



MAKANA
MUNICIPALITY | EASTERN CAPE
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RFQ DOCUMENT

RFQ No: MLM/RFQ011/2023-24
SUPPLY AND DELIVERY OF EIGHT (8) REFRIGERATORS

Closing Date: 06 June 2024	Closing Time: 12H00PM
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Name of Bidder:

Address:

.....

.....

Telephone No:

Bid Amount:

RFQ BOX: FINANCE DIRECTORATE; HIGH STREET; GRAHAMSTOWN

IMPORTANT NOTES TO BIDDERS:

- | |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ul style="list-style-type: none">a) No late RFQ will be accepted under any circumstances.b) RFQ offers must be submitted in a sealed envelope clearly reflecting the tender number and RFQ description as indicated.c) Only original RFQ will be accepted. No copies, electronic or RFQ via facsimile or telegram will be accepted.d) Returnable documentation to be numbered |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

TENDER NO: MLM/RFQ011/2023-24

CHECKLIST

Only a tenderer who has fully completed and submitted required documentation shall be considered. Failure to do so may result in the disqualification of tenderer where indicated.

No.	Documents	Checked
1.	Tax compliance status report with Issued Pin	
2.	Central Supplier Data base (CSD) Proof of registration and Makana data base Confirmation Letter	
3.	Copy/ies of Company composition documents e.g., CK1, CK2 or Trust document	
4.	Billing clearance certificate, statement of municipal accounts or lease agreement signed by both parties the lessor ad lessee, if expired extension of the lease must be attached or statement of municipal accounts not more than 3 months in arrears must be attached and be returned with the Tender Document. If arrangement has been made to pay the arrears in municipal account, then certified proof of such arrangement must be attached, if lease agreement is submitted, proof from the lessor, with municipal account reflecting no arrears for more than 90 days. Failure to submit will result in disqualification.	
5.	Completed and signed of MBD4, MBD6.1, MBD8 & MBD9 Failure to submit will result in disqualification.	
6.	NB: JV/Partnership; JV agreement or partnership agreement must be attached Failure will result in disqualification. Each JV partner or partnership partner must complete and sign all MBD's and submit billing per requirement above.	

DETAILS OF TENDERER

Name of firm / entity / enterprise	
Trading as (if different from above)	
Postal Address	
Physical Address	
Contact Details of the Person Signing the RFQ	Name: _____ Telephone: () _____ Fax: () _____ Cellular Number: _____ E-mail Address: _____
Contact Details of the Senior Manager Responsible for Overseeing the Contract Performance	Name: _____ Telephone: () _____ Fax: () _____ Cellular Number: _____ E-mail Address: _____
Contact Details of Person Responsible for the Accounts / Invoices	Name: _____ Telephone: () _____ Fax: () _____ Cellular Number: _____ E-mail Address: _____
Company Income Tax Number	
VAT Registration Number	
Company Registration Number	
Any other Registration Applicable to this Industry	
CIBD Registration Number	



BID NOTICE / ADVERT

Makana Local Municipality wishes to invite suitable service providers to provide the following services.

Project Name: **SUPPLY AND DELIVERY OF 8 REFRIGIRATORS**

Tender number: **MLM/RFQ011/2023-24**

Closing Date& Time: 06 June 2024

Date advertised: 30 May 2024

Bidders are required to submit the following documents:

- Bidders must submit a valid SARS Tax status report Issued with a Pin
- Certified copies of identify documents of Directors.
- Completed and signed declaration of interest MBD 4, MBD 6.1, MBD 8 & MBD 9 **failure to submit will result in disqualification.**
- Certified Copy of the Billing clearance certificate/ lease agreement signed by both parties the lessor and the lessee, if expired, proof of extension of the lease must be attached or statement of municipal accounts which is not more 3 months old and not more than 3 months in arrears must be attached and be returned with Tender document. If arrangement has been made to pay the arrear municipal account, then certified proof of such arrangement must be attached. If lease agreement is submitted, proof from the lessor, with municipal account reflecting no arrears for more than 90 days. **Failure to submit will result in disqualification.**
- Tenderers must be registered on the Makana Local Municipality supplier database and the Central Supplier Database (CSD). Proof of registration (Makana Database Confirmation Letter and latest CSD Registration Report not older than a month) on both databases must be submitted.
- **NB: Failure to submit all the above required information will result in disqualification of the bidder.**
- Tenders that are late, incomplete, unsigned, or submitted by fax to email or electronically, will not be accepted.
- Documents to be filled with black ink.

