City of Johannesburg

Johannesburg Water SOC Ltd

Turbine Hall
65 Ntemi Piliso Street
Newtown
Johannesburg

Johannesburg Water
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Marshalltown
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www.johannesburgwater.co.za

REQUEST FOR PRICING (GOODS AND SERVICES)	Form No: JW SCM Dev MBD1 Revision No: 02 Effective Date: February 2023

RFQ NUMBER:	JW RFP 29/08/2023 MS	**CLOSING DATE:**	05 September 2023	**CLOSING TIME:**	12:00
DESCRIPTION:	**HIRE OF VACUUM TANKERS FOR DESLUDGING FOR A PERIOD NOT EXCEEDING SIX (6) MONTHS.**				
BRIEFING SESSION DATE AND TIME	N/A	**BRIEFING SESSION VENUE**	N/A		
ISSUE DATE	29 AUGUST 2023				

BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO:			
Bidding procedure enquiries must be sent to:		**Technical enquiries must be directed to:**	
CONTACT PERSON	Mapule Setaka	**CONTACT PERSON**	Nosipho Mokoena
TELEPHONE NUMBER	011 688 1574	**TELEPHONE NUMBER**	011 688 1585
E-MAIL ADDRESS	mapule.setaka@jwater.co.za	**E-MAIL ADDRESS**	nosipho.mokoena@jwater.co.za

SUPPLIER INFORMATION				
NAME OF BIDDER				
POSTAL ADDRESS				
STREET ADDRESS				
TELEPHONE NUMBER	**CODE**		**NUMBER**	
CELLPHONE NUMBER				
FACSIMILE NUMBER	**CODE**		**NUMBER**	
E-MAIL ADDRESS 1				
E-MAIL ADDRESS 2				
VAT REGISTRATION NUMBER		**CIDB GRADING**	N/A	
SUPPLIER COMPLIANCE STATUS	**TAX COMPLIANCE SYSTEM PIN:**		**CENTRAL SUPPLIER DATABASE No:**	MAAA

Directors:

Ms Gugulethu Phakathi (Chairperson), Mr Ntshavheni Mukwevho (Managing Director and Executive Director),
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B-BBEE VERIFICATION CERTIFICATE	[TICK APPLICABLE BOX] ☐Yes ☐No	**B-BBEE SWORN AFFIDAVIT** (EMEs OR QSEs)	[TICK APPLICABLE BOX] ☐Yes ☐No

BID SUBMISSION:

- Bids must be submitted by the stipulated time to mapule.setaka@jwater.co.za
- **All pricing/quotation must be submitted by completing the attached or on the official company letterhead, signed and accompanied by the returnable documents stated below.**
- No bids will be considered from persons in the service of the state, companies with directors who are persons in the service of the state, or close corporations with member's persons in the service of the state.

1. SCOPE OF WORK

1.1. DESCRIPTION

The Contractor shall be required to provide a service for the emptying of pits, conservancy tanks, aqua privies and VIPs in various informal settlements within the City of Johannesburg.as and when required by JW and in accordance with the specifications as outlined in this document for a period not exceeding six (6) months.

1.2. GENERAL REQUIREMENTS

a) The Contractor shall be required to provide a service for the emptying of pits, conservancy tanks, aqua privies and VIPs in various informal settlements within the City of Johannesburg.
b) Vacuum tankers (with a capacity of 6.0 kl to 10.0 kl) will be required. The tankers will be required to work mainly in informal settlements, and it is the responsibility of the Contractor to familiarize himself with the environment at these locations.
c) The tenderer must have proof of roadworthy certificate for the tankers offered.
d) The tenderer must have a standby tanker available for use, should the need arise during this contract.
e) Cell phones/two-way radios should be supplied to tanker drivers.
f) The tenderer is required to supply the vacuum tankers on commencement of the contract.
g) The vacuum tankers should have a Comprehensive Insurance cover in place for the duration of the contract. The insurance cover will be required post award.
h) The vacuum tankers offered upon inception of the contract should be available for the full tenure of the contract.

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1.3. DESCRIPTION OF PLANT

a) The vacuum tankers must be self-propelled, must have a capacity of not less than 6 kl or not greater than 10kl and must have a pump fitted that will pump sludge into the tanker.
b) The vehicle must have a power to mass ratio of 6kw per ton laden.
c) The vacuum tankers offered must have tanks constructed of steel.
d) All vacuum tankers shall be free from leaks of any type of fluid.
e) Reversing alarms are a prerequisite of the Occupational Health and Safety Act 85 of 1993.

1.4. DOCUMENTATION OF PLANT

a) The following certified copies of documents must be furnished together with the RFP documents.

- Proof of Certificate of Registration (RC1) in Respect of Motor Vehicle (National Road Traffic Act)
- Proof of a valid LCO Certificate for valid licence disc and a valid Roadworthy certificate :(National Road Traffic Act).

Note 1: Only plant with all supporting documents as required will be considered.

Note 2: In the event that the tenderer's plant offered will be hired/leased from another service provider, the tenderer must provide a letter of intent to hire from the leaser for plant offered, as well as all the required documents as stipulated above for the plant to be offered.

Note 3: The proof of registration and license disc or operator card or roadworthy certificates must be in the name of the tenderer or name of the company that the tenderer will be leasing the vacuum tanker from.

Time and again JW representatives on site where plant is situated may require full-service records of plant offered during the duration of the contract where they deem necessary. As well as the documentation of the plant as stated above to ascertain continued compliance with the terms and conditions of the contract.

1.5. OPERATORS

a) The operator must carry out faithfully, efficiently and with due diligence all operations according to the instructions of the relevant JW Manager or representative.
b) Without first obtaining the written consent of the service provider, the relevant JW Manager or representative shall not permit or allow any person other than the operator or mechanic to operate any item of plant.
c) Only skilled operators may be employed with valid professional driving permits and any operator found to be unsuitable must be replaced immediately upon notification.

