

<b>REQUEST FOR QUOTATION</b> (GOODS AND SERVICES)				Form No: JW SCM Dev MBD1	
				Revision No: 02	
				Effective Date: February 2023	
<b>BID NUMBER:</b>	JW RFQ 08/07/2024	<b>CLOSING DATE:</b>	16 JULY 2024	<b>CLOSING TIME:</b>	12:00pm
<b>DESCRIPTION:</b>	ASSET DISPOSAL – DESTROYING/RECYCLING				
<b>ISSUE DATE</b>	08 JULY 2024				

BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO:					
Bidding procedure enquiries <u>must</u> be sent to the below Official			Technical enquiries may be directed to		
<b>CONTACT PERSON</b>	Clarence Nkoana		<b>CONTACT PERSON</b>	Khonzeka Sepeng	
<b>TELEPHONE NUMBER</b>	011 688 6581		<b>TELEPHONE NUMBER</b>	011 483 9500	
<b>E-MAIL ADDRESS (Submissions must be made to this address)</b>	<a href="mailto:Clarence.nkoana@jwater.co.za">Clarence.nkoana@jwater.co.za</a>		<b>E-MAIL ADDRESS</b>	<a href="mailto:khonzeka.sepeng@jwater.co.za">khonzeka.sepeng@jwater.co.za</a>	

SUPPLIER INFORMATION					
<b>NAME OF BIDDER</b>					
<b>POSTAL ADDRESS</b>					
<b>STREET ADDRESS</b>					
<b>TELEPHONE NUMBER</b>	<b>CODE</b>		<b>NUMBER</b>		
<b>CELLPHONE NUMBER</b>					
<b>E-MAIL ADDRESS</b>					
<b>E-MAIL ADDRESS</b>					
<b>VAT REGISTRATION NUMBER</b>			<b>CIDB GRAD DING</b>	Not Applicable	
<b>SUPPLIER COMPLIANCE STATUS</b>	<b>TAX COMPLIANCE SYSTEM PIN:</b>	<b>CENTRAL SUPPLIER DATABASE No:</b>		MAAA	

<b>B-BBEE VERIFICATION CERTIFICATE</b>	[TICK APPLICABLE BOX]  <input type="checkbox"/> Yes <input type="checkbox"/> No	<b>B-BBEE SWORN AFFIDAVIT (EMEs OR QSEs)</b>	[TICK APPLICABLE BOX]  <input type="checkbox"/> Yes <input type="checkbox"/> No
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#### BID SUBMISSION:

☐ Quotations including supporting document must be deposited in the tender box at:

**JOHANNESBURG WATER, TURBINE HALL, 65 NTEMI PILISO STREET, NEWTOWN, JOHANNESBURG, 2001**

- **CLOSING DATE: 16 JULY 2024 AT 12:00PM**
- Late submissions will not be accepted for consideration.

### 1. SCOPE OF WORK / SPECIFICATIONS

**Asset Disposal of the below list of items located at JW Cydna Laboratory and Northern Wastewater Treatment Plant**

ITEM NO.	DESCRIPTION	QTY REQUIRED
1	Water purifier system	4
2	Enviro Purifier System	1
3	Magnetic stirrer	4
4	Heating Mantle	1
5	Oven	1
6	Dosimat	1
7	Conductivity Meter	1
8	pH meter	4
9	Millipore	1
10	Millipore tank	1
11	Colorimeter	1
12	Turbidity meter	1
13	Ice maker	1
14	Liquid TOC Elemental	2
15	Liquid Chromatography	1
16	Total Hydrocarbon Analyser	1
17	Forced circulation oven	1

18	Ion Chromatography	2
19	Automated Sampler	3
20	Dionex Automated Sampler	6
21	Top Pan Balance	4
22	Samsung Syn Master	1
23	Teledyne Tekmer Slatek 72	1
24	Ethos Advanced Microwave	2
25	Vlaflo micropipette	1
26	Turbovap	1
27	Pump	1
28	Hamilton Microlab	1
29	Spectrophotometer	1
30	Epperndorf pipette	17
31	Fridge	2
32	Thermometers	5
33	Memmert Incubator	1
34	UV Lamp and cabinet	1
35	Quanti tray sealer	1
36	Colony counter	1
37	Laboratory blender	1
38	Plate Pourer	1
39	Lab equipment (FIA)	1
40	Lab equipment (muffle furnace)	1
41	Analyser	21
42	Probe	13
43	Autosample boxes	13
44	Plastic probe holder	5
45	Aircon	6
46	Carboard	3
47	Deioniser	1
48	PC Screen	4
49	Computer Motherboard	3
50	HP Laserjet printer	1

### 1.1. MANDATORY REQUIREMENTS

Bidders are required to submit the following mandatory documents with their quotations:

<i>Document submitted</i>	<i>Yes</i>	<i>No</i>
<ul style="list-style-type: none"> <li>Waste facility permit/landfill site permit, / GDARDE Recycling certificate (this will be for items that will be recycled)</li> </ul>		
<ul style="list-style-type: none"> <li>Waste facility permit/landfill site permit, / GDARDE Recycling certificate (this will be for items that will be recycled)</li> </ul>		
<ul style="list-style-type: none"> <li>Agreement letter between the waste contractor and owner of the waste facility.</li> </ul>		
<ul style="list-style-type: none"> <li>Transport Permit obtained from the City of Johannesburg (written general and hazardous) in terms of complying with COJ municipal bylaws.</li> </ul>		
<ul style="list-style-type: none"> <li>The successful service provider/bidder will be required to submit disposal certificates/weighbridge slips for all wastes to be disposed of.</li> </ul>		

### 1.2. QUANTITIES

The quantities are included in the scope of worktable.

### 1.3. CONDITION

- The successful service provider/bidder will be required to submit disposal certificates/weighbridge slips for all wastes to be disposed of.*

### 1.4. COLLECTION ADDRESSES

Assets to be disposed are at the following address:

#### 1.4.1 Northern Works Wastewater Treatment Plant

Situated on the farm Diepsloot 388Jr, approximately 8km north of the Fourways intersection

#### 1.4.2 Cydna Laboratory

75 4th street Houghton next to synagogue

## **2. FORM AND PRICE SCHEDULE**

To: Johannesburg Water (SOC) Ltd.

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

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

We agree to abide by this Offer for a period of ninety (90) days from the closing date, 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.

Should my/our offer 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 or purchase order.

### **2.1 SCHEDULE OF PRICES:**

Please refer to the schedule of prices table below

## **3. EVALUATION CRITERIA**

Responses will be evaluated on Mandatory Requirements, Price and Specific Goals.

## **4. AWARDING STRATEGY**

This request for quotation will be awarded to the highest scoring bidder in terms of price and points for Specific Goals.

## 5. RETURNABLE DOCUMENTS

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

- 5.1. This request for quotation document must be completed and submitted with pricing or quotation.
- 5.2. Copy of a valid BBBEE certificate issued by SANAS accredited verification agency or DTI/CIPC BBBEE Certificate for Exempted Micro Enterprises or Affidavit sworn under oath.
- 5.3. Complete and sign the following Municipal Bidding Documents (MBD).
  - 5.3.1. MBD 3.1 Firm Prices
  - 5.3.2. MBD 4 form (Declaration of Interest).
  - 5.3.3. MDB 6.1 Preference Points Claim Form in terms of the Preferential Procurement Regulations 2017.
  - 5.3.4. MBD 8 (Declaration of Bidder's Past Supply Chain Management Practices)
  - 5.3.5. MBD 9 (Certificate of Independent Bid Determination).
- 5.4. Latest municipal account/statement not older than three months or valid lease agreement for both the company and all active Directors.
- 5.5. The required mandatory documents.

## 6. GENERAL TERMS AND CONDITIONS

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

Price(s) quoted must be firm for the duration of the quotation and must be exclusive of VAT as per attached pricing schedule.

Bidders will be afforded a period of two (2) days to complete the following returnable documents (MBD 4, 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.

**THE AGREED GENERAL CONDITIONS OF CONTRACT (GCC) AND SPECIAL CONDITIONS OF CONTRACT (SCC) ARE APPLICABLE.**

**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: .....

## Tender Form and Price Schedules

To: Johannesburg Water (SOC) Ltd.

We, the undersigned, offer **Disposal of Assets** as specified in conformity with the said RFQ 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 offer is accepted, execute the contract in accordance with the requirements as specified.

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

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.

### **SCHEDULE OF PRICES**

**NB: ANY AND ALL ALTERATIONS TO THE TENDER PRICE MUST BE AUTHENTICATED BY THE AUTHORISED SIGNATORY BY INSERTING EITHER HIS/HER INITIAL OR SIGNATURE NEXT TO THE ALTERATION.**

**ANY COMPLETION IN PENCIL, ERASABLE INK OR OVERTYPING WILL NOT BE ACCEPTED AND WILL DISQUALIFY THE TENDERER**

The evaluation on price alteration will be conducted as follows:

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.

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

- (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.

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.

**The documents may be completed electronically without altering or tampering with any of the terms and conditions. Bids that are received contrary to this requirement will be disqualified.**

**I/We, the undersigned hereby acknowledge myself/ourselves fully conversant with the details and conditions of the Contract and hereby agree to the offer JW RFQ 08/07/2024: Asset Disposal Destroying/Recycling - described in accordance therewith:-**

**Also Note:**

- Quoted prices must include all costs of in terms of transport, labour and any other costs required to execute the work as specified

ITEM NO.	DESCRIPTION	QTY	RATE Excl VAT	TOTAL Excl VAT
1	Water purifier system	4		
2	Enviro Purifier System	1		
3	Magnetic stirrer	4		
4	Heating Mantle	1		
5	Oven	1		
6	Dosimat	1		
7	Conductivity Meter	1		
8	pH meter	4		
9	Millipore	1		
10	Millipore tank	1		
11	Colorimeter	1		
12	Turbidity meter	1		
13	Ice maker	1		
14	Liquid TOC Elemental	2		

15	Liquid Chromatography	1		
16	Total Hydrocarbon Analyser	1		
17	Forced circulation oven	1		
18	Ion Chromatography	2		
19	Automated Sampler	3		
20	Dionex Automated Sampler	6		
21	Top Pan Balance	4		
22	Samsung Syn Master	1		
23	Teledyne Tekmer Slatek 72	1		
24	Ethos Advanced Microwave	2		
25	Vlaflo micropipette	1		
26	Turbovap	1		
27	Pump	1		
28	Hamilton Microlab	1		
29	Spectrophotometer	1		
30	Epperndorf pipette	17		
31	Fridge	2		
32	Thermometers	5		
33	Memmert Incubator	1		
34	UV Lamp and cabinet	1		
35	Quanti tray sealer	1		
36	Colony counter	1		
37	Laboratory blender	1		
38	Plate Pourer	1		
39	Lab equipment (FIA)	1		
40	Lab equipment (muffle furnace)	1		
41	Analyser	21		
42	Probe	13		
43	Autosample boxes	13		
44	Plastic probe holder	5		
45	Aircon	6		
46	Carboard	3		
47	Deioniser	1		
48	PC Screen	4		
49	Computer Motherboard	3		
50	HP Laserjet printer	1		
TOTAL EXCLUDING VAT				
VAT @ 15%				
TOTAL INCLUDING VAT				

**CONTRACT PRICE**

Form MBD 3.1 for firm prices(purchases) is applicable

**Failure to adhere to this requirement will prejudice your tender**

Name of tenderer (in full): \_\_\_\_\_

Name of person authorized  
to sign this tender: \_\_\_\_\_  
(BLOCK LETTERS)

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

**MBD 3.1**

**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.....
Closing Time .....	Closing Date .....

OFFER TO BE VALID FOR...90.....DAYS FROM THE CLOSING DATE OF BID.

