

## OPEN REQUEST FOR QUOTATION PROCESS

NAME OF SERVICE PROVIDER: \_\_\_\_\_

### REQUEST FOR QUOTATIONS FOR GOODS AND SERVICES AT JPC

**N.B. THIS REQUEST FOR QUOTATIONS (RFQ) IS ONLY ISSUED TO PROFESSIONAL QUANTITY SURVEYORS**

JPC requests your quotation on the goods and/or services listed hereunder and/or on the available RFQ forms. Please furnish all information as requested and return your quotation on the date stipulated. Late and incomplete submissions will invalidate the quotation submitted.

<b>DATE OF ISSUE</b>	04 May 2021
<b>CLOSING DATE</b>	11 May 2021
<b>CLOSING TIME</b>	10H30 (TELKOM TIME)
<b>RFQ NUMBER</b>	RFQ 85/2021
<b>BUILDING</b>	MIDRAND MVRA AND DLTC
<b>PANEL NUMBER</b>	N/A
<b>DESCRIPTION OF GOODS/SERVICES</b>	APPOINTMENT OF A PROFESSIONAL QUANTITY SURVEYOR TO COMPILE PLANS AND MARKET RELATED PRICING BOQ TO INCLUDE SUPPLY, DELIVERY, INSTALLATION, COMMISSIONING, LABOUR AND PROFIT ON THE BILLS OF QUANTITIES FOR THE CONSTRUCTION OF A BOUNDARY WALL AT MIDRAND DLTC
<b>SCOPE OF WORKS</b> The bidder will be required to conduct conditional assessment, draw plans, draw up bill of quantities, specification and scope of work. Consultant is expected to provide separate copies of both a priced BOQ with market related cost estimates and unpriced BOQ which includes supply, delivery, and installation, commissioning and labour. In addition the bidder in this RFQ is to price their cost for compiling the market related pricing of the building of a boundary wall at MIDRAND MVRA and DLTC.  <b>NB. BIDDER ARE TO QUOTE IN ZAR (RANDS) AND NOT PERCENTAGE. BIDDERS QUOTING IN PERCENTAGE WILL BE DISQUALIFIED.</b>	

<b>COMPULSORY BRIEFING SESSION</b>	MIDRAND DLTC 07 May 2021@10H00
<b>RFQ SPECIFICATION FORMS/ DOCUMENTS ARE OBTAINABLE FROM:</b>	<a href="http://www.jhbproperty.co.za">www.jhbproperty.co.za</a>
<b>COMPULSORY REQUIREMENTS</b>	Submission of all required documents
<b>PRE-QUALIFICATION CRITERIA FOR PREFERENTIAL PROCUREMENT</b>	<p>The bidding entity must be an QSE;</p> <p>NB: A bid that fails to meet any pre-qualification criteria stipulated above is an unacceptable bid and as such will not be evaluated.</p>
<b>DISQUALIFICATION CRITERIA</b>	<p>Non-signature and non-commissioning of the declaration of the bidder's past Supply Chain Practices in JPC's MBD 8 and the Declaration of Interest in JPC's MBD 4</p> <p>Certificate of Independent Bid Determination in MBD 9</p> <p>In the event the bidder is tendering as a Joint Venture/Consortium, all members of the JV/Consortium must submit a JV / Consortium agreement</p> <p>NB: Failure to comply with the above will result in the bid not being evaluated for Stage 1</p>

<b><u>SUBMISSION OF QUOTES:</u></b>	<p>1<sup>st</sup> Floor Forum 1, Braampark 33 Hoofd Street Braamfontein 2017 Submissions must be deposited into the RFQ Box at the Reception. No emailed submissions will be accepted</p>
<b>ENQUIRIES:</b>	<p><b>Asogan Maistry</b> 010 219 9162 <a href="mailto:amaistry@jhbproperty.co.za">amaistry@jhbproperty.co.za</a></p>

Quotations above R30 000 will be evaluated on the basis of the 80:20-point system as stipulated in the Preferential Procurement Policy Framework Act (Act number 5 of 2000) & JPC's Supply Chain Management Policies and Procedures.

## CHECKLIST

SCM NO: RFQ 85/2021

**PLEASE USE THE CHECKLIST TO CONFIRM THAT ALL COMPULSORY DOCUMENTS HAVE BEEN ATTACHED TO YOUR QUOTATION.**

No	Details	√
1.	Certified Copy of Company Registration Document	
2.	Rates & Taxes Account for Company OR Certified Copy of Lease Agreement OR Affidavit Certified by the Commissioner of Oaths/ Arrangements letter	
3.	Rates and Taxes Account for All the Directors of the Company OR Certified Copy of Lease Agreement OR Affidavit Certified by the Commissioner of Oaths/ Arrangements letter	
4.	MBD 4: Declaration of Interest (Attached)	
5.	MBD 9: Certificate of Independent Bid Determination. (Attached)	
6.	MBD 6.4: Local Content (Attached) (IF REQUIRED)	
7.	Certified Copy of BBBEE certificate.	
8.	Valid Tax Clearance Certificate or Pin number	
9.	Empowerment Plan and employment statistics (youth, women and people with disabilities)	
10.	All alterations must be signed.	
11.	Quotation is signed	
12.	UIF	
13.	Copies of ID's for the Directors or Members of the Entity	
14.	Copies of ID's for the employees of the Entity and employment contracts	
15.	Central Supplier Data Base registration (CSD)	
16.	Works Insurance and Public liability insurance	
17.	Affiliation / Registration with Professional bodies	
18.	MBD 4, 8 & 9	
19.	Professional Indemnity	

SIGNATURE \_\_\_\_\_

NAME \_\_\_\_\_



**PLEASE NOTE THAT NOT SUBMITTING THE COMPULSORY DOCUMENTS MAY LEAD TO DISQUALIFICATION**

**1. Valid Original tax clearance.**

Please note that copies of tax clearance certificates are not valid as per SARS and they will not be accepted by JPC. Failure to provide the original tax clearance certificate will result in the quotation being disqualified.

**2. Latest copy of rate and taxes together with a completed “Declaration on State of Municipal Accounts” form. (Attached)**

Please note the following:

- a) There must be a Rates & Taxes invoice for each of the Directors of the Company as well as for the Company. The Rates & Taxes Invoice cannot be older than 3 months. If Rates & Taxes are in arrears for more than 3 months, the quotation will be disqualified.
  - b) If the business is operated from the residence of one of the directors, an affidavit, certified, must be submitted stating the address of the business premises.
  - c) If the premises from where business is conducted or where a director is residing, is leased a copy of the lease agreement or an affidavit must be submitted.
- 3. The quotation page must be signed. If you are using your own format on your Company’s letterhead to quote please ensure that the quotation is signed.**
- 4. The attached MBD 9 form (Certificate of Independent Bid Determination) must be completed and submitted with the quotation. If the MBD 9 is incomplete or not attached the quotation will be disqualified.**
- 5. The attached MBD 4 form (Declaration of Interest) must be completed and submitted with the quotation. If the MBD 4 is incomplete or not attached the quotation will be disqualified.**
- 6. Both the MBD 4, 8 & 9 forms must be original for each quotation. No copies will be accepted. Both the MBD 4, 8 & 9 forms must be dated within the quotation period.**
- 7. Proof of Directors: A certified copy of your Company Registration Documents**
- 8. A certified copy of the B-BBEE Status Level Verification Certificate must be attached. If not attached no points for B-BBEE will be awarded.**

9. All price alterations must be signed for by the Bidder confirming that such changes were made by the Bidder.
10. UIF.
11. Professional Indemnity insurance
12. Copies of ID's for the Directors or Members of the Entity.
13. Copies of ID's for the employees of the Entity and employment contracts.
14. Central Supplier Data Base registration.
15. Works Insurance and Public liability insurance
16. Affiliation / Registration with Professional bodies

**PLEASE NOTE THAT PRICE CHANGES WITHOUT A SIGNATURE WILL LEAD TO THE DISQUALIFICATION OF THE QUOTATION SUBMITTED**

**I HEREWITH CONFIRM THAT HAVE READ AND UNDERSTOOD THE ABOVEMENTIONED REQUIREMENTS**

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

**NAME**\_\_\_\_\_

## CONDITIONS

1. All goods or services purchased will be subject to JPC SCM Policy and Procedures. A copy of said conditions is available from the SCMU office.
2. All purchases will be made through an official order form. Therefore no goods must be delivered or services rendered before an official order has been forwarded to and accepted by the successful bidder.
3. To participate in JPC's Quotation process for the procurement of goods and/or services, vendors are advised to get accredited and registered on JPC's Supplier Database. Supplier registration forms are available from the Supply Chain Management Unit. JPC is dealing only with the registered and accredited suppliers on its Database.
4. All prices quoted must be exclusive of Value Added Tax (VAT). Suppliers who are not registered for VAT will be treated as Non VAT Vendors.
5. Prices quoted must include delivery charges and goods must be delivered to the address indicated on the quotation page.
6. All prices submitted must be firm. "Firm" prices are deemed to be fixed prices, which are only subject to the following statutory changes, namely VAT and any levy related to customs and excise.
7. Quantities are given in good faith and without commitment to JPC. The JPC reserves the right to increase or reduce the quantity to be in line with the set threshold for quotations prescribed in the SCM Policy.
8. **JPC DOES NOT TAKE RESPONSIBILITY FOR ANY QUOTATIONS DEPOSITED IN THE WRONG BOX.**
9. ***On award the bidder has 5 days to complete the required task***
10. **QUOTATIONS SUBMITTED THROUGH FAX/EMAIL WILL BE AUTOMATICALLY DISQUALIFIED.**

**I HEREWITH CONFIRM THAT I HAVE READ AND UNDERSTOOD THE ABOVEMENTIONED REQUIREMENTS**

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

**NAME** \_\_\_\_\_

## ADDITIONAL REQUIREMENTS

### DECLARATION

I certify that the information supplied is correct and I have read and understood the JPC General Conditions and Policies and Procedures and accept same

I further certify that all the required information has been furnished and the relevant forms completed and are herewith submitted as part of the quotation.

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

**NAME:** \_\_\_\_\_

**CAPACITY:** \_\_\_\_\_

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

### SUPPLY CHAIN MANAGEMENT

**P.O. BOX 31565  
BRAAMFONTEIN  
2017**

**VAT. NO: 4010194266**

**BIDDER:** \_\_\_\_\_

**TEL:** \_\_\_\_\_

**FAX:** \_\_\_\_\_

**Your CSD Number with Us:** \_\_\_\_\_

REQUEST FOR QUOTATIONS	
RFQ NUMBER	RFQ DATE
RFQ 85/2021	04 May 2021
CONTACT PERSON	
NAME:	Asogan Maistry
TEL No:	010 219 9162

**Submission Deadline:**

**11 May 2021**

**Submission Time:**

**10H30AM**

**RFQ 85/2021**

**VALIDITY OF RFQ: 30 DAYS**



**OFFICE USE ONLY:**  
**PRICE/S TO BE VAT EXCLUSIVE**

**Please deposit all quotation in the RFQ box as stipulated in the cover page**

RFQ'S above R30 000-00 to a maximum of R50 000 000 will be evaluated on the basis of the 80:20 point system as stipulated in the Preferential Procurement Policy Framework Act (Act number 5 of 2000), as amended.

**EVALUATION CRITERIA**

**STAGE 1: Technical Evaluation (Functionality)**

Quotations will be evaluated using a two-stage evaluation process.

ITEM	QUALITY CRITERIA	SUB - CRITERIA	POINTS
01	Approach paper which responds to the proposed scope of work/project design and outlines proposed approach/ methodology and work plan	<b>PROPOSED METHODOLOGY AND APPROACH (MAXIMUM POINTS = 20)</b> <b>Points will be scored on the following basis</b> <ul style="list-style-type: none"> <li>Detailed plan approach that the tenderer intends to follow with regards to the professional services required in terms of market relatedness of prices in the attached BOQ. = 10 points</li> <li>Work plan with miles stone = 5 points</li> <li>Provide a detailed project risk analysis = 5 point</li> </ul>	20
02	Company experience with respect to specific aspect of the project/comparable projects	<b>COMPANY EXPERIENCE (MAXIMUM POINTS = 20)</b> <b>NUMBER OF PREVIOUSLY COMPLETED CONSULTING SERVICES OF SIMILAR NATURE BY THE BIDDING ENTITY.</b> <b>Points will be scored on the following basis:</b> <ul style="list-style-type: none"> <li>10 years and above rendered Consulting Services since inception of the firm = 20 points</li> <li>5 -10 rendered Consulting Services since inception of the firm = 15 points</li> <li>0-5 rendered Consulting Services since inception of the firm = 10 points</li> </ul> <b>NB: BIDDER TO ATTACH A LIST OF SIMILAR OR RELATED COMPLETED PROJECT WITH APPOINTMENT LETTERS, FAILURE TO ATTACH WILL RESULT IN 0 POINTS</b>	20

03		<p><b>COMPANY REFERENCES (MAXIMUM POINTS = 20)</b></p> <p>Provide company experience with references and signed letters from clients including the client letterhead.</p> <ul style="list-style-type: none"> <li>• 10 and above rendered Consulting Services since inception of the firm = 20 points</li> <li>• 5 -10 rendered Consulting Services since inception of the firm = 15 points</li> <li>• 0-5 rendered Consulting Services since inception of the firm = 10 points</li> </ul> <p><b>NB: BIDDER TO ATTACH SIGNED LETTER OF REFERENCE FROM CLIENT ON CLIENT'S LETTER HEAD AND SHOULD REFLECT:</b></p> <p><b>-NAME OF PROJECT</b>  <b>-PROJECT DURATION (START AND COMPLETION DATE)</b>  <b>- PROJECT COMPLETION CERTIFICATES</b></p>	20
04	<p>Experience of key staff (assigned personnel) in relation to the scope of Work</p> <ol style="list-style-type: none"> <li>1. Project Manager</li> <li>2. Quantity Surveyor</li> <li>3. Junior QS / Building Technician</li> </ol>	<p><b>KEY PERSONNEL EXPERIENCE AND QUALIFICATIONS (MAXIMUM POINTS = 30)</b></p>	
		<p>1. Qualification (including Pr. number) and experience of project manager (Quantity Surveyor or Technologist with 10 or more years of experience)</p> <ul style="list-style-type: none"> <li>• 10 years and above = 10 points</li> <li>• 5 to 9 years = 8 points</li> <li>• 1 to 5 years = 5 points</li> </ul>	10
		<p>2. Qualification (including Pr. number) and experience of design engineer (Quantity Surveyor or Technologist with 8 or more years of experience)</p> <ul style="list-style-type: none"> <li>• 10 years and above = 10 points</li> <li>• 5 to 9 years = 8 points</li> <li>• 1 to 5 years = 5 points</li> </ul>	10
		<p>3. Qualification and experience of Junior Quantity Surveyor /Technician (Junior Quantity Surveyor or Building Technician with more than 10 years of experience) and Professional registration</p> <ul style="list-style-type: none"> <li>• 10 years and above = 10 points</li> <li>• 5 to 9 years = 8 points</li> <li>• 1 to 5 years = 5 points</li> </ul> <p><b>NB: BIDDER TO ATTACH CERTIFIED COPIES OF THE VALID PROOF OF REGISTRATION, CONFIRMATION OF</b></p>	10

		<b>GOOD STANDING. FAILURE TO ATTACH WILL RESULT IN 0 POINTS</b>	
<b>05</b>		<b>Locality of operational office (10 points)</b> <b>Points will be scored on the following basis:</b> <ul style="list-style-type: none"> <li>- Within City of Johannesburg Metropolitan Municipality (10)</li> <li>- Gauteng province (5)</li> <li>- Outside Gauteng Province (3)</li> </ul> <b>NB: BIDDER SHALL ATTACH UP TO DATE MUNICIPAL ACCOUNTS / STATEMENTS FOR THE COMPANY (NOT OLDER THAN 3 MONTHS). IN CASE WHERE A BIDDER IS A LESSEE, A CERTIFIED COPY OF VALID LEASE AGREEMENT. IF NO DOCUMENTS ARE SUBMITTED, 0 POINTS WILL BE AWARDED</b>	<b>10</b>
		<b>TOTAL EVALUATION POINTS</b>	<b>100</b>

## **STAGE 2 (PRICE AND B-BBEE STATUS LEVEL OF CONTRIBUTION)**

### **POINTS AWARDED FOR PRICE**

#### **THE 80/20 PREFERENCE POINT SYSTEMS**

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

**80/20**

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

### **POINTS AWARDED FOR B-BBEE STATUS LEVEL OF CONTRIBUTION**

Points will be allocated as follows:

<b>Price</b>	<b>80</b>
<b>Points for B-BBEE (Max of 20):</b>	<b>20</b>
<b>B-BBEE status Level of Contributor</b>	<b>Number of Points (80/20 system)</b>
1	20
2	18



3	14
4	12
5	8
6	6
7	4
8	2
Non-Compliant contributor	0

SIGNATURE OF BIDDER	
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CAPACITY	
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**PLEASE NOTE THAT NO PRICE INCREASES WILL BE APPROVED AFTER SUBMISSION OF THE QUOTATION.**

**REQUEST FOR QUOTATION (RFQ) NUMBER: RFQ 85/2021**



**NB ANY AND ALL ALTERATIONS MUST BE SIGNED FOR BY THE BIDDER CONFIRMING THAT SUCH ALTERATION WAS MADE BY THE BIDDER. PLEASE NOTE THAT PRICE CHANGES WITHOUT A SIGNATURE WILL BE DISQUALIFIED**

**ALL BIDDERS MUST PLEASE MAKE SURE THAT THEY KNOW WHAT THEY ARE QUOTING FOR**

**Conditions**

1. All prices quoted must be exclusive of Value Added Tax (VAT).
2. Prices quoted must include delivery charges and goods must be delivered to the address indicated.
3. All prices submitted must be firm. "Firm" prices are deemed to be fixed prices, which are only subject to the following statutory changes, namely VAT and any levy related to customs and excise.
4. Quantities are given in good faith and without commitment to the JPC.
5. Vendors not registered for Value Added Tax with SARS will be treated as Non VAT vendors.

## DECLARATION OF INTEREST

1. No bid will be accepted from persons in the service of the state\*.
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 and/or take an oath declaring his/her interest.

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

3.1 Full Name: .....

3.2 Identity Number: .....

3.3 Company Registration Number: .....

3.4 Tax Reference Number: .....

3.5 VAT Registration Number: .....

3.6 Are you presently in the service of the state\* YES / NO

3.6.1 If so, furnish particulars.

.....  
 .....

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

3.7.1 If so, furnish particulars.

.....  
 .....

3.8 Do you, have any relationship

\* MSCM Regulations: "in the service of the state" means to be —

(a) a member of —

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

(b) a member of the board of directors of any municipal entity;

(c) an official of any municipality or municipal entity;

(d) an employee of any national or provincial department, national or provincial public entity or constitutional institution within the meaning of the Public Finance Management Act, 1999 (Act No.1 of 1999);

(e) a member of the accounting authority of any national or provincial public entity; or

(f) an employee of Parliament or a provincial legislature.

(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

3.8.1 If so, furnish particulars.

.....  
 .....

3.9 Are you, aware of any relationship (family, friend, other) between a 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

3.9.1 If so, furnish particulars

.....  
 .....

3.10 Are any of the company's directors, managers, principle shareholders or stakeholders in service of the state?

YES / NO

3.10.1 If so, furnish particulars.

.....  
 .....

3.11 Are any spouse, child or parent of the company's directors, managers, principle shareholders or stakeholders in service of the state?

YES / NO

3.11.1 If so, furnish particulars.

.....  
 .....

**CERTIFICATION**

I, THE UNDERSIGNED (NAME) .....

CERTIFY THAT THE INFORMATION FURNISHED ON THIS DECLARATION FORM IS CORRECT.

I ACCEPT THAT THE STATE MAY ACT AGAINST ME SHOULD THIS DECLARATION PROVE TO BE FALSE.

.....  
Signature

.....  
Date

.....  
Position

.....  
Name of Bidder



## 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? <b>(Companies or persons who are listed on this database were informed in writing of this restriction by the National Treasury after the <i>audi alteram partem</i> rule was applied).</b>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.1.1	If so, furnish particulars:		
4.2	Is the bidder or any of its directors listed on the Register for Tender Defaulters in terms of section 29 of the Prevention and Combating of Corrupt Activities Act (No 12 of 2004)? <b>(To access this Register enter the National Treasury's website, <a href="http://www.treasury.gov.za">www.treasury.gov.za</a>, click on the icon "Register for Tender Defaulters" or submit your written request for a hard copy of the Register to facsimile number (012) 3265445).</b>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.2.1	If so, furnish particulars:		
4.3	Was the bidder or any of its directors convicted by a court of law (including a court of law outside the Republic of South Africa) for fraud or corruption during the past five years?	Yes <input type="checkbox"/>	No <input type="checkbox"/>

4.3.1	If so, furnish particulars:		
<b>Item</b>	<b>Question</b>	<b>Yes</b>	<b>No</b>
4.4	Does the bidder or any of its directors owe any municipal rates and taxes or municipal charges to the municipality / municipal entity, or to any other municipality / municipal entity, that is in arrears for more than three months?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.4.1	If so, furnish particulars:		
4.5	Was any contract between the bidder and the municipality / municipal entity or any other organ of state terminated during the past five years on account of failure to perform on or comply with the contract?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.7.1	If so, furnish particulars:		

#### CERTIFICATION

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

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

.....  
**Signature**

.....  
**Date**

.....  
**Position**

.....  
**Name of Bidder**

Js367bW

# CERTIFICATE OF INDEPENDENT BID DETERMINATION

- 1 This Municipal Bidding Document (MBD) must form part of all bids<sup>1</sup> invited.
- 2 Section 4 (1) (b) (iii) of the Competition Act No. 89 of 1998, as amended, prohibits an agreement between, or concerted practice by, firms, or a decision by an association of firms, if it is between parties in a horizontal relationship and if it involves collusive bidding (or bid rigging).<sup>2</sup> Collusive bidding is a *per se* prohibition meaning that it cannot be justified under any grounds.
- 3 Municipal Supply Regulation 38 (1) prescribes that a supply chain management policy must provide measures for the combating of abuse of the supply chain management system, and must enable the accounting officer, among others, to:
  - a. take all reasonable steps to prevent such abuse;
  - b. reject the bid of any bidder if that bidder or any of its directors has abused the supply chain management system of the municipality or municipal entity or has committed any improper conduct in relation to such system; and
  - c. cancel a contract awarded to a person if the person committed any corrupt or fraudulent act during the bidding process or the execution of the contract.
- 4 This MBD serves as a certificate of declaration that would be used by institutions to ensure that, when bids are considered, reasonable steps are taken to prevent any form of bid-rigging.
- 5 In order to give effect to the above, the attached Certificate of Bid Determination (MBD 9) must be completed and submitted with the bid:

<sup>1</sup> Includes price quotations, advertised competitive bids, limited bids and proposals.

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

**CERTIFICATE OF INDEPENDENT BID DETERMINATION**

I, the undersigned, in submitting the accompanying bid:

\_\_\_\_\_  
(Bid Number and Description)

in response to the invitation for the bid made by:

\_\_\_\_\_  
(Name of Municipality / Municipal Entity)

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

I certify, on behalf of: \_\_\_\_\_ that:

(Name of Bidder)

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



6. The bidder has arrived at the accompanying bid independently from, and without consultation, communication, agreement or arrangement with any competitor. However communication between partners in a joint venture or consortium<sup>2</sup> will not be construed as collusive bidding.
7. In particular, without limiting the generality of paragraphs 6 above, there has been no consultation, communication, agreement or arrangement with any competitor regarding:
  - (a) prices;
  - (b) geographical area where product or service will be rendered (market allocation)
  - (c) methods, factors or formulas used to calculate prices;
  - (d) the intention or decision to submit or not to submit, a bid;
  - (e) the submission of a bid which does not meet the specifications and conditions of the bid; or
  - (f) bidding with the intention not to win the bid.
8. In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications and conditions or delivery particulars of the products or services to which this bid invitation relates.
9. The terms of the accompanying bid have not been, and will not be, disclosed by the bidder, directly or indirectly, to any competitor, prior to the date and time of the official bid opening or of the awarding of the contract.

<sup>2</sup> Joint venture or Consortium means an association of persons for the purpose of combining their expertise, property, capital, efforts, skill and knowledge in an activity for the execution of a contract.

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

.....  
Signature

.....  
Date

.....  
Position

.....  
Name of Bidder