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Johannesburg Tourism Company NPC

A City of Johannesburg Metropolitan Municipality Entity

Reg. No. 2003/009873/08

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Johannesburg
South Africa

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2000

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www.joburgtourism.com

REQUEST FOR QUOTATION

RFQ NUMBER	JTC0025/2023-24
DESCRIPTION: REQUEST FOR QUOTATION FROM SUITABLE, QUALIFIED AND REGISTERED SERVICE PROVIDERS FOR THE SUPPLY AND DELIVERY OF OFFICE CONSUMABLES AND EQUIPMENT	

Date of advertisement:	08 May 2024
Closing date:	15 May 2024
Closing time:	10H00
Compulsory briefing meeting date (if applicable)	N/A
Quotations <u>MUST be physically deposited in the TENDER box at:</u> 4th Floor Joburg Tourism Company Offices Sandton Library Offices Nelson Mandela Square West Street, Sandton	Quotations will be received on the closing dates and times shown and must be enclosed in sealed envelopes, bearing the applicable quotation description and reference number as well as the closing time and due date, and must be addressed to: THE ACCOUNTING OFFICER JOHANNESBURG TOURISM COMPANY Quotations will be opened at the latter address at the time indicated and no late submissions will be received.
Procurement Enquiries	sphiwem@JoburgTourism.com Tel: (011) 779 0200
Technical Enquiries	ZandiD@joburg.org.za Tel: (011) 779 0200

ENTITY DETAILS

Entity Type	Private	Partnership	Close Corporation		Sole Proprietor
	Other (Specify)				
Entity Name	Legal Name:				
	Trading as:				
Entity Registration Number					
City of Johannesburg/ JTC Vendor Registration Number (if already have)					
National Treasury Central Supplier Database number: (Compulsory)					
Entity Street Address					
	Postal Code:				
Contact Details of the Person Representing the Entity	Name	:			
	Telephone:	:			
	Cell phone:	:			
	E-mail address	:			
Income Tax Number					
VAT Reference Number (if applicable)					

SCHEDULE OF PRICES/ RATES:

DESCRIPTION: REQUEST FOR QUOTATION FROM SUITABLE, QUALIFIED AND, REGISTERED SERVICE PROVIDERS FOR THE SUPPLY AND DELIVERY OF OFFICE CONUMABLES AND EQUIPMENT	
Pricing	(R)
Sub Total Price	
Vat 15% (if applicable)	
Total Quoted Price (Inclusive of Vat)	

CONDITIONS OF QUOTATION

1. Quotation documents must be completed in black ink.
2. The lowest price or any quotation will not necessarily be accepted, and Joburg Tourism Company reserves the right to accept the whole or any portion of a quotation
3. Quotations are to remain open for acceptance for a period of thirty (30) days effective from the date on which they are lodged and shall be accepted at any time within the said period of thirty (30) days.
4. In the event of a mistake having been made on the price schedule it shall be crossed out in ink and be accompanied by an initial at each and every price alteration. Corrections in terms of price may not be made by means of a correction fluid such as Tipp- Ex or a similar product. If correction fluid has been used on any specific item price, such item will not be considered. No correction fluid may be used in a Bill of Quantities where prices are calculated to arrive at a total amount. If correction fluid has been used, the quotation as a whole will not be considered. The entity will reject the quotation if corrections are not made in accordance with the above
5. **NO PRICE INCREASES/ADJUSTMENTS WILL BE CONSIDERED.**
6. All purchases will be made through an official purchase order form; therefore no goods must be delivered or services rendered before an official purchase order has been forwarded to and accepted by the successful bidder.
7. **JOHANNESBURG TOURISM COMPANY WILL NOT MAKE ANY UPFRONT PAYMENTS AND TENDERERS MUST ENSURE THAT THEY HAVE SUFFICIENT CASH FLOW TO COVER THE PROVISION OF THE GOODS/SERVICES**
8. To participate in the City's Quotation process for the procurement of goods and/or services, vendors are advised to get accredited and registered primarily on the Central Supplier Database.

