



**THEMBISILE HANI LOCAL MUNICIPALITY**  
**PUBLIC NOTICE**  
**17 January 2025**  
**Request for Quotations**

Pursuant to Thembisile Hani Local Municipality's Supply Chain Management Policy, prospective Service Providers are hereby invited to submit quotations for the services and/ or supplies detailed in the table below:

No.	Description	Requirements	Closing Date
01114/21-22	Procurement of Disaster Materials	<ul style="list-style-type: none"> <li>Company registration documents (CK). Proof of company registration with Company Intellectual Property Commission (CIPC) and proof of shareholding.</li> <li>A copy of a valid SARS tax verification PIN.</li> <li>Central Supplier Database (CSD) Summary report not older than 1(one) month must be attached.</li> <li>Complete MBD forms (4, 6, 8 and 9). Must initial every page in the MBD forms</li> <li>Attach an original or a copy of a municipal utility account of the registered Director(s) or Company. Alternatively, attach a copy of the lease agreement along with the utility account of the landlord, whereby the company is leasing the property it is operating from. The utility account submitted must not be in arrears for more than 90 days.</li> <li>Bank stamped letter from the bank not older than three (03) months</li> </ul>	24 January 2025 @ 12:00

00682/21-22	Procurement of Catering Services (Breakfast for 200)	<ul style="list-style-type: none"> <li>• Company registration documents (CK). Proof of company registration with Company Intellectual Property Commission (CIPC) and proof of shareholding.</li> <li>• A copy of a valid SARS tax verification PIN.</li> <li>• Central Supplier Database (CSD) Summary report not older than 1(one) month must be attached.</li> <li>• Complete MBD forms (4, 6, 8 and 9). Must initial every page in the MBD forms.</li> <li>• Attach an original or a copy of a municipal utility account of the registered Director(s) or Company. Alternatively, attach a copy of the lease agreement along with the utility account of the landlord, whereby the company is leasing the property it is operating from. The utility account submitted must not be in arrears for more than 90 days.</li> <li>• Bank stamped letter from the bank not older than three (03) months.</li> <li>• A valid health certificate issued by health inspectors of the Municipality.</li> </ul>	24 January 2025 @ 12:00
00682/21-22	Procurement of Catering Services (Lunch for 300 including water)	<ul style="list-style-type: none"> <li>• Company registration documents (CK). Proof of company registration with Company Intellectual Property Commission (CIPC) and proof of shareholding.</li> <li>• A copy of a valid SARS tax verification PIN.</li> <li>• Central Supplier Database (CSD) Summary report not older than 1(one) month must be attached.</li> <li>• Complete MBD forms (4, 6, 8 and 9). Must initial every page in the MBD forms.</li> <li>• Attach an original or a copy of a municipal utility account of the registered Director(s) or Company. Alternatively, attach a copy of the lease agreement along with the utility account of the landlord, whereby the company is leasing the property it is operating from. The utility account submitted must not be in arrears for more than 90 days.</li> <li>• Bank stamped letter from the bank not older than three (03) months.</li> </ul>	24 January 2025 @ 12:00

		<ul style="list-style-type: none"> <li>• A valid health certificate issued by health inspectors of the Municipality.</li> </ul>	
00683/21-22	Procurement of Data Management and Data Verification System Services.	<ul style="list-style-type: none"> <li>• Company registration documents (CK). Proof of company registration with Company Intellectual Property Commission (CIPC) and proof of shareholding.</li> <li>• A copy of a valid SARS tax verification PIN.</li> <li>• Central Supplier Database (CSD) Summary report not older than 1(one) month must be attached.</li> <li>• Complete MBD forms (4, 6, 8 and 9). Must initial every page in the MBD forms</li> <li>• Attach an original or a copy of a municipal utility account of the registered Director(s) or Company. Alternatively, attach a copy of the lease agreement along with the utility account of the landlord, whereby the company is leasing the property it is operating from. The utility account submitted must not be in arrears for more than 90 days.</li> <li>• Bank stamped letter from the bank not older than three (03) months.</li> <li>• Registration with any of the following SAQA accredited Professional Bodies: <ul style="list-style-type: none"> <li>1. IITPSA – Institute of Information Technology Professional South Africa, or</li> </ul> </li> <li>• ICITP – The Institute of Chartered IT Professionals.</li> </ul>	24 January 2025 @ 12:00



**Written quotation(s)** in a sealed envelope (s) **marked with the description** mentioned above, together with such additional documentation as indicated may be submitted/ deposited in the Municipal Tender Box (Municipal Offices in Mthombomuhle) which will be emptied on Thursday, the 24<sup>th</sup> of January 2025 at 12h00.

