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Newtown

P O Box 61542  
Marshalltown 2107  
Tel : (011) 688-1400 Fax : (011) 688-1556



INITIATING DEPARTMENT	INITIATOR
OHS DEPARTMENT	MPHO MOSIA
QUOTATION REFERENCE	COLLECTIVE NO.
RFQJW01MC25 Occupational Hygiene Surveys	
CONTACT MPHO on (011) 688 1476	

REQUEST FOR QUOTATION

QUOTATION VALIDITY
60 days

QUOTATIONS WILL BE EVALUATED ON THE 80/20 POINT SCORING SYSTEM.80 POINTS WILL BE ALLOCATED TO PRICE AND THE REMAINING 20 POINTS WILL BE ALLOCATED FOR BBBEE AND PREFERENTIAL PROCUREMENT

PAGE NO.	
CLOSING DATE AND TIME	
20-Jan-25	16:00
Date of Issue	
13 January 2025	

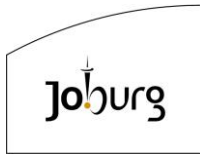
PLEASE NOTE THAT SUBMISSIONS MUST BE MADE ON THE E-TENDER PORTAL(<https://www.etenders.gov.za/>) NO EMAIL SUBMISSIONS

SCM CONTACT PERSON:EMAIL:maria.chirrindze@jwater.co.za Tel: 011 688 6610

Technical Enquiries:EMAIL:mpho.mosia@jwater.co.za Tel: 011 688 1476

ITEM NO.	DESCRIPTION	BRAND NAME OFFERED	UOM	QTY REQUIRED	PRICE QUOTED EXCL. OF V.A.T.	DIS
	<b>Conducting of Occupational Hygiene Surveys at various JW sites</b>					
1,1	Noise		ea	70		
1,2	Ergonomics		ea	70		
1,3	Illumination		ea	100		
1,4	Indoor Air Quality / Ventilation		ea	100		
1,5	Hazardous Biological Agents		ea	60		
1,6	Thermal stresses		ea	100		
1,7	Asbestos		ea	3		
1,8	Presentation of the results to management and employees once reports are finalized (on site)		ea	1		
2	<b>Service provider should provide:</b>					
2,1	Company's SANAS 17020:2012 accreditation					
2,2	Registration with Department of Labour as an Approved Inspection Authority (AIA)					
2,3	Occupational Hygienist's certificates (qualifications and SAIOH registration) and CVs of key personnel					
2,4	Two (2) reference letters from previous / current Clients on related work					
2,5	Signed quotation					
	<b>SPECIFIC GOALS</b>	<b>POINTS</b>				
	<b>Locality-Businesses located in a region within the boundaries of the COJ municipality or in the Gauteng province.</b>	<b>20</b>				
	NB:All suppliers responding to Rfq's should use their own company letter head not JW RFQ Template					
	NB: QUOTES SHOULD BE ON PDF (MS WORD,MS EXCEL,PICTURES ARE NOT ALLOWED)					
	<b>PLEASE NOTE THAT SUBMISSIONS MUST BE MADE ON THE E-TENDER PORTAL(<a href="https://www.etenders.gov.za/">https://www.etenders.gov.za/</a>)</b>					
	<b>NO EMAIL SUBMISSIONS WILL BE ACCEPTED</b>					

CONDITIONS	
AUTHORISED BY: ..... SIGNATURE:..... DATE:.....	1. QUOTATIONS RECEIVED AFTER CLOSE OF BUSINESS ON THE CLOSING DATE WILL NOT BE ACCEPTED.
	2. QUOTATIONS WITHOUT BRAND NAMES WHERE REQUIRED WILL NOT BE ACCEPTED
	3. PRICES QUOTED MUST BE AS PER THE UNIT INDICATED AND BE EXCLUDED OF VAT
	4 QUOTATIONS WITHOUT THE SUPPLIER'S AUTHORISED SIGNATURE WILL NOT BE ACCEPTED.
	5 ACCEPTANCE OF A QUOTATION WILL BE SUBJECT TO JOHANNESBURG WATER'S SUPPLY CHAIN POLICY



## OCCUPATIONAL HYGIENE SURVEY SPECIFICATIONS



### 1. SCOPE

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#### **Employer's Objectives**

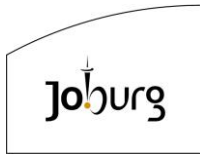
The objective of the Employer is to appoint an experienced Service Provider to conduct Occupational Hygiene Surveys in terms of the Occupational Health and Safety Act & its associated Regulations.

