

Dear Sir / Madam

REQUEST FOR FORMAL WRITTEN PRICE QUOTATIONS
QUOTATION NUMBER: CL 01/2022/23

Kindly furnish us with a written quotation for:

SUPPLY, DELIVER AND PLACEMENT OF A SLURRY OVERLAY APPLICATION AND ROAD MARKINGS, IN PLEIN STREET CALEDON.

The detailed project description and schedules are attached or can be obtained from **Mr. C Lodewyk** at Tel: **028 214 3365** or email CurtLo@twk.gov.za as well as all technical enquires.

A formal quotation must be submitted on the letterhead of your business and must have attached all relevant signed schedules and additional information as requested. Failure to do so will result in the quotation to be rejected. The quotation must be in a sealed envelope and clearly marked: **Tender Box No. 2**, for attention: **CURT LODEWYK, QUOTATION NO.: CL 01/2021/22** and the service provider's name and address. Quotations will not be accepted if they do not comply with the marking instructions. Quotations must be placed in tender box **No. 2** at the **Main Entrance** of Theewaterskloof Municipality, 6 Plein Street, Caledon by no later than **12:00** on **Friday, 04 November 2022**, immediately after which the quotations will be opened in public in the Council Chambers. If posted, interested service providers to ensure that sufficient time are given for the post to reach us before the closing date and time. Council will not responsibility for any delays.

Compulsory Site Meeting:

- **A Compulsory Site Meeting will take place on Tuesday, 01 November 2022 and**
- **Attendees are to meet at Technical Services & Infrastructure Implementation building by 26 Church Street Caledon at 12:00am where the bidders will proceed to the Site.**

The following conditions will apply:

- Quotations must be completed in handwriting with black ink.
- Price(s) quoted must be valid for at least thirty (60) days from date of your offer.
- Price(s) quoted must be firm and must be inclusive of VAT, clearly indicating Price, VAT and Total Price.
- The materials must be delivered **5 working days** from date of official order.
- This quotation will be evaluated in terms of the 80/20 preference point system as prescribed in the Preferential Procurement Regulations of 2017 and for this purpose the **MBD 2, MBD 4, MBD 6.1, MBD 8 & MBD 9** forms which are available on the Municipal Website www.twk.gov.za must be completed and submitted together with your quotation subject to the test for administrative compliance.
- The successful provider will be the one scoring the highest points.
- A **Valid Tax Compliance Status Pin Certificate** and a copy of your **latest Municipal Account** must be attached to your quotation.
- Council may accept a quotation in full, partially, or not at all.**
- Payments will be made not later than 30 days, after the receipt of a tax invoice.
- Invoices must not be issued before goods / services have been supplied / rendered.
- The Municipality will correct calculation errors by using the unit prices.
- The General Conditions of Contract for construction works will apply to this quotation inclusive of the mandatory Sec. 37(2) Agreement between client and bidder.
- If a valid B-BBEE certificate or EME affidavit is not attached, it will be interpreted that the preference points for B-BBEE status level or contribution are not claimed.

- n) If a valid B-BBEE certificate or EME affidavit is attached and points are not claimed in terms of the MBD 6.1, it will be interpreted that the preference points for B-BBEE status level or contribution are not claimed.
- o) Please note that the Municipality will not request a valid B- BBEE certificate or Sworn Affidavits if such is not attached to the bidders tender at closing date of this tender.
- p) The municipality reserves the right to appoint the bidder scoring first, second and third highest preference points at any time during the duration of the contract. When the tenderer scoring the highest points cannot perform on the contract, the municipality has the right to purchase from the tenderer scoring the second highest points and if the second highest points scorer cannot perform on the contract, the municipality reserves the right to purchase from the tenderer scoring the third highest points.
- q) No alternative offers will be accepted.

2. Bidders Obligations:

2.1 Eligibility Criteria

Only bidders who satisfy the following criteria are eligible to submit an offer: **(This is a requirement on submission of bid).**

2.1.1 Pricing Instructions

- In order to be considered for a contract in terms of this quotation, bidders are required to price on all items in the schedule of services required.

2.1.2 Specification

- In order to be considered for a contract in terms of this quotation, the bidder must sign and declare compliance by **Schedule 1**.

2.1.3 Special Conditions of Contract

- In order to be considered for a contract in terms of this quotation, the bidder must sign and declare compliance by **Schedule 2**.

2.1.3 Scope of Works

- In order to be considered for a contract in terms of this quotation, the bidder must sign and declare compliance by **Schedule 3**.