SCM inquiries may be directed to Mr. Simon Nkadimeng at Tel: (013) 986 9165/9153, E-mail: [NkadimengS@thembisilehanilm.gov.za](mailto:NkadimengS@thembisilehanilm.gov.za). The following Officials may be contacted during office Hours for Technical Enquiries.

- Procurement of Disaster Materials: Mr TJ Mtsweni at Tel: (013) 986 9100, E-mail: [MtsweniT@thembisilehanilm.gov.za](mailto:MtsweniT@thembisilehanilm.gov.za).
- Procurement of Catering Services: Ms P.Mahlangu at Tel: (013) 986 9104, E-mail: [MahlanguP@thembisilehanilm.gov.za](mailto:MahlanguP@thembisilehanilm.gov.za).
- Procurement of Data Management and Data Verification Systems: Ms L. Sehlako at Tel: (013) 986 9187, E-mail: [SchlakoL@thembisilehanilm.gov.za](mailto:SchlakoL@thembisilehanilm.gov.za)

MBD forms and specifications may be collected from the Municipal Office No. 16, 17, 18 & 21 during office hours from the 17<sup>th</sup> of January 2025 or alternatively downloaded from the municipal website at [www.thembisilehanilm.gov.za](http://www.thembisilehanilm.gov.za)

The Municipality reserves the right to withdraw any invitation to quote and/ or to re-advertise or to reject any quotation or to accept a part of it. No awards will be made to a person who:

- Is in the service of the state,
- If that person is not a natural person, of which any director, manager, principal shareholder or stakeholder is a person in the service of the state, or
- Who is an advisor or consultant contracted with the municipality or municipal entity.

Quotations will be evaluated in terms of compliance and the 80/20 Preference Point System, wherein 80 is for Price and 20 for Specific Goals. The Municipality does not bind itself to accepting the lowest quotation. Facsimiles or e-mailed documents will not be accepted.

  
**Mrs J.G Mahlangu**  
**Chief Financial Officer**

  
**Mr. D.J.D. Mahlangu**  
**Municipal Manager**



**Request for Quotations**  
**RFQ No: 00682/21-22**  
**Procurement of Catering Services**  
**(Breakfast for 200 people)**

**RFQ DATA**

**REQUEST FOR QUOTATION DATA**

Clause			
1	<p>The Employer is:</p> <p>Thembisile Hani Local Municipality</p> <p>Stand No.24, Opposite Police Station</p> <p>Kwaggafontein C</p> <p>Mpumalanga</p> <p>0458</p>		
2	<p><b>The RFQ document's contents is as follows:</b></p> <p><b>Part 1: Request For Quotation procedures:</b></p> <ul style="list-style-type: none"> <li>- RFQ notice and invitation</li> <li>- RFQ Data</li> </ul> <p><b>Part 2: Returnable documents</b></p> <ul style="list-style-type: none"> <li>-MBD Forms required for RFQ Evaluation</li> </ul> <p><b>Part 2: Pricing data</b></p> <ul style="list-style-type: none"> <li>- Pricing instructions</li> <li>- Specifications</li> </ul> <p><b>Part 4: Annexures</b></p>		
3	<p><b>Interpretation</b></p> <p>The RFQ data and additional requirements contained in the RFQ schedules that are included in the returnable documents are deemed to be part of these RFQ conditions.</p>		
4	<p><b>Communication.</b></p> <p>The Employer's Representative is;</p> <table border="1" style="width: 100%;"> <tr> <td style="width: 50%; vertical-align: top;"> <p><b><u>Procurement Enquiries:</u></b></p> <p>Ms. P. Sibiya</p> <p>Private Bag X4041</p> <p>Kwaggafontein C</p> <p>Mpumalanga</p> <p>0458</p> <p>Tel : 013 986 9153</p> </td><td style="width: 50%; vertical-align: top;"> <p><b><u>Technical Enquiries:</u></b></p> <p>Ms. P. Mahlangu</p> <p>Private Bag X4041</p> <p>Kwaggafontein C</p> <p>Mpumalanga</p> <p>0458</p> <p>Tel : 013 986 9104</p> </td></tr> </table>	<p><b><u>Procurement Enquiries:</u></b></p> <p>Ms. P. Sibiya</p> <p>Private Bag X4041</p> <p>Kwaggafontein C</p> <p>Mpumalanga</p> <p>0458</p> <p>Tel : 013 986 9153</p>	<p><b><u>Technical Enquiries:</u></b></p> <p>Ms. P. Mahlangu</p> <p>Private Bag X4041</p> <p>Kwaggafontein C</p> <p>Mpumalanga</p> <p>0458</p> <p>Tel : 013 986 9104</p>
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**(Breakfast for 200 people)**