- **NB:** For JV and partnership Each Directors must complete and sign the MBDs, each JV/Partner must submit CSD; ID and JV/Partnership agreement to be submitted. Failure to do so will result in disqualification.
- Price must be valid for a period of 120 days from the closure date of the tender.
- Makana Supply Chain Management Policy, The Preferential Procurement Policy Framework Act (PPPFA) No. 5 of 2000 together with emended Preferential Procurement Policy Regulations of 2022 will apply.

Received Responsive proposals will be evaluated based on the following two stages, namely:

- Stage 1 – Functionality
- Stage 2 – Price and Specific Goals

A bidder that scores less than 70 points out of 100 in respect of “functionality” will be regarded as submitting a non-responsive quote and will be disqualified and will be not evaluated further for price and specific goals. Only bidders who score 70 % or more will be evaluated for price and specific goals.

Specific goals will be utilized where 10 points will be allocated to 100% black owned companies, 5 points to 50% black youth owned companies and 5 points to locally based businesses. NB: A Certified proof of business address within the Makana Local Municipality Jurisdiction must be attached for Locally based businesses. Bidders who fail to attach such proof will forfeit the allocated points.

Functionality Evaluation Criteria

CRITERIA	Weight
Proof of quality agreement from manufacture and SABS approved	20
Number of projects relating to Supply and Delivery of materials Above R200,000.00 Points will be awarded per each signed contactable reference letter by project manager/ SCM Manager/ CFO as follows: 1 -2 projects = 10 points 3 -4 projects = 30 points 5 projects or more = 40 points	40
Delivery time frame (Proven track record of delivery: Attach a copy of signed purchase order with signed delivery note by project manager/ SCM Manager/CFO) Within 7 days = 20 points Within 8 – 14 days = 10 points From 15 days and more = 0 points	20
Financial Bank Rating (A, B and C = 20 Points) Above C = 0 Points	20
TOTAL	100

Bid Documents: The document will be available at Makana Municipality website published with advert at no cost to the bidder.

Closing Date: Completed bid documents in sealed envelope, clearly marked with tender number and tender name of the applicable project must be deposited in the **RFQ BOX** situated at **UPSTAIRS** Makana Local Municipality: Finance Department at 92 High Street Grahamstown not later than the closure dates and times indicated on the table above.

Makana Local Municipality does not bind itself to accept the lowest or any bid and reserves the right to accept the whole or part of the bid.

All enquiries are to be directed to the Project Manager to Mr. Nqaba Mdala on email: nmdala@makana.gov.za; Telephone: 046 – 603 6. All SCM enquiries to be directed to Ms. Tabisa Mvane and Mr. Vuyani Skeyi at 046 603 6222, email: tmvane@makana.gov.za / vskeyi@manaka.gov.za

Issued by office of the Municipal Manager: Mr. P.M. Kate

MR P. M. Kate
MUNICIPAL MANAGER

SECTION 1.2: RFQ CONDITIONS AND INFORMATION

1.2.1 General and Special Conditions of Contract

General Conditions of Contract (GCC) as well as Special Conditions of Contract (SCC) forming part of this set of RFQ documents will be applicable to this RFQ in addition to the conditions of RFQ. Where the GCC and SCC are in conflict with one another, the stipulations of the SCC will prevail.

1.2.2 Acceptance or Rejection of an RFQ

The Municipality reserves the right to withdraw any invitation to RFQ and/or to re-advertise or to reject any RFQ or to accept a part of it. The Municipality does not bind itself to accepting the lowest RFQ or the RFQ scoring the highest points.

1.2.3 Validity Period

Bids shall remain valid for one hundred and twenty days after the RFQ closure date. RFQ may not be amended or withdrawn and may be accepted at any time by Makana Municipality. Validity period can be extended when required.

1.2.4 Cost of RFQ Documents

Will be available at Makana Municipality website published with advert at no cost to the bidder.

