

Laingsburg

Munisipaliteit

Municipality

Munisipale-geboue
Privaatsak X4
LAINGSBURG, 6900
Tel. (023) 551 1019
Faks No. (023) 551 1019



Municipal Buildings
Private Bag X4
LAINGSBURG, 6900
Tel. (023) 551 1019
Fax No. (023) 551 1019

E-pos / E-mail : scm@laingsburg.gov.za

QUOTATION NOTICE: 35/2017

FORMAL WRITTEN PRICE QUOTATION: SCM/004/2017

SUPPLY AND DELIVERY OF FENCING MATERIALS

Laingsburg Municipality awaits quotations from suitably experienced service providers for the supply and delivery of fencing materials.

The quotation must be submitted on the letterhead of your business and must be returned via the following means of communication:

1. Email: scm@laingsburg.gov.za;
2. Posted to LAINGSBURG MUNICIPALITY, PRIVATE BAG X4, LAINGSBURG, 6900 or delivered by hand at the 02 Van Riebeeck Street, Municipal Buildings, Laingsburg;
3. Faxed to number indicated below;

Suppliers must be registered on the Centralised Supplier Database.

The quotation should reach SCM offices by no later than **12 MAY 2017 AT 12H00**.

- **Contact Person:** Keith Gertse
- **Telephone No:** 023 55 11 019
- **Fax No:** 023 55 11 019

SC PIETERSE
ACTING MUNICIPAL MANAGER

04 MAY 2017

Municipal Buildings
Private bag X4
LAINGSBURG
6900

NB: The following conditions will apply:

1. Price(s) quoted must be valid for at least thirty (30) days from date of your offer;
2. Price(s) quoted must be firm and must be inclusive of VAT;
3. A firm delivery period must be indicated;
4. This quotation will be evaluated in terms of the 80/20 preference point system as prescribed in the Preferential Procurement Policy Framework Act (No.5 of 2000), if the quote is above R30 000.00 and for this purpose the enclosed forms:
 - Pricing schedule;

- **MBD 4, MBD 6.1 & MBD 9 must be scrutinized, completed if not completed with registration on Database and submitted together with your quotation.**
- 5. Only those suppliers who complies to specifications will be eligible for points;**
 - 6. The successful provider will be the one scoring the highest points;**
 - 7. Enclosed your valid Tax clearance certificate with the quotation.**

PARTICULAR SPECIFICATION

PA FENCING

CONTENTS

PA 01	SCOPE
PA 02	TYPE OF FENCE
PA 03	MATERIALS
PA 04	CLEARING FENCE LINE
PA 05	INSTALLING POSTS AND STANDARDS
PA 06	INSTALLING WIRE
PA 07	INSTALLING DIAMOND MESH
PA 08	INSTALLING BARBED-TAPE CONCERTINAS
PA 09	CLOSING OPENINGS UNDER FENCES
PA 10	INSTALLING GATES
PA 11	GENERAL REQUIREMENTS AND TOLERANCES
PA 12	MEASUREMENT AND PAYMENT

PA 01 SCOPE

This is a Particular Specification and covers the erection of new fences.

PA 02 TYPE OF FENCE

The fence shall be a security fence and shall be erected in accordance with the dimensions shown on the Drawings.

PA 03 MATERIALS

PA 03.1 POSTS, STAYS AND STANDARDS

Posts, stays and standards shall be of the type and size indicated on the Drawings. Posts shall include gate posts, straining posts and corner posts.

Metal posts, stays and standards shall comply with the requirements of CKS 82 and SABS 280. "Acceptable" in CKS 82 means "acceptable to the Engineer".

Tubular posts, standards and stays shall be galvanized in accordance with SABS ISO 1461:1999 Table 1 for type B articles. All rail and Y-sections shall be provided with a protective coating of tar or other approved material.

Corner, gate and straining posts shall be suitably drilled for stay bolts or gate fittings as indicated on the Drawings.

PA 03.2 BOLTS FOR STAYS

Bolts shall be of mild steel and galvanized in accordance with SABS ISO 1461:1999 Table 1 for type C articles. The length and diameter of the bolts shall be as shown on the Drawings. All the necessary bolts, together with nuts and washers, shall be supplied with each post.

PA 03.3 WIRE

All wire shall conform to the requirements of SABS 675 and shall be class B galvanized, except where otherwise specified below.