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d) Post award, the service provider will be required to submit the following documentation for their skilled operators;
   - A valid Medical certificate (Operator must be fit for duty).
   - A valid Driver's License with professional driving permit PrDP (Minimum Code C1 License or higher).
   - Documentation indicating experience of a minimum of 6 months as a driver.

e) The service provider shall ensure that an Operator is provided to work during stand by and over time as agreed upon with the relevant JW manager while taking into consideration, the statutory limits for the number of working hours per week for an individual, as prescribed by the Department of Labour.

f) Where an Operator was working on standby \ over-time during the previous night, the service provider will be required to provide another Operator to operate the plant during normal working hours on the following day. No driver / Operator will be allowed to work longer than the hours prescribed by the Department of Labour.

1.6. DURATION OF CONTRACT

For a period not exceeding six (6) months on month-to-month basis

1.7. ESTIMATED QUANTITIES

An estimated number of 59 vacuum tankers is required. It must be noted that this is an estimate and the required number of vacuum tankers may increase or decrease. Therefore, the utilisation of the vacuum tankers will be as per JW's needs.

2. SPECIAL CONDITIONS

2.1. INSURANCE AND INDEMNIFICATION

a) In addition to any insurance required to be held by the Contractor in terms of the Occupational Injuries and Diseases Act no.130 of 1993, the Contractor must be fully insured against all accidents, loss or damage arising out of the conditions or operation of the vehicles or execution of any work including all third-party risks.

   The Contractor hereby agrees to indemnify JW against all claims by third Parties or the Contractor's own employees resulting from the operations carried out by the Contractor under this contract up until the end of the contract.

b) A current certificate of good standing in terms of the Compensation for Occupational Injuries and Diseases Act (COIDA), 1993 must be furnished by the Contractor upon acceptance of the tender. Proof of renewal or extension of insurance cover must be furnished by the Contractor whenever required by JW.

c) The Contractor shall be liable for any damages or injury of whatever nature caused directly or indirectly as a result of his operations, to any of JW's or Municipal Government or Private Property or to his own vehicles and personnel.

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d) Upon award, the appointed service provider(s) will be required to submit proof of insurance as outlined on clause 2.1 (c). furthermore, the insurance must list all the vacuum tankers the service provider will be providing to JW.

e) Any insurance required by the tenderer in respect of the units under this contract must be included in the rental charge.

2.2. COMPLIANCE WITH LEGISLATION AND SPECIFICATION

a) The Contractor shall comply with all Municipal By-laws, and any other Laws, Regulations or Ordinances and shall give all notices and pay all fees required by the provisions of such By-laws and Regulations specified therein.
b) The Contractor shall comply with all the requirements prescribed in the technical specification and all other qualifications herein, unless otherwise stated.

2.3. OHS REQUIREMENTS

a) Without derogation from the generality of Clause 2.2, or from any other provision of this contract, the Contractor shall at all times during the contract, comply in all respects with the safety and other requirements of the Occupational Health and Safety Act no.85 of 1993 and the regulations applicable hereunder.
b) Successful tenderers will be required to compile and submit a Health and Safety File for approval by the JW OHS Department prior to commencement of the contract.

2.4. PLACE OF DELIVERIES

a) Vacuum tanker services may be required anywhere within the of the City of Johannesburg boundaries.

2.5. REQUIREMENTS

a) The service provider(s) shall be required to supply vacuum tanker services as specified in this document as and when required during the full period of the contract within the City of Johannesburg's municipal boundaries.

b) The type of systems to be serviced includes unimproved pit latrines, conservancy tanks, aqua privies and VIPs.

c) The service provider(s) in addition to the desludging of the different systems as indicated would also be required to remove all unwanted debri from the pits before desludging commences.

d) All items of plant shall at all times whilst on hire be accompanied by a book, containing in triplicate, daily time sheets. These time sheets shall record the following:

- Date, name of contractor, make of vehicle, fleet No, registration No, drivers and assistants name, working times," down time", reason for down time,

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signature of Regional Manager. All time sheets shall be clearly signed by the supervisor in charge of the work and the person so signing shall clearly print his name. JW will be charged on the basis of such daily time sheets, when signed by the Regional Manager.

- A copy of such daily time sheets shall be presented to the Regional Manager within 5 working days of the completion of the shift for signature, and if signed shall be deemed to be accepted by him. Should the Regional Manager refuse to accept the time sheet figures he shall notify the contractor within 2 working days of his refusal and also of his reasons therefore. The contractor must give an explanation to the satisfaction of the Regional Manager within 7 working days of such notification, failing which penalties in terms of Clause 5.2 may be applied.

2.6. EMPLOYMENT OF PERSONNEL

a) The Contractor must ensure that all persons used by him in the Execution of this contract is lawfully employed.
b) All operators and drivers must be licensed in terms of the Road Traffic Act No 29 of 1989 and regulations as amended.
c) The service provider will be required to appoint local labours who will be utilised in this contract as operational assistants during desludging.
d) The appointment of the local labours will be implemented in line with the prescripts of EPWP and the guidelines thereof. Full compliance to the submission of the EPWP stats will be always expected from the appointed service provider as required.
e) The service provider must take note that local labourers will be paid in line with the requirements of the EPWP and the guidelines thereof. However, final rate for the payment of the labours will be finalised in discussions upon award and commencement of the contract once public participation and consultations have been conducted.
f) On a monthly basis the service provider will be required to submit the monthly EPWP stats with copies of contracts, certified copies of individual ID's, timesheets, and proof of payments for all their appointed local labours as required.
g) The service provider is to ensure that all payments to local labours are always paid on time and that the requirements of payments are always adhered to as agreed upon with JW in line with the working structure as approved.
h) The ratio for the appointment of the local labours is 1:2 (**1 tanker to have 2 Operational assistance**).