1.2.5 Registration on Accredited Supplier Database- CSD and Database

It is expected of all prospective service providers who are not yet registered on the Municipality's Supplier Database to register without delay on the prescribed form. The Municipality reserves the right not to award RFQ to prospective suppliers who are not registered on the Centralized Supplier Database.

1.2.6 Completion of Tender Documents

(a) The original RFQ document must be completed fully in black ink and signed by the authorized signatory to validate the RFQ. RFQ documents may not be retyped. Retyped documents will result in the disqualification of the RFQ.

- (b) The complete original RFQ document must be returned. Missing pages will result in the disqualification of the RFQ.
- (c) No unauthorized alteration of this set of RFQ documents will be allowed. Any unauthorized alteration will disqualify the RFQ automatically. Any ambiguity has to be cleared with contact person for the RFQ before the RFQ closure.

1.2.7 Compulsory Documentation

1.2.7.1 Tax Clearance Certificate

- (a) A Tax Compliance Status with Pin Issued must accompany the bid.
- (b) Bids not supported by a valid tax compliance status with a pin issued will be disqualified. However, MFMA Circular 90 will apply.

1.2.8 Other Documentation

1.2.8.1 Construction Industry Development Board (CIDB) (If applicable)

When applicable, a copy of the bidder's registration with the CIDB must be included with the RFQ.

1.2.8.2 Municipal Rates, Taxes and Charges

- (a) An original or certified copy of the bidders Municipal Billing Clearance Certificate (for the Municipality where the bidder pays his account) for the month preceding the tender closure date must accompany the tender documents.
- (b) Any bidder which is in arrears with their municipal rates and taxes or municipal charges due to any Municipality or any of its entities for more than **three months** and have not made an arrangement for settlement of same before the bid closure date will be unsuccessful.
- (c) If a bidder rents their premises, valid lease agreement signed by both parties (lessor and lease) must be submitted that the rental includes their municipal rates and taxes or municipal charges and that their rent is not in arrears.

- (d) If lease expired extension of the lease must be attached or statement of municipal accounts not more than 3 months old and not more than 3 months in arrears must be attached to and be returned with the RFQ documents. **Failure to submit will result in disqualification.**

1.2.8.3 Identity Document

- (a) The Identity document/s of the Director or Directors must be originally certified and not a copy of a previous certification.

1.2.8.4 Company composition documents

- (a) A copy of the company composition documents e.g., CK1, CK2 or Trust documents must be submitted.

1.2.8.5 MBD Forms

All the attached MBDs must be completed and signed, failure will lead to disqualification.

- (a) MBD 4, 8 and 9 forms must be duly completed and signed.
(b) MBD 6.1 (PPPFA) and must be duly completed and signed.
(c) If sections of the declaration forms are not applicable, they must be indicated as such, and declaration must be signed failure will lead to disqualification.

1.2.9 Authorized Signatory

- (a) A copy of the recorded Resolution taken by the Board of Directors, members, partners or trustees authorizing the representative to submit this bid on the bidder's behalf must be attached to the Bid Document on submission of same.

(b) A bid shall be eligible for consideration only if it bears the signature of the bidder or of some person duly and lawfully authorized to sign it for and on behalf of the bidder.

1.2.10 Site / Information Meetings

N/A

1.2.11 Samples

N/A

1.2.12 Quantities of Specific Items

If RFQ are called for a specific number of items, Council reserves the right to change the number of such items to be higher or lower. The successful bidder will then be given an opportunity to evaluate the new scenario and inform the Municipality if it is acceptable. If the successful bidder does not accept the new scenario, it will be offered to the second-placed bidder. The process will be continued to the Municipality's satisfaction.

1.2.13 Submission of RFQ

- (a) The RFQ must be placed in a sealed envelope, or envelopes when the two-envelope system is specified, clearly marked with the tender number, title as well as closing date and placed in the tender box on the Lower Ground floor of the Finance Directorate in High Street, Grahamstown by no later than the **06 June 2024 @ 12H00PM**
- (b) Faxed, e-mailed and late RFQ will not be accepted. RFQ may be delivered by hand, by courier, or posted at the bidder's risk and must be received by the deadline specified above, irrespective of how they are sent or delivered.

1.2.14 Expenses Incurred in Preparation of RFQ

The Municipality shall not be liable for any expenses incurred in the preparation and submission of the RFQ.

