



**CHRIS HANI DISTRICT MUNICIPALITY**

**TENDER DOCUMENT**

**FOR**

**SUPPLY AND DELIVERY OF CHEMICAL : SUDFLOC 3256**

**BID NUMBER – RFQ143/2019-2020/LG(NM)**

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

**TENDER AMOUNT:** \_\_\_\_\_

**SARS PIN NUMBER** \_\_\_\_\_ **SARS TAX NUMBER** \_\_\_\_\_

**CSD NO** \_\_\_\_\_

Request supply and delivery of the following chemicals

Description	Quantity
Sudfloc 3256	30 x 250kg Drums

For any queries on the specification please contact Mafu-Hloma Nwabisa 0839227401 [ncmafu@webmail.co.za](mailto:ncmafu@webmail.co.za)

Requested by..... ..... Date 26/09/2019

Recommended by..... ..... Date 26/09/19

Approved by..... ..... Date 26/09/19



**BID NOTICE: RFQ143/2019-2020/LG(NM)**

The Chris Hani District Municipality hereby invites all interested service providers for the **SUPPLY AND DELIVERY OF CHEMICAL : SUDFLOC 3256**

Project Name	RFQ Number	Scope of work	Closing Date	Briefing Session/Site Inspection	Enquiries	Availability of tender documents
<b>SUPPLY AND DELIVERY OF CHEMICAL : SUDFLOC 3256</b>	143/2019 - 2020/LG(NM)	<b>SUPPLY AND DELIVERY OF CHEMICAL : SUDFLOC 3256</b>	Date: 17 OCTOBER 2019 Time: 15h00 Place of Tender box:  <b>41 Cathcart Road</b>  All bids must be sealed and clearly marked, "SUPPLY AND DELIVERY OF CHEMICAL : SUDFLOC 3256"	N/A	Technical may be directed to  Ms. Z. Mapatwana  Tel: 047 548 5657  Email: nmapatwana@chrishanidm.gov.za  SCM : May be directed to  Ms. V. Noqayi Tel - 045 808 4627  Email: vnoqayi@chrishanidm.gov.za	Tender will be available free of charge on the municipal website

**Bidders must take note of the following bid conditions:**

1. Failure to submit comprehensive JV agreement (where applicable) will result in a tender deemed non-responsive
2. Failure to completely fill in the tender forms e.g. Form of Offer, declaration of interest and all other MBD forms will result in a tender deemed non-responsive.
3. Failure to submit certified BBBEE CERTIFICATE from SANNAS or Sworn Affidavit from DTI will result in a bidder losing points allocated for BBBEE.
4. **Failure to register on CSD will lead to a bid deemed non responsive**
5. Misrepresentation of address of the business with the aim of earning points may lead to disqualification
6. Non-disclosure by service providers who are in the employ of the state may lead to disqualification
7. Bids submitted will hold good for a period of 30 days and if your company has not heard within this period take that your company was unsuccessful
8. Failure to reflect date of certification not older than three months on required documents will result in a tender deemed non responsive
9. Chris Hani District Municipality does not bind itself to accept the lowest bidder or any other bid and reserves the right to accept the whole or part of the bid
10. Bids which are late, unsigned or submitted by facsimile or electronically, will not be accepted.
11. Bidders please make that your quotation is attached.

The tender will be adjudicated on the basis of the Preferential Procurement Policy Framework Act (Act No.5, 2000), and the regulations pertaining thereto (2011), as well as the Chris Hani District Municipality's Supply Chain Management policy. 80/20 preference point system will be used as per the CHDM SCM policy.

**PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT (PPPFA) POINTS WILL BE AWARDED AS FOLLOWS**

Functionality	-	80 points
B-BBEE Status Level	-	20 points
TOTAL	-	100 points

**ALLOCATION OF POINTS FOR BBEE**

B-BBEE Status Level Contributor	Number of Points
1	20
2	18
3	14
4	12
5	8
6	6
7	4
8	2
Non-compliant contributor	0

Failure to comply with these conditions may invalidate your offer.