2.1.4 Attendance Compulsory Site Meeting

- In order to be considered for a contract in terms of this quotation, bidders are required to attend the Compulsory Site Meeting. Failure to do so will result in being disqualified for further evaluation.

2.1.5 CIDB Grading

- In order to be considered for a contract in terms of this quotation, bidders must be registered at the Construction Industry Development Board (CIDB) and must have at least a Grading of 1SK. Please attach proof of CIDB registration.

3. The Employer's Undertakings

3.1 Tests for Administrative Compliance

Bidders may be found non-compliant if, inter alia: (these documents may be requested)

- The bidder has failed to complete and sign and attach requested information to all schedules not excluded in responsiveness criteria;
- The bidder has failed to submit the MBD 2, MBD 4, MBD 8 and MBD 9 forms;

- The bidder has failed to submit a municipal account of where the head office of the company is registered or in case where the premise is leased, the bidder has failed to provide a copy of the lease of the premise;
- The bidder has failed to submit a Valid Tax Compliance Status Pin Certificate, a Valid Tax Compliance Status Pin Certificate may be requested; and
- The bidder has failed to submit a certified B-BBEE certificate, EME or QSE affidavit, whereas points were claimed and a copy of certificate or affidavit was supplied, a certified copy of the B-BBEE certificate, EME or QSE affidavit may be requested.

NB: No quotations will be considered from persons in the service of the state

Failure to comply with these conditions may invalidate your offer.

Yours faithfully

SIGNATURE
SUPPLY CHAIN MANAGEMEN

DATE: 28 October 2022

SCHEDULE OF SERVICES REQUIRED

| NO | DESCRIPTION | UNIT | ESTIMATED QUANTITY | UNIT PRICE | | PRICE | |
|----------|---|-----------|--------------------|-------------------|---|-------|---|
| | | | | R | c | R | c |
| 1 | Slurry Overlay | m2 | 4500 | | | | |
| 2 | Road Marking | | | | | | |
| 2.1 | Road Marking (Stop signs) | No | 1 | | | | |
| 2.2 | Road Marking (Solid 100mm Line White) No overtaking line | m | 100 | | | | |
| 2.3 | Road Marking (Solid 100mm Line Red) | m | Rate Only | | | | |
| 2.4 | Road Marking (Solid 100mm Line Yellow) | m | Rate Only | | | | |
| 2.5 | Road Marking (Parking Bays Parallel) | No | 40 | | | | |
| 2.6 | Road Marking (Disable Parking Bays) | No | 3 | | | | |
| 2.7 | No Parking Yellow | No | 1 | | | | |
| 2.8 | Yellow Island | No | 1 | | | | |
| | | | | 10% Contingencies | | | |
| | | | | Sub Total | | | |
| | | | | VAT @ 15% | | | |
| | | | | TOTAL | | | |

Note: Prices to include All Labour, All Traffic Accommodation, all associated materials, establishments, and all plant for entire work to be done.

DELIVERY ADDRESS: Caledon
 Theewaterskloof Municipality
 Caledon
 7230

I/We, the undersigned, do hereby declare that these are the properly priced Bill / Schedules of Quantities forming Part of this Contract Document containing Pages in consecutive order upon which my/our Quotation No.: **CL 01/2022/23 SUPPLY, DELIVER AND PLACEMENT OF A SLURRY OVERLAY APPLICATION AND ROAD MARKINGS, IN PLEIN STREET CALEDON** has been based.

My/our total Contract Price for this work and above item (Total) is (in words)

.....

SIGNED ON BEHALF OF BIDDER:

NAME OF BIDDER

DATE

**SCHEDULE 1:
SPECIFICATIONS**

| |
|---|
| Item No: 1 |
| Fine aggregate in slurry mix i.e. (crusher dust) with limited percentage of sand. |
| Filler of cement in the slurry mix to be used. |
| Water needs to be used in mix. |
| Stable grade bitumen emulsion cationic SABS 548-1972 to be used for slurry. |
| Additive to retard the setting rate and this all depends on the road surface temperature if it's too hot as a prevention for slurry seal from becoming brittle one placed on road surface. |
| Slurry seal must cover all cracks on road surface where slurry application is required. |
| Slurry seal must be finished off with a damp bidem cloth to get a smoother finish after slurry mix is squeezed. |
| Site supervisor must have at least 3 years minimum road construction experience. |
| Slurry must be place by a specialized truck made to mix slurry and <u>not mixed by a mixer machine or by hand.</u> |
| Spraying Standards - A valid Provincial Administration Certificate will be available in respect of all spraying units operated by awarded bidder. All applications of binders will be carried out within accepted tolerances as provided by COLTO |
| After slurry seal has been place awarded bidder must do a final sweep road, after two weeks to remove all loose stones and cart away dirt and the finalized road marking painting |
| Item No: 2 |
| Road Marking Paint SB Acrylic is designed for use on asphalt/tarmac, bituminous road surfaces and concrete |
| It is used to create lines, traffic markings and demarcations and can be made reflective using reflective glass beads. |
| The markings of Road Surfaces must be in Accordance with the Standards and Specifications of the South African Traffic Road Signs Manual and SABS 731-1 |
| Easy to use one component product that can be brush or spray applied |
| Resistant to weathering |
| Excellent resistance to bleeding on bitumen substrates |
| High reflectivity / luminance factor |
| Must not be painted with a hand brush |
| Must be painted with an air brush only |