1.2.15 Contact with Municipality after RFQ Closure Date

Bidders shall not contact the Makana Municipality on any matter relating to their bid from the time of the opening of the bid to the time the contract is awarded. If a bidder wishes to bring additional information to the notice of the Makana Municipality, it should do so in writing to the Makana Municipality. Any effort by the firm to influence the Makana Municipality in the bid evaluation, bid comparison or contract award decisions may result in the rejection of the bid.

1.2.16 Opening, Recording and Publications of RFQ Received

- (a) RFQ will be opened on the closing date immediately after the closing time specified in the RFQ documents. If requested by any bidder present, the names of the bidders, and if practical, the total amount of each bid and of any alternative bids will be read out aloud.

(b) Details of RFQ received in time will be published on the Municipality's website as well as recorded in a register which is open to public inspection.

1.2.17 Evaluation of RFQ

RFQ will be evaluated in terms of their responsiveness to the RFQ specifications and requirements as well as such additional criteria as set out in this set of RFQ documents.

1.2.18 Procurement Policy

Bids will be awarded in accordance with the new Preferential Procurement Regulations of 2022 pertaining to the Preferential Procurement Policy Framework Act, No. 5 of 2000 as well as Municipality's Supply Chain Management Policy.

1.2.19 Contract

The Municipality will request the signing of a Service Level Agreement which, together with the signed RFQ document, will constitute the full agreement between the Municipality and the successful bidder.

1.2.20 Language of Contract

The contract documents will be compiled in English and the English versions of all referred documents will be taken as applicable.

1.2.21 Wrong Information Furnished

Where a contract has been awarded on the strength of the information furnished by the bidder which, after the conclusion of the relevant agreement, is proved to have been incorrect, the Municipality may, in addition to any other legal remedy it may have, recover from the contractor all costs, losses or damages incurred or sustained by the Municipality as a result of the award of the contract.

1.2.22 Past Practices

- (a) The bid of any bidder may be rejected if that bidder or any of its directors have abused the municipality's supply chain management system or committed any improper conduct in relation to such system.

- (b) The bid of any bidder may be rejected if it is or has been found that that bidder or any of its directors influenced or tried to influence any official or councilor with this or any past RFQ.

- (c) The bid of any bidder may be rejected if it is or has been found that that bidder or any of its directors offered, promised or granted any official or any of his/her close family members, partners or associates any reward, gift, favour, hospitality or any other benefit in any improper way, with this or any past RFQ.

1.2.23 Enquiries

Enquiries in connection with this tender, prior to the tender closure date, may be addressed to Project Manager Mr. Nqaba Mdala Tel 046 – 603 6211 emails: nmdala@makana.gov.za ; SCM queries related enquiries to be directed to Ms. Tabisa Mvane and Mr. Vuyani Skeyi at 046 603 6222, email: tmvane@makana.gov.za / vskeyi@makana.gov.za



MBD 4

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 favoritism, 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 authorized 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, **YES / NO**

managers, principal shareholders or stakeholders in service of the state?

3.11.1 If so, furnish particulars.

.....
.....

CERTIFICATION

I, THE UNDERSIGNED (NAME)

CERTIFY THAT THE INFORMATION FURNISHED ON THIS DECLARATION FORM (MBD 4) 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 2022

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

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

1. GENERAL CONDITIONS

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

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

1.2 **To be completed by the organ of state**

(delete whichever is not applicable for this tender).

- a) The applicable preference point system for this tender is the 90/10 preference point system.
- b) The applicable preference point system for this tender is the **80/20** preference point system.
- c) The **80/20** preference point system will be applicable in this tender. The lowest/ highest acceptable tender will be used to determine the accurate system once tenders are received.

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

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

1.4 **To be completed by the organ of state:**

The maximum points for this tender are allocated as follows:

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

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

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

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

2. DEFINITIONS

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

3. FORMULAE FOR PROCUREMENT OF GOODS AND SERVICES

3.1. POINTS AWARDED FOR PRICE

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

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

$$Ps = 80 \left(1 - \frac{Pt - Pmin}{Pmin} \right) \quad \text{or} \quad Ps = 90 \left(1 - \frac{Pt - Pmin}{Pmin} \right)$$

Where

Ps = Points scored for price of tender under consideration

Pt = Price of tender under consideration

Pmin = Price of lowest acceptable tender.

