



SOL PLAATJE MUNICIPALITY

INVITATION FOR QUOTATION

QO28/2011
SUPPLY & DELIVERY OF CREO WOODEN POLES

SUPPLIER _____

ADDRESS: _____ TEL NO: _____

_____ CELL NO.: _____

_____ FAX NO: _____

Prepared for:-

Sol Plaatje Municipality
Private Bag X5030
KIMBERLEY
8300

Prepared by: -

Acquisitioner: H. Slabbert
Line Manager: R. Brooker
Private Bag X5030
KIMBERLEY
8300

Friday, 16 September 2011

SQD1

SOL PLAATJE MUNICIPALITY

INVITATION FOR QUOTATION

Directorate: **FINANCIAL SERVICES** Section: **Supply Chain Management**

Contact persons:

**Russell Brooker
Hester Slabbert**

**telephone: 053 830 6825
telephone: 053 830 6848**

***Documents are obtainable from:
Contracts Department, City Hall, 2 Market Square, Kimberley
Telephone: 053 8078482/3/9***

Date: 16 September 2011

Reference No. "Q028/2011"

Q028/2011

SUPPLY & DELIVERY OF CREO WOODEN POLES

***INVITATION FOR QUOTATIONS FOR ORDERS
ABOVE R30 000 BUT LESS THAN R200 000***

***ALL QUOTATIONS MUST BE SUBMITTED WITH A COMPLETED
PREFERENCE POINT SYSTEM PROCUREMENT CERTIFICATE***

***ANY QUOTE WILL NOT NECESSARILY BE ACCEPTED AND THE COUNCIL RESERVES
THE RIGHT TO ACCEPT THE WHOLE OR ANY PART OF ANY QUOTE***

***QUOTATIONS SUBMITTED BY NON-REGISTERED (DATA BASE) PROVIDERS WILL ONLY BE
CONSIDERED IF A VALID ORIGINAL TAX CLEARANCE CERTIFICATE
FROM SARS IS SUBMITTED WITH THIS QUOTATION (FOR AMOUNTS ABOVE R15000.00)***

GENERAL CONDITIONS

Quotations must be submitted using this official quotation form.

- (1) ***PRICES ALTERED BY MEANS OF CORRECTION FLUID WILL NOT BE CONSIDERED***
- (2) All quotations must be submitted with a completed Preference point system procurement certificate.
- (3) Prices quoted must include value added tax, delivery charges **and offloading to the Municipal Stores in Industria Road, Ashburnham, Kimberley.**

- (4) Any quote will not necessarily be accepted and the Municipality reserves the right to accept the whole or any part of any quote and the bidder scoring the highest number of points will not necessarily be accepted.
- (5) Preference will be given to Database Suppliers
- (6) Quotations submitted by non-registered (data base) providers will only be considered *if a valid original tax clearance certificate from SARS* is submitted *with this quotation (for amounts above R15000.00)* and if all information is submitted as required in the company profile form attached. (Refer to listing Criteria Form, "SQD 6.1")
- (7) **Quotations submitted by registered providers will only be considered if a copy of proof of registration is submitted with this quotation. FAILURE TO COMPLY WILL RESULT IN THE QUOTATION NOT BEING CONSIDERED.**
- (8) All quotations will be evaluated on a point system in accordance with the provisions of the Preferential Procurement Policy Framework Act No. 5 of 2000.
- (9) Sealed quotations, outwardly marked: **"Q028/2011: Supply and Delivery of Creo Wooden Poles** must be addressed to the **Municipal Manager** and placed in the: **Tender Box, Ground Floor, Main Entrance of the City Hall, 2 Market Square, Kimberley** not later than **11:00 on WEDNESDAY, 28 SEPTEMBER 2011**
Quotations will be opened in public in the Boardroom of the City Hall immediately after closing the same day.
- (10) Invoices received before the last working day of each month will, as far as possible, be paid not later than the 15th day of the following month.

IS YOUR COMPANY REGISTERED AS AN AUTHORISED PROVIDER WITH SOL PLAATJE MUNICIPALITY?