9. All prices must be quoted in South African currency (SA rand), all applicable taxes included
10. All prices quoted must be inclusive of Value Added Tax (VAT). Suppliers who are not registered for VAT will be treated as Non - VAT Vendors.
11. All prices submitted must be firm. "Firm" prices are deemed to be fixed prices, which are only subject to the following statutory changes, namely VAT and any levy related to customs and excise.
12. All prices and details must be legible/readable to ensure the quotation will be considered for adjudication
13. Prices quoted must be all inclusive of delivery charges and goods must be delivered to the address indicated on the quotation page.
14. The successful company must provide labour for off-loading/delivering.
15. Quantities are given in good faith and without commitment to the Johannesburg Tourism Company. The City reserves the right to increase or reduce the quantity to be in line with the set threshold for quotations prescribed in the SCM Policy.
16. In the event of price/prices being based on the exchange rate, the successful tenderer/s will be required to obtain exchange rate cover in order to protect the Municipality against exchange rate variations. Proof must be provided that forward Exchange Rate cover has been taken out within 14 days after an order has been placed. If proof that cover was taken out within 14 days after the order has been placed, is not submitted to Johannesburg Tourism Company, with the invoice, the contract price adjustment will not be accepted and the contract may be cancelled.
17. Tenderers are reminded that orders placed against accepted quotations are to be executed in strict accordance with the accepted specification and within the quoted delivery period.
18. Where applicable, the tenderer is required to record the vendor number in the space provided on the cover page of this quotation document.
19. The Johannesburg Tourism Company reserves the right, to cancel and re-issue the quotation
20. Bidders should note, that in accordance with legislation, no contract may be awarded to a/an person/entity who/which has failed to submit a Valid Tax Clearance Certificate issued by the South African Revenue Service (SARS), certifying that the taxes of that person/entity are in order, or that suitable arrangements have been made with SARS
21. Copyright in any document produced, and the patent rights or ownership in any plant, machinery, thing, system or process designed, by a consultant/trainer in the course of the consultancy service is vested in the Johannesburg Tourism Company
22. FALSE DECLARATION ON MUNICIPAL BIDDING DOCUMENTS FORM (MBD) WILL LEAD TO AUTOMATIC DISQUALIFICATION.

VALIDITY OF RFQ: 30 DAYS

I HEREWITH CONFIRM THAT I HAVE READ AND UNDERSTOOD THE ABOVEMENTIONED CONDITIONS.

SIGNATURE_____

NAME_____

BRIEF OVERVIEW

Johannesburg Tourism Company (JTC) seeks quotations from suitable, qualified, and registered service providers to submit quotations for the Supply and Delivery of the following: Office Consumables and Equipment

NB: please note that supplier should not supply goods that will expire within one year of date of delivery (it must at least expire after a year)

Description
<p>Grocery:</p> <ul style="list-style-type: none"> • Rooibos tea 80 teabags x 10 • Five roses 200 teabags x 10 • Joko tea 200 tea bags X 10 • 2 kg brown sugar X 40 • Hot Chocolate 450g x 6 • Coffee Nescafe 1kg x 10 • Jacobs 200g x 10 • Milk powder cremora 1kg x 3 boxes • Milk long life full cream 1L x 6 (50 boxes) • Milk long life low fat 1L x 6 (6 boxes) • Biscuit choice assorted 200g X 72 • Eat – sum more 200g X 72 • Tennis biscuits 200g X 72 • Romany cream biscuits 200g X 72 • Endearmints original 10 x1kg • Endearmint spearmint 10 x1kg
<p>Refreshments:</p> <ul style="list-style-type: none"> • Coke 300ml (strictly cans) 20 x 24 case • Cappy 300ml 20 x 24 case (preferable tropical, breakfast punch & orange & mango) • Lemon twist (strictly cans) 20 X 24 case • Fanta orange (strictly cans) 20 x 24 • Grapetiser red 300 ml 20 x 24 case • Appletiser 300ml 20 x24 case • Stoney 300 ml (Strictly cans) 20 x 24 case • Energade 500ml (different flavors') 10 x 24 • Still Water 500ml (must be SABS approved) 300 x 24 case • Sparkling water unflavored 500ml (must be SABS approved) 300 x 24 case

Executive crockery and cutlery:

- 48 × Stainless steel teaspoons
- 24 × Stainless steel tablespoons
- 24 × Plain white plates
- 24 × Plain white side plates
- 24 set × plain white teacups and saucers
- 24 set × stainless steel forks and knives

EVALUATION CRITERIA

Evaluation will be undertaken using the 80:20 evaluation principle where 80 points will be for price and the 20 points will be for the attainment of the empowerment goals as stipulated below.