(a) Barbed wire

Barbed wire shall be one or both of the following types:

- (i) High-tensile grade, oval shaped, single-strand wire, 2,60 mm x 2,00 mm
- (ii) Mild-steel grade, double-strand, uni-directional twist wire, each strand 2,50 mm in diameter

Barbs shall be spaced at not more than 150 mm intervals.

(b) Smooth wire

Smooth wire shall be of the types specified below:

- (i) Straining wire shall be mild-steel wire, 4,00 mm in diameter.
- (ii) Fencing wire shall be high-tensile grade 2,24 mm diameter wire.
- (iii) Tying wire or binding wire shall be 2,50 mm diameter, mild-steel, class C galvanized wire for tying fencing wire to standards and 1,60 mm diameter, mild-steel, class C galvanized wire for tying wire mesh to fencing wire.

(c) Barbed-tape concertinas

Barbed-tape concertinas shall comply with the requirements for type A in CKS Specification 592 and shall consist of close-coiled high-tensile wire with a continuous strip of flat steel barbs (barbed tape) crimped to the wire along the entire length of the wire. The coils shall further be attached to each other by clips to give a concertina configuration when pulled apart. The coils shall be of the diameter as shown on the Drawings. Each concertina shall have a minimum of 55 coils, and the maximum effective length of open concertina, when pulled apart, shall depend on the diameter of the roll, but shall be at least 12 m.

The high-tensile wire shall be class B galvanized and the barbed tape shall be made of cold-rolled carbon steel galvanized to class Z450. The concertina clips shall be manufactured from steel strip galvanized to class Z450.

PA 03.4 DIAMOND MESH

Diamond mesh (chain-link fencing) shall comply with the requirements of SABS 1373. The width shall be as shown on the Drawings, and both edges shall be clinched.

The diameter of the wire shall be 2,5 mm and the mesh size shall be as shown on the Drawings and the wire shall be class B galvanized.

PA 03.5 GATES

Gates shall comply with the requirements of CKS 146 and shall be manufactured to the dimensions shown on the Drawings.

Gates shall be complete in every respect, and shall include hinges, washers, bolts and the locking mechanism shown on the Drawings.

PA 03.6 CONCRETE

Concrete used for fencing shall comply with the requirements of SABS 1200 G.

PA 04 CLEARING FENCE LINE

Strip clearing for the fence shall be carried out in accordance with SABS 1200 C and will be measured and paid for under Section 1200 C of the Schedule of Quantities.

PA 05 INSTALLING POSTS AND STANDARDS

Straining posts shall be erected at all ends, corners and bends in the line of fencing and at all junctions with other fences. Straining posts shall not be spaced further apart than shown on the Drawings. The height of the posts above the ground shall be such that the correct clearance between the lowest wire and the ground can be obtained.

Posts shall be accurately set in holes and, where indicated, shall be provided with concrete bases to the dimensions shown on the Drawings.

Holes shall be dug to the full specified depth. Where, due to the presence of rock, the holes cannot be excavated by hand or by pneumatic tools and the Contractor has to resort to the use of explosives, he will be paid separately for the drilling and blasting operations required.

Corner, gate, end and straining posts shall be braced by means of stays or anchors, as shown on the Drawings. Pipe stays shall be bolted to the posts. Gate posts shall not be used as straining posts, but at each gate post a straining post shall be placed as shown on the Drawings and stayed by means of an anchor consisting of six strands of wire.

Standards shall be firmly planted in the ground at the spacing shown on the Drawings or as directed by the Engineer. The spacing of standards between any two straining posts shall be uniform. In rock or hard material standards shall either be driven or set in holes drilled into the rock. The size of drilled holes shall be such that a tight fit is obtained. Care shall be taken not to buckle or damage the standards when driven. Where indicated, standards shall be provided with concrete bases to the dimensions shown on the Drawings.

All posts and standards shall be accurately aligned and set plumb and shall be planted with the overhang as shown on the Drawings and at right angles to the direction of the fence. After posts and standards have been firmly set in accordance with the foregoing requirements, the fencing wire shall be attached thereto as described below.

PA 06 **INSTALLING WIRE**

All fencing wire shall be carefully stretched and hung without sag and with true alignment, and care shall be taken not to stretch the wire so tightly as to cause breaking, pulling up straining posts, or being easily damaged during veld fires.

Each strand of fencing wire shall be securely fastened in the correct position to each standard with galvanized binding wire. The binding wire for each horizontal fence wire shall pass through a hole or notch in the standard, and the ends of the wire shall be wound at least four times around the fencing wire.

