

**City of Johannesburg**

Johannesburg Water SOC Ltd

Turbine Hall
65 Ntengi Piliso Street
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JohannesburgJohannesburg Water
PO Box 61542
Marshalltown
2107Tel +27(0) 11 688 1400
Fax +27(0) 11 688 1528www.johannesburgwater.co.za**REQUEST FOR PRICING
(GOODS AND SERVICES)**Form No: JW SCM Dev
MBD1

Revision No: 02

Effective Date: February
2023

RFP NUMBER:	JW RFP 15/09/2024	CLOSING DATE:	26 September 2024	CLOSING TIME:	14:00
DESCRIPTION:	Urgent Repair and Maintenance of Equipment and Supply of new Equipment for Head of Works at Northern Works				
BRIEFING SESSION DATE AND TIME	Thursday 19 September 2024 at 12:00	Is the meeting compulsory?	YES		
BRIEFING SESSION VENUE	Northern Wastewater Treatment Works School Road Diepsloot				
ISSUE DATE	16 September 2024				

BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO:			
Bidding procedure enquiries <u>must</u> be sent to the below Official		Technical enquiries must be directed to	
CONTACT PERSON	Tshilidzi Takalani	CONTACT PERSON	Thabiso Thabeng
TELEPHONE NUMBER	011 688 1772	TELEPHONE NUMBER	011 510 2602
E-MAIL ADDRESS (Submissions must be made to this address)	tshilidzi.takalani@jwater.co.za	E-MAIL ADDRESS	thabiso.thabeng@jwater.co.za

**SUPPLIER
INFORMATION****Directors:**

Ms Dineo Majavu (Chairperson), Mr Ntshavheni Mukwevho (Managing Director and Executive Director),
Mr Kgaugelo Mahlaba (Chief Financial Officer and Executive Director), Mr Siphos Mthembu, Ms Zandile Meeleso, Mr Pholoso Matjele,
Mr Kgaile Mogoye, Mr Molate Mashifane, Ms Pamela Mabece, Mr Collen Sambo, Mr Makoko Makgonye, Ms Thabiso Kutumela, Mr Kefiloe Mokoena

Ms Kethabile Mabe (Company Secretary),
Johannesburg Water SOC Ltd
Registration Number: 2000/029271/30



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NAME OF BIDDER			
POSTAL ADDRESS			
STREET ADDRESS			
TELEPHONE NUMBER	CODE		NUMBER
CELLPHONE NUMBER			
E-MAIL ADDRESS			
VAT REGISTRATION NUMBER		CIDB GRADING	2ME OR HIGHER
SUPPLIER COMPLIANCE STATUS	TAX COMPLIANCE SYSTEM PIN:	CENTRAL SUPPLIER DATABASE No:	MAAA
B-BBEE VERIFICATION CERTIFICATE	[TICK APPLICABLE BOX] ☐ Yes ☐ No	B-BBEE SWORN AFFIDAVIT (EMEs OR QSEs)	[TICK APPLICABLE BOX] ☐ Yes ☐ No

BID SUBMISSION: BID DOCUMENTS MUST BE DEPOSITED IN THE TENDER BOX SITUATED AT GROUND FLOOR IN JOHANNESBURG WATER ADDRESS: TURBINE HALL, 65 NTEMI PILISO STREET, NEWTOWN, JOHANNESBURG, 2001 PLEASE ALLOW SUFFICIENT TIME TO ACCESS THE JOHANNESBURG WATER OFFICE IN TURBINE HALL AND DEPOSIT YOUR TENDER DOCUMENT IN THE JOHANNESBURG WATER TENDER BOX SITUATED AT RECEPTION BEFORE THE TENDER CLOSING DATE AND TIME. TIMES: THE BUILDING WILL OPEN 7 DAYS A WEEK FROM 06:00AM UNTIL 18:00PM Late bids will not be accepted for consideration. 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.
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1. SCOPE OF WORK

1.1. DESCRIPTION

The main objective of the project is to repair and maintain equipment and supply of new equipment for Head of Works at Northern Works in line with the latest applicable Johannesburg Water Particular Generic Specifications and standards.

1.1.1. Overview of the Works

The scope of work to be performed under this contract is mechanical and electrical works. The works shall be executed on existing infrastructure and certain sections of the existing installation may be live during installation.