TABLE 1: PRICING SCHEDULE:

Item	Quantity	PRICE/ UNIT EXcl VAT (R)	TOTAL PRICE Excl VAT (R)
Rooibos tea 80 teabags	10		
Five roses 200 teabags	10		
Joko 200 teabags	10		
2 kg brown sugar	40		
450g Hot Chocolate	06		
1 kg Nescafe Coffee	10		
200g Jacobs	10		
1 kg Cremora powder milk	3 boxes		
1L x 6 Milk long life full cream	50 boxes		
1L x 6 Milk long life full cream	6 boxes		
200g choice assorted Biscuit	72		
200g Eat – sum more	72		
200g Tennis biscuits	72		
200g Romany cream biscuits	72		
1 kg Edearmints original	10		
1 kg Endearmints spearmint	10		
300 ml Coke (strictly cans) 24 case	20		
300 ml Cappy (tropical, breakfast punch & orange) (Strictly cans) 24 case	20		
300 ml Lemon twist (strictly cans) 24 case	20		
300 ml Fanta orange (strictly cans) 24 case	20		
300 ml Grapetiser (strictly cans) 24 case	20		
300 ml Appletiser (strictly cans) 24 case	20		
300 ml Stoney (strictly cans) 24 case	20		
500 ml Energade (different flavours) 24 case	10		

500 ml Still water (must be SABS Approves) 24 case	300		
500 ml Unflavoured Sparkling water (must be SABS Approves) 24 case	300		
Stainless steel teaspoons	48		
Stainless steel tablespoons	24		
Plain white plates	24		
Plain white side plates	24		
Plain white teacups and saucers (sets)	24 set		
Stainless steel forks and knives (sets)	24 set		
TOTAL PRICE excl VAT			
VAT			
TOTAL PRICE incl VAT			

Note:

- **Please quote as per the line item for clarity purpose and also submit additional quotation on your company letter head.**
- **Return the quotation with the RFQ document attached.**
- **You are required to quote for ALL items. Failure to do so will render your quote incomplete and therefore non-responsive**

TABLE 2: PRICE AND EMPOWERMENT POINTS

PRICE	80 POINTS
EMPOWERMENT IN TERMS OF PREFERENTIAL PROCUREMENT REGULATIONS, 2022	20 POINTS SMMEs (EME/QSE) – 10 points Enterprises/business owned by at least 51% Black People – 5 points. Enterprises/business owned by at least 51% Black Youth – 5 points

PRICING REQUIREMENTS

QUOTATION DESCRIPTION:	
REQUEST FOR QUOTATIONS FROM SUITABLE, QUALIFIED AND REGISTERED SERVICE PROVIDERS FOR THE SUPPLY AND DELIVERY OF OFFICE CONSUMABLES AND EQUIPMENT	
Pricing	(R)
Sub Total Price	
Vat 15% (if applicable)	
Total Quoted Price (Inclusive of VAT)	

Bidders are required to quote for ALL items in the pricing schedule and failure to do so will render the offer non-responsive based on the proposal being considered an incomplete offer

RETURNABLE DOCUMENTS

1. Completed and signed form of pricing schedule
2. Completed and signed MBD forms (MBD 3.1, 4,6.1, 8 and 9)
3. Declaration on State of Municipal Accounts
4. Current/recent CSD report of the bidder (not older than 3 months)
5. Municipal accounts of both the bidder and ALL directors not in arrears of more than 90 days and not older than 3 months, or valid lease agreement/s or sworn affidavit/s

DISQUALIFICATION CRITERIA

1. Failure to complete and signed form of bid

2. Failure to complete the Johannesburg Tourism Company pricing schedule in full.
3. Failure to attach a letter confirming errors or alteration in the price schedule.

CONDITIONS OF AWARD

1. Compliant tax status in terms of the CSD.
2. Municipal accounts not older than 90 days for the Company and all its director's not more than 90 days in arrears, or a valid lease agreement or sworn affidavit. If in arrears proof of acknowledgement of debt must be provided
3. Directors and Principal members not in the Service of the State
4. Name of the bidder or that of its directors should not appear on the National Treasury's database of Restricted Suppliers

MBD 3.1: PRICING SCHEDULE – FIRM PRICES

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

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

Name of bidderBID:

Closing Date:

Closing Time: **10:00**

OFFER TO BE VALID FOR (30) DAYS FROM THE CLOSING DATE OF BID.

