STELLENBOSCH
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MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

Administrative enquiries: Richie Mfiki **Tel**: 078 0085661 **e-mail:** Jacky.Adonis@stellenbosch.gov.za

Dear Sir / Madam

REQUEST FOR FORMAL WRITTEN PRICE QUOTATIONS: SUPPLY & FIT BATHROOM AND KITCHEN TAPS INCLUDING ALL PLUMBING WORK # 4704

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 **Stores.Temp1@stellenbosch.gov.za**, by no later than **07 January 2022 @10h00.**

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 :_____ Line 2:_____ Town/City_____ Postal code:_____
Physical address of enterprise / Business	Line 1 :_____ Line 2:_____ Town/City_____
Contact details of the person signing the bid, being duly authorised to do so:	Name: _____ Telephone: _____Cellular :_____ E-mail address:_____
Contact details of the person responsible for overseeing contract performance :	Name: _____ Telephone: _____Cellular :_____ 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:_____ Name of bank:_____ Account number:_____ 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 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

NB!! Work must be done very neatly and all must be in working condition after completion of job.

- **Appointed supplier must supply & fit bathroom and kitchen taps including all plumbing related work at below mentioned units of Stellenbosch Municipality**
- **Appointed supplier must work as neat as possible**
- **Appointed supplier must be able to perform duties within 1 working week.**

1. The stipulated minimum threshold(s) for local production and content for this bid is/are as follows:-

#	Description of services, works goods	Stipulated minimum threshold as a %
1	VALVES	70%
2	TAPS AND COCKS	70%
3	PLASTIC PIPES	100%

ITEM NR	DESCRIPTION / SPECIFICATION	Unit Measurement	TOTAL PRICE Incl. 15% VAT
1.	**Aurora flat 509- Jan Cilliersstreet:**		
	Supply & fit hot and cold bathroom taps including all related plumbing	UNIT	**R**
	Supply & fit hot and cold kitchen taps including all related plumbing	UNIT	**R**
2.	**Lavanda flats 103, Jan Cilliersstreet**		
	Supply & fit hot and cold bathroom taps including all related plumbing	UNIT	**R**
	Supply & fit hot and cold kitchen taps including all related plumbing	UNIT	**R**

3.	**Monte Christo 13, Rhode Street – Cloetesville**		
	Supply & fit hot & cold taps in kitchen including plumbing related work	UNIT	**R**
4.	**Monte Christo 6- Rhode Street – Cloetesville**		
	Supply & fit hot & cold taps in bath and kitchen including plumbing related work	UNIT	**R**
5.	**Flat A 12 – Kloof Street, Cloetesville**		
	Supply & fit hot & cold taps in bathroom and kitchen including plumbing related work	UNIT	**R**
6.	**Monte Christo (Mrs Beradine Louw)**		
	Supply & fit hot and cold taps in bathroom and kitchen including plumbing related	UNIT	**R**

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PRICE SCHEDULE

1. COST OF MATERIAL

Type of material to be used	Measure	Price
Total cost of material		

2. COST OF LABOUR

Type of labour to be used	Rate	Price
Total cost of labour		

3. COST OF OVERHEAD EXPENSES

Type of overhead expenses applicable	Price
CONTINGENCY ALLOW % ……	
Total for cost of overhead expenses	

*****SUM TOTAL OF QUOTE: (1 + 2 + 3) = R……**

Please indicate duration for completion of project _____ (number of days / weeks)

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**

MBD 6.1

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 1. …… 2. ……	…… SIGNATURE(S) OF BIDDERS(S) DATE: …… ADDRESS …… …… ……

the dti
Department:
Trade and Industry
REPUBLIC OF SOUTH AFRICA

Private Bag X84, PRETORIA, 0001, **the dti** Campus, 77 Meintjies Street, Sunnyside, 0002, Tel: (012) 394 0000
the dti Customer Contact Centre local: 0861 843 384 International: +27 12 394 9500, www.thedti.gov.za

Guidance Document for the Calculation of Local Content

1. DEFINITIONS

Unless explicitly provided in this guideline, the definitions given in SATS 1286:2011 apply.

2. GENERAL

2.1. Introduction

This guideline provides tenderers with a detailed description of how to calculate local content of products (goods, services and works) by components/material/services and enables them to keep an updated record for verification requirements as per the SATS 1286:2011 Annexure A and B.

The guideline consists of two parts, namely:

- a written guideline; and
- three declarations that must be completed:
  - Declaration C: "Local Content Declaration – Summary Schedule" (see Annexure C);
  - Declaration D: "Imported Content Declaration – Supporting Schedule to Annex C" (see Annexure D); and
  - Declaration E: "Local Content Declaration – Supporting Schedule to Annex C" (see Annexure E).

The guidelines and declarations should be used by tenderers when preparing a tender. A tenderer must complete Declarations D and E, and consolidate the information on Declaration C.
Annexure C must be submitted with the tender by the closing date and time as determined by the Tender Authority. The Tender Authority reserves the right to request that Declarations D and E also be submitted.

If the tender is successful, the tenderer must continuously update Declarations C, D and E with actual values for the duration of the contract.

NOTE:
Annexure A is a note to the purchaser in SATS 1286:2011; and Annexure B is the Local Content Declaration IN SATS 1286:2011.

2.2. What is local content?

According to SATS 1286:2011, the local content of a product is the tender price less the value of imported content, expressed as a percentage. It is, therefore, necessary to first compute the imported value of a product to determine the local content of a product.

2.3. Categories: Imported and Local Content

The tenderer must differentiate between imported content and local content.

Imported content of a product by components/material/services is separated into two categories, namely:

- products imported directly by the tenderer; and
- products imported by a third party and supplied to the tenderer.

2.3.1. Imported Content

Identify the imported content, if any, by value for products by component/material/services. In the case of components/materials/services sourced from a South African manufacturer, agent, supplier or subcontractor (i.e. third party), obtain that information and Declaration D from the third party.

Calculate the imported content of components/materials/services to be used in the manufacture of the total quantity of the products for which the tender is to be submitted.

As stated in clause 3.2.4 of SATS 1286:2011: “If information on the origin of components, parts or materials is not available, it will be deemed to be imported content.”

2.3.1.1. Imported directly by the tenderer:

When the tenderer import products directly, the onus is on the tenderer to provide evidence of any components/materials/services that were procured from a non-domestic source. The evidence should be verifiable and pertain to the tender as a whole. Typical evidence will include commercial invoices, bills of entry, etc.
When the tenderer procures imported services such as project management, design, testing, marketing, etc and makes royalty and lease payments, such payments relating to the tender must be included when calculating imported content.

2.3.1.2. Imported by a third party and supplied to the tenderer:

When the tenderer supplies components/material/services that are imported by any third party (for example, a domestic manufacturer, agent, supplier or subcontractor in the supply chain), the onus is on the tenderer to obtain verifiable evidence from the third party.

The tenderer must obtain Declaration D from all third parties for the related tender. The third party must be requested by the tenderer to continuously update Declaration D. Typical evidence of imported content will include commercial invoices, bills of entry etc.

When a third party procures imported services such as project management, design, testing, marketing etc. and makes royalty and lease payments, such payments relating to the tender must be included when calculating imported content.

2.3.1.3. Exempt Imported Content:

Exemptions, if any, are granted by the Department of Trade and Industry (the dti). Evidence of the exemptions must be provided and included in Annexure D.

2.3.2. Local Content

Identify and calculate the local content, by value for products by components/materials/services to be used in the manufacture of the total quantity of the products.

3. ANNEXURE C

3.1. Guidelines for completing Annexure C: Local Content Declaration – Summary Schedule

Note: The paragraph numbers correspond to the numbers in Annexure C.

C1. **Tender Number**

Supply the tender number that is specified on the specific tender documentation.

C2. **Tender description**

Supply the tender description that is specified on the specific tender documentation.

C3. **Designated products**

Supply the details of the products that are designated in terms of this tender (i.e. buses).

C4. **Tender Authority**

Supply the name of the tender authority.

C5. **Tendering Entity name**

Provide the tendering entity name (for example, Unibody Bus Builders (Pty) Ltd).

C6. **Tender Exchange Rate**

Provide the exchange rate used for this tender, as per the Standard Bidding Document (SBD) and Municipal Bidding Document (MBD) 6.2.

C7. **Specified local content %**

Provide the specified minimum local content requirement for the tender (i.e. 80%), as per the Standard Bidding Document (SBD) and Municipal Bidding Document (MDB) 6.2.

C8. **Tender item number**

Provide the tender item number(s) of the products that have a local content requirement as per the tender specification.

C9. **List of items**

Provide a list of the item(s) corresponding with the tender item number. This may be a short description or a brand

name.

Calculation of local content

C10. **Tender price**

Provide the unit tender price of each item excluding VAT.

C11. **Exempted imported content**

Provide the ZAR value of the exempted imported content for each item, if applicable. These value(s) must correspond with the value(s) of column D16 on Annexure D.

C12. **Tender value net of exempted imported content**

Provide the net tender value of the item, if applicable, by deducting the exempted imported content (C11) from the tender price (C10).

C13. **Imported value**

Provide the ZAR value of the items' imported content.

C14. **Local value**

Provide the local value of the item by deducting the Imported value (C13) from the net tender value (C12).

C15. **Local content percentage (per item)**

Provide the local content percentage of the item(s) by dividing the local value (C14) by the net tender value (C12) as per the local content formula in SATS 1286.

Tender Summary

C16. **Tender quantity**

Provide the tender quantity for each item number as per the tender specification.

C17. **Total tender value**

Provide the total tender value by multiplying the tender quantity (C16) by the tender price (C10).

C18. **Total exempted imported content**

Provide the total exempted imported content by multiplying the tender quantity (C16) by the exempted imported content (C11). These values must correspond with the values of column D18 on Annexure D.

C19. **Total imported content**

Provide the total imported content of each item by multiplying the tender quantity (C16) by the imported value (C13).

C20. **Total tender value**

Total tender value is the sum of the values in column C17.

C21. **Total exempted imported content**

Total exempted imported content is the sum of the values in column C18. This value must correspond with the value of D19 on Annexure D.

C22. **Total tender value net of exempted imported content**

The total tender value net of exempt imported content is the total tender value (C20) less the total exempted imported content (C21).

C23. **Total imported content**

Total imported content is the sum of the values in column C19. This value must correspond with the value of D53 on Annexure D.

C24. **Total local content**

Total local content is the total tender value net of exempted imported content (C22) less the total imported content (C23). This value must correspond with the value of E13 on Annexure E.

C25. **Average local content percentage of tender**

The average local content percentage of tender is calculated by dividing total local content (C24) by the total tender value net of exempted imported content (C22).

4. ANNEXURE D

4.1. Guidelines for completing Annexure D: "Imported Content Declaration – Supporting Schedule to Annexure C"

Note: The paragraph numbers correspond to the numbers in Annexure D.

D1. **Tender number**

Supply the tender number that is specified on the specific tender documentation.

D2. **Tender description**

Supply the tender description that is specified on the specific tender documentation.

D3. **Designated products**

Supply the details of the products that are designated in terms of this tender (i.e. buses).

D4. **Tender authority**

Supply the name of the tender authority.

D5. **Tendering entity name**

Provide the tendering entity name (i.e. Unibody Bus Builders (Pty) Ltd).

D6. **Tender exchange rate**

Provide the exchange rate used for this tender, as per the Standard Bidding Document (SBD) and Municipal Bidding Document (MBD) 6.2.

Table A. Exempted Imported Content

D7. **Tender item number**

Provide the tender item number(s) of the product(s) that have imported content.

D8. **Description of imported content**

Provide a list of the exempted imported product(s), if any, as specified in the tender.

D9. **Local supplier**

Provide the name of the local supplier(s) supplying the imported product(s).

D10. **Overseas supplier**

Provide the name(s) of the overseas supplier(s) supplying the exempted imported product(s).

D11. **Imported value as per commercial invoice**

Provide the foreign currency value of the exempted imported product(s) disclosed in the commercial invoice accepted by the South African Revenue Service (SARS).

D12. **Tender exchange rate**

Provide the exchange rate used for this tender as per the Standard Bidding Document (SBD) and Municipal Bidding Document (MBD) 6.2.

D13. **Local value of imports**

Convert the value of the exempted imported content as per commercial invoice (D11) into the ZAR value by using the tender exchange rate (D12) disclosed in the tender documentation.

D14. **Freight costs to port of entry**

Provide the freight costs to the South African Port of the exempted imported item.

D15. **All locally incurred landing costs and duties**

Provide all landing costs including customs and excise duty for the exempted imported product(s) as stipulated in the SATS 1286:2011.

D16. **Total landed costs excl VAT**

Provide the total landed costs (excluding VAT) for each item imported by adding the corresponding item values in columns D13, D14 and D15. These values must be transferred to column C11 on Annexure C.

D17. **Tender quantity**

Provide the tender quantity of the exempted imported products as per the tender specification.

D18. **Exempted imported value**

Provide the imported value for each of the exempted imported product(s) by multiplying the total landed cost (excl. VAT) (D16) by the tender quantity (D17). The values in column D18 must correspond with the values of column C18 of Annexure C.

D19. **Total exempted imported value**

The total exempted imported value is the sum of the values in column D18. This total must correspond with the value of C21 on Annexure C.

Table B. Imported Directly By Tenderer

D20. **Tender item numbers**

Provide the tender item number(s) of the product(s) that have imported content.

D21. **Description of imported content**:

Provide a list of the product(s) imported directly by tender as specified in the tender documentation.

D22. **Unit of measure**

Provide the unit of measure for the product(s) imported directly by the tenderer.

D23. **Overseas supplier**

Provide the name(s) of the overseas supplier(s) supplying the imported product(s).

D24. **Imported value as per commercial Invoice**

Provide the foreign currency value of the product(s) imported directly by tenderer disclosed in the commercial invoice accepted by the South African Revenue Service (SARS).

D25. **Tender rate of exchange**

Provide the exchange rate used for this tender as per the Standard Bidding Document (SBD) and Municipal Bidding Document (MBD) 6.2.

D26. **Local value of imports**

Convert the value of the product(s) imported directly by the tenderer as per commercial invoice (D24) into the ZAR value by using the tender exchange rate (D25) disclosed in the tender documentation.

D27. **Freight costs to port of entry**

Provide the freight costs to the South African Port of the product(s) imported directly by the tenderer.

D28. **All locally incurred landing costs and duties**

Provide all landing costs including customs and excise duty for the product(s) imported directly by the tenderer as stipulated in the SATS 1286:2011.

D29. **Total landed costs excl VAT**

Provide the total landed costs (excluding VAT) for each item imported directly by the tenderer by adding the corresponding item values in columns D26, D27 and D28.

D30. **Tender quantity**

Provide the tender quantity of the product(s) imported directly by the tenderer as per the tender specification.

D31. **Total imported value**

Provide the total imported value for each of the product(s) imported directly by the tenderer by multiplying the total landed cost (excl. VAT) (D29) by the tender quantity (D30).

D32. **Total imported value by tenderer**

The total value of imports by the tenderer is the sum of the values in column D31.

Table C. Imported by Third Party and Supplied to the Tenderer

D33. **Description of imported content**

Provide a list of the product(s) imported by the third party and supplied to the tenderer as specified in the tender

documentation.

D34. **Unit of measure**

Provide the unit of measure for the product(s) imported by the third party and supplied to tenderer as disclosed in the commercial invoice.

D35. **Local supplier**

Provide the name of the local supplier(s) supplying the imported product(s).

D36. **Overseas supplier**

Provide the name(s) of the overseas supplier(s) supplying the imported products.

D37. **Imported value as per commercial invoice**

Provide the foreign currency value of the product(s) imported by the third party and supplied to the tenderer disclosed in the commercial invoice accepted by SARS.

D38. **Tender rate of exchange**

Provide the exchange rate used for this tender as per the Standard Bidding Document (SBD) and Municipal Bidding Document (MBD) 6.2.

D39. **Local value of imports**

Convert the value of the product(s) imported by the third party as per commercial invoice (D37) into the ZAR value by using the tender exchange rate (D38) disclosed in the tender documentation.

D40. **Freight costs to port of entry**

Provide the freight costs to the South African Port of the product(s) imported by third party and supplied to the tenderer.

D41. **All locally incurred landing costs and duties**

Provide all landing costs including customs and excise duty for the product(s) imported by third party and supplied to the tenderer as stipulated in the SATS 1286:2011.

D42. **Total landed costs excluding VAT**

Provide the total landed costs (excluding VAT) for each product imported by third party and supplied to the tenderer by adding the corresponding item values in columns D39, D40 and D41.

D43. **Quantity imported**

Provide the quantity of each product(s) imported by third party and supplied to the tenderer for the tender.

D44. **Total imported value**

Provide the total imported value of the product(s) imported by third party and supplied to the tenderer by multiplying the total landed cost (D42) by the quantity imported (D43).

D45. **Total imported value by third party**

The total imported value from the third party is the sum of the values in column D44.

Table D. Other Foreign Currency Payments

D46. **Type of payment**

Provide the type of foreign currency payment. (i.e. royalty payment for use of patent, annual licence fee, etc).

D47. **Local supplier making the payment**

Provide the name of the local supplier making the payment.

D48. **Overseas beneficiary**

Provide the name of the overseas beneficiary.

D49. **Foreign currency value paid**

Provide the value of the listed payment(s) in their foreign currency.

D50. **Tender rate of exchange**

Provide the exchange rate used for this tender as per the Standard Bidding Document (SBD) and Municipal Bidding Document (MBD) 6.2.

D51. **Local value of payments**

Provide the local value of each payment by multiplying the foreign currency value paid (D49) by the tender rate of exchange (D50).

D52. **Total of foreign currency payments declared by tenderer and/or third party**

The total of foreign currency payments declared by tenderer and/or a third party is the sum of the values in column D51.

D53. **Total of imported content and foreign currency payment**

The total imported content and foreign currency payment is the sum of the values in column D32, D45 and D52. **This value must correspond with the value of C23 on Annexure C**.

5. ANNEXURE E

5.1. Guidelines to completing Annexure E: "Local Content Declaration- Supporting Schedule to Annexure C"

The paragraph numbers correspond to the numbers in Annexure E

E1. **Tender number**

Supply the tender number that is specified on the specific tender documentation.

E2. **Tender description**

Supply the tender description that is specified on the specific tender documentation.

E3. **Designated products**

Supply the details of the products that are designated in terms of this tender (for example, buses/canned vegetables).

E4. **Tender authority**

Supply the name of the tender authority.

E5. **Tendering entity name**

Provide the tendering entity name (for example, Unibody Bus Builders (Pty) Ltd) Ltd).

Local Goods, Services and Works

E6. **Description of items purchased**

Provide a description of the items purchased locally in the space provided.

E7. **Local supplier**

Provide the name of the local supplier that corresponds to the item listed in column E6.

E8. **Value**

Provide the total value of the item purchased in column E6.

E9. **Total local products (Goods, Services and Works)**

Total local products (goods, services and works) is the sum of the values in E8.

E10. **Manpower costs**:

Provide the total of all the labour costs accruing only to the tenderer (i.e. not the suppliers to tenderer).

E11. **Factory overheads**:

Provide the total of all the factory overheads including rental, depreciation and amortisation for local and imported capital goods, utility costs and consumables. (Consumables are goods used by individuals and businesses that must be replaced regularly because they wear out or are used up. Consumables can also be defined as the components of an end product that are used up or permanently altered in the process of manufacturing, such as basic chemicals.)

E12. **Administration overheads and mark-up:**

Provide the total of all the administration overheads, including marketing, insurance, financing, interest and mark-up costs.

E13. **Total local content:**

The total local content is the sum of the values of E9, E10, E11 and E12. This total must correspond with C24 of Annexure C.

MBD 6.2

DECLARATION CERTIFICATE FOR LOCAL PRODUCTION AND CONTENT

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). **The guidance document for the calculation of local content is available on request and on the municipality's website by following the Supply Chain Management link.**

Before completing this declaration, bidders must study the following:

1. General Conditions,
2. Definitions,
3. Directives applicable in respect of Local Content as prescribed in the Preferential Procurement Regulations, 2011; and
4. the South African Bureau of Standards (SABS) approved technical specification number SATS 1286:2011 and the guidance on the calculation of local content together with the local content declaration templates which are:
   i. Annexure C – local content declaration : summary schedule
   ii. Annexure D – imported content declaration: supporting schedule to annexure C and
   iii. Annexure E – local content declaration: supporting schedule to annexure C.

2. General Conditions

2.1. Preferential Procurement Regulations, 2017 (Regulation 8) makes provision for the promotion of local production and content.

2.2. Regulation 8(1) prescribes that in the case of designated sectors, where in the award of bids local production and content, 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.

2.3. Regulation 9(4) prescribes that where there is no designated sector, a specific bidding condition may be included, that only locally produced services, works or goods or locally manufactured goods with a stipulated minimum threshold for local production and content, will be considered.

2.4. Where necessary, for bids referred to in paragraphs 1.2 and 1.3 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.

2.4.1. 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.

2.5. The local content (LC) as a percentage of the bid price must be calculated in accordance with the SABS approved technical specification number SATS 1286: 2011 as follows:

$$LC = 1 - \left(\frac{x}{y} \right) \times 100$$

Where

x is the imported content in Rand

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

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

2.6. A bid will be disqualified if:-

i. the bidder fails to achieve the stipulated minimum threshold for local production and content indicated in paragraph 3 below; and
ii. this declaration certificate and annexure C (Local content declaration: summary schedule) is not submitted as part of the bid documentation.

3. Definitions

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

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

3.3. "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, plus freight and other direct importation costs, such as landing costs, dock duties, import duty, sales duty or other similar tax or 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;

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.

4. The stipulated minimum threshold(s) for local production and content for this bid is/are as follows:-

#	Description of services, works goods	Stipulated minimum threshold as a %
1	VALVES	70%
2	TAPS AND COCKS	70%
3	PLASTIC PIPES	100%

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

(Tick applicable box below)

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 SARB for the specific currency at 12:00 on the date of the 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 annexure A of SATS 1286:2011):

Currency	Rates of exchange
US Dollar	
Pound Sterling	
Euro	
Yen	
Other	

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

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

YES		NO	

6.1. If yes, provide the following particulars:

Full name of auditor	
Practice number	
Telephone and cell number	
Email address	

Documentary proof regarding the declaration will, when required, be submitted to the satisfaction of the Accounting Officer.

7. 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 provide directives in this regard.

LOCAL CONTENT DECLARATION

(REFER TO ANNEXURE 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 FQ/SM NO : Request 4704
ISSUED BY: Stellenbosch Municipality

NB: 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.
Guidance on the Calculation of Local Content together with Local Content Declaration Templates (Annexure 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.** 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 bidding entity), the following:-

(a) The facts contained herein are within my own personal knowledge.
(b) I have satisfied myself that 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.
(c) The local content has been calculated using the formula given in clause 3 of SATS 1286, the rates of exchange indicated in paragraph 4.1 above and the following figures:-

Bid price, including 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	

If the bid is for more than one product, a schedule of the local content by product shall be attached.

(d) I accept that the municipality has the right to request that the local content be verified in terms of the requirements of SATS 1286.

(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 municipality imposing any or all of the remedies as provided for in Regulation 13 of the Preferential Procurement Regulations, 2011 promulgated under the Policy Framework Act (PPPFA), 2000 (Act No. 5 of 2000).

SIGNATURE: _____ **DATE:** _____

WITNESS 1: _____ **DATE:** _____

WITNESS 2: _____ **DATE:** _____

It should be noted that the **SABS** approved technical specification number **SATS 1286:2011** and the Guidance on the Calculation of Local Content together with the Local Content Declaration Templates (attached)[Annexure C (Local Content Declaration: Summary Schedule), D (Imported Content: Declaration: Supporting Schedule to Annex C) and E (Local Content Declaration: Supporting Schedule to Annexure C)] are accessible to all potential bidders on the dti's official website http://www.thedti.gov.za/industrial development/ip.jsp at no cost.

ANNEXURE C **SATS 1286.2011**

Local Content Declaration – Summary Schedule

(C1) Tender No.			
(C2) Tender Description			
(C3) Designated product(s)			
(C4) Tender Authority			
(C5) Name of Tendering Entity			
(C6) Tender Exchange Rate	Currency		Rate
*(C7)*Specified local content %			

NOTE: VAT to be excluded from all calculations

		Calculation of local content						Tender summary			
Tender Item No's	*List of Items*	*Tender Price – each*	*Exempted imported value*	*Tender value net of exempted imported content*	*Imported value*	*Local value*	*Local content % (per item)*	*Tender Quantity*	*Total tender value*	*Total exempted imported content*	*Total imported content*
(C8)	*(C9)*	*(C10)*	*(C11)*	*(C12)*	*(C13)*	*(C14)*	*(C15)*	*(C16)*	*(C17)*	*(C18)*	*(C19)*

(C20) Total tender value		
(C21) Total Exempt imported content		
(C22) Total Tender value net of exempt imported content		
(C23) Total Imported content		
(C24) Total local content		
(C25) Average local content % of tender		

SIGNATURE OF TENDERER AS PER LOCAL CONTENT DECLARATION

DATE

ANNEXURE D												SATS 1286.2011
Imported Content Declaration – Supporting Schedule to Annexure C												
(D1)	Tender No.								NOTE: VAT to be excluded from all calculations			
(D2)	Tender Description											
(D3)	Designated product(s)											
(D4)	Tender Authority											
(D5)	Tendering Entity's Name											
(D6)	Tender Exchange Rate	Currency		Rate								
A. Exempted imported content						Calculation of imported content					Summary	
Tender item no's	Description of imported content	Local supplier	Overseas supplier	Foreign currency value as per Commercial Invoice	Tender Exchange Rate	Local value of imports	Freight costs to port of entity	All locally incurred landing costs & duties	Total landed cost		Tender Quantity	Exempted imported value
(D7)	*(D8)*	*(D9)*	*(D10)*	*(D11)*	*(D12)*	*(D13)*	*(D14)*	*(D15)*	*(D16)*		*(D17)*	*(D18)*
								(D19) Total exempt imported value				
											This total must correspond with Annex C – C21	
B. Imported directly by the Tenderer						Calculation of imported content					Summary	
Tender item no's	Description of imported content	Unit of measure	Overseas supplier	Foreign currency value as per Commercial Invoice	Tender Exchange Rate	Local value of imports	Freight costs to port of entity	All locally incurred landing costs & duties	Total landed cost		Tender Quantity	Total imported value
(D20)	*(D21)*	*(D22)*	*(D23)*	*(D24)*	*(D25)*	*(D26)*	*(D27)*	*(D28)*	*(D29)*		*(D30)*	*(D31)*
								(D32) Total imported value by tenderer				

ANNEXURE D - continued	SATS 1286.2011

Imported Content Declaration – Supporting Schedule to Annexure C

NOTE: VAT to be excluded from all calculations

C. Imported by a 3rd party and supplied to the Tenderer						Calculation of imported content					Summary	
Description of imported content	Unit of measure	Local supplier	Overseas supplier	Foreign currency value as per Commercial Invoice	Tender Exchange Rate	Local value of imports	Freight costs to port of entity	All locally incurred landing costs & duties	Total landed cost		Quantity imported	Total imported value
(D33)	*(D34)*	*(D35)*	*(D36)*	*(D37)*	*(D38)*	*(D39)*	*(D40)*	*(D41)*	*(D426)*		*(D43)*	*(D44)*
								(D45) Total imported value by 3rd party				

D. Other foreign currency payments			Calculation of imported content					Summary of Payments
Type of payment	Local supplier making the payment	Overseas beneficiary	Foreign currency value paid	Tender rate of exchange				Local value of payments
(D46)	*(D47)*	*(D48)*	*(D49)*	*(D50)*				*(D51*
			(D52) Total of foreign currency payments declared by tenderer and/or 3rd party					
			(D53) Total of imported content and foreign currency payments – (D32), D45) and D52) above					

SIGNATURE OF TENDERER AS PER LOCAL CONTENT DECLARATION		This total must correspond with Annex C – (C23)
DATE		

SATS 1286.2011

Annex E

Local Content Declaration - Supporting Schedule to Annex C

(E1)	Tender No.	
(E2)	Tender description:	
(E3)	Designated products:	
(E4)	Tender Authority:	
(E5)	Tendering Entity name:	

Note: VAT to be excluded from all calculations

Local Products (Goods, Services and Works)	Description of items purchased	Local suppliers	Value
	(E6)	(E7)	(E8)
		(E9) Total local products (Goods, Services and Works)	R

(E10)	Manpower costs	(Tenderer's manpower cost)	R
(E11)	Factory overheads	(Rental, depreciation & amortisation, utility costs, consumables etc)	R
(E12)	Administration overheads and mark-up	(Marketing, insurance, financing, interest etc)	R

(E13) Total local content R

This total must correspond with Annex C - C24

Signature of tenderer from Annex B

Date: _____

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**