



**PRINCE ALBERT MUNICIPALITY  
PRINS ALBERT MUNISIPALITEIT  
FORMAL WRITTEN PRICE QUOTATION (RFQ)**

Appointment of service provider(s) for mechanical repairs and servicing of  
Prince Albert Municipality's vehicle fleet

**RFQ 106 / 2021**

<b>NAME OF BIDDER</b>		
<b>CONTACT NUMBER</b>	PHONE:	
	FAX:	
<b>QUOTATION CLOSING DATE</b>	<b>16 AUGUST 2021 @ 23H59</b>	
<b>B-BBEE STATUS LEVEL</b>		
<b>CSD REGISTRATION NUMBER</b>		
<b>BID AMOUNT (VAT Inclusive)</b>	<b>R _____.</b>	

<b>FOR OFFICE USE:</b>	<b>OFFICIAL STAMP:</b>
Official 1: _____	
Official 2: _____	

# INSTRUCTIONS

Prince Albert Municipality hereby invites quotations from bidders for the supply of the goods/ services as detailed in the enclosed schedule. The following conditions will apply:

1. Price(s) quoted must be valid for at least **thirty (30) days** from date of your offer.
2. Price(s) quoted must be firm and inclusive of VAT (if applicable).
3. This quotation will be evaluated in terms of the 80/20 preference point system as prescribed in the Preferential Procurement Policy Framework Act (No 5 of 2000) and for this purpose the MBD 6.1 and MBD 6.2 (**Local content**) form must be scrutinized, completed and submitted together with your quotation.
4. **NB: No quotations will be considered from persons in the service of the state.** The Declaration of Interest (MBD 4) form must be completed.
5. **No awards will be made to persons whose tax affairs are not in order.** Please attach a valid tax clearance certificate obtained from SARS, and/or a tax status pin letter.
6. **To combat abuse of the supply chain management process, the bidder must complete the declaration of his/her past supply chain management practices (MBD 8).**
7. **To prevent collusion, the Certificate for Independent Bid Determination Form (MDB 9) must be completed.**
8. Quotations received after the closing date will not be considered and evaluated.
9. **To prevent collusion, the Certificate for Independent Bid Determination Form (MDB 9) must be completed.**
10. Quotations may only be submitted on the bid documentation that is issued. Failure to comply will result in the bid being non-responsive.
11. Should your offer be accepted, the contract will be governed by the General Conditions of Contract issued by National Treasury. You will also be required to be registered on the Central Supplier Database ( [www.csd.gov.za](http://www.csd.gov.za) ). Registration is free of charge and can be done online.
12. All municipal bidding documentation (MBD) forms are available on the municipality's website at [www.pamun.gov.za](http://www.pamun.gov.za), or can be requested from the Finance Department (Supply Chain Management Division).

13. Contact details for enquiries:

**Technical/Specification Enquiries**

Mr. Charlton Jafta  
Manager: Community Services  
Office: 023 541 1320  
Cell: 073 256 8587  
Email: [charlton@pamun.gov.za](mailto:charlton@pamun.gov.za)

**SCM Enquiries**

Mr. David-Leigh Willemse  
Office: 023 541 1036  
Cell: 082 895 9261  
Email: [scm@pamun.gov.za](mailto:scm@pamun.gov.za)

14. The Municipality reserves the right to withdraw any invitation to bid and/or re-advertise or to reject any bid or to accept a part of it. The Municipality does not bind itself to accept the lowest bid or to award a contract to the Bidder scoring the highest number of points.

15. Bidders may submit their quotations to Prince Albert Municipality using one of the following options:

- **Electronic submission (Email, no faxes allowed)**  
Documentation to be emailed to the Supply Chain Management Unit  
[scm@pamun.gov.za](mailto:scm@pamun.gov.za)
  
- **Hand-delivered submission** to the following address:  
Supply Chain Management Unit (Finance Building)  
23 Church Street  
Prince Albert  
6930

Yours faithfully,



**ANNELEEN VORSTER**  
**MUNICIPAL MANAGER**  
**02 August 2021**

# CHECKLIST FOR COMPLETENESS OF BIDDING DOCUMENTATION

The bidder **MUST ENSURE** that the following checklist is completed, all necessary documentaton is attached to this bid and that all declarations are signed:

*Mark with "X" where applicable*

ITEMS TO BE CHECKED	YES / NO			
	Yes		No	
1. Completed invitation to bid (MBD 1), containing the details of the bidder	Yes		No	
2. Valid and original Tax Pin Status, attached to bid document (MBD2). <ul style="list-style-type: none"> <li>▪ An original valid Tax Status Pin must be attached to the bid document. Bidders must indicate their pin as provided by SARS to confirm validity of their tax status.</li> </ul>	Yes		No	
3. Adhering to the price instructions (MBD 3.1)	Yes		No	
4. Attached a quotation/pricing schedule on the official letterhead of the bidder's company.	Yes		No	
5. Completed and signed declaration of interest (MBD4).	Yes		No	
6. Preference points claimed and signed declarations (MBD 6.1), where applicable.	Yes		No	
7. Completed and signed declaration certificate for Local production and content (MBD 6.2), where applicable.	Yes		No	
8. Signed declaration of the bidder's past Supply Chain Management practices (MBD 8)	Yes		No	
9. Completed and signed Certificate of Independent Bid Determination (MBD 9).	Yes		No	
10. Attached a valid B-BBEE Certificate or Sworn Affidavit, where applicable.	Yes		No	
11. Attached registration at Construction Industry Development Board (CIDB), where applicable.	Yes		No	
12. Attached Central Supplier Database (CSD) report.	Yes		No	

## CERTIFICATION

I, the undersigned (full name.....),

certify that the information furnished on this checklist is true and correct.

Signed: ..... Date: .....

Name: ..... Position: .....

Tenderer: .....

**PRINCE ALBERT MUNICIPALITY**  
**INVITATION TO BID**  
**DETAILS OF TENDERER**

<b>NAME OF BIDDER:</b>							
<b>STREET ADDRESS:</b>							
	<b>City / Town</b>					<b>Postal Code</b>	
<b>POSTAL ADDRESS:</b>							
	<b>City / Town</b>					<b>Postal Code</b>	
<b>CONTACT PERSON</b>							
<b>ENTERPRISE REGISTRATION NUMBER</b>			<b>CIDB CRS NR (if applicable)</b>				
<b>TAX STATUS PIN</b>			<b>TELEPHONE NUMBER</b>				
<b>FACSIMILE NUMBER</b>			<b>CELLPHONE NUMBER</b>				
<b>EMAIL ADDRESS</b>							

**DECLARATION**

I am duly authorised to represent the tenderer for the purpose of this tender and hereby tender to supply all or any of the goods and/or render all or any of the services described in the attached document to the Prince Albert Municipality on the terms and conditions stipulated in this tender document and in accordance with the specification stipulated in the tender document.

<b>NAME (PRINT):</b>			<b>SIGNATURE:</b>		
<b>CAPACITY:</b>			<b>DATE:</b>		

## TAX CLEARANCE REQUIREMENTS

### IT IS A CONDITION OF AN AWARD THAT -

1. The taxes of the successful awardee must be in order, or that satisfactory arrangements have been made with the Receiver of Revenue to meet his / her tax obligations.
2. The attached form “Information for Application for Tax Clearance Certificate”, must be completed in all respects and returned to the municipality. **If you are in possession of a valid tax clearance certificate, please attach a copy to speed up the process.**
3. In bids where Consortia / Joint Ventures / Sub-contractors are involved each party must submit a separate Tax Clearance Certificate. Copies of the Application for Tax Clearance Certificates are available at any Receiver’s Office.



**MUNISIPALITEIT  
VAN  
PRINS ALBERT**



Rig alle korrespondensie  
aan:  
DIE MUNISIPALE BESTUURDER  
Privaatsak X53, Prins Albert, 6930  
E-Pos / E-Mail: [rekords@pamun.gov.za](mailto:rekords@pamun.gov.za)

**MUNICIPALITY  
OF  
PRINCE ALBERT**

Address all correspondence  
to:  
THE MUNICIPAL MANAGER  
Private Bag X53, Prince Albert, 6930  
Tel: 023-541 1320, Fax: 023-541 1321

**29 JULY 2021**

**REQUEST FOR FORMAL WRITTEN PRICE QUOTATION (RFQ)**  
**APPOINTMENT OF A SERVICE PROVIDER FOR MECHANICAL REPAIRS  
AND SERVICING OF PRINCE ALBERT MUNICIPALITY'S VEHICLE FLEET.**

**Quotations are hereby invited from service providers for the following categories to be placed on a panel of service providers for the municipality:**

**SECTION A: SPECIFICATIONS**

- a) Mechanical repairs and servicing of vehicles in the Municipal Fleet.
- b) Auto electrical repairs.
- c) Exhaust repairs and replacement.

- 1.1.1) When work has been allocated, the service provider must provide the Municipality with a quote for the work to be done. Acceptance of this quote is subject to the approval of the Municipality prior to the commencement of the work.
- 1.1.2) The contract will be valid for the period ending 30 June 2022.
- 1.1.3) Every category as stipulated in 1.1.1 will be awarded in two categories:
  - a) Sedans, LDV's (bakkies) and trucks less than 3 tonnes.
  - b) Trucks more than 3 tonne and refuse removal truck (compactor).
- 1.1.4) The prior approval from the Municipality must be obtained when spare parts have to be replaced.
- 1.1.5) The quotation for the cost of the spare parts is also subject to the approval of the Municipality.

