

TSWELOPELE LOCAL MUNICIPALITY

TERMS OF REFERENCE FOR THE APPOINTMENT OF AN OCCUPATIONAL HEALTH AND SAFETY

RFP/TSW/05/2023-2024

DUE DATE: 30 April 2024 AT 12H00

Briefing Session: None

Venue: 01 Bosman Street, Civic Centre, Bultfontein,9670

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GENERAL TERMS OF CONDITIONS

1. General Information for Bidders

Tswelopele Local Municipality

1.1. General Terms

This tender is issued in terms of the Municipal Finance Management Act 2003 (MFMA), the Preferential Procurement Policy Framework Act 5 of 2000 (PPPFA), the Preferential Procurement Regulations, 2022 (PPR), Supply Chain Management Regulations issued by the National Treasury and BBBEE Act.

1.2. The Proposal Format

1.2.1. Economy of proposal preparation

The proposal should be prepared simply and economically, providing a straightforward and concise description of the bid participant's ability to meet the requirements of the proposal request.

Clear factual responses are required. The content of the proposals shall determine the merit of each participant, not brochures or other marketing material. To facilitate the review of proposals, participants are required to organize their responses according to the format presented below. Should a participant wish to provide additional information, that information should be referred to, and provided for, in a file of Annexures.

1.2.2. Validity of proposals

The proposals must include a statement as to the period for which the proposal remains valid. The proposal must be valid for at least ninety (90) days from the due date for the submission of all bids. Refer to the quarters in the terms of reference (TOR).

1.2.3. Number of proposals

Each bid participant must provide **three (3) hard copies** of their entire proposal,

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including all the documentation referred to in 4 below, in the format specified in that section. All submitted proposals will become the property of Tswelopele Local Municipality, and will not be returned. Receipt of all proposals will be recorded in a register at the point of receipt. One copy of the proposal must be signed and dated in black ink by the bidder or authorized representative of the bidder and initialed on each page.

2. Submission of proposals

- 2.1.** Proposals must reach the offices of the Tswelopele Local Municipality before **12h00 30th of April 2024** and must be enclosed in a sealed envelope which must be clearly labelled/addressed on the outside:

(a) RFP No: RFP/TSW05/2023-2024

(b) TERMS OF REFERENCE FOR THE APPOINTMENT OF AN OCCUPATIONAL HEALTH AND SAFETY CONSULTANT FOR A PERIOD OF FIVE (5) YEARS

(c) CLOSING DATE: 30 April 2024

- 2.2.** Proposals are to be submitted in the marked tender box, in the reception area, 01 Bosman Street, Civic Centre, Bultfontein, 9670. The tender box will only be available for the depositing of proposals between 08h00 and 16h30 on weekdays (excluding public holidays).
- 2.3.** Please note that this RFP closes punctually at 12h00 on **30 April 2024**. No late submissions will be considered under any circumstances.
- 2.4.** All the documentation referred to in Section 4 below must be submitted. Failure to submit all the documentation referred to in this section may result in a submission being discarded, and not considered for evaluation.
- 2.5.** If responses are not delivered as stipulated in this Section 2.1, such responses will be considered "late", and will not be considered for evaluation.
- 2.6.** The Tswelopele Local Municipality shall not disclose any details pertaining to the responses received, to any other participant, as this is regarded as confidential information.
- 2.7.** Envelopes must not contain documents relating to any RFP other than the one referred to in this RFP.
- 2.8.** The responses to the RFP will be opened as soon as is practical after the expiry of the time advertised for receiving them.

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- 2.9.** Only the participants that are short-listed after the evaluation process will be informed of the results of the submission adjudication process.
- 2.10.** After the evaluation process is completed, the Evaluation Committee may, prior to making a final selection, draw up a shortlist of participants and require them to make a detailed presentation to the Adjudication Committee. A minimum of 2 days' notice will be given to relevant participants in advance of the presentation date.

The Tswelopele Local Municipality reserves the right to determine the structure of the process, the right to determine the number of short-listed participants, the right to withdraw from the proposal process, and the right to change this timetable at any time without notice.

3. Documentation to be submitted

Please Note

All of the documentation described below must be submitted, with no omissions whatsoever. Where a particular form or format of documentation is stipulated, this is the only form or format in which these documents must be submitted. Failure to adhere to these requirements may result in the rejection of the entire submission.

All of the documentation referred to below (in Parts One – Twelve) must be acknowledged and submitted. For ease of reference and to facilitate the evaluation process, you are requested to clearly mark each part of the submitted documentation as it is referred to below.

3.1 Table of content

Introductory letter by the bidder with authorized contact person and details for this specific tender

- 3.1. MBD 1** – should be completed and inserted after the introductory letter

One – Proposal drafted in response to Terms of Reference

Section 2 of this document below, contains the terms of reference (TOR) for the above mentioned tender. Bid participants are required to draft a proposal that will clearly indicate to the Evaluation Committee how they will fulfil the requirements as set out in the TOR.

Bid participants should include the following information when drafting their proposals:

- Proposals should make clear the relevant skills, experience and capacity of the participant, in respect of this particular TOR. This is an important evaluation criterion. Bid participants should ensure that their proposals focus on how they will address the requirements of this TOR, rather than on achievements.

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- Proposals must contain the details of the proposed approach to be adopted in order to deliver the service in accordance with the TOR.
- Proposals should clearly indicate whether or not bid participants have the internal capacity to meet the requirements of the TOR.

3.3 Pricing Proposal-

MBD 3.1 Pricing Schedule together with signed off detailed pricing on the company's letter head. They must be completed on the original and signed, all in black ink. Forms with photocopies and/or other reproductions of signatures may be rejected. Additional information may be added on a separate page if necessary.

The total price that the participant will charge to deliver services in accordance with the TOR must be clearly indicated. The pricing proposal should contain sufficient information to allow the Evaluation Committee to estimate the cost of the service, to a high degree of accuracy.

All prices provided must be inclusive of Value-Added Tax (VAT).

Please note that the prices contained in the pricing proposal are the only charges that may be levied if the participant's proposal is successful, unless explicitly agreed to in writing by the Tswelopele Local Municipality, and in terms of the General Conditions of Contract, no additional cost will be accepted after the bidding documents have been submitted and the tender closing date has expired. Any cost for additional parts and peripherals needed for the successful implementation of the project shall remain and form part of the bidding price.

3.2. Three – General Conditions and Procedures of the Tswelopele Local Municipality

Annexure A - General Conditions and Procedures of the Tswelopele Local Municipality. Bid participants must indicate clearly that they have read this document, and have no objections to being bound by its contents. In cases where any provisions of the General Conditions and Procedures conflict with this General Information for Bidders and/or Terms of Reference, the latter will take precedence over the General Conditions of Contract.

3.3 TYPE OF SERVICES RENDERED

Annexure B - Contract Form: Rendering of Services. This will only be completed by the successful bidder once a selection has been made by Tswelopele Local Municipality. Participants do not, therefore, need to complete this form at the bidding stage but their proposals must clearly indicate that they have read this form, and have no objections to signing it as is, if selected as the successful participant.

3.4 Tax status

Annexure C - Please attach CSD showing Tax status, A CSD print out must also be attached AND SARS Pin

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3.4 Preference Points Claim Form

Annexure D – form MBD 6.1. Bid participants must complete Sections 8 and 9 in full. DO NOT RETYPE THESE FORMS. They must be completed on the original and signed, all in black ink. Forms with photocopies and/or other reproductions of signatures may be rejected. ## Please note that a BBEE certificate/ sworn affidavit must also be attached to the bid documents. None submission will result in zero scoring of specified goals in this competitive bidding process.

3.5 Declaration of Interest

Annexure F – form MBD 4. DO NOT RETYPE THESE FORMS. They must be completed on the original and signed, all in black ink. Forms with photocopies and/or other reproductions of signatures may be rejected.

3.6 Declaration of past Supply Chain Management Practices

Annexure G – form MBD 8. DO NOT RETYPE THESE FORMS. They must be completed on the original and signed, all in black ink. Forms with photocopies and/or other reproductions of signatures may be rejected.

3.7 Certificate of Independent Bid Determination

Annexure H – Certificate of Independent Bid Determination Participants. They must be completed on the original and signed, all in black ink. Forms with photocopies and/or other reproductions of signatures may be rejected.

4. Evaluation Criteria

Proposals will be evaluated on the 80/20 preference points scoring system: that is, 80% of the points awarded will be based on price, as indicated in the table below; and 20% of the points awarded will be based on B-BBEE codes system, allocated as indicated in the table below and preference points claimed as per MBD 6.1.

| B-BBEE status level of contributor | Number of points | Price |
|------------------------------------|----------------------|-------|
| Total maximum points | 20 (Specified Goals) | 80 |

Functionality will be evaluated in terms of **Section 5**

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5. Conflict of interest

Service providers are required to provide services that are professional, objective and impartial. Service providers must ensure that there is no conflict of interest between existing assignments, obligations and responsibilities to other clients and the services set out in the TOR. In the event of any uncertainty in this regard, full disclosure in the submitted proposal should be considered. Non-disclosure of a conflict of interest may be grounds for termination of any contract.

6. Confidentiality agreement

The successful service provider may have access to confidential data or information. The appointment of a successful bidder is subject to that bidder agreeing to the contents of, and signing, the Tswelopele’s standard Non-Disclosure Agreement.

7. Contact details

This no-contact policy does not apply to any information deemed to be in the public domain, or which is readily available from organs of State, which are repositories of such information. All communications and enquiries/requests for clarification relating to this proposal should be directed to loapep@tswelopele.org

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SECTION 2

TERMS OF REFERENCE FOR THE APPOINTMENT OF AN OCCUPATIONAL HEALTH AND SAFETY CONSULTANT FOR A PERIOD OF FIVE (3) YEARS.

1. INTRODUCTION

The Tswelopele Local Municipality seeks to appoint an Occupational Health and Safety Consultant that will ensure legal compliance and a working environment that is safe and meets basic health standards.

The Tswelopele Local Municipality has the following buildings / premises in Bultfontein: 01 Bosman Street, Civic Centre, Bultfontein,9670 and Hoopstad: 01 Kamp Street, Hoopstad,9479

2. DURATION OF THE CONTRACT

The duration of the contract is for a period of ending 30 June 2027. The contract will commence on the signature date of the contract. The contract will be effective as from 01 July 2024. The end date of the contract for both buildings will be the same.

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3. SPECIAL BID CONDITIONS

- 3.1 The bidder is required to be registered with an appropriate Professional Body and have relevant professional accreditation.
- 3.2 The bidder must have experience in Occupational Health and Safety services and training.

4. SCOPE OF WORK

- 4.1 Review of the Occupational Health and Safety Policy in accordance to the Occupational Health and Safety Act, 1993.
- 4.2 Annual review and framing of the policy statement.
- 4.3 Revise health and safety documentation annually.
- 4.4 Develop documentation where necessary.
- 4.5 Update Tswelopele Local Municipality on any legal requirement or legal changes and law updates.
- 4.6 Assist with the annual revision of the Emergency Preparedness and Response Plan.
- 4.7 Conduct bi-annual emergency evacuation drills and issue drill reports.
- 4.8 Conduct quarterly risk assessments.
- 4.9 Ongoing health and safety support and consulting.
- 4.10 Provide training to appointed Occupational Health and Safety committee members and other identified employees such as First Aid, Fire Fighting, Legal Liability training for managers, Incident Investigation training, Hazard Identification and Risk Assessment (HIRA), Emergency Preparedness etc.
- 4.11 Create monthly health and safety awareness through toolbox talks.
- 4.12 Conduct annual health and safety campaigns.
- 4.13 Assist with schematic design and floor plans according to the Occupational Health and Safety Act, 1993.
- 4.14 Conduct an annual Fire Equipment Service according to the OHS - General Machinery Regulation The bidder must be registered with relevant industry associations e.g. Fire Fighting Equipment Trader Association (FFETA).
- 4.15 The bidder must provide certificates as proof of registrations/affiliation to the relevant industry association.
- 4.16 Supply all First Aid Kits with contents and conduct quarterly checking, supply, filling and

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replacement of contents.

- 4.17 Provide all safety signs and ensure that they are in place. To be verified by Service Providers during the site inspection.
- 4.18 Ensure Tswelopele Local Municipality compliance in accordance with the Occupational Health and Safety Act, 1993.

5. FUNCTIONALITY EVALUATION CRITERIA

| | |
|--|---------------|
| <p>The following critical criteria will apply, for evaluation purpose of this Bid. Non-compliance to these critical criteria or no supporting documentation supplied with the bid response will invalidate your bid.</p> <p>The evaluation is based on the criteria indicated below namely organizational experience and capacity (Health and Safety Services and Training), approach and methodology and capabilities and experience of the proposed team.</p> <p>Bidders are required to score a minimum of 70% points on functionality to qualify to be evaluated for the next level (BBBEE and price). Bidders who do not score the minimum of 70% points on functionality will be disqualified and not be evaluated on price and BBBEE.</p> | |
| ORGANISATIONAL EXPERIENCE AND CAPACITY (HEALTH AND SAFETY SERVICES AND TRAINING) | POINTS |

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| <p>Demonstrate organizational experience (at least 1 year experience in providing similar Occupational Health and Safety Services and Training.)</p> <p>Point allocation:</p> <p>5+ Year = 20</p> <p>3-4 years' experience = 15</p> <p>3 Years = 10</p> <p>1- Years = 5</p> | 10 | | | | | | |
|---|---------------|--------|--------------------------------|-----------|-----------------------|--|-----------|
| REFERENCES | POINTS | | | | | | |
| <p>The bidder (s) must furnish a minimum of three (3) reference letters where the relevant services have been rendered. The letters must stipulate that the services rendered were done in a satisfactory manner, which must include, but not be limited to:</p> <ul style="list-style-type: none"> ▪ Type of services rendered ▪ Date of service ▪ Duration and ▪ If the company delivered the services as required <p>The reference letters must be on the clients' official letterhead and also include the company name, contact person, contact details (telephone number and email address.)</p> <table border="1" data-bbox="172 1536 1147 1756" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">Description</th> <th style="text-align: left;">POINTS</th> </tr> </thead> <tbody> <tr> <td>3-5 reference letters and more</td> <td>30</td> </tr> <tr> <td>2-3 reference letters</td> <td></td> </tr> </tbody> </table> <p style="text-align: center;">20</p> | Description | POINTS | 3-5 reference letters and more | 30 | 2-3 reference letters | | 30 |
| Description | POINTS | | | | | | |
| 3-5 reference letters and more | 30 | | | | | | |
| 2-3 reference letters | | | | | | | |

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| | | |
|--|---|---------------|
| 1 reference letter | 1 | |
| 0 reference letters | 0 | |
| APPROACH AND METHODOLOGY | | POINTS |
| <p>The bidder must fully describe and demonstrate approach and methodology to Occupational Health and Safety (OHS)</p> <p>Points allocation:</p> <p>The bidder provided a comprehensive approach and methodology (Addresses point 5.1 to 5.22 of the scope of work) = 20</p> <p>The bidder provided an partial approach and methodology (Addresses 50% of the information indicated from point 5.1 to 5.22 of the scope of work) = 15</p> <p>The bidder provided an approach and methodology (Addresses 30% of the information indicated from point 5.1 to 5.22 of the scope of work) = 10</p> <p>The bidder provided an approach and methodology (Addresses 10% of the information indicated from point 5.1 to 5.22 of the scope of work) = 5</p> <p>The bidder did not provide an approach and methodology = 0</p> | | 20 |
| CAPABILITIES AND EXPERIENCE OF THE PROPOSED TEAM | | POINTS |
| <p>The bidder must demonstrate experience, tertiary qualifications and capabilities of their proposed teams including those of team leader/s. The proposed team and its leaders must have at least eight years' experience in Health and Safety Services and Training (Attach CV and past & current projects)</p> <p>Point allocation:</p> <p>The bidder demonstrated experience, provided proof of tertiary qualifications, capabilities of their proposed team and its leaders have 5 years' and more experience = 30</p> | | 30 |

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| | |
|--|---------------|
| <p>The bidder demonstrated experience, provided proof of tertiary qualifications, capabilities of their proposed team and its leaders have 3 years' experience = 20</p> <p>The bidder demonstrated experience, provided proof of tertiary qualifications, capabilities of their proposed team and its leaders have less than 3 years' experience = 10</p> <p>The bidder did not submit any proof relating to the requirement = 0</p> | |
| COMPLIANCE | POINTS |
| <p>The bidder is registered with an appropriate Professional Body and has relevant professional accreditation. Proof must be submitted.</p> <p>Point allocation:</p> <p>The bidder complies with the requirement = 5</p> <p>The bidder does not comply with the requirement = 1</p> | |
| TOTAL POINTS | 100 |

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6. Additional information:

- Brief company profile, as relevant to the above mentioned terms of reference.
- Experience in the relevant areas.
- Clientele.
- A proposal should include the methodology to deliver and meet the deadline for delivery
- Confirmation that the proposed team members will in fact be available to undertake this exercise at the appropriate time and meet the necessary deadlines.
- The proposal should contain a work plan, showing tasks, timelines etc.
- Contact details of at least three references from amongst recent clients with whom similar work has been conducted in the past 24 Months.
- Certificate of incorporation / legal status.
 - Company registration documents
 - Certified copy of director's identity documents
 - Certified BBBEE certificate
- Financial proposal.
 - Detailed pricing on the company letter head, the total cost must link to MBD 3.1 attached.

NB: Bidders must also submit a proof of registration on the central database system. (National Treasury system)

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ANNEXURE A

PRICING SCHEDULE

| Description | Year 1 Rand Value (Inclusive of VAT) | Year 2 Rand Value (Inclusive of VAT) | Year 3 Rand Value (Inclusive of VAT) |
|--|---|---|---|
| Review <ul style="list-style-type: none">▪ Review of the Occupational Health and Safety Policy in accordance to the Occupational Health and Safety Act, 1993.▪ Revise health and safety documentation annually.▪ Annual revision of the Emergency Preparedness and Response Plan. | | | |
| Audits and Assessments <ul style="list-style-type: none">▪ Quarterly risk assessments. | | | |

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| <ul style="list-style-type: none"> ▪ Annual internal audits on Tswelopele Local Municipality documentation and premises and issue an audit report. | | | | | |
| <p>Training (Equivalent to the following Unit Standards)</p> <ul style="list-style-type: none"> ❖ The following training to be provided in year 1 and 3 of the contract. ▪ Health and Safety (SHE REP) (US ID 9964) : ▪ First Aid Level 1 (US ID: 119567) : ▪ Basic Fire Fighting (US ID: 12484) : ▪ Incident and Investigations (US ID: 117391) : ▪ Hazard Identification and | | | | | |

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|--|--|--|--|--|--|
| <p>Risk Assessment (US ID: 13167) :</p> <ul style="list-style-type: none"> ▪ Emergency Preparedness (US ID: 259597) : ▪ Legal Liability for managers (US ID: 244288) : ▪ OHS Induction (US ID 259639. (Explain basic health and safety principles in the workplace) ❖ The OHS Induction must be presented on an annual basis. | | | | | |
| <p>Additional Service</p> <ul style="list-style-type: none"> ▪ Bi-annual emergency evacuation drills and issue drill reports. ▪ Employee Wellness and | | | | | |

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| <p>minutes of meetings.</p> <ul style="list-style-type: none"> ▪ Monthly health and safety toolbox talks. ▪ Annual health and safety campaigns. ▪ Annual Fire Fighting Equipment Service. ▪ Supply and quarterly maintain First Aid Kits with contents. ▪ Supply and install safety signs as verified during the site inspection. ▪ OHS quarterly reports. | | | | | |
| TOTAL SUM (VAT Incl.) | | | | | |
| TOTAL PRICING OVER 3 YEARS (VAT Incl.) | | | | | |

ANNEXURE B

| NO | SERVICES | INDICATE SERVICE (=YES, X NO) |
|-----------|---|--------------------------------------|
| 1 | Entry and Exit medical examinations | |
| 2 | Annual Eye Tests | |
| 3 | Lung Function Tests | |
| 4 | Audio Metric Test | |
| 5 | Tetanus injections | |
| 6 | Hepatitis And B Injections | |
| 7 | Completion of Drug and Alcohol dependency documents | |
| 8 | Medical evaluation for incapacity to work investigation | |
| 9 | Completion of disability application forms | |
| 10 | Counselling for alcohol/drug dependency | |
| 11 | HIV/AIDS Counselling | |
| 12 | HIV/AIDS Test | |

Certification: A certified copy of the practitioners qualification in the field, in which they are bidding, must be submitted as a proof

Medical Practitioner: must have the following qualifications and registration. –

- MBCHB Degree and registration with HPCSA
- Post Graduate qualification in occupational Health and safety

Nurses: must have the following qualification and registration

- Registration with SANC as a Professional nurse
- Diploma/ B-tech Occupational Nursing
- Registration with SASOHN

| No | Service Description |
|-----------|---|
| 1 | Full Medical Examination which includes Hearing Test, Lung Function Test, Eye Vision Screening. Blood Pressure Screening, Blood Glucose screening, Urine Test Chest X -rays, ECG test and issue of certificate of fitness for work. |
| 2 | Vaccinations: (Hepatitis A&B) To be administered as follows: <ul style="list-style-type: none"> • At examination Booster after 6 months |
| 3 | Follow & referrals when necessary by the services provider |

ANNEXTURE C – CSD REPORT AND TAX STATUS

ANNEXURE D: – PREFERENCE POINTS CLAIM- MBD 6

ANNEXURE E: MBD 4- DECLARATION OF INTEREST



MBD 4

DECLARATION OF INTEREST

1. Any legal person, including persons employed by the state¹, or persons having a kinship with persons employed by the state, including a blood relationship, may make an offer or offers in terms of this invitation to bid (includes a price quotation, advertised competitive bid, limited bid or proposal). In view of possible allegations of favouritism, 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 authorised representative declare his/her position in relation to the evaluating/adjudicating authority 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 or persons for or on whose behalf the declarant 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 Full Name of bidder or his or her representative:
 - 2.2 Identity Number:
 - 2.3 Position occupied in the Company (director, trustee, shareholder²):
 - 2.4 Company Registration Number:
 - 2.5 Tax Reference Number:
 - 2.6 VAT Registration Number:
 - 2.6.1 The names of all directors / trustees / shareholders / members, their individual identity numbers, tax reference numbers and, if applicable, employee / persal numbers must be indicated in paragraph 3 below.

¹“State” means –

- (a) any national or provincial department, national or provincial public entity or constitutional institution within the meaning of the Public Finance Management Act, 1999 (Act No. 1 of 1999);
- (b) any municipality or municipal entity;
- (c) provincial legislature;

- (d) national Assembly or the national Council of provinces; or
- (e) Parliament.

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

2.7 Are you or any person connected with the bidder presently employed by the state? **YES / NO**

2.7.1 If so, furnish the following particulars:

Name of person / director / trustee / shareholder/ member:

Name of state institution at which you or the person connected to the bidder is employed :

Position occupied in the state institution:

Any other particulars:

2.7.2 If you are presently employed by the state, did you obtain the appropriate authority to undertake remunerative work outside employment in the public sector? **YES / NO**

2.7.2.1 If yes, did you attached proof of such authority to the bid document? **YES / NO**

(Note: Failure to submit proof of such authority, where applicable, may result in the disqualification of the bid.

2.7.2.2 If no, furnish reasons for non-submission of such proof:

.....

2.8 Did you or your spouse, or any of the company's directors / trustees / shareholders / members or their spouses conduct business with the state in the previous twelve months? **YES / NO**

2.8.1 If so, furnish particulars:

.....

2.9 Do you, or any person connected with the bidder, have any relationship (family, friend, other) with a person **YES / NO**

employed by the state and who may be involved with the evaluation and or adjudication of this bid?

2.9.1 If so, furnish particulars.

.....

2.10 Are you, or any person connected with the bidder, aware of any relationship (family, friend, other) between any other bidder and any person employed by the state who may be involved with the evaluation and or adjudication of this bid?

YES/NO

2.10.1 If so, furnish particulars.

.....

2.11 Do you or any of the directors / trustees / shareholders / members of the company have any interest in any other related companies whether or not they are bidding for this contract?

YES/NO

2.11.1 If so, furnish particulars:

.....

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

| Full Name | Identity Number | Personal Reference Number | Tax | State Number | Employee / Persal Number |
|------------------|------------------------|----------------------------------|------------|---------------------|---------------------------------|
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4 DECLARATION

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

CERTIFY THAT THE INFORMATION FURNISHED IN PARAGRAPHS 2 and 3 ABOVE IS CORRECT.
I ACCEPT THAT THE STATE MAY REJECT THE BID OR ACT AGAINST ME IN TERMS OF PARAGRAPH 23
OF THE GENERAL CONDITIONS OF CONTRACT SHOULD THIS DECLARATION PROVE TO BE FALSE.

.....
Signature

.....
Date

.....
Position

.....
Name of bidder

DECLARATION OF BIDDER'S PAST SUPPLY CHAIN MANAGEMENT PRACTICES

- 1 This Standard Bidding Document must form part of all bids invited.
- 2 It serves as a declaration to be used by institutions 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 disregarded if that bidder, or any of its directors have-
 - a. abused the institution's supply chain management system;
 - b. committed fraud or any other improper conduct in relation to such system; or
 - c. failed to perform on any previous contract.
- 4 **In order to give effect to the above, the following questionnaire must be completed and submitted with the bid.**

| Item | Question | Yes | No |
|-------|--|---------------------------------|--------------------------------|
| 4.1 | <p>Is the bidder or any of its directors listed on the National Treasury's Database of Restricted Suppliers as companies or persons prohibited from doing business with the public sector? (Companies or persons who are listed on this Database were informed in writing of this restriction by the Accounting Officer/Authority of the institution that imposed the restriction after the <i>audi alteram partem</i> rule was applied).</p> <p>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.</p> | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| 4.1.1 | If so, furnish particulars: | | |
| 4.2 | <p>Is the bidder or any of its directors listed on the Register for Tender Defaulters in terms of section 29 of the Prevention and Combating of Corrupt Activities Act (No 12 of 2004)? 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.</p> | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| 4.2.1 | If so, furnish particulars: | | |
| 4.3 | <p>Was the bidder or any of its directors convicted by a court of law (including a court outside of the Republic of South Africa) for fraud or corruption during the past five years?</p> | Yes <input type="checkbox"/> | No <input type="checkbox"/> |

| | | | |
|-------|---|---------------------------------|--------------------------------|
| 4.3.1 | If so, furnish particulars: | | |
| 4.4 | Was any contract between the bidder and any organ of state terminated during the past five years on account of failure to perform on or comply with the contract? | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| 4.4.1 | If so, furnish particulars: | | |

MBD 8

CERTIFICATION

**I, THE UNDERSIGNED (FULL NAME).....
CERTIFY THAT THE INFORMATION FURNISHED ON THIS DECLARATION FORM IS
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 bids¹ (*¹ Includes price quotations, advertised competitive bids, limited bids and proposals*) 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 (*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*).

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

I, the undersigned, in submitting the accompanying bid: “**TENDER NUMBER –**” in response to the invitation for the bid made by Tswelopele Local Municipality 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)

- i. I have read and I understand the contents of this Certificate;
- ii. I understand that the accompanying bid will be disqualified if this Certificate is found not to be true and complete in every respect;
- iii. I am authorized by the bidder to sign this Certificate, and to submit the accompanying bid, on behalf of the bidder;
- iv. 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;
- v. 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 consortium³ (³ *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*) will not be construed as collusive bidding.

7. In particular, without limiting the generality of paragraphs 6 above, there has been no consultation, communication, agreement or arrangement with any competitor regarding:
 - (a) prices;

 - (b) geographical area where product or service will be rendered (market allocation)

 - (c) methods, factors or formulas used to calculate prices;

 - (d) the intention or decision to submit or not to submit, a bid;

 - (e) the submission of a bid which does not meet the specifications and conditions of the bid; or

 - (f) bidding with the intention not to win the bid.

8. In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications and conditions or delivery particulars of the products or services to which this bid invitation relates.

9. The terms of the accompanying bid have not been, and will not be, disclosed by the bidder, directly or indirectly, to any competitor, prior to the date and time of the official bid opening or of the awarding of the contract.

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.

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| NAME OF BIDDER | |
| SIGNATURE | |
| POSITION | |
| DATE | |