	<p>Attention is drawn to the fact that verbal communication given by the Employer's representative prior to the close of request for quotations will not be regarded as binding on the employer. Only information issued formally by the employer in writing to the tenders, under the signature of the Accounting Officer or his nominee will be regarded as amending the request for quotation documents. RFQ offer communicated on paper shall be submitted as an original.</p> <p>In the event that no correspondence or communication is received from the THLM within Seven (07) days after the stipulated closing date and time of the RFQ, the RFQ proposal will be deemed to be unsuccessful.</p>
5	<p><b>The Employer's right to accept or reject any RFQ offer</b></p> <p>The employer has the right not to accept the lowest RFQ and to accept the whole or part of any RFQ or not to consider any RFQ not suitably endorsed is fully reserved by the Thembisile Hani Local Municipality.</p>
6	<p><b>Cost of RFQ</b></p> <p>The employer will not compensate the bidder for any costs incurred in the preparation and submission of a RFQ offer, including the cost of any testing necessary to demonstrate that aspects of the offer satisfy requirements.</p>
7	<p><b>Check documents</b></p> <p>The Bidder should check the RFQ documents on receipt for completeness and notify the employer of any discrepancy or omission.</p>
8	<p><b>Confidentiality and Copyright of Documents.</b></p> <p>Treat as confidential all matters arising in connection with the RFQ. Use and copy the documents issued by the employer only for the purpose of preparing and submitting a RFQ offer in response to the invitation</p>
9	<p><b>Submitting RFQ offer:</b></p> <p>No RFQ document will be considered unless submitted on Council's RFQ Document</p> <p>Return all the RFQ documents to the employer after completing them.</p> <p>RFQ's must be deposited in the tender box clearly marked with project description.</p> <p><b>Location of tender Box:</b> Thembisile Hani Local Municipality Building, municipal entrance.</p> <p><b>Physical Address:</b> Thembisile Hani Local Municipality, Stand No.24 Kwaggafontein C, Mpumalanga, 0458.</p> <p>Telephonic, telegraphic, telex, facsimile or emailed RFQ's will not be considered</p> <p>All RFQs received by the Thembisile Hani Local Municipality will remain in the Municipality's possession until after the stipulated closing date and time.</p> <p>Accept that a RFQ submitted to the employer cannot be withdrawn or substituted. No substitute RFQ will be considered</p>
10	<p><b>Closing Time:</b></p>



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	<p>The time and location for opening of the RFQs offers are:</p> <p><b>Closing Time:</b> 12h00pm</p> <p><b>Closing Date:</b> 24 January 2025</p> <p><b>Location:</b>  Thembisile Hani Local  Municipality  Stand No.24 Kwaggafontein C  Mpumalanga  0458.</p> <p>RFQ's will be opened in public at the same time.</p>
	<p>After the opening of the RFQ proposals, no information relating to the clarification, determination of responsiveness, evaluation and comparison of RFQ proposals and recommendations concerning the award of the RFQ shall be disclosed to any other tenderer or persons not concerned with such process until the award of the RFQ has been announced by the THLM.</p>
11	<p><b>Pricing the RFQ</b></p> <p>State the rates and prices in Rands</p>
12	<p><b>Alterations to the RFQ Documents.</b></p> <p><b>No</b> alterations may be made to the RFQ document issued by the employer.</p> <p>Proposals and any other supporting documents must be attached to the back of this RFQ document.</p>
13	<p><b>Alternative RFQ offer.</b></p> <p><b>No</b> alternative RFQs offers will be considered or accepted</p> <p>Alternative offers may be submitted only if a main RFQ offer, strictly in accordance with all the requirements of the RFQ document is also submitted. The alternative RFQ offer is to be submitted with the main RFQ offer together with a schedule that compares the requirements of the RFQ document with the alternative requirements the bidder proposes.</p>
14	<p><b>Declaration Certificate for Local Production and Content for Designated Sectors</b></p> <p>Local content is applicable.</p>
15	<p><b>Bidder clarification after submission</b></p> <p>The RFQ may be regarded as non-responsive if the bidder fails to provide clarification requested by the employer within the time for submission stated in the employer's written request.</p>
16	<p><b>RFQ evaluation points</b></p> <p>The value of this bid is estimated not to exceed R300 000.00 (all applicable taxes included) and therefore the 80/20 point system shall be applicable.</p>
	<p>Preference points for this bid shall be awarded for:</p> <ul style="list-style-type: none"> <li>(a) Price; and</li> <li>(b) Specific Goals.</li> </ul>



