LEPHALALE LOCAL MUNICIPALITY

YOU ARE HEREBY INVITED TO PARTICIPATE IN RFQ ABOVE R30 000
Bid Amount: R 78.00 or Freely downloadable from www.lephalale.gov.za

RFQ NO: RFQ.INF.11.49 **REFERENCE NO: 43555 –(16/2/1)**

DESCRIPTION: APPOINTMENT OF A SUITABLE SERVICE PROVIDER FOR THE MAINTENANCE, REPAIR AND RE-GAS AIR-CONDITIONERS AT CIVIC CENTRE.

LEPHALALE MUNICIPALITY **SUPPLY CHAIN MANAGEMENT DIVISION** **CONTACT : M SELOKELA / K MAPHOTO** **TEL NO : (014) 762 1444 /1575**	**LEPHALALE MUNICIPALITY** **ELECTRICAL DIVISION (End-User)** **Contact : MH KEETSE** **Tel No : 014 762 1614**
Advert Date: 11 November 2026	**Closing Date: 26 November 2026**
Closing Time: 12H00	**Bid Box No: Marked**
Briefing Session Date: N/A	**Time:**
Venue :	
CIDB Grading: 1ME OR HIGHER	
Name of Bidder: ……	
Bid Amount (VAT Excluded): R…….	

Bidders should ensure that RFQ's are delivered timeously to the correct address: Cnr Joe Slovo/Douwater street Lephalale 0557.

The bid box is generally open 24 hours a day, 7 days a week.

THIS BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT AND THE PREFERENTIAL PROCUREMENT REGULATIONS, 2022, THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER SPECIAL CONDITIONS OF CONTRACT

NB: NO BIDS WILL BE CONSIDERED FROM PERSONS IN THE SERVICE OF THE STATE (as defined in Regulation 1 of the Local Government: Municipal Supply Chain Management Regulations)

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PART A (MBD 1)
INVITATION TO BID

SUPPLIER INFORMATION					
NAME OF BIDDER					
POSTAL ADDRESS					
STREET ADDRESS					
TELEPHONE NUMBER	CODE		NUMBER		
CELLPHONE NUMBER					
FACSIMILE NUMBER	CODE		NUMBER		
E-MAIL ADDRESS					
VAT REGISTRATION NUMBER					
	TCS PIN:		**OR**	CSD No:	

Tenderers must submit the following proof to claim preference points:

- ***CSD for Promotion of SMME and***
- ***Locality***

•where the tenderer is the owner of the property / business: municipal account registered in the name of the tenderer not older than 3 months;
•proof of residence stamped by tribal authority for those residing in areas where municipal payments of rates and taxes are not implemented, such proof should be in the tenderer's name.
A SCORE OF 0 (ZERO) WILL BE ALLOCATED IF COMPULSORY DOCUMENTS NOT SUBMITTED ON THE CLOSING TIME AND DATE.

ARE YOU THE ACCREDITED REPRESENTATIVE **IN SOUTH AFRICA FOR THE GOODS /SERVICES /WORKS OFFERED?**	☐Yes ☐No [IF YES ENCLOSE PROOF]	ARE YOU A FOREIGN BASED SUPPLIER FOR **THE GOODS /SERVICES /WORKS OFFERED?**	☐Yes ☐No [IF YES ANSWER PART B:3 BELOW]
SIGNATURE OF BIDDER	……	**DATE**	
CAPACITY UNDER WHICH THIS BID IS SIGNED (Attach proof of authority to sign this bid; e.g. resolution of directors, etc.)			
TOTAL NUMBER OF ITEMS OFFERED		**TOTAL BID PRICE (ALL INCLUSIVE)**	

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PART B
TERMS AND CONDITIONS FOR BIDDING

1. BID SUBMISSION:

1.1. BIDS MUST BE DELIVERED BY THE STIPULATED TIME TO THE CORRECT ADDRESS. LATE BIDS WILL NOT BE ACCEPTED FOR CONSIDERATION.

1.2. ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS PROVIDED– (NOT TO BE RE-TYPED)

1.3 BIDDERS MUST REGISTER ON THE CENTRAL SUPPLIER DATABASE (CSD) TO UPLOAD MANDATORY INFORMATION NAMELY: (BUSINESS REGISTRATION/ DIRECTORSHIP/ MEMBERSHIP/IDENTITY NUMBERS; TAX COMPLIANCE STATUS; AND BANKING INFORMATION FOR VERIFICATION PURPOSES).

1.3. WHERE A BIDDER IS NOT REGISTERED ON THE CSD, MANDATORY INFORMATION NAMELY: (BUSINESS REGISTRATION/ DIRECTORSHIP/ MEMBERSHIP/IDENTITY NUMBERS; TAX COMPLIANCE STATUS MAY NOT BE SUBMITTED WITH THE BID DOCUMENTATION.

1.4. THIS BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT 2000 AND THE PREFERENTIAL PROCUREMENT REGULATIONS, 2022, THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER LEGISLATION OR SPECIAL CONDITIONS OF CONTRACT.

1.5. QUOTATIONS WILL BE EVALUATED IN TERMS OF PREFERENTIAL PROCUREMENT REGULATIONS, 2022, PREFERENTIAL PROCUREMENT POLICY OF COUNCIL.

1.6. GOODS AND SERVICES MAY ONLY BE PROVIDED AFTER AND ACCORDING TO THE OFFICIAL ORDER ISSUED.

2. TAX COMPLIANCE REQUIREMENTS

2.1 BIDDERS MUST ENSURE COMPLIANCE WITH THEIR TAX OBLIGATIONS.

2.2 BIDDERS ARE REQUIRED TO SUBMIT THEIR UNIQUE PERSONAL IDENTIFICATION NUMBER (PIN) ISSUED BY SARS TO ENABLE THE ORGAN OF STATE TO VIEW THE TAXPAYER'S PROFILE AND TAX STATUS.

2.3 APPLICATION FOR TAX COMPLIANCE STATUS (TCS) OR PIN MAY ALSO BE MADE VIA E-FILING. IN ORDER TO USE THIS PROVISION, TAXPAYERS WILL NEED TO REGISTER WITH SARS AS E-FILERS THROUGH THE WEBSITE WWW.SARS.GOV.ZA.

2.4 BIDDERS MAY ALSO SUBMIT A PRINTED TCS TOGETHER WITH THE BID.

2.5 IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED; EACH PARTY MUST SUBMIT A SEPARATE PROOF OF TCS / PIN / CSD NUMBER.

2.6 WHERE NO TCS IS AVAILABLE BUT THE BIDDER IS REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD), A CSD NUMBER MUST BE PROVIDED.

3. QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS (NOT MANDATORY FOR SA COMPANIES)

3.1.	IS THE BIDDER A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)?	☐ YES ☐ NO
3.2.	DOES THE BIDDER HAVE A BRANCH IN THE RSA?	☐ YES ☐ NO
3.3.	DOES THE BIDDER HAVE A PERMANENT ESTABLISHMENT IN THE RSA?	☐ YES ☐ NO
3.4.	DOES THE BIDDER HAVE ANY SOURCE OF INCOME IN THE RSA?	☐ YES ☐ NO

IF THE ANSWER IS "NO" TO ALL OF THE ABOVE, THEN, IT IS NOT A REQUIREMENT TO OBTAIN A TAX COMPLIANCE STATUS / TAX COMPLIANCE SYSTEM PIN CODE FROM THE SOUTH AFRICAN REVENUE SERVICE (SARS) AND IF NOT REGISTER AS PER 2.3 ABOVE.

ADABE

1. NOTICE TO ALL BIDDERS ON DISQUALIFICATION:

A bid not complying with the requirements stated hereunder will be regarded as not being an "Acceptable bid", and as such will be rejected.

1. **NO RFQ WILL BE CONSIDERED FROM PERSONS IN THE SERVICE OF THE STATE**
2. **All Declarations, MBD 1, MBD 6.1 and MBD 3.1 must be completed and signed in full.**
3. The bid must be properly received in a sealed envelope clearly indicating the description of the service and the bid number for which the bid is submitted.
4. The bid must be deposited in the relevant bid box as indicated on the notice of the bid on or before the closing date and time of the bid. Bidders must ensure that Bid Documents are delivered timeously to the correct address. **If the bid is late, it will not be accepted for consideration**.
5. **A copy Tax Pin for confirmation of Tax matters.**
6. **The proof of CSD registration report must be attached**
7. Copies of the company registration must be submitted with the RFQ on or before the closing time and date of the bid.
8. Submission of a Joint Venture Agreement, where applicable, which has been properly signed by all parties.
9. No RFQ who is blacklisted by National Treasury or any National Authority due to non-performance will be considered.
10. Proof of payment of Municipal account statement on rates and taxes from the respective municipality not owing and older than three months for company **and** its Directors or proof of residence stamped by tribal authority for those residing in areas where municipal payments of rates and taxes are not implemented, such proof:
    (a) must not be older than three (3) months from closing date of the tender,
    (b) it must have been addressed to the company itself and any of the shareholders or members as on the document for company registration, and
    (c) in case where the company is renting an office space, the lease agreement between the company and the respective landlord must accompany the rental invoice.
    (d) In case where director of the company operates a business from the same residential are where he/she stays the sworn affidavit by commissioner of oath must accompany the proof of rates and taxes.
11. The bidders are advised to attach their certified valid CSD and proof of municipal rates and taxes / proof of resident to claim special goals.
12. In case where 2 (two) or more companies decide to form a joint venture (JV), **each company must attach CSD and proof of residents withing Lephalale municipal jurisdiction to claim special goals,** and all the companies in the JV have to attach each and every document as requested above in addition to the Joint Venture Agreement.
    (8) Meeting technical specifications and comply with bid conditions;
    (ii) Financial ability to execute the contract;

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IMPORTANT NOTICE

1. The Lowest or any bid will not necessarily be accepted and the LMM reserves the right not to consider any bid not suitably endorsed or comprehensively completed as well as the right to accept a bid in whole or part.
2. Brand names MUST be specified in ANNEXURE "G" attached hereto (Price Schedule document).
3. Where deliveries are quoted "ex-stock" the period of delivery must not exceed Five (5) maximum working days after receipt of order.
   If this condition is not adhered to, the order could be cancelled.
8. Quotations are to be completed in accordance with the conditions as set out in the quotation document and must be sealed and
   externally endorsed with the quotation number and place in the quotation box indicated above.
5. Payments will be made thirty (30) days after receipt of invoice by Council.
6. Quotations received after the closing date and time will not be considered.
7. Samples of the required items or goods are available for your perusal (when applicable.)
8. Should the above-mentioned conditions not be adhered to, the quotation will be considered invalid

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LEPHALALE MUNICIPALITY



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PURPOSE

The purpose of this memorandum is to request approval to initiate the procurement process for the goods/services described below, in accordance with the Municipality's approved Supply Chain Management Policy, applicable legislation, and relevant procurement procedures.

BACKGROUND

Electrical department has received numerous requests from various offices seeking for aircons to be repaired to cool up their offices during operation.

For further technical enquiries please contact **Mr MH KEETSE** at **014 762 1614** during working hours (07h30 – 16h00).

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

1. PRICING SCHEDULE (GUIDELINE)

QTY	DESCRIPTION	UNIT PRICE	TOTAL AMOUNT
35	REPAIR AND RE-GAS OF AIR-CONDITIONERS AT CIVIC CENTRE (VARIOUS BRAND)	R	R
		Sub Total	R
		Vat@15%	R
		TOTAL	R

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

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

Name of Bidder: …… **Designation……...**

Signature: …… **Date: ……**

NB: NON-COMPLETION OF THIS PAGE MAY RESULT IN DISQUALIFICATION OF BID.

2. Plant / Equipment

Provide information on plant / equipment that you have available for this project. Attach details if the space provided is not enough.

Description: Owned Plant / Equipment	Number of units

3. SCHEDULE OF BIDDERS' EXPERIENCE

The following is a statement of similar work successfully executed by myself / ourselves:

No	Name of Organisation	Description of contract	Contact person and telephone number	Contract Value (VAT Excl)
1			Name: Tel No:	
2			Name: Tel No:	
3			Name: Tel No:	
4			Name: Tel No:	
5			Name: Tel No:	
6			Name: Tel No:	
7			Name: Tel No:	
8			Name: Tel No:	

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MBD 6.1

(PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL PROCUREMENT REGULATIONS 2022 AND PREFERENTIAL PROCUREMENT POLICY OF COUNCIL: 80/20 PREFERENCE POINT SYSTEM)

This preference form must form part of all tenders invited. It contains general information and serves as a claim form for preference points for specific goals.

NB: BEFORE COMPLETING THIS FORM, TENDERERS MUST STUDY THE GENERAL CONDITIONS, DEFINITIONS AND DIRECTIVES APPLICABLE IN RESPECT OF THE TENDER, PREFERENTIAL PROCUREMENT REGULATIONS, 2022 AND PREFERENTIAL PROCUREMENT POLICY OF COUNCIL.

1. GENERAL CONDITIONS

1.1 The following preference point system is applicable to invitations to tender:
- the 80/20 system for requirements with a Rand value of up to R50 000 000 (all applicable taxes included

1.2 Points for this tender (even in the case of a tender for income-generating contracts) shall be awarded for:

a) Price; and

b) Specific Goals (SMME development and Locality).

1.3 The maximum points for this tender are allocated as follows:

DESCRIPTION	**POINTS**
PRICE	80
SPECIFIC GOALS	20 (10 Promotion of SMME'S and 10 Locality)
TOTAL POINTS FOR PRICE AND SPECIFIC GOALS	100

Failure on the part of a tenderer to submit proof or documentation required in terms of this tender to claim points for specific goals with the tender, will be interpreted to mean that preference points for specific goals are not claimed.

1.4 PROMOTION OF SMME'S

Failure on the part of a tenderer to submit CSD confirming annual turnover and level of black ownership in case of an EME and QSE together with the bid, will be interpreted to mean that preference points for SMME'S level of contribution are not claimed.

1.5 LOCALITY

Failure on the part of tenderer to submit the following:
Proof of payment of Municipal account statement on rates and taxes from the respective municipality not owing and older than three months for company **and** its Directors or proof of residence stamped by tribal authority for those residing in areas where municipal payments of rates and taxes are not implemented, such proof:

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(a) must not be older than three (3) months from closing date of the tender,
(b) it must have been addressed to the company itself and any of the shareholders or members as on the document for company registration.

1.6 The municipality reserves the right to require of a tenderer, either before a tender is adjudicated or at any time subsequently, to substantiate any claim in regard to preferences, in any manner required by the municipality.

2. DEFINITIONS

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

(b) "**tender"** means a written offer in the form determined by an organ of state in response to an invitation to provide goods or services through price quotations, competitive tendering process or any other method envisaged in legislation;

(c) "**price"** means an amount of money tendered for goods or services, and includes all applicable taxes less all unconditional discounts;

(d) "**rand value"** means the total estimated value of a contract in Rand, calculated at the time of bid invitation, and includes all applicable taxes;

(e) "**tender for income-generating contracts"** means a written offer in the form determined by an organ of state in response to an invitation for the origination of income-generating contracts through any method envisaged in legislation that will result in a legal agreement between the organ of state and a third party that produces revenue for the organ of state, and includes, but is not limited to, leasing and disposal of assets and concession contracts, excluding direct sales and disposal of assets through public auctions; and

(f) "**the Act"** means the Preferential Procurement Policy Framework Act, 2000 (Act No. 5 of 2000).

3.FORMULAE FOR PROCUREMENT OF GOODS AND SERVICES

3.1 **POINTS AWARDED FOR PRICE THE 80/20 PREFERENCE POINT SYSTEMS**

A maximum of 80 or 90 points is allocated for price on the following basis:

80/20

$$Ps = 80\left(1 - \frac{Pt - P\,min}{P\,min}\right)$$

Where

Ps = Points scored for price of tender under consideration
Pt = Price of tender under consideration
Pmin = Price of lowest acceptable tender

4. FORMULAE FOR DISPOSAL OR LEASING OF STATE ASSETS AND INCOME GENERATING PROCUREMENT

4.1 **POINTS AWARDED FOR PRICETHE 80/20 PREFERENCE POINT SYSTEMS**

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

(80/20)

$$Ps = 80\left(1 + \frac{Pt - P\,max}{P\,max}\right)$$

Where

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Ps = Points scored for price of tender under consideration
Pt = Price of tender under consideration
Pmax = Price of highest acceptable tender

5. POINTS AWARDED FOR SPECIFIC GOALS

In terms of the Preferential Procurement policy of Council section 5(2) and 7(2), preference points must be awarded for specific goals stated in the tender. For the purposes of this tender the tenderer will be allocated points based on the goals stated in table 1 and 2 below as may be supported by proof/ documentation stated in the conditions of this tender:

5.1 Promotion of SMME'S

Small, Medium And Micro Entreprise	Number of Points for Preference (80/20)
EME	10
QSE	5
GEN	0

5.2 LOCALITY

Locality of supplier	Number of Points for Preference (80/20)
Within the boundaries of Lephalale Municipality	10
Within the boundaries of the Waterberg District	5
Within the boundaries of Limpopo Province	2

6. DECLARATION WITH REGARD TO COMPANY / FIRM

6.1 Name of company / firm: _____

6.2 Company registration number: _____

6.3 VAT registration number: _____

6.4 Type of company / firm:

□ Partnership / Joint Venture / Consortium
□ One-person business / sole propriety
□ Close Corporation
□ Public Company
□ Personal Liability Company
□ (Pty) Limited
□ Non-Profit Company
□ State Owned Company

[TICK APPLICABLE BOX]

6.5 MUNICIPAL INFORMATION

Municipality where business is situated: _____

Street address of business: _____

_____

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Registered municipal account number: _____

6.6 I, the undersigned, who is duly authorised to do so on behalf of the company/firm, certify that the points claimed, based on the specific goals as advised in the tender, qualifies the company/ firm for the preference(s) shown and I 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 5, the contractor may be required to furnish documentary proof to the satisfaction of the organ of state that the claims are correct;
iv) If the specific goals have been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the organ of state may, in addition to any other remedy it may have –

(a) disqualify the person from the tendering 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 tenderer or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, be restricted 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, if deemed necessary.

……..

SIGNATURE(S) OF TENDERER(S)

SURNAME AND NAME: **…….**

DATE: **……**

ADDRESS: ……

……

……

……

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MBD 4

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 awardedto persons connected with or related to persons in service of the state, it is required thatthe 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 completedand submitted with the bid.

3.1 Full Name of Owner of the Bidding Entity: ……..……

3.2 Identity Number if applicable: …….

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: ……

[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 ManagementAct, 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.

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

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

3.8 Are you presently in the service of the state?
(Tick applicable box)

YES	NO

3.8.1 If yes, furnish particulars. ….……

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……

3.9 have you been in the service of the state for the past twelve months?

(Tick applicable box)

YES	NO

3.9.1 If yes, furnish particulars.……..……..

……

3.10 Do you have any relationship (close family member, partner or associate)with persons in the service of the state and who may be involved
with the evaluation and or adjudication of this bid?

(Tick applicable box)

YES	NO

3.10.1 If yes, furnish particulars.

……

……

3.11 Are you aware of any relationship (close family member, partner or associate)between any other bidder and any persons in the service of the state who maybe involved with the evaluation and or adjudication of this bid?

(Tick applicable box)

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?

(Tick applicable box)

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 stakeholdersin service of the state?

(Tick applicable box)

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

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(Tick applicable box)

If yes, furnish particulars:……..

……..

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

Full Name	Identity Number	State Employee Number

CERTIFICATION

I, THE UNDERSIGNED (NAME) ……

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

I ACCEPT THAT THE STATE AND/OR THE LEPHALALE LOCAL MUNICIPALITY (LLM) MAY ACTAGAINST ME SHOULD THIS DECLARATION PROVE TO BE FALSE.

…….. **……..**
Signature **Date**

…… **……**
Capacity **Name of Bidder**

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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 of Restricted Suppliers as companies or persons 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 Accounting Officer/Authority of the institution that imposed the restriction after the *audi alteram partem* rule was applied). **The Database of Restricted Suppliers now resides on the National Treasury's website(**www.treasury.gov.za**) and can be accessed by clicking on its link at the bottom of the home page.**	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)? **The Register for Tender Defaulters can be accessed on the National Treasury's website (www.treasury.gov.za) by clicking on its link at the bottom of the home page.**	Yes ☐	No ☐
4.2.1	If so, furnish particulars:		

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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:		

Item	Question	Yes	No
4.4	Does the bidder or any of its directors owe any municipal rates and taxes or municipal charges to the municipality / municipal entity, or to any other municipality / municipal entity, that is in arrears for more than three months?	Yes ☐	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 ☐
4.7.1	If so, furnish particulars:		

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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**

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:

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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[3] will not be construed as collusive bidding.

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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.

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

[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.

1 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.

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JOINT VENTURE INFORMATION
(Complete only if applicable)

The parties hereto form a Joint Venture for the purpose of jointly bidding and obtaining the award of contract.

The share of the partners in the Joint Venture shall be:

Full Name and address of Lead enterprise

…….. ……%

……

Full Name and address of 2nd enterprise

……. ……..%

……..

Full Name and address of 3rd enterprise

……. ……..%

……..

The Lead Partner is hereby authorized to incur liabilities, receive instructions, payments, sign all documents in connection with the bid, and to be responsible for the entire execution and administration of the contract for and on behalf of the partners.

The parties hereto shall make available to the Joint Venture the technical advice and benefit of their individual experience and shall, in all other respects, endeavor to share the responsibility and burden of the performance of the Joint Venture.

To this end the parties hereto shall share, in the above proportions, in all risks and obligations arising out of or in connection with the Contract, especially in the provisions of all necessary working capital and guarantees, in profit and loss and personnel.

The Lead Partners shall supply, in its name, Professional Liability Insurance for the amount and period as stated in the Contract Data.

The Joint Venture may not be terminated by any of the parties hereto until either:

The contract has been awarded to another bidder or

The work undertaken by the Joint Venture under the contract has been completed and all liabilities and claims incurred by and made by the Joint Venture have been settled, the bid is cancelled or the period of validity of bid extended.

No party to the Agreement shall be entitled to sell, assign or in any manner encumber or transfer its interest or any part thereof in the Joint Venture without obtaining the prior written consent of the other party hereto.

The Parties of the Joint Venture shall cooperate on an exclusive basis. No Party shall during the validity period of the bid submit a bid to or enter into a Contract with the LLM or any other party for the Project, either alone or in collaboration with a third party.

Authorised Signature Lead Partner…….

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Name ……..

Designation …….

Signed at…… on ……..

Authorised Signature of 2nd Partner…….

Name ……..

Designation …….

Signed at…… on ……..

Authorised Signature of 3rd Partner…….

Name ……..

Designation …….

Signed at…… on ……..

(ALL SIGNATORIES SHALL CONFIRM THEIR AUTHORITY BY ATTACHING TO THE LAST PAGE OF THE BID, ORIGINAL OR COPIES OF DATED AND SIGNED RESOLUTIONS OF THE MEMBERS/DIRECTORS/PARTNERS AS THE CASE MAY BE.)

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