At the end, corner, straining and gate posts the fencing wire shall be securely wrapped twice around the post and secured against slipping by tying the end tightly around the wire by means of at least six snug, tight twists. In the case of high-tensile wire, two long windings must first be made before the six tight twists to prevent the wire from breaking at the first twist. Where smooth wire is used, the loose end shall be bent back and hooked into the opening between the fencing wire and the first winding.

Splices in the fencing wire will be permitted if made in the following manner with the use of a splice tool: The end of each wire at the splice shall be carried at least 75 mm past the splice tool and wrapped snugly around the other wire for not less than six complete turns, after which the two separate wire ends shall be wound in opposite directions. After the splice tool has been removed, the space left by it in the splice wire shall be closed by pulling together the wire ends. The unused ends of wire shall be cut close to leave a neat splice.

The gaps between gate posts and the adjacent straining posts shall be fenced off with short fencing wires.

PA 07 **INSTALLING DIAMOND MESH**

Where indicated on the Drawings, diamond mesh shall be stretched against the fence and properly tied to the fencing wire. The diamond mesh shall be secured by means of binding wire at 1,2 m centres along the top and bottom wires and at 3 m centres along each of the other fencing wires, unless shown otherwise on the Drawings.

PA 08 **INSTALLING BARBED-TAPE CONCERTINAS**

Barbed-tape concertinas shall be positioned on the fence as shown on the Drawings. The concertinas shall be fastened to the appropriate fencing wires at each standard as well as at 1,0 m maximum intervals between standards.

Rolls of barbed-tape concertinas shall be joined with binding wire at four points, spaced at equidistant intervals around the circumference of the loop. Joints shall be made to coincide with the positions of standards.

PA 09 **CLOSING OPENINGS UNDER FENCES**

At ditches, streams, drainage channels or other hollows where the fence cannot follow the general ground contour, the Contractor shall close the opening under the fence by means of horizontal barbed wires 150 mm apart and stretched between additional straining posts as shown on the Drawings. The opening shall be covered with strips of diamond mesh, 1 000 mm wide, fixed to the barbed wires.

In the case of larger streams, the opening below the lower fencing wire shall be closed by means of loose-hanging wire nets as shown on the Drawings. These nets shall be erected at streams only on the instructions of the Engineer.

PA 10 **INSTALLING GATES**

Gates shall be installed at the positions indicated on the Drawings or pointed out on Site. The gates shall be hung on gate fittings in accordance with the details shown on the Drawings. Gates shall be so erected that they swing in a horizontal plane at right angles to the gate posts and clear of the ground in all positions. Double swing gates shall close to have a gap of not more than 25 mm between them, and other gates shall close to be not further than 25 mm from the gate post.

PA 11 **GENERAL REQUIREMENTS AND TOLERANCES**

The completed fences shall be plumb, taut, true to line and to the ground contour, and with all posts, standards and stays firmly set.

The height of the lower fencing wire above the ground at posts and standards shall not vary by more than 25 mm from that shown on the Drawings. Other fencing wires shall not vary by more than 10 mm from their prescribed relative vertical positions.

Anchoring of a fence to structures shall be done as shown on the Drawings.

The Contractor shall, on completion of each section of fence, remove all cut-offs and other loose wire or mesh so as to leave the fence with a neat and finished appearance.

PA 12 MEASUREMENT AND PAYMENT**PA.01 Supply and erection of new fencing material:**

(a) Barbed wire (grade, size and type of wire indicated)..... Unit: m

(b) Smooth wire (grade and size indicated)..... Unit: m

(c) Barbed tape concertinas (coil diameter indicated) Unit: m

The unit of measurement shall be the metre of each type of fencing wire and barbed-tape concertinas measured between end posts. Binding wire and wire used for the bracing and anchoring of posts shall not be measured for payment.

(d) Diamond mesh (mesh size indicated) Unit: m²

The unit of measurement shall be the square metre of diamond mesh and the quantity shall be calculated on the prescribed width and the length between straining posts or gate posts, or the length of strips for covering openings under fences, or the length used for the covering of gates.

(e) Corner, end, and straining posts, including anchors (type, size and length indicated)..... Unit: number

The unit of measurement shall be the number of posts required to conform to the maximum spacing specified or such lesser spacing as authorised by the Engineer.

