

17 Harrison Street
Marshalltown

P O Box 61542
Marshalltown 2107
Tel : (011) 688-1400 Fax : (011) 688-1556



REQUEST FOR PROPOSALS

QUOTATION VALIDITY
60 DAYS

PAGE NO.	
CLOSING DATE AND TIME	
12-May-22	16:00
Date of Issue	
05 May 2022	
VALIDITY	
7 : DAYS	

INITIATING DEPARTMENT	INITIATOR
SRD	Ntshepiseng Mazibuko
QUOTATION REFERENCE	COLLECTIVE NO.
RFQJW0169NJ22- Public Education	
QUOTATION REQUESTED FROM	

QUOTATIONS WILL BE EVALUATED ON THE 80/20 POINT SCORING SYSTEM.80 POINTS WILL BE ALLOCATED TO PRICE AND THE REMAINING 20 POINTS WILL BE ALLOCATED FOR BBBEE AND PREFERENTIAL PROCUREMENT ALL SUPPLIERS RESPONDING TO QUOTATIONS SHOULD BE REGISTERED ON CENTRAL SUPPLIER DATABASE(CSD)

JW CONTACT PERSON: Ndamulelo Mashamba

TELEPHONE NUMBER: 011 688 1410 EMAIL: ndamulelo.mashamba@jwater.co.za

ITEM NO.	DESCRIPTION	BRAND NAME OFFERED	UOM	QTY REQUIRED	PRICE QUOTED EXCL. OF V.A.T.	DIS
	Service providers are invited to submit quotations for the following :					
	Proposal for extensive public education on water conservation & sanitation care in Alexandra ward 75,76,116 & 107					
	From 1st June to October in Alexandra					
	NB: QUOTES SHOULD BE ON PDF(MS WORD,MS EXCEL,PICTURES ARE NOT ALLOWED)					
	NB: COPY OF VALID BBBEE CERTIFICATE OR SWORN AFFIDAVIT TO BE SUBMITTED WITH A QUOTE					
	Quotations to: ndamulelo.mashamba@jwater.co.za					
	QUOTATION REF AS ABOVE: RFQJW.... & COMPANY NAME(ON THE EMAIL SUBJECT LINE)					
	NB:All suppliers responding to Rfq's should use their own company letter head not JW Rfq Template AND MAKE SURE THEIR EMAIL ADDRESS IS VISIBLE ON THEIR QUOTATION.					

OFFICIAL STAMP	SUPPLIER DETAILS
	AUTHORISED BY:
	SIGNATURE:.....
	DATE:.....

- CONDITIONS**
1. QUOTATIONS RECEIVED AFTER CLOSE OF BUSINESS ON THE CLOSING DATE WILL NOT BE ACCEPTED.
 2. QUOTATIONS WITHOUT BRAND NAMES WHERE REQUIRED WILL NOT BE ACCEPTED
 3. PRICES QUOTED MUST BE AS PER THE UNIT INDICATED AND BE EXCLUDED OF VAT
 - 4 QUOTATIONS WITHOUT THE SUPPLIER'S AUTHORISED SIGNATURE WILL NOT BE ACCEPTED.
 - 5 ACCEPTANCE OF A QUOTATION WILL BE SUBJECT TO JOHANNESBURG WATER'S SUPPLY CHAIN POLICY



City of Johannesburg

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EXTENSIVE PUBLIC EDUCATION CONCEPT DOCUMENT

BACKGROUND

Johannesburg Water was established in January 2001 as an independent company, the City of Johannesburg being the sole shareholder, JW is a municipal owned entity (MOE) mandated to provide water and sanitation services to the residents of Johannesburg.

JW experiences high levels of abuse on infrastructure especially the sewer network by residents and in some areas due to ageing infrastructure. JW will continue to implement infrastructure upgrading projects to minimize the continuous overflow of sewer manholes as a result of ageing infrastructure. In support of technical intervention communities also have to play a critical role in ensuring that the system is not overloaded and burdened with foreign objects and in the same manner conserve water and use it sparingly.

PURPOSE

To provide guidelines for the request for quotation of a service provider who will conduct public education on water conservation and sanitation care in Alexandra

OBJECTIVES

To influence behavioral change with the aim of enhancing proper use and maintenance of the sewer infrastructure as well as the conservative use of water.

OUTCOMES

- Proper use of sewer infrastructure
- A well-developed sense of ownership towards infrastructure
- Conservative use of water

Directors:

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- Responsibility to report service delivery failures
- Accountability for infrastructure damage

EXTENSIVE PUBLIC EDUCATION

Education is the key in empowering our people to take charge of their lives. When the state organ gives education to the communities they serve, they fulfill a legislative requirement. As enshrined in the Bill of Rights of the South African Constitution, every citizen has a right of access to information. It is in that regard that Johannesburg Water as an entity of the City of Johannesburg has an obligation to provide Public Education to the residents within its areas of operation. It cannot be assumed that people should have such information as various factors contribute to social behavior. Addressing the issue of abusive behavior towards resources or infrastructure increases the chances of effectively providing a service to the residents.