Item	Quantity	PRICE/UNIT Excl VAT (R)	TOTAL PRICE Excl VAT (R)
Rooibos tea 80 teabags	10		
Five roses 200 teabags	10		
Joko 200 teabags	10		
2 kg brown sugar	40		
450g Hot Chocolate	06		
1 kg Nescafe Coffee	10		
200g Jacobs	10		
1 kg Cremora powder milk	3 boxes		
1L x 6 Milk long life full cream	50 boxes		
1L x 6 Milk long life full cream	6 boxes		
200g choice assorted Biscuit	72		
200g Eat – sum more	72		
200g Tennis biscuits	72		
200g Romany cream biscuits	72		
1 kg Edearmints original	10		
1 kg Endearmints spearmint	10		
300 ml Coke (strictly cans) 24 case	20		
300 ml Cappy (tropical, breakfast punch & orange) (Strictly cans) 24 case	20		

300 ml Lemon twist (strictly cans) 24 case	20		
300 ml Fanta orange (strictly cans) 24 case	20		
300 ml Grapetiser (strictly cans) 24 case	20		
300 ml Appletiser (strictly cans) 24 case	20		
300 ml Stoney (strictly cans) 24 case	20		
500 ml Energade (different flavours) 24 case	10		
500 ml Still water (must be SABS Approves) 24 case	300		
500 ml Unflavoured Sparkling water (must be SABS Approves) 24 case	300		
Stainless steel teaspoons	48		
Stainless steel tablespoons	24		
Plain white plates	24		
Plain white side plates	24		
Plain white teacups and saucers (sets)	24 set		
Stainless steel forks and knives (sets)	24 set		
TOTAL PRICE exc			
VAT			
TOTAL PRICE incl VAT			

- Does offer comply with specification? *YES/NO
- If not to specification, indicate deviation(s)
- Period required for delivery
- Delivery basis (all delivery costs must be included in the bid price) *Delivery: Firm/not firm
.....

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

*Delete if not applicable

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

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

MBD 4: DECLARATION OF INTEREST

1. No bid will be accepted from persons in the service of the state¹.
2. Any person, having a kinship with persons in the service of the state, including a blood relationship, may make an offer or offers in terms of this invitation to bid. In view of possible allegations of favouritism, should the resulting bid, or part thereof, be awarded to persons connected with or related to persons in service of the state, it is required that the bidder or their authorised representative declare their position in relation to the evaluating/adjudicating authority.
3. In order to give effect to the above, the following questionnaire must be completed and submitted with the bid.
 - 3.1 Full Name of bidder or his or her representative:.....
 - 3.2 Identity Number:
.....
 - 3.3 Position occupied in the Company (director, trustee, shareholder²):.....
 - 3.4 Company Registration Number:
.....
 - 3.5 Tax Reference Number:.....
 - 3.6 VAT Registration Number:
.....
 - 3.7 The names of all directors / trustees / shareholders members, their individual identity numbers and state employee numbers must be indicated in paragraph 4 below.
 - 3.8 Are you presently in the service of the state? YES / NO
 - 3.8.1 If yes, furnish particulars.
.....

¹MSCM Regulations: "in the service of the state" means to be –

- (a) a member of –
 - (i) any municipal council;
 - (ii) any provincial legislature; or
 - (iii) the national Assembly or the national Council of provinces;

- (b) a member of the board of directors of any municipal entity;
- (c) an official of any municipality or municipal entity;
- (d) an employee of any national or provincial department, national or provincial public entity or constitutional institution within the meaning of the Public Finance Management Act, 1999 (Act No.1 of 1999);
- (e) a member of the accounting authority of any national or provincial public entity; or
- (f) an employee of Parliament or a provincial legislature.

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

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

3.9.1 If yes, furnish particulars.....

.....

3.10 Do you have any relationship (family, friend, other) with persons in the service of the state and who may be involved with the evaluation and or adjudication of this bid?YES / NO

3.10.1 If yes, furnish particulars.

.....