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17	<p>The maximum points for this bid are allocated as follows:</p> <table border="1"> <tr> <td></td><td><b>POINTS</b></td></tr> <tr> <td><b>PRICE</b></td><td><b>80</b></td></tr> <tr> <td><b>Specific Goals</b></td><td><b>20</b></td></tr> <tr> <td><b>Total points for Price and Specific Goals must not exceed</b></td><td><b>100</b></td></tr> </table>		<b>POINTS</b>	<b>PRICE</b>	<b>80</b>	<b>Specific Goals</b>	<b>20</b>	<b>Total points for Price and Specific Goals must not exceed</b>	<b>100</b>
	<b>POINTS</b>								
<b>PRICE</b>	<b>80</b>								
<b>Specific Goals</b>	<b>20</b>								
<b>Total points for Price and Specific Goals must not exceed</b>	<b>100</b>								
18.	<p><b>Evaluation of RFQs</b></p> <p>The bidders notice is drawn to the fact that the evaluation, adjudication and awarding of this RFQ will be terms of the Supply Chain Management Policy of the THLM.</p> <p><b>The following steps will be followed in evaluation;</b></p> <ol style="list-style-type: none"> <li>1. Determine whether the RFQs offers are complete or not.</li> <li>2. Determine whether the RFQ offers are responsive or not.</li> <li>3. Assess the reasonableness of RFQ offers.</li> <li>4. Confirmation of the eligibility of preferential points claimed by bidders.</li> <li>5. Determination of expertise and experience of bidders.</li> <li>6. Awarding of points for financial offer.</li> <li>7. Ranking of bidders according to the total points</li> <li>8. Performance of risk analysis by checking the credit record of the bidders</li> </ol>								
19	<p><b>Size of enterprise and current workload</b></p> <p><b>Evaluation of the Bidder's position in terms of:</b></p> <ol style="list-style-type: none"> <li>1. Previous and expected current annual turnover</li> <li>2. Current contractual obligations</li> <li>3. Capacity to execute the contract</li> </ol>								
	<p>The bidder shall provide documentation of company experience of each member of the Consortium/Joint Venture related projects.</p>								
20	<p><b>Financial ability to execute the RFQ:</b></p> <p>Evaluation of the Bidder's financial ability to execute the contract. Emphasis will be placed on the following:</p> <ul style="list-style-type: none"> <li>▪ Contact the Bidder's bank manager to assess the Bidder's financial ability to execute the RFQ and the Bidder hereby grants his consent for this purpose.</li> </ul>								

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21	<b>Good standing with SA Revenue Services</b> <ul style="list-style-type: none"> <li>Determine whether a valid Tax Compliance letter with a unique PIN in terms of the electronic Tax Compliance Status (TCS) system from SARS has been submitted.</li> </ul>
	If the Bidder does <b>not</b> meet the requirements contained in the THLM Procurement Policy, and the mentioned framework, it will be rejected by the Council, and may not subsequently be made acceptable by correction or withdrawal of the non-conforming deviation or reservation.
22	<b>Penalties</b> <p>The Thembisile Hani Local Municipality will if upon investigation it is found that a preference in terms of the Act and these regulations has been obtained on a fraudulent basis, or any specified goals are not attained in the performance of the contract, on discretion of the Municipal Manager, one or more of the following penalties will be imposed:</p> <ul style="list-style-type: none"> <li>Cancel the contract and recover all losses or damages incurred or sustained from the Bidder.</li> <li>Impose a financial penalty at the discretion of Council</li> <li>Restrict the contractor, its shareholders and directors on obtaining any business from the Thembisile Hani Local Municipality for a period of 5 years.</li> </ul>
23	<b>Evaluation Method 4</b> <p>Which entails the balance between financial offer, preferences and Quality and 80-20 points system, will be adopted.</p>

## FORM A: EVALUATION SCHEDULE: RFQ COMPLIANCE

### RFQ compliance by the contracting Firm

It must be noted that a total of **35 points** must be obtained by the contracting firm in relation to the requirements as mentioned on the table below failure which a bidder shall be automatically eliminated from any further evaluation.

Evaluation Criteria	Evaluation Criteria	Elimination Factor	Points obtainable	Points Claimed
Company registration (Note 01)	Proof of company registration with Company Intellectual Property Commission (CIPC) and proof of shareholding	Yes	5	
Tax PIN Verification (Note 02)	Proof of Tax registration and compliance with South African Revenue Services (SARS)	Yes	5	
CSD Report (Note 03)	A copy of the CSD report of the company which is not older than 1 (one) month must be attached.		5	
Completing the RFQ document (Note 04)	Must initial every page in the MBD forms, signing and fill the MBD form in full.	Yes	5	



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Municipal account (Note 05)	A statement of the municipal account, which does not owe municipal services for more than 90 days must be attached.	Yes	5	
Bank Confirmation Letter (Note 06)	Bank stamped letter from the bank not older than three (03) months.	Yes	5	
Valid Health Certificate (Note 07)	A valid health certificate issued by health inspectors of the Municipality.	Yes	5	
<b>Total 35 points</b>				

**Note 01: Company registration**

Proof of company registration with Company Intellectual Property Commission (CIPC) and proof of shareholding.