YES NO IF YES, PROVIDE REGISTRATION NO. _____

DELIVERY TIME _____

SETTLEMENT DISCOUNT ALLOWED _____ % _____ DAYS

THESE QUOTED PRICE/S WILL HOLD GOOD UNTIL _____

AUTHORISED BY THE BIDDER: PRINT NAME _____ SIGNATURE _____

NAME OF COMPANY: _____

ADDRESS: _____

TELEPHONE NO. _____ FAX NO. _____

E-MAIL ADDRESS _____

TELEPHONE NO. _____ FAX NO. _____

SQD3.2

PRICE SCHEDULE AND SPECIFICATIONS

Q028/2011

SUPPLY & DELIVERY OF CREO WOODEN POLES

| Details and Specifications | Quantity | Price / each <i>Inclusive of vat & delivery charges</i> | Total price <i>Inclusive of 14% vat & delivery charges</i> |
|--|----------|---|--|
| 12 m Creo Wooden Poles, 180–200 mm dia | 50 | | |
| <i>Standard specifications:</i> Wooden poles and cross arms must comply with SANS 753 Only pine poles treated with creosote are acceptable | | | |
| NETT TOTAL AMOUNT, R | | | |

*** FOR OFFICE USE ONLY*****AS AGREED BY: -**

LINE/PROJECT MANAGER: _____

DATE: _____

ACQUISITION MANAGER: _____

DATE: _____

APPROVED BY:

SUPPLY CHAIN MANAGER: _____

DATE: _____

DECLARATION OF INTEREST

1. Any legal person, including persons employed by the state¹, 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, shareholder²):

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 **YES / NO**
presently employed by the State?

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
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 attached 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:

.....

3 Full details of directors / trustees / members / shareholders.

| Full Name | Identity Number | Personal Tax Reference Number | State Employee Number / Perusal Number |
|-----------|-----------------|-------------------------------|--|
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |

4 DECLARATION

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

Sol Plaatje
Municipality



SOL PLAATJE MUNICIPALITY, KIMBERLEY

LISTING CRITERIA

- 1) **Company Name:**
- 2) **Contact Details:** Tel No: Fax No:.....Cell phone No:.....
- 3) **Postal Address:**
- 4) **VAT Registered:** Yes No **If registered, VAT Registration No:**
- 5) **Settlement Discount Allowed:** % for payment within.....days
- 6) **Bank Name:**
- 7) **Account No:** **Type of Account:** **Branch code:**.....
- 8) **Location in Sol Plaatje Municipal Area:** Yes No
- 9) **% owned by black male:**.....% **% owned by black female:** %
% owned by black youth:%
- 10) **% owned by disabled persons:**% **% owned by white female:**..... %
- 11) **Indicate Main Sector/ Please select one only:**
Agriculture ; Mining and Quarrying ; Manufacturing ; Electricity, Gas, Water ;
Construction ; Retail & Motor Trade & Repairs ; Wholesale Trade, Commercial Agents and
Allied Services ; Catering & Accommodation & other Trade ; Transport, Storage &
Communications; Finance and Business Services ; Community, Social and Personal
Services
- 12) **Amount of full time employed staff:** **Annual Turnover: R**.....
Asset Value (excluding fixed property): R.....

SOL PLAATJE MUNICIPALITY



PREFERENCE POINT SYSTEM

PROCUREMENT CERTIFICATE

Preference point system for procurement with a Rand value equal to or above R30 000 but less than R200 000.

NAME OF FIRM: _____

POSTAL ADDRESS: _____

TELEPHONE NO: _____

CONTACT PERSON: _____

APPROVED REGISTRATION NO OBTAINED FROM SPM DATABSE: _____

SQD 6.2

PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL PROCUREMENT REGULATIONS 2001 PURCHASES

METHOD OF POINTS CALCULATION

The points system used is in accordance with the provisions of the Preferential Procurement Policy Framework Act, No. 5 of 2000.

This preference form must form part of all bids invited. It contains general information and serves as a claim form for Historically Disadvantaged Individuals (HDI's) preference points as well as a summary for preference points claimed for attainment of other specified goals.

N.B. :

BEFORE COMPLETING THIS FORM, BIDDERS MUST STUDY THE GENERAL CONDITIONS, DEFINITIONS AND DIRECTIVES APPLICABLE IN RESPECT OF EQUITY OWNERSHIP BY HISTORICALLY DISADVANTAGED INDIVIDUALS (HDI'S) AS PRESCRIBED IN THE PREFERENTIAL PROCUREMENT REGULATIONS 2001

The following preference point systems are applicable to all quotes:

- 1.1 The following preference point systems are applicable to all quotes: -
The 80/20 system for requirements with a Rand value of up to R200 000
- 1.2 Preference points for this bid shall be awarded for: -
 - (a) Price; and
 - (b) Specific contract participation goals, as specified in the attached forms
- 1.3 Failure on the part of a bidder to fill in and/or to sign this form may be interpreted to mean that preference points are not claimed.
- 1.4. 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.

SQD 6.2**SOL PLAATJE MUNICIPALITY****METHOD OF POINTS CALCULATION**

- 1.5 Preference for being an HDI and/or achieving specified goals will be calculated separately and will be added to the points scored for functionality and prices.

80/20 Points

| | |
|---|----|
| Price | 80 |
| HDI and Specific Contract Participation Goals | 20 |

The following formula will be used to calculate the points for price and functionality: -

$$PS = P_c \times \left\{ 1 - \frac{P_t - P_{\min}}{P_{\min}} \right\}$$

Where

$$P_c = 80$$

PS = points scored for price of quote under consideration

P_t = Rand value of offer quote under consideration

P_{\min} = Rand value of lowest acceptable quote

**PREFERENCE POINTS CLAIM FORM IN TERMS OF
THE PREFERENTIAL PROCUREMENT REGULATIONS 2001**

PURCHASES

This preference form must form part of all bids invited. It contains general information and serves as a claim form for Historically Disadvantaged Individuals (HDI's) preference points as well as a summary for preference points claimed for attainment of other specified goals.

N.B.: BEFORE COMPLETING THIS FORM, BIDDERS MUST STUDY THE GENERAL CONDITIONS, DEFINITIONS AND DIRECTIVES APPLICABLE IN RESPECT OF EQUITY OWNERSHIP BY HISTORICALLY DISADVANTAGED INDIVIDUALS (HDI'S) AS PRESCRIBED IN THE PREFERENTIAL PROCUREMENT REGULATIONS 2001

GENERAL DEFINITIONS

- 2.1 **“Acceptable bid”** means any bid which, in all respects, complies with the specifications and conditions of bid as set out in the bid document.
- 2.1.1 **“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, works or services.
- 2.2 **“Black people”** is a generic term which means African, Coloureds and Indians as defined in the Broad – Based Black Empowerment Act (No.53 of 2003).
- 2.3 **“Comparative price”** means the price after the factors of a non-firm price and all unconditional discounts that can be utilised have been taken into consideration.
- 2.4 **“Consortium or joint venture”** means an association of persons for the purpose of combining their expertise, property, capital, efforts, skills and knowledge in an activity for the execution of a contract.
- 2.5 **“Contract”** means the agreement that results from the acceptance of a bid by an organ of State.
- 2.6 **“Specific contract participation goals”** means the goals as stipulated in the Preferential Procurement Regulations 2001.
- 2.6.1 In addition to above-mentioned goals, the Regulations [12.(1)] also make provision for organs of State to give particular consideration to procuring locally manufactured products.
- 2.7 **“Control”** means the possession and exercise of legal authority and power to manage the assets, goodwill and daily operations of a business and the active and continuous exercise of appropriate managerial authority and power in determining the policies and directing the operations of the business.
- 2.8 **“Disability”** means, in respect of a person, a permanent impairment of a physical, intellectual, or sensory function, which results in restricted, or lack of, ability to perform an activity in the manner, or within the range, considered normal for a human being.
- 2.9 **“Equity Ownership”** means the percentage ownership and control, exercised by individuals within an enterprise.
- 2.10 **“Good standing”** means not being blacklisted or involved in illegal activities, must comply with the credit control policy with regard to payments for services and must have satisfactorily complied with present and previous contractual obligations.

SQD6.2**GENERAL DEFINITIONS (Continued)**

- 2.11 **“Historically Disadvantaged Individual (HDI)”** means a South African citizen
- (1) who, due to the apartheid policy that had been in place, had no franchise in national elections prior to the introduction of the Constitution of the Republic of South Africa, 1983 (Act No 110 of 1983) or the Constitution of the Republic of South Africa, 1993, (Act No 200 of 1993) (“the interim Constitution”); and/or
 - (2) who is a female; and/or
 - (3) who has a disability;
 - (4) who is a youth
- provided that a person who obtained South African citizenship on or after the coming to effect of the Interim Constitution, is deemed not to be a HDI;
- 2.12 **“Management”** means an activity inclusive of control and performed on a daily basis, by any person who is a principal executive officer of the company, by whatever name that person may be designated, and whether or not that person is a director.
- 2.13 **“Owned”** means having all the customary elements of ownership, including the right of decision-making and sharing all the risks and profits commensurate with the degree of ownership interests as demonstrated by an examination of the substance, rather than the form of ownership arrangements.
- 2.14 **“Person”** includes reference to a juristic person.
- 2.15 **“Rand value”** means the total estimated value of a contract in Rand denomination that is calculated at the time of bid invitations and includes all applicable taxes and excise duties.
- 2.16 **“Small, Medium and Micro Enterprises (SMMEs)”** bears the same meaning assigned to this expression in the National Small Business Act, 1996 (No 102 of 1996).
- 2.17 **“Sub-contracting”** means the primary contractor’s assigning or leasing or 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.
- 2.18 **“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.
- 2.19 **“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.

SQD 6.2**PREFERENTIAL, HDI AND SPECIFIC GOALS BALANCED SCORECARD:
(80/20 PREFERENCE POINT SYSTEM)****IMPORTANT: -**

Failure on the part of a bidder to complete this section shall be interpreted to mean that the preference points for the following equity ownership by HDI and/or achieving the following goals are not claimed.

Penalty: -

Upon detecting any false claim or statement hereunder will result in the bidders de-registration and the bidder will be prevented from participation in future contracts for a period of three (3) years.

(1) Shareholding by HDI (See General Definitions in this document)

| <i>Description</i> | | <i>Maximum Points</i> | <i>Percentage Ownership (%)</i> | <i># (See below) Percentage involvement of individuals Exercising control over Enterprise and are Shareholders (%)</i> |
|--------------------|--|-----------------------|---------------------------------|--|
| 1.1 | "Black People" Percentage Points (See General Definitions in this document) | 10 | | |
| 1.2 | Gender, percentage Ownership by Female Individuals. | 3 | | |
| 1.3 | Disablement, percentage Ownership by Disabled Individuals | 2 | | |
| 1.4 | Youth, percentage Ownership by Youth | 2 | | |

(2) Specific Goals

| <i>Description</i> | | <i>Maximum Points</i> | <i>Bidder must mark if applicable</i> |
|--------------------|---|-----------------------|---------------------------------------|
| 1.1 | Enterprise operating within the Frances Beard District Area | 3 | ↓ |

Signature of Bidder: _____**Date:** _____

CONTROL is the power to govern the financial and operating policies of an enterprise so as to obtain benefits from its activities and **INVOLVEMENT** refers to the degree / percentage active involvement in the day to day activities of the enterprise. Therefore the percentage indicated must be the percentage active involvement of individuals who have control over the enterprise and are shareholders.

The Equity Ownership will be equated to the percentage active involvement for scoring and evaluating points.

*** FOR OFFICE USE ONLY***

| | |
|-----------------------------|-------------|
| AS AGREED BY: - | |
| LINE/PROJECT MANAGER: _____ | DATE: _____ |
| ACQUISITION MANAGER: _____ | DATE: _____ |
| APPROVED BY: | |
| SUPPLY CHAIN MANAGER: _____ | DATE: _____ |

METHOD OF POINTS CALCULATION (Continued)**ESTABLISHMENT OF HDI EQUITY OWNERSHIP IN AN ENTERPRISE**

Equity ownership shall be equated to the percentage of an enterprise which is owned by individuals classified as HDI's, or in the case of a company, the percentage shares that are owned by individuals classified as HDI's, who are actively involved in the management and daily business operations of the enterprise and exercise control over the enterprise, commensurate with their degree of ownership.