The prospective tenderers shall take into consideration all safety precaution requirement in compliance with the Occupational Health and Safety Act, 85 of 1993 together with Regulations promulgated thereunder. The work is to be carried out at Northern Wastewater Treatment Works.

1.1.2. Mechanical and Electrical Works

- Assess the suitable size of electric actuators for degritter tanks.
- Supply, deliver, install and commission electric actuators for degritter tanks.
- Supply, deliver, install and commission solenoid valves for degritter tanks.
- Supply, deliver, install and commission geared motors for mechanical screens and screenings compactor.
- Inspect and pressure test air receivers by a registered AIA for pressure vessels.
- Service and clean air receivers in preparation for the inspections and pressure tests.
- Replace pressure gauges and safety valves on the air receivers.
- Supply, deliver and offload air compressor.
- Supply, deliver and offload rotary lobe blower head.
- Service air compressors and blowers.
- Refurbish inclined conveyor belt (Unit 3 grit conveyor belt).

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1.1.2.1. Scope of Contract

The scope of work under this project will be on a live, operational site and the prospective tenderers must therefore take cognizance of this fact when compiling their respective occupational health and safety plans and shall accommodate appropriate safe working procedures. It is considered essential that the quality of the final effluent discharged by the works shall take precedence over the contractor's rate of progress when performing the work and the contractor shall therefore make sufficient allowance in the proposed construction programme. The scope of work to be performed under this contract shall consist of the electrical works as provided above. The contractor is expected to provide security and insurance for their equipment installed under this contract until the equipment are fully and formally handed over to Johannesburg Water.

1.1.3. Location of the Treatment Works

The equipment called for under this Contract will be installed at Northern Wastewater Treatment Works. The Treatment Works is located in Diespoot, School Road.

1.2. GENERAL

All items supplied must be as follows:

- They must be in accordance with the specified technical requirements and in compliance with JW particular generic specifications where applicable.
- Items offered must be SANS approved where applicable.

1.3. ENGINEERING

1.3.1. Employer's Design

The scope of work shall be executed on existing infrastructure and the design shall be based on compatibility with the existing equipment and technical specifications stipulated in this contract for the purpose of execution of the scope of works in the interest of Repair

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and Maintenance of Equipment at Head of Works such that they are brought to a reliable operational status and are safe and without risk to health in line with the requirement of Occupational Health and Safety Act, 85 of 1993. Any deviation shall be first approved by the Employer's representative before execution.

The Contractor is responsible for the detail design of the Works where the scope of works includes supply of a new item that will interact with existing structures on site. Manufacture of new items shall be provided with shop or product drawing as part of data documentation or pack.

1.3.2. Drawings

As-built drawings are NOT available.

1.3.3. Applicable Generic Particular Specifications of JW

To be shared during site briefing.

1.4. QUANTITIES

The quantities are as per the pricing schedule.

1.5. DURATION OF CONTRACT

Three (03) months

2. 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 **Urgent Repair and Maintenance of Equipment and Supply of new Equipment for Head of Works at Northern Works**

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as specified in conformity with the said RFP 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.

2.1 SCHEDULE OF PRICES:

The evaluation on price alteration will be conducted as follows:

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2.1.2 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 is not authenticated the bidders will be disqualified for the entire tender.

2.1.3. 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.

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Tenderer to complete the below Bill of Quantities below:

ITEM	MILESTONES / LINE ITEMS	Units	QTY	UNIT PRICE	TOTAL COSTING
1	SECTION 1: PRELIMINARY AND GENERAL				
1.1	FIXED CHARGE AND VALUE RELATED ITEMS				
1.1.1	Compliance with the Health & Safety Specification	Sum	1		
1.1.2	Compliance with the Environmental Management Plan	Sum	1		
TOTAL: SECTION 1					
SECTION 2: ELECTRICAL AND MECHANICAL WORKS					
2	SECTION 2: SCOPE OF WORK				
2.1	Assess the suitable size of electric actuators for degritter tanks.	No.	5		
2.2	Supply, deliver, install and commission electric actuators for degritter tanks. Size and rating based on assessment in 2.1	No.	6		
2.3	Supply, deliver, install and commission solenoid valves for degritter tanks.	No.	7		
2.4	Supply, deliver, install and commission motors for mechanical screens	No.	3		