.....

3.11 Are you, aware of any relationship (family, friend, other) between any other bidder and any persons in the service of the state who may be involved with the evaluation and or adjudication of this bid? YES / NO

3.11.1 If yes, furnish particulars

.....

.....

3.12 Are any of the company’s directors, trustees, managers, principle shareholders or stakeholders in service of the state? YES / NO

3.12.1 If yes, furnish particulars.

.....

.....

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

3.13.1 If yes, furnish particulars.

.....

.....

3.14 Do you or any of the directors, trustees, managers, principle shareholders, or stakeholders of this company have any interest in any other related companies or business whether or not they are bidding for this contract.

YES / NO

3.14.1 If yes, furnish particulars:

.....

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

Full Name	Identity Number	State Employee Number

.....
 Signature

Date

.....
 Capacity

Name of Bidder

MBD 6.1: PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL PROCUREMENT REGULATIONS 2022

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

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

1. GENERAL CONDITIONS

1.1 The following preference point systems are applicable to invitations to tender:

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

1.2 The applicable preference point system for this tender is the 80/20 preference point system.

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

- (a) Price; and
- (b) Specific Goals.

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

	POINTS
PRICE	80
SPECIFIC GOALS	20
Total points for Price and SPECIFIC GOALS	100

1.5 Failure on the part of a tenderer to submit proof or documentation required in terms of

this tender to claim points for specific goals with the tender, will be interpreted to mean that preference points for specific goals are not claimed.

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

2. DEFINITIONS

- (a) “**tender**” means a written offer in the form determined by an organ of state in response to an invitation to provide goods or services through price quotations, competitive tendering process or any other method envisaged in legislation;
- (b) “**price**” means an amount of money tendered for goods or services, and includes all applicable taxes less all unconditional discounts;
- (c) “**rand value**” means the total estimated value of a contract in Rand, calculated at the time of bid invitation, and includes all applicable taxes;
- (d) “**tender for income-generating contracts**” means a written offer in the form determined by an organ of state in response to an invitation for the origination of income-generating contracts through any method envisaged in legislation that will result in a legal agreement between the organ of state and a third party that produces revenue for the organ of state, and includes, but is not limited to, leasing and disposal of assets and concession contracts, excluding direct sales and disposal of assets through public auctions; and
- (e) “**the Act**” means the Preferential Procurement Policy Framework Act, 2000 (Act No. 5 of 2000).

3. FORMULAE FOR PROCUREMENT OF GOODS AND SERVICES

6.1. POINTS AWARDED FOR PRICE

6.1.1. THE 80/20 PREFERENCE POINT SYSTEMS

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

80/20

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

Where

- Ps = Points scored for price of tender under consideration
- Pt = Price of tender under consideration

P_{min} = Price of lowest acceptable tender

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

6.2.1. POINTS AWARDED FOR PRICE

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

80/20

$$P_s = 80 \left(1 + \frac{P_t - P_{max}}{P_{max}} \right)$$

Where

P_s = Points scored for price of tender under consideration

P_t = Price of tender under consideration

P_{max} = Price of highest acceptable tender

7. POINTS AWARDED FOR SPECIFIC GOALS

7.1. In terms of Regulation 4(2); 5(2); 6(2) and 7(2) of the Preferential Procurement Regulations, preference points must be awarded for specific goals stated in the tender. For the purposes of this tender the tenderer will be allocated points based on the goals stated in table 1 below as may be supported by proof/ documentation stated in the conditions of this tender:

7.2. In cases where organs of state intend to use Regulation 3(2) of the Regulations, which states that, if it is unclear whether the 80/20 or 90/10 preference point system applies, an organ of state must, in the tender documents, stipulate in the case of—

(a) an invitation for tender for income-generating contracts, that either the 80/20 or 90/10 preference point system will apply and that the highest acceptable tender will be used to determine the applicable preference point system; or

(b) any other invitation for tender, that either the 80/20 or 90/10 preference point system will apply and that the lowest acceptable tender will be used to determine the applicable preference point system,

then the organ of state must indicate the points allocated for specific goals for both the 90/10 and 80/20 preference point system.

Table 1: Specific goals for the tender and points claimed are indicated per the table below.

THE SPECIFIC GOALS ALLOCATED POINTS IN TERMS OF THIS TENDER	MEANS OF VERIFICATION DOCUMENTS REQUIRED	NUMBER OF POINTS ALLOCATED (80/20 SYSTEM)	NUMBER OF POINTS CLAIMED (80/20 SYSTEM) (TO BE COMPLETED BY THE TENDERER)
GOAL 1: DESIGNATED GROUP			
Business/ enterprise owned by 51% or more Black Youth	CSD Valid BBEE Certificate/ Affidavit Sworn under oath, ID copy of owner/s of the business and Shareholder's certificate	5	
Business/ enterprise owned by 51% or more Black People	CSD Valid BBEE Certificate/ Affidavit Sworn under oath, ID copy of owner/s of the business and Shareholder's certificate	5	
GOAL 2: SPECIFIC GOAL			
SSMEs (EME or QSE)	CSD Report and BBEEE Certificate/ Affidavit Sworn under oath	10	

DECLARATION WITH REGARD TO COMPANY/FIRM

7.3. Name of company / firm

7.4. Company registration number:

7.5. TYPE OF COMPANY/ FIRM

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

[TICK APPLICABLE BOX]

- 7.6. I, the undersigned, who is duly authorised to do so on behalf of the company / firm, certify that the points claimed, based on the specific goals as advised in the tender, qualifies the company / firm for the preference(s) shown and I acknowledge that:
- a) The information furnished is true and correct;
 - b) The preference points claimed are in accordance with the General Conditions as indicated in paragraph 1 of this form;
 - c) In the event of a contract being awarded as a result of points claimed as shown in paragraphs 1.4 and 4.2, the contractor may be required to furnish documentary proof to the satisfaction of the organ of state that the claims are correct;
 - d) If the specific goals have been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the organ of state may, in addition to any other remedy it may –
 - (a) disqualify the person from the tendering process;
 - (b) recover costs, losses or damages it has incurred or suffered as a result of that person's conduct;
 - (c) cancel the contract and claim any damages which it has suffered as a result of having to make less favourable arrangements due to such cancellation;
 - (d) recommend that the tenderer or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, be restricted from obtaining business from any organ of state for a period not exceeding 10 years, after the *audi alteram partem* (hear the other side) rule has been applied; and
 - (e) forward the matter for criminal prosecution, if deemed necessary.

MBD 8: DECLARATION OF TENDERER PAST SUPPLY CHAIN MANAGEMENT PRACTICES

1. This Municipal Tender Document must form part of all tenders/quotations 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 tender of any tenderer may be rejected if that tenderer, 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 tender:

4.1 Is the tenderer any of its directors listed on the National Treasury's database as a company or persons prohibited from doing business with the public sector?
(Companies for persons who are listed on this database were informed in writing of this restriction by the National Treasury after the audi alteram partem (listen to the other side) rule was applied).

- Yes
- No

4.1.1 If so, furnish particulars:

4.2 Is the tenderer 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)?

(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)

- Yes
- No

4.2.1 If so, furnish particulars:

4.3 Was the tenderer or any of its directors convicted by a court of law (including a court of law outside the Republic of South Africa) for fraud or corruption during the past five years?

- Yes
- No

4.3.1 If so, furnish particulars:

1.4 Does the tenderer or any of its directors owe any Municipal rates and taxes or Municipal charges to the Municipality / Municipal entity, or to any other Municipality / Municipal entity, that is in arrears for more than three months?

- Yes
- No

4.4.1 If so, furnish particulars:

4.5 Was any contract between the tenderer 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 to comply with the contract?

- Yes
- No

4.5.1 If so, furnish particulars:

CERTIFICATION

I, THE UNDERSIGNED (FULL NAME) CERTIFY THAT THE INFORMATION FURNISHED ON THIS DECLARATION FORM TO BE 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 TENDERER