Where individuals are not actively involved in the management and daily business operations and do not exercise control over the enterprise commensurate with their degree of ownership, equity ownership may not be claimed.

ADJUDICATION USING A POINT SYSTEM

The bidder obtaining the highest number of points **may** be awarded the contract.

Preference points shall be calculated after prices have been brought to a comparative basis.

Points scored will be rounded off to 2 decimal places.

In the event of equal points scored, the bid **will** be awarded to the bidder scoring the highest number of points for specified goals.

POINTS AWARDED FOR HISTORICALLY DISADVANTAGED INDIVIDUALS

Equity claims for a trust will only be allowed in respect of those persons who are both trustees and beneficiaries and who are actively involved in the management of the trust.

Documentation to substantiate the validity of the credentials of the trustees contemplated above must be submitted.

Listed companies and tertiary institutions do not qualify for HDI preference points.

A consortium or joint venture may, based on the percentage of the contract value managed or executed by their HDI-members, be entitled to preference points in respect of an HDI.

A person awarded a contract as a result of preference for contracting with, or providing equity ownership to an HDI, may not subcontract more than 25% of the value of the contract to a person who is not an HDI or does not qualify for the same number or more preference for equity ownership.

BID DECLARATION

Bidders must complete the "Declaration of Interest" form at the end of this form.

DECLARATION OF BIDDER'S PAST SUPPLY CHAIN MANAGEMENT PRACTICES

- 1 This Municipal Quotation Document must form part of all quotes 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 Any quote may be rejected if the supplier, or any of it's 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 Bid 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 quote: -

| | 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? (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). | 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)? access this Register enter the National Treasury's website, www.treasury.gov.za, 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). | 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: | | |

SQD 8

| 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 <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
IS TRUE AND CORRECT.***

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

.....
Signature

.....
Date

.....
Position

.....
Name of Bidder

CERTIFICATE OF INDEPENDENT BID DETERMINATION

- 1 This Standard Bidding Document (SBD) must form part of all bids¹ invited.
- 2 Section 4 (1) (b) (iii) of the Competition Act No. 89 of 1998, as amended, prohibits an agreement between, or concerted practice by, firms, or a decision by an association of firms, if it is between parties in a horizontal relationship and if it involves collusive bidding (or bid rigging).² Collusive bidding is a *pe se* prohibition meaning that it cannot be justified under any grounds.
- 3 Treasury Regulation 16A9 prescribes that accounting officers and accounting authorities must take all reasonable steps to prevent abuse of the supply chain management system and authorizes accounting officers and accounting authorities to:
 - a. disregard the bid of any bidder if that bidder, or any of its directors have abused the institution's supply chain management system and or committed fraud or any other improper conduct in relation to such system.
 - b. cancel a contract awarded to a supplier of goods and services if the supplier committed any corrupt or fraudulent act during the bidding process or the execution of that contract.
- 4 This SBD 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 (SBD 9) must be completed and submitted with the bid:

¹ Includes price quotations, advertised competitive bids, limited bids and proposals.

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

SQD 9

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 Institution)

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

I certify, on behalf of: _____ that:

(Name of Bidder)

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

- 6. The bidder has arrived at the accompanying bid independently from, and without consultation, communication, agreement or arrangement with any competitor. However communication between partners in a joint venture or consortium³ will not be construed as collusive bidding.
- 7. In particular, without limiting the generality of paragraphs 6 above, there has been no consultation, communication, agreement or arrangement with any competitor regarding:
 - (a) prices;
 - (b) geographical area where product or service will be rendered (market allocation)
 - (c) methods, factors or formulas used to calculate prices;
 - (d) the intention or decision to submit or not to submit, a bid;
 - (e) the submission of a bid which does not meet the specifications and conditions of the bid; or
 - (f) bidding with the intention not to win the bid.
- 8. In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications and conditions or delivery particulars of the products or services to which this bid invitation relates.
- 9. The terms of the accompanying bid have not been, and will not be, disclosed by the bidder, directly or indirectly, to any competitor, prior to the date and time of the official bid opening or of the awarding of the contract.

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

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

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Signature

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Date

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Position

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Name of Bidder