**Note 02: Tax PIN Verification**

Proof of Tax registration and compliance with South African Revenue Services (SARS).

**Note 03: CSD Report**

A copy of the CSD report of the company which is not older than 1 (one) month must be attached.

**Note 04: Completing the RFQ document**

Must initial every page in the MBD forms, signing and fill the MBD form in full.

**Note 05: Municipal Account**

Attach an original or a copy of a municipal utility account (not older than three (3) months) and the account must not be in arrears for more than 90 days of any of the registered director(s) or company. Attach a copy of the lease agreement along with the utility account of the Landlord, whereby the company is leasing the property it is operating from. Failure to attach the municipal statement of account shall warrant an automatic elimination of the RFQ from any further evaluation.

**Note 06: Bank confirmation Letter**

Bank stamped letter from the bank not older than three (03) months.

**Note 07: Health Certificate**

A valid health certificate issued by health inspectors of the Municipality.



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*The undersigned, who warrants that he / she is duly authorised to do so on behalf of the enterprise,  
Confirms that the contents of this schedule are within my personal knowledge and are to the best of  
my belief both true and correct.*

**Person Authorized to sign the RFQ:**

**FULL NAME:** .....

**SIGNATURE:** ..... **DATE:** .....



**Thembisile Hani Local  
Municipality**

**Corporate Services  
Department**

**specification**

**BREAKFAST SPECIFICATION FOR 200 PEOPLE**

<b><u>DESCRIPTION</u></b>	<b><u>QUANTITY</u></b>
1. Tea /Coffee/ Juice	For 200 people
2. Platter (Muffins / Scones / Sandwiches)	
3. Fruits	
4. Bottled water	1000

# THEMBISILE HANI LOCAL MUNICIPALITY

## MUNICIPAL BIDDING DOCUMENTS (MBD FORMS)



**COMPANY NAME :** \_\_\_\_\_

**CSD NUMBER :** \_\_\_\_\_

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

**REQUISITION NO. :** \_\_\_\_\_

**DESCRIPTION :** \_\_\_\_\_

\_\_\_\_\_

**CONTACT PERSON :** \_\_\_\_\_

**CONTACT NUMBER:** \_\_\_\_\_

**E-MAIL ADDRESS :** \_\_\_\_\_

### PLEASE NOTE:

1. Prospective suppliers must be registered on the CSD prior to submitting quotations.
2. Quotations that are deposited in the incorrect box will not be considered.
3. This quotation is subject to the Preferential Procurement Policy Framework Act and the Preferential Procurement Regulations, 2022, the General Conditions of contract (GCC) and, if applicable, any other special conditions of contract.
4. Mailed, telegraphic, telex, or faxed quotations will not be accepted.
5. No late quotations after the applicable closing date and time will be accepted.
6. Quotations not clearly marked will not be accepted.
7. Scratching out without initialling next to the amended rates or information, writing over / painting out rates / the use of correction fluid (without initializing) or use of any erasable ink, e.g. pencil, will lead to automatic disqualification of the quotation.
8. Quotations may only be submitted on the quotation documentation provided by the municipality. No awards will be made to a person:
  - i. Who is in the service of the state,
  - ii. If that person is not a natural person, of which any director, manager, principal shareholder or stakeholder is a person in the service of the state.
  - iii. Who is an advisor or consultant contracted with the municipality or municipal entity.



## PART A INVITATION TO BID

**YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THEMBISILE HANI LOCAL MUNICIPALITY**

BID NUMBER:		CLOSING DATE:		CLOSING TIME:	
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DESCRIPTION	
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**THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (MBD7).**

BID RESPONSE DOCUMENTS MAY BE DEPOSITED IN THE  
BID BOX SITUATED AT:

**STAND NO. 24 OPPOSITE POLICE STATION**

**KWAGGAFONTEIN C (MTHOMBOMUHLE)**

**EMPUMALANGA**

**0458**

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

**The bid box is generally open 24 hours a day, 7 days a week.**

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

- 1.1. BIDS MUST BE DELIVERED BY THE STIPULATED TIME TO THE CORRECT ADDRESS. LATE BIDS WILL NOT BE ACCEPTED FOR CONSIDERATION.
- 1.2. **ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS PROVIDED (NOT TO BE RE-TYPED) OR ONLINE**
- 1.3. THIS BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT AND THE PREFERENTIAL PROCUREMENT REGULATIONS THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER SPECIAL CONDITIONS OF CONTRACT.