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ITEM	MILESTONES / LINE ITEMS	Units	QTY	UNIT PRICE	TOTAL COSTING
2.5	Supply, deliver, install and commission geared motors for screenings compactor.	No.	1		
2.6	Inspect and pressure test air receivers by a registered AIA for pressure vessels.	No.	2		
2.7	Service and clean air receivers in preparation for the inspections and pressure tests.	No.	2		
2.8	Replace pressure gauges and safety valves on the air receivers.	No.	4		
2.9	Supply, deliver and offload air compressor complete with 7.5kW IP55 motor (compatible with existing)	No.	1		
2.10	Supply, deliver and offload air compressor air 7.5kW IP55 foot mount electric motor (compatible with existing)	No.	1		
2.11	Supply, deliver and offload rotary lobe blower head c/w motor 7.5kW IP55, 2pole (compatible with existing)	No.	1		
2.12	Service air compressors and blowers.	No.	4		
2.13	Supply and deliver geared motor for inclined conveyor belt	No.	1		
TOTAL SECTION 2					

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ITEM	MILESTONES / LINE ITEMS	Units	QTY	UNIT PRICE	TOTAL COSTING
SUB-TOTAL (SECTION 1 + 2)					
15 % Vat					
GRAND TOTAL					

Signature of person authorized to sign this tender (BOQ Sign-off):

Name: _____ **Signature:** _____

Date: _____

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3. EVALUATION CRITERIA

3.1. Stage 1: Mandatory Requirements

NO.	MANDATORY CRITERIA	YES
1.	Compulsory briefing session to be attended by all potential tenderers.	Yes
3.	The tenderer must have active CIDB Grading of 2ME or Higher at Evaluation.	Yes
3.	Signed BOQ	Yes

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

3.2. Stage 2: Administrative Evaluation

REFERENCE TO TENDER DOCUMENT	DESCRIPTION	REQUIRED
MBD 3.1	Pricing Schedule – Firm Prices (Purchases)	Yes

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3.3. Stage 3: Functionality/Technical Evaluation Criteria

The functionality or technical evaluation criteria is as follows:

CRITERIA NO #	CRITERIA	EVIDENCE	SUB-CRITERIA/CLAUSE	WEIGHTING	SCORE
1.	Company's Experience The Tenderer (Company) is required to have experience in the installation, repairs, refurbishment, or maintenance of wastewater Inlet Works equipment.	The Tenderer (Company) must provide relevant reference letter(s) or completion certificates with proof that they have executed and successfully completed the required works in rendering services of installation, repairs, refurbishment, or maintenance of wastewater Inlet Works equipment. <i>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</i>	Total Number of successful completed projects in respect to relevant experience in wastewater inlet work equipment	35	
			Less than two (2) projects		0
			Two (2) to Four (4) projects		24.5
			Five (5) projects or more		35

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		<i>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.</i>			
2.	Qualifications and certificates of Fitter	The tenderer is required to submit the following certified copies of qualifications and certificates for the Fitter who will be assigned for the execution of the work. - N3 Mechanical Engineering Certificate and Fitter/Millwright Trade Test Certificate	Bidder is to submit proof of relevant specified qualification The bidder did not provide the required qualification N3 - N5 Mechanical Engineering Certificate and Fitter/Millwright Trade Test Certificate N6 or higher Mechanical Engineering Certificate/Qualification and Fitter/Millwright Trade Test Certificate	30	0 21 30

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3.	Experience of Fitter	The tenderer must submit CVs of their key personnel describing their relevant work experience in installation, repairs, refurbishment, or maintenance of wastewater Inlet Works equipment	Total Years of Experience with respect to wastewater inlet works equipment. Less than three (3) years Three (3) years or more but less than five (5) years Five (5) years or more	35	 0 24.5 35
MINIMUM QUALIFYING SCORE				70	
TOTAL				100	

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CONTACTABLE REFERENCE

To Johannesburg Water (SOC) Ltd

I, the undersigned being duly authorized to do so, hereby furnish a reference to Johannesburg Water relative to the **Urgent Repair and Maintenance of Equipment and Supply of new Equipment for Head of Works at Northern Works.**

Name of Tenderer:

Description of Services provided in relation to scope of work or criteria 1 of evaluation

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

Duration: Year-Month-Day when the Goods / Services were provided.....