If the bidder fails to sign this schedule, it will be interpreted that the bidder does not comply with the Specifications and therefore will be regarded as being not eligible.

I hereby declare that I comply with the Specifications.

Name of Bidder

Signature on Behalf of Tenderer

Date

**SCHEDULE 2:
SPECIAL CONDITIONS OF CONTRACT**

| SPECIAL CONDITIONS OF CONTRACT |
|---|
| Contractor to liaise with Technical Officer, in writing, if service cannot be completed according to schedule. |
| Invoice to be submitted to the Senior Foreman: Grounds and Buildings after a site inspection was conducted. |
| The contractor shall be responsible to manage his team. |
| The successful bidder must submit a letter of Good Standing from Department of Labour prior to the signing of the contract. |
| Bidders must submit proof of having Public Liability Assurance of R200,000.00 per claim on date of signature of contract. |

If the bidder fails to sign this schedule, it will be interpreted that the bidder does not comply with the Special Conditions of Contract and therefore will be regarded as being not eligible.

I hereby declare that I comply with the Special Conditions of Contract.

Name of Bidder

Signature on Behalf of Tenderer

Date

SCHEDULE 3: **SCOPE OF WORKS**

SCOPE OF WORK

SUPPLY, DELIVER AND PLACEMENT OF A SLURRY OVERLAY APPLICATION AND ROAD MARKINGS, IN PLEIN STREET CALEDON.

The Contractor must ensure that work to be done includes the furnishing of all materials, plant, labour, traffic accommodation, small plant, water and equipment required to do the work for entire work for the supply, deliver placement of slurry overlay application and for road marking in Plein Street Caledon. After the slurry overlay, road marking that has been place the contractor shall ensure that construction site is cleaned up this is sweeping off lose stones and carting it away any dirt left by contractor and cleaning of kerbs that was mess during the slurry application. The Contractor must abide by the Health and Safety Practise and take full responsibility for the job, public and personnel appointed.

PROJECT SPECIFICATIONS

1 PROJECT SPECIFICATIONS

SCOPE

This Project Specification covers a general description of the project and what is expected from Contractor.

STATUS

Should any requirement or provision of the Project Specification conflict with any requirement or provision of any other specification section or clause that are applicable to the contract, the requirement or provision of the Project Specification shall prevail.

PS1 DESCRIPTION OF THE CONTRACT AND WORKS

The Work is funded by and undertaken for the Theewaterskloof Municipality.

PS2 DESCRIPTION OF SITE AND ACCESS

PS2.1 Locality

Caledon Plein street: the site is accessible by vehicle.

PS3 SITE FACILITIES AVAILABLE

PS3.1 HOUSING FACILITIES

No housing is available and the Contractor shall make his own arrangements to house his employees and for their transport to and from the Site of Works.

PS3.2 OFFICE ON SITE

No office facility is available on site and the contractor shall make his own arrangements for office facilities, if required

PS3.3 POWER SUPPLY

The contractor will be accountable for all small plants, if applicable, and no power supply will be made available for small plants, whilst work is being completed at the site.

PS3.4 TELEPHONE FACILITIES

The Contractor shall make his own arrangements for telephone facilities at the site, if required. The contractor should note that Cell Phone reception is generally available on the Site.

PS3.5 ABLUTION AND LATRINE FACILITIES

The contractor will provide his/her own ablution facilities.