**1. TAX COMPLIANCE REQUIREMENTS**

- 2.1 BIDDERS MUST ENSURE COMPLIANCE WITH THEIR TAX OBLIGATIONS.
- 2.2 BIDDERS ARE REQUIRED TO SUBMIT THEIR UNIQUE PERSONAL IDENTIFICATION NUMBER (PIN) ISSUED BY SARS TO ENABLE THE ORGAN OF STATE TO VIEW THE TAXPAYER'S PROFILE AND TAX STATUS.
- 2.3 APPLICATION FOR THE TAX COMPLIANCE STATUS (TCS) CERTIFICATE OR PIN MAY ALSO BE MADE VIA E-FILING. IN ORDER TO USE THIS PROVISION, TAXPAYERS WILL NEED TO REGISTER WITH SARS AS E-FILERS THROUGH THE WEBSITE [WWW.SARS.GOV.ZA](http://WWW.SARS.GOV.ZA).
- 2.4 FOREIGN SUPPLIERS MUST COMPLETE THE PRE-AWARD QUESTIONNAIRE IN PART B:3.
- 2.5 BIDDERS MAY ALSO SUBMIT A PRINTED TCS CERTIFICATE TOGETHER WITH THE BID.
- 2.6 IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED, EACH PARTY MUST SUBMIT A SEPARATE TCS CERTIFICATE / PIN / CSD NUMBER.
- 2.7 WHERE NO TCS IS AVAILABLE BUT THE BIDDER IS REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD), A CSD NUMBER MUST BE PROVIDED.

**2. QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS**

- |  |  |
|--|--|
| 3.1. IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)? | <input type="checkbox"/> YES <input type="checkbox"/> NO |
| 3.2. DOES THE ENTITY HAVE A BRANCH IN THE RSA?                       | <input type="checkbox"/> YES <input type="checkbox"/> NO |
| 3.3. DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA?      | <input type="checkbox"/> YES <input type="checkbox"/> NO |

3.4. DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA?

☐ YES ☐ NO

3.5. IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION?

☐ 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.

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:

.....

**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** .....

**CELLPHONE NUMBER** .....

**E-MAIL ADDRESS** .....

**VAT REG. NO.** .....

**TOTAL BID PRICE:** .....

**TOTAL NUMBER OF ITEMS OFFERED** .....

**SIGNATURE OF BIDDER** .....

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

**DATE** .....



## 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, 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) 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**

## MBD 6.1

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

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

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

#### 1. GENERAL CONDITIONS

1.1 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).

1.2 **To be completed by the organ of state**

*(delete whichever is not applicable for this tender).*

- a) The applicable preference point system for this tender is the 90/10 preference point system.
- b) The applicable preference point system for this tender is the 80/20 preference point system.
- c) Either the 90/10 or 80/20 preference point system will be applicable in this tender. The lowest/ highest acceptable tender will be used to determine the accurate system once tenders are received.

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

- (a) Price; and
- (b) Specific Goals.

1.4 **To be completed by the organ of state:**

The maximum points for this tender are allocated as follows:

CRITERIA	POINTS
PRICE	80
SPECIFIC GOALS	20
Total points for PRICE and SPECIFIC GOALS	100

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

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

## 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. FORMULAE FOR PROCUREMENT OF GOODS AND SERVICES

### 3.1. POINTS AWARDED FOR PRICE

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

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

$$\begin{array}{ccc} 80/20 & \text{or} & 90/10 \\ P_s = 80 \left( 1 - \frac{P_t - P_{min}}{P_{min}} \right) & \text{or} & P_s = 90 \left( 1 - \frac{P_t - P_{min}}{P_{min}} \right) \end{array}$$

Where

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

$P_t$  = Price of tender under consideration

$P_{min}$  = Price of lowest acceptable tender

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

#### 3.2.1. POINTS AWARDED FOR PRICE

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

$$\begin{array}{ccc} 80/20 & \text{or} & 90/10 \\ P_s = 80 \left( 1 + \frac{P_t - P_{max}}{P_{max}} \right) & \text{or} & P_s = 90 \left( 1 + \frac{P_t - P_{max}}{P_{max}} \right) \end{array}$$