**RECOMMENDED**

11.....  
MRS. N. PLATYI

DEMAND MANAGER:

2019-10-11  
.....  
DATE

**APPROVED**

.....  
P PAMBANISO

ACTING CHIEF FINANCIAL OFFICER

11-10-2019  
.....  
DATE

## PART A INVITATION TO BID

<b>YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE (NAME OF MUNICIPALITY/ MUNICIPAL ENTITY)</b>					
BID NUMBER:	RFQ - 143/2019-2020/LG(NM)	CLOSING DATE:	17 OCTOBER 2019	CLOSING TIME:	15:00 (Telkom Time)
DESCRIPTION	SUPPLY AND DELIVERY OF CHEMICAL : SUDFLOC 3256				
<b>THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (MBD7).</b>					

BID RESPONSE DOCUMENTS MAY BE DEPOSITED IN THE BID BOX  
SITUATED AT (STREET ADDRESS)

<b>CHRIS HANI DISTRICT MUNICIPALTY SCM BUILDING TENDER BOX</b>					
41 CATHCART ROAD					
QUEENSTOWN					
5320					
<b>SUPPLIER INFORMATION</b>					
NAME OF BIDDER					
POSTAL ADDRESS					
STREET ADDRESS					
TELEPHONE NUMBER	CODE		NUMBER		
CELLPHONE NUMBER					
FACSIMILE NUMBER	CODE		NUMBER		
E-MAIL ADDRESS					
VAT REGISTRATION NUMBER					
TAX COMPLIANCE STATUS	TCS PIN:		OR	CSD No:	
B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE  [TICK APPLICABLE BOX]	<input type="checkbox"/> Yes          <input type="checkbox"/> No		B-BBEE STATUS LEVEL SWORN AFFIDAVIT		<input type="checkbox"/> Yes          <input type="checkbox"/> No
<b>[A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE/ SWORN AFFIDAVIT (FOR EMES &amp; QSEs) MUST BE SUBMITTED IN ORDER TO QUALIFY FOR PREFERENCE POINTS FOR B-BBEE]</b>					

Address:

.....

.....

.....

DATE: 20\_\_\_\_ / \_\_\_\_ / \_\_\_\_

PLEASE NOTE THAT THE COMMISSIONER FOR THE SOUTH AFRICAN REVENUE SERVICE (SARS) WILL NOT EXERCISE HIS DISCRETIONARY POWERS IN FAVOUR OF ANY PERSON WITH REGARD TO ANY INTEREST, PENALTIES AND / OR ADDITIONAL TAX LEVIABLE DUE TO THE LATE- OR UNDERPAYMENT OF TAXES, DUTIES OR LEVIES OR THE RENDITION RETURNS BY ANY PERSON AS A RESULT OF ANY SYSTEM NOT BEING YEAR 2000 COMPLIANT.

## DECLARATION OF INTEREST

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1. Any legal person, including person employed by the state, or persons having a kinship with persons employed by the state, including a blood relationship cannot, may make an offers in terms of this invitation to bid. In view of possible allegations of favoritism, should the resulting bid, or part thereof, be awarded to persons employed by the state, or to persons connected with or related to them, it is required that the bidder or his/ her authorized representative declare his/her position in relation to the evaluating / adjudicating authority and / or take an oath declaring his / her interest, where -

- the bidder is employed by the state; and /or
- the legal person on whose behalf the bidding document is signed, has a relationship with persons / a person who are / is involved in the evaluation and or adjudication of the bid(s), or where it is known that such a relationship exists between the person per persons for or on whose behalf the declaring acts and persons who are involved with the evaluation and or adjudication of the bid.

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

- 2.1 Are you or any person connected with the bidder, YES / NO employed by the state?  
state?

- 2.1.2 If so, state particulars.

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- 2.2 Do you, or any person connected with the bidder, have any relationship (family, friend, other) with a person employed by the state and who may be involved with the state and who may be involved with the evaluation and or adjudication of this bid?

- 2.2.1 If so, state particulars.

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2.3 Are you, or any person connected with the bidder,  
aware of any relationship (family, friend, other)  
between the bidder and any person employed by the **YES / NO**  
the state who may be involved with the evaluation  
and or adjudication of this bid?

2.3.1 If so, state particulars.

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#### DECLARATION

I, the undersigned (name).....

certify that the information furnished in paragraphs 2.1 to 2.3.1 above is correct. I accept that the state may act against me in terms of paragraph 23 of the general conditions of contract should this declaration prove to be false.

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**SIGNATURE**

**DATE**

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**POSITION**

**NAME OF BIDDER**



## PAST EXPERIENCE

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Bidders must furnish hereunder details of similar works/service, which they have satisfactorily completed in the past. The information shall include a description of the Works, the Contract value and name of Employer.

EMPLOYER	NATURE OF WORK	VALUE OF WORK	DURATION AND COMPLETION DATE	EMPLOYER CONTACT NO.

.....

DATE

.....

SIGNATURE OF BIDDER

## 1. GENERAL CONDITIONS

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; and
- the 90/10 system for requirements with a Rand value above R50 000 000.

The value of this bid is estimated not to exceed R50 000 000 and therefore the 80/20 system shall be applicable.

Preference points for this bid shall be awarded for:

(a)	Price	80 points
(b)	BBBEE	20 points

- Failure on the part of a bidder to fill in and/or to sign this form may be interpreted to mean that preference points are not claimed.
- The purchaser reserves the right to require of a bidder, either before a bid is adjudicated or at any time subsequently, to substantiate any claim in regard to Preferences, in any manner required by the purchaser.

## 2. GENERAL DEFINITIONS

2.1.1 **"Acceptable bid"** means any bid which, in all respects, complies with the specifications and conditions of bid as set out in the bid document.

2.1.2 **"Bid"** means a written offer in a prescribed or stipulated form in response to an invitation by an organ of state for the provision of goods, works or services.

2.1.3 **"Comparative price"** means the price after the factors of non-firm price and all unconditional discounts that can be utilised have been taken into consideration.

2.4.1 **"Consortium or joint venture"** means an association of persons for the purpose of combining their expertise, property, capital, efforts, skills and knowledge in an activity for the execution of a contract.

2.4.2 **"Contract"** means the agreement that results from the acceptance of a bid by an organ of state.

- 2.4.3 **"Specific contract participation goals"** means the goals as stipulated in the Preferential Procurement Regulations 2001.
- 2.6.1 In addition to above-mentioned goals, the Regulations [12.(1)] also make provision for organs of state to give particular consideration to procuring locally manufactured products.
- 2.6.2 **"Control"** means the possession and exercise of legal authority and power to manage the assets, goodwill and daily operations of a business and the active and continuous exercise of appropriate managerial authority and power in determining the policies and directing the operations of the business.
- 2.6.3 **"Management"** means an activity inclusive of control and performed on a daily basis, by any person who is a principal executive officer of the company, by whatever name that person may be designated, and whether or not that person is a director.
- 2.6.4 **"Owned"** means having all the customary elements of ownership, including the right of decision-making and sharing all the risks and profits commensurate with the degree of ownership interests as demonstrated by an examination of the substance, rather than the form of ownership arrangements.
- 2.13 **"Person"** includes reference to a juristic person.
- 2.14 **"Rand value"** means the total estimated value of a contract in Rand denomination that is calculated at the time of bid invitations and includes all applicable taxes and excise duties.
- 2.15 **"Small, Medium and Micro Enterprises (SMMEs)"** bears the same meaning assigned to this expression in the National Small Business Act, 1996 (No 102 of 1996).
- 2.16 **"Sub-contracting"** means the primary contractor's assigning or leasing or making out work to, or employing another person to support such primary contractor in the execution of part of a project in terms of the contract.
- 2.17 **"Trust"** means the arrangement through which the property of one person is made over or bequeathed to a trustee to ML Minister such property for the benefit of another person.
- 2.18 **"Trustee"** means any person, including the founder of a trust, to whom property is bequeathed in order for such property to be ML Ministered for the benefit of another person.

### **3. ESTABLISHMENT OF HDI EQUITY OWNERSHIP IN AN ENTERPRISE**

- 3.1 Equity ownership shall be equated to the percentage of an enterprise which is owned by individuals classified as HDI's, or in the case of a company, the percentage shares that are owned by individuals classified as HD's, who are actively involved in the management and daily business operations of the enterprise and exercise control over the enterprise, commensurate with their degree of ownership.
- 3.2 Where individuals are not actively involved in the management and daily business operations and do not exercise control over the enterprise commensurate with their degree of ownership, equity ownership may not be claimed.

### **4. ADJUDICATION USING A POINT SYSTEM**

- 4.1 The bidder obtaining the highest number of points will be awarded the contract.
- 4.2 Preference points shall be calculated after prices have been brought to a comparative basis.
- 4.3 Points scored will be rounded off to 2 decimal places.
- 4.4 In the event of equal points scored, the bid will be awarded to the bidder scoring the highest number of points for specified goals.

### **5. POINTS AWARDED FOR PRICE**

#### **5.1 THE 80/20 OR 90/10 PREFERENCE POINT SYSTEMS**

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

**80/20**

$$P_s = 80 (1 - \frac{P_t - P_{min}}{P_t})$$

$P_{min}$

or

**90/10**

$$P_s = 90(1 - \frac{(P_t - P_{min})}{P_{min}})$$

$P_{min}$

Where

$P_s$  = Points scored for price of bid under construction

$P_t$  = Rand value of bid under consideration

$P_{min}$  = Rand value of lowest acceptable bid

## 6. DECLARATION WITH REGARD TO EQUITY

6.1 Name of firm .....

6.2 Vat registration number .....

6.3 Company registration number .....

6.4 TYPE OF FIRM

<input type="checkbox"/>	Partnership
<input type="checkbox"/>	One person business/sole trader
<input type="checkbox"/>	Close corporation
<input type="checkbox"/>	Company
<input type="checkbox"/>	(Pty) Limited

[TICK APPLICABLE BOX]

6.5 DESCRIBE PRINCIPAL BUSINESS ACTIVITIES

.....

.....

.....

**6.6 COMPANY CLASSIFICATION**

<input type="checkbox"/>	Manufacturer
<input type="checkbox"/>	Supplier
<input type="checkbox"/>	Professional service provider
<input type="checkbox"/>	Other service providers, e.g. transporter, etc.

[TICK APPLICABLE BOX]

**6.7 TOTAL NUMBER OF YEARS THE FIRM HAS BEEN IN BUSINESS?.....**

**6.8 List all Shareholders by Name, Position, Identity Number, Citizenship, HDI status and ownership, as relevant. Information to be used to calculate the points claimed in paragraph 8.**

Name	Date/Position Occupied in Enterprise	ID Number	Date RSA Citizenship obtained	*HDI STATUS-			% of business/ enterprise owned
				No franchise prior to elections	Women	Disabled	

\*Indicate YES or NO

## 6.9 Consortium / Joint Venture

6.9.1 In the event that preference points are claimed for HDI members by consortia / joint ventures, the following information must be furnished in order to be entitled to the points claimed in respect of the HDI member.

Name of HDI member (to be consistent with paragraph 9.8)	Percentage (%) of the contract value managed or executed by the HDI member

9.10 I/we, the undersigned, who warrants that he/she is duly authorized to do so on behalf of the firm certify that points claimed, based on the equity ownership, indicated in paragraph 6.9 of the foregoing certificate, qualifies the firm for the preference(s) shown and I/ we acknowledge that .

- (i) The information furnished is true and correct.
- (ii) The Equity ownership claimed is 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 paragraph 6.9, the contractor may be required to furnish documentary proof to the satisfaction of the purchaser that the claims are correct.
- (iv) If the claims are found to be incorrect, the purchaser may, in addition to any other remedy it may have –

- (a) Recover costs, losses or damages it has incurred or suffered as a result of that person's conduct, and
- (b) 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,

**WITNESSES:**

1. ....

.....  
**SIGNATURE(S) OF BIDDER(S)**

2. ....

**DATE:**.....

**ADDRESS:**.....

.....

.....

.....



**PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL PROCUREMENT  
REGULATIONS 2001  
(LOCALLY MANUFACTURED PRODUCTS)**

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**NB: BEFORE COMPLETING THIS FORM, BIDDERS MUST STUDY THE GENERAL CONDITIONS, DEFINITIONS AND DIRECTIVES SPECIFIED IN CLAIM FORM SBD 6.1 AND THE PREFERENTIAL PROCUREMENT REGULATIONS, 2001**

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1. Regulation 12(1) of the Preferential Procurement Regulations makes provision for the promotion of locally manufactured products within the preference point systems.

SPECIFIC GOAL	POINTS ALLOCATED
The stimulation of the SA economy by procuring locally manufactured products	0

2. Preference points may only be claimed for products, which will be manufactured (fabricated, processed or assembled), in the Republic of South Africa. In cases where production has not yet commenced at time of bid closure, evidence shall be produced that at the time of bid closure, the bidder was irrevocably committed to local production of the product
3. **“Local content”** means that portion of the bid price, excluding Value Added Tax (VAT), which is not included in imported content, **provided that local manufacture does take place.**
4. **“Imported content”** means that portion of the bid price represented by the costs of components, parts or materials which have been or are still to be imported (whether by the bidder or his suppliers or sub-contractors) and which costs are inclusive of the costs abroad, plus freight and other direct importation costs such as landing costs, dock dues, import duties, or other similar taxes or duties at the South African place of entry as well as transportation and handling charges to the factory in the Republic where the supplies for which a bid has been submitted are manufactured.

**5. BID INFORMATION**

Bidders who wish to claim points in respect of this goal must furnish the information in paragraph 7 below.

**6. POINTS CLAIMED**

Indicate whether point(s) allocated for this goal is (are) claimed. Yes / No

## 7. INFORMATION WITH REGARD TO LOCAL MANUFACTURE

Indicate in the table below which product (s) [item number(s)] is/are manufactured locally against the % local content of each product / item in relation to the bid price (exclusive of VAT). Points claimed must be indicated in the "points claimed" column.

Percentage local content in relation to bid Price	Indicate item numbers	Points Allocated	Points Claimed
10%-30%			
31%-60%			
61% or more			

## 8. BID DECLARATION

I/we, the undersigned, who warrants that he/she is duly authorized to do so on behalf of the firm declare that points claimed, based on the local content of the product(s) above, qualifies the firm for the point(s) shown and I/we acknowledge that:

- (i) The information furnished is true and correct.
- (ii) In the event of a contract being awarded as a result of points claimed, the contractor may be required to furnish documentary proof to the satisfaction of the purchaser that the claims are correct.
- (iii) If the claims are found to be incorrect, the purchaser, in addition to any other remedy it may have-
  - (a) recover all costs, losses or damages it has incurred or suffered as a result of that person's conduct, and
  - (b) 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;

**WITNESSES:**

1. ....

7. ....

.....  
**SIGNATURE(S) OF BIDDER(S)**

**DATE:** .....

## DECLARATION WITH REGARD TO LOCALITY

State full particulars of locality of enterprise as well as that of Head Office:

<b>Address of Local Enterprise:</b>	
Physical Address:	Postal Address:
Telephone:	Fax:
<b>Address of Head Office:</b>	
Physical:	Postal:
Telephone	Fax:

I/we, the undersigned, who warrants that he/she is duly authorized to do so on behalf of the enterprise certify that the enterprise is entitled to the points allocated in paragraph 2 of this form and I/we acknowledge that:

- (i) The information furnished is true and correct.
- (ii) In the event of a contract being awarded as a result of points claimed, the contractor may be required to furnish documentary proof to the satisfaction of the purchaser that the claim is correct.
- (iii) If the claim is found to be incorrect, the purchaser may, in addition to any other remedy it may have-
  - (a) recover all costs, losses or damages it has incurred or suffered as a result of wrong information furnished; and
  - (b) 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;

**WITNESSES:**

1. ....

2. ....

**DATE:** .....

.....  
**SIGNATURE(S) OF BIDDER(S)**

## PRICE QUOTATION FORM

(Purchases up to estimated value of R 200 000, 00)

**NB:** Use ink, preferably black; to fill in the information applicable to the specific required quotation

**VALIDITY: 7 WORKING DAYS**

Trade mark and model:

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Country of origin:

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**POINTS CLAIMED:**

BBBEE status level contributor points

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**% EQUITY OWNED BY HISTORICALLY DISADVANTAGED INDIVIDUALS:**

Name	Date / Position Occupied in Enterprise	ID Number	Date RSA Citizenship obtained	*HDI STATUS-			% of business / enterprise owned
				No franchise prior to elections	Women	Disabled	

**DELIVERY BASIS:**

(i) Is the delivery period firm?

**\* YES /NO**

(ii) Period required for delivery after receipt of order: \_\_\_\_\_

Is the price (inclusive of VAT) firm?

\* YES / NO

Discount offered (conditional/unconditional): \_\_\_\_\_

Is offer strictly to specification/terms of reference, if attached? \* YES / NO

If not specification/terms of reference, state deviation (s): \_\_\_\_\_

(1) Name of taxpayer/quoter: \_\_\_\_\_

(2) Identification Document number:

[illegible]

(3) Trade name: \_\_\_\_\_

(4) Company/Close Corporation registration number:

[illegible]

(5) income tax reference number:

(Original of Income Tax Clearance Certificate to be attached)

[illegible]



(6) VAT registration number (if applicable):

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(7) PAYE employer's registration number (if applicable)

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**Bank Details** (if applicable): \_\_\_\_\_

Bank Name: \_\_\_\_\_

Bank Branch Code:

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Account Holder: \_\_\_\_\_

Bank Account number:

--	--	--	--	--	--	--	--	--	--	--	--	--

Bank Account type: \_\_\_\_\_

**CONTACT PERSON:**

Signature: \_\_\_\_\_

Name in print: \_\_\_\_\_

Telephone No: Code: \_\_\_\_\_

No: \_\_\_\_\_

Cellphone No: Code: \_\_\_\_\_

No: \_\_\_\_\_

E-mail address: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Postal Code:

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**11. MBD 8 – DECLARATION OF BIDDER'S PAST SUPPLY CHAIN MANAGEMENT PRACTICES**

1. This Municipal Bidding Document must form part of all bids invited.
2. It serves as a declaration to be used by municipalities and municipal entities in ensuring that when goods and services are being procured, all reasonable steps are taken to combat the abuse of the supply chain management system.
3. The bid of any bidder may be rejected if that bidder, or any of its directors have:
  - a. abused the municipality's / municipal entity's supply chain management system or committed any improper conduct in relation to such system;
  - b. been convicted for fraud or corruption during the past five years;
  - c. willfully neglected, reneged on or failed to comply with any government, municipal or other public sector contract during the past five years; or
  - d. been listed in the Register for Tender Defaulters in terms of section 29 of the Prevention and Combating of Corrupt Activities Act (No 12 of 2004).
4. In order to give effect to the above, the following questionnaire must be completed and submitted with the bid.

<p>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?</p> <p><i>(Companies or persons who are listed on this database were informed in writing of this restriction by the National Treasury after the audi alteram partem rule was applied).</i></p>	Yes	No
<p>4.1.1 If so, furnish particulars:</p>		

<p>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)?</p> <p><i>(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).</i></p>	<p><b>Yes</b></p>	<p><b>No</b></p>
<p>4.2.1 If so, furnish particulars:</p>		
<p>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?</p>	<p><b>Yes</b></p>	<p><b>No</b></p>
<p>4.3.1 If so, furnish particulars:</p>		
<p>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?</p>	<p><b>Yes</b></p>	<p><b>No</b></p>
<p>4.4.1 If so, furnish particulars:</p>		
<p>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?</p>	<p><b>Yes</b></p>	<p><b>No</b></p>
<p>4.7.1 If so, furnish particulars:</p>		

**5. 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:	NAME (PRINT):	
CAPACITY:	DATE:	
NAME OF FIRM:		

<b>12. MBD 9 – CERTIFICATE OF INDEPENDENT BID DETERMINATION</b>
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1. This Municipal Bidding Document (MBD) must form part of all bids 2 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). 3 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:

## **CERTIFICATE OF INDEPENDENT BID DETERMINATION:**

In response to the invitation for the bid made by:

### **CHRIS HANI DISTRICT MUNICIPALITY**

I, the undersigned, in submitting the accompanying bid, hereby make the following statements that I certify to be true and complete in every respect:

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:

*2 Includes price quotations, advertised competitive bids, limited bids and proposals.*

*3 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.*

(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 4 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:

f) Prices;

g) Geographical area where product or service will be rendered (market allocation

h) Methods, factors or formulas used to calculate prices;

i) The intention or decision to submit or not to submit, a bid;

j) The submission of a bid which does not meet the specifications and conditions of the bid;  
or

k) 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.

**2 *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.***

SIGNATURE:	NAME (PRINT):	
CAPACITY:	DATE:	
NAME OF FIRM:		



**C1.1 Form of offer and acceptance**

**Offer**

The Employer, identified in the acceptance signature block, has solicited offers to enter into a contract of **SUPPLY AND DELIVERY OF CHEMICAL : SUDFLOC 3256**

The Bidder, identified in the offer signature block, has examined the documents listed in the tender data and addenda thereto as listed in the returnable schedules, and by submitting this offer has accepted the conditions of tender.

By the representative of the Bidder, deemed to be duly authorized, signing this part of this form of offer and acceptance, the Bidder offers to perform all of the obligations and liabilities of the Service Provider under the Contract including compliance with all its terms and conditions according to their true intent and meaning for an amount to be determined in accordance with the conditions of Contract identified in the Contract Data.

THE OFFERED TOTAL OF THE PRICES INCLUSIVE OF VALUE ADDED TAX IS

.....Rand (in words);

R..... (in figures)

This offer may be accepted by the Employer by signing the acceptance part of this form of offer and acceptance and returning one copy of this document to the Bidder before the end of the period of validity stated in the tender data, whereupon the Bidder becomes the party named as the Service Provider in the conditions of Contract identified in the Contract Data.

**Signature:**.....**Name:** .....

**Capacity:** .....

**For the Bidder:** .....

.....

(Name and domiciliumcitandi of organization)

**Name and Signature of Witness:**.....**Date:**.....

## Acceptance

By signing this part of this form of offer and acceptance, the Employer identified below accepts the Bidder's offer. In consideration thereof, the Employer shall pay the Service Provider the amount due in accordance with the conditions of Contract identified in the Contract Data. Acceptance of the Bidder's offer shall form an agreement between the Employer and the Bidder upon the terms and conditions contained in this agreement and in the Contract that is the subject of this agreement.

The terms of the Contract, are contained in:

Part C1 Agreements and Contract Data, (which includes this agreement)

Part C2 Pricing Data

Part C3 Scope of work.

Deviations from and amendments to the documents listed in the tender data and any addenda thereto as listed in the tender schedules as well as any changes to the terms of the offer agreed by the Bidder and the Employer during this process of offer and acceptance, are contained in the schedule of deviations attached to and forming part of this agreement. No amendments to or deviations from said documents are valid unless contained in this schedule, which must be signed by the authorised representative(s) of both parties.

The Bidder shall within two weeks after receiving a completed copy of this agreement, including the schedule of deviations (if any), contact the Employer's agent (whose details are given in the Contract Data) to arrange the delivery of any bonds, guarantees, proof of insurance and any other documentation to be provided in terms of the conditions of Contract identified in the Contract Data. Failure to fulfil any of these obligations in accordance with those terms shall constitute a repudiation of this agreement.

Notwithstanding anything contained herein, this agreement comes into effect on the date when the Bidder receives one fully completed, signed copy of this document, including the schedule of deviations (if any). Unless the Bidder (now Service Provider) within five working days of the date of such receipt notifies the Employer in writing of any reason why he cannot accept the contents of this agreement, this agreement shall constitute a binding Contract between the parties.

**Signature(s):**.....**Name(s):**.....

**Capacity:** **MUNICIPAL MANAGER**

**FOR CHRIS HANI DISTRICT MUNICIPALITY, NO 41 CATHCART ROAD, QUEENSTOWN, 5320**

(Name and domicilium citandi of organization)

Name and Signature of Witness: ..... Date: .....

**OFFICIAL STAMP:**

