

RECEIVED
2019 -11- 19
By
CHIEF FINANCIAL OFFICER



CHRIS HANI
DISTRICT MUNICIPALITY
SUSTAINING GROWTH
THROUGH OUR PEOPLE

CHRIS HANI DISTRICT MUNICIPALITY

TENDER DOCUMENT

FOR

**SUPPLY & DELIVERY OF DRINKING WATER CHEMICAL FLOCCULANTS FOR
INDWE, DORDRECHT & MACUBENI WTW**

BID NUMBER – RFQ227/2019-2020/LG(GM)

NAME OF BIDDER: _____

TENDER AMOUNT: _____

SARS PIN NUMBER _____ **SARS TAX NUMBER** _____

CSD NO _____



CHRIS HANI
DISTRICT MUNICIPALITY
SUSTAINING GROWTH
THROUGH OUR PEOPLE

BID NOTICE: RFQ227/2019-2020/LG(GM)

The Chris Hani District Municipality hereby invites all interested service providers for the **SUPPLY & DELIVERY OF DRINKING WATER CHEMICAL FLOCCULANTS FOR INDWE, DORDRECHT & MACUBENI WTW**

| Project Name | RFQ Number | Scope of work | Closing Date | Briefing Session/ Site Inspection | Enquiries | Availability of tender documents |
|--|----------------------|--|--|-----------------------------------|--|--|
| SUPPLY & DELIVERY OF DRINKING WATER CHEMICAL FLOCCULANTS FOR INDWE, DORDRECHT & MACUBENI WTW | 227-2019-2020/LG(GM) | SUPPLY & DELIVERY OF DRINKING WATER CHEMICAL FLOCCULANTS FOR INDWE, DORDRECHT & MACUBENI WTW | 06 DECEMBER 2019 Time: 16h00 Place of Tender box: 41 Cathcart Road All bids must be sealed and clearly marked, "SUPPLY & DELIVERY OF DRINKING WATER CHEMICAL FLOCCULANTS FOR INDWE, DORDRECHT & MACUBENI WTW" | N/A | Technical may be directed to Ms. Z. Kumalo Tel: 072 716 1211 Email: zkumalo@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

.....
 MRS. N. PLATYI
 DEMAND MANAGER:

2019/11/15

APPROVED

.....
 MR. P.T. PAMBANISO
 ACTING CHIEF FINANCIAL OFFICER

19/11/2019

Enals



CHRIS HANI
DISTRICT MUNICIPALITY
SUSTAINING GROWTH
THROUGH OUR PEOPLE

*Office of the Municipal Manager
Supply Chain Management*

TEL: 045 808 4662 /63 /54 /55
FAX: 045 839 2437

PRIVATE BAG X 7121
QUEENSTOWN, 5320

Email: nraraza@chrishanidm.gov.za

Enq: Khanyi

Date: 04/11/2019 *Advert*

To: To Whom It May Concern

REQUEST FOR FORMAL WRITTEN QUOTATION

Kindly furnish me with a written quotation for the supply of the goods/services as detailed in the enclosed schedule.


The quotation must be submitted on the letterhead of your business and can either be faxed or delivered by hand within three working days to: N. Raraza

The following conditions will apply:

- Price(s) quoted must be valid for at least thirty (30) days from date of your offer.
- Price(s) quoted must be firm and must be inclusive of VAT.
- A firm delivery period must be indicated.
- For all transactions exceeding R30 000 your tax reference number at SARS must be furnished and the MED 6.1 form filled in.

Failure to comply with these conditions may invalidate your offer.

Yours faithfully


.....
SIGNATURE

Queries contact:
045 808 4662

Please supply us with your bank details in your quotation. [REDACTED]

| No. | Quantity | Description |
|-----|----------|---|
| 1. | 4 Ton | Flocculant for Indwe WTW <ul style="list-style-type: none">• Specific Gravity @25°C 1.2 – 1.25• Viscosity 100 max• pH 3.0-4.5• Al%_{m/m} 6.7 – 7.3 |
| 2. | 4 Ton | Flocculant for Dordrecht WTW <ul style="list-style-type: none">• Specific Gravity @25°C 1.2 – 1.25• Viscosity 100 max• pH 3.0-4.5• Al%_{m/m} 6.7 – 7.3 |
| 3. | 3 Ton | Flocculant for Macubeni WTW <ul style="list-style-type: none">• Specific Gravity @25°C 1.2 – 1.25• Viscosity 100 max• pH 3.0-4.5• Al%_{m/m} 6.7 – 7.3 |
| 4. | | |
| 5. | | |
| 6. | | |
| 7. | | |
| 8. | | |
| 9. | | |

For any queries please contact Zama Kumalo @ 072 716 1211.



N. MAYOURO

**PART A
INVITATION TO BID**

| | | | | | |
|---|--|---------------|------------------|---------------|-------|
| YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE (CHRIS HANI DISTRICT MUNICIPALITY) | | | | | |
| BID NUMBER: | RFQ - 227/2019-2020/LG(GM) | CLOSING DATE: | 27 November 2019 | CLOSING TIME: | 16:00 |
| DESCRIPTION | SUPPLY & DELIVERY OF DRINKING WATER CHEMICAL FLOCCULANTS FOR INDWE, DORDRECHT & MACUBENI WTW | | | | |
| THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (MBD7). | | | | | |

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

| | | | | | |
|---|---|--|-------------------------------------|---------|---|
| CHRIS HANI DISTRICT MUNICIPALTY SCM BUILDING TENDER BOX | | | | | |
| 41 CATHCART ROAD | | | | | |
| QUEENSTOWN | | | | | |
| 5320 | | | | | |
| 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 | | | | | |
| 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 |

[A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE/ SWORN AFFIDAVIT (FOR EMES & QSEs) MUST BE SUBMITTED IN ORDER TO QUALIFY FOR PREFERENCE POINTS FOR B-BBEE]

| | | | |
|--|--|---|--|
| ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES /WORKS OFFERED? | <input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES ENCLOSE PROOF] | ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES /WORKS OFFERED? | <input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES, ANSWER PART B:3] |
| TOTAL NUMBER OF ITEMS OFFERED | | TOTAL BID PRICE | R |
| SIGNATURE OF BIDDER | | DATE | |
| CAPACITY UNDER WHICH THIS BID IS SIGNED | | | |
| BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO: | | TECHNICAL INFORMATION MAY BE DIRECTED TO: | |
| DEPARTMENT | SCM | CONTACT PERSON | Gcobisa Matakane |
| CONTACT PERSON | Vuyo Noqayi | TELEPHONE NUMBER | 083-352 3522 |
| TELEPHONE NUMBER | 045 808 4627 | FACSIMILE NUMBER | |
| FACSIMILE NUMBER | | E-MAIL ADDRESS | gmatakane@chrishanidm.gov.za |
| E-MAIL ADDRESS | vnoqayi@chrishanidm.gov.za | | |

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) OR ONLINE
 - 1.3. THIS BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT AND THE PREFERENTIAL PROCUREMENT REGULATIONS, 2017, THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER SPECIAL CONDITIONS OF CONTRACT.

- 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 THE TAX COMPLIANCE STATUS (TCS) CERTIFICATE 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 FOREIGN SUPPLIERS MUST COMPLETE THE PRE-AWARD QUESTIONNAIRE IN PART B:3.
 - 2.5 BIDDERS MAY ALSO SUBMIT A PRINTED TCS CERTIFICATE TOGETHER WITH THE BID.
 - 2.6 IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED, EACH PARTY MUST SUBMIT A SEPARATE TCS CERTIFICATE / PIN / CSD NUMBER.
 - 2.7 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**
- | | |
|--|--|
| 3.1. IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)? | <input type="checkbox"/> YES <input type="checkbox"/> NO |
| 3.2. DOES THE ENTITY HAVE A BRANCH IN THE RSA? | <input type="checkbox"/> YES <input type="checkbox"/> NO |
| 3.3. DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA? | <input type="checkbox"/> YES <input type="checkbox"/> NO |
| 3.4. DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA? | <input type="checkbox"/> YES <input type="checkbox"/> NO |
| 3.5. IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION? | <input type="checkbox"/> YES <input type="checkbox"/> NO |

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

NB: FAILURE TO PROVIDE ANY OF THE ABOVE PARTICULARS MAY RENDER THE BID INVALID.

NO BIDS WILL BE CONSIDERED FROM PERSONS IN THE SERVICE OF THE STATE.

SIGNATURE OF BIDDER:

.....

CAPACITY UNDER WHICH THIS BID IS SIGNED:

.....

DATE:

.....

TAX CLEARANCE REQUIREMENTS

IT IS A CONDITION OF BIDDING THAT -

1. The taxes of the successful bidder must be in order, or that satisfactory arrangements have been made with the Receiver of Revenue to meet his / her tax obligations.

2. The attached form "Application for Tax Clearance Certificate (in respect of bidders)", must be completed in all respects and submitted to the Receiver of Revenue where the bidder is registered for tax purposes. The Receiver of Revenue will then furnish the bidder with a Tax Clearance Certificate that will be valid for a period of twelve (12) months from date of issue. This Tax Clearance Certificate must be submitted in the original together with the bid. Failure to submit the original and valid Tax Clearance Certificate may invalidate the bid.

3. In bids where Consortia / Joint Ventures / Sub-contractors are involved each party must submit a separate Tax Clearance Certificate. Copies of the Application for Tax Clearance Certificates are available at any Receiver's Office.

APPLICATION FOR TAX CLEARANCE CERTIFICATE

(IN RESPECT OF BIDDERS)

1. Name of taxpayer / bidder:

2. Trade name:

3. Identification number:

| | | | | | | | | | | | | | | | | | | | |
|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|
| | | | | | | | | | | | | | | | | | | | |
|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|

4. Company / Close Corporation registration number:

| | | | | | | | | | | | | | | | | | | | |
|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|
| | | | | | | | | | | | | | | | | | | | |
|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|

5. Income tax reference number:

| | | | | | | | | | | | | | | | | | | | |
|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|
| | | | | | | | | | | | | | | | | | | | |
|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|

6. VAT registration number (if applicable):

| | | | | | | | | | | | | | | | | | | | |
|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|
| | | | | | | | | | | | | | | | | | | | |
|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|

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

| | | | | | | | | | | | | | | | | | | | |
|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|
| | | | | | | | | | | | | | | | | | | | |
|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|

Signature of contact person requiring Tax Clearance Certificate:

Name:

Telephone number: Code:..... Number:

DECLARATION WITH REGARD TO LOCALITY

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

| | |
|-------------------------------------|-----------------|
| Address of Local Enterprise: | |
| Physical Address: | Postal Address: |
| | |
| | |
| Telephone: | Fax: |
| Address of Head Office: | |
| 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:

Country of origin:

POINTS CLAIMED:

BBBEE status level contributor points

% 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 | |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |

(6) VAT registration number (if applicable):

| | | | | | | | | | | | | | | | | | | | |
|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|
| | | | | | | | | | | | | | | | | | | | |
|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|

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

| | | | | | | | | | | | | | | | | | | | |
|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|
| | | | | | | | | | | | | | | | | | | | |
|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|

Bank Details (if applicable): _____

Bank Name: _____

Bank Branch Code:

| | | | | | | | | | | | | | | | | | | | |
|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|
| | | | | | | | | | | | | | | | | | | | |
|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|

Account Holder: _____

Bank Account number:

| | | | | | | | | | | | | | | | | | | | |
|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|
| | | | | | | | | | | | | | | | | | | | |
|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|

Bank Account type: _____

CONTACT PERSON:

Signature: _____

Name in print: _____

Telephone No: Code: _____

No: _____

Cellphone No: Code: _____

No: _____

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> | <p>Yes</p> | <p>No</p> |
| <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, www.treasury.gov.za , click on the icon "Register for Tender Defaulters" or submit your written request for a hard copy of the Register to facsimile number (012) 3265445).</i></p> | Yes | No |
| <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> | Yes | No |
| <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> | Yes | No |
| <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> | Yes | No |
| <p>4.7.1 If so, furnish particulars:</p> | | |

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 & DELIVERY OF DRINKING WATER CHEMICAL FLOCCULANTS FOR INDWE, DORDRECHT & MACUBENI WTW**

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, QUEENSTOWNN, 5320

(Name and domiciliumcitandi of organization)

Name and Signature of Witness: Date:

OFFICIAL STAMP:

