ENOCH MGIJIMA
LOCAL MUNICIPALITY

ENOCH MGIJIMA LOCAL MUNICIPALITY

TERMS OF REFERENCE

FOR

RE-ADVERTISEMENT: OCCUPATIONAL HEALTH AND SAFETY TRAINING FOR 15 EPWP PARTICIPANTS-FIRST GROUP

REQUEST FOR QUOTATION – RFQ36/09/2026

ISSUED BY: A SIHLAHLA

MUNICIPAL MANAGER

ENOCH MGIJIMA LOCAL MUNICIPALITY

PRIVATE BAG X 7111

25-27 OWEN STREET

KOMANI, 5320

Tel: +27(45) 807 2000

Fax: +27(45) 807 2637

RE-ADVERTISEMENT: OCCUPATIONAL HEALTH AND SAFETY TRAINING FOR 15 EPWP PARTICIPANTS-FIRST GROUP

NAME OF BIDDER: _____

CSD NUMBER : _____

TENDER AMOUNT: _____

Enoch Mgijima Local Municipality hereby invites all interested Accredited Service providers for RE-ADVERTISEMENT: OCCUPATIONAL HEALTH AND SAFETY TRAINING FOR 15 EPWP PARTICIPANTS-FIRST GROUP

Project Name	Bid Number	Scope of work	Closing Date	Enquiries	Availability of tender documents
RE-ADVERTISEMENT: OCCUPATIONAL HEALTH AND SAFETY TRAINING FOR 15 EPWP PARTICIPANTS-FIRST GROUP	RFQ36/09/2026	TO RE-ADVERTISEMENT: OCCUPATIONAL HEALTH AND SAFETY TRAINING FOR 15 EPWP PARTICIPANTS-FIRST GROUP	**Date: 01/12/2026** Time: 12h00 PM Place of Tender box: **Budget and Treasury Office, 25 – 27 Owen Street, Queenstown** All bids must be **sealed** and **clearly marked** in front of the envelop: **RFQ36/09/2026RE-ADVERTISEMENT: OCCUPATIONAL HEALTH AND SAFETY TRAINING FOR 15 EPWP PARTICIPANTS-FIRST GROUP** and be deposited in the tender box with a returning address on the back of envelop.	Technical enquiries may be directed to Mr L Mahashe Tel:045 807 2601 SCM related queries may be directed to: Mr K Mgoboza Tel: 045 807 2091	Tender documents will be available at SCM office, 25 -27 Owen Street, Queenstown as from 08h00 to 16h00, as from 25/11/2026 at Enoch Mgijima Local Municipality supply chain office and can be downloaded from www.enochmgijima.gov.za

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1. Bidders must submit together with their bids a copy of company registration document (CK).
2. Bidder must be registered in the national treasury Central supplier database (CSD)
3. Failure to submit SARS Tax Compliance Status pin, may result in a tender deemed non-responsive.
4. Bidders must submit certified ID copies of director's, failure to do that tender will be deemed non-responsive, a copy will be accepted on condition is still within 3 months validity period.

5. Any documentation that we have requested to be certified should not be older than three months, failure to do that your bid will be deemed non-responsive.
6. Failure to submit comprehensive JV agreement (where applicable) will result in a tender deemed non-responsive.
7. Failure to complete the tender forms e.g., Form of Offer, declaration of interest, will result in a tender deemed non-responsive.
8. Failure to submit statement of municipal account that is not older than three months or lease agreement or affidavit from SAPS stating that the bidder is not obliged to pay municipal rates or letter from a ward councillor will result in a tender deemed non-responsive.
9. Bidders to ensure that their tender is not exposed to invalidation, documents are to be completed in accordance with the conditions and bid rules contained in the bid documents.
10. Company profile with proven previous experience must be attached, failure to do so will result to your bid deemed non-responsive.
11. The Enoch Mgijima Local municipality does not bind itself to accept the lowest or any bid and reserves the right to accept the whole or part of the bid or to withdraw the bid.
12. All alterations in prices/quotes must be signed for and failure to sign will result in tender deemed non-responsive.
13. Use of tipex is prohibited and the bidder will be deemed non-responsive.

Bidders must further note that:

1. Misrepresentation of address of the business with the aim of earning points may lead to disqualification

2. Bids submitted will hold good for a period of 90 days and if your company has not heard within this period take that your company was unsuccessful.

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

PPPFA for evaluation purposes: 80/20
Price - 80 points
BBBEE - 10 points
Specific Goals – 10 points
Issued By

A SIHLAHLA
MUNICIPAL MANAGER

RE-ADVERTISEMENT - OCCUPATIONAL HEALTH AND SAFETY TRAINING FOR 1 EPWP PARTICIPANTS-FIRST GROUP

TERMS OF REFERENCE

1. PURPOSE

The purpose of this memorandum is to request approval for the procurement of Occupational Health and Safety (OHS) training for the first group of 15 Expanded Public Works Programme (EPWP) participants within Enoch Mgijima Local Municipality. The training is intended to ensure that EPWP participants understand workplace health and safety requirements and are able to identify, prevent and appropriately respond to occupational hazards associated with their duties. The training will be for 2 days inclusive of catering by service provider.