(f) Standards (length and type indicated) Unit: number

The unit of measurement shall be the number of standards required to conform to the maximum spacing specified or such lesser spacing as authorised by the Engineer.

(g) Droppers (length and type indicated) Unit: number

The unit of measurement shall be the number of droppers required to conform to the maximum spacing specified or such lesser spacing as authorised by the Engineer.

The tendered rates shall include full compensation for concrete, binding wire, straining wire, bolts, washers and nuts, all excavations, drilling of holes for standards, and the complete erection of the fence as specified and as shown on the Drawings. The tendered rate for posts shall make provision for the construction of the stays of the types shown on the Drawings.

The quantity of material used shall be determined by measuring the quantities of individual items of material installed in the completed fence. No linear measure of completed fence shall be applicable.

PA.02 New gates:

(a) Single leaf (size and type indicated)..... Unit: number

(b) Double leaf (size and type indicated) Unit: number

The unit of measurement shall be the number of new gates erected. A pair of gates shall be measured as one.

The tendered rate shall include full compensation for gate posts, hinges, bolts, concrete, locking mechanism and straining wire, and for the erection of the gates complete as specified and as shown on the Drawings. It shall not include compensation for any fencing wire or mesh used on the gate.

PA.03 Drilling and blasting holes for posts and anchorsUnit: number

The unit of measurement shall be the number of holes for posts and anchors made by drilling and blasting where excavation by hand-tools or pneumatic tools cannot be done economically.

The tendered rate shall include full compensation for drilling and blasting the holes and for all other expenses in connection with the provision, storage, transportation and use of explosives.

Item No	Payment Clause	Short Description	Unit	Quantity	Rate	Amount R c
		SECTION 1: PERIMETER FENCING				
	SABS 1200 PA	FENCING as specified in SABS 1200 PA and in the project specifications				
1	PA 12.01	Supply galvanised steel mesh fencing complete as per drawing 109122-GOLD-DRG-CC-905-01				
2		(a) Barbed wire (2.6 x 2.0mm oval shaped single strand high tensile, fully galvanised)	m	450		R -
3		(b) Straining wire (4.0mm mild tensile, fully galvanised)	No	600		R -
4		(d) Diamond mesh (Green PVC coated 2.5mm Galvanised wire made into 50mm square mesh)	m²	265		R -
5		(e) Corner, end, and straining posts including anchors				
6		(i) Gate posts (127mm dia x 5.0mm)	No.	2		R -
7		(ii) Straining posts (102mm dia x 5.0mm)	No.	2		R -
8		(iii) Stays and intermediate posts (76mm dia x 3.5mm)	No.	45		R -
9	PA 12.02	Supply New Gates complete as per drawing 109122-DRG-CC-905-01	No.	1		R -
		TOTAL SECTION 1: Carried to Summary			R	0.00

SUMMARY

SECTION E:	FENCING	R	0.00
TOTAL OF PRICED ITEMS		<u>R</u>	<u>0.00</u>
NET TOTAL OF TENDER		R	0.00
Add 14% for Value Added Tax		<u>R</u>	<u>0.00</u>
GROSS TOTAL OF CONTRACT		<u>R</u>	<u>0.00</u>

Date:

Signed on behalf
of Contractor:

DECLARATION OF INTEREST

1. No bid will be accepted from persons in the service of the state*.
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 and/or take an oath declaring his/her interest.

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

3.1 Full Name:

3.2 Identity Number:

3.3 Company Registration Number:

3.4 Tax Reference Number:

3.5 VAT Registration Number:

3.6 Are you presently in the service of the state* **YES / NO**

3.6.1 If so, furnish particulars.

.....

.....

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

3.7.1 If so, furnish particulars.

.....

.....

* 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

(f) an employee of Parliament or a provincial legislature.

3.8 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

3.8.1 If so, furnish particulars.

.....
.....

3.9 Are you, aware of any relationship (family, friend, other) between a 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

3.9.1 If so, furnish particulars

.....
.....

3.10 Are any of the company's directors, managers, principal shareholders or stakeholders in service of the state?

YES / NO

3.10.1 If so, furnish particulars.

.....
.....

3.11 Are any spouse, child or parent of the company's directors, managers, principal shareholders or stakeholders in service of the state?

YES / NO

3.11.1 If so, furnish particulars.

.....
.....

CERTIFICATION

I, THE UNDERSIGNED (NAME)

CERTIFY THAT THE INFORMATION FURNISHED ON THIS DECLARATION FORM IS CORRECT.