#### **1.1 DESCRIPTION**

Johannesburg Water requires a service provider to conduct Hygiene Surveys assess the following stressors: (Asbestos, Noise, Ergonomics, Biological Hazards, Illumination, Ventilation and Thermal Stress)

#### **The areas to be surveyed are:**

- a) Avalon Depot
- b) Avalon Prepayment Depot
- c) Bushkoppie Works
- d) Driefontein Works
- e) Ennerdale Depot
- f) Ennerdale Works
- g) Goudkoppies Works
- h) Hamberg Depot
- i) Head Office
- j) Helderkruin Depot
- k) Hursthill Depot, Glenvista & Scott Athol Depots
- l) Klipspruit Depot
- m) Langlaagte Depot
- n) Olifantsvlei Works
- o) Southdale Depot



## OCCUPATIONAL HYGIENE SURVEY SPECIFICATIONS



The Service Provider will also be required to interpret the results, compile a report and recommend control measures to ensure protection of the employees in the workplace.

## 2. REQUIREMENTS

**2.1** The following standards specification must be met as required:

- Service provider must be registered with the Department of Labour as an AIA and must provide certification documents to validate such with a registration number. It is also highly recommended that the company also has the SANAS 17020:2012 accreditation.
- Equipment to be used for all measurements must be calibrated and SABS approved. Calibration certificates for all instruments to be used must be submitted.

### 2.2 KEY PERSONNEL

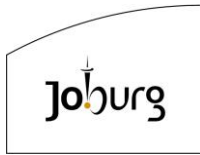
**The key personnel for the project should meet the following criteria:**

- Registered with SAIOH as Occupational Hygiene Technologist (x2)
- Have at least 3-4 years' experience in Occupational Hygiene;
- Have appropriate qualifications in Safety, Hygiene or Environmental Health / Management or Engineering field.

### 2.3 COMPANY'S EXPERIENCE

The Service Provider shall provide JW with at least 2 reference letters from Clients for work completed or in progress in relation to the scope of work. The reference letters, which should be on the Client's letterhead should give details of the following parameters:

- Scope of work,
- Duration,
- Quality of work



## OCCUPATIONAL HYGIENE SURVEY SPECIFICATIONS



### 3. PROCEDURES

#### 3.1 Noise

Specified maximum exposure limits for noise are provided in the Occupational Health and Safety Act (Act 85 of 1993). Employees who are exposed to noise rating levels higher than the specified limit (85 dBA for a continuous 8-hour exposure) are at risk of developing noise induced hearing loss.

- Service provider will be required to measure noise levels in identified areas as Noise zones or activities that produce high noise levels.
- Personal noise samples should also be taken on selected employees.

#### 3.2 Ergonomics

An active on-site investigation of individual work processes should be conducted during which ergonomics:

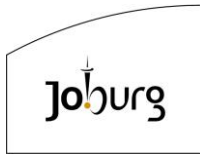
- Manual materials handling, and lifting to and from heights
- Activities such as manhole entry, general work at treatment plants and networks, climbing up and down.
- Driving
- Office working arrangements – chair, desk, laptop/ desktop interface.

Over and above this, the service provider will be requested to assess fatigue from employees, especially drivers and fieldworkers.

#### 3.3 Biological hazards

Statutory requirement: The Occupational Health and Safety Act (Act 85 of 1993), section 8 (d) and the Regulations for Hazardous Biological Agents.

Service provider is to assess the extent of pathogenic micro-organism contamination on the hands of the workers engaged in typical activities within the sewer section of the Johannesburg Water and surfaces of areas that are required to be hygienic and free from pathogens (i.e Hygiene facilities and eating areas)



## OCCUPATIONAL HYGIENE SURVEY SPECIFICATIONS



### 3.4 Illumination

Regulation 3(1) of the Environmental Regulations for Workplaces, Occupational Health and Safety Act No 85 of 1993 requires a Schedule of Minimum Average Values of Maintained illuminance for numerous workplaces. Measurements must also be conducted in accordance with SANS 10114:2004 – the National Standard for Interior Lighting.

- **Illuminance measurements must be conducted during the daytime and nighttime hours, sampling work stations of all selected Johannesburg Water sites.**

### 3.5 Ventilation & Air Sampling &

- Air Sampling: purpose of this survey is to assess the risk of employee exposure to airborne particulate contaminants when engaged in typical outdoor activities such as *manhole entry*.
- Ventilation: The purpose of this survey was to conduct an assessment of the Indoor Air Quality (IAQ) within the administrative office and production areas in Johannesburg Water facilities.

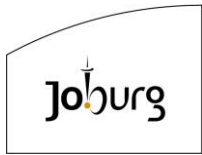
### 3.6 Thermal Stress

Service provider is required to assess selected thermal environments that the employees at Johannesburg Water are exposed to when engaged in outdoor and indoor activities. This will be done in order to:

- Allow for comparison of results to the relevant statutory requirements.
- Assess the risks which the thermal environments pose to worker health.
- Recommend any necessary remedial actions.

### 3.7 Asbestos

Service provider will be required to take samples to determine the level to which employees are exposed to asbestos using internationally approved methods.



## OCCUPATIONAL HYGIENE SURVEY SPECIFICATIONS

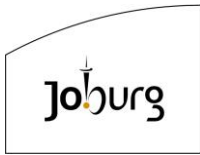


### **4. Reports to be provided after Hygiene Survey**

- Individual reports per site per survey should be sent to the Safety Manager for review before approval and signatures.
- Reports should be sent individually for ease of reference.
- Reports should be provided in hard copy and soft copy.
- Report must be signed by the Hygienist who conducted the hygiene survey.
- Must comprise of all the measured results and analyzed reports.
- Include certificates of key personnel and valid calibration certificates of equipment used.

## 5. IMPLEMENTATION

Survey type	Avalon Depot	Avalon Prep. Depot	Bushkoppie WWTW	Driefontein WWTW	Ennerdale Depot	Ennerdale WWTW	Goudkoppies Works	Hamberg Depot	Head Office	Helderkruin Depot	Hursthill Depot	Klipspruit Depot	Langlaagte Depot	Olifantsvlei Works	Scott Athol	Southdale Depot	Activities / Areas to be sampled
Asbestos	√				√			√				√	√			√	Simulation at one of the sites
Ergonomics	√	√	√	√	√	√	√	√	√	√	√	√	√	√	√	√	Offices, manholes, workshops, pump stations, MCC rooms, general work, stores
Hazardous Biological Agents	√	√	√	√	√	√	√	√	√	√	√	√	√	√	√	√	Laboratories, employees hands, kitchen, ablution facilities, standby rooms, reception areas, trucks
Illumination	√	√	√	√	√	√	√	√	√	√	√	√	√	√	√	√	Offices, manholes, chambers, workshops, pump stations, night work, stores, standby quarters, plant (inside), MCC rooms
Indoor Air Quality / Ventilation	√	√	√	√	√	√	√	√	√	√	√	√	√	√	√	√	Offices, manholes, chambers, workshops, standby quarters, plant (inside),
Noise	√	√	√	√	√	√	√	√	√	√	√	√	√	√	√	√	Vehicles / Trucks; pump station, workshop, compressor / jackhammer; other equipment; Pump Stations; Reservoirs
Thermal Stress	√	√	√	√	√	√	√	√	√	√	√	√	√	√	√	√	Inside buildings, outside, inside trucks / vehicles



## OCCUPATIONAL HYGIENE SURVEY SPECIFICATIONS



### SITES DETAILS

Site	Shift type	Address
Avalon Depot	Day and night	2 Calendula Road, Klipspruit West
Avalon Prepayment Depot	Day	1 Calendula Road, Klipspruit West
Bushkoppie WWTW	Day	Cnr Golden Highway R553 and Stockwell Avenue, Eldorado Estates
Driefontein WWTW	Day	Portion 55 of Farm, Driefontein 179IQ
Ennerdale Depot	Day and night	2 James Street, Ennerdale
Ennerdale WWTW	Day	Portion 48 of Farm Elandsfontein 30810
Glenvista Depot	Day and night	Cnr Van Beek / Rolene / Green Ave, Glenvista
Goudkoppies WWTW	Day	Cnr East Street & Gibbs Road, Devland
Hamberg Depot	Day and night	159 Hamberg Road, Hamberg (Roodepoort)
Head Office	Day	Turbine Hall Building, 65 Ntemi Piliso Street, Newtown, Johannesburg
Hursthill Depot	Day and night	75 Corner High and Ingleby Street, Hursthill
Klipspruit Depot	Day and night	1296 Mofokeng Street, Klipspruit, Soweto
Langlaagte Depot	Day and night	2 Link Road, Langlaagte
Olifantsvlei WWTW	Day	Cavendish Street, Olifantsvlei 316-IQ Portion RE/2/316 (Adjacent to Nancefield Industrial Sites)
Scott Athol Depot	Day and night	2 Scott Street, Waverly
Southdale Depot	Day and night	91 Side Road, Southdale, Johannesburg