MBD9: CERTIFICATE OF INDEPENDENT BID DETERMINATION

- 1 This Municipal Bidding Document (MBD) must form part of all bids¹ invited.
- 2 Section 4 (1) (b) (iii) of the Competition Act No. 89 of 1998, as amended, prohibits an agreement between, or concerted practice by, firms, or a decision by an association of firms, if it is between parties in a horizontal relationship and if it involves collusive bidding (or bid rigging).² Collusive bidding is a pe se prohibition meaning that it cannot be justified under any grounds.
- 3 Municipal Supply Regulation 38 (1) prescribes that a supply chain management policy must provide measures for the combating of abuse of the supply chain management system, and must enable the accounting officer, among others, to:
 - a. take all reasonable steps to prevent such abuse;
 - b. reject the bid of any bidder if that bidder or any of its directors has abused the supply chain management system of the municipality or municipal entity or has committed any improper conduct in relation to such system; and
 - c. cancel a contract awarded to a person if the person committed any corrupt or fraudulent act during the bidding process or the execution of the contract.
- 4 This MBD serves as a certificate of declaration that would be used by institutions to ensure that, when bids are considered, reasonable steps are taken to prevent any form of bid-rigging.
- 5 In order to give effect to the above, the attached Certificate of Bid Determination (MBD 9) must be completed and submitted with the bid:

¹ Includes price quotations, advertised competitive bids, limited bids and proposals.

² Bid rigging (or collusive bidding) occurs when businesses, that would otherwise be expected to compete, secretly conspire to raise prices or lower the quality of goods and / or services for purchasers who wish to acquire goods and / or services through a bidding process. Bid rigging is, therefore, an agreement between competitors not to compete.

MBD 9: CERTIFICATE OF INDEPENDENT BID DETERMINATION

I, the undersigned, in submitting the accompanying bid:

(Bid Number and Description)

in response to the invitation for the bid made by:

(Name of Municipality / Municipal Entity)

do hereby make the following statements that I certify to be true and complete in every respect:

I certify, on behalf of:

(Name of Bidder) _____ that:

1. I have read and I understand the contents of this Certificate;
2. I understand that the accompanying bid will be disqualified if this Certificate is found not to be true and complete in every respect;
3. I am authorized by the bidder to sign this Certificate, and to submit the accompanying bid, on behalf of the bidder;
4. Each person whose signature appears on the accompanying bid has been authorized by the bidder to determine the terms of, and to sign, the bid, on behalf of the bidder;
5. For the purposes of this Certificate and the accompanying bid, I understand that the word "competitor" shall include any individual or organization, other than the bidder, whether or not affiliated with the bidder, who:
 - (a) has been requested to submit a bid in response to this bid invitation;
 - (b) could potentially submit a bid in response to this bid invitation, based on their qualifications, abilities or experience; and
 - (c) provides the same goods and services as the bidder and/or is in the same line of business as the bidder
6. The bidder has arrived at the accompanying bid independently from, and without consultation, communication, agreement or arrangement with any competitor. However communication between partners in a joint venture or consortium³ 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.

Joint venture or Consortium means an association of persons for the purpose of combining their expertise, property, capital, efforts, skill and knowledge in an activity for the execution of a contract.

10. I am aware that, in addition and without prejudice to any other remedy provided to combat any restrictive practices related to bids and contracts, bids that are suspicious will be reported to the Competition Commission for investigation and possible imposition of administrative penalties in terms of section 59 of the Competition Act No. 89 of 1998 and or may be reported to the National Prosecuting Authority (NPA) for criminal investigation and or may be restricted from conducting business with the public sector for a period not exceeding ten (10) years in terms of the Prevention and Combating of Corrupt Activities Act No. 12 of 2004 or any other applicable legislation.

..... Signature Date
..... Position Name of Bidder

DECLARATION ON STATE OF MUNICIPAL ACCOUNTS

A Any bid will be rejected if:

Any municipal rates and taxes or municipal service charges owed by the bidder or any of the directors to the municipality or a municipal entity, or to any other municipality or municipal entity, are in arrears for more than three months.

B Bid Information

- 1. Name of bidder
- ii. Registration Number
- iii. Municipality where business is situated
.....
- iv. Municipal account number for rates
- v. Municipal account number for water and electricity
- vi. Names of all directors, their ID numbers and municipal account number.
1.
2.
3.
4.
5.
6.
7.

C Documents to be attached.

- 1. A copy of municipal account mentioned in B (iv) & (v) (Not older than 3 months)
- 2. A copy of municipal accounts of all directors mentioned in B(vi) (Not older than 3 months)
- 3. Proof of directors

I/We declare that the abovementioned information is true and correct and that the following documents are attached to this form:

.....
.....

Signature

Date