Name of authorised person:

Signature: **Date**

Telephone/Mobile:

Email:

Completed on behalf (Name of Client)

NB: 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. 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.

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Name of Tenderer:

Description of Services provided in relation to scope of work or criteria 1 of evaluation

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

Duration: Year-Month-Day when the Goods / Services were provided.....

Name of authorised person:

Signature: **Date**

Telephone/Mobile:

Email:

Completed on behalf (Name of Client)

NB: 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. 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.

Directors:

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Ms Kethabile Mabe (Company Secretary),
Johannesburg Water SOC Ltd
Registration Number: 2000/029271/30



City of Johannesburg

Johannesburg Water SOC Ltd

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PO Box 61542
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www.johannesburgwater.co.za

CONTACTABLE REFERENCE

To Johannesburg Water (SOC) Ltd

I, the undersigned being duly authorized to do so, hereby furnish a reference to Johannesburg Water relative to the **Urgent Repair and Maintenance of Equipment and Supply of new Equipment for Head of Works at Northern Works.**

Name of Tenderer:

Description of Services provided in relation to scope of work or criteria 1 of evaluation

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

Duration: Year-Month-Day when the Goods / Services were provided.....

Name of authorised person:

Signature: **Date**

Telephone/Mobile:

Email:

Completed on behalf (Name of Client)

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2107Tel +27(0) 11 688 1400
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Provide separate forms for each key personnel as per the position listed in the form:

Technician

Curriculum Vitae			
Name:		Date of birth:	
Profession:		Nationality:	
Qualifications:			
Certificates:			
Name of Employer (firm):			
Current position:		Total Months Relevant Experience:	
<u>Employment Record:</u>			
<u>Experience Record Pertinent to Required service:</u>			
START DATE (day/ month/year)	End DATE (day/month year)	ROLE WHICH PROVES RELEVANT EXPERIENCE	

Certification:

I, the undersigned, certify that, to the best of my knowledge and belief, this data correctly describes me, my qualifications and my experience.

.....
Signature of person named in the schedule.....
*Date***Directors:**

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3.3.1. Bidders are required to meet a minimum of 70 points on the functionality evaluation to be further evaluated on the preference points. Bidders that do not meet a minimum of 65 points will be disqualified and will not be evaluated further.

3.4. Stage 3: The responses will be evaluated on the **80/20 preference point's principle**. 80 Points Price and 20 Points Specific Goals. Pricing schedule to be completed fully by the bidder. 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:

The specific goals allocated points in terms of this tender	Number of points allocated (80/20 system)	Number of points claimed. (80/20 system) (To be completed by the tenderer)
Business owned by 51% or more –Women	10	
SMME (EME or QSE) owned by 51% or more - Black People	10	
Total	20	

SPECIFIC GOALS – ANY ONE OR A COMBINATION OF ANY	MEANS OF VERIFICATION THAT MUST BE SUBMITTED OR A COMBINATION THEREOF TO PROVIDE POINTS CLAIMED
--	---

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Business owned by 51% or more-Women	- Valid construction sector BBBEE Certificate issued by SANAS accredited verification agency or construction sector Affidavit sworn under oath, OR - CIPC registration document showing percentage of ownership and share certificate where applicable - ID copy
SMME (EME or QSE) owned by 51% or more - Black People	- Valid construction sector BBBEE Certificate issued by SANAS accredited verification agency or construction sector Affidavit sworn under oath, OR - CIPC registration document showing percentage of ownership and share certificate where applicable - ID copy

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.

4. AWARDING STRATEGY

This request for pricing will be awarded to the highest scoring bidder in terms of price and points scored for specific goals

5. RETURNABLE DOCUMENTS

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

- 5.1. This request for pricing document must be completed and submitted with pricing or quotation.
- 5.2. Proof of points claimed for specific goal must be submitted in order to qualify for Specific Goals points.