Where

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

$P_t$  = Price of tender under consideration

$P_{max}$  = Price of highest acceptable tender



#### 4. POINTS AWARDED FOR SPECIFIC GOALS

- 4.1. In terms of Regulation 4(2); 5(2); 6(2) and 7(2) of the Preferential Procurement Regulations, preference points must be awarded for specific goals stated in the tender. For the purposes of this tender the tenderer will be allocated points based on the goals stated in table 1 below as may be supported by proof/ documentation stated in the conditions of this tender:
- 4.2. In cases where organs of state intend to use Regulation 3(2) of the Regulations, which states that, if it is unclear whether the 80/20 or 90/10 preference point system applies, an organ of state must, in the tender documents, stipulate in the case of—
- (a) an invitation for tender for income-generating contracts, that either the 80/20 or 90/10 preference point system will apply and that the highest acceptable tender will be used to determine the applicable preference point system; or
  - (b) any other invitation for tender, that either the 80/20 or 90/10 preference point system will apply and that the lowest acceptable tender will be used to determine the applicable preference point system,
- then the organ of state must indicate the points allocated for specific goals for both the 90/10 and 80/20 preference point system.

**Table 1: Specific goals for the tender and points claimed are indicated per the table below.**

*(Note to organs of state: Where either the 90/10 or 80/20 preference point system is applicable, corresponding points must also be indicated as such.)*

*Note to tenderers: The tenderer must indicate how they claim points for each preference point system.)*

The specific goals allocated points in terms of this tender	Number of points allocated (80/20 system) (To be completed by the organ of state)	Number of points claimed (80/20 system) (To be completed by the tenderer)
Women	5	
Youth	5	
Disability	3	
Service Providers within Mpumalanga Province	5	
Service Providers from outside the Province	2	

#### DECLARATION WITH REGARD TO COMPANY/FIRM

- 4.3. Name of company/firm.....
- 4.4. Company registration number: .....
- 4.5. TYPE OF COMPANY/ FIRM
- ☐ Partnership/Joint Venture / Consortium
  - ☐ One-person business/sole propriety
  - ☐ Close corporation
  - ☐ Public Company

- ☐ Personal Liability Company
  - ☐ (Pty) Limited
  - ☐ Non-Profit Company
  - ☐ State Owned Company
- [TICK APPLICABLE BOX]

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

- i) The information furnished is true and correct;
- ii) The preference points claimed are in accordance with the General Conditions as indicated in paragraph 1 of this form;
- iii) In the event of a contract being awarded as a result of points claimed as shown in paragraphs 1.4 and 4.2, the contractor may be required to furnish documentary proof to the satisfaction of the organ of state that the claims are correct;
- iv) If the specific goals have been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the organ of state may, in addition to any other remedy it may have –
  - (a) disqualify the person from the tendering process;
  - (b) recover costs, losses or damages it has incurred or suffered as a result of that person's conduct;
  - (c) cancel the contract and claim any damages which it has suffered as a result of having to make less favourable arrangements due to such cancellation;
  - (d) recommend that the tenderer or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, be restricted from obtaining business from any organ of state for a period not exceeding 10 years, after the *audi alteram partem* (hear the other side) rule has been applied; and
  - (e) forward the matter for criminal prosecution, if deemed necessary.

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

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

**DATE:** .....

**ADDRESS:** .....

.....



## MBD 6.2

### 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, 2017, 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, 2017 (Regulation 8) make provision for the promotion of local production and content.
- 1.2. Regulation 8.(2) prescribes that in the case of designated sectors, organs of state must advertise such tenders with the specific bidding condition that only locally produced or manufactured goods, with a stipulated minimum threshold for local production and content will be considered.
- 1.3. Where necessary, for tenders 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 South African Reserve Bank (SARB) at 12:00 on the date of advertisement of the bid as indicated 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_development/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. The stipulated minimum threshold(s) for local production and content (refer to Annex A of SANS 1286:2011) for this bid is/are as follows:

3. Does any portion of the goods or services offered have any imported content?  
(Tick applicable box)

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



- 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.**

**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 Institution):  
.....

NB

- 1 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.
- 2 Guidance on the Calculation of Local Content together with Local Content Declaration Templates (Annex C, D and E) is accessible on [http://www.thdti.gov.za/industrial\\_development/ip.jsp](http://www.thdti.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; and
- (c) The local content percentage (%) 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 / Institution 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 / Institution imposing any or all of the remedies as provided for in Regulation 14 of the Preferential Procurement Regulations, 2017 promulgated under the Preferential Policy Framework Act (PPPFA), 2000 (Act No. 5 of 2000).