### RETURNABLES / DELIVERABLES

- Signed quotation.
- Company's SANAS 17020:2012 accreditation
- Registration with Department of Labour as an Approved Inspection Authority (AIA)
- Occupational Hygienist's certificates (qualifications and SAIOH registration) and CVs of key personnel
- Two (2) reference letters from previous / current Clients on related work.





a world class African city



City of Johannesburg

Johannesburg Water SOC Ltd

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Newtown  
Johannesburg

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Marshalltown  
2107

Tel +27(0) 11 688 1400  
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[www.johannesburgwater.co.za](http://www.johannesburgwater.co.za)

**PLEASE SUPPLY THE FOLLOWING DOCUMENTS TO ENABLE US TO EVALUATE YOUR SUBMISSION :**

Returnable Documents	Description	Yes/No	
1	A, certified /original/valid, BBBEE certificate /sworn affidavit (Please note that the Sworn Affidavit must be compliant as per B-BBEE Practice Guide 01 of 2018 , NON COMPLIANT AFFIDAVIT WILL BE SCORED ZERO)		<b>COMPULSORY</b>
2	Municipal rates and taxes (Must not be older than 90 days in arrears in line with regulation 38.		<b>COMPULSORY</b>
3	Signed Declaration of Interest form (MBD 4)		<b>COMPULSORY</b>
4	Declaration of Bidders past supply chain management practices (MBD 8)		<b>COMPULSORY</b>
5	Certificate of Independent Proposal Determination (MBD 9)		<b>COMPULSORY</b>
6	Proof of CSD registration /MAAA Supplier Number		<b>COMPULSORY</b>
7	Preference points claim form in terms of the preferential procurement regulations 2022 (MBD 6.1)		<b>COMPULSORY</b>

## 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, hareholder<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**

## 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.

### 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

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

- a) 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**

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

Where

- Ps = Points scored for price of tender under consideration
- Pt = Price of tender under consideration
- Pmin = Price of lowest acceptable tender

##### 3.1.1. POINTS AWARDED FOR PRICE

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

**80/20**

$$Ps = 80 \left( 1 + \frac{Pt - P_{max}}{P_{max}} \right) \text{ o}$$

Where

- Ps = Points scored for price of tender under consideration
- Pt = Price of tender under consideration
- Pmax = Price of highest acceptable tender

### 4. POINTS AWARDED FOR SPECIFIC GOALS

- 4.1. In terms of Regulation 4(2); 5(2); 6(2) and 7(2) of the Preferential Procurement Regulations, preference points must be awarded for specific goals stated in the tender. For the purposes of this tender the tenderer will be allocated points based on the goals stated in table 1 below as may be supported by proof/ documentation stated in the conditions of this tender:

**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)	Proof of documents per specific goals
Businesses located in a region within the boundaries of the COJ, COJ municipality or in the Gauteng province.	20		Proof of municipal account / valid lease agreement confirming the business address.

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

4.2. Name of company/firm.....

4.3. Company registration number: .....

4.4. TYPE OF COMPANY/ FIRM

- ☐ Partnership/Joint Venture / Consortium
- ☐ One-person business/sole propriety
- ☐ Close corporation
- ☐ Public Company
- ☐ Personal Liability Company
- ☐ (Pty) Limited
- ☐ Non-Profit Company
- ☐ State Owned Company

[TICK APPLICABLE BOX]

4.5. 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.

.....	
<b>SIGNATURE(S) OF TENDERER(S)</b>	
<b>SURNAME AND NAME:</b>	.....
<b>DATE:</b>	.....
<b>ADDRESS:</b>	.....
	.....
	.....
	.....