- 1.1.6) The mark-up percentage on the cost of spare parts, which will apply to any spare part, and which will be used for the evaluation of the tender and which will be binding on the successful bidders for the duration of the contract.
- 1.1.7) All work for mechanical and auto electrical repairs must be executed by or under the supervision of a qualified mechanic/auto electrician.
- 1.1.8) The workshop and facilities will be approved by the Municipality prior to the award of the tender.
- 1.1.9) Only workshops within 170km radius of the Prince Albert Municipality head offices will be accepted.
- 1.1.10) The service provider must have a turn-around time of not more than twelve (12) hours for services on all vehicles.
- 1.1.11) The service provider must have a turn-around time of not more than three (3) days on breakages on all vehicles.
- 1.1.12) The service provider must have a turn-around time of not more than ten (10) days on major breakages such as engine overhauls, gearboxes and diffs on all vehicles unless prior arrangements have been made with the Municipality.

**1.2) The following schedule are a list of all the types of vehicles that are owned by the Municipality and their average age:**

<b>VEHICLE CATEGORY</b>	<b>TOTAL NUMBER OF VEHICLES</b>	<b>AVERAGE AGE</b>
Sedan and light duty vehicles under 3 ton (LDV's)	10	8 years
Trucks over 3-ton	5	3 Years
Compactors	1	1 Years

- 1.2.1) Proof of all costs incurred should be attached to your quotation in order for the Municipality to verify that the correct mark-up percentage has been charged. Sundries with a value of less than R100 do not have to be proved.  
Example: If the tender awarded to you allows for a 20% mark up on spares and a labour rate of R100 per hour then you should attach the quotation you obtain from your supplier when quoting on anything other than labour.
- 1.2.2) Bids will be pre-evaluated on functionality and only those bidders that score more than **40 out of 60 points** ( for functionality per category will be evaluated on price.

**CATEGORY A: MECHANICAL REPAIRS AND SERVICING OF VEHICLES**

Criteria for functionality for the mechanical repairs and servicing of vehicles are:

	DESCRIPTION	MAXIMUM POINTS
1.	<b>Local Registered Workshop: Maximum of 25 points</b>	<b>25</b>
	<b>Fully equipped workshop within 170km radius of the Prince Albert Municipal Head offices</b> (The municipality reserves the right to inspect these premises prior to the award of this tender).	
2.	<b>Relevant experience: Maximum of 20 points</b>	<b>20</b>
(a)	If bidder has relevant experience for 0 up to 3 years: 5 points or	
(b)	If bidder has relevant experience for more than 3 up to 5 years 10 points or	
(c)	If bidder has relevant experience for more than 5 years up to 10 years: 15 points or	
(d)	If bidder has relevant experience for more than 10 years: 20 points	
4.	Qualified mechanics	
	Number of qualified mechanics employed permanently by bidder ( <b>certified proof of each mechanic's qualification to accompany bid document. Failure to provide proof will result in no points being awarded.</b> 5 points per qualified mechanic up to a maximum of 15 points will be awarded.	
	<b>TOTAL</b>	<b>60</b>

**(a) Registered Workshop within 170km radius from the Prince Albert municipal head offices in Prince Albert:**

Street Address:

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

Telephone: Area Code: ..... Number.....

Facsimile: Area Code: ..... Number.....

**(b) Relevant Experience**

In order to claim points for the above, bidders must submit sufficient information as well as documentary proof of:

- (i) Information of how long the business is in existence (operating as a going concern) supported by Company or Business registrations documents.
- (ii) Company CV - detailed list of previous tenders and information containing:
  - Name or list of the company's and its legacy firm's previous clients & references to this work;
  - Short description of the company's work performed for that particular client;
  - Application start/end dates when specific work was performed for particular client;
  - Total duration & rand value of these specific contracts.
- (iii) The service provider must provide proof of experience in the mechanical and/or auto electrical field of not less than three (3) years.

<b>(c) Permanent qualified mechanics</b>			
	nr. of permanent qualified mechanics		
	<b>NAME OF MECHANICS</b>		<b>YEARS EXPERIENCE</b>

**CATEGORY B: AUTO ELECTRICAL REPAIRS OF VEHICLES**

**1.4 Criteria for functionality for auto electrical repairs of vehicles are:**

	<b>DESCRIPTION</b>	<b>MAXIMUM POINTS</b>
<b>1.</b>	<b>Local Registered Workshop: Maximum of 25 points</b>	<b>25</b>
	<b>Fully equipped workshop within 170km radius of the Prince Albert Municipal head offices, Prince Albert</b>	
	<b>Workshop</b> The municipality reserves the right to inspect these premises prior to the award of this tender) Minimum required equipment:	
	• Alternator test bank	
	• Mechanical lathe	
	• Battery charger/tester	
	• Regulator tester	
	• Rectifier/diode tester	
<b>2.</b>	<b>Relevant experience: Maximum of 20 points</b>	<b>20</b>
	If bidder has relevant experience for 0 up to 3 years: 5 points or	
	If bidder has relevant experience for more than 3 up to 5 years 10 points or	
	If bidder has relevant experience for more than 5 years up to 10 years: 15 points or	
	If bidder has relevant experience for more than 10 years: 20 points	
<b>5.</b>	<b>Qualified auto electricians</b>	<b>15</b>
	Number of qualified auto electricians employed permanently by bidder ( <b>certified proof of each auto electricians' qualification to accompany bid document. Failure to provide proof will result in no points being awarded.</b> 5 points per qualified auto electricians up to a maximum of 15 points will be awarded	
	<b>TOTAL</b>	<b>60</b>

**(a) Local Registered Workshop within 30km radius from the mechanical workshop:**

Street Address:

Street Address:

.....