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

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

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

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

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

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



## Local Content Declaration - Summary Schedule

Tender No.	
Tender description:	
Designated product(s)	
Tender Authority:	
Tendering Entity name:	
Tender Exchange Rate:	
Specified local content %	

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

	Pula	EU	GBP
1990			
1991			
1992			
1993			
1994			
1995			
1996			
1997			
1998			
1999			
2000			
2001			
2002			
2003			
2004			
2005			
2006			
2007			
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2014			
2015			
2016			
2017			
2018			
2019			
2020			
2021			
2022			
2023			
2024			
2025			
2026			
2027			
2028			
2029			
2030			

[illegible]



[illegible]

**Signature of tenderer from Annex B**

Date:

(C2.1) Total Exempt imported content		(C2.3) Total Imported content
(C2.2) Total Tender value net of exempt imported content		
		(C2.4) Total local content
		(C2.5) Average local content % of tender

(C23) Total Imported content	
(C24) Total local content	
(C25) Average local content % of tender	

## ANNEX D

## Imported Content Declaration - Supporting Schedule to Annex C

(D1) Tender No.					
(D2) Tender description: Designated Products:					
(D3) Tender Authority:					
(D4) Tendering Entity name:					
(D5) Tender Exchange Rate:					
(D6)					

Note: VAT to be excluded from all calculations

R 12.00  
 GBP  
 R 9.00  
 EU  
 Pula

## A. Exempted imported content

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
(D7)	(D8)	(D9)	(D10)	(D11)	(D12)	(D13)	(D14)	(D15)	(D16)

## Summary

Tender Qty	Exempted imported value
(D17)	(D18)

(D19) Total exempt imported value R 0

This total must correspond with Annex C - C21

### Calculation of imported content

[illegible]

## Tender Qty

Tender Qty	Total imported value
(D30)	(D31)
(D32)Total imported value by tenderer	R 0

### Calculation of imported content

[illegible]

## Quantity imported

Quantity imported	Total imported value
(D43)	(D44)
(D45) Total imported value by 3rd party	R 0



D. Other foreign  
currency  
payments

Calculation of foreign currency payments			
Type of payment	Local supplier making the payment	Overseas beneficiary	Foreign currency value paid
(D46)	(D47)	(D48)	(D49)
			(D50)

Signature of tenderer from  
Annex B

Date:

Summary of payments

Local value of  
payments

(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

R 0

This total must correspond with Annex C - C 23

## 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 (Goods, Services and Works)	Description of items purchased	Local suppliers	Value
	(E6)	(E7)	(E8)
(E9) Total local products (Goods, Services and Works)			R 0

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

R 0

(E11) **Factory overheads** (Rental, depreciation & amortisation, utility costs, consumables etc.) R 0

(E12) **Administration overheads and mark-up** (Marketing, insurance, financing, interest etc.) R 0

(E13) **Total local content** R 0

**This total must correspond with Annex C - C24**

Signature of tenderer from Annex B

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



## MBD 8

### DECLARATION OF BIDDER'S PAST SUPPLY CHAIN MANAGEMENT PRACTICES

- 1 This Standard Bidding Document must form part of all bids invited.
- 2 It serves as a declaration to be used by institutions 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 disregarded if that bidder, or any of its directors have-
  - a. abused the institution's supply chain management system;
  - b. committed fraud or any other improper conduct in relation to such system; or
  - c. failed to perform on any previous contract.
- 4 In order to give effect to the above, the following questionnaire must be completed and submitted with the bid.

Item	Question	Yes	No
4.1	Is the bidder or any of its directors listed on the National Treasury's database as companies or persons prohibited from doing business with the public sector? <b>(Companies or persons who are listed on this database were informed in writing of this restriction by the National Treasury after the <i>audi alteram partem</i> rule was applied).</b>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.1.1	If so, furnish particulars:		
4.2	Is the bidder or any of its directors listed on the Register for Tender Defaulters in terms of section 29 of the Prevention and Combating of Corrupt Activities Act (No 12 of 2004)? <b>To access this Register enter the National Treasury's website, <a href="http://www.treasury.gov.za">www.treasury.gov.za</a>, click on the icon "Register for Tender Defaulters" or submit your written request for a hard copy of the Register to facsimile number (012) 3265445.</b>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.2.1	If so, furnish particulars:		
4.3	Was the bidder or any of its directors convicted by a court of law (including a court outside of the Republic of South Africa) for fraud or corruption during the past five years?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.3.1	If so, furnish particulars:		
4.4	Was any contract between the bidder and any organ of state terminated during the past five years on account of failure to perform on or comply with the contract?	Yes <input type="checkbox"/>	No <input type="checkbox"/>

4.4.1	If so, furnish particulars:
-------	-----------------------------

**CERTIFICATION**

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

**-END-**