STELLENBOSCH
STELLENBOSCH • PNIEL • FRANSCHHOEK
MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

**Administrative enquiries:** Lindsay Linders Tel**:** 021 808 8522 **e-mail:** Lindsay.Linders@stellenbosch.gov.za

Dear Sir / Madam

**REQUEST FOR FORMAL WRITTEN PRICE QUOTATIONS: PNQ3 STATIONARY**

Kindly furnish me with a written quotation for the service indicated above and as depicted in the document. The document is available on our website at www.stellenbosch.gov.za

The quotation must be submitted on the letterhead of your business and must be e-mailed to scm.quotes@stellenbosch.gov.za, by no later than **17 February 2021 @14h00.**

The following conditions will apply:

- No quotations will be accepted from service providers who are not registered on the Centralised Supplier Database (CSD). For enquiries regarding registration on CSD, contact Nicolene Hamilton at Tel no: 021 808 8594 or nicolene.hamilton@stellenbosch.gov.za
- Price(s) quoted must be valid for at least ninety (90) days from closing date of this request.
- Price(s) quoted must be firm and must be inclusive of VAT.
- A firm delivery period must be indicated.
- All quotations must be accompanied by the enclosed MBD documents. The enclosed Declaration of interest (MBD 4), Preference points claim form in terms of the Preferential Procurement Regulations 2017 (MBD 6.1), Declaration of bidder's past Supply Chain Management practices (MBD 8) and Certificate of Independent Bid Determination (MBD 9), must be scrutinized, duly completed and submitted together with your quotation.
- Submit your B-BBEE status level verification certificate or sworn affidavit.
- Submit copies of all your Directors latest Municipal account.
- Bids will be evaluated in terms of the Preferential Procurement Framework Act and related regulations.
- The evaluation method (80/20) and preference points allocation applicable to this bid
- Late or faxed quotations will not be considered.
- The Municipality reserves the right to withdraw any invitation to quote and/or to re-advertise.
- The Municipality does not bind itself to accept the lowest quotation, part of a quotation or any quotation.
- **Where brands are mentioned – similar or equivalent will be considered, submit details**
- Quotations will be evaluated and awarded per line
- Quotations are based on supply and delivery
- Quotations are subject to the General Conditions of Contract (GCC) and, if applicable, any other special conditions of contract.

***Failure to comply with these conditions may invalidate your offer.***

**NB: NO QUOTATIONS WILL BE CONSIDERED FROM PERSONS IN THE SERVICE OF THE STATE (see definition on MBD 4 attached)**

MSCM regulations: "in the service of the state" means must be -

a) a Member of -
   (i) any municipal Council;
   (ii) any provincial legislature; or
   (iii) the national Assembly or the national Council of province;
b) a member of the board of directors of any municipal entity;
c) an official of any municipality or municipal entity;
d) an employee of any national or provincial department, national or provincial public entity or constitutional institution within the meaning of the Public Finance Management Act, 1999 (Act No.1 of 1999);
e) an executive member of the accounting authority of any national or provincial public entity; or
f) an employee of Parliament or a provincial legislature.

**DETAILS OF BIDDER (THE FOLLOWING PARTICULARS MUST BE FURNISHED)**

| | |
|---|---|
| Name of firm / entity / enterprise | |
| Trading as (if different from above) | |
| CSD number | MAAA…… |
| Postal address of enterprise / Business | Line 1 :_____<br>Line 2:_____<br>Town/City_____ Postal code:_____ |
| Physical address of enterprise / Business | Line 1 :_____<br>Line 2:_____<br>Town/City_____ |
| Contact details of the person signing the bid, being duly authorised to do so: | Name: _____<br>Telephone: _____Cellular :_____<br>E-mail address:_____ |
| Contact details of the person responsible for overseeing contract performance : | Name: _____<br>Telephone: _____Cellular :_____<br>E-mail address:_____ |
| Company income tax number | |
| Tax Compliance Status System PIN issued by SARS | |
| VAT registration number | |
| Company registration number | |
| Banking details | Name of account holder:_____<br>Name of bank:_____<br>Account number:_____<br>Branch code:_____ |

## CHECK LIST FOR COMPLETENESS OF BID DOCUMENT

The bidder is required to complete the following checklist in order to ensure that the necessary documentation, as required, is attached to this bid document and that all declarations are signed by the bidder:

***(*Mark with "X" where applicable)***

| Items to be checked | Yes | No | Comments |
|---|---|---|---|
| 1. Validity offer | | | |
| 2. Completed the pricing schedule (MBD 3.1 ) | | | |
| 3. Completed and signed declaration of interest (MBD 4) | | | |
| 4. Completed and signed declaration in order to claim preference points (MBD 6.1) and attached a certified copy or original B-BBEE certificate | | | |
| 5. Completed and signed declaration of bidder's past supply chain management practices (MBD 8) | | | |
| 6. Completed and signed certificate of independent bid determination (MBD 9) | | | |
| 7. Attached copy /s of municipal account which is not older than 90 days | | | |
| 8. CSD registration | | | |
| 9. Tax complaint | | | |
| 10. Local Content (where applicable) filled in and completed as per instruction sheets | | | |

**PLEASE NOTE**

- **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.**
- **THE MUNICIPALITY RESERVES THE RIGHT TO ACCEPT ALL, SOME, OR NONE OF THE BIDS SUBMITTED EITHER WHOLLY OR IN PART — AND IT IS NOT OBLIGATED TO ACCEPT THE LOWEST BID.**

## TECHNICAL SPECIFICATIONS

**PLEASE TAKE NOTE:**

- Price(s) quoted must be valid for at least ninety (90) days from closing date of this request.
- Price(s) quoted must be firm and must be inclusive of VAT.
- Quotations will be evaluated and awarded per line
- Delivery must be made within 7 days of receipt of official order; the municipality reserves the right to cancel any order which is not delivered within 7 days.
- Service providers must include at least 1 reference where similar goods/ services were rendered previously.
- Quotations are based on supply and delivery
- **Where brands are mentioned – similar or equivalent will be considered, submit details**
- **PLEASE COMPLETE BOTH PRICING SCHEDULES (PDF AND EXCEL). WHERE DISCREPENCIES ARE ENCOUNTERED, THE PRICING SCHEDULE IN THE PDF DOCUMENT WILL GOVERN.**

| ITEM NR | ITEM REF | DESCRIPTION | QTY | UNIT MEASUREMENT | UNIT PRICE INCL VAT | TOTAL PRICE INCLUDING 15% VAT |
|---|---|---|---|---|---|---|
| 1. | 7 | PERMANENT MARKERS BLACK | 5 | | R | R |
| 2. | 14 | STAMP PAD INK BLACK 30ML | 5 | | R | R |
| 3. | 15 | STAMP PAD INK RED 30ML | 5 | | R | R |
| 4. | 17 | PAPER FASTENERS SPLIT PINS | 3 | | R | R |
| 5. | 18 | TAPE CLEAR 24MMX50M SELLOTAPE | 5 | | R | R |
| 6. | 19 | GRIP BINDERS 25MM PACK OF 100 | 2 | | R | R |
| 7. | 20 | A4 RING BINDER FILE | 2 | | R | R |
| 8. | 21 | METAL FILE FASTENERS 80MM | 10 | | R | R |
| 9. | 22 | A4 LAMINATING POUCHES 100PACK | 6 | | R | R |
| 10. | 23 | BINDING COVERS CLEAR 100PACK | 1 | | R | R |
| 11. | 24 | THERMAL TILL ROLLS 57MM | 200 | | R | R |
| 12. | 1 | ACCESIBLE FILES WITH FASTERNER | 500 | | R | R |
| 13. | 1 | MAGAZINE FILING BOXES: plastic, black, Length 24 cm, width 7cm, heigth 30 cm | 10 | | R | R |
| 14. | 2 | ACCESSIBLE FILES | 40 | | R | R |

| | | | | | | |
|---|---|---|---|---|---|---|
| 15. | 3 | A3 YELLOW ENVELOPE 250 PER BOX | 2 | | **R** | **R** |
| 16. | 7 | LOCAL GOV LIBRARY COMPSETVOL14 | 1 | | **R** | **R** |
| 17. | 2 | FELLOWES - QUASAR + 500 COMB BINDER. ADJ EDGE GUIDE. PATENTED COMB DOC MEASURE. ANGLED RAKE. 51MM | 1 | | **R** | **R** |
| 18. | 5 | STORAGE COLLAPSIBLE BOXES REF W74C, BROWN | 500 | | **R** | **R** |
| 19. | 6 | REDFERN 100 PER PACK 1UP LABLE, NO BORDER | 10 | | **R** | **R** |
| 20. | 7 | JUTA POCKET STATUTE ELECTRICITY REGULATIONS ACT 4 OF 2006 POCKET SIZE 140MM X 105MM STATUTE | 2 | | **R** | **R** |
| 21. | 10 | DISA - NAL CLIP GUN & CLIPS • RE-USABLE CLIPS • HOLDS DOCUMENTS SECURELY | 5 | | **R** | **R** |
| 22. | 11 | DISA - NAL CLIP CLIPS SECURES UP TO 40 SHEETS 254328 6.4MM DEPTH X 16MM WIDTH BOX OF 50 CLIPS | 25 | | **R** | **R** |
| 23. | 12 | HEAVY-DUTY-STAPLERKW TRIO - HEAVY-DUTY STAPLER • METAL • HEAVY-DUTY 903048 USES 23/6 TO 23/24 STAPLE | 6 | | **R** | **R** |
| 24. | 2 | HEAVY DUTY PUNCH | 2 | | **R** | **R** |
| 25. | 3 | SHARP SCIENTIFIC CALCUEL-531WH | 1 | | **R** | **R** |
| 26. | 1 | A0 PLOTTER PAPER | 5 | | **R** | **R** |
| 27. | 4 | PARROT PIN BOARD 1200X900MM | 1 | | **R** | **R** |

## DECLARATION OF INTEREST

1. No bid will be accepted from persons in the service of the state[1].

2. Any person, having a kinship with persons in the service of the state, including a blood relationship, may make an offer or offers in terms of this invitation to bid. In view of possible allegations of favouritism, should the resulting bid, or part thereof, be awarded to persons connected with or related to persons in service of the state, it is required that the bidder or their authorised representative declare their position in relation to the evaluating/adjudicating authority.

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

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

3.2 Identity Number: …….

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

3.4 Company Registration Number: …….

3.5 Tax Reference Number: ……

3.6 VAT Registration Number: ……

3.7 The names of all directors / trustees / shareholders members, their individual identity numbers and state employee numbers must be indicated in paragraph 4 below.

3.8 Are you presently in the service of the state? **YES □ / NO □**

3.8.1 If yes, furnish particulars. ……

……

3.9 Have you been in the service of the state for the past twelve months? **YES □ / NO □**

3.9.1 If yes, furnish particulars …….

……

[1]MSCM Regulations: "in the service of the state" means to be –

(a) a member of –
  (i) any municipal council;
  (ii) any provincial legislature; or
  (iii) the national Assembly or the national Council of provinces;

(b) a member of the board of directors of any municipal entity;
(c) an official of any municipality or municipal entity;
(d) an employee of any national or provincial department, national or provincial public entity or constitutional institution within the meaning of the Public Finance Management Act, 1999 (Act No.1 of 1999);
(e) an executive member of the accounting authority of any national or provincial public entity; or
(f) an employee of Parliament or a provincial legislature.

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

3.10 Do you have any relationship (family, friend, other) with persons in the service of the state and who

may be involved with the evaluation and or adjudication of this bid? **YES □ / NO □**

3.10.1 If yes, furnish particulars: ……
……

3.11 Are you, aware of any relationship (family, friend, other) between any other bidder and any persons in the service of the state who may be involved with the evaluation and or adjudication of this bid? **YES □ / NO □**

3.11.1 If yes, furnish particulars: ……
……

3.12 Are any of the company's directors, trustees, managers, principle shareholders or in service of the state? **YES □ / NO □**

3.12.1 If yes, furnish particulars: ……
……

3.13 Are any spouse, child or parent of the company's directors, trustees, managers, principle shareholders or stakeholders in service of the state? **YES □ / NO □**

3.13.1 If yes, furnish particulars: ……
……

3.14 Do you or any of the directors, trustees, managers, principle shareholders, or stakeholders of this company have any interest in any other related companies or business whether or not they are bidding for this contract? **YES □/ NO □**

3.14.1 If yes, furnish particulars: ……
……

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

| **Full Name** | **Identity Number** | **State Employee Number** |
|---|---|---|
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |

…….. ……..
**Signature** **Date**

……. ……
**Capacity** **Name of Bidder**

# PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL PROCUREMENT REGULATIONS 2017

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

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

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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 R 50 000 000 (all applicable taxes included); and
- the 90/10 system for requirements with a Rand value above R 50 000 000 (all applicable taxes included).

1.2 The value of this bid is estimated not to exceed R200 000 (all applicable taxes included) and therefore the **80/20 points** 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 |
|---|---|
| PRICE | 80 |
| B-BBEE STATUS LEVEL OF CONTRIBUTION | 20 |
| Total points for Price and B-BBEE must not exceed | 100 |

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

1.5. 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.

**2. DEFINITIONS**

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

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

2.3 "**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;

2.4 **"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;

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

2.6 **"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;

2.7 **"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;

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

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

2.10 **"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;

2.11 **"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;

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

2.13 **"person"** includes a juristic person;

2.14 **"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;

2.15 **"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;

2.16 **"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;

2.17 **"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

2.18 **"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.

**3. ADJUDICATION USING A POINT SYSTEM**

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

3.2 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.

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

3.4 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.

3.5 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.

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

**4. POINTS AWARDED FOR PRICE**

**4.1 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**

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

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

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

5.1 In terms of Regulation 5 (2) and 6 (2) of the Preferential Procurement Regulations, preference points must be awarded to a bidder for attaining the B- BBEE status level of contribution in accordance with the table below:

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

5.2 Bidders who qualify as EMEs in terms of the B- BBEE Act must submit a certificate issued by a Verification Agency accredited by SANAS or an original sworn affidavit or an originally certified copy thereof.

5.3 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 Verification Agency accredited by SANAS.

5.4 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.

5.5 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.

5.6 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.

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

5.8 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.

**6. BID DECLARATION**

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

**7. B- BBEE STATUS LEVEL OF CONTRIBUTION CLAIMED IN TERMS OF PARAGRAPHS 1.3.1. AND 5.1**

7.1 B- BBEE Status Level of Contribution: ……. = …… (maximum of 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 an original sworn affidavit or an originally certified copy thereof).**

**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: ……..

| | |
|---|---|
| WITNESSES<br><br>1. ……..<br><br>2. …… | ……<br>SIGNATURE(S) OF BIDDERS(S)<br>DATE: ……..<br>ADDRESS ……..<br>……..<br>…….. |

**MBD 8**

## 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 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 audi alteram partem rule was applied). | **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)? (To 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** | **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: | | |

| | | | |
|---|---|---|---|
| 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** |
| 4.5.1 | 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 BY THE MUNICIPALITY SHOULD THIS DECLARATION PROVE TO BE FALSE.**

**……** **…….**
**SIGNATURE** **DATE**

**……** **…….**
**POSITION** **NAME OF BIDDER**

# CERTIFICATE OF INDEPENDENT BID DETERMINATION

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

[1] *Includes price quotations, advertised competitive bids, limited bids and proposals.*
[2] *Bid rigging (or collusive bidding) occurs when businesses, that would otherwise be expected to compete, secretly conspire to raise prices or lower the quality of goods and / or services for purchasers who wish to acquire goods and / or services through a bidding process. Bid rigging is, therefore, an agreement between competitors not to compete.*

## CERTIFICATE OF INDEPENDENT BID DETERMINATION

I, the undersigned, in submitting the accompanying bid:

_____
(Bid Number and Description)

in response to the invitation for the bid made by **Stellenbosch Municipality**

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)

6. I have read and I understand the contents of this Certificate;

7. I understand that the accompanying bid will be disqualified if this Certificate is found not to be true and complete in every respect;

8. I am authorized by the bidder to sign this Certificate, and to submit the accompanying bid, on behalf of the bidder;

9. 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;

10. 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.

11. 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.

12. 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.

*[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.*

13. 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.

14. 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.

15. 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**