Johannesburg Water in providing potable water and sanitation services within the City is confronted by various challenges of water wastage and sewer system abuse. Alexandra is amongst the areas faced with such challenges. The areas were picked as a result of site visits during the Are sebetse Regional campaign.

Johannesburg Water intends to appoint a Service Provider who will conduct an innovative public education program in Alexandra Region E (Ward 75, 76, 116 & 107). The appointed service provider must reach a total target of 20 000 publics and they need to show in his/her program as to how best these areas can be impacted. These will take various forms such as door to door campaigns, workshops in various public institutions such as clinics, churches, crèches, schools, hostels and other hang-out areas. Based on the purpose and objectives of the program as indicated above, the expected outcome of the program is for JW to minimize sewer blockages and conserve water as it is a scarce commodity.

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AIM

In embarking in the extensive public education drive Johannesburg Water hopes to achieve the following:

- Establish the causes of water wastage and sewer system abuse so as to inform mitigation thereof
- Influence behavioral change to ensure proper use of water and maintenance of sewer infrastructure
- To encourage conscious and active community participation in issues that affect their environment
- To educate communities about the conservative use of water, by providing water saving tips and other relevant information
- To encourage the highest health and hygiene standards in various communities.
- To solicit commitment from the residents to be ambassadors of change

PROCESS PLAN

The effective intervention would be that which will involve the community members in participating in issues that affect them and will have the following benefits other than the education:

- Employing local people
- Capacity building for young persons to be appointed on the program

Johannesburg Water acknowledges that behavioral change cannot be achieved overnight but rather a process. However it is important to have a plan in place in establishing facts, mitigate and assess if one had succeeded or attempted to succeed in that course. Due to enormous

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work involved in so doing and the capacity within the department, an independent Service Provider(s) needs to be solicited. A thorough consultative process should be done with the leadership, all stakeholders and community at large to ensure buy-in and gather ideas from the community as to the best times of getting the relevant people.

APPOINTMENT OF A PUBLIC EDUCATION SERVICE PROVIDER

The appointed service provider/s would have to conduct a pre-project survey that will assist with the analysis that will inform the trends and attitudes toward water conservation and use of sewer infrastructure and to assess impact thereof. Subsequent to the analysis and stakeholder consultation, constant awareness should be done using various forms of media and interactions with the community. The suggested use of local people is that every two streets should be represented by capable people, if there are any available. These facilitators should be people who would take a pledge into changing the course and lead others to do so. Supplementary activities should be conducted like exhibitions over weekends by Johannesburg Water staff to gather the impression of the community about the intervention itself. The responses received would assist to provide guidance on what to improve upon based on the weaknesses that would be identified from the intervention. The service provider is to constantly provide a report on weekly bases as well so as to identify challenges and deal with them as they arise.

TERMS OF REFERENCE FOR THE SERVICE PROVIDER

The following is expected from the Service Provider:

- Must present a pre-assessment tool to be used for JW's approval
- Must develop publicity material like flyers; banners for the project in order to create awareness and education
- The developed material will need to be approved by JW before it could be printed

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- Must facilitate the recruitment and training of community based facilitators
- Must have a payroll system in order to be able to administer salaries
- Must be responsible for the appointment of the community facilitators in order to be able to manage the payment of salaries and all HR related issues.
- Must provide and present a detailed project implementation plan developed on MS project
- Must ensure successful implementation of the door to door campaign; clinic workshops; school presentations; street corner exhibitions; church presentations; crèche presentations and any other innovative ways
- Must ensure that all the project team members are identifiable (provide identification tags)
- Must be responsible for the safe keeping of JW reflector vests and provide A5 identification for the back pocket of the reflector vests
- Must conduct adhoc activities within the neighbouring areas
- Must submit an operational every week for the following week stating the type of work and area of engagement
- Must address challenges arising on site, report on them in the monthly reports while giving recommendations
- Must be available to attend monthly progress meetings and provide written reports by the last day of the month and provide copies of the report for the PSC members
- Must prepare and present a final report with photographs as evidence of work done
- Present the final report on a PowerPoint format to the Project Team
- SP will be expected to capture key activities using a camera and audio visuals of which they should provide JW with soft copies
- Acknowledge that the final report and the captured data remains JW's intellectual property
- The core team presented to JW must always be available for the entire duration of the project.

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- Must be able to give JW assurance that they can carry out the payment of community facilitators for at least a period of two months even if there are problems with processing of payments by JW
- Must not be reminded to submit reports or any responsibility they have over the project.
- Must adhere to a 5% sample for both the pre and post project assessments.