.....

.....

Telephone: Area Code: ..... Number.....

Facsimile: Area Code: ..... Number.....

**(b) Relevant Experience**

In order to claim points for the above, bidders must submit sufficient information as well as documentary proof of:

- (i) Information of how long the business is in existence (operating as a going concern) supported by Company or Business registrations documents.
- (ii) Company CV - detailed list of previous Tenders and information containing:
  - Name or list of the company's and its legacy firm's previous clients & references to this work;
  - Short description of the company's work performed for that particular client;
  - Application start/end dates when specific work was performed for particular client;
  - Total duration & rand value of these specific contracts.
- iii) The service provider must provide proof of experience in the mechanical and/or auto electrical field of not less than three (3) years.

**(c) Permanent qualified auto electricians**

No of permanent qualified auto electricians .....

NAME OF AUTO ELECTRICIANS	YEARS EXPERIENCE

**CATEGORY C: EXHAUST REPAIRS OF VEHICLES**

**1.5 Criteria for functionality for exhaust repairs of vehicles are:**

	DESCRIPTION	MAXIMUM POINTS
<b>1.</b>	<b>Local Registered Workshop: Maximum of 25 points</b>	<b>25</b>
	<b>Fully equipped workshop within 170km radius of the Prince Albert municipal head offices, 33 Church Street, Prince Albert</b>	
	<b>Workshop</b> The municipality reserves the right to inspect these premises prior to the award of this tender).	
<b>2.</b>	<b>Relevant experience: Maximum of 20 points</b>	<b>20</b>
	If bidder has relevant experience for 0 up to 3 years: 5 points or	
	If bidder has relevant experience for more than 3 up to 5 years 10 points or	
	If bidder has relevant experience for more than 5 years up to 10 years: 15 points or	
(l)	If bidder has relevant experience for more than 10 years: 20 points	
<b>3.</b>	<b>Full time employees</b>	<b>15</b>
	Number of employees employed permanently by bidder.	
	5 points per employee up to a maximum of 15 points will be awarded.	
	<b>TOTAL</b>	<b>60</b>

**(a) Local Registered Workshop within 30km radius from the**

**mechanical workshop:** Street Address:

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

Telephone: Area Code: .....  
 Number.....

Facsimile: Area Code: .....  
 Number.....

**(b) Relevant Experience**

In order to claim points for the above, bidders must submit sufficient information as well as documentary proof of:

- (i) Information of how long the business is in existence (operating as a going concern) supported by Company or Business registrations documents.
- (ii) Company CV - detailed list of previous Tenders and information containing:
  - Name or list of the company's and its legacy firm's previous clients & references to this work;
  - Short description of the company's work performed for that particular client;
  - Application start/end dates when specific work was performed for particular client;
  - Total duration & rand value of these specific contracts.
- (iii) The service provider must provide proof of experience in the mechanical and/or auto electrical field of not less than three (3) years.

**(c) Permanent employees employed**

<b>No of permanent employees employed</b>	
<b>NAME OF PERMANENT EMPLOYEES</b>	<b>YEARS EXPERIENCE</b>

## PRICING SCHEDULE

Pricing Instructions mean the criteria as set out below, read together with all Parts of this contract document, which it will be assumed in the contract that the tenderer has taken into account when developing his prices.

The short descriptions and category number given in the pricing schedule below are brief descriptions used to identify the activities for which prices are required.

While it is entirely at the tenderer's discretion as regards to the pricing schedule below, guideline tariffs of fees or indicative time based fee rates are gazetted annually, which are useful documents that will give tenderers some idea of industry norms against which they may compare their rates, sums, percentage fees and/or prices as applicable.

For the purpose of the pricing schedule, the following words shall have the meanings hereby assigned to them:

- Unit: The unit of measurement for each item of work.
- Quantity: The number of units of work for each item
- Rate: The agreed payment per unit of measurement.
- Amount: The product of the quantity and the agreed rate for an item.
- Sum: An agreed lump sum payment amount for an item, the extent of which is described in the Scope of work, but the quantity of work which is not measured in any units.

A rate, sum, percentage fee and/or price as applicable, is to be entered against each item in the pricing schedule. An item against which no price is entered will be considered as a no offer.