PS4 FEATURES OF THE CONTRACT REQUIRING SPECIAL ATTENTION

PS4.1 APPLICATION OF SLURRY OVERLAY & ROAD MARKING

The road surface shall be lightly dampened with a fine spray of water immediately ahead of the work. The slurry mix shall be discharge onto the surface in a creamy homogenous consistency and shall roll smoothly in a continuous mass in front of the squeegee blades. As far as possible, the spreading operation shall continue without stopping. Care shall be taken to obtain smooth joints. The squeegee team shall ensure that all bare patches are covered and that any thick accumulations of slurry are levelled off or removed immediately. Patching shall be done immediately with slurry from the same batch to obtain a uniform colour. Longitudinal joints shall be carefully overlapped to avoid lean strips which shall immediately be rectified if necessary. Edges of slurry surfacing shall present clean straight lines along the line of kerbs, channels, or edges of the road.

Road marking must be done in less than two weeks of slurry seal placement has completed. Please not a temporary yield sign, stop must and solid white line must be done after slurry seal has dried. Drying time must be allowed for road marking to set before opening for traffic.

PS4.2 PROTECTION EXISTING STRUCTURES AT WORKING AREA & TRAFFIC ACCOMADATION ON SITE

Any existing structures (i.e. existing kerbs, covering frames, channels etc.) damage by machinery of the contractor will be replaced by contractor on his/her own cost as the contractor must take full responsibility for any damages if caused by himself due to negligence's.

The contractor shall provide and maintain sufficient "road closed" boards and other signboards together with an adequate supply of beacons and flagmen for this purpose when placing slurry and roadmaking In Plein Street.

No barricades shall be permitted to remain in any road after official lighting-up time unless adequately lighted with guards in attendance.

PS4.3 TIDYING

The Contractor shall ensure that all areas worked is kept clean at all times before and after entire works are completed.

The contractor shall be responsible to clean up any spillage or windblown waste that arises and any kerbs that was spoiled by road marking, slurry.

PS4.4 DISPOSAL OF SPOIL

All spoil materials must be removed once construction phase are done.

PS4.5 HOURS OF OPERATION

The contractor to work during normal operating hours from Monday to Sunday with an approval from Theewaterskloof Official at Technical Services & Infrastructure implementation.

PS4.6 OPERATION

The Service Provider shall:

- Order and ensure the safe keeping of all the materials needed

PS4.7 PLANT

The Contractor will be responsible for all the planning and supply of the necessary plant and the Contractor must always have sufficient plant on site to carry out the required operations according to the Operational Manual. The contractor will be responsible for any delays due to small plant breakages or main plant that is required to execute work.

PS4.8 EMERGENCIES

The Contractor must be available for all emergency services and situations. The Contractor must at all times be in contact with the operators on site, either by telephone or by radio.

PS4.9 PERSONNEL

The municipality has the power to request the removal of any personnel on site that acts negligently or is not complying with his/her duties.

PS4.10 PROTECTION OF EXISTING SERVICES

Manhole covers, other services covers, kerbs and channels shall be protected by adhesive paper or other suitable means. The Contractor shall be required locate and clean all of the above mentioned services on completion of the work, to satisfaction of the Theewaterskloof employer.

PS4.11 ACCOMMODATION OF TRAFFIC

The contractor shall conduct his operation as to cause the least possible inconvenience to public traffic either by road or sidewalk. During the period of construction of the works, the contractor shall be responsible for safe and easy passage of pedestrians, animal-drawn traffic and vehicular traffic, through or over all sections of public and private roads and access to premises, which may be interfered with the operations

PS4.12 AUTHORITIES AND THE COMMUNITY

The Contractor shall comply with all the requirements of the Theewaterskloof Municipality insofar as the execution of the contract may affect or may be affected by the requirements and/or regulations of the said Authorities.

PS4.13 SITE SUPERVISION

The site supervisor must have at least 3 years' minimum experience in road construction and knowledge of road works.

PS5 EMPLOYER'S REQUIREMENTS

PS5.1 Commencement and Time for Completion

The work must commence within 15 calendar days from date of official order or as prescribed times and must be completed on a monthly basis.

PS6 MEASUREMENT AND PAYMENT

The Contractor shall submit to the Employer an invoice for the execution of the Works. Payment of such invoices shall be paid within 30 days of receipt thereof. Exemption will be made for SMME's upon request. **(2 weeks for earlier payments)**

I am aware that I must request the municipal representative to approve and measure any work done that will subsequently be covered by later work, before commencement of further work. Failure to adhere to this requirement will result in non-payment of the payment item in question.

Typical payment items falling within this category are the various cutting periods. The onus lies with the service provider to familiarize him/her with the quantity measurement approval requirements of all payment items before commencement of any work.

I am aware that payment will be made according to rate multiplied by the actual work done, measured in terms of the specified quality and unit of measurement description of the payment items. No payment will be affected for substandard quality.

Invoices must be submitted together with our municipal prescribed payment certificate format. Failure to comply with this requirement will result in non-payment until such stage that the payment certificate is submitted.

1.1 Additional Services

Act as the Employers agent in terms of the Occupational Health and Safety Act

The Service Provider, in submitting a tender for this contract, shall be deemed to have acknowledged acceptance of the appointment as the client's agent in terms of the Occupational Health and Safety Act, 1993 (Act No 85 of 1993) and the Construction Regulations of 2014, should the Employer accept the tender. The Service Provider shall, as such, execute all of the duties of the client as contemplated in the Construction Regulations. If the Service Provider considers it necessary to employ the services of a safety specialist in order to execute the abovementioned duties, the cost thereof must be included in the fee tendered for this project.

The Service Provider shall, apart from conducting his own activities in compliance with the Occupational Health and Safety Act, 1993 (Act No 85 of 1993) and Construction Regulations of 2014, ensure that any sub-consultants/sub-contractors employed by the Service Provider also comply with the requirements of the Act and Regulations. The Service Provider shall enter into an agreement with the Employer in this regard before the commencement of any work related to this contract (Form C1.3, Part C1, Page 8 refers).

1.2 Implementation of a Quality Assurance System

The Service Provider shall develop and implement a quality assurance system that will ensure that the final product meets the requirements of the Employer.

2 APPROVALS

The Service Provider shall be responsible for obtaining the following approvals:

- Approval of the **work plan (work program)** and staff members with proof of address before commence of work from the employer.

Notwithstanding any approval received from the Employer, the Service Provider shall remain responsible for all work carried out by the Service Provider in terms of this contract.

The Employer may withdraw approval of the work plan (work program) and quality assurance system at any time and require the Service Provider to review them. The service provider shall provide revised documents in accordance with the Employers wishes within two weeks of the withdrawal notice. The Technical Officer shall have the right to stop all work on the site should the Service Provider fail to provide a new work plan

(work program) the substantially address the concerns of the Employer within the time limits above. The Service Provider shall have no right to recompense in the event of such a work stoppage.

3 FORMAT OF COMMUNICATION

All requests for formal approval from the Employer, or any other body, shall be submitted in writing in hardcopy format. Interim payment claims shall be submitted in the same format, accompanied by an original tax invoice. Ad-hoc communication between the Employer and the Service Provider may be conducted per facsimile or in electronic format (e-mail).

All plans and contract documents submitted for approval shall be in both hardcopy format and agreed electronic format.

4 KEY PERSONNEL

The Service Provider is to have in its employ at the site, personnel with sufficient relevant experience in the operation of such a site.

5. EMPLOYERS RIGHT TO WITHHOLD PAYMENT

The Employer reserves the right to withhold payment in the event of the contractor not complying with the provisions of the permit.

The employer reserves the right to deduct any penalties as applied from any moneys due to the Service Provide

If the bidder fails to sign this schedule, it will be interpreted that the bidder does not comply with the Scope of Work and therefore will be regarded as being not eligible.

I hereby declare that I comply with the Scope of Work.

Name of Bidder

Signature on Behalf of Tenderer

Date

PROJECT SPECIFIC NOTES TO BIDDER:

1. Contractor needs to ensure that all work is carried out in compliance with the Occupational Health and Safety Act, as well as the relevant Construction Regulations of 2014.
2. The General Conditions of Contract are the General Conditions of Contract for Construction Works (2015) as published by the South African Institution of Civil Engineering.
3. Damage to any services must be repaired by the contractor, at his own cost.
4. Special attention must be given to the protection of private property.
5. All necessary public safety measures must be taken in terms of OHS Act.
6. Special care must be given to ensure accessibility of properties at all times.
7. The contractor must keep the owners of the relevant properties informed of their weekly program.
8. This information must first be submitted to the client 3 working days before commencement of any activity on site.
9. All excess material from slurry and cleaning of the area must be dumped at a site to be identified by the client. This will be within the free haul distance of 5km.
10. An updated program will be submitted each time when falling behind the program, giving sufficient detail to the steps to be taken to ensure completion of the work by the completion date. Failure to adhere to this requirement will result in the termination of the contract.
11. The Contractor must ensure that his work program takes into consideration other Contractors working on site.

PART A INVITATION TO BID

| | | | | | |
|---|---|---------------|---|---|--------------|
| YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE THEEWATERSKLOOF MUNICIPALITY | | | | | |
| Bid Number: | CL 01/2022/23 | Closing Date: | 04 November 2022 | Closing Time: | 12:00 |
| Description: | SUPPLY, DELIVER AND PLACEMENT OF A SLURRY OVERLAY APPLICATION AND ROAD MARKINGS, IN PLEIN STREET CALEDON | | | | |
| THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (CONTRACT FOR THE PURCHASING OF GOODS) | | | | | |
| Bid Response Documents may be Deposited in the Bid Box NO. 2 situated at: | | | | | |
| MUNICIPAL HEAD OFFICE | | | | | |
| 06 PLEIN STREET | | | | | |
| CALEDON | | | | | |
| 7230 | | | | | |
| SUPPLIER INFORMATION | | | | | |
| NAME OF BIDDER | | | | | |
| POSTAL ADDRESS | | | | | |
| STREET ADDRESS | | | | | |
| TELEPHONE NUMBER | CODE | | NUMBER | | |
| CELLPHONE NUMBER | | | | | |
| FACSIMILE NUMBER | CODE | | NUMBER | | |
| E-MAIL ADDRESS | | | | | |
| VAT REGISTRATION NUMBER | | | | | |
| TAX COMPLIANCE STATUS | TCS PIN: | | OR | CSD No: | |
| B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE [TICK APPLICABLE BOX] | <input type="checkbox"/> Yes <input type="checkbox"/> No | | B-BBEE STATUS LEVEL SWORN AFFIDAVIT | <input type="checkbox"/> Yes <input type="checkbox"/> No | |
| [A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE/ SWORN AFFIDAVIT (FOR EMES & QSEs) MUST BE SUBMITTED IN ORDER TO QUALIFY FOR PREFERENCE POINTS FOR B-BBEE] | | | | | |
| 1. ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES /WORKS OFFERED? | <input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES ENCLOSE PROOF] | | 2. ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES /WORKS OFFERED? | <input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES, ANSWER PART B:3] | |
| 3. TOTAL NUMBER OF ITEMS OFFERED | | | 4. TOTAL BID PRICE | R | |
| 5. SIGNATURE OF BIDDER | | | 6. DATE | | |
| 7. CAPACITY UNDER WHICH THIS BID IS SIGNED | | | | | |
| BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO: | | | TECHNICAL INFORMATION MAY BE DIRECTED TO: | | |
| DEPARTMENT | SCM | | CONTACT PERSON | Curt Lodewyk | |
| CONTACT PERSON | Shanel Newman | | TELEPHONE NUMBER | 028 214 4212 | |
| TELEPHONE NUMBER | 028 214 3300 | | FACSIMILE NUMBER | N/A | |
| FACSIMILE NUMBER | 028 212 1229 | | E-MAIL ADDRESS | curtlo@twk.gov.za | |
| E-MAIL ADDRESS | Shanelldu@twk.gov.za | | | | |

PART B TERMS AND CONDITIONS FOR BIDDING

1. BID SUBMISSION:

- 1.1. BIDS MUST BE DELIVERED BY THE STIPULATED TIME TO THE CORRECT ADDRESS. LATE BIDS WILL NOT BE ACCEPTED FOR CONSIDERATION.
- 1.2. **ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS PROVIDED– (NOT TO BE RE-TYPED) OR ONLINE**
- 1.3. THIS BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT AND THE PREFERENTIAL PROCUREMENT REGULATIONS, 2017, THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER SPECIAL CONDITIONS OF CONTRACT.

2. TAX COMPLIANCE REQUIREMENTS

- 2.1 Bidders must ensure compliance with their tax obligations.
- 2.2 Bidders are required to submit their unique personal identification number (pin) issued by sars to enable the organ of state to view the taxpayer's profile and tax status.
- 2.3 Application for the tax compliance status (tcs) certificate or pin may also be made via e-filing. In order to use this provision, taxpayers will need to register with sars as e-filers through the website www.sars.gov.za.
- 2.4 Foreign suppliers must complete the pre-award questionnaire in part b:3.
- 2.5 Bidders may also submit a printed tcs certificate together with the bid.
- 2.6 In bids where consortia / joint ventures / sub-contractors are involved, each party must submit a separate tcs certificate / pin / csd number.
- 2.7 Where no tcs is available but the bidder is registered on the central supplier database (csd), a csd number must be provided.

3. QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS

- 3.1. IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)? YES NO
- 3.2. DOES THE ENTITY HAVE A BRANCH IN THE RSA? YES NO
- 3.3. DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA? YES NO
- 3.4. DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA? YES NO
- 3.5. IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION? YES NO

IF THE ANSWER IS "NO" TO ALL OF THE ABOVE, THEN IT IS NOT A REQUIREMENT TO REGISTER FOR A TAX COMPLIANCE STATUS SYSTEM PIN CODE FROM THE SOUTH AFRICAN REVENUE SERVICE (SARS) AND IF NOT REGISTER AS PER 2.3 ABOVE.

**NB: FAILURE TO PROVIDE ANY OF THE ABOVE PARTICULARS MAY RENDER THE BID INVALID.
NO BIDS WILL BE CONSIDERED FROM PERSONS IN THE SERVICE OF THE STATE.**

SIGNATURE OF BIDDER:

CAPACITY UNDER WHICH THIS BID IS SIGNED:

MBD 2 – TAX CLEARANCE CERTIFICATE REQUIREMENTS

It is a condition of bid that the taxes of the successful bidder must be in order, or that satisfactory arrangements have been made with South African Revenue Services (SARS) to meet the bidder's tax obligations.

1. In order to meet this requirement, bidders are required to complete in full the TCC 0001 form, "Application for a Tax Clearance Certificate" and submit it to any SARS branch office nationally or on the website www.sars.gov.za. The Tax Clearance Certificate Requirements are also applicable to foreign bidders / individuals who wish to submit bids.

2. Applications for the Tax Clearance Certificates may also be made via e-Filing. In order to use this provision, taxpayers will need to register with SARS as e-Filers through the website www.sars.gov.za

3. SARS will then furnish the bidder with a Tax Clearance Certificate that will be valid for a period of 1 (one) year from the date of approval.

4. In bids where Consortia / Joint Ventures / Sub-Contractors are involved, each party must submit a separate Tax Clearance Certificate.

5. Tax Compliance Status (TCS) Pin as of 18 April 2016

- a. In terms of the new Tax Compliance Status System implemented by SARS on 18 April 2016, taxpayers are now able to issue the municipality with a TCS Pin which can be used to verify a bidder's tax status online via SARS E-filing.
- b. The taxpayer must issue the municipality with the following:

Bidders who are not in possession of an original Tax Clearance Certificate must provide at least 2 of the 3 numbers listed below in order to verify the Tax Clearance Certificate via SARS e-filing.

| | |
|---|--|
| 1. Tax Reference Number | |
| 2. Tax Compliance Status Pin | |
| 3. Tax Clearance Certificate Number: | |

c. If a bidder is registered on the Theewaterskloof Municipality Supplier's Database and the Municipality is already in possession of an original tax clearance certificate which is valid on closing date of bid, it **MUST** be indicated as such on this page, whereby the attaching of a new tax clearance certificate to this page will not be needed.

6. Should a Tax Clearance Certificate not be verifiable on the SARS e-filing system, the bidder will be afforded an opportunity to submit a valid, verifiable Tax Clearance Certificate. It will result in the invalidation of the bid, should the bidder fail to provide a valid, verifiable Tax Clearance Certificate.

**SCHEDULE 2:
MBD 4 – DECLARATION OF INTEREST**

1. No bid will be accepted from persons in the service of the state¹.
2. Any person, having a kinship with persons in the service of the state, including a blood relationship, may make an offer or offers in terms of this invitation to bid. In view of possible allegations of favouritism, should the resulting bid, or part thereof, be awarded to persons connected with or related to persons in service of the state, it is required that the bidder or their authorised representative declare their position in relation to the evaluating/adjudicating authority.
- 3 **In order to give effect to the above, the following questionnaire must be completed and submitted with the bid.**

3.1 Full Name of bidder or his or her representative:.....

3.2 Identity Number:

3.3 Position occupied in the Company (director, trustee, hareholder²):.....

3.4 Company Registration Number:

3.5 Tax Reference Number:.....

3.6 VAT Registration Number:

3.7 The names of all directors / trustees / shareholders members, their individual identity numbers and state employee numbers must be indicated in paragraph 4 below.

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

3.8.1 If yes, furnish particulars.

.....

.....

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

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

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

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

3.9.1 If yes, furnish particulars.....
.....

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

3.10.1 If yes, furnish particulars.
.....
.....

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

3.11.1 If yes, furnish particulars
.....
.....

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

3.12.1 If yes, furnish particulars.
.....
.....

3.13 Are any spouse, domestic partner, dependent child or relative living in a common household, a grandparent, parent, nondependent child, grandchild, brother or sister, a parent-in-law, a brother-in-law or a sister-in-law of the company's directors trustees, managers, principle shareholders or stakeholders in service of the state? **YES / NO**

3.13.1 If yes, furnish particulars.
.....
.....
.....
.....
.....
.....

3.14 Do you or any of the directors, trustees, managers, principle shareholders, or stakeholders of this company have any interest in any other related companies or business whether or not they are bidding for this contract. **YES / NO**

3.14.1 If yes, furnish particulars:
.....
.....
.....
.....

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

| Full Name | Identity Number | State Employee Number |
|-----------|-----------------|-----------------------|
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Signature

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Date

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Capacity

.....
Name of Bidder

**MBD 6.1 – 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 The value of this bid is estimated to not exceed R50 000 000 (all applicable taxes included) and therefore the 80/20 preference point system shall be applicable.

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 | 80 |
| B-BBEE STATUS LEVEL OF CONTRIBUTOR | 20 |
| 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 economic 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) **“price”** 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. FORMULAE FOR PROCUREMENT OF GOODS AND SERVICES

4. POINTS AWARDED FOR PRICE

4.1 THE 80/20 PREFERENCE POINT SYSTEMS

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

80/20

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

Where

Ps = Points scored for price of bid under consideration

Pt = Price of bid under consideration

Pmin = Price of lowest acceptable bid

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

5.1 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 (80/20 system) |
|---|--|
| 1 | 20 |
| 2 | 18 |
| 3 | 14 |
| 4 | 12 |
| 5 | 8 |
| 6 | 6 |
| 7 | 4 |
| 8 | 2 |
| Non-compliant contributor | 0 |

6. BID DECLARATION

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

7. B-BBEE STATUS LEVEL OF CONTRIBUTOR CLAIMED IN TERMS OF PARAGRAPHS 1.4 AND 5.1

7.1 B-BBEE Status Level of Contributor: = (maximum of 20 points)
 (Points claimed in respect of paragraph 7.1 must be in accordance with the table reflected in paragraph 5.1 and must be substantiated by relevant proof of B-BBEE status level of contributor.)

8. SUB-CONTRACTING

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

(Tick applicable box)

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

8.1.1 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 last 51% owned by: | EME √ | QSE √ |
|---|----------|----------|
| Black people | | |
| Black people who are youth | | |
| Black people who are women | | |
| 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 | | |

9. DECLARATION WITH REGARD TO COMPANY/FIRM

9.1 Name of company/firm:.....

9.2 VAT registration number:.....

9.3 Company registration number:.....

9.4 TYPE OF COMPANY/ FIRM

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

[TICK APPLICABLE BOX]

9.5 DESCRIBE PRINCIPAL BUSINESS ACTIVITIES

.....

9.6 COMPANY CLASSIFICATION

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

[TICK APPLICABLE BOX]

9.7 MUNICIPAL INFORMATION

Municipality where business is situated:

Registered Account Number:

Stand Number:.....

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

9.9 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.

| |
|---|
| <p>WITNESSES</p> <p>1.</p> <p>2.</p> |
|---|

| |
|---|
| <p>.....</p> <p>SIGNATURE(S) OF BIDDERS(S)</p> <p>DATE:</p> <p>ADDRESS</p> <p>.....</p> <p>.....</p> |
|---|

MBD 8 – 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 | <p>Is the bidder or any of its directors listed on the National Treasury’s Database of Restricted Suppliers as companies or persons prohibited from doing business with the public sector?</p> <p>(Companies or persons who are listed on this Database were informed in writing of this restriction by the Accounting Officer/Authority of the institution that imposed the restriction after the <i>audi alteram partem</i> rule was applied).</p> <p>The Database of Restricted Suppliers now resides on the National Treasury’s website (www.treasury.gov.za) and can be accessed by clicking on its link at the bottom of the home page.</p> | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| 4.1.1 | If so, furnish particulars: | | |
| 4.2 | <p>Is the bidder or any of its directors listed on the Register for Tender Defaulters in terms of section 29 of the Prevention and Combating of Corrupt Activities Act (No 12 of 2004)?</p> <p>The Register for Tender Defaulters can be accessed on the National Treasury’s website (www.treasury.gov.za) by clicking on its link at the bottom of the home page.</p> | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| 4.2.1 | If so, furnish particulars: | | |
| 4.3 | <p>Was the bidder or any of its directors convicted by a court of law (including a court of law outside the Republic of South Africa) for fraud or corruption during the past five years?</p> | Yes <input type="checkbox"/> | No <input type="checkbox"/> |

| 4.3.1 | If so, furnish particulars: | | |
|-------|--|---------------------------------|--------------------------------|
| 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"/> |
| 4.5.1 | 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

MBD 9 – 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