2. BACKGROUND

EPWP participants are deployed across various municipal departments and perform duties that may expose them to different workplace hazards, including manual labour, road maintenance, cleaning, landscaping, construction-related activities, waste management and general maintenance.

It is therefore important that participants receive appropriate OHS training before or during their deployment to ensure that they understand their responsibilities and the safety measures applicable to their respective workplaces.
The training will also contribute towards strengthening the municipality's occupational health and safety culture and reducing the risk of workplace injuries and incidents.

4. TARGET GROUP

The training will initially be provided to the first group of 15 EPWP participants, identified by the EPWP Unit. A participant register will be prepared and submitted to the appointed training service provider prior to commencement of the training.

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EVALUATION CRITERIA

Preferential Procurement Regulations, 2022 issued in terms of section 5 of the Preferential Procurement Policy Framework Act, Act Number 5 of 2000 (PPPFA) as well Enoch Mgijima Local Municipality supply chain policy will be as follows:
PPPFA – 80/20-point system will be used for point scoring for all the service providers that satisfy the evaluation minimum threshold.
Price - 80
BBBEE - 10
Specific Goals – 10
The bid will be evaluated in three stages namely:

- Stage 1 - Compliance/Administrative Check evaluation
- Stage 2 - Functionality
- Stage 3 – Price, Locality and BBBEE Certification

STAGE 1 COMPLIANCE/ADMINISTRATIVE CHECK

The first step in bid evaluation the municipality at this stage will ensures bidder comply with all the mandatory requirements outlined in the tender document. Perform the checking of the completeness in the document submitted, check that powers and signatures are valid and confirming the bid complies with a number of general legal requirements. If the bidder does not comply with the above mentioned will be deemed nonresponsive and not being evaluated to the next stage.

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STAGE 2 FUNCTIONAL /TECHNICAL EVALUATION

Bidders must score a minimum of 60 points to be considered for further evaluation.

No.	Criterion	Expected Response	Weight
1.	Qualifications of the facilitator	A qualification by the facilitator in Occupational health and safety (OHS) must submit CV and Certified Qualifications as follows: Bachelor's degree and above (facilitator) in OHS: 40% Diploma in OHS: 30% QCTO certificate in relevant field (NQF level 5): 20% QCTO certificate in OHS (NQF level 4): 10% None of the qualifications listed above: 0%	40%
2.	Training content and methodology	An overview of the training material coverage and method of training/short course facilitation	30%
3.	Relevant experience of the company	The bidder must provide appointment letters or purchase orders with reference letters showing successful completion of supply and installation projects. All letters must be on official letterhead with contactable references • Five (5) or more years: 30% • Three (3) – four (4) years: 20% • One (1) – two (2) years: 10% • Zero (0) reference letter attached: 0%	30%
Total			**100%**

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STAGE 3: EVALUATION FINANCIAL OFFER & B-BBEE STATUS LEVEL CONTRIBUTION

Only those bids that attain the minimum threshold score of 60 Points in Stage 2 will be evaluated in this stage. Bids will be evaluated as follows:

Description	Total Points
B-BBEE level of contributor	10 Points
Locality	10 Points
Price	80 Points
Total	100 Points

Applicable split for these 20 points:

SPECIFIC GOALS and BBBEE

B-BBEE Status Level of Contributor	POINTS	Specific Goals	POINTS
1	10	Within the Enoch Mgijima Municipality	10
2	9	Within the Chris Hani District Municipality	7
3	7	Outside CHDM but within Eastern Cape	5
4	6	Outside the Eastern Cape BUT within south Africa	3
5	4		
6	3		
7	2		
8	1		
Non-compliant contributor	0		
Total	20		

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ADDITIONAL BID/RFQ CONDITION

Bid/ RFQ documents must be submitted intact, and no portion of the document may be detached, loose submissions will be rejected during the closing session, the bidders document will only be stamped and not recorded in the closing register.

Bid/RFQ documents must be filled with black pen ink failure to so will result in your bid being disqualified during the closing session, the bidders document will only be stamped and not recorded in the closing register.

COSTING SCHEDULE

NB: THE SERVICE PROVIDER MUST ATTACH A QUOTATION AS COSTING SCHEDULE AND ENSURE THE TOTAL PRICE INCLUSIVE OF VAT IS WRTTEN IN THE FORM OF OFFER OF THE TENDER DOCUMENT IN WORDS, NUMERICAL AND MUST BE SIGNED FOR, FAILURE TO DO SO CONSIDER YOUR TENDER'S OFFER NOT SUBMITTED AND IN THE CLOSING REGISTER WILL BE RECORDED AS NO OFFER MEANING YOUR BID DOCUMENT WILL BE EVALUATED AS WITHOUT OFFER.

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BID RULES

FORM OF BID

The Bid shall be signed and witnessed on the Form of the Bid incorporated herein. The Schedule of Quantities shall be fully priced and totaled in the currency of the Republic of the Republic of South Africa to show the amount of the Bid, and Summary thereof shall be signed. The forms contained herein shall be completed and signed by the Bidder, and this volume containing the required information and data shall be submitted with the Bid Document.

SIGNING OF BID

The Bid must be signed by one duly authorized to do so.

SITE INSPECTION

No formal site inspection will be held, but it is very important that bidders are fully aware of the requirements.