The rates, sums, percentage fees and prices in the pricing schedule are to be fully inclusive prices under the several items. Such prices and rates are to cover all costs and expenses that may be required in and for the execution of the work described, and shall cover the cost of all general risks, liabilities, and obligations set forth or implied in the Contract Data, as well as overhead charges and profit.

Where quantities are given in the pricing schedule, these are provisional and do not necessarily represent the actual amount of work to be done. The quantities of work accepted and certified for payment will be used for determining payments due and not the quantities given in the pricing schedule. In respect of time based services, the allocation of staff must be agreed with the employer before such services are rendered.

All rates, sum, percentage fees or prices (as applicable) tendered in the pricing schedule shall be final and binding and shall not be subject to any variation throughout the period of the contract.

The pricing to be indicated in Section A is based on estimated quantities from the previous year and is only used for valuation purposes.

For Section A only firm pricing will be accepted, non-firm prices (including prices subject to rates of exchange variations) will not be considered.

The bid will be evaluated based on the cost of contract, in other words the rates multiplied by the quantities for the envisage three years multiplied by the escalation rates as quoted.

The bid will be evaluated based on the cost of the contract, in other word rates multiplied by the quantities for the period ending 30 June 2022.

**COST FOR MECHANICAL SPARE PARTS****a) Cost of spare parts**

<b>Item no.</b>	<b>Description</b>	<b>% Mark-up</b>	<b>Estimated Expenditure</b>	<b>Amount (Inclusive of VAT) (% Mark – up x Estimated quantity) (C x D = E)</b>
<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>	<b>E</b>
<b>COST OF MECHANICAL SPARE PARTS FOR</b>				
1.	Sedans, LDV's (bakkies) and trucks less than 3 tonnes		85 000.00	
2.	Trucks more than 3 tonnes, refuse removal truck (compactor)		80 000.00	
<b>TOTAL</b>				

<b>Item no.</b>	<b>Description</b>	<b>% Mark-up</b>	<b>Estimated Expenditure</b>	<b>Amount (Inclusive of VAT) (% Mark – up x Estimated quantity) (C x D = E)</b>
<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>	<b>E</b>
<b>COST OF AUTO ELECTRICAL SPARE PARTS FOR</b>				
1.	Sedans, LDV's (bakkies) and trucks less than 3 tonnes		10 000.00	

2.	Trucks more than 3 tonnes, refuse removal truck (compactor)		10 000.00	
<b>TOTAL</b>				

Item no.	Description	% Mark-up	Estimated Expenditure	Amount (Inclusive of VAT) (% Mark – up x Estimated quantity) (C x D = E)
A	B	C	D	E
<b>COST OF EXHAUST SPARE PARTS FOR</b>				
1.	Sedans, LDV's (bakkies) and trucks less than 3 tonnes		15 000.00	
2.	Trucks more than 3 tonnes, refuse removal truck (compactor)		25 000.00	
<b>TOTAL</b>				

**b) Labour cost**

**Category A: Mechanical repairs and servicing of vehicles**

Item no.	Description	% Mark-up	Estimated Expenditure	Amount (Inclusive of VAT)
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				(% Mark – up x Estimated quantity) (C x D = E)
<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>	<b>E</b>
<b>Normal Hours</b>				
1.	Foreman		40 hours	
2.	Artisan		40 hours	
3.	Labourer		40 hours	
<b>TOTAL</b>				

<b>Item no.</b>	<b>Description</b>	<b>% Mark-up</b>	<b>Estimated Expenditure</b>	<b>Amount (Inclusive of VAT) (% Mark – up x Estimated quantity) (C x D = E)</b>
<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>	<b>E</b>
<b>After hours</b>				
1.	Foreman		30 hours	
2.	Artisan		30 hours	
3.	Labourer		30 hours	
<b>TOTAL</b>				

**Category B: Auto Electrical repairs of vehicles**

<b>Item no.</b>	<b>Description</b>	<b>% Mark-up</b>	<b>Estimated Expenditure</b>	<b>Amount (Inclusive of VAT) (% Mark – up x Estimated quantity) (C x D = E)</b>

A	B	C	D	E
<b>Normal Hours</b>				
1.	Foreman		15 hours	
2.	Artisan		15 hours	
3.	Labourer		15 hours	
<b>TOTAL</b>				

Item no.	Description	% Mark-up	Estimated Expenditure	Amount (Inclusive of VAT) (% Mark – up x Estimated quantity) (C x D = E)
A	B	C	D	E
<b>After Hours</b>				
1.	Foreman		15 hours	
2.	Artisan		15 hours	
3.	Labourer		15 hours	
<b>TOTAL</b>				

**Category C: Exhaust repairs of vehicles**

Item no.	Description	% Mark-up	Estimated Expenditure	Amount (Inclusive of VAT) (% Mark – up x Estimated quantity) (C x D = E)
A	B	C	D	E
<b>Normal Hours</b>				
1.	Foreman		15 hours	
2.	Artisan		15 hours	
3.	Labourer		15 hours	
<b>TOTAL</b>				

Item no.	Description	% Mark-up	Estimated Expenditure	Amount (Inclusive of VAT) (% Mark – up x Estimated quantity) (C x D = E)
A	B	C	D	E
After Hours				
1.	Foreman		15 hours	
2.	Artisan		15 hours	
3.	Labourer		15 hours	
<b>TOTAL</b>				

**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**

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, principal 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, principal 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.....

