



APPLICATION FOR ACCREDITATION ON SUPPLIER DATABASE

These Forms Contain:

- Policy of Code of Conduct
- Participation by Targeted Enterprises and Conditions pertaining to Procurement by way of;
- Application for Registration to engage in procurement (**Part A**)
 - To be completed by companies who wish to trade with eThekweni Municipality
- Application for Targeted Enterprise Status (**Part B**)
 - To be completed by companies who wish to claim preference points

NB: Declaration affidavit for ALL enterprises must completed and signed whether the company is claiming preference points or not.

Return completed application forms and supporting documentation to: Procurement Monitoring Branch, City Engineers Building, 6th Floor, Room 614, 166 Old Fort Road (K.E. Masinga), Durban.
Enquiries: +27 31 322 7014

#	Documents to be attached in submission of Targeted Procurement Form (Part A & B)	✓
1	Company Letterhead	
2	Copy of Company CK Registration document	
3	Copy of I.D. documents of all shareholders	
4	Cancelled cheque / Original Bank Statement	
5	Tax Clearance Certificate obtainable from South African Revenue Services (SARS)	

#	For PTY Limited Companies	✓
1	CM 29, Certificate of Incorporation, Share certificates (if there is more than one shareholder)	

NOTE: Accreditation on the eThekweni Municipality's suppliers' database does not automatically qualify any supplier for any bid or contract or guarantee any award of bid or contract.

Name of Enterprise

DECLARATION OF INTEREST				
Are any of the enterprise's directors, managers, principle shareholders or stakeholders currently in the service of the state or have been in the service of the state in the past twelve (12) months?				<input type="checkbox"/> YES <input type="checkbox"/> NO
Is any spouse, child or parent of the enterprise's directors, managers, principle shareholders or stakeholders currently in the service of the state or have been in the service of the state in the past twelve (12) months? If so, furnish particulars.				<input type="checkbox"/> YES <input type="checkbox"/> NO
NAME OF ENTERPRISE STAKEHOLDER	POSITION IN ENTERPRISE	NAME OF RELATIVE	POSITION/ ORGANISATION OF RELATIVE	NATURE OF RELATIONSHIP
Do you have any relationship (family, friend, other) with persons in the service of the state and/or who may be involved with the evaluation and/or adjudication of contracts? If so, furnish particulars.				<input type="checkbox"/> YES <input type="checkbox"/> NO
NAME OF ENTERPRISE STAKEHOLDER	POSITION IN ENTERPRISE	NAME OF RELATIVE	POSITION/ ORGANISATION OF RELATIVE	NATURE OF RELATIONSHIP
Are you aware of any relationship (family, friend, other) between the enterprise and any persons in the service of the state who may be involved with the evaluation and/or adjudication of contracts? If so, furnish particulars.				<input type="checkbox"/> YES <input type="checkbox"/> NO
NAME OF ENTERPRISE STAKEHOLDER	POSITION IN ENTERPRISE	NAME OF RELATIVE	POSITION/ ORGANISATION OF RELATIVE	NATURE OF RELATIONSHIP

Note: Anyone in the service of the State is prohibited from registering on this database.

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

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

CODE OF CONDUCT

Applicable to the Procurement of Goods, Services, Engineering and Construction Works

1. INTRODUCTION

Section 217.(1) of the Constitution of the Republic of South Africa reads as follows:

When an organ of state in the national, provincial or local sphere of governments, or any other institution identified in national legislation contracts for goods or services, it must do so in accordance with a system which is **fair, equitable, transparent, competitive and cost-effective**.

It goes without saying that, in addition to the foregoing requirements, it is essential that the procurement of goods and services, including engineering and constructions works as well as disposals of assets, by eThekweni Municipality should not be affected, or tainted by illegal action or default at any stage of the process by any party involved.

The foregoing serves to establish the broad framework within which an action or default by any party to the procurement process should be judged. Any action or default which conflicts with the objectives of section 217.(1) of the Constitution or which is illegal is unacceptable.

A party to the procurement process who wittingly commits an unacceptable action or default renders itself liable to the appropriate sanction or even in the case of an illegal action or default, to prosecution.

This document contains general principles to be followed and examples of actions or defaults by parties to the public procurement process which are unacceptable. The lists of examples are however not exhaustive and each party must itself assess whether an action or default would be unacceptable in the light of section 217.(1) of the Constitution or be illegal.

In addition, Municipal Supply Chain Management regulation 46(4) states that the Supply Chain Management Policy of a municipality has to take into account the National Treasury's code of conduct for Supply Chain Management practitioners and other role players. Alternatively a municipality may adopt the National Treasury's code of conduct. When adopted, this code of conduct becomes binding on all officials and other role players involved in the implementation of the Supply Chain Management policy of the municipality or municipal entity.

Apart from the fulfillment of the above legislative requirement, this code of conduct serves to promote mutual trust and respect and an environment where business can be conducted with integrity and in a fair and reasonable manner.

2. CORPORATE GOOD PRACTICE

2.1 General Principles

- 2.1.1 The municipality commits itself to a policy of fair dealing and integrity in the conducting of its business. Officials and other role players involved in supply chain management (SCM) are in a position of trust, implying a duty to act in the public interest. Officials and other role players should not perform their duties to unlawfully gain any form of compensation, payment or gratuities from any person, or provider/contractor for themselves, their family or their friends.
- 2.1.2 Officials and other role players involved in SCM should ensure that they perform their duties efficiently, effectively and with integrity, in accordance with the relevant legislation, policies and guidelines. They should ensure that public resources are administered responsibly.

- 2.1.3 Officials and other role players involved in SCM should be fair and impartial in the performance of their functions. They should at no time afford any undue preferential treatment to any group or individual or unfairly discriminate against any group or individual. They should not abuse the power and authority vested in them.

2.2 Conflict of interest

2.2.1 An official or other role player involved with supply chain management –

- (a) must treat all providers and potential providers equitably;
- (b) may not use his or her position for private gain or to improperly benefit another person;
- (c) may not accept any reward, gift, favour, hospitality or other benefit directly or indirectly, including to any close family member, partner or associate of that person, of a value more than R350;
- (d) must declare to the accounting officer details of any reward, gift, favour, hospitality or other benefit promised, offered or granted to that person or to any close family member, partner or associate of that person;
- (e) must declare to the accounting officer details of any private or business interest which that person, or any close family member, partner or associate, may have in any proposed procurement or disposal process, or in any award of a contract by the municipality ;
- (f) must immediately withdraw from participating in any manner whatsoever in a procurement or disposal process or in the award of a contract in which that person, or any close family member, partner or associate, has any private or business interest;
- (g) must declare any business, commercial and financial interests or activities undertaken for financial gain that may raise a possible conflict of interest;
- (h) should not place him/herself under any financial or other obligation to outside individuals or organizations that might seek to influence them in the performance of their official duties; and
- (i) should not take improper advantage of their previous office after leaving their official position.