The Bidder, by bidding, shall be deemed to have satisfied himself as to all the conditions and circumstances affecting the Bid.

Queries regarding conditions of contract and Supply Chain Management can be directed to Mr. K Mgoboza on 045 807 2091. Technical inquiries addressed to Mr L Mahashe 045 807 2601.

SUBMISSION OF BID

Completed Bids in a sealed envelope endorsed **"RE-ADVERTISEMENT : OCCUPATIONAL HEALTH AND SAFETY TRAINING FOR 15 EPWP PARTICIPANTS-FIRST GROUP : QUOTE NO: RFQ36/09/2026: ENOCH MGIJIMA MUNICIPALITY"** must be submitted in the **Bid Box at the Budget and Treasury Office, 25-27 Owen Street, Queenstown**, no later than 12:00 on 01 December 2026 Tuesday, at which time the quotation will be opened in public.

Postal and couriered bids must be received in sufficient time to be placed in the Bid Box by the closing time stated above. The Council cannot be held responsible for the placement of the bid in the bid box. Bids not in the Bid Box by the closing time will not be considered. Telegraphic, telefax, emailed or otherwise electronically transmitted bids will not be acceptable.

REJECTION OF BID

Bids which do not comply with the Contract in all aspects may be rejected.

BID ACCEPTANCE

The lowest or any bid will not necessarily be accepted and the full or portion of any bid may be accepted.

PRICES

The bided prices shall compromise all costs, inclusive of, administrative, transport and delivery costs.

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It is a condition of this contract that the price quoted shall be firm for orders placed within the full duration of the contract and no representations for price adjustment will be considered during this period.

All bided prices shall be inclusive of Value Added Tax.

The bided prices shall not be linked to the exchange rate between the SA Rand and any other currency.

OFFICIAL ORDER, DELIVERY NOTE AND ACCOUNT

The Council does not hold itself responsible for any goods delivered unless an Official Municipal Order and signed delivery note, and an invoice signed by an authorized person can be produced.

BIDDING CONTRACT

The submission of a bid and written acceptance thereof by Council shall constitute a binding contract.

TAX CLEARANCE CERTIFICATE AND MUNICIPAL RATES AND SERVICES ACCOUNT

The Bidder shall supply, with his tender a SARS Tax Clearance Certificate current on day of the Bid, declaring that the Bidder's Tax Affairs are in order.

Should the Bidder not supply the certificate the Bidder will be automatically disqualified.

The Bidder shall also supply proof of the firm that is not in arrears with their Local Municipality rates or service charges by more than 30 days.

VALUE ADDED TAX

All bid prices must be inclusive of 15% Value-Added Tax.

Failure to comply with this condition will invalidate the bid.

LATE BIDS

Bids received after the closing date and time, at the address indicated in the bid documents, will not be accepted for consideration.

Late bids will not be admitted for consideration and will, where practicable, be returned unopened to the bidder.

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SUPPLY CHAIN PAST EXPERIENCES

PROJECT NAME	PROJECT DESCRIPTION	YEAR	REFERENCE

Bidders shall take note of the following bid conditions / compulsory submissions.

- The Enoch Mgijima Local Municipality Supply Chain Management Policy will apply.
- All bids submitted are to remain valid for a period of **90** days after the bid closing date.
- Tax compliance status pin company registration together with certified ID copies of Members and Joint Venture Agreements where applicable must be submitted.
- Company Profile and Original/Certified copy of B-BBEE Certificate issued by a Verification Agency accredited by SANAS.
- National treasury Central Supplier Database (CSD) Proof of registration
- The quotation shall be evaluated based on the Preferential Procurement Policy Framework Act (Act No.5, 2000 and the regulations pertaining thereto (2022), as well as the Enoch Mgijima Local Municipality's Supply Chain Management policy. The 80/20 preference points system is applicable and for this purpose the enclosed forms **MBD1 - MBD9** be scrutinized, completed, and submitted together with your proposal. Forms are available on site **www.enochmgijima.gov.za** or can either be collected at the SCM office, Budgets and Treasury Directorate.
- Quotations which are late, or submitted by facsimile or electronically, will not be accepted.
- The Enoch Mgijima Local Municipality does not bind itself to accept the lowest bid or any other bid and reserves the right to accept the whole or part of the bid.
- The municipality reserves the right to disqualify any service provider whose member and/or shareholders owe the municipality rates & taxes.
- Failure to supply all supplementary information will result in the tender being deemed non-responsive and therefore the tender will not be considered for award.
- Bidders are requested to submit quotes in a sealed envelope marked "BID NO: RFQ36/09/2026RE-ADVERTISEMENT: OCCUPATIONAL HEALTH AND SAFETY TRAINING FOR 15

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EPWP PARTICIPANTS-FIRST GROUP on the outside indicating the name of the bidding company (Bidder)*****

- Failure to comply with these conditions may invalidate your offer.
- If you have not heard from the municipality within 90 days from the closing date of tender, the company must consider itself unsuccessful.

NB: No quotations will be considered from persons in the service of the state.
Yours faithfully

_____
K MGOBOZA
SUPPLY CHAIN UNIT

_____
A HOKO
SUPPLY CHAIN MANAGER

_____
NE MBELE-TYALI
CHIEF FINANCIAL OFFICER

_____
A SIHLAHLA
MUNICIPAL MANAGER

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PART A
INVITATION TO BID

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE (ENOCH MGIJIMA LOCAL MUNICIPALITY)					
BID NUMBER:	RFQ36/09/2026	CLOSING DATE:	01 DECEMBER 2026	CLOSING TIME:	12:00
DESCRIPTION	RE-ADVERTISEMENT: OCCUPATIONAL HEALTH AND SAFETY TRAINING FOR 15 EPWP PARTICIPANTS-FIRST GROUP				
THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (MBD7).					

BID RESPONSE DOCUMENTS MAY BE DEPOSITED IN THE BID BOX SITUATED
AT *(STREET ADDRESS*

25-27 OWEN STREET

ENOCH MGIJIMA BUDGET AND TREASURY OFFICE

KOMANI

5320

SUPPLIER INFORMATION						
NAME OF BIDDER						
POSTAL ADDRESS						
STREET ADDRESS						
TELEPHONE NUMBER	CODE		NUMBER			
CELLPHONE NUMBER						
FACSIMILE NUMBER	CODE		NUMBER			
E-MAIL ADDRESS						
VAT REGISTRATION NUMBER						
TAX COMPLIANCE STATUS	TCS PIN:		**OR**	CSD No:		
B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE [TICK APPLICABLE BOX]	☐ Yes ☐ No		B-BBEE STATUS LEVEL SWORN AFFIDAVIT		☐ Yes ☐ No	
[A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE/ SWORN AFFIDAVIT (FOR EMES & QSEs) MUST BE SUBMITTED IN ORDER TO QUALIFY FOR PREFERENCE POINTS FOR B-BBEE]						
ARE YOU THE ACCREDITED REPRESENTATIVE **IN SOUTH AFRICA FOR THE GOODS /SERVICES /WORKS OFFERED?**	☐Yes ☐No [IF YES ENCLOSE PROOF]		ARE YOU A FOREIGN BASED SUPPLIER FOR **THE GOODS /SERVICES /WORKS OFFERED?**		☐Yes ☐No [IF YES, ANSWER PART B:3]	
TOTAL NUMBER OF ITEMS OFFERED			**TOTAL BID PRICE**		**R**	
SIGNATURE OF BIDDER	……		**DATE**			
CAPACITY UNDER WHICH THIS BID IS SIGNED						

BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO:		**TECHNICAL INFORMATION MAY BE DIRECTED TO:**	
DEPARTMENT	SCM	CONTACT PERSON	Mr L Mahashe
CONTACT PERSON	K Mgoboza	TELEPHONE NUMBER	045 807 2601
TELEPHONE NUMBER	045 807 2091	FACSIMILE NUMBER	N/A
FACSIMILE NUMBER	N/A	E-MAIL ADDRESS	LMahashe@enochmgijima.gov.za
E-MAIL ADDRESS	Mgobozak@enochmgijima.gov.za		

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PART B
TERMS AND CONDITIONS FOR BIDDING

1. BID SUBMISSION:

1.1. BIDS MUST BE DELIVERED BY THE STIPULATED TIME TO THE CORRECT ADDRESS. 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, 2017, THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER SPECIAL CONDITIONS OF CONTRACT.

2. TAX COMPLIANCE REQUIREMENTS

2.1 BIDDERS MUST ENSURE COMPLIANCE WITH THEIR TAX OBLIGATIONS.

2.2 BIDDERS ARE REQUIRED TO SUBMIT THEIR UNIQUE PERSONAL IDENTIFICATION NUMBER (PIN) ISSUED BY SARS TO ENABLE THE ORGAN OF STATE TO VIEW THE TAXPAYER'S PROFILE AND TAX STATUS.

2.3 APPLICATION FOR THE TAX COMPLIANCE STATUS (TCS) CERTIFICATE OR PIN MAY ALSO BE MADE VIA E-FILING. IN ORDER TO USE THIS PROVISION, TAXPAYERS WILL NEED TO REGISTER WITH SARS AS E-FILERS THROUGH THE WEBSITE WWW.SARS.GOV.ZA.

2.4 FOREIGN SUPPLIERS MUST COMPLETE THE PRE-AWARD QUESTIONNAIRE IN PART B:3.

2.5 BIDDERS MAY ALSO SUBMIT A PRINTED TCS CERTIFICATE TOGETHER WITH THE BID.

2.6 IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED; EACH PARTY MUST SUBMIT A SEPARATE TCS CERTIFICATE / PIN / CSD NUMBER.

2.7 WHERE NO TCS IS AVAILABLE BUT THE BIDDER IS REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD), A CSD NUMBER MUST BE PROVIDED.

3. QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS

3.1. IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)? ☐ YES ☐ NO

3.2. DOES THE ENTITY HAVE A BRANCH IN THE RSA? ☐ 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.

NB: FAILURE TO PROVIDE ANY OF THE ABOVE PARTICULARS MAY RENDER THE BID INVALID.
NO BIDS WILL BE CONSIDERED FROM PERSONS IN THE SERVICE OF THE STATE.

SIGNATURE OF BIDDER: ……

CAPACITY UNDER WHICH THIS BID IS SIGNED: ……

DATE: ……...

MBD4

DECLARATION OF INTEREST

1. Any legal person, including persons employed by the state[1], or persons having a kinship with persons employed by the state, including a blood relationship, may make an offer or offers in terms of this invitation to bid (includes a price quotation, advertised competitive bid, limited bid or proposal). In view of possible allegations of favouritism, should the resulting bid, or part thereof, be awarded to persons employed by the state, or to persons connected with or related to them, it is required that the bidder or his/her authorised representative declare his/her position in relation to the evaluating/adjudicating authority where-

   - the bidder is employed by the state; and/or

   - the legal person on whose behalf the bidding document is signed, has a relationship with persons/a person who are/is involved in the evaluation and or adjudication of the bid(s), or where it is known that such a relationship exists between the person or persons for or on whose behalf the declarant acts and persons who are involved with the evaluation and or adjudication of the bid.

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

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

2.2 Identity Number: ……

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

2.4 Company Registration Number: …….

2.5 Tax Reference Number: ……

2.6 VAT Registration Number: ……...

2.6.1 The names of all directors / trustees / shareholders / members, their individual identity numbers, tax reference numbers and, if applicable, employee / persal numbers must be indicated in paragraph 3 below.

[1]"State" means –

(a) 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);
(b) any municipality or municipal entity;
(c) provincial legislature;
(d) national Assembly or the national Council of provinces; or
(e) Parliament.

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

2.7 Are you or any person connected with the bidder presently employed by the state? **YES / NO**

2.7.1 If so, furnish the following particulars:

Name of person / director / trustee / shareholder/ member: ……..……
Name of state institution at which you or the person

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connected to the bidder is employed : .....
Position occupied in the state institution: .....

Any other particulars:
.....
.....
.....

2.7.2 If you are presently employed by the state, did you obtain the appropriate authority to undertake remunerative work outside employment in the public sector? **YES / NO**

2.7.2.1 If yes, did you attach proof of such authority to the bid document? **YES / NO**

(Note: Failure to submit proof of such authority, where applicable, may result in the disqualification of the bid.

2.7.2.2 If no, furnish reasons for non-submission of such proof:

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

2.8 Did you or your spouse, or any of the company's directors / trustees / shareholders / members or their spouses conduct business with the state in the previous twelve months? **YES / NO**

2.8.1 If so, furnish particulars:
.....
.....
.....

2.9 Do you, or any person connected with the bidder, have any relationship (family, friend, other) with a person employed by the state and who may be involved with the evaluation and or adjudication of this bid? **YES / NO**

2.9.1 If so, furnish particulars.
.....
.....
.....

2.10 Are you, or any person connected with the bidder, aware of any relationship (family, friend, other) between any other bidder and any person employed by the state who may be involved with the evaluation and or adjudication of this bid? **YES/NO**

2.10.1 If so, furnish particulars**.**
.....
.....
.....

2.11 Do you or any of the directors / trustees / shareholders / members of the company have any interest in any other related companies whether or not they are bidding for this contract? **YES/NO**

2.11.1 If so, furnish particulars:

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……
……

3 <u>Full details of directors / trustees / members / shareholders.</u>

Full Name	Identity Number	Personal Tax Reference Number	State Employee Number / Persal Number

4 <u>DECLARATION</u>

I, THE UNDERSIGNED (NAME)……

CERTIFY THAT THE INFORMATION FURNISHED IN PARAGRAPHS 2 and 3 ABOVE IS CORRECT. I ACCEPT THAT THE STATE MAY REJECT THE BID OR ACT AGAINST ME IN TERMS OF PARAGRAPH 23 OF THE GENERAL CONDITIONS OF CONTRACT SHOULD THIS DECLARATION PROVE TO BE FALSE.

…….. ……
Signature Date

…… ……
Position Name of bidder

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MBD 6.1

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

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, 2022.

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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 exceed/not exceed R1 000 000 (all applicable taxes included) and therefore the……system shall be applicable.

1.3 Preference points for this bid shall be awarded for:

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

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

		POINTS
1.3.1.1	**PRICE** ……..	
1.3.1.2	**B-BBEE STATUS LEVEL OF CONTRIBUTION**	……..
1.3.1.3	SPECIFIC GOALS	……..
	Total points for Price and B-BBEE must not exceed	**100**

1.4 Failure on the part of a bidder to fill in and/or to sign this form and submit a B-BBEE Verification
Certificate from a Verification Agency accredited by the South African Accreditation System
(SANAS) or a Registered Auditor approved by the Independent Regulatory Board of Auditors (IRBA) or an Accounting Officer as contemplated in the Close Corporation Act

(CCA) together with the bid, will be interpreted to mean that preference points for B-BBEE status level of contribution are not claimed.

1.5 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.

1. DEFINITIONS

1.1 **"all applicable taxes"** includes value-added tax, pay as you earn, income tax, unemployment insurance fund contributions and skills development levies;

1.2 **"B-BBEE"** means broad-based black economic empowerment as defined in section 1 of the Broad -Based Black Economic Empowerment Act;

1.3 "**B-BBEE status level of contributor"** means the B-BBEE status received by a measured entity based on its overall performance using the relevant scorecard contained in the Codes of Good Practice on Black Economic Empowerment, issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act;

1.4 **"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 services, works or goods, through price quotations, advertised competitive bidding processes or proposals;

1.5 **"Broad-Based Black Economic Empowerment Act"** means the Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003);

1.6 **"comparative price"** means the price after the factors of a non-firm price and all unconditional discounts that can be utilized have been taken into consideration;

1.7 **"consortium or joint venture"** 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;

1.8 **"contract"** means the agreement that results from the acceptance of a bid by an organ of state;

1.9 **"EME"** means any enterprise with an annual total revenue of R5 million or less .

1.10 **"Firm price"** means the price that is only subject to adjustments in accordance with the actual increase or decrease resulting from the change, imposition, or abolition of customs or excise duty and any other duty, levy, or tax, which, in terms of the law or regulation, is binding on the contractor and demonstrably has an influence on the price of any supplies, or the rendering costs of any service, for the execution of the contract;

1.11 **"functionality"** means the measurement according to predetermined norms, as set out in the bid documents, of a service or commodity that is designed to be practical and useful, working or operating, taking into account, among other factors, the quality, reliability, viability and durability of a service and the technical capacity and ability of a bidder;

1.12 **"non-firm prices"** means all prices other than "firm" prices;

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1.13 **"person"** includes a juristic person;

1.14 **"rand value"** means the total estimated value of a contract in South African currency, calculated at the time of bid invitations, and includes all applicable taxes and excise duties;

1.15 ***"sub-contract"*** *means the primary contractor's assigning, leasing, making out work to, or employing, another person to support such primary contractor in the execution of part of a project in terms of the contract;*

1.16 **"total revenue"** bears the same meaning assigned to this expression in the Codes of Good Practice on Black Economic Empowerment, issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act and promulgated in the *Government Gazette* on 9 February 2007;

1.17 **"trust"** means the arrangement through which the property of one person is made over or bequeathed to a trustee to administer such property for the benefit of another person; and

1.18 **"trustee"** means any person, including the founder of a trust, to whom property is bequeathed in order for such property to be administered for the benefit of another person.

2. ADJUDICATION USING A POINT SYSTEM

2.1 The bidder obtaining the highest number of total points will be awarded the contract.

2.2 Preference points shall be calculated after prices have been brought to a comparative basis taking into account all factors of non-firm prices and all unconditional discounts;.

2.3 Points scored must be rounded off to the nearest 2 decimal places.

2.4 In the event that two or more bids have scored equal total points, the successful bid must be the one scoring the highest number of preference points for B-BBEE.

2.5 However, when functionality is part of the evaluation process and two or more bids have scored equal points including equal preference points for B-BBEE, the successful bid must be the one scoring the highest score for functionality.

2.6 Should two or more bids be equal in all respects, the award shall be decided by the drawing of lots.

3. POINTS AWARDED FOR PRICE

3.1 **THE 80/20 OR 90/10 PREFERENCE POINT SYSTEMS**

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

80/20 **or** **90/10**

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

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Where

Ps = Points scored for comparative price of bid under consideration
Pt = Comparative price of bid under consideration

Pmin = Comparative price of lowest acceptable bid

4. Points awarded for B-BBEE Status Level of Contribution

4.1 In terms of Regulation(s) of the Preferential Procurement Regulations as amended 2022 including specific goals, preference points must be awarded to a bidder for attaining the B-BBEE status level of contribution in accordance with the table below:

B-BBEE Status Level of Contributor	POINTS	Specific Goals	POINTS
1	10	Within the Enoch Mgijima Municipality	10
2	9	Within the Chris Hani District Municipality	7
3	7	Outside CHDM but within Eastern Cape	5
4	6	Outside the Eastern Cape BUT within south Africa	3
5	4		
6	3		
7	2		
8	1		
Non-compliant contributor	0		
Total	**20**		

4.2 Bidders who qualify as EMEs in terms of the B-BBEE Act must submit a certificate issued by an Accounting Officer as contemplated in the CCA or a Verification Agency accredited by SANAS or a Registered Auditor. Registered auditors do not need to meet the prerequisite for IRBA's approval for the purpose of conducting verification and issuing EMEs with B-BBEE Status Level Certificates.

4.3 Bidders other than EMEs must submit their original and valid B-BBEE status level verification certificate or a certified copy thereof, substantiating their B-BBEE rating issued by a Registered Auditor approved by IRBA or a Verification Agency accredited by SANAS.

4.4 A trust, consortium or joint venture, will qualify for points for their B-BBEE status level as a legal entity, provided that the entity submits their B-BBEE status level certificate.

4.5 A trust, consortium or joint venture will qualify for points for their B-BBEE status level as an unincorporated entity, provided that the entity submits their consolidated B-BBEE scorecard as if they were a group structure and that such a consolidated B-BBEE scorecard is prepared for every separate bid.

4.6 Tertiary institutions and public entities will be required to submit their B-BBEE status level certificates in terms of the specialized scorecard contained in the B-BBEE Codes of Good Practice.

4.7 A person will not be awarded points for B-BBEE status level if it is indicated in the bid documents that such a bidder intends sub-contracting more than 25% of the value of the contract to any other enterprise that does not qualify for at least the points that such

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a bidder qualifies for, unless the intended sub-contractor is an EME that has the capability and ability to execute the sub-contract.

4.8 A person awarded a contract may not sub-contract more than 25% of the value of the contract to any other enterprise that does not have an equal or higher B-BBEE status level than the person concerned, unless the contract is sub-contracted to an EME that has the capability and ability to execute the sub-contract.

5. BID DECLARATION

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

6. B-BBEE STATUS LEVEL OF CONTRIBUTION CLAIMED IN TERMS OF PARAGRAPHS 1.3.1.2 AND 5.1

6.1 B-BBEE Status Level of Contribution:…… = ……(maximum of 10 or 20 points) **(Points claimed in respect of paragraph 7.1 must be in accordance with the table reflected in paragraph 5.1 and must be substantiated by means of a B-BBEE certificate issued by a Verification Agency accredited by SANAS or a Registered Auditor approved by IRBA or an Accounting Officer as contemplated in the CCA).**

8 SUB-CONTRACTING

8.1 Will any portion of the contract be sub-contracted? YES / NO (delete which is not applicable)

8.1.1 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? YES / NO (delete which is not applicable)

9 DECLARATION WITH REGARD TO COMPANY/FIRM

9.1 Name of firm :
.....

9.2 VAT registration number :
.....

9.3 Company registration number
…….

9.4 TYPE OF COMPANY/ FIRM

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

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[TICK APPLICABLE BOX]

9.5 DESCRIBE PRINCIPAL BUSINESS ACTIVITIES

.....

. .....

9.6 COMPANY CLASSIFICATION

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

[TICK APPLICABLE BOX]

9.7 MUNICIPAL INFORMATION

Municipality where business is situated .....

Registered Account Number .....

Stand Number .....

9.8 TOTAL NUMBER OF YEARS THE COMPANY/FIRM HAS BEEN IN BUSINESS? .....

9.9 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 contribution indicated in paragraph 7 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 paragraph 7, 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 contribution 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) restrict the bidder or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, from

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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 BIDDER(S)

DATE:……..

ADDRESS:……..

…..……

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MBD 6.2

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, 2011 and 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, 2011 (Regulation 9) makes provision for the promotion of local production and content.

1.2. Regulation 9.(1) prescribes that in the case of designated sectors, where in the award of bids local production and content is of critical importance, such bids must be advertised with the specific bidding condition that only locally produced goods, services or works or locally manufactured goods, with a stipulated minimum threshold for local production and content will be considered.

1.3. Where necessary, for bids 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)

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Prices referred to in the determination of x must be converted to Rand (ZAR) by using the exchange rate published by the South African Reserve Bank (SARB) at 12:00 on the date of advertisement of the bid as required 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 at no cost.

1.6. A bid may be disqualified if –

(a) this Declaration Certificate and the Annex C (Local Content Declaration: Summary Schedule) are not submitted as part of the bid documentation; and

(b) the bidder fails to declare that the Local Content Declaration Templates (Annex C, D and E) have been audited and certified as correct.

2. Definitions

2.1. **"bid"** includes written price quotations, advertised competitive bids or proposals;

2.2. **"bid price"** price offered by the bidder, excluding value added tax (VAT);

2.3. **"contract"** means the agreement that results from the acceptance of a bid by an organ of state;

2.4. **"designated sector"** means a sector, sub-sector or industry that has been designated by the Department of Trade and Industry in line with national development and industrial policies for local production, where only locally produced services, works or goods or locally manufactured goods meet the stipulated minimum threshold for local production and content;

2.5. **"duly sign"**means a Declaration Certificate for Local Content that has been signed by the 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).

2.6. **"imported content"** means that portion of the bid price represented by the cost of components, parts or materials which have been or are still to be imported (whether by the supplier or its subcontractors) and which costs are inclusive of the costs abroad (this includes labour and intellectual property costs), plus freight and other direct importation costs, such as landing costs, dock duties, import duty, sales duty or other similar tax 5588or duty at the South African port of entry;

2.7. **"local content"** means that portion of the bid price which is not included in the imported content, provided that local manufacture does take place;

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2.8. **"stipulated minimum threshold"** means that portion of local production and content as determined by the Department of Trade and Industry; and

2.9. **"sub-contract"** means the primary contractor's assigning, leasing, making out work to, or employing another person to support such primary contractor in the execution of part of a project in terms of the contract.

3. **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:**

Description of services, works or goods	Stipulated minimum threshold
_____	_____%
_____	_____%
_____	_____%

4. Does any portion of the services, works or goods offered have any imported content?

(***Tick applicable box***)

YES		NO	

4.1 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 the 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.** 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	

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

5. Were the Local Content Declaration Templates (Annex C, D and E) audited and certified as correct?
(***Tick applicable box***)

YES		NO	

5.1. If yes, provide the following particulars:

(a) Full name of auditor: ……
(b) Practice number: ……..
(c) Telephone and cell number: ……
(d) Email address: ……..

<u>(Documentary proof regarding the declaration will, when required, be submitted to the satisfaction of the Accounting Officer / Accounting Authority)</u>

6. 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 Accounting Officer / Accounting Authority provide directives in this regard.

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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 Municipality / Municipal Entity):
.....

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.thedti.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

(ii) the declaration templates have been audited and certified to be correct.

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(c)The local content percentages (%) 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 / Municipality /Municipal Entity 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 / Municipal / Municipal Entity imposing any or all of the remedies as provided for in Regulation 13 of the Preferential Procurement Regulations, 2011 promulgated under the Preferential Policy Framework Act (PPPFA), 2000 (Act No. 5 of 2000).

SIGNATURE: _____ **DATE:** _____

WITNESS No. 1 _____ **DATE:** _____

WITNESS No. 2 _____ **DATE:** _____

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DECLARATION OF BIDDER'S PAST SUPPLY CHAIN MANAGEMENT PRACTICES

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

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

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

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

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

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

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

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CERTIFICATION

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

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

……... **……..**
Signature **Date**

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

MBD 9

CERTIFICATE OF INDEPENDENT BID DETERMINATION

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

2 Section 4 (1) (b) (iii) of the Competition Act No. 89 of 1998, as amended, prohibits an agreement between, or concerted practice by, firms, or a decision by an association of firms, if it is between parties in a horizontal relationship and if it involves collusive bidding (or bid rigging).[2] Collusive bidding is a *pe se* prohibition meaning that it cannot be justified under any grounds.

3 Municipal Supply Regulation 38 (1) prescribes that a supply chain management policy must provide measures for the combating of abuse of the supply chain management system, and must enable the accounting officer, among others, to:

a. take all reasonable steps to prevent such abuse;

b. reject the bid of any bidder if that bidder or any of its directors has abused the supply chain management system of the municipality or municipal entity or has committed any improper conduct in relation to such system; and

c. cancel a contract awarded to a person if the person committed any corrupt or fraudulent act during the bidding process or the execution of the contract.

4 This MBD serves as a certificate of declaration that would be used by institutions to ensure that, when bids are considered, reasonable steps are taken to prevent any form of bid-rigging.

5 In order to give effect to the above, the attached Certificate of Bid Determination (MBD 9) must be completed and submitted with the bid:

6 **[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.

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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

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

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

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

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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

Js9141w

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C1.1 Form of offer and acceptance

Offer

The Employer, identified in the acceptance signature block, has solicited offers to enter into a Contract FOR RE-ADVERTISEMENT: OCCUPATIONAL HEALTH AND SAFETY TRAINING FOR 15 EPWP PARTICIPANTS-FIRST GROUP

The Bidder, identified in the offer signature block, has examined the documents listed in the tender data lland addenda thereto as listed in the returnable schedules, and by submitting this offer has accepted the conditions of tender.

By the representative of the Bidder, deemed to be duly authorized, signing this part of this form of offer and acceptance, the Bidder offers to perform all of the obligations and liabilities of the Service Provider under the Contract including compliance with all its terms and conditions according to their true intent and meaning for an amount to be determined in accordance with the conditions of Contract identified in the Contract Data.

THE OFFERED TOTAL OF THE PRICES INCLUSIVE OF VALUE ADDED TAX

……Rand (in words);

R…… (in figures)

This offer may be accepted by the Employer by signing the acceptance part of this form of offer and acceptance and returning one copy of this document to the Bidder before the end of the period of validity stated in the tender data, whereupon the Bidder becomes the party named as the Service Provider in the conditions of Contract identified in the Contract Data.

Signature:……N**ame**: ……..

Capacity: ……

For the Bidder: ……

……

(Name and domicilium citandi of organization)

Name and Signature of Witness:……**Date**:……..

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Acceptance

By signing this part of this form of offer and acceptance, the Employer identified below accepts the Bidder's offer. In consideration thereof, the Employer shall pay the Service Provider the amount due in accordance with the conditions of Contract identified in the Contract Data. Acceptance of the Bidder's offer shall form an agreement between the Employer and the Bidder upon the terms and conditions contained in this agreement and in the Contract that is the subject of this agreement. The terms of the Contract, are contained in:

Part C1 Agreements and Contract Data, (which includes this agreement)

Part C2 Pricing Data

Part C3 Scope of work.

Deviations from and amendments to the documents listed in the tender data and any addenda thereto as listed in the tender schedules as well as any changes to the terms of the offer agreed by the Bidder and the Employer during this process of offer and acceptance, are contained in the schedule of deviations attached to and forming part of this agreement. No amendments to or deviations from said documents are valid unless contained in this schedule, which must be signed by the authorised representative(s) of both parties.

The Bidder shall within two weeks after receiving a completed copy of this agreement, including the schedule of deviations (if any), contact the Employer's agent (whose details are given in the Contract Data) to arrange the delivery of any bonds, guarantees, proof of insurance and any other documentation to be provided in terms of the conditions of Contract identified in the Contract Data. Failure to fulfil any of these obligations in accordance with those terms shall constitute a repudiation of this agreement.

Notwithstanding anything contained herein, this agreement comes into effect on the date when the Bidder receives one fully completed, signed copy of this document, including the schedule of deviations (if any). Unless the Bidder (now Service Provider) within five working days of the date of such receipt notifies the Employer in writing of any reason why he cannot accept the contents of this agreement, this agreement shall constitute a binding Contract between the parties.

Signature(s):…….. **Name(s)** ……..

Capacity: **MUNICIPAL MANAGER**

FOR ENOCH MGIJIMA LOCAL MUNICIPALITY, TOWN HALL, CATHCART ROAD, QUEENSTOWN, 5320

(Name and domiciliumcitandi of organization)

Name and Signature of Witness: …… Date: …….

OFFICIAL STAMP:

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