



**TWK 2 CLOSED QUOTATION**

**LED 03/2025/26 - SUPPLY AND DELIVERY OF CONSTRUCTION AND ELECTRICAL MATERIAL**

<b>CLOSING DATE: 12 MAY 2026</b>	<b>CLOSING TIME: 12:00</b>
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**NAME OF BIDDER\*** : .....

**ADDRESS\*** : .....

: .....

: .....

**TEL NUMBER\*** : .....

**FAX NUMBER\*** : .....

**E MAIL\*** : .....

**CENTRAL SUPPLIER DATABASE REG NO\*** : .....

**B-BBEE LEVEL OF CONTRIBUTION\*** : .....

**QUOTATION AMOUNT (VAT INCLUDED)\*** : .....

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Prepared by:  
Theewaterskloof Municipality  
6 Plein Street  
P.O.Box 24  
Caledon  
7230  
Telephone: +27 (28) 2143300  
Fax: +27 (28) 2141289  
Website: [www.twk.gov.za](http://www.twk.gov.za)

Dear Sir / Madam

**REQUEST FOR FORMAL WRITTEN PRICE QUOTATIONS**

**QUOTATION NUMBER: LED 03/2025/26**

Kindly furnish us with a written quotation for:

**LED 03/2025/26 - SUPPLY AND DELIVERY OF CONSTRUCTION AND ELECTRICAL MATERIAL** The detailed project description and schedules are attached or can be obtained from **Mr. S GOVENDER** at Tel: **028 214 3300** or e-mail: [stalingo@twk.gov.za](mailto:stalingo@twk.gov.za) , as well as technical enquiries.

A formal quotation must be submitted on the original documents 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:

**Mr. S. Govender, QUOTATION NO: LED 03/2025/26** and the service provider's name and address. Quotations will not be accepted if they don't comply with the marking instructions.

Fully completed 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 Tuesday , 12 May 2026, immediately after which the quotations will be opened, and the opening results will be published, within three (3) days after the closing date, on the Theewaterskloof Municipality's website (www.twk.gov.za)**

**1. Standard Conditions of Quotation:**

**The following conditions will apply:**

- a) Prices must be valid for at least sixty (60) days from date of your offer.
- b) Price(s) quoted must be firm and must be inclusive of VAT, clearly indicating Price, VAT and Total Price.
- c) **The goods must be delivered within two (2) weeks from date of official order.**
- d) This quotation will be evaluated in terms of the 80/20 preference point system as prescribed in the Preferential Procurement Regulations of 2022 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](http://www.twk.gov.za) must be completed and submitted together with your quotation subject to the test for administrative compliance.
- e) The successful provider will be the one scoring the highest points.
- f) A **Valid Tax Compliance Status Pin Certificate** and a copy of your **latest Municipal Account / Lease Agreement** must be attached to your quotation subject to the test for administrative compliance.
- g) **The Municipality reserves the right to accept a Quotation in full, partially or not at all and is not obliged to accept the lowest Quotation received.**
- h) Payments will be made not later than 30 days, after the receipt of a tax invoice.
- i) Invoices must not be issued before goods / services have been supplied / rendered.
- j) The General Conditions of Contract will apply to this quotation.
- k) Calculation errors will be corrected by the Municipality by using the unit prices.
- l) If a valid Certified B-BBEE certificate, EME or QSE affidavit is not attached, it will be interpreted that the preference points for B-BBEE status level or contribution are not claimed.
- m) If a valid Certified B-BBEE certificate, EME or QSE 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.
- n) Please note that the Municipality will not request a valid certified B- BBEE certificate or Sworn Affidavits if such is not attached to the bidder's tender at closing date of this tender.
- o) If the bidder fails to provide proof of an Municipal Account or Lease Agreement in the name of the bidder, where locality points are claimed, it will be interpreted that locality points will not be awarded.

- 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).**

#### **2.1.1 Pricing Instruction**

- In order to be considered for a contract in terms of this quotation, the bidder must price on all the items per section in the schedule of services required and sign to declare compliance.
- Bidders can submit bids per section or as a whole. Quotation will be evaluated and awarded per section.