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

3.2.1. POINTS AWARDED FOR PRICE

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

$$Ps = 80 \left(1 + \frac{Pt - Pmax}{Pmax} \right) \text{ or } Ps = 90 \left(1 + \frac{Pt - Pmax}{Pmax} \right)$$

Where

Ps = Points scored for price of tender under consideration

Pt = Price of tender under consideration

Pmax = Price of highest acceptable tender

4. POINTS AWARDED FOR SPECIFIC GOALS

- 4.1. In terms of Regulation 4(2); 5(2); 6(2) and 7(2) of the Preferential Procurement Regulations, preference points must be awarded for specific goals stated in the tender. For the purposes of this tender the tenderer will be allocated points based on the goals stated in table 1 below as may be supported by proof/ documentation stated in the conditions of this tender:
- 4.2. In cases where organs of state intend to use Regulation 3(2) of the Regulations, which states that, if it is unclear whether the 80/20 or 90/10 preference point system applies, an organ of state must, in the tender documents, stipulate in the case of—
- (a) an invitation for tender for income-generating contracts, that either the 80/20 or 90/10 preference point system will apply and that the highest acceptable tender will be used to determine the applicable preference point system; or
 - (b) any other invitation for tender, that either the 80/20 or 90/10 preference point system will apply and that the lowest acceptable tender will be used to determine the applicable preference point system,

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

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

(Note to organs of state: Where either the 90/10 or 80/20 preference point system is applicable, corresponding points must also be indicated as such.

Note to tenderers: The tenderer must indicate how they claim points for each preference point system.)

The specific goals allocated points in terms of this tender	Number of points allocated (90/10 system) (To be completed by the organ of state)	Number of points allocated (80/20 system) (To be completed by the organ of state)	Number of points claimed (90/10 system) (To be completed by the tenderer)	Number of points claimed (80/20 system) (To be completed by the tenderer)
100% Black Owned Businesses	5	10		
50% Black Youth Owned	2.5	5		
Locally Based Businesses	2.5	5		

DECLARATION WITH REGARD TO COMPANY/FIRM

4.3. Name of company/firm.....

4.4. Company registration number:
.....

4.5. TYPE OF COMPANY/ FIRM

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

4.6. I, the undersigned, who is duly authorised to do so on behalf of the company/firm, certify that the points claimed, based on the specific goals as advised in the tender,

qualifies the company/ firm for the preference(s) shown and I acknowledge that:

- 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 4.2, the contractor may be required to furnish documentary proof to the satisfaction of the organ of state that the claims are correct;
- iv) If the specific goals have been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the organ of state may, in addition to any other remedy it may have –
 - (a) disqualify the person from the tendering process;
 - (b) recover costs, losses or damages it has incurred or suffered as a result of that person's conduct;
 - (c) cancel the contract and claim any damages which it has suffered as a result of having to make less favourable arrangements due to such cancellation;
 - (d) recommend that the tenderer or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, be restricted from obtaining business from any organ of state for a period not exceeding 10 years, after the *audi alteram partem* (hear the other side) rule has been applied; and
 - (e) forward the matter for criminal prosecution, if deemed necessary.

..... SIGNATURE(S) OF TENDERER(S)	
SURNAME AND NAME:
DATE:
ADDRESS:

DECLARATION OF BIDDER’S PAST SUPPLY CHAIN MANAGEMENT PRACTICES

- 1 This Municipal Bidding Document must form part of all bids invited.
- 2 It serves as a declaration to be used by municipalities and municipal entities in ensuring that when goods and services are being procured, all reasonable steps are taken to combat the abuse of the supply chain management system.
- 3 The bid of any bidder may be rejected if that bidder, or any of its directors have:
 - a. abused the municipality’s / municipal entity’s supply chain management system or committed any improper conduct in relation to such system.
 - b. been convicted for fraud or corruption during the past five years.
 - c. willfully neglected, reneged on or failed to comply with any government, municipal or other public sector contract during the past five years; or
 - d. been listed in the Register for Tender Defaulters in terms of section 29 of the Prevention and Combating of Corrupt Activities Act (No 12 of 2004).
- 4 In order to give effect to the above, the following questionnaire must be completed and submitted with the bid.