- 
- Required by: .....Johannesburg Water.....
  - Delivery basis .....As and when required basis.....

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<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).
- 1.2 The applicable preference point system for this tender is the 80/20 preference point system.
- 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:

	POINTS
PRICE	80
SPECIFIC GOALS	20
<b>Total points for Price and SPECIFIC GOALS</b>	<b>100</b>

- 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 PREFERENCE POINT SYSTEMS

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

**80/20**

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

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

## 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 (80/20 system) (To be completed by the organ of state)	Documentary evidence for specific goals	Number of points claimed (80/20 system) (To be completed by the tenderer)
<b>People with Disabilities</b> - Business owned by 51% or more-Black People with Disabilities	10	- Valid BBBEE Certificate issued by SANAS accredited verification agency, DTI/CIPC BBBEE Certificate for Exempted Micro Enterprises or Affidavit sworn under oath, and  - Medical Certificate from medical doctor or SARS Confirmation of Diagnosis of Disability.	
<b>Locality</b> -Businesses located in a region within the boundaries of the COJ municipality or in the Gauteng province.	10	- Proof of company municipal statement account / valid lease agreement, letter from the Ward Council confirming the business address.	

## 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:** .....

.....

.....

.....

.....

MBD 8

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

- 1 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.
- 2 **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:		

**MBD 8**

**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**

## JW 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 (MBD9) 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.

## MBD 9

### CERTIFICATE OF INDEPENDENT BID DETERMINATION

I, the undersigned, in submitting the accompanying bid:

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(Bid Number and Description) in response to the invitation for the bid made by:

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(Name of Municipality / Municipal Entity) do hereby make the following statements that I certify to be true and complete in every respect:

I certify, on behalf of \_\_\_\_\_ that:

(Name of Bidder)

1. I have read and I understand the contents of this Certificate;
2. I understand that the accompanying bid will be disqualified if this Certificate is found not to be true and complete in every respect;
3. I am authorized by the bidder to sign this Certificate, and to submit the accompanying bid, on behalf of the bidder;
4. Each person whose signature appears on the accompanying bid has been authorized by the bidder to determine the terms of, and to sign, the bid, on behalf of the bidder;
5. For the purposes of this Certificate and the accompanying bid, I understand that the word "competitor" shall include any individual or organization, other than the bidder, whether or not affiliated with the bidder, who:
  - (a) has been requested to submit a bid in response to this bid invitation;
  - (b) could potentially submit a bid in response to this bid invitation, based on their qualifications, abilities or experience; and
  - (c) provides the same goods and services as the bidder and/or is in the same line of business as the bidder
6. The bidder has arrived at the accompanying bid independently from, and without consultation, communication, agreement or arrangement with any competitor. However, communication between partners in a joint venture or consortium<sup>3</sup> will not be construed as collusive bidding.
7. In particular, without limiting the generality of paragraphs 6 above, there has been no consultation, communication, agreement or arrangement with any competitor regarding:
  - (a) prices;
  - (b) geographical area where product or service will be rendered (market allocation)
  - (c) methods, factors or formulas used to calculate prices;
  - (d) the intention or decision to submit or not to submit, a bid;
  - (e) the submission of a bid which does not meet the specifications and conditions of the bid; or
  - (f) bidding with the intention not to win the bid.
8. In addition, there have been no consultations, communications, agreements or

arrangements with any competitor regarding the quality, quantity, specifications and conditions or delivery particulars of the products or services to which this bid invitation relates.

9. The terms of the accompanying bid have not been, and will not be, disclosed by the bidder, directly or indirectly, to any competitor, prior to the date and time of the official bid opening or of the awarding of the contract.

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

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

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Signature

.....

Date

.....

Position

.....

Name of Bidder





a world class African city