.....

3. 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, 2017**

This preference form must form part of all bids invited. It contains general information and serves as a claim form for preference points for Broad-Based Black Economic Empowerment (B-BBEE) Status Level of Contribution

**NB: BEFORE COMPLETING THIS FORM, BIDDERS MUST STUDY THE GENERAL CONDITIONS, DEFINITIONS AND DIRECTIVES APPLICABLE IN RESPECT OF B-BBEE, AS PRESCRIBED IN THE PREFERENTIAL PROCUREMENT REGULATIONS, 2017.**

**1. GENERAL CONDITIONS**

1.1 The following preference point systems are applicable to all bids:

- the 80/20 system for requirements with a Rand value of up to R50 000 000 (all applicable taxes included); and
- the 90/10 system for requirements with a Rand value above R50 000 000 (all applicable taxes included).

1.2 The value of this bid is estimated to **not exceed** R50 000 000 (all applicable taxes included) and therefore the **80/20** preference point system shall be applicable; or

1.3 Points for this bid shall be awarded for:

- (a) Price; and
- (b) B-BBEE Status Level of Contributor.

1.4 The maximum points for this bid are allocated as follows:

	<b>POINTS</b>
<b>PRICE</b>	
<b>B-BBEE STATUS LEVEL OF CONTRIBUTOR</b>	
<b>Total points for Price and B-BBEE must not exceed</b>	<b>100</b>

1.5 Failure on the part of a bidder to submit proof of B-BBEE Status level of contributor together with the bid, will be interpreted to mean that preference points for B-BBEE status level of contribution are not claimed.

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

## 2. DEFINITIONS

- (a) “**B-BBEE**” means broad-based black economic empowerment as defined in section 1 of the Broad Based Black Economic Empowerment Act;
- (b) “**B-BBEE status level of contributor**” means the B-BBEE status of an entity in terms of a code of good practice on black economic empowerment, issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act;
- (c) “**bid**” means a written offer in a prescribed or stipulated form in response to an invitation by an organ of state for the provision of goods or services, through price quotations, advertised competitive bidding processes or proposals;
- (d) “**Broad-Based Black Economic Empowerment Act**” means the Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003);
- (e) “**EME**” means an Exempted Micro Enterprise in terms of a code of good practice on black economic empowerment issued in terms of section 9 (1) of the Broad-Based Black Economic Empowerment Act;
- (f) “**functionality**” means the ability of a tenderer to provide goods or services in accordance with specifications as set out in the tender documents.
- (g) “**prices**” includes all applicable taxes less all unconditional discounts;
- (h) “**proof of B-BBEE status level of contributor**” means:
  - 1. B-BBEE Status level certificate issued by an authorized body or person;
  - 2. A sworn affidavit as prescribed by the B-BBEE Codes of Good Practice;
  - 3. Any other requirement prescribed in terms of the B-BBEE Act;
- (i) “**QSE**” means a qualifying small business enterprise in terms of a code of good practice on black economic empowerment issued in terms of section 9 (1) of the Broad-Based Black Economic Empowerment Act;
- (j) “**rand value**” means the total estimated value of a contract in Rand, calculated at the time of bid invitation, and includes all applicable taxes;

## 4. POINTS AWARDED FOR PRICE

### a) **THE 80/20 OR 90/10 PREFERENCE POINT SYSTEMS**

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

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

Where

- P<sub>s</sub> = Points scored for price of bid under consideration
- P<sub>t</sub> = Price of bid under consideration
- P<sub>min</sub> = Price of lowest acceptable bid

**5. POINTS AWARDED FOR B-BBEE STATUS LEVEL OF CONTRIBUTOR**

a) In terms of Regulation 6 (2) and 7 (2) of the Preferential Procurement Regulations, preference points must be awarded to a bidder for attaining the B-BBEE status level of contribution in accordance with the table below:

<b>B-BBEE Status Level of Contributor</b>	<b>Number of points (90/10 system)</b>	<b>Number of points (80/20 system)</b>
1	10	20
2	9	18
3	6	14
4	5	12
5	4	8
6	3	6
7	2	4
8	1	2
Non-compliant contributor	0	0

**6. BID DECLARATION**

Bidders who claim points in respect of B-BBEE Status Level of Contribution must complete the following:

**6.1) B-BBEE STATUS LEVEL OF CONTRIBUTOR CLAIMED IN TERMS OF PARAGRAPHS 1.4 AND 4.1**

a) B-BBEE Status Level of Contributor: ..... = ..... (maximum of 10 or 20 points)  
 (Points claimed in respect of paragraph 7.1 must be in accordance with the table reflected in paragraph 4.1 and must be substantiated by relevant proof of B-BBEE status level of contributor.

**7. SUB-CONTRACTING**

7.1) Will any portion of the contract be sub-contracted?

*(Tick applicable box)*

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

7.1)1. If yes, indicate:

- i) What percentage of the contract will be subcontracted.....%
- ii) The name of the sub-contractor.....
- iii) The B-BBEE status level of the sub-contractor.....
- iv) Whether the sub-contractor is an EME or QSE

*(Tick applicable box)*

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

v) Specify, by ticking the appropriate box, if subcontracting with an enterprise in terms of Preferential Procurement Regulations, 2017:

Designated Group: An EME or QSE which is at least 51% owned by:	EME √	QSE √
Black people		
Black people who are youth		
Black people who are women		
Black people with disabilities		
Black people living in rural or underdeveloped areas or townships		
Cooperative owned by black people		
Black people who are military veterans		
<b>OR</b>		
Any EME		
Any QSE		

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

8.1) Name of company/firm: .....

8.2) VAT registration number: .....

8.3) Company registration number: .....

8.4) TYPE OF COMPANY/ FIRM

- Partnership/Joint Venture / Consortium
- One person business/sole propriety
- Close corporation
- Company
- (Pty) Limited

[TICK APPLICABLE BOX]

8.5) DESCRIBE PRINCIPAL BUSINESS ACTIVITIES

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

8.6) COMPANY CLASSIFICATION

- Manufacturer
- Supplier
- Professional service provider
- Other service providers, e.g. transporter, etc.

[TICK APPLICABLE BOX]

**8.7) MUNICIPAL INFORMATION**

**Municipality where business is situated:**

.....

**Registered Account Number:** .....

**Stand Number:**.....

8.8) Total number of years the company/firm has been in business:.....

8.9) I/we, the undersigned, who is / are duly authorised to do so on behalf of the company/firm, certify that the points claimed, based on the B-BBE status level of contributor indicated in paragraphs 1.4 and 6.1 of the foregoing certificate, qualifies the company/ firm for the preference(s) shown and I / we 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 6.1, the contractor may be required to furnish documentary proof to the satisfaction of the purchaser that the claims are correct;
- iv) If the B-BBEE status level of contributor has been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the purchaser may, in addition to any other remedy it may have –
  - (a) disqualify the person from the bidding 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 bidder or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, be restricted by the National Treasury 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.

WITNESSES
1. ....
2. ....

.....
SIGNATURE(S) OF BIDDERS(S)
DATE: .....
ADDRESS .....
.....
.....

## **DECLARATION CERTIFICATE FOR LOCAL PRODUCTION AND CONTENT FOR DESIGNATED SECTORS**

This Municipal Bidding Document (MBD) must form part of all bids invited. It contains general information and serves as a declaration form for local content (local production and local content are used interchangeably).

Before completing this declaration, bidders must study the General Conditions, Definitions, Directives applicable in respect of Local Content as prescribed in the Preferential Procurement Regulations, 2017, the South African Bureau of Standards (SABS) approved technical specification number SATS 1286:2011 (Edition 1) and the Guidance on the Calculation of Local Content together with the Local Content Declaration Templates [Annex C (Local Content Declaration: Summary Schedule), D (Imported Content Declaration: Supporting Schedule to Annex C) and E (Local Content Declaration: Supporting Schedule to Annex C)].

### **1. GENERAL CONDITIONS**

- 1.1) Preferential Procurement Regulations, 2017 (Regulation 8) make provision for the promotion of local production and content.
- 1.2) Regulation 8(2) prescribes that in the case of designated sectors, organs of state must advertise such tenders with the specific bidding condition that only locally produced or manufactured goods, with a stipulated minimum threshold for local production and content will be considered.
- 1.3) Where necessary, for tenders referred to in paragraph 1.2 above, a two-stage bidding process may be followed, where the first stage involves a minimum threshold for local production and content and the second stage price and B-BBEE.
- 1.4) A person awarded a contract in relation to a designated sector, may not sub-contract in such a manner that the local production and content of the overall value of the contract is reduced to below the stipulated minimum threshold.
- 1.5) The local content (LC) expressed as a percentage of the bid price must be calculated in accordance with the SABS approved technical specification number SATS 1286: 2011 as follows:

$$LC = [1 - x / y] * 100$$

Where

x is the imported content in Rand

y is the bid price in Rand excluding value added tax (VAT)

Prices referred to in the determination of x must be converted to Rand (ZAR) by using the exchange rate published by South African Reserve Bank (SARB) at 12:00 on the date of advertisement of the bid as indicated in paragraph 4.1 below.

The SABS approved technical specification number SATS 1286:2011 is accessible on [http://www.thedti.gov.za/industrial development/ip.jsp](http://www.thedti.gov.za/industrial%20development/ip.jsp) at no cost.

1.6) A bid may be disqualified if this Declaration Certificate and the Annex C (Local Content Declaration: Summary Schedule) are not submitted as part of the bid documentation;

2. The stipulated minimum threshold(s) for local production and content (refer to Annex A of SATS 1286:2011) for this bid is/are as follows:

<u>Description of services, works or goods</u>	<u>Stipulated minimum threshold</u>
_____	_____ %
_____	_____ %
_____	_____ %

3. Does any portion of the goods or services offered have any imported content?

(Tick applicable box)

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

3.1 If yes, the rate(s) of exchange to be used in this bid to calculate the local content as prescribed in paragraph 1.5 of the general conditions must be the rate(s) published by SARB for the specific currency at 12:00 on the date of advertisement of the bid.

The relevant rates of exchange information is accessible on [www.reservebank.co.za](http://www.reservebank.co.za)

Indicate the rate(s) of exchange against the appropriate currency in the table below (refer to Annex A of SATS 1286:2011):

Currency	Rates of exchange
US Dollar	
Pound Sterling	
Euro	
Yen	
Other	

NB: Bidders must submit proof of the SARB rate (s) of exchange used.

4. Where, after the award of a bid, challenges are experienced in meeting the stipulated minimum threshold for local content the dti must be informed accordingly in order for the dti to verify and in consultation with the AO/AA provide directives in this regard.

**LOCAL CONTENT DECLARATION**  
**(REFER TO ANNEX B OF SATS 1286:2011)**

**LOCAL CONTENT DECLARATION BY CHIEF FINANCIAL OFFICER OR OTHER LEGALLY RESPONSIBLE PERSON NOMINATED IN WRITING BY THE CHIEF EXECUTIVE OR SENIOR MEMBER/PERSON WITH MANAGEMENT RESPONSIBILITY (CLOSE CORPORATION, PARTNERSHIP OR INDIVIDUAL)**

**IN RESPECT OF BID NO.** .....

**ISSUED BY:** (Procurement Authority / Name of Institution):

**PRINCE ALBERT MUNICIPALITY**

NB

- 1 The obligation to complete, duly sign and submit this declaration cannot be transferred to an external authorized representative, auditor or any other third party acting on behalf of the bidder.
- 2 Guidance on the Calculation of Local Content together with Local Content Declaration Templates (Annex C, D and E) is accessible on [http://www.thdti.gov.za/industrial\\_development/ip.jsp](http://www.thdti.gov.za/industrial_development/ip.jsp). Bidders should first complete Declaration D. After completing Declaration D, bidders should complete Declaration E and then consolidate the information on Declaration C. **Declaration C should be submitted with the bid documentation at the closing date and time of the bid in order to substantiate the declaration made in paragraph (c) below.** Declarations D and E should be kept by the bidders for verification purposes for a period of at least 5 years. The successful bidder is required to continuously update Declarations C, D and E with the actual values for the duration of the contract.

I, the undersigned, ..... (full names), do hereby declare, in my capacity as .....of .....(name of bidder entity), the following:

- (a) The facts contained herein are within my own personal knowledge.
- (b) I have satisfied myself that:
  - (i) the goods/services/works to be delivered in terms of the above-specified bid comply with the minimum local content requirements as specified in the bid, and as measured in terms of SATS 1286:2011; and
- (c) The local content percentage (%) indicated below has been calculated using the formula given in clause 3 of SATS 1286:2011, the rates of exchange indicated in paragraph 4.1 above and the information contained in Declaration D and E which has been consolidated in Declaration C:

Bid price, excluding VAT (y)	R
Imported content (x), as calculated in terms of SATS 1286:2011	R
Stipulated minimum threshold for local content (paragraph 3 above)	
Local content %, as calculated in terms of SATS 1286:2011	

**If the bid is for more than one product, the local content percentages for each product contained in Declaration C shall be used instead of the table above.**

**The local content percentages for each product has been calculated using the formula given in clause 3 of SATS 1286:2011, the rates of exchange indicated in paragraph 4.1 above and the information contained in Declaration D and E.**

- (d) I accept that the Procurement Authority / Institution has the right to request that the local content be verified in terms of the requirements of SATS 1286:2011.
- (e) I understand that the awarding of the bid is dependent on the accuracy of the information furnished in this application. I also understand that the submission of incorrect data, or data that are not verifiable as described in SATS 1286:2011, may result in the Procurement Authority / Institution imposing any or all of the remedies as provided for in Regulation 14 of the Preferential Procurement Regulations, 2017 promulgated under the Preferential Policy Framework Act (PPPFA), 2000 (Act No. 5 of 2000).

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

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

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

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

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

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

**DECLARATION OF BIDDER’S PAST SUPPLY CHAIN MANAGEMENT PRACTICES**

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

- 1 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.
  
- 2 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).
  
- 3 **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 a company or person 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 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:

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(Bid Number and Description)

in response to the invitation for the bid made by:

**PRINCE ALBERT MUNICIPALITY**

(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