I ACCEPT THAT THE STATE MAY ACT AGAINST ME SHOULD THIS DECLARATION PROVE TO BE FALSE.

.....
Signature

.....
Date

.....
Position

.....
Name of Bidder

PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL PROCUREMENT REGULATIONS 2017

This preference form must form part of all bids invited. It contains general information and serves as a claim form for preference points for Broad-Based Black Economic Empowerment (B-BBEE) Status Level of Contribution

NB: BEFORE COMPLETING THIS FORM, BIDDERS MUST STUDY THE GENERAL CONDITIONS, DEFINITIONS AND DIRECTIVES APPLICABLE IN RESPECT OF B-BBEE, AS PRESCRIBED IN THE PREFERENTIAL PROCUREMENT REGULATIONS, 2017.

1. GENERAL CONDITIONS

1.1 The following preference point systems are applicable to all bids:

- the 80/20 system for requirements with a Rand value of up to R50 000 000 (all applicable taxes included); and
- the 90/10 system for requirements with a Rand value above R50 000 000 (all applicable taxes included).

1.2

- a) The value of this bid is estimated to **exceed/not exceed** R50 000 000 (all applicable taxes included) and therefore the preference point system shall be applicable; or
- b) Either the 80/20 or 90/10 preference point system will be applicable to this tender (*delete whichever is not applicable for this tender*).

1.3 Points for this bid shall be awarded for:

- (a) Price; and
- (b) B-BBEE Status Level of Contributor.

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

	POINTS
PRICE	
B-BBEE STATUS LEVEL OF CONTRIBUTOR	
Total points for Price and B-BBEE must not exceed	100

1.5 Failure on the part of a bidder to submit proof of B-BBEE Status level of contributor together with the bid, will be interpreted to mean that preference points for B-BBEE status level of contribution are not claimed.

1.6 The purchaser reserves the right to require of a bidder, either before a bid is adjudicated or at any time subsequently, to substantiate any claim in regard to preferences, in any manner required by the purchaser.

2. DEFINITIONS

- (a) **“B-BBEE”** means broad-based black empowerment as defined in section 1 of the Broad-Based Black Economic Empowerment Act;
- (b) **“B-BBEE status level of contributor”** means the B-BBEE status of an entity in terms of a code of good practice on black economic empowerment, issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act;
- (c) **“bid”** means a written offer in a prescribed or stipulated form in response to an invitation by an organ of state for the provision of goods or services, through price quotations, advertised competitive bidding processes or proposals;
- (d) **“Broad-Based Black Economic Empowerment Act”** means the Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003);
- (e) **“EME”** means an Exempted Micro Enterprise in terms of a code of good practice on black economic empowerment issued in terms of section 9 (1) of the Broad-Based Black Economic Empowerment Act;
- (f) **“functionality”** means the ability of a tenderer to provide goods or services in accordance with specifications as set out in the tender documents.
- (g) **“prices”** includes all applicable taxes less all unconditional discounts;
- (h) **“proof of B-BBEE status level of contributor”** means:
 - 1) B-BBEE Status level certificate issued by an authorized body or person;
 - 2) A sworn affidavit as prescribed by the B-BBEE Codes of Good Practice;
 - 3) Any other requirement prescribed in terms of the B-BBEE Act;
- (i) **“QSE”** means a qualifying small business enterprise in terms of a code of good practice on black economic empowerment issued in terms of section 9 (1) of the Broad-Based Black Economic Empowerment Act;
- (j) **“rand value”** means the total estimated value of a contract in Rand, calculated at the time of bid invitation, and includes all applicable taxes;

3. POINTS AWARDED FOR PRICE

3.1 THE 80/20 OR 90/10 PREFERENCE POINT SYSTEMS

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

80/20

or

90/10

$$P_s = 80 \left(1 - \frac{Pt - P_{\min}}{P_{\min}} \right) \quad \text{or} \quad P_s = 90 \left(1 - \frac{Pt - P_{\min}}{P_{\min}} \right)$$

Where

Ps = Points scored for price of bid under consideration

Pt = Price of bid under consideration

P_{min} = Price of lowest acceptable bid

4. POINTS AWARDED FOR B-BBEE STATUS LEVEL OF CONTRIBUTOR

- 4.1 In terms of Regulation 6 (2) and 7 (2) of the Preferential Procurement Regulations, preference points must be awarded to a bidder for attaining the B-BBEE status level of contribution in accordance with the table below:

B-BBEE Status Level of Contributor	Number of points (90/10 system)	Number of points (80/20 system)
1	10	20
2	9	18
3	6	14
4	5	12
5	4	8
6	3	6
7	2	4
8	1	2
Non-compliant contributor	0	0

5. BID DECLARATION

5.1 Bidders who claim points in respect of B-BBEE Status Level of Contribution must complete the following:

6. B-BBEE STATUS LEVEL OF CONTRIBUTOR CLAIMED IN TERMS OF PARAGRAPHS 1.4 AND 4.1

6.1 B-BBEE Status Level of Contributor: . =(maximum of 10 or 20 points)

(Points claimed in respect of paragraph 7.1 must be in accordance with the table reflected in paragraph 4.1 and must be substantiated by relevant proof of B-BBEE status level of contributor.

7. SUB-CONTRACTING

7.1 Will any portion of the contract be sub-contracted?

(***Tick applicable box***)

YES	<input type="checkbox"/>	NO	<input type="checkbox"/>
-----	--------------------------	----	--------------------------

7.1.1 If yes, indicate:

i) What percentage of the contract will be subcontracted.....%

ii) The name of the sub-contractor.....

iii) The B-BBEE status level of the sub-contractor.....

iv) Whether the sub-contractor is an EME or QSE

(***Tick applicable box***)

YES	<input type="checkbox"/>	NO	<input type="checkbox"/>
-----	--------------------------	----	--------------------------

v) Specify, by ticking the appropriate box, if subcontracting with an enterprise in terms of Preferential Procurement Regulations, 2017:

Designated Group: An EME or QSE which is at least 51% owned by:	EME √	QSE √
Black people	<input type="checkbox"/>	<input type="checkbox"/>
Black people who are youth	<input type="checkbox"/>	<input type="checkbox"/>
Black people who are women	<input type="checkbox"/>	<input type="checkbox"/>

Black people with disabilities		
Black people living in rural or underdeveloped areas or townships		
Cooperative owned by black people		
Black people who are military veterans		
OR		
Any EME		
Any QSE		

8. DECLARATION WITH REGARD TO COMPANY/FIRM

8.1 Name _____ of
company/firm:.....

8.2 VAT _____ registration
number:.....

8.3 Company _____ registration
number:.....

8.4 TYPE OF COMPANY/ FIRM

- ☐ Partnership/Joint Venture / Consortium
- ☐ One person business/sole propriety
- ☐ Close corporation
- ☐ Company
- ☐ (Pty) Limited

[TICK APPLICABLE BOX]

8.5 DESCRIBE PRINCIPAL BUSINESS ACTIVITIES

.....

8.6 COMPANY CLASSIFICATION

- ☐ Manufacturer
- ☐ Supplier
- ☐ Professional service provider
- ☐ Other service providers, e.g. transporter, etc.

[TICK APPLICABLE BOX]

8.7 MUNICIPAL INFORMATION

Municipality where business is situated:

.....

Registered Account Number:

Stand Number:.....

8.8 Total number of years the company/firm has been in
business:.....

8.9 I/we, the undersigned, who is / are duly authorised to do so on behalf of the company/firm, certify that the points claimed, based on the B-BBE status level of contributor indicated in paragraphs 1.4 and 6.1 of the foregoing certificate, qualifies the company/ firm for the preference(s) shown and I / we acknowledge that:

- i) The information furnished is true and correct;
- ii) The preference points claimed are in accordance with the General Conditions as indicated in paragraph 1 of this form;
- iii) In the event of a contract being awarded as a result of points claimed as shown in paragraphs 1.4 and 6.1, the contractor may be required to furnish documentary proof to the satisfaction of the purchaser that the claims are correct;
- iv) If the B-BBEE status level of contributor has been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the purchaser may, in addition to any other remedy it may have –
 - (a) disqualify the person from the bidding 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 bidder or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, be restricted by the National Treasury 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.

WITNESSES

1.

2.

.....
SIGNATURE(S) OF BIDDERS(S)

DATE:

ADDRESS

.....

.....

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.

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: _____ that:

(Name of Bidder)

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.

³ Joint venture or Consortium means an association of persons for the purpose of combining their expertise, property, capital, efforts, skill and knowledge in an activity for the execution of a contract.

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

Js9141w 4