## 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	<p>Is the bidder or any of its directors listed on the National Treasury's Database of Restricted Suppliers as companies or persons prohibited from doing business with the public sector?</p> <p>(Companies or persons who are listed on this Database were informed in writing of this restriction by the Accounting Officer/Authority of the institution that imposed the restriction after the <i>audi alteram partem</i> rule was applied).</p> <p><b>The Database of Restricted Suppliers now resides on the National Treasury's website(<a href="http://www.treasury.gov.za">www.treasury.gov.za</a>) and can be accessed by clicking on its link at the bottom of the home page.</b></p>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.1.1	If so, furnish particulars:		
4.2	<p>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)?</p> <p><b>The Register for Tender Defaulters can be accessed on the National Treasury's website (<a href="http://www.treasury.gov.za">www.treasury.gov.za</a>) by clicking on its link at the bottom of the home page.</b></p>	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 of law outside 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:		
<b>Item</b>	<b>Question</b>	<b>Yes</b>	<b>No</b>
4.4	Does the bidder or any of its directors owe any municipal rates and taxes or municipal charges to the municipality / municipal entity, or to any other municipality / municipal entity, that is in arrears for more than three months?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.4.1	If so, furnish particulars:		
4.5	Was any contract between the bidder and the municipality / municipal entity or any other organ of state terminated during the past five years on account of failure to perform on or comply with the contract?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.7.1	If so, furnish particulars:		

### CERTIFICATION

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

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

.....  
**Signature**

.....  
**Date**

.....  
**Position**

.....  
**Name of Bidder**

**CERTIFICATE OF INDEPENDENT BID DETERMINATION**

- 1 This Municipal Bidding Document (MBD) must form part of all bids<sup>1</sup> invited.
- 2 Section 4 (1) (b) (iii) of the Competition Act No. 89 of 1998, as amended, prohibits an agreement between, or concerted practice by, firms, or a decision by an association of firms, if it is between parties in a horizontal relationship and if it involves collusive bidding (or bid rigging).<sup>2</sup> Collusive bidding is a *pe se* prohibition meaning that it cannot be justified under any grounds.
- 3 Municipal Supply Regulation 38 (1) prescribes that a supply chain management policy must provide measures for the combating of abuse of the supply chain management system, and must enable the accounting officer, among others, to:
  - a. take all reasonable steps to prevent such abuse;
  - b. reject the bid of any bidder if that bidder or any of its directors has abused the supply chain management system of the municipality or municipal entity or has committed any improper conduct in relation to such system; and
  - c. cancel a contract awarded to a person if the person committed any corrupt or fraudulent act during the bidding process or the execution of the contract.
- 4 This MBD serves as a certificate of declaration that would be used by institutions to ensure that, when bids are considered, reasonable steps are taken to prevent any form of bid-rigging.
- 5 In order to give effect to the above, the attached Certificate of Bid Determination (MBD 9) must be completed and submitted with the bid:

<sup>1</sup> Includes price quotations, advertised competitive bids, limited bids and proposals.

<sup>2</sup> Bid rigging (or collusive bidding) occurs when businesses, that would otherwise be expected to compete, secretly conspire to raise prices or lower the quality of goods and / or services for purchasers who wish to acquire goods and / or services through a bidding process. Bid rigging is, therefore, an agreement between competitors not to compete.

**CERTIFICATE OF INDEPENDENT BID DETERMINATION**

I, the undersigned, in submitting the accompanying bid:

---

(Bid Number and Description)

in response to the invitation for the bid made by:

---

(Name of Municipality / Municipal Entity)

do hereby make the following statements that I certify to be true and complete in every respect:

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

(Name of Bidder)

1. I have read and I understand the contents of this Certificate;
2. I understand that the accompanying bid will be disqualified if this Certificate is found not to be true and complete in every respect;
3. I am authorized by the bidder to sign this Certificate, and to submit the accompanying bid, on behalf of the bidder;
4. Each person whose signature appears on the accompanying bid has been authorized by the bidder to determine the terms of, and to sign, the bid, on behalf of the bidder;
5. For the purposes of this Certificate and the accompanying bid, I understand that the word "competitor" shall include any individual or organization, other than the bidder, whether or not affiliated with the bidder, who:
  - (a) has been requested to submit a bid in response to this bid invitation;
  - (b) could potentially submit a bid in response to this bid invitation, based on their qualifications, abilities or experience; and
  - (c) provides the same goods and services as the bidder and/or is in the same line of business as the bidder

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

<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.

.....  
Signature

.....  
Date

.....  
Position

.....  
Name of Bidder

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