Item	Question	Yes	No
4.1	Is the bidder or any of its directors listed on the National Treasury’s database as a company or person prohibited from doing business with the public sector? (Companies or persons who are listed on this database were informed in writing of this restriction by the National Treasury after the <i>audi alteram partem</i> rule was applied).	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.1.1	If so, furnish particulars:		
4.2	Is the bidder or any of its directors listed on the Register for Tender Defaulters in terms of section 29 of the Prevention and Combating of Corrupt Activities Act (No 12 of 2004)? (To access this Register, enter the National Treasury’s website, www.treasury.gov.za, click on the icon “Register for Tender Defaulters” or submit your written request for a hard copy of the Register to facsimile number (012) 3265445).	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.2.1	If so, furnish particulars:		
4.3	Was the bidder or any of its directors convicted by a court of law (including a court of law outside the Republic of South Africa) for fraud or corruption during the past five years?	Yes <input type="checkbox"/>	No <input type="checkbox"/>

4.3.1	If so, furnish particulars:
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Item	Question	Yes	No
4.4	Does the bidder or any of its directors owe any municipal rates and taxes or municipal charges to the municipality / municipal entity, or to any other municipality? / Municipal entity, that is in arrears for more than three months?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.4.1	If so, furnish particulars:		
4.5	Was any contract between the bidder and the municipality / municipal entity or any other organ of state terminated during the past five years on account of failure to perform on or comply with the contract?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.7.1	If so, furnish particulars:		

CERTIFICATION

I, THE UNDERSIGNED (FULL NAME) CERTIFY THAT THE INFORMATION FURNISHED ON THIS DECLARATION FORM TRUE AND CORRECT.

I ACCEPT THAT, IN ADDITION TO CANCELLATION OF A CONTRACT, ACTION MAY BE TAKEN AGAINST ME SHOULD THIS DECLARATION PROVE TO BE FALSE.

.....
Signature

.....
Date

.....
Position

.....
Name of Bidder

CERTIFICATE OF INDEPENDENT BID DETERMINATION

- 1 This Municipal Bidding Document (MBD) must form part of all bids¹ 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.

1. 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



SPECIFICATION FOR REFRIGERATOR.

H310BIT-WD. Total net capacity: 222 L. Door hinge: Right. Climate class: N-ST, Noise level: 42 dB. Fridge net capacity: 159 L, Fridge interior light, Fridge number of shelves/baskets: 3, Number of vegetable drawers: 1. Freezer net capacity: 63 L, Freezing capacity: 3 kg/24h. Fresh zone compartment. Energy efficiency class: A, Annual energy consumption: 304 kWh. Product colour: Stainless steel, Titanium, with water dispenser.



I/We, the undersigned, hereby agree to supply the articles as specified above and deliver same in good order and condition as may from time to time be demanded, subject to the conditions stated.

Signed:

BUSINESS DETAILS:

AS WITNESSES:

Name :

.....

Address :

.....

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Telephone No:

Fax No:

MLM/RFQ011/2023-24

Bidder must price for all items. The bidder price must be inclusive of all costs relevant including VAT where applicable.

H310BIT-WD. Total net capacity: 222 L. Door hinge: Right. Climate class: N-ST, Noise level: 42 dB. Fridge net capacity: 159 L, Fridge interior light, Fridge number of shelves/baskets: 3, Number of vegetable drawers: 1. Freezer net capacity: 63 L, Freezing capacity: 3 kg/24h. Fresh zone compartment. Energy efficiency class: A, Annual energy consumption: 304 kWh. Product colour: Stainless steel, Titanium, with water dispenser.



PRICING

Bidder must price for all items. The bidder price must be inclusive of all costs relevant including VAT where applicable.

SUPPLY AND DELIVERY OF 8 REFRIGERATORS

DESCRIPTION	PRICE
8 REFRIGERATORS	R
Vat	R
TOTAL INCLUDING VAT	R

I/We, the undersigned, hereby agree to supply the articles as specified above and deliver same in good order and condition as may from time to time be demanded, subject to the conditions stated.

Signed:

BUSINESS DETAILS:

AS WITNESSES:

Name :

Address :

.....

Telephone No: Fax No: