



## **UMVOTI MUNICIPALITY**

### **SUPPLY AND DELIVERY OF CALENDERS AND DIARIES**

**CLOSING DATE: 10 JANUARY 2019**

**QUOTATION NUMBER: Q2019/01/02/SDCD**

<b>COMPANY</b>	
<b>ADDRESS</b>	
<b>TEL.</b>	
<b>CELL.</b>	
<b>FAX</b>	
<b>EMAIL ADDRESS</b>	
<b>CSD REGISTRATION NUMBER</b>	
<b>AMOUNT INCLUSIVE</b>	



**UMVOTI MUNICIPALITY  
RE- ADVERTISEMENT  
QUOTATION NO. Q 2019/01/02/SDCD**

**SUPPLY AND DELIVERY OF CALENDARS AND DIARIES FOR UMVOTI MUNICIPALITY**

Quotations are hereby invited in terms of section 18 (a) of the Umvoti Municipality's Supply Chain Management Policy together with section 83 of the Municipal Systems Act, No.32 of 2000, as amended and read together with sections 110, 111 and 112 of the Municipal Finance Management Act, Act 56 of 2003 for **"SUPPLY AND DELIVERY OF CALENDARS AND DIARIES FOR UMVOTI MUNICIPALITY"**

**THE FOLLOWING CONDITIONS WILL APPLY:**

- Prices quoted must be valid for at least thirty (30) days.
- Prices quoted must be firm and must be inclusive of VAT
- The quotation will be evaluated in terms of the 80/20 preference point system.
- Valid original SARS tax clearance certificate and attach the SARS letter with the PIN to verify tax matters;
- MBD forms 2; 3.1; 4 ; 6.1;8 & 9 (Returnable Schedules)
- Good standing in municipal rates and taxes.
- CK document.
- Original / Certified BBBEE Certificate or Sworn Affidavit
- Certified ID Copies of members/directors not older than 3 months
- Proof of CSD registration.
- Suppliers must effect delivery with 10 (TEN) working days of receiving the order
- Where a supplier is unable to deliver within this period, the Municipality must be contacted in writing and the Municipality will determine whether the order will be cancelled or an extension for delivery will be granted.
- Delivery will only be accepted during office hours.
- SAMPLES to be provided for all sizes for both Calendars and Diaries ( failure to do so will disqualify the bidder)
- Preference will be given to local suppliers.
- Fail to comply with the above will disqualify your bids.

**QUOTATION DOCUMENTS**

Quotation Documents will be available as from 03 January 2019 at Umvoti municipality website only [www.umvoti.gov.za](http://www.umvoti.gov.za)

**QUOTATIONS SUBMISSION**

The quotation must be enclosed in a sealed envelope marked **"SUPPLY AND DELIVERY OF CALENDARS AND DIARIES FOR UMVOTI MUNICIPALITY"** and deposited in the Umvoti Municipality quotations box at the Customer Relations Centre not later than 12H00 on 10 January 2019. Telegraphic quotation, late quotation and quotation not clearly marked as prescribed will not be considered.

**ENQUIRIES**

All enquiries shall be directed to Miss Vellie Maphanga on 033 413 9100 from 08H00 to 16H30.

*Umvoti Municipality's Procurement Policy will apply and the Municipality is not bound to accept the lowest quotation or furnish any reason for the acceptance or rejection of any quotation and reserves the right to accept any quotation or part thereof.*

PP MRS T.N NGIBA  
MUNICIPAL MANAGER

P.O BOX 71  
GREYTOWN, 3250

NOTICE NO: 4353

**REFERENCE NUMBER:****RFQ: SUPPLY AND DELIVERY OF DIARIES AND CALENDARS FOR UMVOTI MUNICIPALITY**

Quotations are hereby invited from interested suppliers with a proven track record in terms of Section 83 of the Municipal Systems Act, Act 32 of 2000 as amended and section 110 and 112 of the Municipal Finance Management Act, 56 of 2003, for the **SUPPLY AND DELIVERY OF CALENDARS AND DIARIES FOR UMVOTI MUNICIPALITY.**

**THE DETAILS OF THE SPECIFICATION ARE AS FOLLOWS**

1. 34X A4 Municipal Diaries with Municipal Logo
  - **Insert first four colorful pages (Images and text to be provided)**
  - **Diaries to include the standard information including personal details, 2019 and 2020 calendars, academic terms for schools and universities, 2019-year planner, Metric, Conversions, Holidays and Religious Festivals, A Map of South Africa and a Distance Table with a trip log.**
  - **Gold Foil Print in front**
  - **Covered with Gold Metal Colors**
  - **Personalized in Front (Names will be provided)**
  - **Gold foil print Logo and year in front with "UMVOTI MUNICIPALITY" Underneath**
  - **To design artwork, final proofs of art work/design and layout to be approved prior to publication of the calendars**
  - **A Complete sample (hard copies) of the diaries to be provided prior to publication of diaries**
  - **Diaries to be delivered to the Main Municipal Building**
2. 10 000X A1 Calendars in full Color on High quality glossy paper
  - **Rimmed Top & Bottom**
  - **Printed in Full Color with pictures (Pictures to be provided)**
  - **Printed in Gloss Paper at 150 GSM Size**
  - **Top Trimmed with Gold Rim**
  - **Calendars to include public holidays and list of school terms**
  - **Calendars to include municipal logo and contact details**
  - **To design artwork, final proofs of art work/design and layout to be approved prior to publication of the calendars**
  - **A Complete sample (hard copies) of the calendar to be provided prior to publication of calendars**
  - **Calendars to be delivered to the Main Municipal Building**

Meeting Scheduled Dates will be added on the diaries and calendars will be given to the successful Service Provider.

Queries may be directed to the following officials during office hours:

**Mr. EV Mdlalose ON 033 413 9100**

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#### **CONDITIONS OF THE BID**

The following conditions read together with the Municipality's SCM Policy will apply:

- Suppliers must be registered on the National Treasury Central Suppliers Database (CSD);
- Suppliers must be registered on the Umvoti Supplier Database, registration forms can be e-mailed on request, downloaded from our website or alternatively collected from our offices;
- Suppliers must submit a **VALID TAX CLEARANCE CERTIFICATE OR THEIR TAX COMPLIANCE STATUS PIN**;
- Quotes will be evaluated on the 80/20 preferential point system
- Suppliers must effect delivery with 10 (TEN) working days of receiving the order
- Where a supplier is unable to deliver within this period, the Municipality must be contacted in writing and the Municipality will determine whether the order will be cancelled or an extension for delivery will be granted.
- Delivery will only be accepted during office hours
- The declaration of interest form (MBD4) **MUST BE COMPLETED AND ATTACHED**
- The Umvoti Municipality is not bound to accept the lowest or any bid and reserves the right to accept the whole or part of a bid.
- **SAMPLES** must be provided for both calendars and diaries
- Preference will be given to local suppliers

**FAILURE TO COMPLY WITH THE ABOVE WILL DISQUALIFY THE TENDER**

**MRS TN NGIBA**

**MUNICIPAL MANAGER**



## UMVOTI MUNICIPALITY

### COMPULSORY DOCUMENTS TO BE SUBMITTED

TAX CLEARANCE CERTIFICATE WITH PIN  
(TAX COMPLIANCE STATUS PIN ISSUED)

☐

BBBEE CERTIFICATE

☐

COMPANY REGISTRATION DOCUMENT

☐

PROOF OF CSD REGISTRATION

☐

CERTIFIED ID COPY FOR DIRECTOR

☐

PROOF OF RESIDENT FOR BUSINESS IN RURAL AREA  
/ MUNICIPAL ACCOUNTS FOR THE BUSINESS IN URBAN/  
LEASE AGREEMENT

☐

SAMPLES FOR ALL CALENDERS AND DIARIES AS PER SIZES

☐

**UMVOTI MUNICIPALITY**

**MUNICIPAL ACCOUNT/ RATES SETTLEMENT**

**BIDDERS WITHIN UMVOTI MUNICIPAL AREA**

I hereby confirm that my municipal rates are up to date or paid in full. See statement attached

**NAME OF BIDDER:** \_\_\_\_\_

**DATE** : \_\_\_\_/\_\_\_\_/2018

I here confirm that my municipal rates are not up to date. I therefore grant Umvoti Municipality the right to deduct an amount equivalent to my outstanding rates.

**NAME OF BIDDER:** \_\_\_\_\_

**DATE** : \_\_\_\_/\_\_\_\_/2018

**BIDDERS OUTSIDE UMVOTI MUNICIPAL AREA**

This serve to confirm that my rates with \_\_\_\_\_ municipality are up to date and have attached my municipal rates account as proof.

**NAME OF BIDDER:** \_\_\_\_\_

**DATE** : \_\_\_\_/\_\_\_\_/2018

This serve to confirm that my municipal rates with \_\_\_\_\_ municipality are not up to date.

I have made arrangement to settle this account by \_\_\_\_\_ **(ATTACH LETTER OF ARRANGEMENT AS PROOF)**

I intend to settle my account in full within ten (10) working days should I be favored by Umvoti Municipality as a preferred bidder.

**NAME OF BIDDER:** \_\_\_\_\_

**DATE** : \_\_\_\_/\_\_\_\_/2018

**N.B** kindly attached the electricity, water and rates statement for the company or proof of resident for the company if the company is from the rural areas.

## PRICING SCHEDULE – FIRM PRICES (PURCHASES)

**NOTE:** ONLY FIRM PRICES WILL BE ACCEPTED. NON-FIRM PRICES (INCLUDING PRICES SUBJECT TO RATES OF EXCHANGE VARIATIONS) WILL NOT BE CONSIDERED

IN CASES WHERE DIFFERENT DELIVERY POINTS INFLUENCE THE PRICING, A SEPARATE PRICING SCHEDULE MUST BE SUBMITTED FOR EACH DELIVERY POINT

Name of Bidder.....	Bid Number.....
Closing Time .....	Closing Date .....

OFFER TO BE VALID FOR.....DAYS FROM THE CLOSING DATE OF BID.

ITEM NO.	QUANTITY	DESCRIPTION	BID PRICE IN RSA CURRENCY **(ALL APPLICABLE TAXES INCLUDED)
----------	----------	-------------	--

- |   |  |  |                          |
|---|--|--|--------------------------|
| - | Required by:                                     |  |                          |
| - | At:  |  |                          |
| - | Brand and Model                                  |  |                          |
| - | Country of Origin                                |  |                          |
| - | Does the offer comply with the specification(s)? |  | *YES/NO                  |
| - | If not to specification, indicate deviation(s)   |  |                          |
| - | Period required for delivery                     |  |                          |
| - | Delivery basis                                   |  | *Delivery: Firm/Not firm |

Note: All delivery costs must be included in the bid price, for delivery at the prescribed destination.

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

\*Delete if not applicable

## MBD 4

## DECLARATION OF INTEREST

1. No bid will be accepted from persons in the service of the state<sup>1</sup>.
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<sup>2</sup>):.....

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. ....

.....

<sup>1</sup>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.

<sup>2</sup> 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.



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

3.9.1 If yes, furnish particulars.....

.....

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 stakeholders in service of the state? ..... **YES / NO**

3.12.1 If yes, furnish particulars.

.....

.....

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

3.13.1 If yes, furnish particulars.

.....

.....

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

3.14.1 If yes, furnish particulars:

.....

.....

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

Full Name	Identity Number	State Employee Number

.....  
**Signature**

.....  
**Date**

.....  
**Capacity**

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

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

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

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

### 1. GENERAL CONDITIONS

1.1 The following preference point systems are applicable to all bids:

- the 80/20 system for requirements with a Rand value of up to R50 000 000 (all applicable taxes included); and
- the 90/10 system for requirements with a Rand value above R50 000 000 (all applicable taxes included).

1.2

- a) The value of this bid is estimated to **exceed/not exceed** R50 000 000 (all applicable taxes included) and therefore the **80/20** preference point system shall be applicable; or
- b) Either the 80/20 or 90/10 preference point system will be applicable to this tender (*delete whichever is not applicable for this tender*).

1.3 Points for this bid shall be awarded for:

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

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

	POINTS
<b>PRICE</b>	<b>80</b>
<b>B-BBEE STATUS LEVEL OF CONTRIBUTOR</b>	<b>20</b>
<b>Total points for Price and B-BBEE must not exceed</b>	<b>100</b>

1.5 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.

1.6 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.



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. BID DECLARATION

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

## 6. B-BBEE STATUS LEVEL OF CONTRIBUTOR CLAIMED IN TERMS OF PARAGRAPHS 1.4 AND 4.1

- 6.1 B-BBEE Status Level of Contributor: . = .....(maximum of 10 or 20 points)  
(Points claimed in respect of paragraph 7.1 must be in accordance with the table reflected in paragraph 4.1 and must be substantiated by relevant proof of B-BBEE status level of contributor.

## 7. SUB-CONTRACTING

- 7.1 Will any portion of the contract be sub-contracted?  
(***Tick applicable box***)

YES		NO	
-----	--	----	--

- 7.1.1 If yes, indicate:

- What percentage of the contract will be subcontracted.....%
- The name of the sub-contractor.....
- The B-BBEE status level of the sub-contractor.....
- Whether the sub-contractor is an EME or QSE

(***Tick applicable box***)

YES		NO	
-----	--	----	--

- v) Specify, by ticking the appropriate box, if subcontracting with an enterprise in terms of Preferential Procurement Regulations, 2017:

Designated Group: An EME or QSE which is at least 51% owned by:	EME √	QSE √
Black people		
Black people who are youth		
Black people who are women		
Black people with disabilities		
Black people living in rural or underdeveloped areas or townships		
Cooperative owned by black people		

Black people who are military veterans		
<b>OR</b>		
Any EME		
Any QSE		

**8. DECLARATION WITH REGARD TO COMPANY/FIRM**

8.1 Name of company/firm:.....

8.2 VAT registration number:.....

8.3 Company registration number:.....

8.4 TYPE OF COMPANY/ FIRM

Partnership/Joint Venture / Consortium

One person business/sole propriety

Close corporation

Company

(Pty) Limited

[TICK APPLICABLE BOX]

8.5 DESCRIBE PRINCIPAL BUSINESS ACTIVITIES

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

8.6 COMPANY CLASSIFICATION

Manufacturer

Supplier

Professional service provider

Other service providers, e.g. transporter, etc.

[TICK APPLICABLE BOX]

8.7 MUNICIPAL INFORMATION

**Municipality where business is situated:** .....

**Registered Account Number:** .....

**Stand Number**.....

8.8 Total number of years the company/firm has been in business.....

8.9 I/we, the undersigned, who is / are duly authorised to do so on behalf of the company/firm, certify that the points claimed, based on the B-BBE status level of contributor indicated in paragraphs 1.4 and 6.1 of the foregoing certificate, qualifies the company/ firm for the preference(s) shown and I / we acknowledge that:

- i) The information furnished is true and correct;
- ii) The preference points claimed are in accordance with the General Conditions as indicated in paragraph 1 of this form;
- iii) In the event of a contract being awarded as a result of points claimed as shown in paragraphs 1.4 and 6.1, the contractor may be required to furnish documentary proof to the satisfaction of the purchaser that the claims are correct;

iv) If the B-BBEE status level of contributor has been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the purchaser may, in addition to any other remedy it may have –

- (a) disqualify the person from the bidding process;
- (b) recover costs, losses or damages it has incurred or suffered as a result of that person's conduct;
- (c) cancel the contract and claim any damages which it has suffered as a result of having to make less favourable arrangements due to such cancellation;
- (d) recommend that the bidder or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, be restricted by the National Treasury from obtaining business from any organ of state for a period not exceeding 10 years, after the *audi alteram partem* (hear the other side) rule has been applied; and
- (e) forward the matter for criminal prosecution.

WITNESSES

1. ....

2. ....

.....  
SIGNATURE(S) OF BIDDERS(S)

DATE: .....

ADDRESS .....

.....

.....

## 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	<p>Is the bidder or any of its directors listed on the National Treasury's Database of Restricted Suppliers as companies or persons prohibited from doing business with the public sector?</p> <p>(Companies or persons who are listed on this Database were informed in writing of this restriction by the Accounting Officer/Authority of the institution that imposed the restriction after the <i>audi alteram partem</i> rule was applied).</p> <p><b>The Database of Restricted Suppliers now resides on the National Treasury's website(<a href="http://www.treasury.gov.za">www.treasury.gov.za</a>) and can be accessed by clicking on its link at the bottom of the home page.</b></p>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.1.1	If so, furnish particulars:		
4.2	<p>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)?</p> <p><b>The Register for Tender Defaulters can be accessed on the National Treasury's website (<a href="http://www.treasury.gov.za">www.treasury.gov.za</a>) by clicking on its link at the bottom of the home page.</b></p>	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 *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:

<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>3</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>3</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

Js9141w 4