#### **2.1.2 Specifications**

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

## **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 MANAGEMENT**

**DATE: 05 MAY 2026**

**SCHEDULE OF SERVICES REQUIRED**

ITEM NO.	DESCRIPTION	UNIT OF MEASURE	A	B		A & B	
			ESTIMATED QUANTITY	UNIT PRICE EXCL VAT		PRICE EXCL VAT	
				R	c	R	c
<b>1.</b>	<b>CONSTRUCTION MATERIAL</b>						
1.1	Jointing Sand	ton	5				
1.2	Crusher dust	ton	5				
<b>2.</b>	<b>PAVERS</b>						
2.1	Interlocking cement pavers	m <sup>2</sup>	103				
<b>3.</b>	<b>OUTDOOR FURNITURE</b>						
3.1	Outdoor benches 1.2m (two-seater)	each	15				
3.2	Eco-friendly outdoor litter bins	each	15				
<b>4.</b>	<b>PAINT</b>						
4.1	Road Marking Paint (White)	20lt	3				
4.2	Road Marking Paint (Yellow)	20lt	3				
<b>5.</b>	<b>TRAFFIC/ROAD SIGNAGE ITEMS:</b>						
5.1	Regulatory traffic sign: Stop Sign (R1) complete with sign face, galvanised steel pole	each	2				
5.2	Regulatory traffic sign: One-Way (Left/Right) (R103/R104) complete with sign face, galvanised steel pole	each	2				
5.3	Regulatory traffic sign: Speed Limit 10 km/h (R201-60) complete with sign face, galvanised steel pole	each	1				
5.4	Regulatory traffic sign: Taxi Rank Reservation (R303-P) complete with sign face, galvanised steel pole	each	1				
5.5	Regulatory traffic sign: Limit of Vehicles (R209) complete with sign face, galvanised steel pole	each	1				
5.6	Warning traffic sign: Pedestrians (W306) complete with sign face, galvanised steel pole	each	1				
<b>6.</b>	<b>ELECTRICAL ITEMS AND MATERIAL:</b>						
6.1	SWA armoured cable 16mm x 4 core	meter	70				
6.2	6mm bare copper earth wire	meter	70				
6.3	80 LEDNW - 212W - 30043lm beca schreder lights 220-240 v	each	3				
6.4	9m galvanize street light pole with base	each	1				
6.5	Contactora for street light controls	each	1				
6.6	30A 3 phase circuit breaker	each	1				
6.7	Day light switch eye	each	1				
6.8	Bypass switch	each	1				
6.9	Pole box for water tite connections	each	1				
<b>*NB: Prices must be inclusive of all associated costs and delivery.</b>				Sub Total			
				Vat @ 15%			
				<b>Total</b>			

**DELIVERY ADDRESS:**

Theewaterskloof Municipality  
Van Riebeeck Street (Municipal depot)  
Villiersdorp  
6848

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:**

**LED 03/2025/26 - SUPPLY AND DELIVERY OF CONSTRUCTION AND ELECTRICAL MATERIAL** has been based.

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

.....

.....  
**SIGNED ON BEHALF OF BIDDER:**

.....  
**NAME OF BIDDER:**

**DATE:** .....

**SCHEDULE 1:  
SPECIFICATIONS**

<b>1.</b>	<b>CONSTRUCTION MATERIAL</b>
1.1	Clean dry sand jointing sand
1.2	Crusher dust base layer (20mm)
<b>2.</b>	<b>PAVERS</b>
2.1	50mm interlocking cement pavers
<b>3.</b>	<b>OUTDOOR FURNITURE</b>
3.1	Supply and delivery eco-friendly outdoor benches, 1.2 m (two-seater) with handrails and backrest, grey colour.
3.2	eco-friendly outdoor litter bins (single unit), heavy-duty and vandal-resistant, lockable, weatherproof, 60–120L capacity. Bin body/planks to be manufactured from recycled plastic and sawdust (Pollywood-type material, similar look/finish to benches) and be maintenance-free; colour to be brown/neutral and integrated in extrusion process. Lid to be flip/rotating or equivalent baboon resistant design. Lock to be installed inside the bin (not visible to the public) and to operate with a universal key for all bins. Hinges, hinge bolts and exposed fixings to be tamper-proof; fasteners to be stainless steel and/or anti-theft snap-off screws / shear bolts. Bin to hold a municipal black bag with internal bag retention. Bin body to be manufactured without side slots to prevent bag blowout in windy conditions. Include anchoring/fixing for concrete slab/base attachment.
<b>4.</b>	<b>PAINT</b>
4.1	White yellow Use reflectorised high-build road marking paint complying with SANS 731-1; finish suitable for high-wear public facilities
4.2	Yellow Use reflectorised high-build road marking paint complying with SANS 731-1; finish suitable for high-wear public facilities
<b>5.</b>	<b>TRAFFIC/ROAD SIGNAGE ITEMS:</b>
5.1	Regulatory traffic sign: Stop Sign (R1) complete with sign face, galvanised steel pole (76 mm Ø × 3.0 m), mounting brackets and tamper-proof fixings, compliant with SARTSM and SANS 1519 All traffic signage supplied shall comply with the latest applicable standards: South African Road Traffic Signs Manual (SARTSM) SANS 1519 – Retro-reflective sheeting for road traffic signs SANS 121 – Hot-dip galvanising of steel components All components must be compatible and supplied as a complete set ready for installation
5.2	Regulatory traffic sign: One-Way (Left/Right) (R103/R104) complete with sign face, galvanised steel pole (76 mm Ø × 3.0 m), mounting brackets and tamper-proof fixings, compliant with SARTSM and SANS 1519 All traffic signage supplied shall comply with the latest applicable standards: South African Road Traffic Signs Manual (SARTSM) SANS 1519 – Retro-reflective sheeting for road traffic signs SANS 121 – Hot-dip galvanising of steel components All components must be compatible and supplied as a complete set ready for installation
5.3	Regulatory traffic sign: Speed Limit 10 km/h (R201-60) complete with sign face, galvanised steel pole (76 mm Ø × 3.0 m), mounting brackets and tamper-proof fixings, compliant with SARTSM and SANS 1519 All traffic signage supplied shall comply with the latest applicable standards: South African Road Traffic Signs Manual (SARTSM) SANS 1519 – Retro-reflective sheeting for road traffic signs SANS 121 – Hot-dip galvanising of steel components All components must be compatible and supplied as a complete set ready for installation
5.4	Regulatory traffic sign: Taxi Rank Reservation (R303-P) complete with sign face, galvanised steel pole (76 mm Ø × 3.0 m), mounting brackets and tamper-proof fixings, compliant with SARTSM and SANS 1519 All traffic signage supplied shall comply with the latest applicable standards: South African Road Traffic Signs Manual (SARTSM) SANS 1519 – Retro-reflective sheeting for road traffic signs SANS 121 – Hot-dip galvanising of steel components All components must be compatible and supplied as a complete set ready for installation
5.5	Regulatory traffic sign: Limit of Vehicles (R209) complete with sign face, galvanised steel pole (76 mm Ø × 3.0 m), mounting brackets and tamper-proof fixings, compliant with SARTSM and SANS 1519 All traffic signage supplied shall comply with the latest applicable standards: South African Road Traffic Signs Manual (SARTSM) SANS 1519 – Retro-reflective sheeting for road traffic signs SANS 121 – Hot-dip galvanising of steel components

	All components must be compatible and supplied as a complete set ready for installation
<b>5.6</b>	Warning traffic sign: Pedestrians (W306) complete with sign face, galvanised steel pole (76 mm Ø × 3.0 m), mounting brackets and tamper-proof fixings, compliant with SARTSM and SANS 1519 All traffic signage supplied shall comply with the latest applicable standards: South African Road Traffic Signs Manual (SARTSM) SANS 1519 – Retro-reflective sheeting for road traffic signs SANS 121 – Hot-dip galvanising of steel components All components must be compatible and supplied as a complete set ready for installation
<b>6.</b>	<b>ELECTRICAL ITEMS AND MATERIAL:</b>
<b>6.1</b>	PVC/PVC insulated copper conductor: Steel Wire Armoured (SWA) Voltage rating: 600/1000V Compliance: SANS 1507 (power cables) SANS 10142-1 (wiring code)
<b>6.2</b>	6mm <sup>2</sup> Bare Copper Earth Wire (70m): Bare stranded copper conductor Minimum: 6mm <sup>2</sup> Compliance: SANS 10142-1 (earthing & bonding) OHSACT electrical regulations
<b>6.3</b>	The luminaires shall be delivered completely assembled with housing, driver, LED module and lens. Luminaires shall be Class 1 of IEC 60598-1 and be of the totally enclosed type. The luminaire output shall be provided as output flux at T <sub>q</sub> of 25 °C, Nominal flux will not be considered. The colour temperature of the luminaires shall be neutral white, 4 000K or 5700K where stated. No other colour temperature will be accepted. The colour rendering index of the luminaires shall be 70 (minimum). The performance of LED luminaires shall be verified by designing the lighting of the appropriate road as per SANS ARP 035 on request. The luminaires shall deliver 90% of the initial lumens, when installed for 100 000 hours with a 10% maximum LED failure rate (L90B10) unless stated otherwise elsewhere. The bidder shall provide a lumen depreciation graph by means of the IES LM 80-08 data of the LEDs. The LED light source test data shall provide the expected data for at least 25% of rated LED light source lifetime, i.e. 15 000hrs The following information and conditions shall be met, and the manufacturer shall supply test data that includes, but is not limited to, the following: The LED light source(s) have been tested according to LM-80-08. The LED drive current specified by the luminaire manufacturer is less than or equal to the drive current specified in the LM-80 test report. The LED light source(s) manufacturer prescribes/indicates a temperature measurement point (Ts) on the light source(s). The Ts is accessible to allow temporary attachment of a thermocouple for measurement of in-situ temperature. Access via a temporary hole in the housing, tightly resealed during testing with putty or other flexible sealant is allowable. For the hottest LED light source in the luminaire, the temperature measured at the Ts is less than or equal to the temperature specified in the LM-80 test report for the corresponding drive current. Temperature sensors shall be fitted as protection devices to the luminaire, placed directly next to the LEDs. These shall not switch off the luminaire completely. Full details of how the luminaire manages its temperature through the use of sensors and the effect on lumen maintenance shall be supplied. The luminaire shall be designed in such a manner that there is a thermal separation between the optical and gear compartments. This will allow air to freely flow through and ensure optimal cooling of the luminaire especially during possible daytime maintenance. Lifespan estimation deterioration curves of LED to be submitted for various design currents, e.g. 350 mA, 500 mA, 700 mA, etc. on request. The complete assembly and testing of the LED luminaire/s shall be undertaken in South Africa, within an ISO 9001 certified factory. Luminaires shall further comply with the following standards: IEC 55015 "Limits and methods of measurements of radio disturbance characteristics of electrical lighting and similar equipment" IEC 5502 "Information technology equipment. Radio disturbance characteristics." IEC 61000-4-5 "Electromagnetic compatibility (EMC) - Surge immunity test" The luminaires shall have minimum rating of IP 66 in accordance with SANS 60529 for both the control gear (driver) and optical (LED engine) compartments, when normally mounted as per SANS 475. The housing shall be robustly constructed, weatherproof, hailproof, insectproof, corrosion proof, ultra-violet light resistant and vandal resistant. Luminaires shall be suitable for operation at an ambient temperature,

Ta, of 35 °C. Fixing devices, junctions, lips and the like shall be designed to shed water. Pockets and ledges in which condensation may accumulate shall be avoided.

The luminaires shall contain a heat sink with no fans, pumps or liquids, and the design of the heat sink shall prevent the accumulation of dirt and nesting of insects or ants, thus ensuring effective heat dissipation. Heat from the LED source should take the shortest path to the exterior by direct conduction or any other reliable form of cooling that will not compromise the useful life of the LEDs.

Luminaires shall have a minimum degree of protection of IP66 for the optical and control gear compartments.

The cooling fins shall be designed in such a manner to prevent the accumulation of dirt, thus ensuring the continuous effective cooling.

The luminaires shall have die cast aluminium housings and shall be of grade EN1706 AC44300, (or higher) aluminium alloy. Bidders shall submit a metallurgical report from an independent metallurgist confirming the grade of aluminium for all the luminaires offered. The Municipality reserves the right to submit luminaires for metallurgical testing when necessary.

The luminaires shall be supplied in raw aluminium finish. i.e. The finish shall be unpainted.

Ferrous components shall be hot-dip galvanised and shall withstand the test specified in the current edition of SANS 121 for heavy duty application.

Small components (such as toggle clips, bolts, screws, nuts, washers) shall be manufactured of stainless steel (grade 304 or better).

The driver shall be mounted internally and be replaceable with the aid of commonly available hand tools.

The luminaire housing shall incorporate an IP 68 rated air pressure relief valve to ensure longevity and reliability on the total luminaire IP rating as well as reducing potential condensation on the protector.

The stirrup shall be manufactured from a minimum 6mm x 60mm hot-dipped galvanized steel.

A minimum of three pre-drilled mounting holes shall be provided in the stirrup.

The photometrical lens, covering each individual LED, shall not be exposed directly to the elements of nature and will have a separate high impact, toughened, clear flat glass or polycarbonate protector covering the complete optical (LED) compartment.

The protector shall form a seal completely preventing the entry of moisture, dust and insects into the optical (LED) compartment. A one-piece gasket of silicon sponge material shall be used for this purpose. Gaskets shall not deteriorate or suffer permanent deformation due to light, heat or compression, to which they will be exposed in practice, during the life of the luminaire.

The gasket shall be fitted into a groove in the housing and shall be seated in a manner ensuring the integrity of the IP66 rating and shall not work loose during maintenance of the luminaire.

LED module(s) drivers shall be housed fully within the gear compartment of the luminaire and be suitable for operation with the specified rating of luminaire.

The output frequency of the drivers shall be 100 Hz or greater, to avoid visible flicker.

The LED module driver(s) shall operate at a power factor of 0,95 or greater, and the total harmonic distortion levels shall be less than 20% so as to not cause interference on the electrical network and shall comply with the limits given in SANS 61000-3-2.

The control gear (or driver) compartment shall be sealed.

The control gear (or driver) compartment shall be so designed that there is sufficient space to permit repairs, replacement of components and reassembly without difficulty and without the removal of the luminaire from its mounting.

The power supply or driver shall be able to withstand surges of up to 10kV/10kA by means of an external, inline fused surge protection device. This surge protection device shall be easily replaceable and it shall fail in an open circuit mode to protect the luminaire from further surges.

The lifetime of the power supply (driver) shall be 100 000hrs with 90% survival over the lifetime.

The power supply (driver) shall incorporate a thermal switch to prevent exceeding the case temperature for maximum life time of equipment.

Protection against electric shock shall be maintained for all methods and positions of installation in normal use. Protection shall also be maintained after removal of all parts which can be removed by hand.

Wiring to the LED module compartment shall be suitably grommited, ensuring a perfect seal between compartments and protection of the wiring.

The supply terminals shall accept 4mm<sup>2</sup> wires and be easily accessible. No part of the cover shall damage the supply wires when closed.

Although the LED floodlight luminaire shall be supplied with a specific and stated optic distribution, various different optic distributions shall be available as a standard, at no extra cost. This is to ensure that specific distributions may be considered, per project type, for upgrading of existing installations as well as new installations.

Due to most installations being a retrofit of existing infrastructure, a maximum weight & aerodynamic resistance limit will apply for the replacement unit to ensure that historical pole loading is not exceeded.

Detail of each is below:

Each luminaire shall be distinctly marked in clear lettering on the outside of the control gear compartment, with the following information:

Rated wattage of luminaire in accordance with the description specified, e.g. 50 W LED;

The name of supplier followed by the luminaire model, e.g. SUPPLIER X, LUMINAIRE MODEL NAME

Each luminaire shall bear the name or trade mark of the manufacturer and the date of manufacture

Luminaires delivered without the specified markings shall be rejected.

	<p>Full technical and descriptive details, relating to all the items offered in this enquiry shall be submitted so the offer can be fully evaluated. Failure to provide the documents &amp; test reports below may result in the rejection of the Bid: This shall include:</p> <ul style="list-style-type: none"> <li>• Name of LED luminaire:</li> <li>• Luminaire product sheet stating all relevant information ie, weight, aerodynamic resistance, wattage, output lux, ect.</li> <li>• LM-80-08 test report for the LED's used in the luminaire</li> <li>• Type test according to IEC 60598-1:2004 and IEC 60598-2-5:2003</li> <li>• IP rating test reports for all items offered in accordance with SANS 60529.</li> <li>• Impact resistance report of all luminaires offered</li> <li>• Bidders shall submit a metallurgical report confirming the grade of aluminium of the aluminium housings.</li> <li>• ISO 9001:2015 certificate of the factory producing the luminaires</li> <li>• The test reports shall be issued by SANS or IEC accredited test authority.</li> <li>• All luminaires offered shall have a minimum guarantee period of five years. If luminaires are found to have failed within this period as a result of poor manufacturing processes and/or poor materials it shall be replaced free of charge by the manufacturer.</li> </ul>
6.4	<p>Supply 9m galvanised street light pole with base. Hot-dip galvanised steel Compliance: SANS 121 (galvanising) Typical: 9m height Base plate mounting Wind-loading compliant</p>
6.5	<p>Supply contactor for street light controls: Suitable for street lighting loads Coil voltage: 220–240V AC Compliance: IEC standards SANS 10142 integration</p>
6.6	<p>30A 3 phase circuit breaker: Breaking capacity: typically <math>\geq 10\text{kA}</math> Compliance: SANS/IEC 60947 or 60898 Suitable for outdoor distribution boards</p>
6.7	<p>Day light switch eye: Automatic dusk-to-dawn operation Voltage: 220–240V IP rating: outdoor rated (IP54+ typical) Compatible with municipal lighting control systems</p>
6.8	<p>Bypass switch - Industrial-grade isolator type preferred</p>
6.9	<p>Weatherproof enclosure (minimum IP65) UV-resistant (polycarbonate or steel) Cable glands for SWA termination Internal DIN rail (for breaker/contactor) Lockable / vandal-resistant Earthing provision</p> <p>Compliance: SANS 60529 (IP rating)</p>
	<p>Delivery To Villiersdorp Depot Van Riebeeck Street Villiersdorp 6848</p>

**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

**PART A  
INVITATION TO BID**

**YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE THEEWATERSKLOOF MUNICIPALITY**

Bid Number:	<b>LED 03/2025/26</b>	Closing Date:	<b>12 MAY 2026</b>	Closing Time:	<b>12:00</b>
Description:	<b>SUPPLY AND DELIVERY OF CONSTRUCTION AND ELECTRICAL MATERIAL.</b>				
<b>THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (CONTRACT FOR THE RENDERING OF SERVICES)</b>					

Bid Response Documents may be Deposited in the Bid Box **NO. 2** situated at:

<b>MUNICIPAL HEAD OFFICE</b>
<b>06 PLEIN STREET</b>
<b>CALEDON</b>
<b>7230</b>

**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			

<b>BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO:</b>		<b>TECHNICAL INFORMATION MAY BE DIRECTED TO:</b>	
DEPARTMENT	<b>SCM</b>	CONTACT PERSON	<b>Stalin Govender</b>
CONTACT PERSON	<b>Hanro September</b>	TELEPHONE NUMBER	<b>028 214 3300</b>
TELEPHONE NUMBER	<b>028 214 3300</b>	FACSIMILE NUMBER	<b>N/A</b>
FACSIMILE NUMBER	<b>028 212 1229</b>	E-MAIL ADDRESS	<a href="mailto:stalingo@twk.gov.za">stalingo@twk.gov.za</a>
E-MAIL ADDRESS	<a href="mailto:Hanrose@twk.gov.za">Hanrose@twk.gov.za</a>		

**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, 2022, 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](http://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](http://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-Fileers through the website [www.sars.gov.za](http://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.

<b>1. Tax Reference Number</b>	
<b>2. Tax Compliance Status Pin</b>	
<b>3. Tax Clearance Certificate Number:</b>	

- 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 state<sup>1</sup>.
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, shareholder<sup>2</sup>):.....

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. ....  
.....  
.....

<sup>1</sup>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.

<sup>2</sup> 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:  
.....  
.....  
.....  
.....



**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**

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
<b>Total points for Price and SPECIFIC GOALS</b>	<b>100</b>

- 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:

$$\begin{array}{ccc} \mathbf{80/20} & \mathbf{or} & \mathbf{90/10} \\ \\ \mathbf{Ps} = \mathbf{80} \left( \mathbf{1} - \frac{\mathbf{Pt} - \mathbf{Pmin}}{\mathbf{Pmin}} \right) & \mathbf{or} & \mathbf{Ps} = \mathbf{90} \left( \mathbf{1} - \frac{\mathbf{Pt} - \mathbf{Pmin}}{\mathbf{Pmin}} \right) \end{array}$$

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:

$$\begin{array}{ccc} \mathbf{80/20} & \mathbf{or} & \mathbf{90/10} \\ \\ \mathbf{Ps} = \mathbf{80} \left( \mathbf{1} + \frac{\mathbf{Pt} - \mathbf{Pmax}}{\mathbf{Pmax}} \right) & \mathbf{or} & \mathbf{Ps} = \mathbf{90} \left( \mathbf{1} + \frac{\mathbf{Pt} - \mathbf{Pmax}}{\mathbf{Pmax}} \right) \end{array}$$

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.

#### POINTS AWARDED FOR B-BBEE STATUS LEVEL OF CONTRIBUTOR

B-BBEE status level of contributor	Number of points allocated in terms of B-BBEE score card	Points claimed by the bidder (bidder to indicate
1	10	5
2	9	4.5
3	8	4
4	6	2.5
5	4	2
6	3	1.5
7	2	1
8	1	0.5
Non-Compliant contributor	0	0

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

**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 (80/20 system) (To be completed by the organ of state)	Number of points claimed (80/20 system) (To be completed by the tenderer and proof thereof attached)
<b>BBBEE (10)</b>	LEVEL POINTS ÷ 2 (For example, Level 1 = 20 Points ÷ 2 = 10)	
<b>LOCALITY (10)</b> (Latest Municipal account/ Lease agreement in the name of the company must be attached to claim points)	Within the boundaries of Theewaterskloof Municipality 10 Within the boundaries of Overberg District 6 Within the boundaries of Western Cape 4 Outside of the boundaries of Western Cape 0	

POINTS WILL BE ALLOCATED AS FOLLOWS BETWEEN R 30 000 – R 300 000		POINTS CLAIMED
	POINTS	
<b>PRICE</b>	80	
<b>SPECIFIC PARTICIPATION GOALS</b>		
Within the boundaries of Theewaterskloof Municipality	10	
Within the boundaries of Overberg District	6	
Within the boundaries of Western Cape	4	
Outside of the boundaries of Western Cape	0	
<b>BBBEE SCORE CARD</b>		
<b>BBBEE points</b>	10	
<b>Total</b>	100	

**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. **Sub-Contractor**

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

[TICK APPLICABLE BOX]

YES		NO	
-----	--	----	--

4.6.2 If yes, indicate:

- i) What percentage of the contract will be sub-contracted.....%
- 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		NO	
-----	--	----	--

4.7. 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.

.....	
<b>SIGNATURE(S) OF TENDERER(S)</b>	
<b>SURNAME AND NAME:</b>	.....
<b>DATE:</b>	.....
<b>ADDRESS:</b>	.....
	.....
	.....
	.....

**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><b>The Database of Restricted Suppliers now resides on the National Treasury's website (<a href="http://www.treasury.gov.za">www.treasury.gov.za</a>) and can be accessed by clicking on its link at the bottom of the home page.</b></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><b>The Register for Tender Defaulters can be accessed on the National Treasury's website (<a href="http://www.treasury.gov.za">www.treasury.gov.za</a>) by clicking on its link at the bottom of the home page.</b></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:		
<b>Item</b>	<b>Question</b>	<b>Yes</b>	<b>No</b>
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 bids<sup>1</sup> 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).<sup>2</sup> 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:

<sup>1</sup> Includes price quotations, advertised competitive bids, limited bids and proposals.

<sup>2</sup> 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 consortium<sup>3</sup> 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.

<sup>3</sup> 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**