre<br>Heidelberg  |
| ENQUIRIES              | Portia Skosana at 016 492 0214 email <a href="mailto:portiar@lesedi.gov.za">portiar@lesedi.gov.za</a>   |

**CONDITIONS:**

- All prices quoted must be **inclusive of VAT**.
- All prices submitted must be fixed prices for the period of the quotation.
- If the price schedule is not signed the quotation will not be considered.
- No Tipp-ex or correction fluid to be used on the quotation documentation- will lead to instant disqualification.
- Quotations completed in pencil will be regarded as invalid.
- All prices quoted must be valid for sixty (60) days from date of your offer

Name of Bidder: ..... Tel No/ Cell No :.....  
Contact Person ..... Fax Number .....  
Residential Address ..... Postal Address .....

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

.....  
E-mail address: .....

**Supplier Number (CSD) MAAA: .....**

**Tax Compliance Status (TSC) Pin: .....**

.....  
Signature

.....  
Date

- 1.1. A bid may be disqualified if this Declaration Certificate and the Annex C (Local Content Declaration: Summary Schedule) are not submitted as part of the bid documentation;
- 2. The stipulated minimum threshold(s) for local production and content (refer to Annex A of SATS 1286:2011) for this bid is/are as follows:**

| <u>Description of services, works or goods</u> | <u>Stipulated minimum threshold</u> |
|--|-------------------------------------|
|  | <u>100%</u>                         |

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

*(Tick applicable box)*

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

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

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

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



MBD 1

**PART A  
INVITATION TO BID**

**YOU ARE HEREBY INVITED TO TENDER FOR REQUIREMENTS OF LESEDI LOCAL MUNICIPALITY**

|                |   |               |                      |               |              |
|----------------|---|---------------|----------------------|---------------|--------------|
| TENDER NUMBER: | <b>54/2021</b>  | CLOSING DATE: | <b>00 MARCH 2021</b> | CLOSING TIME: | <b>12H00</b> |
| DESCRIPTION    | <b>SUPPLY, INSTALLATION AND MAINTENANCE OF A HOSTED VOIP, CALL CENTRE, INTERNET S AND WI-FI SERVICES AND THE VIRTUAL PRIVATE NETWORK FOR THE LESEDI LOCAL MUNICIPALITY FOR THE PERIOD OF THIRTY-SIX (36) MONTHS</b> |               |                      |               |              |

**THE SUCCESSFUL TENDERER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (MBD7).**

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

**Supply Chain Management Unit**  
**Lesedi Local Municipal Building**  
**Corner HF Verwoerd and Du Preez Street**  
**Heidelberg**  
**1438**

**SUPPLIER INFORMATION**

|  |   |  |                                     |         |   |
|--|---|--|-------------------------------------|---------|---|
| NAME OF BIDDER                               |   |  |                                     |         |   |
| POSTAL ADDRESS                               |   |  |                                     |         |   |
| STREET ADDRESS                               |   |  |                                     |         |   |
| TELEPHONE NUMBER                             | CODE  |  | NUMBER                              |         |   |
| CELLPHONE NUMBER                             |   |  |                                     |         |   |
| FACSIMILE NUMBER                             | CODE  |  | NUMBER                              |         |   |
| E-MAIL ADDRESS                               |   |  |                                     |         |   |
| VAT REGISTRATION NUMBER                      |   |  |                                     |         |   |
| TAX COMPLIANCE STATUS                        | TCS PIN:  |  | OR                                  | CSD No: |   |
| B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE | <input type="checkbox"/> Yes<br><input type="checkbox"/> No |  | B-BBEE STATUS LEVEL SWORN AFFIDAVIT |         | <input type="checkbox"/> Yes<br><input type="checkbox"/> No |

|                          |  |  |  |
|--------------------------|--|--|--|
| [TICK APPLICABLE<br>BOX] |  |  |  |
|--------------------------|--|--|--|



**[A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE/ SWORN AFFIDAVIT (FOR EMES & QSEs) MUST BE SUBMITTED IN ORDER TO QUALIFY FOR PREFERENCE POINTS FOR B-BBEE]**

|   |  |  |   |
|---|--|--|---|
| ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES /WORKS OFFERED? | <input type="checkbox"/> Yes <input type="checkbox"/> No<br>[IF YES ENCLOSE PROOF] | ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES /WORKS OFFERED? | <input type="checkbox"/> Yes <input type="checkbox"/> No<br>[IF YES, ANSWER PART B:3] |
| TOTAL ITEMS OFFERED COMPLY WITH SPECIFICATIONS  | <input type="checkbox"/> Yes <input type="checkbox"/> No                           | TOTAL BID PRICE ( <i>As per the price schedule</i> )                     | R   |
| SIGNATURE OF BIDDER   | .....  | DATE   |   |
| CAPACITY UNDER WHICH THIS BID IS SIGNED   |  |  |   |
| QUERIES MAY BE DIRECTED DURING OFFICE HOURS: MON – FRI BETWEEN 07:30 TO 16H00 TO              |  |  |   |
| <b>FOR BIDDING PROCEDURE</b>  |  | <b>FOR TECHNICAL INFORMATION</b>   |   |
| CONTACT PERSON  | PORTIA SKOSANA   | CONTACT PERSON   | MS YVONNE RATOMBO   |
| TELEPHONE NUMBER  | 016 492 0214   | TELEPHONE NUMBER   | 016 492 0251  |
| E-MAIL ADDRESS  | portiar@lesedi.gov.za  | E-MAIL ADDRESS   | yvonner@lesedi.gov.za   |



**PART B  
TERMS AND CONDITIONS FOR BIDDING**

**BID SUBMISSION:**

BIDS MUST BE DELIVERED BY THE STIPULATED TIME TO THE CORRECT ADDRESS. LATE BIDS WILL NOT BE ACCEPTED FOR CONSIDERATION.

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

THIS BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT AND THE PREFERENTIAL PROCUREMENT REGULATIONS, 2017, THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER SPECIAL CONDITIONS OF CONTRACT.

**TAX COMPLIANCE REQUIREMENTS**

BIDDERS MUST ENSURE COMPLIANCE WITH THEIR TAX OBLIGATIONS.

BIDDERS ARE REQUIRED TO SUBMIT THEIR UNIQUE PERSONAL IDENTIFICATION NUMBER (PIN) ISSUED BY SARS TO ENABLE THE ORGAN OF STATE TO VIEW THE TAXPAYER'S PROFILE AND TAX STATUS.

APPLICATION FOR THE TAX COMPLIANCE STATUS (TCS) CERTIFICATE OR PIN MAY ALSO BE MADE VIA E-FILING. IN ORDER TO USE THIS PROVISION, TAXPAYERS WILL NEED TO REGISTER WITH SARS AS E-FILERS THROUGH THE WEBSITE WWW.SARS.GOV.ZA.

FOREIGN SUPPLIERS MUST COMPLETE THE PRE-AWARD QUESTIONNAIRE IN PART B:3.

BIDDERS MAY ALSO SUBMIT A PRINTED TCS CERTIFICATE TOGETHER WITH THE BID.

IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED; EACH PARTY MUST SUBMIT A SEPARATE TCS CERTIFICATE / PIN / CSD NUMBER.

WHERE NO TCS IS AVAILABLE BUT THE BIDDER IS REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD), A CSD NUMBER MUST BE PROVIDED.

**QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS**

IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)  YES  NO

DOES THE ENTITY HAVE A BRANCH IN THE RSA?  YES  NO

DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA  YES  NO

DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA?  YES  NO

IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATI  YES  NO

**IF THE ANSWER IS “NO” TO ALL OF THE ABOVE, THEN IT IS NOT A REQUIREMENT TO REGISTER FOR A TAX COMPLIANCE STATUS SYSTEM PIN CODE FROM THE SOUTH AFRICAN REVENUE SERVICE (SARS) AND IF NOT REGISTER AS PER 2.3 ABOVE.**

**NB: FAILURE TO PROVIDE ANY OF THE ABOVE PARTICULARS MAY RENDER THE BID INVALID.**

**NO BIDS WILL BE CONSIDERED FROM PERSONS IN THE SERVICE OF THE STATE.**

SIGNATURE OF BIDDER: .....

CAPACITY UNDER WHICH THIS BID IS SIGNED: .....

DATE: .....



## **TAX CLEARANCE CERTIFICATE REQUIREMENTS**

**MBD 2**

**IT IS A CONDITION OF A 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 BIDDER'S TAX OBLIGATIONS.**

1. In order to meet this requirement bidders are required to complete in full the attached form TCC 001 "Application for a Tax Clearance Certificate" and submit it to any SARS branch office nationally. The Tax Clearance Certificate Requirements are also applicable to foreign bidders / individuals who wish to submit bids.
2. SARS will then furnish the bidder with a Tax Clearance Certificate that will be valid for a period of 1 (one) year from the date of approval.
3. The original Tax Clearance Certificate must be submitted together with the bid. Failure to submit the original and valid Tax Clearance Certificate will result in the invalidation of the bid. Certified copies of the Tax Clearance Certificate will not be acceptable.
4. In bids where Consortia /Joint Ventures /Sub-contractors are involved, each party must submit a separate Tax Clearance Certificate.
5. Copies of the TCC 001 "Application for a Tax Clearance Certificate" form are available from any SARS branch office nationally or on the website [www.sars.gov.za](http://www.sars.gov.za).
6. Applications for the Tax Clearance Certificates may also 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).



**MBD 4**

**DECLARATION OF INTEREST**

1. No bid will be accepted from persons in the service of the state<sup>1</sup>.

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, shareholder<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 member of –  
any municipal council;  
any provincial legislature; or

the national Assembly or the national Council of provinces;

a member of the board of directors of any municipal entity;

an official of any municipality or municipal entity;

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);

a member of the accounting authority of any national or provincial public entity; or  
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 |
|-----------|-----------------|-----------------------|
|           |                 |                       |
|           |                 |                       |
|           |                 |                       |
|           |                 |                       |
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|           |                 |                       |
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|           |                 |                       |
|           |                 |                       |

.....  
**Signature**

.....  
**Date**

.....  
**Capacity**

.....  
**Name of Bidde**





**MBD 6.1**

**LESEDI LOCAL MUNICIPALITY**

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

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

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

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**GENERAL CONDITIONS**

The following preference point systems are applicable to all bids:

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

90/10 PREFERENCE POINT SYSTEM FOR ACQUISITION OF GOODS, SERVICES AND WORKS WITH RAND VALUE ABOVE R50 MILLION (all applicable taxes included).

The value of this bid is estimated to exceed R30 000 up to R50Million (all applicable taxes included) and therefore the preference point system as per 1.4 below shall be applicable.

Preference points for this bid shall be awarded for:

Price; and

B-BBEE Status Level of Contribution.

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 CONTRIBUTION</b>               | <b>20</b>     |
| <b>Total points for Price and B-BBEE must not exceed</b> | <b>100</b>    |

Failure on the part of a bidder to submit a B-BBEE Verification Certificate from a Verification Agency accredited by the South African Accreditation System (SANAS), or a Registered Auditor approved by the Independent Regulatory Board of Auditors (IRBA) or a sworn affidavit confirming annual turnover and level of black ownership in case of

an EME and QSE together with the bid, will be interpreted to mean that preference points for B-BBEE status level of contribution are not claimed.

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.

## **DEFINITIONS**

**“all applicable taxes”** includes value-added tax, pay as you earn, income tax, unemployment insurance fund contributions and skills development levies;

**“B-BBEE”** means broad-based black economic empowerment as defined in section 1 of the Broad-Based Black Economic Empowerment Act;

**“B-BBEE status level of contributor”** means the B-BBEE status received by a measured entity based on its overall performance using the relevant scorecard contained in the Codes of Good Practice on Black Economic Empowerment, issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act;

**“bid”** means a written offer in a prescribed or stipulated form in response to an invitation by an organ of state for the provision of services, works or goods, through price quotations, advertised competitive bidding processes or proposals;

**“Broad-Based Black Economic Empowerment Act”** means the Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003) as amended by Act No 46 of 2013;

**“comparative price”** means the price after the factors of a non-firm price and all unconditional discounts that can be utilized have been taken into consideration;

**“consortium or joint venture”** means an association of persons for the purpose of combining their expertise, property, capital, efforts, skill and knowledge in an activity for the execution of a contract;

**“contract”** means the agreement that results from the acceptance of a bid by an organ of state;

**“EME”** means an Exempted Micro Enterprise as defined by Codes of Good Practice issued in terms of section 9 (1) of the Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003);

**“Firm price”** means the price that is only subject to adjustments in accordance with the actual increase or decrease resulting from the change, imposition, or abolition of customs or excise duty and any other duty, levy, or tax, which, in terms of the law or regulation, is binding on the contractor and demonstrably has an influence on the price of any supplies, or the rendering costs of any service, for the execution of the contract;

**“functionality”** means the measurement according to predetermined norms, as set out in the bid documents, of a service or commodity that is designed to be practical and useful, working or operating, taking into account, among other factors, the quality, reliability, viability and durability of a service and the technical capacity and ability of a bidder;

**“non-firm prices”** means all prices other than “firm” prices;

**“person”** includes a juristic person;

**“QSE”** means a Qualifying Small Enterprise as defined by Codes of Good Practice issued in terms of section 9 (1) of the Broad-Based Black Economic Empowerment Act, 2003 ( Act No. 53 of 2003);

**“rand value”** means the total estimated value of a contract in South African currency, calculated at the time of bid invitations, and includes all applicable taxes and excise duties;

**“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;

**“total revenue”** bears the same meaning assigned to this expression in the Codes of Good Practice on Black Economic Empowerment, issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act and promulgated in the *Government Gazette* on 9 February 2007;

**“trust”** means the arrangement through which the property of one person is made over or bequeathed to a trustee to administer such property for the benefit of another person; and

**“trustee”** means any person, including the founder of a trust, to whom property is bequeathed in order for such property to be administered for the benefit of another person.

## **ADJUDICATION USING A POINT SYSTEM**

The bidder obtaining the highest number of total points will be awarded the contract.

Preference points shall be calculated after prices have been brought to a comparative basis taking into account all factors of non-firm prices and all unconditional discounts.

Points scored must be rounded off to the nearest 2 decimal places.

In the event that two or more bids have scored equal total points, the successful bid must be the one scoring the highest number of preference points for B-BBEE.

However, when functionality is part of the evaluation process and two or more bids have scored equal points including equal preference points for B-BBEE, the successful bid must be the one scoring the highest score for functionality.

Should two or more bids be equal in all respects, the award shall be decided by the drawing of lots.

## **POINTS AWARDED FOR PRICE**

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

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

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

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

**80/20**

or

**90/10**

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

Where

$P_s$  = Points scored for comparative price of bid under consideration

$P_t$  = Comparative price of bid under consideration

$P_{\min}$  = Comparative price of lowest acceptable bid

### **POINTS AWARDED FOR B-BBEE STATUS LEVEL OF CONTRIBUTION**

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

| <b>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                                      |

A bidder who qualifies as an EME in terms of the B-BBEE Act must submit a sworn affidavit confirming Annual Total Revenue and Level of Black Ownership.

A Bidder other than EME or QSE must submit their original and valid B-BBEE status level verification certificate or a certified copy thereof, substantiating their B-BBEE rating issued by a Registered Auditor approved by IRBA or a Verification Agency accredited by SANAS.

A trust, consortium or joint venture, will qualify for points for their B-BBEE status level as a legal entity, provided that the entity submits their B-BBEE status level certificate.

A trust, consortium or joint venture will qualify for points for their B-BBEE status level as an unincorporated entity, provided that the entity submits their consolidated B-BBEE scorecard as if they were a group structure and that such a consolidated B-BBEE scorecard is prepared for every separate bid.

Tertiary Institutions and Public Entities will be required to submit their B-BBEE status level certificates in terms of the specialized scorecard contained in the B-BBEE Codes of Good Practice.

A person will not be awarded points for B-BBEE status level if it is indicated in the bid documents that such a bidder intends sub-contracting more than 25% of the value of the contract to any other enterprise that does not qualify for at least the points that such a bidder qualifies for, unless the intended sub-contractor is an EME that has the capability and ability to execute the sub-contract.

A person awarded a contract may not sub-contract more than 25% of the value of the contract to any other enterprise that does not have an equal or higher B-BBEE status level than the person concerned, unless the contract is sub-contracted to an EME that has the capability and ability to execute the sub-contract.

### **BID DECLARATION**

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

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

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

(Points claimed in respect of paragraph 7.1 must be in accordance with the table reflected in paragraph 5.1 and must be substantiated by means of a B-BBEE certificate issued by a Verification Agency accredited by SANAS or a Registered Auditor approved by IRBA or a sworn affidavit.

### **SUB-CONTRACTING**

Will any portion of the contract be sub-contracted?

**(Tick applicable box)**

|     |                          |    |                          |
|-----|--------------------------|----|--------------------------|
| YES | <input type="checkbox"/> | NO | <input type="checkbox"/> |
|-----|--------------------------|----|--------------------------|

If yes, indicate:

What percentage of the contract will be subcontracted? .....%

The name of the sub-contractor.....

The B-BBEE status level of the sub-contractor.....

Whether the sub-contractor is an EME.