2.7. QUANTITIES

a) The required number of vacuum tankers stated are estimates. The service provider shall be bound to supply whatever quantities of plant that JW will require on an "as and when" required basis during the period of the contract, irrespective of the extent by which the total varies from those stated estimations. Note must be taken that the requirements may or may not exceed the stated amount and the tenderer will be expected to supply the surplus required.

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2.8. PERMITS AND COMPLIANCE WITH REGULATION AND BY-LAWS

a) The service provider shall apply for and obtain any permits, licenses, certificates, permissions or exemptions which may be required for and in connection with the entry and use of the plant on the site.
b) All items of plant tendered for must conform to the requirements of the Road Traffic Act No 29 of 1989 and Regulations as amended, where applicable.
c) All abnormal load permits must be obtained and kept up to date by the Contractor.
d) Without derogation from the generality of Clause 2.8 (b) or from any other provisions of this contract, the Contractor shall at all times during the contract, at his own expense ensure that all plant and operators and attendants used for the purposes of the contract, comply in all respects with the safety and other requirements of the Occupational Health and Safety Act No 85 of 1993, and the Regulations applicable thereto.
e) The service provider shall at his own expense provide adequate protective clothing for his staff and protection to machinery, as he, the Regional Director or the Inspector of Machinery may deem necessary at any stage of the contract.
f) The service provider shall instruct his employees that under no circumstances may his vehicles hinder or obstruct reasonable access to any property.

2.9. PENALTIES

The Regional Manager may, at his discretion impose the following penalties in terms of the Conventional Penalties Act No. 15 of 1962:

a) Should the service provider be unable to supply the required item of plant in working order within 7 calendar days from date of commencement of the contract, he shall be required to prove his inability to the satisfaction of the Regional Manager who shall have sole discretion in this matter. Failure to supply may render him liable to a penalty amounting to 50% of the hourly hire rate which penalty may be imposed until such time as the required item of plant.
b) Should any item of plant break down or become defective or should an operator be absent or incapable of operating the plant efficiently so that it is unable to perform the tasks required and so cause delay or work at any time on any day, then the following procedure in applying penalties may be adopted:
    - In all cases where a stoppage has occurred; the Contractor may supply written explanations as to the cause thereof. Where, in the opinion of the Regional Manager an unavoidable stoppage, not exceeding 1 hour per day, to a maximum of 3 hours per week occurs, no time will be deducted in effecting payment for the day.
    - Where, in the opinion of the Regional Manager, any stoppage could reasonably have been avoided, or where any stoppage exceeding 1 hour per day or 3 hours per week occurs a payment for the time worked only shall be made. In the event of the item of plant breaking down for a full working day, the Contractor shall be penalised at 50% of the hourly hire rate which penalty may be imposed until such

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time as the plant is in working order or alternatively arrangements are made which are satisfactory to the Regional Manager.

- The written explanations referred to must be made in duplicate within 3 days from the day on which the stoppage occurred.
- If no written explanations are received, the Contractor will be penalised at 50% of the hourly rate for the period of the stoppage. The Regional Manager's decision will be conveyed to the Contractor on the duplicate application submitted which must be taken into account on submission of accounts.

c) For the reporting of EPWP Stats, the appointed service provider needs to ensure monthly that all requirements thereof are met. Failure to adhere will result to the following:

Failure to report:

- The Employer shall levy a penalty on the Service Provider, should the latter fail to provide reporting requirements as required and stated, with regard to content and frequency.
- The penalty value shall be R15,000.00 per report per occasion; and
- If the service provider fails to complete the latter more than three incidents and should the Employer or his duly authorised representative find that the service provider is hindering his (the Employer's) deliverables to management, he/she shall reserve the right to:
  i. Terminate the Contract;

No liability in terms of this clause shall be attached to the Contractor if he can prove to the satisfaction of the Employer that the nature of the failure is due to fire, war, riot, strikes, act of God, lockout, accident or other unforeseen occurrences or circumstances beyond the Contractor's control, provided, however, that in all cases the Contractor has notified the Employer in writing within 24 hours of it first coming to his notice, that delivery shall be delayed or become impossible for the above-mentioned reasons.

Failure to pay any labour:

- The Employer shall levy a penalty on Contractor, should the latter fail to provide payment to the any labourer or SMME as required in the specification highlighted in the Scope of Work and specified in the appointment agreements with the Contractor and the labourer or SMME.
- The penalty value shall be R 50,000.00 per report per occasion; and

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- If the Contractor fails to complete the latter more than three incidents and should the Employer or his duly authorised representative find that the Contractor is hindering his (the Employer's) deliverables to senior management, he shall reserve the right to:

  i. Terminate the Contract;

No liability in terms of this clause shall be attached to the Contractor if he can prove to the satisfaction of the Employer that the nature of the failure is due to fire, war, riot, strikes, act of God, lockout, accident or other unforeseen occurrences or circumstances beyond the Contractor's control, provided, however, that in all cases the Contractor has notified the Employer in writing within twenty-four (24) hours of it first coming to his notice, that delivery shall be delayed or become impossible for the above-mentioned reasons

Penalties irreversible

The Contractor shall note that all penalties once imposed shall be non-recoverable or reversible, even if the default is remedied.

Service provider(s) must note that all EPWP reporting requirements must be adhered to at all times as expected. Failure to do so will be in breach with the contract requirements.

2.10. WORKING HOURS

a) The will be required to work on an 'as and when' required basis.
b) The normal working hours will be Mondays to Fridays from 07h30 to 16h00. JW regions may sometimes require the Contractor to work outside the hours specified.
c) Notwithstanding the hours of work, the intention of this contract is to provide a service to the community and it is envisaged that the contractor appointed will negotiate a service agreement with the Regional Manager for the region to be serviced.
d) Hourly rates must be quoted on the Form of Tender and must include the services of an operator, fuel oil, and operational assistant and all other expenses incidental to the hire and operation of the plant and work to be performed. Except for breakdowns, unavailability, delays and inclement weather during periods when plant cannot be used, plant shall be paid for at the rates tendered in the Form of Tender.

2.11. WORKSHOP FACILITIES

a) The Service Provider must have workshop facilities fully equipped where plant breakdowns will be attended to as well as a mobile mechanic who will be able to attend to minor breakdowns on site during call outs at all times. The Service Provider's workshop facilities must be in line with the Occupational Health and Safety requirements as the JW OHS departments will be conducting audits on the facilities to ensure compliance.

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2.12. ATTENDANCE

a) the service provider must, supply attendant to assist with re-fuelling, cleaning and maintaining the machine, at the service provider's own costs.

2.13. DISCHARGE POINT

a) The Contractor's Operator must ensure that the desludging point is cleaned and disinfected immediately after the truck has discharged the waste. The cleaning needs to happen prior to the truck leaving the discharge point.
b) Disposal of the contents or waste must take place at one of the JW Wastewater Treatment Plants or other designated discharge points as instructed by the JW Regional manager or their representative for relevant Depot/Region.
c) Should the Contractor fail to clean the discharge point as required and indicated in clause 2.9 above, the Contractor will be penalised at 50% of the hourly rate until such time that the discharge point is cleaned and deemed. The Regional Manager's decision will be conveyed to the Contractor on the duplicate application submitted which must be taken into account on submission of accounts.

2.14. SERVICING AND MAINTENANCE

a) Unless prior approval of the Regional Manager has been obtained, plant must be serviced by the Contractor outside working hours. All plant must have sufficient fuel to operate between services.

2.15. SERVICING AND MAINTENANCE

a) During the period of hire, the Regional Manager undertakes that the plant will be used only for the purpose for which it was hired, but the responsibility rests with the Contractor through his operator to ensure that the plant is not misused or damaged in any way.

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3. TENDER FORM AND PRICE SCHEDULES

To: Johannesburg Water (SOC) Ltd.

Having examined the Tender documents including Addenda Nos _____ [insert numbers], the receipt of which is hereby duly acknowledged, we, the undersigned, offer to **Hire of Vacuum tankers on an "as and when" required basis** as specified in conformity with the said Tender documents and as may be ascertained in accordance with the Schedule of Prices attached herewith and made part of this Tender.

Details of my / our offer are / are as follows:

We undertake, if our Tender is accepted, execute the contract in accordance with the requirements as specified.

We agree to abide by this Tender for a period of ninety (90) days from the date fixed for Tender opening, and it shall remain binding upon us and may be accepted at any time before the expiration of that period.

Until a formal Contract is prepared and executed, this Tender, together with your written acceptance thereof and your notification of award, shall constitute a binding Contract between us.

We understand that Johannesburg Water is not bound to accept the lowest or any tender it may receive, and that the contract may be awarded in whole or in part and to more than one tenderer.

Should my/our tender be successful, it be understood that a contract will come into existence as a once off contract which will commence from the date indicated in the letter of acceptance.

3.1. SCHEDULE OF PRICES:

The evaluation on price alteration will be conducted as follows:

3.1.1 Where the tender award strategy is to evaluate and award per item or category, the following must apply:

(i) If there is an alteration on the rate but no alteration on the total for the item or category, the bidder will not be disqualified

(ii) If there is an alteration on the total for the item/s without authentication, bidders will only be disqualified for alteration per item or category.

3.1.2 Where the tender award strategy is to evaluate and award total bid offer, the following must apply:

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(i) If there is an alteration on the rate, total for the line item, sub-total/ sum brought/carried forward for the section but no alteration on the total bid offer, the bidder will not be disqualified.

(ii) If there is an alteration on the total bid offer on form of offer then the amount in words must be considered or vice-versa.

(iii) If there is an unauthenticated alteration on the total bid offer and the amount in words is not authenticated the bidders will be disqualified for the entire tender.

3.1.3. Where the tender pricing schedule or bill of quantities is requesting rates/price from bidder/s without providing a total, the following will apply:

(i) If there is an unauthenticated alteration on the unit rate/price the bidder must be disqualified.

Also note:

a) All prices must be VAT inclusive.

b) The rates tendered for will be for rendering services anywhere within the geographical limits of the City of Johannesburg.

c) The plant rate must include insurances, fuel and all other cost applicable for the plant to execute the work successfully, including the driver and two assistances.

d) The details of all vacuum tankers offered as listed overleaf will be inspected for acceptability and suitability post award.

e) Only firm prices will be accepted.

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Registration Number: 2000/029271/30

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Item	Description (capacity of tankers)	Rate/ Hour Normal Time (Excl. VAT)	Rate / Hour Overtime (Excl. VAT)	Combined Total for Rate/ Hour Normal Time and Rate / Hour Overtime (Excl. VAT)	Combined Total for Rate/ Hour Normal Time and Rate / Hour Overtime (VAT Amount)	Combined Total for Rate/ Hour Normal Time and Rate / Hour Overtime (Incl. VAT)
1.1	6.0 kl	R	R	R	R	R
1.2	7.0 kl	R	R	R	R	R
1.3	8.0 kl	R	R	R	R	R
1.4	9.0 kl	R	R	R	R	R
1.5	10.0 kl	R	R	R	R	R

SIGNATURE(S)OF AUTHORIZED PERSON .....

NAME OF BIDDER ……

NAME OF AUTHORIZED PERSON IN BLOCK LETTERES ……..

RFP NUMBER: ……..

Directors:

Ms Gugulethu Phakathi (Chairperson), Mr Ntshavheni Mukwevho (Managing Director and Executive Director),
Mr Johan Koekemoer (Financial Director and Executive Director), Mr Phetole Modika, Mr Siphamandla Mnyani, Mr Siyabonga Mthembu,
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Tenderer to complete the below table:

4. EVALUATION PROCESS

STAGE	DESCRIPTION
Stage 1	Mandatory Evaluation
Stage 2	Administrative Evaluation
Stage 3	Technical Evaluation
Stage 4	Pricing Evaluation and Preferencing

Stage 1: Mandatory Evaluation

These are the definitely non-negotiable criteria that must be part of the bid and submitted before RFP closing date and time.

NO.	MANDATORY CRITERIA	YES
1	The tenderer must submit proof of the mandatory documents for their offered plant as they have offered in the pricing schedule of the tender document. **The documentation must be submitted together with the RFP document.** The following documents are required for plant offered: • Proof of Certificate of Registration (RC1) in Respect of Motor Vehicle (National Road Traffic Act) • Proof of a valid LCO Certificate for valid licence disc and a valid Roadworthy certificate :(National Road Traffic Act). ***Note 1: Only plant with all supporting documents as required will be considered. Copies will be accepted.*** ***Note 2: In the event that the tenderer's plant offered will be hired/leased from another service provider, the tenderer must provide a letter of intent to hire from the leaser for plant offered, as well as all the required documents as stipulated above for the plant to be offered.*** ***Note 3: The proof of registration and license disc or operator card or roadworthy certificates must be in the name of the tenderer or name of the company that the tenderer will be leasing the vacuum tankers from.***	Yes
2	Signed Pricing Schedule and completed rates for items offered.	Yes

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Note: LCO = Motor Vehicle Licence, License Disc, Roadworthy Certificate and Operator Card

NB: Bidders that fail to comply with the above mandatory requirement will not be evaluated further.

Stage 2: Administrative evaluation

Select appropriate MBD for your Price Schedule.

REFERENCE TO RFP DOCUMENT	DESCRIPTION	REQUIRED
MBD 3.1	Pricing Schedule – Firm Prices (Purchases) Confirmation of fixed rates of duration of contract.	Yes
MBD 5	Declaration for procurement above R10 Million (all applicable taxes included)	Yes
CSD Registration	MAAA number	Yes

Stage 3: Technical Requirements

Technical evaluation - as per tender document and award strategy.

a) The Tenderer (Company) is required to have experience where desludging using vacuum tankers was carried out successfully.

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TENDERER'S EXPERIENCE AND EXPERIENCE OF KEY PERSONNEL					
CRITERIA NO.	**CRITERIA**	**EVIDENCE**	**SUB-CRITERIA/CLAUSE**	**MAX SCORE**	**SCORE**
1	**TENDERER'S EXPERIENCE** The Tenderer (Company) is required to have experience where desludging using vacuum tankers was carried out successfully.	The Tenderer (Company) must provide relevant reference letter(s) with proof that they have experience where desludging using vacuum tankers was carried out successfully. *This document must be completed by the referee and included in the tender submission. Alternatively, the client's letterhead may be used for this purpose provided it complies with the functional criteria requirements. A separate form must be completed for each reference as required in the evaluation criteria. The Information provided will be verified and if found to be false or misrepresented, punitive measures will be instituted against the respective party including blacklisting and restriction from participating in any future government tender.*	**Experience in desludging using vacuum tankers.**	**100**	
			Less than 2 years		0
			2 year and more but less than 3 years		60
			3 years and more but less than 5 years		80
			5 years or more		100
MINIMUM QUALIFYING SCORE				60	
TOTAL				**100**	

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CONTACTABLE REFERENCE

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I, the undersigned being duly authorised to do so, hereby furnish a reference to Johannesburg Water relative to the **Hire of vacuum tankers.**

Name of tenderer: ……

Description of goods / services provided (Scope of Work)

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Date of goods / services provided

Start date: ……/……/……

End date: ……/……/……

Was their performance satisfactory? **Yes / No***

Signature: ……..…… Date: ……..……

Telephone: …… Email:……

Name of Client Company……

Name of Reference Completing this Letter……

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ANNEXURE A

COMPLIANCE CHECKLIST SHEET FOR DOCUMENTATION OF PLANT OFFERED

Name of Tenderer	
Tender Description:	**Hire of vacuum tankers**
Description of Plant	

Offered Plant Documentation:6KL

Item No.	Description of offered plant (Capacity)	Proof of Registration Certificate submitted (Yes/No)	Proof of Valid licence disc Expiry Date	Proof of Valid Roadworthy Expiry Date

***Note 1**: The tenderer must complete the above for each vacuum tanker. This checklist will also be used by the evaluators when conducting the mandatory evaluation.*
***Note 2**: The completion of the checklist is not a disqualifying factor.*

Directors:
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ANNEXURE B

COMPLIANCE CHECKLIST SHEET FOR DOCUMENTATION OF PLANT OFFERED

Name of Tenderer	
Tender Description:	**Hire of vacuum tankers**
Description of Plant	

Offered Plant Documentation:7KL

Item No.	Description of offered plant (Capacity)	Proof of Registration Certificate submitted (Yes/No)	Proof of Valid licence disc Expiry Date	Proof of Valid Roadworthy Expiry Date

***Note 1**: The tenderer must complete the above for each vacuum tanker. This checklist will also be used by the evaluators when conducting the mandatory evaluation.*
***Note 2**: The completion of the checklist is not a disqualifying factor.*

Directors:
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ANNEXURE C

COMPLIANCE CHECKLIST SHEET FOR DOCUMENTATION OF PLANT OFFERED

Name of Tenderer	
Tender Description:	**Hire of vacuum tankers**
Description of Plant	

Offered Plant Documentation:8KL

Item No.	Description of offered plant (Capacity)	Proof of Registration Certificate submitted (Yes/No)	Proof of Valid licence disc Expiry Date	Proof of Valid Roadworthy Expiry Date

***Note 1**: The tenderer must complete the above for each vacuum tanker. This checklist will also be used by the evaluators when conducting the mandatory evaluation.*
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Directors:
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ANNEXURE D

COMPLIANCE CHECKLIST SHEET FOR DOCUMENTATION OF PLANT OFFERED

Name of Tenderer	
Tender Description:	**Hire of vacuum tankers**
Description of Plant	

Offered Plant Documentation:9KL

Item No.	Description of offered plant (Capacity)	Proof of Registration Certificate submitted (Yes/No)	Proof of Valid licence disc Expiry Date	Proof of Valid Roadworthy Expiry Date

***Note 1**: The tenderer must complete the above for each vacuum tanker. This checklist will also be used by the evaluators when conducting the mandatory evaluation.*
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ANNEXURE E

COMPLIANCE CHECKLIST SHEET FOR DOCUMENTATION OF PLANT OFFERED

Name of Tenderer	
Tender Description:	**Hire of vacuum tankers**
Description of Plant	

Offered Plant Documentation:10KL

Item No.	Description of offered plant (Capacity)	Proof of Registration Certificate submitted (Yes/No)	Proof of Valid licence disc Expiry Date	Proof of Valid Roadworthy Expiry Date

***Note 1**: The tenderer must complete the above for each vacuum tanker. This checklist will also be used by the evaluators when conducting the mandatory evaluation.*
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5. PREFERENCING

5.1. Stage 5: The responses will be evaluated on the **80/20 or 90/10 preference points principle**. Pricing schedule to be completed fully or per item offered. Bidders who failure to quote or complete the pricing schedule as per this requirement will be disqualified. The required proof for claiming points for specific goals is as follows:

GOAL	WEIGHTING (90/10)	WEIGHTING (80/20)	VERIFICATION
SMME (An EME or QSE) 51% or more Black owned	6	12	• Valid BBBEE Certificate issued by SANAS accredited verification agency or DTI /CIPC BBBEE Certificate for Exempted Micro Enterprises or Affidavit sworn under oath.
Businesses located in the Gauteng Province	2	4	• Proof of municipal account / valid lease agreement, letter from the Ward Council confirming the business address.
Businesses located within the boundaries of the COJ	2	4	• Proof of municipal account / valid lease agreement, letter from the Ward Council confirming the business address.

Note: A tenderer failing to submit proof of specific goals claimed as per the tender conditions may not be disqualified but only points for price will be allocated and zero points for specific goals, where supporting documentation was not provided for points claimed.

6. AWARDING STRATEGY

The intention is to award to the highest scoring tenderer per item/capacity in terms of price and specific goals to one or more tenderers based on JW's capacity requirements.

7. ALLOCATION STRATEGY

Allocate all plant offered by the tenderer to the highest preference ranking tenderer per item. If the number of plant offered is not sufficient to meet all JW capacity and technical requirements for that line item, the following shall happen:

- The next highest ranking tenderer's plant offered that meet the technical requirements will be awarded the difference.
- If JW's capacity requirements are still not meet, the next highest ranking tenderer's plant offered that meet the technical requirements will be awarded the difference. The cycle will continue until all capacity requirements per region are met.
- To ensure value for money / cost effectiveness, Johannesburg Water will negotiate prices with service providers who are recommended for approval for that line item for

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market related price and reserve the right to standardize the rates of the bidders that are awarded for the same capacity using JW Benchmarked rates as a guide to determine cost effectiveness. The contracted rates may not be higher than the rates tendered by the tenderer.

8. RETURNABLE DOCUMENTS

The following documents **must** be returned together with this Request for Pricing:

8.1. This request for pricing document must be completed and submitted with pricing or quotation.

8.2. Proof of points claimed for specific goal must be submitted in order to qualify for preference points.

8.3. Complete and sign the following Municipal Bidding Documents (MBD).

- **8.3.1.** MBD 3.1 Firm Price(s) Purchase (where applicable).
- **8.3.2.** MBD 4 form (Declaration of Interest).
- **8.3.3.** MBD 5 A completed and signed Declaration for Procurement Above R10 Million (Vat Included) form MBD 5,
- **8.3.4.** MBD 6.1 Form (Preference points claim form).
- **8.3.5.** MBD 8 (Declaration of Bidder's Past Supply Chain Management Practices)
- **8.3.6.** MBD 9 (Certificate of Independent Bid Determination)

8.4. Latest municipal account/statement not older than three months or valid lease agreement for both the company and all active Directors.

8.5. Annual financial statements (AFS) three [03] years, (if required, audited financial statements)

8.6. The required documentary evidence for functionality or technical evaluation (where Applicable).

9. GENERAL TERMS AND CONDITIONS

Price(s) quoted must be valid for at least ninety (90) days from date of your offer.

Price(s) quoted **must** be firm for the duration of the contract and must be inclusive of VAT.

Bidders will be afforded a period of two (2) days to complete the following returnable documents (MBD 4, MBD 5, MBD 6.1, MBD 8 and MBD 9) in instances where such forms are incomplete.

Bidders who did not submit municipal statement of account or valid lease agreement for both the company and all active directors will be afforded a period of two (2) days to submit. In a case where the company or active Directors have municipal commitments overdue for more than 90 days they will be offered three (3) days to settle their overdue amounts or submit proof of an arrangement agreed to between that municipality and that company or Director.

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City of Johannesburg

Johannesburg Water SOC Ltd

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Marshalltown
2107

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PART B
TERMS AND CONDITIONS FOR BIDDING

1. BID SUBMISSION:
1.1. BIDS MUST BE SUBMITTED TO mapule.setaka@jwater.co.za . 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, 2022, THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER SPECIAL CONDITIONS OF CONTRACT.
2. TAX COMPLIANCE REQUIREMENTS
2.1 BIDDERS MUST ENSURE COMPLIANCE WITH THEIR TAX OBLIGATIONS.
2.2 BIDDERS ARE REQUIRED TO SUBMIT THEIR UNIQUE PERSONAL IDENTIFICATION NUMBER (PIN) ISSUED BY SARS TO ENABLE THE ORGAN OF STATE TO VIEW THE TAXPAYER'S PROFILE AND TAX STATUS.
2.3 APPLICATION FOR THE TAX COMPLIANCE STATUS (TCS) CERTIFICATE OR PIN MAY ALSO BE MADE VIA E-FILING. IN ORDER TO USE THIS PROVISION, TAXPAYERS WILL NEED TO REGISTER WITH SARS AS E-FILERS THROUGH THE WEBSITE WWW.SARS.GOV.ZA.
2.4 FOREIGN SUPPLIERS MUST COMPLETE THE PRE-AWARD QUESTIONNAIRE IN PART B:3.
2.5 BIDDERS MAY ALSO SUBMIT A PRINTED TCS CERTIFICATE TOGETHER WITH THE BID.
2.6 IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED, EACH PARTY MUST SUBMIT A SEPARATE TCS CERTIFICATE / PIN / CSD NUMBER.
2.7 WHERE NO TCS IS AVAILABLE BUT THE BIDDER IS REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD), A CSD NUMBER MUST BE PROVIDED.
3. QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS
3.1. IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)? ☐ YES ☐ NO
3.2. DOES THE ENTITY HAVE A BRANCH IN THE RSA?

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☐ YES ☐ NO

3.3. DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA?
☐ YES ☐ 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.

GENERAL CONDITIONS OF CONTRACT WILL GOVERN THE CONTRACT. SHOULD THERE BE A DISCREPANCY BETWEEN THE GENERAL CONDITIONS OF CONTRACT AND THE SPECIAL CONDITIONS OF CONTRACT, THE SPECIAL CONDITIONS OF CONTRACT SHALL PREVAIL.

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

SIGNATURE OF BIDDER: ……

CAPACITY UNDER WHICH THIS BID IS SIGNED: ……

DATE: ……

Directors:

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PRICING SCHEDULE – FIRM PRICES (PURCHASES)

NOTE: ONLY FIRM PRICES WILL BE ACCEPTED. NON-FIRM PRICES (INCLUDING PRICES SUBJECT TO RATES OF EXCHANGE VARIATIONS) WILL NOT BE CONSIDERED

Name of Bidder……	Bid Number: **JW- RFP 29/08/2023 MS**
Closing Time: **12:00**	Closing Date: **05 September 2023**

OFFER TO BE VALID FOR……DAYS FROM THE CLOSING DATE OF BID.

- Required by: …Johannesburg Water……
- At: …various informal settlements…….
- Brand and Model …….
- Country of Origin …….

Note: All delivery costs must be included in the bid price, for delivery at the prescribed destination.

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

MBD 4

DECLARATION OF INTEREST

1. No bid will be accepted from persons in the service of the state[1].

2. Any person, having a kinship with persons in the service of the state, including a blood relationship, may make an offer or offers in terms of this invitation to bid. In view of possible allegations of favouritism, should the resulting bid, or part thereof, be awarded to persons connected with or related to persons in service of the state, it is required that the bidder or their authorised representative declare their position in relation to the evaluating/adjudicating authority.

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

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

3.2 Identity Number: …….

3.3 Position occupied in the Company (director, trustee, hareholder[2]):……..

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. ……

……..

[1]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.

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

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

3.9.1 If yes, furnish particulars.……..……..

……

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

3.10.1 If yes, furnish particulars.
……
……

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

3.11.1 If yes, furnish particulars
……
…….....

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

3.12.1 If yes, furnish particulars.
……
……

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

3.13.1 If yes, furnish particulars.
……
……

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

3.14.1 If yes, furnish particulars:
……..
……..

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

Full Name	Identity Number	State Employee Number

…….. ……..
Signature **Date**

……. ……
Capacity **Name of Bidder**

DECLARATION FOR PROCUREMENT ABOVE R10 MILLION (VAT INCLUDED)

For all procurement expected to exceed R10 million (VAT included), bidders must complete the following questionnaire:

*1 Are you by law required to prepare annual financial statements for auditing? **YES / NO**

**In the event the Annual Financial Statements submitted with this tender reflect that the tenderer is not required by law to have such statement audited, Johannesburg Water reserves the discretion to interpret your selection of "Yes" as a "No" and analyse it accordingly.*

1.1 If yes, submit audited annual financial statements for the past three years or since the date of establishment if established during the past three years. **YES / NO**

……

……

2. If the bidder is not required by law to prepare annual financial statements for auditing, they shall be required to furnish their Annual Financial Statements -

i.for the past three years , or
ii. since their establishment if established during the past three years

3. Do you have any outstanding undisputed commitments for municipal services towards a municipality or any other service provider in respect of which payment is overdue for more than 30 days? **YES / NO**

3.1 If no, this serves to certify that the bidder has no undisputed commitments for municipal services towards a municipality or other service provider in respect of which payment is overdue for more than 30 days.

3.2 If yes, provide particulars.

……

4. Has any contract been awarded to you by an organ of state during the past five years, including particulars of any material non-compliance or dispute concerning the execution of such contract?

4.1 If yes, furnish particulars

……

……

5. Will any portion of goods or services be sourced from outside the Republic, and, if so, what portion and whether any portion of payment from the municipality / municipal entity is expected to be transferred out of the Republic? **YES / NO**

5.1 If yes, furnish particulars

……..

……..

CERTIFICATION

I, THE UNDERSIGNED (NAME) ……

CERTIFY THAT THE INFORMATION FURNISHED ON THIS DECLARATION FORM IS CORRECT.

I ACCEPT THAT THE STATE MAY ACT AGAINST ME SHOULD THIS DECLARATION PROVE TO BE FALSE.

…….. ……..
Signature Date

…… …….
Position Name of Bidder

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

MBD 6.1

Preference Points Claim Form in Terms of The Preferential Procurement Regulations 2022 – Reg 3(2)

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

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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**

a) Either the 90/10 or 80/20 preference point system will be applicable in this tender. The lowest 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 The maximum points for this tender are allocated as follows:

	POINTS	POINTS
PRICE	80	90
SPECIFIC GOALS	20	10
Total points for Price and SPECIFIC GOALS	**100**	**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:

80/20 90/10

$$Ps = 80\left(1 - \frac{Pt - P\,min}{P\,min}\right) \quad \text{or} \quad Ps = 90\left(1 - \frac{Pt - P\,min}{P\,min}\right)$$

Where

Ps = Points scored for price of tender under consideration

Pt = Price of tender under consideration

Pmin = Price of lowest 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:

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

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 (90/10 system)	Number of points allocated (80/20 system)	Number of points claimed. (90/10 system) (To be completed by the tenderer)	Number of points claimed (80/20 system) (To be completed by the tenderer)
SMME (An EME or QSE) 51% or more Black owned	6	12		
Businesses located in the Gauteng Province	2	4		
Businesses located within the boundaries of the COJ	2	4		
Total	**10**	**20**		

5. **DECLARATION WITH REGARD TO COMPANY/FIRM**

5.1 Name of company/firm……

5.2 Company registration number: ……...

5.3 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]

5.4 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: ……..
……

DECLARATION OF BIDDER'S PAST SUPPLY CHAIN MANAGEMENT PRACTICES

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

2 It serves as a declaration to be used by municipalities and municipal entities in ensuring that when goods and services are being procured, all reasonable steps are taken to combat the abuse of the supply chain management system.

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

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

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

Item	Question	Yes	No
4.1	Is the bidder or any of its directors listed on the National Treasury's Database of Restricted Suppliers as companies or persons prohibited from doing business with the public sector? (Companies or persons who are listed on this Database were informed in writing of this restriction by the Accounting Officer/Authority of the institution that imposed the restriction after the *audi alteram partem* rule was applied). **The Database of Restricted Suppliers now resides on the National Treasury's website(**www.treasury.gov.za**) and can be accessed by clicking on its link at the bottom of the home page.**	Yes ☐	No ☐
4.1.1	If so, furnish particulars:		
4.2	Is the bidder or any of its directors listed on the Register for Tender Defaulters in terms of section 29 of the Prevention and Combating of Corrupt Activities Act (No 12 of 2004)? **The Register for Tender Defaulters can be accessed on the National Treasury's website (www.treasury.gov.za) by clicking on its link at the bottom of the home page.**	Yes ☐	No ☐
4.2.1	If so, furnish particulars:		
4.3	Was the bidder or any of its directors convicted by a court of law (including a court of law outside the Republic of South Africa) for fraud or corruption during the past five years?	Yes ☐	No ☐

4.3.1	If so, furnish particulars:		
Item	**Question**	**Yes**	**No**
4.4	Does the bidder or any of its directors owe any municipal rates and taxes or municipal charges to the municipality / municipal entity, or to any other municipality / municipal entity, that is in arrears for more than three months?	Yes ☐	No ☐
4.4.1	If so, furnish particulars:		
4.5	Was any contract between the bidder and the municipality / municipal entity or any other organ of state terminated during the past five years on account of failure to perform on or comply with the contract?	Yes ☐	No ☐
4.7.1	If so, furnish particulars:		

CERTIFICATION

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

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

……... **……..**
Signature **Date**

……. **……..**
Position **Name of Bidder**

MBD 9

CERTIFICATE OF INDEPENDENT BID DETERMINATION

1 This Municipal Bidding Document (MBD) must form part of all bids[1] 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).[2] 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:

[1] Includes price quotations, advertised competitive bids, limited bids and proposals.

[2] 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.

MBD 9

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[3] will not be construed as collusive bidding.
7. In particular, without limiting the generality of paragraphs 6 above, there has been no consultation, communication, agreement or arrangement with any competitor regarding:
    (a) prices;
    (b) geographical area where product or service will be rendered (market allocation)
    (c) methods, factors or formulas used to calculate prices;
    (d) the intention or decision to submit or not to submit, a bid;
    (e) the submission of a bid which does not meet the specifications and conditions of the bid; or
    (f) bidding with the intention not to win the bid.
8. In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications and conditions or delivery particulars of the products or services to which this bid invitation relates.
9. The terms of the accompanying bid have not been, and will not be, disclosed by the bidder, directly or indirectly, to any competitor, prior to the date and time of the official bid opening or of the awarding of the contract.

[3] Joint venture or Consortium means an association of persons for the purpose of combining their expertise, property, capital, efforts, skill and knowledge in an activity for the execution of a contract.

10. I am aware that, in addition and without prejudice to any other remedy provided to combat any restrictive practices related to bids and contracts, bids that are suspicious will be reported to the Competition Commission for investigation and possible imposition of administrative penalties in terms of section 59 of the Competition Act No 89 of 1998 and or may be reported to the National Prosecuting Authority (NPA) for criminal investigation and or may be restricted from conducting business with the public sector for a period not exceeding ten (10) years in terms of the Prevention and Combating of Corrupt Activities Act No 12 of 2004 or any other applicable legislation.

……	……
Signature	Date
…….	……
Position	Name of Bidder

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