REQUIREMENTS OF SUITABLE SERVICE PROVIDER

- The Project Manager/s must have a minimum qualification of a degree in Humanities/ Social Sciences
- The Service Provider must have some experience in the field of community education or similar field (minimum of 3 years)
- Service Provider's ability must be suitably acknowledged and referenced by previous clients or any successfully completed operation (minimum 2 reference letters)
- Good presentation skills for proper impartation of information
- Ability to manage large numbers of temporary employees effectively and efficiently
- Ability to create public awareness for the public education project; its objectives and expected outcomes
- Ability to protect the image and reputation of the client
- Ability to manage multi-faceted stakeholders
- Ability to identify critical stakeholders to ensure successful implementation of the project and create effective engagement processes with them.

CONCLUSION

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Service Providers are expected to provide clear and step by step proposals on how to deliver the desired outcomes for the intervention.

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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, child or parent of the company's director's 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

.....
Signature

.....
Date

.....
Capacity

.....
Name of Bidders

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

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

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

1. GENERAL CONDITIONS

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

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

1.2

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

1.3 Points for this bid shall be awarded for:

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

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

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

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

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

2. DEFINITIONS

- (a) **“B-BBEE”** means broad-based black 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) **“prices”** includes all applicable taxes less all unconditional discounts;
- (h) **“proof of B-BBEE status level of contributor”** means:
 - 1) B-BBEE Status level certificate issued by an authorized body or person;
 - 2) A sworn affidavit as prescribed by the B-BBEE Codes of Good Practice;
 - 3) Any other requirement prescribed in terms of the B-BBEE Act;
- (i) **“QSE”** means a qualifying small business enterprise in terms of a code of good practice on black economic empowerment issued in terms of section 9 (1) of the Broad-Based Black Economic Empowerment Act;
- (j) **“rand value”** means the total estimated value of a contract in Rand, calculated at the time of bid invitation, and includes all applicable taxes;

3. POINTS AWARDED FOR PRICE

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

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

80/20

or

90/10

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

Where

P_s = Points scored for price of bid under consideration

P_t = Price of bid under consideration

P_{\min} = Price of lowest acceptable bid

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

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

of contribution in accordance with the table below:

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

5. BID DECLARATION

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

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

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

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

7. SUB-CONTRACTING

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

(Tick applicable box)

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

7.1.1 If yes, indicate:

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

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

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

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

(Tick applicable box)

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

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

Designated Group: An EME or QSE which is at 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		

8. DECLARATION WITH REGARD TO COMPANY/FIRM

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

8.2 VAT _____ registration
number:.....

8.3 Company _____ registration
number:.....

8.4 TYPE OF COMPANY/ FIRM

- Partnership/Joint Venture / Consortium
 - One person business/sole propriety
 - Close corporation
 - Company
 - (Pty) Limited
- [TICK APPLICABLE BOX]

8.5 DESCRIBE PRINCIPAL BUSINESS ACTIVITIES

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

8.6 COMPANY CLASSIFICATION

- Manufacturer
 - Supplier
 - Professional service provider
 - Other service providers, e.g. transporter, etc.
- [TICK APPLICABLE BOX]

8.7 MUNICIPAL INFORMATION

Municipality _____ **where** _____ **business** _____ **is** _____ **situated:**
.....

Registered Account Number:

Stand Number:.....

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

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

- i) The information furnished is true and correct;
- ii) The preference points claimed are in accordance with the General Conditions as indicated in paragraph 1 of this form;
- iii) In the event of a contract being awarded as a result of points claimed as shown in paragraphs 1.4 and 6.1, the contractor may be required to furnish documentary proof to the satisfaction of the purchaser that the claims are correct;
- iv) If the B-BBEE status level of contributor has been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the purchaser may, in addition to any other remedy it may have –
 - (a) disqualify the person from the bidding process;
 - (b) recover costs, losses or damages it has incurred or suffered as a result of that person's conduct;
 - (c) cancel the contract and claim any damages which it has suffered as a result of having to make less favourable arrangements due to such cancellation;
 - (d) recommend that the bidder or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, be restricted by the National Treasury from obtaining business from any organ of state for a period not exceeding 10 years, after the *audi alteram partem* (hear the other side) rule has been applied; and
 - (e) forward the matter for criminal prosecution.

WITNESSES
1.
2.

.....
SIGNATURE(S) OF BIDDERS(S)
DATE:
ADDRESS
.....
.....

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

CERTIFICATION

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

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

.....
Signature

.....
Date

.....
Position

.....
Name of Bidder

CERTIFICATE OF INDEPENDENT BID DETERMINATION

- 1 This Municipal Bidding Document (MBD) must form part of all bids¹ invited.
- 2 Section 4 (1) (b) (iii) of the Competition Act No. 89 of 1998, as amended, prohibits an agreement between, or concerted practice by, firms, or a decision by an association of firms, if it is between parties in a horizontal relationship and if it involves collusive bidding (or bid rigging).² Collusive bidding is a *pe se* prohibition meaning that it cannot be justified under any grounds.
- 3 Municipal Supply Regulation 38 (1) prescribes that a supply chain management policy must provide measures for the combating of abuse of the supply chain management system, and must enable the accounting officer, among others, to:
 - a. takes 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. cancels 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