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- 5.3. Complete and sign the following Municipal Bidding Documents (MBD).
 - 5.3.1. MBD 3.1 Firm Price(s) Purchase
 - 5.3.2. MBD 4 form (Declaration of Interest).
 - 5.3.3. MBD 6.1 Form (Preference points claim form).
 - 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 documentary evidence for functionality or technical evaluation (where Applicable).
- 5.6. CIDB Certificate

6. GENERAL TERMS AND CONDITIONS

Price(s) quoted must be valid for 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 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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SPECIAL CONDITIONS

1. DEFINITIONS:

- 1.1 That "Johannesburg Water (SOC) Ltd" shall herein after be referred to as "JW".
- 1.2 The "Managing Director" shall mean the Managing Director: Johannesburg Water (Soc) Ltd or his authorised representative.
- 1.3 "Vat" shall mean Value Added Tax in terms of the Value Added Tax Act 89 of 1991 as amended.

2. PRICE:

- 2.1 All prices shall exclude Value Added Tax (VAT) at the standard rate as gazetted from time to time by the Minister of Finance in terms of the Value Added Tax Act 89 of 1991 as amended.
- 2.2 All price(s) tendered shall include the cost of all insurances, services, labour, equipment, materials, etc. and be the net price after all discounts and settlement discount have been deducted. The net price/s shall be without any extra or additional charges to JW whatsoever.
- 2.3 A firm price will be acceptable.
- 2.4 Prices must include cost of supply, delivery, installation and commissioning as per technical specification.

3. SURETY BOND:

- 3.1 No surety bond shall be required in terms of this contract.

4. COMPLIANCE WITH LEGISLATION AND SPECIFICATION:

- 4.1 The Service Provider 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.
- 4.2 The Service Provider shall comply with all the requirements prescribed in the specification.
- 4.3 Equipment must meet relevant SANS requirements. The service provider must issue Certificate of Compliance for the electrical works in line with SANS 10142-1 and SANS 10142-2 where applicable.

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5. SAFETY:

- 5.1 Without derogation from the generality of Clause 4.1, or from any other provision of this contract, the Service Provider shall at all times during the contract, comply in all respects with the safety and other requirements of the Occupational Health and Safety Act 85 of 1993 and the regulations applicable hereunder.

6. EMPLOYMENT OF LABOUR:

- 6.1 The Service Provider must ensure that all relevant legislation is complied with in the employment of labour.

7. INSURANCE AND INDEMNIFICATION:

- 7.1 In addition to any insurance required to be held by the Service Provider in terms of the Contract in terms of the Occupational Injuries and Diseases Act no. 130 of 1993, the Service Provider 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 Service Provider hereby indemnifies and agrees to keep indemnified throughout the period of the contract JW against all claims by third parties or the Service Provider's own employees resulting from the operations carried out by the Service Provider under this contract.
- 7.2 A current certificate of good standing in terms of the Compensation for Occupational Injuries and Diseases Act, 1993 must be furnished by the Service Provider within 21 days of notification of acceptance of the tender.
- 7.3 The Service Provider 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.
- 7.4 Copies of such insurances and indemnifications must be supplied to JW within 21 days of notification of acceptance of the tender.

8. REMEDIES, BREACH, WHOLE AGREEMENT, WAIVER, VARIATION AND INDULGENCES

- 8.1 If the Service Provider or any person employed or associated with him or in the case of a Company, a Director or shareholder or person also associated with such Company, either directly or indirectly gives or offers to give any gratuity, reward or commission or other bribe to any person in the employ of JW this contract shall be avoidable at the instance of JW.

8.2

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If the Service Provider has not complied with the Managing Director's requirements or if he is in breach of any of the Conditions of this contract and:

8.2.1

Fails to remedy such breach within 14 (fourteen) days of receipt of written notice requiring it to do so (or if not reasonably possible to remedy the breach within 14 (fourteen) days), within such further period as may be reasonable in the circumstances, provided that the Service Provider furnishes evidence within the period of 14 (fourteen) days reasonably satisfactory to JW, that it has taken whatever steps are available to it to commence remedying the breach), then the JW shall be entitled, without notice and in addition to any other remedy available to it at law or under this agreement, including obtaining an interdict, to cancel this agreement or to claim specific performance of any obligation whether or not the due date for performance has arrived, in either event without prejudice to JW's right to claim damages.

8.2.2

Should JW elect to cancel the contract then and in such instance a certificate presented by the Managing Director of JW shall constitute proof of the Service Provider's indebtedness to JW.

8.3

This agreement constitutes the entire agreement between the parties relating to the matter hereof.

8.4

No amendment or consensual cancellation of this agreement or any provision or term hereof or of any agreement, bill of exchange or other document issued or executed pursuant to or in terms of this agreement and no settlement of any dispute arising under this agreement and no extension of the time, waiver or relaxation or suspension of any of the provisions or terms of this agreement or of any agreement, bill of exchange or other document issued pursuant to or in terms of this agreement shall be binding unless recorded in a written document signed by the parties. Any such extension, waiver or relaxation or suspension, which is so given or made, shall be strictly construed as relating to the matter in respect whereof it was made or given.

9. DISPUTES:

9.1

In the event of any dispute arising between JW and the Service Provider in connection with or arising out of the contract, it shall be referred to the Managing Director of JW who shall state his

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decision in writing and give notice of the same to the Service Provider within 28 days of the dispute having been submitted to the Managing Director of JW. Such decision shall be binding upon the Service Provider subject to clause 9.2

9.2

Should the Service Provider be dissatisfied with the decision of the Managing Director he/she may, within 28 days after receiving notice of such decision, require that the issue or issues be referred to a single arbitrator to be agreed upon between the parties or, failing agreement, to be nominated by the Chairman of the Association of Arbitrators and any such reference shall be deemed to be submission to the arbitration of a single arbitrator in terms of the Arbitration Act, 1965. The award of the arbitrator shall be final and binding on both parties.

9.3

Not later than one week after receipt of notice calling for arbitration, JW may give notice to the Service Provider that the dispute or disputes be settled by Court of Law having jurisdiction.

10. SCOPE OF CONTRACT:

10.1

The main objective of the project is to urgently **Repair and Maintenance of Equipment and Supply of new Equipment for Head of Works at Northern Works** in line with the latest Johannesburg Water Particular Generic Specifications and applicable standards.

10.2

The Service Provider shall be required to offer 12-month warranty for all new items, 6-month warranty for all repaired items and on workmanship.

11. DURATION:

11.1

The tenure of the contract shall be with effect from the date of signing the contract as a once off purchase and completion within three (3) months.

12. QUANTITIES

12.1

Quantities shall be as per Bill of Quantities. Items which are practical to re-measure shall be remeasured for the purposes of payment .

13. PLACE AND TIME OF DELIVERIES:

13.1

Delivery shall be at Northern Wastewater Treatment Works during normal working hours, 08h00 to 15h00 weekdays.

14.SAMPLES:

14.1

Not required

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- 15. TENDER VALIDITY:** 15.1 The Tender shall be valid for a period of ninety (90) days from the date of closing of Tenders.
- 16. ADJUDICATION OF TENDERS:** 16.1 The highest, lowest or any tender will not necessarily be accepted by JW.
JW reserves the right to adjudicate the Tender to JW's best interest and it is not necessarily intended to award the Contract to only one Service Provider.
- 17. ACCEPTANCE OF TENDER:** 17.1 A valid and binding contract shall be concluded at the time when the Service Provider receives an official appointment letter and sign letter of acceptance at the offices of JW after the Service Provider where he/she will enter into a contract with JW with the term and conditions packaged in this document.
- 18. COMPLETENESS:** 18.1 Failure by the tenderer to complete in full the required information regarding their proposal will render the tender liable to rejection on the grounds of being incomplete.
- 19. QUALITY AND GUARANTEE** 19.1 The Service Provider shall not be relieved of his obligations with respect to the sufficiency of the materials, workmanship and quality of the goods by reason of no obligation having been taken thereto by JW's representative at the time the goods were delivered.
- 19.2 If at any time, as stipulated in the contract, but not exceeding twelve (12) months after delivery, JW is dissatisfied with the goods or with any part thereof on account of materials being faulty or of inferior quality of workmanship or bad design or on account of the goods not being in strict accordance with the contract specifications; the Service Provider shall immediately remedy the said defects free of cost to JW. Should the Service Provider delay remedial work in excess of the time stipulated by JW's representative, JW may have such remedial work executed at the Service Provider's expense.
- 19.3 The risk of all goods purchased by JW from the Service Provider under this contract shall remain with the Service Provider until such time the goods have been delivered to JW.
- 19.4 If any dispute arises between JW and the Service Provider in relation with the quality and guarantee of the goods, either party

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may give the other a notice in writing of the existence of such dispute as stipulated in Clause 9.1.