**(Tick applicable box)**

|     |                          |    |                          |
|-----|--------------------------|----|--------------------------|
| YES | <input type="checkbox"/> | NO | <input type="checkbox"/> |
|-----|--------------------------|----|--------------------------|

Specify, by ticking the appropriate box, if subcontracting with an enterprise in terms of Preferential Procurement Regulations,2017:

| <b>Designated Group: An EME or QSE which is at least 51% owned by:</b> | <b>EME</b><br>√ | <b>QSE</b><br>√ |
|--|-----------------|-----------------|
| 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                                      |                 |                 |

### **SUBCONTRACTING AS CONDITION OF TENDER**

9.(1) If feasible to subcontract for a contract above R30 million, an organ of state must apply subcontracting to advance designated groups.

(2) If an organ of state applies subcontracting as contemplated in sub regulation (1), the organ of state must advertise the tender with a specific tendering condition that the successful tenderer must subcontract a minimum of 30% of the value of the contract to-

- (a) an EME or QSE;
- (b) an EME or QSE which is at least 51% owned by black people;
- (c) an EME or QSE which is at least 51% owned by black people who are youth;
- (d) an EME or QSE which is at least 51% owned by black people who are women;
- (e) an EME or QSE which is at least 51% owned by black people with disabilities;
- (f) an EME or QSE which is 51% owned by black people living in rural or underdeveloped areas or townships;
- (g) a cooperative which is at least 51% owned by black people;
- (h) an EME or QSE which is at least 51% owned by black people who are military veterans; or
- (i) more than one of the categories referred to in paragraphs (a) to (h).

(3) The organ of state must make available the list of all suppliers registered on a database approved by the National Treasury to provide the required goods or services in respect of the applicable designated groups mentioned in sub regulation (2) from which the tenderer must select a supplier.

### **DECLARATION WITH REGARD TO COMPANY/FIRM**

Name of company/firm: .....

VAT registration number: .....

Company registration number: .....

#### **TYPE OF COMPANY/ FIRM**

- Partnership/Joint Venture / Consortium
- One-person business/sole propriety

- Close corporation
- Company
- (Pty) Limited

[TICK APPLICABLE BOX]

**DESCRIBE PRINCIPAL BUSINESS ACTIVITIES**

.....

.....

.....

**COMPANY CLASSIFICATION**

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

[TICK APPLICABLE BOX]

**MUNICIPAL INFORMATION**

**Municipality where business is situated:** .....

**Registered Account Number:** .....

**Stand Number:** .....

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:

The information furnished is true and correct;

The preference points claimed are in accordance with the General Conditions as indicated in paragraph 1 of this form;

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;

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 –

disqualify the person from the bidding process;

recover costs, losses or damages it has incurred or suffered as a result of that person’s conduct;

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;  
 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  
 forward the matter for criminal prosecution.

10. **Previous experience**

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

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

10.1 **Staffing Profile**

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

| Name | Position in your organization | Qualifications | Experience |
|------|-------------------------------|----------------|------------|
|      |                               |                |            |
|      |                               |                |            |
|      |                               |                |            |
|      |                               |                |            |
|      |                               |                |            |



|  |  |  |  |
|--|--|--|--|
|  |  |  |  |
|  |  |  |  |

**10.2 Infrastructure and resources available to execute this contract**

**10.2.1 Physical facilities**

| Description | Address | Area (m <sup>2</sup> ) |
|-------------|---------|------------------------|
|             |         |                        |
|             |         |                        |
|             |         |                        |
|             |         |                        |
|             |         |                        |
|             |         |                        |
|             |         |                        |

**10.3 Plant and equipment**

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

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

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

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

| <b>Full Name</b> | <b>Identity (ID) Number</b> | <b>% of business/</b> | <b>Residential address</b> |
|------------------|-----------------------------|-----------------------|----------------------------|
|------------------|-----------------------------|-----------------------|----------------------------|

|  | (please attached certified<br>copies of ID's) | enterprise owned |  |
|--|---|------------------|--|
|  |   |                  |  |
|  |   |                  |  |
|  |   |                  |  |
|  |   |                  |  |



### AUTHORITY FOR SIGNATORY(COMPULSORY)

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

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

An example for a company is shown below:

Printed on company letterhead:

“By resolution of the board of directors passed on \_\_\_\_\_ 20 \_\_\_\_\_  
Mr. \_\_\_\_\_  
has been duly authorized to sign all documents in connection with the bid for  
Tender \_\_\_\_\_ No \_\_\_\_\_  
and any Contract, which may arise there from on behalf of  
\_\_\_\_\_  
SIGNED ON BEHALF OF THE COMPANY \_\_\_\_\_  
  
IN HIS CAPACITY AS \_\_\_\_\_  
  
DATE: \_\_\_\_\_  
SIGNATURE OF SIGNATORY: \_\_\_\_\_  
  
AS WITNESSES: 1 \_\_\_\_\_  
  
2 \_\_\_\_\_

10. I/we, the undersigned, who is / are duly authorised to do so on behalf of the company/firm, certify that the points claimed, based on the B-BBE status level of contribution indicated in paragraph 7 of the foregoing certificate, qualifies the company/ firm for the preference(s) shown and I / we acknowledge that:

- (i) The information furnished is true and correct;
- (ii) The preference points claimed are in accordance with the General Conditions as indicated in paragraph 1 of this form.
- (iii) In the event of a contract being awarded as a result of points claimed as shown in paragraph 7, the contractor may be required to furnish documentary proof to the satisfaction of the purchaser that the claims are correct;
- (iv) If the B-BBEE status level of contribution has been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the purchaser may, in addition to any other remedy it may have –
  - (a) disqualify the person from the bidding process;
  - (b) recover costs, losses or damages it has incurred or suffered as a result of that person's conduct;
  - (c) cancel the contract and claim any damages which it has

suffered as a result of having to make less favourable arrangements due to such cancellation;  
 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 forward the matter for criminal prosecution

|  |
|--|
| <p>WITNESSES</p> <p>1. ....</p> <p>2. ....</p> |
|--|

|   |
|---|
| <p>.....<br/>         SIGNATURE(S) OF BIDDERS(S)</p>              |
| <p>DATE: .....</p> <p>ADDRESS .....</p> <p>.....</p> <p>.....</p> |



MBD8

**LESEDI LOCAL MUNICIPALITY  
DECLARATION OF BIDDER'S PAST SUPPLY CHAIN MANAGEMENT  
PRACTICES**

This Municipal Bidding Document must form part of all bids invited.

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.

The bid of any bidder may be rejected if that bidder, or any of its directors have:

abused the municipality's / municipal entity's supply chain management system or committed any improper conduct in relation to such system;  
 been convicted for fraud or corruption during the past five years;  
 willfully neglected, reneged on or failed to comply with any government, municipal or other public sector contract during the past five years; or  
 been listed in the Register for Tender Defaulters in terms of section 29 of the Prevention and Combating of Corrupt Activities Act (No 12 of 2004).

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

| <b>Item</b> | <b>Question</b>  | <b>Yes</b>                          | <b>No</b>                          |
|-------------|--|-------------------------------------|------------------------------------|
| 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> | <p>Yes</p> <input type="checkbox"/> | <p>No</p> <input type="checkbox"/> |
| 4.1.1       | <p>If so, furnish particulars:</p>   |                                     |                                    |

|             |   |                                 |                                |
|-------------|---|---------------------------------|--------------------------------|
| 4.2         | Is the bidder or any of its directors listed on the Register for Tender Defaulters in terms of section 29 of the Prevention and Combating of Corrupt Activities Act (No 12 of 2004)?<br><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> | 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**





## MBD 9

### CERTIFICATE OF INDEPENDENT BID DETERMINATION

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

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.

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)

I have read and I understand the contents of this Certificate;

I understand that the accompanying bid will be disqualified if this Certificate is found not to be true and complete in every respect;

I am authorized by the bidder to sign this Certificate, and to submit the accompanying bid, on behalf of the bidder;

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;

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

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.

In particular, without limiting the generality of paragraphs 6 above, there has been no consultation, communication, agreement or arrangement with any competitor regarding:

prices;

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.

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.

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.**

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

## SWORN AFFIDAVIT – B-BBEE EXEMPTED MICRO ENTERPRISE

I, the undersigned,

|                       |  |
|-----------------------|--|
| Full name and surname |  |
| Identity number       |  |

Hereby declare under oath as follows:

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

|                     |  |
|---------------------|--|
| Enterprise Name     |  |
| Trading Name        |  |
| Registration number |  |
| Enterprise Address  |  |

3. I hereby declare under oath that:

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

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

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

Deponent Signature \_\_\_\_\_

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

Commissioner of Oaths  
Signature and Stamp