2.3 Accountability

- 2.3.1 Practitioners are accountable for their decisions and actions to the public.
- 2.3.2 Practitioners should use public property scrupulously.
- 2.3.3 Only accounting officers or their delegates have the authority to commit the municipality to any transaction for the procurement of goods and / or services.
- 2.3.4 All transactions conducted by a practitioner should be recorded and accounted for in an appropriate accounting system. Practitioners should not make any false or misleading entries into such a system for any reason whatsoever.
- 2.3.5 Practitioners must assist the accounting officer in combating fraud, corruption, favouritism and unfair and irregular practices in the supply chain management system.
- 2.3.6 Practitioners must report to the accounting officer any alleged irregular conduct in the supply chain management system which that person may become aware of, including
- (i) any alleged fraud, corruption, favouritism or unfair conduct;
 - (ii) any alleged contravention of the policy on inducements, rewards, gifts and favours to municipalities or municipal entities, officials or other role players; and
 - (iii) any alleged breach of this code of conduct.

- 2.3.7 Any declarations made must be recorded in a register which the accounting officer must keep for this purpose. Any declarations made by the accounting officer must be made to the mayor who must ensure that such declaration is recorded in the register.

2.4 Openness

- 2.4.1 Practitioners should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only if it is in the public interest to do so.

2.5 Confidentiality

- 2.5.1 Any information that is the property of the municipality or its providers should be protected at all times. No information regarding any bid / contract / bidder / contractor may be revealed if such an action will infringe on the relevant bidder's / contractor's personal rights.
- 2.5.2 Matters of confidential nature in the possession of officials and other role players involved in SCM should be kept confidential unless legislation, the performance of duty or the provisions of law requires otherwise. Such restrictions also apply to officials and other role players involved in SCM after separation from service.

2.6 Bid Specification / Evaluation / Adjudication Committees

- 2.6.1 Bid specification, evaluation and adjudication committees should implement supply chain management on behalf of the municipality in an honest, fair, impartial, transparent, cost-effective and accountable manner.
- 2.6.2 evaluation / adjudication committees should be familiar with and adhere to the prescribed legislation, directives and procedures in respect of supply chain management in order to perform effectively and efficiently.
- 2.6.3 All members of bid adjudication committees should be cleared by the accounting officer at the level of "CONFIDENTIAL" and should be required to declare their financial interest annually.
- 2.6.4 No person should-
- (a) interfere with the supply chain management system of the municipality; or
 - (b) amend or tamper with any price quotation / bid after its submission.

2.7 Combative Practices

- 2.7.1 Combative practices are unethical and illegal and should be avoided at all cost. They include but are not limited to:
- (i) Suggestions to fictitious lower quotations;
 - (ii) Reference to non-existent competition;
 - (iii) Exploiting errors in price quotations / bids;
 - (iv) Soliciting price quotations / bids from bidders / contractors whose names appear on the Register for Tender Defaulters.

3. THE PARTIES TO THE PROCUREMENT PROCESS

The various parties that could be involved in the procurement and disposal public process of are the following, which are denoted by capital initial letters in this document.

Employer:	Any Output Unit or Department within eThekweni Municipality procuring goods, services or engineering and construction works, including other public bodies/partners assisting in or exercising control over the procurement process e.g. BID COMMITTEES.
Official:	An employee of the Employer.
Agent:	One who acts on behalf of the Employer.
Consultant:	A professional service provider engaged by the Employer
Tenderer:	One who submits a competitive bid for the supply of goods, services or engineering and construction works to the Employer.
Contractor:	The successful Tenderer to whom the Employer awards the contract for the supply of goods, services, engineering or construction works.
Subcontractor:	One who contracts to a Contractor to assist the latter in the execution of his/her contract by supplying certain goods, services or works.
Representative:	Any member of the public, or of the private sector, who may serve on the Appeal Authority or an Advisor who may serve in any of the other BID Committees established in terms of the Supply Chain Management Regulations, on appointment by the Accounting Officer.

4. UNACCEPTABLE ACTIONS AND ESSENTIAL PRACTICES

Examples of actions which are unacceptable and essential practices which would constitute unacceptable defaults if not observed are given below. The schedules are not exhaustive but serve to highlight unacceptable actions and defaults which are more commonly encountered.

4.1 The Employer

The Employer should, himself, or through his Officials or Agents:

- 4.1.1 Not invite tenders without having a firm intention to proceed with the procurement.
- 4.1.2 Ensure that the basis on which tenders will be adjudicated is clearly set out in the tender documents and that tenders are adjudicated and awarded accordingly.
- 4.1.3 Ensure that the tender documents are clear and comprehensive and set out the rights and obligation of all parties.
- 4.1.4 Not breach the confidentiality of information, particularly intellectual property, provided by Tenderers in support of their tenders.
- 4.1.5 Not attempt to "trade off" Tenderers against each other in an attempt to obtain better offers.
- 4.1.6 Ensure that all Tenderers are fairly treated and that tenders are adjudicated without bias.
- 4.1.7 Ensure that except when extra ordinary circumstances dictate otherwise, transparency is maintained in the tendering process. This implies *inter alia* inviting tenders as widely and publicly as possible, opening tenders in public and reading out/making available key information such as tender prices, basic award criteria and times required for competition, and in due course making known to unsuccessful Tenderers the outcome of the adjudication process.
- 4.1.8 Ensure that his/her obligations in terms of contracts with Contractors and Consultants are scrupulously and timeously met particularly in regard to making payments and giving decisions.

4.2 Officials

An Official should:

- 4.2.1 Strictly observe all code of conduct laid down by the Employer.
- 4.2.2 Ensure that he is not responsible for an unacceptable action, or default, being attributed to the Employer.
- 4.2.3 Not allow himself/herself to be influenced in the execution of his/her duties by any consideration other than the legitimate and reasonable interests of the Employer.
- 4.2.4 Not accept any gifts, favours or other considerations of anything more than token value from any other party to the procurement process.
- 4.2.5 Administer contracts in an evenhanded manner.
- 4.2.6 Disclose any circumstances which may possibly be construed as constituting a conflict of interest and excuse himself/herself from deliberations in such matters.

4.3 Agents

An Agent should, insofar as is relevant, act in the same way as the Official is expected to act in terms of Section 3.2.

4.4 Consultants

A Consultant should:

- 4.4.1 Strictly observe the code of conduct laid down by the body governing his/her profession.
- 4.4.2 Act in an impartial manner towards all other parties in the procurement process and take account of the legitimate and reasonable interests of them all.
- 4.4.3 Not accept gifts, favours or other considerations of anything more than token value from any other party to the procurement process.
- 4.4.4 Not undermine the development objectives of the Employer through tokenism, fronting or any other misrepresentation.
- 4.4.5 Disclose any circumstance which may possibly be construed as constituting a conflict of interest and excuse himself/herself from deliberations in such matters.

4.5 Tenderers

A Tenderer should:

- 4.5.1 Not, except for the purpose of joint venture formation, become involved in collusion with other Tenderers or potential Tenderers.
- 4.5.2 Not exchange information regarding tenders with any other Tenderer prior to the closing date for tenders.
- 4.5.3 Not knowingly price his/her tender in such a way as to gain an unfair advantage from an obvious error, or oversight, in the tender documents.
- 4.5.4 Not attempt in any way to influence the tender adjudication process.
- 4.5.5 Not approach any Representative or Official directly in connection with a tender, subsequent to the closing of all tenders.
- 4.5.6 Tenders only on projects for which they are capable to executing with the resources they are able to marshal in accordance with the terms and conditions of contracts.

4.6 Contractors

The Contractor should:

- 4.6.1 Undertake the contract with the objective of fulfilling it in accordance with the needs of and in the best interests of the Employer and in pursuit of this objective co-operate with all other parties in the procurement process.
- 4.6.2 Aim to meet all statutory and contractual obligations fully and timeously in regard to *inter alia* conditions of employment, occupational safety, training, employment of subcontractors and fiscal matters.
- 4.6.3 Not attempt to influence the judgement or actions of Consultants, Officials/Agents or Representatives by inducements of any sort.
- 4.6.4 Employ Subcontractors only on the basis of fair, unbiased, written subcontracts.

- 4.6.5 Not engage in unfair or unethical practices in order to drive subcontract prices down.
- 4.6.6 Not make unwarranted claims for additional payment or time in the belief that "nothing ventured, nothing gained".
- 4.6.7 Not approach any Representative directly in connection with a contract.
- 4.6.8 Not undermine the development objectives of the Employer through tokenism, fronting or any other misrepresentation.

4.7 Subcontractors

A Subcontractor should insofar as is relevant act in the same way as the Contractor is expected to act in terms of Section 3.6.

4.8 Representatives

A Representative should:

- 4.8.1 Perform his duties in an unbiased and conscientious manner bearing in mind the legitimate interest of all parties to the procurement process and the public.
- 4.8.2 Not entertain representations, except through the Employer or such person as may be delegated by the Employer from any Consultant, Tenderer, Contractor or Subcontractor in regard to a tender or contract.
- 4.8.3 Not allow himself to be unduly influenced by or accept any gifts, favours or other considerations from any party which might have an interest in the procurement process.
- 4.8.4 Disclose any circumstance which may be possibly be construed as constituting a conflict of interest and excuse himself/herself from deliberations in such matters.

5. Penalties

Where there is non-compliance with this code of conduct sanctions and/or penalties will be applied as follows:

5.1 A breach of the Code of Conduct

A breach of conduct must be dealt with as follows :-

- (a) In case of an employee, in terms of the disciplinary procedures of the Municipality envisaged in section 67(1)(h) of the Municipal Systems act.
- (b) In case of a contractor, depending on the severity of the breach, a contractor may be disqualified as a registered contractor for a period not less than six months. Over and above that, financial penalties may be imposed in terms of the general terms of contract.
- (c) In all other cases, financial misconduct must be dealt with in terms of chapter 15 of the Municipal Finance Management act.

PARTICIPATION AND CONDITIONS PERTAINING TO TARGETED PROCUREMENT

The eThekweni Municipality has committed itself to the following key priorities with respect to all procurement dealings:

- Increased usage of local resources
- Redressing of skewed employment and ownership patterns through black economic empowerment
- Creation of opportunities for job creation and poverty alleviation (Community participation)
- Stimulation of skills development and transfer
- Fast tracking the growth and ensuring sustainability of SMME's

For the purposed of determining the degree of preference to be accorded, tenderers are required to complete the declaration affidavit for targeted enterprises.

DEFINITIONS

- **Historically Disadvantaged Individual (HDI):** The definition includes Black, Women, and Disabled Individuals and preference has been given to all these target groups who, due to the apartheid policy that had been in place, had no franchise in national elections prior to the introduction of the Constitution of the Republic of South Africa, 1983 (Act no 110 of 1983) or the Constitution of the Republic of South Africa, 1993 (Act No 200 of 1993) (the Interim Constitution). Provided that a person who obtained South African citizenship on or after the coming to effect of the Interim Constitution, is deemed not to be an HDI.
- **Priority Population Group (PPG):** Black Individuals who fall into population groups that were not offered a franchise in the national elections before or after the introduction of the 1984 tri-cameral parliamentary system and only received a franchise during 1994.
- **Black Business Enterprise (BBE):** At least 26% Black Owned in terms of equity and voting rights/powers, with a corresponding management representation at all levels.
- **Priority Business Enterprise (PBE):** At least 26% Owned by individuals which are from the Priority Population Group in terms of equity and voting rights/powers, with a corresponding management representation at all levels.
- **Women Business Enterprise (WBE):** At least 26% Women Owned in terms of equity and voting rights/powers, with a corresponding management representation at all levels.
- **Disabled Persons Business Enterprise (DPBE):** At least 26% Disabled Owned in terms of equity and voting rights/powers, with a corresponding management representation at all levels.
- **Independent Enterprise:** An enterprise which is free of any degree of direct or indirect Ownership or Control by any firm which engages in activities similar to those in respect of which credit toward the Contract Participation Goal is sought, or by any Executive Director of such a firm who is not PPG.
- **Disabled Person:** An individual who has a Disability and as a result suffers from loss, or limitation, of opportunity to take part equally with others in the context of any activity relating to the execution of a Contract.
- **Disability:** A permanent, or prolonged impairment of a physical, intellectual, or sensory structure, or function, which results in restricted, or lack of, ability to perform an activity in the manner, or within the range, considered normal for a human being.
- **SMMEs:** Small, Medium and Micro Enterprises.

- **Influenced Enterprise:** 'Influenced' in a category is when ownership in that particular category is between **26 and 50 percent**, with corresponding management representation at Board, Executive and Operational levels.
- **Empowered Enterprise:** 'Empowered' in a category is when ownership in that particular category is between **51 and 75 percent**, with corresponding management representation at Board, Executive and Operational levels.
- **Substantially Owned Enterprise:** 'Substantially owned' in a category is when ownership in that particular category is between **76 and 100 percent**, with corresponding management representation at Board, Executive and Operational levels.
- **Local Content/Resources:** Preference points shall be allocated in terms of the location of the enterprise where applicable in the following order of preference: eThekweni Municipality Area (EMA); Kwa Zulu Natal (KZN); South Africa (SA)
- **Commercially Useful Function:** The possession and exercise of legal authority and power to manage the assets goodwill and daily operations of a business and the active and continuous exercise of appropriate managerial authority and power in determining the policies and directing the operations of the business.
- **Contract:** A legally binding agreement between the Employer and the Contractor for the latter to provide Goods, Services, Engineering and Construction Works, or Professional Services in return payment by the former.
- **Contractor:** Any person, body, or legal entity who is under contract to the Employer for the performance of the Contract. A Tenderer whose tender has been accepted becomes a Contractor.
- **Control:** The performance of real and actual work, or the provision of services, in the discharge of any contractual obligation, which shall include but not be limited to the performance of a distinct element of work which the business has the skill and expertise to undertake, and the responsibility for management and supervision.
- **Direct Preference:** A preference points system which awards tenders on the basis of points for price and/or the procurement developmental objectives of the eThekweni Municipality.
- **Broad Based Black Economic Empowerment (BBBEE)** :an integrated and coherent socioeconomic process that directly contributes to the economic transformation of South Africa and brings about significant increases in the numbers of black people that manage, own and control the country's economy, as well as significant decreases in income inequalities.
- **Employer:** The person or body entering into a Contract for the supply of Goods, Services, Engineering and Construction Works, or Professional Services.
- **Executive Director:** A partner in a partnership, a director of a company established in terms of the Companies Act, 1973 (Act 61 of 1973) or a member of a close corporation registered in terms of the Close Corporation Act, who, jointly and severally with their other partners, co-directors or co-members, as the case may be, bears the risk of business and takes responsibility for the management and liabilities of the partnership, company, or close corporation.
- **Manufacturer:** A firm that operates or maintains a factory or establishment that produces on its premises materials or supplies required by the Prime Contractor for the performance of the Contract.

- **Owned:** Having all the customary incidents of ownership, including the right of disposition, and sharing all the risks and profits. Commensurate with the degree of ownership interest's as demonstrated by an examination of the substance, rather than the form of ownership arrangements.
- **Preferential Procurement Policy:** A procurement policy which uses procurement as an instrument of social policy in South Africa to affirm the changed environment, government's socio-economic objectives and the principals of the Preferential Procurement Policy Framework Act (2001).
- **Prime Contractor:** A contractor who contracts with an employer as the principal or main contractor or as a joint venture partner to such contractors, to provide goods, services and works.
- **Supplier:** A firm that :
 - owns, operates or maintains a store, warehouse or other establishment in which materials or supplies are bought, kept in stock and regularly sold to the public in the usual course of business and
 - engages as its principal business, and in its own name, in the purchase and sale of the products.
- **Targeted Procurement:** A system of procurement which provides employment and business opportunities for marginalized individuals and communities enables procurement to be used as an instrument of social policy in a fair, equitable, competitive, transparent and cost-effective manner and permits and social objectives to be quantified, measured, verified and audited.
- **MSCM Regulations:** Municipal Supply Chain Management Regulations (in terms of section 168 of the Local Government: Municipal Finance Management Act, 2003 (Act No. 56 of 2003)).

SMME INFORMATION

The following table must be completed in order to establish whether a business can be classified as an SMME in terms of the National Small Business Act 102 of 1996. Indicate Sector by ticking (✓) the appropriate block in column 1 and then tick (✓) the corresponding information in columns 2, 3, 4 and 5.

COLUMN 1 Sector or Sub-sectors in accordance with the Standard Industrial Council		COLUMN 2 Size of class		COLUMN 3 Total full time equivalent of paid employees < & =		COLUMN 4 Total annual turnover (< & =)		COLUMN 5 Total gross asset value (fixed property excluded) (< & =)	
	✓		✓		✓		✓		✓
Agriculture		Medium		100		R 5 m		R 5 m	
		Small		50		R 3 m		R 3 m	
		Very Small		10		R 0.50 m		R 0.50 m	
		Micro		5		R 0.20 m		R 0.10 m	
Mining & Quarrying		Medium		200		R 39 m		R 23 m	
		Small		50		R 10 m		R 6 m	
		Very Small		20		R 4 m		R 2 m	
		Micro		5		R 0.20 m		R 0.10 m	
Manufacturing		Medium		200		R 51 m		R 19 m	
		Small		50		R 13 m		R 5 m	
		Very Small		20		R 5 m		R 2 m	
		Micro		5		R 0.20 m		R 0.10 m	
Electricity, Gas & Water		Medium		200		R 51 m		R 19 m	
		Small		50		R 13 m		R 5 m	
		Very Small		20		R 5.10 m		R 1.90 m	
		Micro		5		R 0.20 m		R 0.10 m	
Construction		Medium		200		R 26 m		R 5 m	
		Small		50		R 6 m		R 1 m	
		Very Small		20		R 3 m		R 0.50 m	
		Micro		5		R 0.20 m		R 0.10 m	
Retail & Motor Trade and Repair Service		Medium		200		R 39 m		R 6 m	
		Small		50		R 19 m		R 3 m	
		Very Small		20		R 4 m		R 0.60 m	
		Micro		5		R 0.20 m		R 0.10 m	
Wholesale Trade, Commercial Agents & Allied Services		Medium		200		R 64 m		R 10 m	
		Small		50		R 32 m		R 5 m	
		Very Small		20		R 6 m		R 0.60 m	
		Micro		5		R 0.20 m		R 0.10 m	
Catering, Accommodation and other trade		Medium		200		R 13 m		R 3 m	
		Small		50		R 6 m		R 1 m	
		Very Small		20		R 5.10 m		R 1.90 m	
		Micro		5		R 0.20 m		R 0.10 m	
Transport, Storage and Communications		Medium		200		R 26 m		R 6 m	
		Small		50		R 13 m		R 3 m	
		Very Small		20		R 3 m		R 0.60 m	
		Micro		5		R 0.20 m		R 0.10 m	
Finance and Business Services		Medium		200		R 26 m		R 5 m	
		Small		50		R 13 m		R 3 m	
		Very Small		20		R 3 m		R 0.50 m	
		Micro		5		R 0.20 m		R 0.10 m	
Community Social and Personal Services		Medium		200		R 13 m		R 6 m	
		Small		50		R 6 m		R 3 m	
		Very Small		20		R 1 m		R 0.60 m	
		Micro		5		R 0.20 m		R 0.10 m	

ADJUDICATION OF TENDERS ON A POINTS SYSTEM

The following shall be the system of Adjudicating tenders on a preference point allocation system.

Examination of Tenders and Determination of Responsiveness

Prior to the detailed evaluation of tenders, the Employer shall determine whether each tender:

- meets the requirements of these Conditions of Tender
- has been properly signed;
- is responsive to the requirements of the procurement documents;
- provides any clarification and/or substantiation that the Employer may require;
- complies with the tender submission requirements in all other respects.

A responsive tender is one which conforms to all the terms, conditions and Specifications of the Contract without material deviation or qualification. A material deviation or qualification is one which, in the Employer's opinion:

- could detrimentally affect the scope, quality, or performance of the Works;
- changes the Employer's or the Contractor's risks and responsibilities under the Contract; or
- would affect the competitive position of other Tenderers presenting responsive tenders, if it were to be rectified.

If the tender does not meet the requirements or is not responsive, it will be rejected by the Employer, and may not subsequently be made acceptable to the Employer by correction or withdrawal of the non-conforming deviation or reservation.

Adjudication Using a Points System

Responsive tenders will be adjudicated by the Employer using a system which awards points on the basis of :

- the tendered price (N_p)
- the status of the enterprise in terms of ownership. (N_o)

The Employer will normally award the Contract to the Tenderer obtaining the highest number of points, but will not bind itself to do so.

The preference points in the adjudication methods used, shall be :

- For contracts with a Rand value below ($<$) R500 000 a maximum of 20 points may be allocated for specific goals provided that the lowest acceptable tender scores 80 points for price. (Minor contract class)
- For contracts with a Rand value above ($>$) R500 000 a maximum of 10 points may be allocated for specific goals provided that the lowest acceptable tender scores 90 points for price. (Major contract class)

Participation goals and preferences will be set for companies who meet the minimum requirements in terms of a Balanced Score Card as stipulated in the Department of Trade and Industry's Broad Based Black Economic Empowerment Strategy. This will apply mainly to major contracts and/or engagements.

No preference points, in respect of equity ownership, will be allocated to public companies and tertiary institutions.

Preference points may not be claimed in respect of individuals who are not actively involved in the management of an enterprise or business and who do not exercise control over an enterprise or business commensurate with their degree of ownership.

A person awarded a contract as a result of preference for contracting with, or providing equity ownership to, an HDI, may not subcontract more than 25% of the value of the contract to a person who is not an HDI or does not qualify for such preference.

Points Awarded for Price (N_p)

The following formula must be used to calculate the points for price. A maximum of 80/90 points is allocated to Price on the following basis;

If using the 80/20 scorecard:

$$N_p = 80 \left(1 - \frac{P - P_m}{P_m} \right)$$

If using the 90/10 scorecard:

$$N_p = 90 \left(1 - \frac{P - P_m}{P_m} \right)$$

Where

- N_p = the number of tender adjudication points awarded for price.
P_m = the price of the lowest responsive tender adjusted to a common financial base for comparative purposes, if applicable
P = the price of the responsive tender under consideration adjusted to a common financial base for comparative purposes, if applicable.

Points Awarded in respect of the Status of the Enterprise (N_e)

A maximum of 20 (twenty) points in respect of contracts less than R500 000, and 10 (ten) points in respect of contracts more than R500 000 may be awarded to businesses which comply with the criteria set out below, are legal entities registered with the South African Revenue Service, are continuing and Independent Enterprises for profit which perform Commercially Useful Functions and have been operating as such for at least 3 months prior to the closing date for tenders; provided, however, that they undertake to execute a substantial portion of the Contract with their own resources and not to subcontract any portions of the Contract for which they, in the opinion of the Employer, have the in-house competence and expertise to perform.

Tender adjudication points relating to an enterprise's status will be granted only if the Employer is fully satisfied that the enterprise meets the relevant criteria; such credits will be granted at the Employer's sole discretion and will be based on the information presented.

80/20 (< R500 000)						
Ownership						
% Ownership		Black	PPG	Women	Disabled	Total
26 to 50	Influenced	0.50	1.00	0.75	0.50	
51 to 75	Empowered	1.50	3.00	1.50	1.25	
76 to 100	Substantial	2.50	5.00	2.50	2.00	
Status / Size						
SMME						Total
General		2.00				
BBE	At Least Empowered (> 50%)	1.00				
PBE	At Least Empowered (> 50%)	1.00				
WBE	At Least Empowered (> 50%)	1.00				
DPBE	At Least Empowered (> 50%)	1.00				
Sub-Total		6.00				
Location						
Local Content						Total
SA		0.50				
KZN		1.00				

EMA		2.00				
90 / 10 (> R500 000)						
Ownership						
% Ownership		Black	PPG	Women	Disabled	Total
26 to 50	Influenced	0.25	0.50	0.38	0.25	
51 to 75	Empowered	0.75	1.50	0.75	0.68	
76 to 100	Substantial	1.25	2.50	1.25	1.00	
Status / Size						
SMME						Total
General		1.00				
BBE	At Least Empowered (> 50%)	0.50				
PBE	At Least Empowered (> 50%)	0.50				
WBE	At Least Empowered (> 50%)	0.50				
DPBE	At Least Empowered (> 50%)	0.50				
Sub-Total		3.00				
Location						
		Local Content				Total
SA		0.25				
KZN		0.50				
EMA		1.00				

Total Tender Adjudication Points

The total number of tender adjudication points awarded (N), is the sum of:

$N_p + N_o$ (not to exceed 100)

Points Awarded In Respect of Scorecard

Council BEE Scorecard shall apply to projects exceeding R5 million which includes elements of Equity Ownership, Management and Control, Equity Employment, Human Resource Development, Enterprise Development and Socio Economic. Scorecard may vary depending on the nature of the project.

Process to be confidential

The following notes pertain to process confidentiality

- Information supplied by Tenderers and information relating to the clarification, evaluation and adjudication of tenders and the award of a contract will not be disclosed to Tenderers or any other person not officially concerned with such process.
- Any effort by a Tenderer to influence the Employer's processing of tenders or the award of the Contract may result in the rejection of his tender.

Documentation to be submitted in support of tender:

Tenderers who wish to claim points in respect of their enterprise status must complete an Application Form for the Award of Points in respect of the Status of an Enterprise (bound in this document), and shall, as relevant, include in their tender submissions the following duly completed forms:

- Application for Targeted Enterprise Status

Failure to submit completed forms and /or the submission of incomplete forms referred to above shall be deemed to imply that the Tenderer is not claiming points in respect of his enterprise status, in which case points will be awarded only on the basis of the tendered price.

Failure on the part of the tenderer to fill in and/or sign the declaration will be construed to mean that the preference points are not claimable. Preference points will not be awarded in that case.

Documentation to be submitted by the successful tenderer or tenderers under consideration

Tenderers shall submit any other document(s) that may be required by the client which is / are relevant to the tender and which may be required for tender adjudication purposes.

Penalties for Falsifying the Tender Declaration Affidavit and BEE Scorecard

The following shall be the method of calculating penalties for falsifying the tender declaration Affidavit or change in enterprise status after award of tender without written consent from the Employer.

Where the Contractor was awarded tender adjudication points in respect of enterprise parameters and the information given in the Tender Declaration Affidavit is found to be false, the Contractor shall pay the Employer penalties in an amount equal to one and half times (1,5) the number of points claimed and awarded under false pretences, expressed as a percentage of the contract amount exclusive of V A T and all allowances for contingencies, provisional sums and escalation, at the time of the award of the Contract.

In addition the tenderer will be liable to prosecution and disqualification from future Council tenders.

Validity of Declaration Affidavits for Targeted Enterprises

- Should a tenderer claim HDI status, whether incorrectly and/ or fraudulently on any tender, such tenderer shall immediately be disqualified from tendering.
- Should a tender be found to be fraudulent, the tenderer shall be disqualified from all future tenders for a minimum period of 24 months, or as otherwise decided by the eThekweni Municipality.
- **IT IS PRIMARILY THE RESPONSIBILITY OF THE TENDERER TO UNDERSTAND THE RELEVANT CRITERIA, DEFINITIONS AND INTERPRETATIONS THAT ARE NECESSARY TO COMPLY IN CLAIMING SUCH STATUS.**
- **IT IS THE RESPONSIBILITY OF THE TENDERER TO NOTIFY THE SUPPLIER AND EMPOWERMENT BRANCH OF ANY CHANGES I.E OWNERSHIP, SMME STATUS, LOCATION ETC. WHICH ARE NECESSARY TO COMPLY IN CLAIMING HDI STATUS.**
- **IT SHOULD BE NOTED THAT THE FINAL DECISION TO ACCREDIT ANY BUSINESS FOR PREFERENCE POINT AWARD RESTS WITH THE SUPPLIER AND EMPOWERMENT BRANCH.**

Notwithstanding the preference points system to be followed in terms of this policy, the Municipality may, on the recommendation of the Municipal Manager, acting in terms of section 2(1)(f) of the Preferential Procurement Policy Framework Act 5 of 2000 read with regulation 9 of the regulations made in terms thereof, on grounds which are reasonable and justifiable in order to achieve and/or maximize the procurement priorities/objectives outlined in this policy document, award the tender to the tenderer other than the tenderer that scored the highest points.

PART A

APPLICATION FOR REGISTRATION ON DATABASE

IDENTIFICATION

Registered Name of Enterprise

Trading Name

TYPE OF ENTERPRISE

- | | | |
|---------------------------------------|--|--|
| <input type="checkbox"/> Partnership | <input type="checkbox"/> One Person Business/Sole Proprietor | <input type="checkbox"/> Close Corporation |
| <input type="checkbox"/> Pty Limited | <input type="checkbox"/> Limited | <input type="checkbox"/> Trust |
| <input type="checkbox"/> Co-operative | <input type="checkbox"/> Other | |

If Other, specify

Enterprise Registration Number

Established Date

Income Tax Number (ITN)*

ITN Expiry date

VAT Registration Number

Sector Specific Grading eg. CIDB / SABS

CONTACT DETAILS

Postal Address

.....

..... Postal Code

Physical Address

.....

..... Postal Code

Contact Person

Telephone Number (.....).....Cell.....
 Fax Number (.....).....
 E-mail Address
 Website Address

LOCATION OF ENTERPRISE

☐ eThekweni Municipality ☐ KwaZulu-Natal ☐ South Africa
☐ Other Specify:

PHYSICAL ADDRESSES OF FACILITIES

Head Office (Address) Facility
 1.

Branches (Addresses)* Facility
 2.

*(continue on separate page if required)

PRINCIPAL BUSINESS ACTIVITIES (Describe briefly)

.....

SHARING OF FACILITIES

☐ Yes ☐ No

Do you share facilities?

If Yes, which facilities are shared?

With whom do you share facilities (name of company/individuals)?

.....

What are the other company's principal business activities?

.....

OWNERSHIP INFORMATION

Complete the following information for each partner, proprietor, shareholder, director and officer of the enterprise (namely, chairman, secretary, director, etc.) (✓) (Tick as applicable)						

[illegible]

Note: Where owners are themselves a company or a partnership, identify the ownership of the holding:- If the sum of the percentage of HDI ownership equal to or higher than 26% Part B must be completed. Refer to definitions on page 7,8 &9.

REGISTRATION AND MEMBERSHIPS

Is the enterprise registered or does it have a business license (s)?

☐ Yes ☐ No

If Yes, quote and detail relevant reference numbers and dates

.....
.....

Detail all trade associations/professional bodies in which you have membership.

.....
.....

Did the enterprise exist under a previous name?

☐ Yes ☐ No

If Yes, please provide the following details

What was the previous name?

Why did it change name?

.....

List the previous owners/partners/directors

.....

.....

STAFF								
How many full-time (FT) and part-time (PT) staff members are employed by the enterprise?								
	Historically Disadvantaged Individuals				DISABLED		SUB-TOTAL	
	PPG		Non-PPG		FT	PT	FT	PT
	FT	PT	FT	PT				
Male								
Female								
Sub-total								
TOTAL								

How many staff members have left the enterprise in the last 6 months?

Full time

Part time

PROVISION OF SERVICES

List the personnel or companies who provide the following services

SERVICE	NAME	CONTACT PERSON	TELEPHONE
ACCOUNTING			
LEGAL			
AUDITING			
INSURANCE			

ENTERPRISE COMMITMENTS

RENTAL AGREEMENTS

Describe all property agreements relating to facilities used by the enterprise and the nature of the agreements indicating whether facilities are owned or leased by the enterprise.

FACILITY	MONTHLY RENTAL AMOUNT	OWNER	AGREEMENT TYPE (VERBAL/WRITTEN)

State the enterprise's total gross asset value (excluding fixed property)

R.....

What is the enterprise's average annual turnover (excluding vat) during the lesser of the period for which the business has been operating or the previous three financial years?

R.....

Identify any owner or management office bearer who has an ownership interest in another company.					
OWNER/MANAGER	ID NUMBER	NAME AND ADDRESS OF COMPANY	TITLE IN OTHER COMPANY	% OF OWNERSHIP	TYPE OF BUSINESS OF OTHER COMPANY

Note:- where owners are themselves a company or partnership, identify the ownership of the holding firm

Identify any owner or management official who is an employee of or has duties in another business enterprise.				
NAME	ID NUMBER	DUTIES AS EMPLOYEE IN OTHER COMPANY	NAME AND ADDRESS OF OTHER COMPANY	TYPE OF BUSINESS OF OTHER COMPANY

PAST SUPPLY CHAIN MANAGEMENT PRACTICES

Is the enterprise 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? ☐ Yes ☐ No

(Enterprises 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).

If so, furnish particulars.

Is the enterprise 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)? ☐ Yes ☐ No

(To access this Register enter the National Treasury's website, www.treasury.gov.za, click on the icon "Register for

Tender Defaulters" or submit a written request for a hard copy of the Register to facsimile number (012) 3265445).

If so, furnish particulars.

Was the enterprise 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

If so, furnish particulars.

Does the enterprise 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

If so, furnish particulars.

Was any contract between the enterprise and the municipality / municipal entity or any other organ of state terminated during the past five years on account of failure to perform on or comply with the contract? ☐ Yes ☐ No

If so, furnish particulars.

² This 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.

The bid of any enterprise may be rejected if that enterprise, or any of its directors have:

- i. abused the municipality's / municipal entity's supply chain management system or committed any improper conduct in relation to such system;
- ii. been convicted for fraud or corruption during the past five years;
- iii. willfully neglected, reneged on or failed to comply with any government, municipal or other public sector contract during the past five years; or
- iv. 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).

BANKING DETAILS

I/We, the undersigned, hereby authorise and instruct eThekwini Municipality to pay all amounts that may hereinafter, from time to time, become due and payable to me/us by eThekwini Municipality by electronically transferring the same to the bank mentioned below for the credit of my/our account detailed below.

I/We, the undersigned, understand and agree that:

- Any such transfer shall constitute a full and final discharge of eThekwini Municipality's obligations to make such payments to me/us. eThekwini Municipality shall not be liable to make good any loss which I/we may suffer consequent upon such transfers pursuant to this authority and instruction.
- This payment authorisation and instruction will be applied to both goods purchased and services rendered.
- This authority and instruction will remain valid unless cancelled by either party upon thirty (30) days written notice. The said notice will only be effective in writing, delivered to the other party at the addresses stated herein and bearing an acknowledgement of receipt by the other party.
- Should any transfer attempted in respect of this authorisation be unsuccessful due to incorrect information supplied by me/us, I/we agree to pay all bank charges for this transfer attempt.

In the event that the details set out herein change, I/We agree to notify eThekwini Municipality forthwith.

Name of Banking Institute
Town/City
Name of Branch Branch Code.....
Banking Account Number
Account Holder

IMPORTANT: Please attach an original cancelled cheque or bank statement

BEFORE SUBMISSION, THIS SECTION MUST BE COMPLETED BY YOUR BANK

I/We confirm that the above information on the client's account at this bank/building society is correct.

.....
Signed on behalf of Bank

.....
Name

.....
Capacity



Bank Stamp

NOTE: This information will supercede any previous authorisation and instruction lodged with the eThekwini Municipality. Where the application has been submitted electronically the original completed form must be returned. Photocopies or faxed copies will not be accepted.

PART B

APPLICATION FOR TARGETED ENTERPRISE STATUS

TYPE OF ENTERPRISE

Registered Name of Enterprise

Trading As

CATEGORY OF TARGETED ENTERPRISE

PLEASE PRINT YOUR RESPONSES CLEARLY AND INDICATE SELECTION OF OPTIONS BY TICKING THE APPROPRIATE BOX (✓)

NOTE: Enterprises may be classified in more than one category

☐ **Black Business Enterprise (BBE)**

☐ Substantially Owned Enterprise (BBE 1)

☐ Empowered Enterprise (BBE 2)

☐ Influenced Enterprise (BBE 3)

☐ **Woman Business Enterprise (WBE)**

☐ Substantially Owned Enterprise (WBE 1)

☐ Empowered Enterprise (WBE 2)

☐ Influenced Enterprise (WBE 3)

☐ **Small Medium or Micro Enterprise (SMME)**

☐ Empowered Enterprise (SMME 1)

☐ General (SMME 2)

☐ **Priority Business Enterprise (PBE)**

☐ Substantially Owned Enterprise (PBE 1)

☐ Empowered Enterprise (PBE 2)

☐ Influenced Enterprise (PBE 3)

☐ **Disabled Business Enterprise (DBE)**

☐ Substantially Owned Enterprise (DBE 1)

☐ Empowered Enterprise (DBE 2)

☐ Influenced Enterprise (DBE 3)

NATURE OF ENTERPRISE

☐ Enterprise for Profit

☐ Co-operative Enterprise

☐ Non-profit Enterprise (NPO)

☐ Non-Government Enterprise (NGO)

Refer to definitions on pages 6&7

FINANCIAL DECISION MAKERS						financing decisions.			
Identify by name, status and length of service, those individuals in the enterprise (including owners and non-owners) responsible for day-to-day									
(✓) Tick as applicable)									
FINANCING DECISION TYPE	NAME	ID NUMBER	HOME ADDRESS	PPG	BLACK PERSON	WOMAN	DISABLED PERSON	LENGTH OF SERVICE	
CHEQUE SIGNING									
SIGNING & CO-SIGNING FOR LOANS									
ACQUISITION OF LINES OF CREDIT									
SURETIES									
MAJOR PURCHASE OR ACQUISITIONS									
SIGNING CONTRACTS									
MANAGEMENT DECISION MAKERS									
ESTIMATING									
MARKETING AND SALES OPERATIONS									
HIRING & FIRING OF MANAGEMENT PERSONNEL									
HIRING & FIRING OF NON-MANAGEMENT PERSONNEL									
SUPERVISION OF OFFICE PERSONNEL									
SUPERVISION OF FIELD/PRODUCTION ACTIVITIES									

SMME INFORMATION

The following table must be completed in order to establish whether a business can be classified as an SMME in terms of the National Small Business Act 102 of 1996. Indicate Sector by ticking (✓) the appropriate block in column 1 and then tick (✓) the corresponding information in columns 2, 3, 4 and 5.

COLUMN 1		COLUMN 2		COLUMN 3		COLUMN 4		COLUMN 5	
Sector or Sub-sectors in accordance with the Standard Industrial Council		Size of class		Total full time equivalent of paid employees (< & =)		Total annual turnover (< & =)		Total gross asset value (fixed property excluded) (< & =)	
	X		X		X		X		X
Agriculture		Medium		100		R 5 m		R 5 m	
		Small		50		R 3 m		R 3 m	
		Very Small		10		R 0.50 m		R 0.50 m	
		Micro		5		R 0.20 m		R 0.10 m	
Mining & Quarrying		Medium		200		R 39 m		R 23 m	
		Small		50		R 10 m		R 6 m	
		Very Small		20		R 4 m		R 2 m	
		Micro		5		R 0.20 m		R 0.10 m	
Manufacturing		Medium		200		R 51 m		R 19 m	
		Small		50		R 13 m		R 5 m	
		Very Small		20		R 5 m		R 2 m	
		Micro		5		R 0.20 m		R 0.10 m	
Electricity, Gas & Water		Medium		200		R 51 m		R 19 m	
		Small		50		R 13 m		R 5 m	
		Very Small		20		R 5.10 m		R 1.90 m	
		Micro		5		R 0.20 m		R 0.10 m	
Construction		Medium		200		R 26 m		R 5 m	
		Small		50		R 6 m		R 1 m	
		Very Small		20		R 3 m		R 0.50 m	
		Micro		5		R 0.20 m		R 0.10 m	
Retail & Motor Trade and Repair Service		Medium		200		R 39 m		R 6 m	
		Small		50		R 19 m		R 3 m	
		Very Small		20		R 4 m		R 0.60 m	
		Micro		5		R 0.20 m		R 0.10 m	
Wholesale Trade, Commercial Agents & Allied Services		Medium		200		R 64 m		R 10 m	
		Small		50		R 32 m		R 5 m	
		Very Small		20		R 6 m		R 0.60 m	
		Micro		5		R 0.20 m		R 0.10 m	
Catering, Accommodation and other trade		Medium		200		R 13 m		R 3 m	
		Small		50		R 6 m		R 1 m	
		Very Small		20		R 5.10 m		R 1.90 m	
		Micro		5		R 0.20 m		R 0.10 m	
Transport, Storage and Communications		Medium		200		R 26 m		R 6 m	
		Small		50		R 13 m		R 3 m	
		Very Small		20		R 3 m		R 0.60 m	
		Micro		5		R 0.20 m		R 0.10 m	
Finance and Business Services		Medium		200		R 26 m		R 5 m	
		Small		50		R 13 m		R 3 m	
		Very Small		20		R 3 m		R 0.50 m	
		Micro		5		R 0.20 m		R 0.10 m	
Community Social and Personal Services		Medium		200		R 13 m		R 6 m	
		Small		50		R 6 m		R 3 m	
		Very Small		20		R 1 m		R 0.60 m	
		Micro		5		R 0.20 m		R 0.10 m	

DECLARATION AFFIDAVIT FOR ALL ENTERPRISE STATUS

I/We, the undersigned,

- warrants that I am/we are duly authorised to sign on behalf of the enterprise;
- certifies that the enterprise complies with all statutory and municipal requirements and that the information supplied in terms of this document and all supporting documents is correct and accurate and acknowledges that
 - The enterprise complies with all requirements for recognition as a Black/Priority Population Group / Black Business Enterprise / Priority Business Enterprise / Woman Business Enterprise / Disabled Person Enterprise / SMME (Delete as applicable) as defined, and
 - The contents of this Affidavit are within my personal knowledge, save where stated otherwise are to the best of my belief both true and correct.
 - The enterprise will be required to furnish documentary proof if requested to do so.
 - if the information supplied is found to be incorrect then the eThekweni Municipality in addition to any remedies it may have, may
 - Recover from the Enterprise all costs, losses or damages incurred or sustained by the Municipality as a result of the award of a contract, and/or
 - Cancel the contract and claim damages which the Municipality may suffer by having to make favourable arrangements after such cancellations, and/or
 - Impose a penalty on the Enterprise as provided in the Tender Documents, and/or
 - Take any other action as may be deemed necessary.

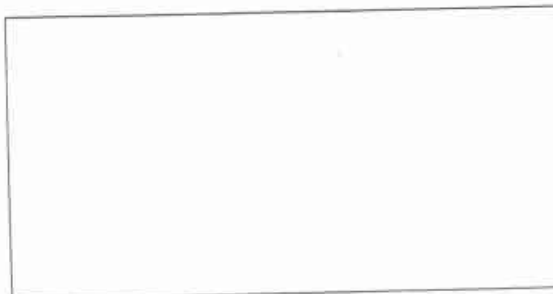
Confirm that I/we have noted Part B have to () complete it/ () not to complete it.

Name
Identity Number
Duly Authorised to sign on behalf of
Address
Telephone
Signature

Signed and sworn to before me at on this day of by the Deponent(s), who has acknowledged that s/he knows and understands the contents of this document, that it is true and correct to the best of his/her knowledge and that s/he has no objection to taking the prescribed oath, and that the prescribed oath will be binding on his/her conscience.

Commissioner of Oaths

Commissioner's Stamp



NOTE: All pages of this affidavit must be initialed by both the Deponent(s) and the Commissioner of Oaths.