20. PENALTIES FOR FAILURE TO DELIVER

- 20.1 If the Service Provider fails to deliver the required quantity of product by the due date agreed upon: a penalty of 5% (five) shall be applied for the total value of that specific order where delivery conditions were not met. Alternatively Johannesburg Water reserves the right to purchase the product elsewhere and to deduct any extra expense in excess of the tender rates so incurred from any sum due under this tender, or recover the amount from the Service Provider as debt.
- 20.2 No liability in terms of Clause 20.1 shall attach to the Service Provider if he shall prove to the satisfaction of the Engineer that the delivery has been delayed or become impossible due to fire, war, riot, strikes, Natural Disasters, lockout, accident or other unforeseen occurrences or circumstances beyond the Service Providers control, provided, however, that in all cases the Service Provider has notified Johannesburg Water in writing within 24 (Twenty-four) hours of it first coming to the Service Provider's notices, that delivery will be delayed or become impossible for the abovementioned reasons.

**PART B
TERMS AND CONDITIONS FOR BIDDING**

1. BID SUBMISSION:

- 1.1. BIDS MUST BE SUBMITTED BY THE STIPULATED TIME . 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

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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?
☐ 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 (GCC) WILL BE APPLICABLE TO THIS RFP.

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

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SIGNATURE OF BIDDER:

CAPACITY UNDER WHICH THIS BID IS SIGNED:

DATE:

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Registration Number: 2000/029271/30

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

IN CASES WHERE DIFFERENT DELIVERY POINTS INFLUENCE THE PRICING, A SEPARATE PRICING SCHEDULE MUST BE SUBMITTED FOR EACH DELIVERY POINT

Name of Bidder.....	Bid Number.....
Closing Time	Closing Date

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

ITEM NO.	QUANTITY	DESCRIPTION	BID PRICE IN RSA CURRENCY **(ALL APPLICABLE TAXES INCLUDED)
----------	----------	-------------	--

- | | | |
|---|--|--------------------------|
| - | Required by: | |
| - | At: | |
| | | |
| - | Brand and Model | |
| - | Country of Origin | |
| - | Does the offer comply with the specification(s)? | *YES/NO |
| - | If not to specification, indicate deviation(s) | |
| - | Period required for delivery | |
| | | *Delivery: Firm/Not firm |
| - | Delivery 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.

*Delete if not applicable

SIGNATURE(S)OF AUTHORIZED PERSON

DATE:

**Name of
bidder.....
.....**

Name of authorized person (in block letters)

MBD 4

DECLARATION OF INTEREST

1. No bid will be accepted from persons in the service of the state¹.
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, hareholder²):.....

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.

.....

¹MSCM 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

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
Total points for Price and SPECIFIC GOALS	100

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

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

2. DEFINITIONS

- a) **“tender”** means a written offer in the form determined by an organ of state in response to an invitation to provide goods or services through price quotations, competitive tendering process or any other method envisaged in legislation;
- b) **“price”** means an amount of money tendered for goods or services, and includes all applicable taxes less all unconditional discounts;
- c) **“rand value”** means the total estimated value of a contract in Rand, calculated at the time of bid invitation, and includes all applicable taxes;
- d) **“tender for income-generating contracts”** means a written offer in the form determined by an organ of state in response to an invitation for the origination of income-generating contracts through any method envisaged in legislation that will result in a legal agreement between the organ of state and a third party that produces revenue for the organ of state, and includes, but is not limited to, leasing and disposal of assets and concession contracts, excluding direct sales and disposal of assets through public auctions; and
- e) **“the Act”** means the Preferential Procurement Policy Framework Act, 2000 (Act No. 5 of 2000).

3. FORMULAE FOR PROCUREMENT OF GOODS AND SERVICES

3.1 POINTS AWARDED FOR PRICE

3.1.1 THE 80/20 PREFERENCE POINT SYSTEMS

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

80/20

$$Ps = 80 \left(1 - \frac{Pt - Pmin}{Pmin} \right)$$

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 (80/20 system)	Number of points claimed (80/20 system) (To be completed by the tenderer)
Business owned by 51% or more –Women	10	
SMME (EME or QSE) owned by 51% or more - Black People	10	
Total	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 <i>audi alteram partem</i> 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

CERTIFICATE OF INDEPENDENT BID DETERMINATION

- 1 This Municipal Bidding Document (MBD) must form part of all bids¹ 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.

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 consortium³ 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